HOUSE OF ASSEMBLY

Wednesday, 19 October 2016

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

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE: REPORT 2015-16

Mr HUGHES (Giles) (11:03): I move:

That the 2015-16 annual report of the committee be noted.

This is the 12th annual report of the Aboriginal Lands Parliamentary Standing Committee and the third during my term in this place. The committee is responsible for reviewing the operation of the Aboriginal Lands Trust Act 2013, the Maralinga Tjarutja Land Rights Act 1984 and the Pitjantjatjara Land Rights Act 1981. The committee also has the responsibility of reviewing the operation of the new Aboriginal Lands Trust Act three years after its commencement.

The committee discharges its responsibilities in part by visiting Aboriginal communities, Aboriginal lands, by maintaining strong relationships with the Aboriginal landholding statutory authorities, by inquiring into matters of importance to Aboriginal people and their communities and by inviting representatives from these authorities to appear before the committee to give evidence.

During the past year, the committee visited dialysis service providers in the Northern Territory to determine how sustainable dialysis services could be delivered to Aboriginal South Australians and, in particular, in the APY lands. The committee was aware that Anangu requiring dialysis were having to leave their homes and relocate to Adelaide, Port Augusta or Alice Springs with family members for treatment. This dislocation was adversely impacting the patient's health, their families and their community.

In April, the committee visited the Aboriginal community of Kabulwarnamyo in West Arnhem Land. This community, through their business development company, Warddeken Land Management, won the 2015 National NAIDOC Caring for Country Award for their work in Indigenous protected area management. The committee was very impressed to learn how this small remote community developed successful business opportunities by partnering with the commercial sector, the Australian government and philanthropic sources. The partnering was critical in building infrastructure and generated income streams and employment for the majority of the members of the community as well as funding a school with a full-time teacher.

The committee believes that some of the Warddeken business development concepts could also be applied in certain circumstances in South Australian Aboriginal communities, with funding from corporate philanthropic services emerging as an important resource for not-for-profit and community organisations. The planned visit to the APY communities of Ernabella and Umuwa, as well as Yalta and Oodnadatta, was cancelled due to the funeral of a prominent member of the APY Executive. However, the committee did travel to Yappala Station in the Flinders Ranges in my electorate to hear traditional owners' concerns about the federal government's proposal for a low and intermediate-level nuclear waste facility near Hawker.

It is worth reflecting upon the process for site selection or what might be the potential site selection. Even though the Yappala community is immediately adjacent to the proposed property that has been suggested as a site, the Yappala community was not consulted. It is passing strange that an absentee landlord can nominate land next to an Aboriginal community without consulting with that Aboriginal community, and that Aboriginal community certainly had serious concerns about the establishment of the facility in lands they have walked for many thousands of years. On a personal

note, I believe it is a relatively benign facility. On that basis, I do not see why it cannot go in New South Wales, close to where most of the waste is generated.

The committee also travelled to the Aboriginal Lands Trust holdings of Nepabunna, Iga Warta and Marree. The committee heard evidence from 26 witnesses during the course of the year, including a number who gave evidence in regard to the feasibility of the construction and operation of a dialysis centre at Ernabella in the APY lands. The evidence was strongly supportive of the establishment of a permanent dialysis centre in the APY lands, and the committee worked with the state government and the intended service provider, Western Desert Dialysis, to ensure that any potential logistical issues were resolved. In July 2016, the state government offered its support for the establishment of a permanent dialysis centre at Ernabella.

The committee commends Western Desert Dialysis, the Australian government, who will provide the capital for the establishment of the centre, and the South Australian government, who will provide the recurrent funding for the centre, for delivering this important initiative to the APY lands. As the member for that area, it will be a proud moment when that dialysis service is permanently established in the APY lands. I know that this has been an ongoing issue over many years, and it is really good to see that there is strong tripartisan support on the committee and in this parliament for this direction. Congratulations to all concerned on bringing this to fruition.

As a committee we have moved that we will, on a regular basis, seek updates about the establishment of the dialysis service on the lands because we believe it is something that should happen in a timely fashion. The permanent dialysis service on the lands will complement the mobile dialysis service, which has now been in operation for a number of years.

In addition, following on from the committee's recommendations that came out of the inquiry into the stolen generation reparations bill 2010, I thank the Minister for Aboriginal Affairs and Reconciliation for establishing the $11 million Stolen Generations Reparations Scheme in November 2015. The scheme will provide up to $6 million in ex gratia payments to members of the stolen generations and allocate a further $5 million to a stolen generations community reparations fund. There will be a community consultation process to determine how this fund could be used, and I look forward to seeing the outcome of that consultation.

During the year, the committee also raised a number of issues on behalf of Aboriginal people and communities with respective commonwealth and state ministers and agencies. The committee feels that it has an important role in advocating for Aboriginal South Australians. The committee members again showed their support for Aboriginal Australians by attending a number of different events, including the eighth anniversary of the national apology to the stolen generations and the National Reconciliation Week breakfast in Adelaide.

As always, the state and commonwealth agencies provided considerable information, which greatly assisted the committee with its work, and I thank those agencies for their support and for following up on matters that arise at meetings and at committee hearings. Most importantly, to all the Aboriginal communities, organisations and their representatives, who have given their time and provided evidence and valuable insight to the committee during the year, I say thank you. I also say thank you to the committee for the way it carries out its work and the consensual approach it takes to assist in furthering the interests of the Aboriginal people in our state.

Dr McFETRIDGE (Morphett) (11:12): As the house would know, I have been on the Aboriginal Lands Parliamentary Standing Committee for many years now. I compliment the current members, including the member for Giles and the member for Napier, for the work they do on the committee. This is a multipartisan committee: we have had Democrats, Family First, Independents, Greens and, obviously, Labor and Liberal members from the upper house and lower house.

It has worked and does work extremely well over the years. For quite a while, we were suffering under the fact that the Presiding Member was also the minister, where the committee would write to the minister and he would write back to the committee, basically writing to himself. We fixed that, and I can say that that was more easily fixed than a lot of things in Aboriginal affairs.

One of my colleagues on another committee, who recently visited the APY lands, questioned the speed of progress of the work of this committee. I am the first to admit that Aboriginal affairs can be, as Mike Rann said to me at a function, two steps forward and one step back. I would probably

go further and say three steps forward and two steps back. It can be very slow and very frustrating, and it does take passion and stamina to work in Aboriginal affairs.

Despite the fact that committees are not get paid anymore, the committee membership has not changed at all, and attendance at committee meetings and on the trips is as full as it possibly can be. Occasionally, we cannot all go or be there, but we do what we can. It is a great committee to work on, and I congratulate the members on the work they have been doing.

Certainly, the Aboriginal people of South Australia are better off for this committee's being in place. It might be baby steps, they might be incremental steps, and some of it may seem to be work that is done and then is undone and you start again, but that is okay. We can keep on keeping on—and we will keep on keeping on. You always have to have a plan B, and this committee not only has a plan B but also a plan C—we could go through the whole alphabet in some cases—and the committee will pose questions and provide some options and solutions where possible.

The things that we have been involved in in the last 12 months of particular significance for me were not only the trips away to various communities, including those in the Northern Territory and Arnhem Land, but also being involved in the changes that happened in this place and the other place, with the Aboriginal Heritage Act and the amendments we saw to the APY act recently to change the electoral system and the make-up of the executive. These are very important moves that will improve the governance on the APY lands.

Let's not forget that in South Australia—and this might surprise some members in here—about 30,000 people identify as being of Aboriginal or Torres Strait Islander descent. The state and federal global budget (this was confirmed by the minister in estimates) is $1.3 billion. Nationally, about $58 billion is spent on Aboriginal and Torres Strait Islander affairs. In South Australia, it is $1.3 billion. In the APY lands, the budget is about $200 million a year for 2,500 people. Very significant funds are going in there, so we need to make sure where they are going.

The recent Ernst & Young report on some of the expenditure up there posed a lot of questions. Again, there was some funding that could not be tracked down and was unexplained. The changes we have made in this place and the other place, and the work of the committee on the electoral system, the amendments to the electoral system and the make-up of the APY lands, will be a very good thing, not least having 50 per cent of the members of the executive as women.

I remember years ago, when I did a Pitjantjatjara language course, I asked one of the female tutors, 'What is the one thing you would change in Aboriginal Affairs if you could?' She said, 'Come back as a man.' Unfortunately, that was not going to happen, but what we can do and have done is make sure that women are more equally represented on the APY Executive. There are some wonderful women on the APY lands who are very strong in their desire to improve the outcomes for the people on the APY lands. The Anangu, too, will benefit from these changes.

The particular highlights for me this year, though, were the projects we have been working on for many, many years, including getting the renal dialysis onto the lands. We have had the bus going in there, and we have had some changes recently, and we will establish permanent dialysis on the lands. It is an expensive process, but it is life-changing for the people on the lands. To allow people who are on dialysis to stay in their communities, to stay on the lands, is very important for them. To achieve this has taken a long time, but we have done it and we will continue to monitor it, as the member for Giles said.

Another thing that we have been able to achieve—the Hon. Tammy Franks in the other place was one of the initiators of this whole outcome—is that we have had a Stolen Generations Reparation Scheme put in place. A total of $11 million will be put in place. The Hon. John Hill is the independent assessor, and just this morning the committee received evidence from him about the progress that is being made. It is so important that South Australia has a scheme in place now, where Aboriginal people who were stolen can now come back and tell their stories.

I should also mention that when we received evidence from these people over the years, when we have been discussing the Stolen Generations Reparation Scheme, a lot of people did not want money themselves. They did not want money: they wanted money spent on some interpretive centres, some memorials, that sort of thing, and a significant amount has been set aside from the

Stolen Generations Reparation Scheme ($4 million or $5 million, I think) to establish these trusts, some of them for universities to do extra research, for memorials and for interpretive centres—a very important and very much wanted part of the process of healing of this part of our history.

Some of the stories we hear were well intended at the time. Just this morning, we heard about some of the language that was used, the racist language, and the racist attitudes back then. It was all well intended, but that does not mean to say that now, in 2016, we cannot do something about repairing the damage that was done, recognising it and then remembering the history that we have in South Australia.

Moving on, the reconciliation process is part of the work of this committee and I think that we are doing a good job. We are making sure that Closing the Gap is something we do in all areas, whether it is in health, justice, community living, family standards or the roads up there. The Public Works Committee visited the APY lands last week, and it will be interesting to read its report. I understand that progress is quite slow.

I should not concentrate just on the APY lands because the committee also visits other communities all over South Australia. We have 30,000 people of Aboriginal and Torres Strait Islander descent spread over this state, with about 2,500 on the APY lands, so a significant number live in urban and regional towns and cities.

The committee does very valuable work, it does good work, and I look forward to continuing to work with the current members on the committee for the rest of this parliament. And who knows? I hope to be the minister in the next parliament, which would mean that I would not be on the committee, but I would certainly be making sure that the committee is able to do what it wants to do and should be doing—that is, improving outcomes for all South Australian Aboriginal and Torres Strait Islander people.

Mr PENGILLY (Finniss) (11:21): I have been listening with interest this morning to both the members who have commented on this report. As someone from the Public Works Committee who had the opportunity to go on the APY lands last week, it brought back a few memories.

Some years ago, well before I was in this job, I was in Alice Springs at the Rural Health Alliance Conference, as I was chairman of the regional health board at that stage. The guest speaker was Ted Egan, who was then the administrator of the Northern Territory. He was a well-known, very straightforward and down to earth gentleman, and his speech made the front page of *The Australian* the next day. After my visit there last week, it seems that not much has happened in many respects since Ted Egan made that speech in front of a considerable number of Aboriginal elders at Alice Springs on that occasion.

A couple of Ted Egan's suggestions included that they go into the Aboriginal communities and get rid of all the dogs. He was quite blunt and adamant about that. He said that they did not need dogs. They used to use them for hunting, but they are full of disease and they spread disease particularly amongst the children. In his view, the best thing they could do would be to get rid of every dog in every Aboriginal community in an effort to improve the health of the local communities.

On our trip last week it was noted that the dogs certainly have not been removed, quite frankly, and I think it is disgraceful. When we pulled up at Mimili, we immediately had some 20-odd dogs surround us. They were absolutely starving and, looking for food, trying to get into the eskies to get the sandwiches. They were mangy, and it was just appalling, quite frankly. Someone has to take some action. I listened to what the parliamentary committee had attempted to accomplish throughout the year, but it could well look at this issue or take it to the federal government and say, 'Get in there and get rid of these dogs.' Sure, there would be a bit of pain and agony.

Ted Egan also suggested that a lot of these communities want to live a basic life. I remember well that he said that they do not need certain aspects of houses that we need. He thought that if they wanted to light a fire in the middle of the house on the floor, which is their culture, they should be able to do that without having to go through the process of whatever they have to do to enable them to do that.

Last week was an eye-opener. I am sure that other members of the Public Works Committee may feel that they want to speak about it, too. You have to have a permit to go onto these lands, and

afterwards I seriously wondered, if the permit system were removed and the rest of the Australian community could go through there and see what is happening—and, more particularly, what is not happening—whether that might be the best thing that could happen, quite frankly.

Dr McFetridge: The executive wrote to Weatherill in 2006 wanting the permit system removed.

Mr PENGILLY: Well, there you go. The member for Morphett has just said to me that they wrote to the Premier, Mr Weatherill, at the time and asked to have the permit system removed. I say it should be removed. We are spending $106 million on the road into the APY lands and it is fantastic country to drive through. If mainstream Australians could go through and see what conditions are like, I think there would be a massive push to actually get something happening. I would support that, if the Aboriginal Lands Parliamentary Standing Committee were to have a look at it. It may be worth doing something about it.

The road will be good. I do not think I need to go any further into that, but I felt it was necessary to make a few comments on the committee's report and the issue to do with dialysis at Ernabella or Pukatja because it is important. In my own electorate, where dialysis has been put in place, it is a huge asset to local communities. There is no question whatsoever that to have dialysis available in some of these Aboriginal communities would be beneficial to the local population, so I followed it with interest.

Mr HUGHES (Giles) (11:26): I thank all members for their contributions. Some of the observations by the member for Finniss were interesting, but I think a lot of this has to be done in consultation and with the involvement of Aboriginal communities in the APY lands. It is often very easy for us here in Adelaide to—

The DEPUTY SPEAKER: Pontificate.

Mr HUGHES: —say, 'This should be done and that should be done.' It is often far more complicated when you are on the ground up there. There is no denying that there are some incredible challenges and there are many things we would like to see improved. One of the things I have been exposed to while on the committee—and I knew Lyn Breuer very well before she retired and I knew of her interest in the APY lands and Aboriginal communities in general—is that whole issue of trying to move things over time, with the best of will and in conjunction with Aboriginal communities, in a direction so that we do close the manifest gaps that exist, and those gaps are manifest.

I think the member for Morphett was on the mark when he indicated that these are incremental processes. These are processes that take place over what are often extended periods. If you take the dialysis services that are now going to be permanently based on the lands, that has taken a long time. In my view, it has probably taken far too long.

The DEPUTY SPEAKER: Twenty years.

Mr HUGHES: That is why I am pleased, as the local member, to see this happen in my first term of government. I acknowledge the role of the minister and his keenness to see something done, but I also acknowledge the complexity of delivering services on the lands and, given the number of things that have happened in the past, ensuring that, when you do deliver services on the lands, those services are going to be sustained.

One of the worst things is the thought bubbles that arise here in Adelaide often amongst members who are representing metropolitan seats, and we have had some of those thought bubbles on our side of the house. I was one of those people who was highly sceptical when it was suggested that we put these market gardens up in the APY lands. It was something that one of our people was strongly advocating at the time but, if you had a bit of knowledge about what was going on up there, you just knew that it was not going to be sustained.

However, when it comes to the provision of higher quality food, some of the things that have happened in those communities over recent years with the involvement of a number of organisations have led to a real improvement. There have also been improvements when it comes to a whole range of health stats in the Aboriginal in the APY lands, so there are some positives.

When we visit the art centres, which are some of the few facilities that generate some private income on the lands, I am always impressed with the quality of the work that is produced. It is of such quality that it is exhibited in galleries overseas. There are some positives happening and we should spruik those positives, while acknowledging that there is still a long way to go.

As the member for Morphett said, these are incremental processes. Sometimes they are frustratingly slow, but it is not a case of going in and riding roughshod over communities that in themselves are often quite complex. It does take time, but we are seeing some improvements. We now have far more police stations on the lands in far more communities, which I think is in general a positive thing, and there is a whole range of other services that are now on the lands that were not there in the past.

Motion carried.

PUBLIC WORKS COMMITTEE: DATACOM FIT OUT AT TEA TREE GULLY TAFE SA CAMPUS

Ms DIGANCE (Elder) (11:31): I move:

That the 551st report of the committee, titled Datacom Fit Out at Tea Tree Gully TAFE SA Campus, be noted.

This is a unique and interesting project and I am pleased to see TAFE SA and Investment Attraction SA working successfully with industry to create jobs in this state. This project will see Datacom locate its new contact call centre at the Tea Tree Gully TAFE SA campus instead of in New South Wales or interstate—other locations that were being considered by the company for its expansion. The TAFE campus is underutilised, with space currently available to lease to interested tenants. The campus is ideally located on Smart Road, Modbury, adjacent to the O-Bahn interchange.

Datacom currently employs 100 staff in South Australia not at the Tea Tree Gully TAFE SA site and not in contact call centre operations. With this new facility, Datacom will lease three floors in two buildings from TAFE SA. One floor in building 2 will be refurbished for a training centre where Datacom will train its new workforce in collaboration with TAFE SA, and the other two floors in building 4 will be refitted for the contact call centre. Datacom intends to employ a further 684 full-time equivalent staff within the first 24 months of operations, all at the Tea Tree Gully TAFE SA campus site.

These positions are entry-level, specialist and management positions and will require the support of training, education and recruitment organisations. There is the potential to expand this workforce to 856 full-time equivalents, should demand for Datacom services continue to increase. Coming back to the training centre, Datacom is proposing to significantly integrate training packages for its potential staff with TAFE SA. The intent is that students undertaking these courses will receive a recognised qualification and have the opportunity to gain employment following their training.

The fit-out costs for the project are estimated at $6.943 million (GST inclusive). The investment agency is providing financial support of $5.335 million (GST inclusive) for Datacom to establish its new contact call centre in South Australia, whilst Datacom will provide the remaining costs for the fit-out. The funds being provided by the investment agency incorporate a number of conditions, including employment targets. There will be other costs incurred by Datacom relating to the establishment of the contact call centre, such as recruitment and training costs. These have not been considered as part of this fit-out project.

Datacom will receive a three-month, rent-free period for the fit-out, and an initial 12-month, rent-free period as an incentive to establish at the Tea Tree Gully TAFE site. During this time, Datacom will be responsible for all outgoing costs for its facility. Following the initial rent-free period, Datacom will lease the area from TAFE SA. Given that the area is currently vacant with no interested tenant and TAFE SA is paying the outgoings, TAFE SA will have an immediate saving in outgoing costs once Datacom commences the fit-out, and will realise rental income from year 2 of the five-year lease.

Datacom is eager to commence work on the fit-out and establish their new contact call centre. Works on the fit-out will commence as soon as possible, with development approval already granted for the contact call centre. It is estimated that the full refurbishment will take around 14 weeks

to complete, although Datacom will be able to commence operations as soon as one level of the contact call centre is completed.

This was a very interesting project, and I am pleased that Datacom is establishing a key component of its operations in South Australia. It is also always encouraging to see cooperation and practical training occurring at our TAFE campuses with the potential for real jobs at the completion of students' training.

I would like to thank the Department of State Development, including TAFE SA, for presenting this important project to the committee. I also thank the committee members past and present who reviewed this project: the members for Colton, Torrens and Finniss and also the member for Chaffey, who will be retiring from this committee. We will certainly miss his contribution. 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) (11:36): Sadly, this will be my last opportunity to make a contribution as a Public Works Committee member. It has been a joy for the almost two years now that I have been on the committee. I have found getting along with the committee members thoroughly enjoyable. They are obviously a good group to work with, and I think we have had quite a constructive process along the way. We have had a number of outings that have been quite robust, but I would like to thank the four members: Presiding Member (the member for Elder), the member for Colton, the member for Torrens and the member for Finniss. They are a great bunch.

What I would like to put on the record for the Tea Tree Gully TAFE SA fit-out is that part of this facility has been vacant for some time. There are currently about 200 students and staff using the campus with those 515 car parks. The Investment Attraction agency will provide the $5.3 million to Datacom to create a contact centre and training facility at the campus. The funding will predominantly be utilised to fit out the existing vacant space at the campus for Datacom's use. TAFE SA proposes to lease one level of building No. 2 and two levels of building No. 4 to Datacom, and Datacom will also receive a 12-month, rent-free period with that space starting at about 172 square metres. Further into the project, it goes down to 150.

Regarding some of the questions that I asked during the hearing, the amount of attraction money and the amount of negotiating that was done to get Datacom here raises a significant number of questions. There was a lot of information withheld from us. Datacom had a lot of in-confidence information that raised my suspicions—not only the $5.3 million from the Investment Attraction agency but obviously the rent-free period. I also think questions need to be answered on the concessions that are given around the tax discounts given to Datacom.

It was quite clear that Datacom was looking to head off to New South Wales and they were not coming to South Australia, but, with a large chunk of money, with rent-free periods and with other incentives for Datacom to come to South Australia, it shows that the state government is buying or paying for Datacom to come to South Australia. There are a number of credible, reputable companies right around the country, but, more importantly, there are a number of South Australian businesses that, if they had a leg up like this, they too would expand their operations, they too would employ more people, and they too would remain here in South Australia.

Again, more questions need to be answered around quite a bit of secrecy, because, after going through the *Hansard* after that hearing, it was clear that there was a lot of in-confidence answers given to questions that needed those answers, for transparency's sake. Currently, Datacom, with their hundred staff in South Australia, will continue to employ more people at the new site: 684 within 24 months. I will be keeping my eye on that number because we have seen these ambitious targets over and over again. That is an ambitious target, but even more ambitious are the 856 FTEs that will come, potentially, with the further expansion of that facility.

Obviously, with regard to the $6.9 million fit-out, Datacom has received a number of incentives that would justify that investment. I will not go on about it, but there needs to be more questions answered as to the incentivised offerings that were put to Datacom. My major concern is that there is nothing keeping Datacom from leaving. We do know that there are progress payments, we do know that there are payments made over a number of years, but once Datacom receive the

investment attraction money there is nothing stopping them from leaving South Australia and going to New South Wales, for example.

It is reported that they were going to go to New South Wales, but, with the lure of money and rent and tax concessions, they are in South Australia. So, that is good for South Australia. On the point of risk of the company leaving voluntarily after funding is approved, the report stated that a strong business case and significant capital investment was to mitigate that risk. The report highlights the risk of the company leaving after the funding, or due to business failure, and this is countered by stating that the independent credit scoring agency, Dun & Bradstreet, concluded that Datacom has a 0.1 per cent probability of failure in the next 12 months.

The funding is to be approved over four years and the payments will be made over those four tranches, so that does give me some form of confidence that this company will not come to South Australia, take the money and run. Overall, I think it is a good outcome for South Australia. It does create jobs. If the Investment Attraction agency is put to task and will hand out that sort of money to a business, they need to, rather than looking at attracting international or interstate investment, just have a little bit of a look at trying to support South Australian investors that want to expand their existing businesses in South Australia.

Again, I would like to thank the Public Works Committee for their friendship and camaraderie over the last two years. It is a great committee and I am quite sad to be leaving. Apart from that, I look forward to the ongoing success of that committee.

Mr PENGILLY (Finniss) (11:44): I will not make a large contribution, but I will say a few words in support of this report that has come through today. Yes, we supported it in committee; however, the member for Chaffey has, quite correctly, raised some issues that need addressing.

As quite a bit of material was in confidence in the report to the committee, we are duty bound not to reveal it. But I would say that I felt uncomfortable about some of the things that have been done over this. I suspect that something smells in the state of Denmark, as the old cliché goes, and I think that applies in this particular issue. I do not know what has gone on behind the scenes, and we will probably never know, but I think it would be fair to say that the member for Chaffey and I are probably not the only ones who have a few questions that remain unanswered.

Indeed, we hope it is successful. It is really important that it is successful and that the companies involved stay the distance and act in the best interests of South Australia. But there are too many unanswered questions and too much was put in confidence. Clearly, deals were done between different organisations and the government. There needs to be a degree of transparency. In this case, I think there is a lack of transparency, but we are duty bound to keep that in confidence. I support the report.

Ms DIGANCE (Elder) (11:46): Thank you to my fellow Public Works Committee members for speaking on this report. It is certainly an exciting use of the TAFE space at Tea Tree Gully. I think the fact that it provides an opportunity for increased employment is welcome to the area.

Motion carried.

PUBLIC WORKS COMMITTEE: CHRISTIE DOWNS PRIMARY SCHOOL AND DISABILITY UNIT REDEVELOPMENT

Ms DIGANCE (Elder) (11:46): I move:

That the 552nd report of the committee, entitled Christie Downs Primary School and Disability Unit Redevelopment, be noted.

There is a need to improve the educational accommodation at Christie Downs Primary School and avoid the escalating and ongoing cost of maintaining its buildings. In addition, the campus also needs to be upgraded to meet current disability access requirements. The aim of this project is to provide modern, efficient and functional areas that will allow the delivery of primary education to the Christie Downs community. The project includes:

- the demolition of security enclosures and fencing no longer required;

- the establishment of visual, tactile and sensory landscaping, and appropriate and modern secure outdoor learning areas;
- construction of a new general learning area pod located adjacent to existing building 1;
- a new secure covered walkway between the new pod and existing building 1;
- a new covered drop-off and pick-up canopy adjacent to the new pod and building 1, with part extension of the driveway; and
- extension of the school's local area network for computing and the telephone communication lines.

The cost of this project is $4 million (GST exclusive). This includes information and communication technology expenditure of $39,000. Construction works are due to commence in December this year to take advantage of the school summer break, with completion by the end of 2017. Due to the straightforward nature of the project and details contained in the submission from the Department for Education and Child Development, the committee determined not to hear oral evidence on the matter and instead approved it without witnesses. 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 PENGILLY (Finniss) (11:48): The opposition supports the report.

Ms DIGANCE (Elder) (11:48): Thank you for the bipartisan support. I recommend the project.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: INQUIRY INTO THE LABOUR HIRE INDUSTRY

Mr ODENWALDER (Little Para) (11:48): I move:

That the 93rd report of the committee, entitled Inquiry into the Labour Hire Industry, be noted.

In June 2015, the Economic and Finance Committee commenced an inquiry into the exploitation of workers in the labour hire industry. The final report of the inquiry was tabled yesterday. The revelations, which first aired on the *Four Corners* episode entitled Slaving Away on 4 May last year, provoked outrage around the country. That such abuse and disregard for the legally protected rights of workers can be occurring in this country in this century was truly shocking. In response, the commonwealth Senate announced an inquiry into the treatment of people in Australia on temporary visas.

The Queensland parliament and the Victorian government also announced inquiries to investigate the abuses perpetrated against vulnerable workers, and the Economic and Finance Committee in this state similarly instigated the inquiry whose report is the subject of this debate. On behalf of the members of the committee, I would like to express my gratitude to all those people who either provided a written submission to the inquiry or appeared before the inquiry to present oral evidence.

The committee is particularly appreciative of those workers who bravely recounted their experiences for us and for the purposes of *Hansard*. The inquiry received a total of 13 written submissions from interested parties. These parties included various government departments, industry groups and unions. The committee also sought and received answers to certain questions from three commonwealth departments and agencies. In addition to those submissions we also held seven public hearings and heard testimony from more than 30 witnesses, including some who had themselves been victims of exploitation.

Because the instances of exploitation were more likely to be occurring in those sectors of the economy which are heavily reliant on temporary workers, including those on working visas, the committee felt it was essential to visit such an area and hear firsthand from those involved. Therefore, one of the public hearings was held at the Berri Barmera Council chambers. While in the Riverland, the committee also visited several companies who employ labour hire workers.

The committee repeatedly heard that the current lack of registration requirements for the labour hire industry ultimately leads to difficulties in identifying employer/labour hire worker relationships. The most relevant act in South Australia, the Employment Agents Registration Act 1993, does not assist, as it lacks a clear definition of labour hire. The committee heard that a range of different employment arrangements may fall under the banner of labour hire and thus, as things stand, may not be subjected to a proper level of scrutiny.

The evidence we received pointed towards a state of affairs in which it is simply too easy for people to set up a business and call themselves a labour hire provider and then, when placed under the spotlight of scrutiny for their appalling practices, may wind up their businesses and wait a while before starting the whole awful cycle again. This practice, known as 'phoenixing', is all too common, and of course the workers themselves are left in the lurch, often being owed many thousands of dollars.

Accordingly, the central recommendation of the report considers introduction of a licensing and registration scheme for labour hire providers. Features of such a federal scheme would include:

- a fit and proper person test on owners/directors of labour hire companies and authorised representatives of such companies;
- a threshold capital requirement based on held assets and revenue and cash flow;
- annual reporting requirements;
- a compliance unit within government;
- a fee and bond structure which would at least partially fund such a compliance unit; and, importantly,
- significant penalties for the use of unlicensed or unregistered labour hire firms by host or primary employers.

This recommendation specifically refers to and supports the major recommendations of the Senate inquiry, which has still not been responded to by the federal government. To be fair, the federal government was interrupted by an election and one of history's longest caretaker periods, but I put on the record that to date it has still not responded. Senator Marshall, in the Senate, has subsequently called on the education and employment committee of the Senate to essentially take up where the last inquiry left off and keep the issue moving forward. So the major recommendation explicitly echoes that of the Senate inquiry, specifically recommendation 32 of its report.

There are two sides to the equation. Such an arrangement requires both a provider and an end-user of labour hire workers. The host employers may potentially be complicit in the mistreatment of workers or they may simply be ignorant of the issues. Either way, they must not be able to absolve themselves of their responsibility towards people who are working on their behalf and on their premises. Hence, we include, as part of the above, the further recommendation that the South Australian government legislates significant penalties for the use of unlicensed or unregistered labour hire firms by host employers. This is important.

Those opposed to a licensing and registration scheme will argue—and I have no doubt will argue today—that the current laws are enough, that these things are already illegal and that the solution would be to have better enforcement and investigation, and so on, of the existing laws, that that would solve the problem. I disagree, and the committee ended up disagreeing, because, amongst other reasons, it removes any onus on the host employer to make sure that the people they are employing to further employ people on their behalf are fit and proper providers of that hire.

I am not suggesting that any specific host employer would deliberately exploit workers or employ a labour hire provider to exploit workers, but the simple fact remains that they have no way of knowing. Should they choose to ignore it, they can choose to ignore it, and they can deny any responsibility. A licensing and registration scheme at the very least puts the onus on those employers to make sure they check the bona fides of the firm they are hiring to provide labour on their behalf, thereby forcing the so-called 'cowboys' out of the market. I think the larger reputable labour hire companies would agree with such a proposition.

Australia is not the first country to address this issue. The government of the United Kingdom, in response to the deaths of more than 20 undocumented migrant workers, established the Gangmasters Licensing Authority. This body regulates employment in the horticulture and fresh produce supply sectors specifically. As part of the act, severe penalties, including imprisonment, apply to both the providers of temporary workers and, importantly, to those who employ their services. Host employers who make no attempt or only superficial attempts to verify the bona fides of those providing their workers face strong sanctions. The committee felt that the introduction of a similar penalty regime here is entirely appropriate.

While in the Riverland, the committee heard descriptions of the accommodation some workers are forced to endure as part of their employment arrangements: 20 or more people in a single house with sleeping conditions amounting to no more than a row of mattresses on the floor were indicative of some of the conditions enforced, according to the evidence. Therefore, we include the recommendation that, where accommodation is included in a contract of employment, it must be of a standard that is acceptable to the wider community. That there is even a need for this particular recommendation speaks volumes about the extent of the problem.

The committee also heard evidence that any attempt to remedy this situation, if it is to be successful, must involve a coordinated national approach. States acting in isolation are likely only to see the problem move across the border and continue on. Notwithstanding that, the committee has recommended, in recommendation 2, that in the absence of a national scheme the state government investigate the possibility of such a scheme within this state.

The issue of interagency cooperation and data sharing between various state and commonwealth agencies was raised repeatedly during the inquiry's hearings; some were described as good, others as improving, while some were considered unsatisfactory. Some existing formal collaborations were outlined to the committee, including Taskforce Cadena, which has been established to coordinate activities between the commonwealth government and state-based agencies to monitor potential exploitation in the temporary visa program.

The committee believes that formal relationships between South Australian government agencies, as well as with relevant interstate and commonwealth agencies, are essential to ensuring compliance with measures taken to protect vulnerable workers, and this report contains several recommendations that tend towards this goal. The committee feels that the better educated a workforce is in regard to their rights and the options available to them when they have a grievance, the less likely it is to fall victim to these practices. The committee believes that this process cannot begin soon enough and should preferably commence immediately when these workers arrive on our shores.

During its Riverland trip, the committee heard from one labour hire provider concerning the education they provide to their clients, including the delivery of all information in multiple languages. I reiterate that there are many reputable labour hire companies. Indeed, the majority of labour hire companies do the right thing, pay their workers well, pay their WorkCover premiums, and so on.

Many industries in South Australia are heavily reliant on seasonal and temporary labour. The committee accepts that, the committee has no problem with that, but the committee feels that the implementation of any recommendations intended to curb the exploitation of workers must therefore be made in close consultation with those industries, with business groups, and also in consultation with the relevant unions. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

STATUTES AMENDMENT (JUDICIAL REGISTRARS) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00): Obtained leave and introduced a bill for an act to amend the

District Court Act 1991; the Magistrates Court Act 1991; the Oaths Act 1936; the Supreme Court Act 1935; and the Youth Court Act 1993. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:00): I move:

That this bill be now read a second time.

Today, I introduce a bill to amend the Magistrates Court Act 1991, the Youth Court Act 1993, the District Court Act 1991, the Supreme Court Act 1935 and the Oaths Act 1936 to create the new judicial office of Judicial Registrar in each of the Magistrates, Youth, District and Supreme courts.

The appointment of judicial registrars will produce efficiencies in the courts to which they are appointed. The primary benefit is expected to be that uncontested, high volume and less complex proceedings, and matters likely to resolve, could be redirected to judicial registrars, thus allowing the other judicial officers of the Magistrates, Youth, District and Supreme courts to devote more of their time to complex matters and the criminal and civil case loads of the courts.

The appointment of judicial registrars would also permit at least some matters that are too complex to be dealt with by a special justice in the Magistrates Court to be dealt with by a judicial registrar rather than by a magistrate, which is currently the case. In the Youth Court, also, special justices currently exercise the powers of a judge or magistrate of the court in certain cases when no judge or magistrate is available.

A number of interstate and federal jurisdictions have judicial registrars in their courts, especially Victoria, where there are provisions for judicial registrars throughout the court system in that state. Although there are some differences in these other jurisdictions, there are many similarities in the qualifications and functions of judicial registrars in their courts which are also reflected in this bill.

The bill proposes that judicial registrars will be judicial officers of the courts to which they will be appointed by His Excellency the Governor, ranking between special justices (in those courts that have them) and the relevant court's magistrates, masters or judges, as the case may be. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Recognising that Judicial Registrars will occasionally exercise Commonwealth judicial power, the Bill provides a strong framework for independence of Judicial Registrars from the Executive branch of Government. This includes, in particular, requiring the concurrence of the head of the relevant court before a Judicial Registrar is appointed or reappointed by the Governor. The head of the court's concurrence is also required in respect of a Judicial Registrar's term of appointment, their remuneration and their conditions of service, and before they can be removed from office.

An appointee as a Judicial Registrar must be a legal practitioner of at least five years standing. A Judicial Registrar will be appointed by the Governor for a term of at least seven years. Judicial Registrars may be removed from office on the recommendation of the Attorney-General, and with the concurrence of the head of the relevant court, for mental or physical incapacity to carry out their duties satisfactorily, or neglect of duty, or dishonourable conduct.

Judicial Registrars will exercise the jurisdiction set out in the Rules of the relevant court, except the power to impose a sentence of imprisonment or detention and other specified exclusions to be prescribed in the relevant Regulations. A Judicial Registrar can also be assigned other duties by the head of the relevant court.

Provisions for appeals from decisions of Judicial Registrars are aligned with existing provisions for appeals from decisions of the magistrates and masters, as the case may be, of the relevant court. However, the Rules of the relevant court may determine that the appeal from a decision of a Judicial Registrar is an appeal de novo.

Consequential amendments are made to the *Magistrates Court Act 1991*, *Youth Court Act 1993*, *District Court Act 1991* and the *Supreme Court Act 1935* to permit Judicial Registrars to perform judicial functions and to confer on Judicial Registrars the same privileges and immunities as other judicial officers of the relevant court.

The *Oaths Act 1936* is amended to require Judicial Registrars to take the usual oath taken by judicial officers under that Act and to include Judicial Registrars in the list of persons who are Commissioners for taking affidavits in the Supreme Court.

Members are asked to note that the Bill has been drafted on the assumption that the provisions in Part 6 of the Bill amending the Youth Court Act 1993 would commence on or after the commencement of the *Statutes Amendment (Youth Court) Act 2016*.

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 *District Court Act 1991*

4—Amendment of section 3—Interpretation

This clause amends and inserts various definitions necessary to provide for District Court Judicial Registrars.

5—Amendment of section 10—Court's judiciary

This clause amends section 10 of the principal Act to add judicial registrars to the list of judicial officers that constitute the Court's judiciary.

6—Insertion of heading to Part 3 Division 2 Subdivision 1

This clause inserts a heading to new Part 3 Division 2 Subdivision 1.

7—Insertion of heading to Part 3 Division 2 Subdivision 2

This clause inserts a heading to new Part 3 Division 2 Subdivision 2.

8—Amendment of section 12—Appointment of other Judges and Masters

This clause amends section 12 of the principal Act to make it clear that a different provision governs the appointment of Judicial Registrars.

9—Insertion of heading to Part 3 Division 2 Subdivision 3

This clause inserts a heading to new Part 3 Division 2 Subdivision 3.

10—Amendment of section 13—Judicial remuneration (other than for Judicial Registrar)

This clause amends section 13 of the principal Act to make it clear that a different provision governs the remuneration entitlement of Judicial Registrars.

11—Insertion of Part 3 Division 2 Subdivision 4

This clause inserts new Part 3 Division 2 Subdivision 4 into the principal Act.

Subdivision 4—Provisions relating to Judicial Registrars

16A—Appointment and conditions of Judicial Registrars

The inserted section provides for the appointment of District Court Judicial Registrars. It also sets out the conditions on which the appointments may be made.

16B—Judicial Registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a Judicial Registrar may be removed from office and the circumstances in which a Judicial Registrar ceases to hold office.

16C—Jurisdiction of Judicial Registrar

The inserted section sets out the scope of the jurisdiction of a Judicial Registrar and makes it clear that a Judicial Registrar may not impose a sentence of imprisonment.

12—Amendment of section 20—Constitution of Court

This clause amends section 20 of the Act to provide that a Judicial Registrar has the (non-exclusive) jurisdiction to deal with matters that lie within the jurisdiction of the Court assigned to Judicial Registrars.

13—Amendment of section 29—Issue of evidentiary summons

14—Amendment of section 32—Mediation and conciliation

Clauses 13 and 14 consequentially amend the principal Act to make provision for Judicial Registrars.

15—Amendment of section 43—Right of appeal

This clause amends section 43 of the principal Act to provide that appeals against a judgment given by a Judicial Registrar are to be heard by the Court constituted of a Judge.

16—Amendment of section 44—Reservation of questions of law

17—Amendment of section 46—Immunities

18—Amendment of section 51—Rules of Court

Clauses 16 to 18 consequentially amend the principal Act to make provision for Judicial Registrars.

Part 3—Amendment of *Magistrates Court Act 1991*

19—Amendment of section 3—Interpretation

This clause inserts a definition of Judicial Registrar and amends other definitions to provide for Magistrate Court judicial registrars.

20—Insertion of heading to Part 2 Division 2 Subdivision 1

This clause inserts a heading to Part 2 Division 2 Subdivision 1.

21—Amendment of section 7A—Constitution of Court

This clause amends section 7A of the principal Act to provide that Judicial Registrars may exercise such jurisdiction of the Court as assigned by the Chief Magistrate or the rules.

22—Insertion of Part 2 Division 2 Subdivision 2

This clause inserts Part 2 Division 2 Subdivision 2 into the principal Act.

Subdivision 2—Provisions relating to Judicial Registrars

7AA—Appointment and conditions of Judicial Registrars

This clause provides for the appointment of Magistrate Court Judicial Registrars. It also sets out the conditions on which the appointments may be made.

7AB—Judicial Registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a Judicial Registrar may be removed from office and the circumstances in which a Judicial Registrar ceases to hold office.

23—Insertion of heading to Part 2 Division 2 Subdivision 3

This clause inserts a heading to Part 2 Division 2 Subdivision 3

24—Amendment of section 15—Exercise of procedural and administrative powers of Court

25—Amendment of section 24—Issue of evidentiary summonses

26—Amendment of section 27—Mediation and conciliation

27—Amendment of section 44—Immunities

28—Amendment of section 45—Contempt in face of Court

Clauses 24 to 28 consequentially amend the principal Act to make provision for Judicial Registrars.

29—Amendment of section 49—Rules of Court

This clause amends section 49 of the principal Act to provide that Court rules can be made to regulate the practice and procedure of the Court in its appellate jurisdiction.

Part 4—Amendment of *Oaths Act 1936*

30—Amendment of section 7—Oaths to be taken by judicial officers

31—Amendment of section 28—Commissioners for taking affidavits

Clauses 30 and 31 consequentially amend the principal Act to make provision for Judicial Registrars.

Part 5—Amendment of *Supreme Court Act 1935*

32—Amendment of section 5—Interpretation

This clause inserts a definition of judicial registrar for the purposes of establishing Supreme Court judicial registrars.

33—Amendment of section 7—Judicial officers of the court

This clause amends section 7 of the principal Act to provide for judicial registrars as judicial officers of the court.

34—Insertion of sections 13I and 13J

This clause inserts sections 13I and 13J into the principal Act.

13I—Appointment and conditions of judicial registrars

The inserted section provides for the appointment of Supreme Court judicial registrars. It also sets out the conditions on which the appointments may be made.

13J—Judicial registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a judicial registrar may be removed from office and the circumstances in which a judicial registrar ceases to hold office.

35—Substitution of section 14

This clause substitutes section 14 of the principal Act.

14—Certain common interests do not disqualify

The proposed section substantially re-enacts current section 14. It also provides for judicial registrars and updates the language used in the provision.

36—Amendment of section 48—Jurisdiction of Full Court, single judge, master, etc

This clause consequentially amends section 48 of the principal Act to make provision for judicial registrars.

37—Insertion of section 48A

This clause inserts new section 48A into the principal Act.

48A—Jurisdiction of judicial registrar

The inserted section sets out the scope of the jurisdiction of a judicial registrar and makes it clear that a judicial registrar may not impose a sentence of imprisonment.

38—Amendment of section 49—Questions of law reserved for Full Court

This clause consequentially amends section 49 of the principal Act to make provision for judicial registrars.

39—Amendment of section 50—Appeals

This clause consequentially amends section 50 of the principal Act to make provision for judicial registrars. It also ensures that the specific limitations on appeals against certain judgments do not apply to an appeal against a judgment of a judicial registrar.

40—Amendment of section 65—Mediation and conciliation

This clause consequentially amends section 65 of the principal Act to make provision for judicial registrars.

41—Amendment of section 72—Rules of court

This clause consequentially amends section 72 of the principal Act to make provision for judicial registrars and substitutes section 72(1)(b) to provide that rules of court may be made to regulate the practice and procedure of the court (including in its appellate jurisdiction).

42—Insertion of section 110C

This clause inserts section 110C into the principal Act.

110C—Immunities

The proposed section provides that a master, judicial registrar, mediator or assessor has the same privileges and immunities from civil liability as a judge. It also provides that a non-judicial officer of the court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

Part 6—Amendment of *Youth Court Act 1993*

43—Amendment of section 3—Interpretation

This clause amends and inserts various definitions necessary to provide for Youth Court judicial registrars as judicial officers under the principal Act.

44—Amendment of section 9—Court's judiciary

This clause amends section 9 of the principal Act to add judicial registrars to the list of judicial officers that constitute the Court's judiciary.

45—Insertion of sections 10A to 10C

This clause inserts new sections 10A to 10C (inclusive).

10A—Appointment and conditions of judicial registrars

The inserted section provides for the appointment of Youth Court judicial registrars. It also sets out the conditions on which the appointments may be made.

10B—Judicial registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a judicial registrar may be removed from office and the circumstances in which a judicial registrar ceases to hold office.

10C—Jurisdiction of judicial registrar

The inserted section provides that a judicial registrar may exercise such jurisdiction of the Court as assigned by the Judge of the Court or the rules.

46—Amendment of section 14—Constitution of Court

This clause consequentially amends section 14 of the principal Act to provide for judicial registrars. It also ensures that when the Court is constituted of a judicial registrar in criminal proceedings a sentence of detention cannot be imposed.

47—Amendment of section 22—Appeals

This clause consequentially amends section 22 of the principal Act to provide for judicial registrars.

48—Substitution of section 26

This clause substitutes section 28 of the principal Act.

26—Immunities

The new section extends the existing protections of immunity from civil liability to judicial registrars. It also provides that a non-judicial officer of the Court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

49—Amendment of section 27—Contempt of Court

This clause consequentially amends section 27 to provide for judicial registrars.

Debate adjourned on motion of Mr Griffiths.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (12:02): I move:

That standing and sessional orders be and remain so far suspended as to enable Private Member's Business, Other Motions, set down on the *Notice Paper* for Thursday 20 October take precedence for two hours and 30 minutes over Government Business, Orders of the Day, set down on the *Notice Paper* for Thursday 20 October.

Motion carried.

Bills

STATUTES AMENDMENT (PLANNING, DEVELOPMENT AND INFRASTRUCTURE) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 September 2016.)

Mr GRIFFITHS (Goyder) (12:03): I confirm that I will be the lead speaker for the opposition on the legislation, but there are a few other members from the opposition who wish to make a contribution. Can I put on the record from the start that it has always been an understanding of the opposition that subsequent legislation would be introduced on the basis, as it turns out, of turning off some sections of the Development Act 1993 and turning on some components of the Planning,

Development and Infrastructure Act 2016. A very significant debate was held in this and the other place in about November of last year going through to April, I think, before the legislation was eventually carried in the Legislative Council.

It is a very significant piece of legislation that has an impact across many areas of our economy, and it was important that it occur. The debate there put in place some 240-odd pages or thereabouts of legislation, whereas this statutes amendment legislation is about 44 pages. It does amend some 24 different pieces of legislation, much of it being as a consequential amendment in the way that previous references to the Development Act of 1993 have had to be changed and now expressed as the Planning, Development and Infrastructure Act of 2016.

The opposition certainly has no debate about the fact that the legislation is necessary and I put on the record from the very start that we do support it. I put on the record, though, that there will be some questions I intend asking the minister in committee because there are some aspects of it that I seek to put on the public record for clarification to assist all those who have to try to use it because that does create some challenges.

The legislation was introduced by the minister on 21 September. It was rather a surprise to me to see it originally tabled for debate on the following Wednesday, which turned out to be code black or 'black Wednesday', and therefore the legislation did not occur because the chamber was closed down. The briefing was only provided to me on the day of the legislative intention for the debate to occur, so it created a bit of a bottleneck about what was going to be said and what the position was going to be.

I did have some preliminary thoughts in mind and I had been in a position to contact some of the industry players, in particular, and get some very preliminary feedback from them, but in the 2½ weeks subsequent to that I have had an opportunity to get a lot more detailed information, for which I am very grateful. That information has come from the Local Government Association, the Urban Development Institute of Australia, the Master Builders Association, and the Housing Industry Association, and the Property Council also gave me feedback. It has been a bit of a cross-section, but that is because those are the players that are involved in it significantly, so that is where the consultation has been.

I note that the first four pages of the legislation were debated at length, as I have mentioned previously, but there are some changes that occurred from it, particularly in reference to a change in philosophy where the minister has to accept responsibility for certain actions to take place instead of the planning commission, which is very different to amendments that were considered in the other place as part of the eventual legislation that came in earlier this year. I can accept that, though, on the basis—and I have used a simple equation for it—that accountability requires responsibility. I indicate that there is an acceptance of that change to occur in this area because it relates to specific areas, so that is appropriate.

It is interesting that pages 8 to 28 of this legislation deal with subsequent amendments to the other 23 pieces of legislation, and that is why the review will take place of some areas that there were concerns about. I will give an example in clause 8 on page 7 of the legislation, which is an amendment to section 73 of the act. A concern put to me by the Local Government Association was that the legal advice provided to them indicated that the bill decreases the consultation requirements for the preparation of the designated instruments, so that will be an area that I will be seeking to clarify with the minister.

There are also references on page 8 to 'designated day', but later on the bill refers to the designated day potentially being 'before or after', so I will seek some clarification from the minister on that. There are also references on page 8 to 'saving of operation', and this is where I think we need some important statements by the minister on the intention of that because the second reading speech was only about a page long and therefore did not contain a lot of detail and it is important to be on the register, too.

There are some further references to change of land use, where it puts in place the ability for current rights to be continued for a two-year period. That was a period that we were aware of, so I support the intent of that, but I just want some details on it. There is a reference that the appointment of the commissioner, who is going to play an absolutely key role in this—and this was also a bit of

an emphasis from me in estimates questions of the Minister for Planning—is not likely to occur until the end of March, that is, 12 months or thereabouts after the legislation passes.

The commissioner has to be in place before the planning commissioner is appointed and then the serious work is undertaken, even though some of the background work on some of the documentation required is being undertaken now by planning staff, but, for example, the charter for community consultation stems from that early work of the planning commission, and the legislation includes a requirement for that to be in place within six months, so there are some points that are going to be required on that one, too.

I note the reference to the regions on page 12. My initial thought, as a regional person, was that it refers to regional South Australia, but it does not. It refers to regions within metropolitan areas, and the head nod has been given to that, so thank you for the clarification. That, I understand. Page 13 refers to preserving existing authorisations and rights, and I suppose that relates back to the land use opportunities and, therefore, the equity and the value held in the property, and that is for the two-year period.

There are references to a planning and design code. The interesting part is that it is not required to provide for all matters until 1 July 2020. I know that there is an enormous amount of work—I do not deny that—and effort that has to go into planning and design codes because they will become the drivers of the development vision for the areas, but we are still talking a good four years or thereabouts before that is achieved, so that is a concern we all have. Therefore, the question becomes about the resources and the capacity of staff in dealing not just with what they are doing at the moment but in creating this new documentation.

I also note that there is a reference in one clause, and we will debate it in the committee stage, about how the minister may make amendments in such a manner as the minister thinks fit. I presume that this is intended to work the way a ministerial DPA operates, much as in the current process. Indeed, other members in this chamber would be aware that where that is in place, it is an authorisation for a 12-month period subject to some community consultation before the eventual decision is made on it. 'As the minister thinks fit' is a bit of a worry area. I understand there is a need—and it comes back to how accountability requires responsibility for decisions to be made—but I will seek some clarification on that.

There are some references to local heritage. Everybody in this chamber no doubt would be aware of the discussion paper that has been issued by the minister and his staff, with consultation closing on 7 October, which has created considerable debate across all South Australia. No doubt the department has received many comments on that. As I understand it, it is about the transfer of those properties that are currently listed to go onto the new listing process. I will get some clarification on that.

I also note on page 17 the general transition scheme for the panel. The UDIA has provided me with some comments and a suggestion for an amendment on that. The information I have had, particularly from the Property Council, the UDIA and the Local Government Association, and I believe Master Builders, is that a high-level group is involved in the implementation of this. They have put their concerns to the government and staffers about that. In some cases, there has been an acceptance of it, but in other cases there appears to be a very different position on it. It does not just involve this transition scheme for panels but other areas, too, so it will be likely that we have a discussion about that in committee.

By going into committee and seeking answers from the minister, I want to flag the fact that while the opposition supports the legislation, depending on what sorts of responses we get and depending on my continued discussions with the industry groups that have put these issues to me, there might be some amendments flagged and provided to the minister between the houses for consideration by the Legislative Council as well.

I note on page 19 the reference to existing applications and that clause 19 is about appeals. My question, therefore, is because we are talking about turning off some aspects of old legislation and turning on aspects of new legislation as to how the appeal process will be run, whether this will create some legal concerns about what an appeal might be based upon regarding the provisions under which a decision is actually made. As I understand that in very simple terms, at the time of an

application being lodged it is assessed upon the provisions that exist at that time—and I am also getting a head nod about that—and it has to because otherwise it will be bedlam. We will get some clarification on that.

I note some references on classification and occupation of land in clause 27 as to building use and activities, so I will be seeking some comments from the minister on that. At clause 28, there is a reference to swimming pool safety. No doubt the minister and his staff have been contacted, as I certainly have been, by the Swimming Pools Association and a representative of that group, who was concerned particularly about fencing when it comes to safety aspects of swimming pools, and the concerns about ambiguity (my word, not theirs) that exists between different regulations. So, I am not sure if it deals with that—it does not appear to me to do that, but I seek the reason it is in there.

I note also on page 32 a reference to the Environment Protection Act, and it inserts a definition of 'preschool'. I am rather intrigued as to why that is there. I will get some clarification for the record on that also. I can understand the definition, and the fact that it probably needed to be in place somehow, but I am not sure if it was just missed accidentally as part of the initial legislation discussion about that and why it is there.

I note also that on page 43 it refers to amendments to the Roads (Opening and Closing) Act 1991, and that is where there is a change of reference from the Governor being the authorised person to the minister being the authorised person, and I also seek clarification on that. We will not been talking for anywhere near as long as we did on the Planning, Development and Infrastructure Bill 2015, as originally tabled. This is a consequential piece of legislation that stems from that. It will be an enormous amount of work over the next three to five years, which is the date period commonly quoted about it, but it has to be right.

While there might be some concerns, I know the minister in his discussion with me three weeks ago, when his requirement was for this legislation to be debated then, without an opportunity to consult with the different groups, said that it was nothing, that there was nothing in it, that it was easy to do. I respect that there is an agreed position on most things, and I respect the fact that the government needs to have the capacity to turn off aspects of the Development Act 1993 and to turn on the PDI Act 2016 in areas, but it does highlight the fact that every component of planning and development controls is worthy of discussion.

I am a very firm believer in the fact that questions asked here, explanations provided by the minister and scenarios created around the reason why the questions are asked, allows those who are the implementers of it, and the people who have to work around it, along with potential future legal actions involved in the consideration and inactions against it, to understand the intent of it. It is a good discussion to have.

We do not intend to hold up the house forever on this, but we want to make sure that there is an opportunity for members to put positions and for clarification to be sought. With those very few brief words, in comparison with others, I support the legislation and look forward to its passage through the house.

Mr HUGHES (Giles) (12:17): I acknowledge the contribution of the member for Goyder, which was, as usual, a very constructive contribution to the legislation before the parliament. This bill, which is primarily procedural in nature, allows the government to coordinate the complex task of transitioning to a contemporary and modern planning system under the Planning, Development and Infrastructure Act 2016, which passed in April of this year. The passing of the act followed an extensive body of work commencing in 2012, with the appointment of the Expert Panel on Planning Reform.

The panel engaged in extensive rounds of consultation, with a view to modernising our planning system. The result is a complex body of legislation, the full implementation of which will take a few years. To say that it is complex may be a bit of an understatement. Some of the key milestones include the appointment of the state planning commission by April 2017. The commission will lead the development of the community engagement charter, which I think is an incredibly important element of the legislation. By mid-2018, following community consultation, we will see the development of the planning and design code.

The current planning system is inadequate. Planning can and should be an economic enabler for communities, something which clearly exercises my mind, given the challenges currently faced in Whyalla, challenges which involve ensuring a productive future for our existing industries allied to the need to diversify and the interplay between the planning system and economic diversification. At times, the system is too slow, with a series of what could be called unnecessary, time-delaying and cumbersome barriers, especially for projects about which there is general consensus.

Of course, the planning system is about more than just being an economic enabler: it is also about decent, liveable and affordable neighbourhoods. It is about aesthetic and design standards leading to quality built environments. It is about a genuine commitment to ensuring the gift from which we all ultimately spring—the natural environment—is protected. Of course, the act will not operate in isolation in that respect. The challenge will be to ensure, with the implementation of the act, that all those elements carry real weight and not just a push for a quick dollar at the expense of the long-term public good.

As a former member of a city council, I have been exposed to a wide range of planning processes and decisions over the years. Criticism is sometimes made of councils about the time-consuming nature of planning decision-making processes. At times, that criticism is justified. It could equally be argued that state agencies are also guilty at times of slow responses. In both cases, there is a variety of reasons including, but not just, adequate resourcing to get the job done, plus elements of the Development Act 1993 which, in fairness, was a creature of its time and, in fairness, did have some positive features as well as some negative features.

I am currently working with a range of companies in my region that want to deliver projects that will have broad community support. The companies are international in nature and have expressed some frustration with the slowness of the planning process while also acknowledging the hope to work through the processes at a local council level. I will just touch upon some other complexities the new act will help to address.

For example, from a planning perspective, under the current system a category of development such as 'residential' is reflected in varying degrees of difference in 68 different council areas; therefore, an amendment to 'residential' that might make economic and social sense can only be given full effect if each of the 68 government plans is amended accordingly by each individual council. For a change to occur in just one council area, this takes significant time—12 months or more—and is a drain on the resources at a state and council level.

The current process broadly involves a council first undertaking necessary research to prepare a statement of intent which, as members know, is a broad high-level statement of what planning amendments are to be explored. This can take up to two months. The second step is for a council then to liaise with the Department of Planning and the minister in order to come to an agreement on the scope of the intent and to make any further investigations and/or amendments. The process altogether can take six months. The third step involves a council undertaking public consultation and further investigations in preparation of a development plan amendment. This takes approximately six months.

Fourthly, the council may then take up to three months to finalise the DPA ready to submit to the minister, through the department, for the minister's consideration and approval. Usually a finalised DPA, ready for the minister's final consideration and approval, may be considered by the minister within a few weeks. In contrast, under the new planning system a statewide planning and design code will replace the 68 development plans. Accordingly, such amendments to 'residential' as per my example could be given effect to all relevant areas across the state zoned as such far more quickly and efficiently.

Under the new planning system, there are significant opportunities to improve the situation and unlock economic potential. In addition to the development of a state planning and design code to reduce duplication and confusion caused by 68 individual council plans, there will also be a real opportunity to replace over 22,000 pages of planning policy in 72 documents. Other opportunities include a new e-planning system that will automate and streamline planning processes, and e-planning will also make planning information more accessible.

The tools to support local government in taking a more strategic regional approach and achieving economies by undertaking planning assessment on a regional basis will also be available. For regional councils, this also presents an opportunity for them to consider how they make better use of existing resources. There will also be streamlined and more certain assessment pathways that are fit for purpose, reducing assessment time frames for simple applications from a median of 66 days to the planned 10 days.

Before concluding, I want to emphasise how important it is to get the community engagement charter right. Community engagement is critical, and it covers a range of approaches that have to be fit for purpose. Without robust and genuine community engagement the act will fall short and will probably fall well short of what we are trying to achieve. I emphasise again that this is an incredibly crucial element of the act. I encourage the timely passage of the bill to enable the planning reforms to begin as soon as possible.

Mr PEDERICK (Hammond) (12:25): I rise to speak to the Statutes Amendment (Planning, Development and Infrastructure) Bill 2016. It is heading towards a year since we started debating the original bill, which was the repeal of the previous planning legislation from 1993. My concerns at the time were that some of the issues that arose from that debate were when we were well into the committee stage. We had made our second reading contributions, and next thing there were quite a few amendments coming through. In fact, I believe there were something like 300 amendments through the houses, and about 200 of those came from the government.

For big legislation like this—and the government is the one with the resources—it beggars belief why so many amendments had to be drafted for the legislation that was being debated at the time with the many years and months that would have gone into (or what I believe should have gone into) the introduction of the bill, which then became the planning act.

The biggest thing that concerned me at the time was when we were in the committee stage debating clause 50 and we got to the area of environment and food protection. This concerned me because it obviously brings in more red tape: it changes a whole range of things in development across a fair swag—a large area of the state. During the debate, when I was questioning the minister what concerned me even more was that these environment and food protection areas, or the big area, as outlined to me, would be the equivalent of what happened when the legislation went through for the Barossa Valley and McLaren Vale protection areas.

I think it is totally wrong that a major planning change such as this suddenly came in at that stage of the debate, and it did seem to be rushed as we looked to find maps of what it meant. For me, the major concern was that, apart from the major area that was impacted—which is essentially an area just north of Kapunda right through to Goolwa, at the bottom of my electorate, including the full area of the Rural City of Murray Bridge—there was a lack of complete consultation with local government on the issue. So, I contacted my local mayors, with varying responses, and I said, 'You really need to have a look at this, and you need to talk to people to see what this means.'

At the time, the mayor from Murray Bridge came back to me and he said, 'No, I've talked to my planning people, and they don't seem to think it's going to be a huge impost.' I said, 'I think you need to have a look.' It is up to them how hard they look at it. I was only talking to Mayor Brenton Lewis about three or four weeks ago on this matter, and he said, 'Yes, now we are concerned when we realise the implications.'

Some people may question my thoughts on this, as a farmer, that I would like to see protection, but let's be frank: we have to manage planning appropriately. This whole state was once farmland, so if you are going to start excluding areas fully, we have already built on the best land in this state, certainly in the Adelaide Plains area, certainly right here where we stand today, some of the most fertile country in the state.

What I struggle with in this blanket environment and food protection area is the fact that there are many different landforms between Kapunda and Goolwa. There are many different landforms, and the value of your country, especially in production, is in the eye of the beholder. You can be in high-production country, whether it is some of the higher production country around Coonalpyn, some of the red flats, some of the high-production country on Yorke Peninsula. There is high-production country on Eyre Peninsula. When I say high-production country, I am talking about

cropping country here, but equally you have station owners in the Far North who believe that their land is valuable country and high-production country.

You only have to look at the debate over the proposed Kidman stations sale to see how that has focused many across the country and overseas on the debate of the value of Australian land. It is certainly in the eye of the beholder, and I think they were the appropriate places to go in the planning legislation. It was disappointing that this was brought to us in the committee stage of the debate. It should have been far better handled, and I hope that with this so-called consultation that is going to happen there is actually some consultation with local government. They do play a big role in planning, and it would be nice to think that they are involved. Frankly, I have seen no evidence of it so far, and it certainly needs to happen.

This bill has been introduced by the minister to provide for the implementation of the Planning, Development and Infrastructure Act 2016 by the amendment of many acts and the enactment of transitional provisions. It certainly amends 24 different acts. This legislation is supported by a commitment of almost $26 million over five years, July 2016 to June 2021, for the implementation of the new planning scheme for the state, and this would include the introduction of the new e-planning system. It was noted that in the 2016-17 state budget it was highlighted that council levy and development application fee increases will provide $3.716 million in revenue from 2017-18 to 2019-20.

This is a transitional bill that will provide the steps to take us from the current Development Act 1993 to the Planning, Development and Infrastructure Act, allowing the planning and governance frameworks to be introduced in stages down the line. The minister has noted that the bill is procedural and enables the government to commence a 'coordinated, orderly and phased three to five-year implementation program for the new planning system'.

The minister has relayed that he hopes for the new planning commissioner to be appointed by March 2017, and that process of appointing the commissioner will have to get on the boat, because it is expected to take six months for the appointment to be approved through state cabinet. The bill outlines that provisions supporting the establishment of the state planning commission will come into operation on 1 April 2017. The bill also provides for amendments to replace the commissioner with the minister in the area of preparation of state planning policies, and there will certainly be, from what I understand, some questions raised about that during the committee stage.

The minister conveys in his speech that the amendments are practical in the sense that the responsibility for an ownership of state planning policy rests, ultimately, with the Minister for Planning and the government of the day. I quote, 'notwithstanding that their policies will be informed by the commission and its consultations'. There are some amendments in place that reflect an inconsistency of an amendment of the Planning, Development and Infrastructure Bill in the Legislative Council.

These are in areas originally intended to operate by ministerial direction to the commission that were amended during the debate, and it looks like this will be changed, but there will be some clarification through the debate on this current bill. I have also already talked about the establishment of the state planning commission, for which the provisions are in place, so that can commence on 1 April 2017. There will be planning regions, as per the Planning, Development and Infrastructure Act. The government, on recommendation of the minister, may divide the state into planning regions, and this also relates to metropolitan areas.

Certainly, part of it is about the fact that the commission is to prepare the community engagement charter on behalf of the minister. The shadow minister, the member for Goyder, was informed at a briefing that the Department of Planning, Transport and Infrastructure is now commencing the tender process relevant to the development of a draft community engagement charter, and that draft will be ready by April and will be put out for formal consultation once the commissioner is established. We should be happy that there is a draft program on how to consult going into place because what we have been used to with this current government is 'announce and defend' policies. It is interesting that the government is now consulting on how it should consult.

A planning and design code is coming in, but it is not required to provide for all the matters in relation to key provisions about the content of the code until 1 July 2020. The planning and design code and new streamlined assessment pathways are anticipated to be implemented by mid to late

2018, and, as such, a development plan under the Development Act will have effect, meaning that assessments will be based on the repealed legislation until the codes are implemented.

It is interesting to note that e-planning is proposed to be operational by 2019, and councils are to be part of the start-up process and contribute to that and to the ongoing management of the system. This bill certainly provides for the transfer of the Development Assessment Commission and other entities' statutory functions to the commission. There will be a transitional scheme involved with the Council Development Assessment Panel, and it gives, through this bill, the minister the right to constitute regional assessment panels.

As per the new act, each assessment panel is required to have an assessment manager, and that would be an accredited professional, or a person of a prescribed class. A person may hold that appointment for more than one assessment panel. I have already talked about my concerns in regard to the environment and food protection areas. This is the minister's quest, to curb urban sprawl, but I think it could have been managed far better than just putting blanket bans on development. I think it will certainly have some major implications into the future.

This transitional arrangement will work over a two-year designated transitional period. I certainly hope that we have the appropriate consultation, with everyone involved, moving ahead. Pilot infrastructure schemes will be put in place for debate, and some people have expressed their concerns with them. Local heritage values will be determined under values in the planning and design code and this is to be dealt with under a separate piece of legislation, potentially to be introduced before the end of this year. That is just waiting on some discussion paper feedback.

Significant trees will be valued under the planning and design code. The bill also outlines the process relevant to existing applications that have not been determined by the designated day, which is the commencement of the new assessment scheme. The bill is designed to support business as usual during the implementation phase until each element of the new system is fully introduced. It does this by making clear that processes commenced and rights secured under the existing Development Act 1993 will be transitioned to the new system.

The Development Act 1993 will continue to apply in relation to an existing proposed development or project that has not yet been the subject of a decision of the Governor. The same applies to an application lodged for Crown and infrastructure development not yet determined before the designated day. In regard to building work, access to land and activities that affect stability of land or premises, depending on development approval and notice served to the owner of the affected site prior to the designated day, the bill enables this clause to come into force.

In regard to land management agreements that are held by councils, they are to be provided to the minister within three months after the designated day. This is in response to issues like rural living agreements and other matters. Advisory committees will be dissolved by force on 30 June 2019, but they will be established initially to provide advice on the local government sector relating to entities involved in undertaking development within the state, community participation and ecological sustainability and livability.

I note that the minister has established a collaborative advisory team, which includes representatives from the Department of Planning, Transport and Infrastructure, the Local Government Association, the Urban Development Institute of Australia, the Property Council and Master Builders Australia. The purpose of this team is to provide high-level advice on the development of various aspects of the planning reforms. I note in particular that the Housing Industry Association has not been invited to be part of this team.

In regard to the e-planning part of the legislation, the Local Government Association has provided some advice on proposed fees that councils will be required to pay from 1 July 2017, as advised by the Department of Planning. There will be a two-part council fee comprising a $4,000 flat fee applicable to all councils, plus a second component indexed to development values of the council. The annual value of development by council area council fees are: over $100 million, $32,000; over $50 million but less than $100 million, $24,000; over $10 million but less than $50 million, $12,000; and less than $10 million, $4,000.

I will be interested in the discussion on this bill as it goes through. I will quote from the minister's second reading explanation when he introduced the bill. He said:

> To ensure the most efficient and effective introduction of the changes, preparation for the implementation of the new system is already occurring in partnership with Government departments, councils and industry groups. Indeed, many of them have indicated their support and enthusiasm for the initiatives contained in the new planning system.

That may be true, but there are certainly many people I do not believe have been consulted who should be consulted. That consultation should already be happening, especially in regard to the environment and food protection areas, so that councils can put their planning in place, especially into the transitional period in the next couple of years as things transition to the new legislation, so that people know exactly where they stand moving into the future.

As I indicated at the beginning of my contribution, it is disconcerting to find out that initially councils had not been advised on the implications, they had not even been advised they were going to be part of the environment and food protection area. In such an area of planning, and as we saw during the debate, hundreds of amendments come in—at least 200 from the government on their own legislation—so it is a complex matter and it needs to be dealt with appropriately.

People need to be part of the conversation and not dictated to regarding what happens as things unfold, or suddenly get a rude shock in a couple of years' time when certain development proposals come through and they realise that those opportunities have been blocked off because of the planning legislation in place. So I urge the government to consult widely, to work with people and not dictate to organisations, especially councils, in regard to how the new planning legislation will pan out. This does affect every South Australian. I hope it is speedy, because it needs to be; however, it also needs to be appropriate so that we get planning right in this state.

The Hon. P. CAICA (Colton) (12:45): I rise to speak in support of the Statutes Amendment (Planning, Development and Infrastructure) Bill 2016. This bill is, in a sense, straightforward. It enables the government to coordinate the orderly transition to a new planning system under the Planning, Development and Infrastructure Act 2016—which finally passed in April this year—from the current planning system that is over 20 years old.

On the other hand, it would be readily appreciated that the transition from a 20-year-old planning system to a modern and effective planning system under the new act will be a complex task. That task, I understand, will follow a three to five-year phased implementation program, and this bill will allow the government to turn aspects of the new planning system on when they are ready, and turn aspects of the old system off when they are no longer required. My contribution today will focus on experiences that my constituents have faced in planning and, therefore, why these new planning reforms cannot come soon enough.

It is in this context I welcome and encourage the swift passage of this bill to allow the planning reforms to commence in earnest. In particular, under the new planning system we will see, for the first time, the introduction of a community engagement charter. The charter will be one of the first tasks to be undertaken by the new state planning commission which this bill will enable, if passed. The charter will provide the community with the opportunity to have genuine engagement on the planning rules and policies that impact upon their community and to have a say in ensuring that the planning rules and policies are set right.

These planning rules and policies will include the statewide planning and design code and design principles. These will eventually replace the varying 68 development plans across 68 local council areas, totalling over 22,000 pages of planning policy, with a readily understandable and accessible statewide planning and design code. Importantly, these new planning policy tools will elevate the importance of design. That cannot come soon enough; the introduction of up-front community engagement on planning rules and policies, and the focus on good design under the new planning system is greatly welcomed.

As I said, I would like to talk about some of my experiences with respect to the current processes that relate to planning in this state, particularly as it relates to my area. In my experience

it is safe to say that one of the biggest issues, if not the biggest, that is raised by my constituents is planning issues that relate to redevelopment of residential dwelling land. For those of you who are not familiar with Henley, Henley Beach South, Seaton, Kidman Park, indeed any of the suburbs within my electorate, you will know how they have been transformed in recent years and continue to transform. Most are unrecognisable from how they were 15, 10 or even five years ago, and I expect that is common across Adelaide, not just in my electorate.

The old houses have been bowled over and predominantly replaced by two dwellings of two levels, in many cases occupying all or most of the land. This, of course, has an impact on infrastructure, stormwater for example, and street parking and is, without question, putting pressure on the existing infrastructure that was established to cater for different conditions in a then different environment and a then different preceding era.

This bill may not necessarily address this pressing issue, but it is something that I think will need to be addressed and managed. Perhaps the up-front community engagement and planning rules and policies, and the focus on good design that is established under this bill, may help in this particular matter. While my constituents raise concerns about the adverse impact this is having on public infrastructure, the main concern raised with me by the majority of my constituents without doubt is the impact that urban infill is having on their amenity and the nature and make-up of their community.

I want it understood that I support urban infill as a legitimate and appropriate way by which we plan Adelaide into the future. However, like my constituents, I have some concerns about process, design and the impact it is having on their lives and their amenity. And, Deputy Speaker—I know you are sitting on the edge of your seat—it does not help when the local council (in this case, the City of Charles Sturt), when responding to the concerns and complaints of their ratepayers, simply responds by saying, 'Take it up with your local member of parliament. It is their act that we are forced to work with.' In speaking with my colleagues in this chamber, I understand that the same response is also coming from other councils.

While it is true that it is a state act, and we know that council is the delivering and approving body on these planning matters, council's response I think is a bit rich, especially so when a lot of the complaints relate to setback, frosting, height of windows, overhang and shadowing, amongst other things that council allow to proceed. It seems to me that council cannot wipe its hands of this issue when it comes to their responsibility. Throw in council's stated policies—preserving character through sympathetic design for one—to that character and the character of the neighbourhood in which the development is occurring, and it is clear to me and my constituents that they are failing in those areas where they definitely do have a responsible role to play. I think they are abrogating their responsibility in this regard.

I want to cite an example, of the many that I could, of inappropriate development. It is fortunate that the minister—a very good minister that he is—the Deputy Premier, was able to visit with me at home on Seaview Road on the Monday of community cabinet in my area where a dwelling is being constructed on the northern side of Becky and Marty and Robyn's homes. It is all personal taste, but in my view this development is nothing short of a monstrosity.

This development is a single dwelling taking up almost all of the land. It is of significant height and close to the boundary between the two. For the majority of the year from now on, Becky and Marty's place will be permanently shadowed and, indeed, permanently wet, even in the middle of summer. Probably the only thing that they will be able to grow there will be moss rocks—and you do not grow them, but they will be all that will survive. As I said, moss will likely be the only thing that will grow; in fact, it will thrive. It is disgusting.

Robyn has lived in this property for over 20 years in a small, self-contained area on the north-eastern corner. When we visited, there was no light going into the place, and she had either to have electricity on all the time or light candles, and I was very pleased that that was the area in which we met when the Deputy Premier visited during community cabinet. Robyn's home will be completely in darkness for 12 months of the year because that shadowing will be permanent, to the extent that lights will need to be turned on at all times during daylight hours. She will not see any daylight and that is the point. This to me is a completely inappropriate development for the reasons detailed, but

also it is completely out of character and out of kilter with council's stated position on the retention of character. It is an insensitive development.

I do not know if this bill will completely address all the issues that I have raised, but it is an opportunity—the opportunity exists that it could. I know that members of this chamber, despite some of the concerns, will welcome the new planning system that will introduce up-front community engagement on planning rules and policies and focus on good design amongst other things. It is an appropriate opportunity for the members in our community to have some say over what they want their area to look like, how it will be able to retain both character and amenity in the form of sensitive design.

As I said, that is not mutually exclusive to bowling over places and having that that they are building these days, those two-storey properties on a single block. They can be done in a way that is a lot better and more sensitive than they have in the past. The focus has to be on good design, amongst other things, and one that enhances the community in which we live and one that is not to the detriment of the amenity we enjoy within our communities. I do urge a very swift passage of this bill to enable these important planning reforms to occur as soon as possible. I make no apologies for having a crack at the council. I just think they wipe their hands of a lot of the planning issues.

The Hon. G.G. Brock interjecting:

The Hon. P. CAICA: I know that you are a former mayor. I know that the member for Frome is a former mayor, and I am not going to reflect on the Port Pirie council where he was a great mayor, but the simple fact is that this needs—

Mr Griffiths interjecting:

The Hon. P. CAICA: I am praising him; he is not praising himself. I would go a bit further and say that you are an excellent local member of parliament as well, and if you said, 'Yes, I am,' I would not see that as self-praise: I would just say that you are stating a fact—but I am being diverted from my task because of the unruly interjections by the member for Frome.

I think that we need to work with council a little bit more closely than we do, but at the same time council has to understand that it is an important player in this field; it is the interface with our community. I know that the changes that are being proposed by this particular bill, the establishment of a process by which the community can engage in planning processes, can only be a good thing. Council needs to not only recognise that but be a little bit more overt in the way they still manage planning issues under the existing legislation.

As I said earlier, I think that they have done on occasions an appalling job and at best on occasions a reasonable job, but there is lots of room for improvement. Council will of course be the body that will be administering aspects of this. They need to lift their performance, and I hope and trust that they can. In the minute or so I have left, I want to refocus on the point about infrastructure and one of the issues recurring.

It does not matter whether it is here or whether it is in another area, what we are seeing are the blocks that are being redeveloped occupied generally by two houses, where the roof covers the entire area. Where does the water go? It can only go one place: out through the stormwater system. That stormwater system, as I said earlier, has been built to cater for a different type of community that existed previously, and that is having serious impacts on that infrastructure. I think it will continue to have serious impacts on that infrastructure with respect to capacity.

I know that as a government we will turn around and say, 'Well, stormwater is a council responsibility,' and yes, it is, but I think this matter can only be addressed if we work hand in glove with council to make sure that collectively we say that this is a joint responsibility and that we need to do something about it. That might not be welcomed by my colleagues, particularly on this side of the house, but I do not care. They can sack me if they like, but the reality is that we cannot abrogate our responsibilities because we are part of the solution to this particular process as well.

With those words, I conclude my remarks, and I urge a swift passage of this bill through this house and the other place.

Debate adjourned on motion of Hon. G.G. Brock.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today guests from Aldinga Shores retirement village, who are guests of the member for Kaurna. Welcome.

Petitions

MOUNT GAMBIER EYE CENTRE

Mr BELL (Mount Gambier): Presented a petition signed by 1,036 residents of South Australia requesting the house to urge the government to review the decision which will have the effect of closing the Mount Gambier Eye Centre and ensure that the requisite ophthalmological services are provided to the region.

Ministerial Statement

FRENCH DEFENCE VISIT

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: During the week beginning 16 October, the state government led a delegation of South Australian businesses in the defence industry and the food, wine and beverage industries to Paris to attend two separate world-leading tradeshows. Euronaval 2016 is the world's largest defence exhibition. The Defence SA stand at the expo is giving 27 South Australian-based companies a high-profile presence on the global stage of naval shipbuilding. They were also joined by South Australian tertiary education providers including TAFE SA, Adelaide University, Flinders University, University of South Australia and StudyAdelaide.

SIAL Paris is also the biggest expo of its kind and allows food, wine and beverage businesses to showcase their products to an international audience and for important new relationships. In addition to the industry participants, the delegation also included myself, the South Australian Governor, our defence minister, Food SA Chief Executive Officer Catherine Sayer and Defence SA Chief Executive Andy Keough.

This significant South Australian representation highlights just how important both these sectors are to our economy, and the valuable opportunities to meet new business partners, potential buyers, distributors and agents. While at Euronaval, we met with key players involved in delivering South Australia's sovereign capability in shipbuilding that will be based in Adelaide. These meetings were held with Damen, Lurssen, DCNS and Fassmer on Monday, and BAE, Lockheed Martin and Austal on Tuesday.

We had the opportunity to spend a number of hours with the Chief Executive of DCNS, Herve Guillou, and the company's deputy chief executive officer, Marie-Pierre De Bailliencourt, in two separate meetings held over two days. During these meetings, significant discussions took place about the next step in relation to the Future Submarine contract in South Australia. The French have assured us that while the road map is clear there are some early challenges in fulfilling the mission to deliver Australia's capability.

While discussions are progressing well between DCNS and the commonwealth, the critical issue for the future success of the project both for South Australia and the nation is securing a workforce which is skilled and able to perform the tasks needed. The urgency and magnitude of this task has emerged as one of the key challenges of the Future Submarines project. While the workforce winds down at shipbuilder ASC as the end of the third air warfare destroyer construction nears, ironically the biggest challenge for this project will be workforce shortages and the skilling up of SA workers to participate in the project.

The success of this project for South Australia lies in our ability to secure as many jobs for South Australians as possible. This will require a collaborative effort between DCNS (which is the

selected builder), the commonwealth government, the state government and training organisations. This is a discrete project in its own right which needs to be properly resourced and receive special attention. To this end, I have written to the Prime Minister today asking him to put the national submarine project on the COAG agenda for discussion. I will be requesting that the outcome of COAG will be to create a workforce development plan where the state and federal governments and the submarine designer and builder are genuine partners.

The workforce development plan should include the role of the future patrol boats and future frigate project in maintaining employment and capability for our ship and submarine building projects. The success of the future submarine project, and realising the French offer to transfer sovereign submarine building capability to Australia, will in large measure depend on a successful workforce development plan. This will include a focus on maintaining as many jobs as possible for the existing workforce at Osborne.

The commonwealth has requested that the South Australian government contribute our $350 million Techport infrastructure to the shipbuilding and submarine building project. The South Australian government is willing to consider this request, but important conditions will be around a return on the state's investment and the commonwealth's commitment to a genuine partnership with the South Australian government, which must include a workforce development plan directed at maximising jobs and opportunities for Australian workers.

AUSTRALIAN ENERGY MARKET OPERATOR REPORT UPDATE

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: I rise to inform the house of an updated report from the Australian Energy Market Operator on the black system event in South Australia on 28 September 2016. The report, which updates the 5 October preliminary report, further details the events of 28 September and the resulting blackout. The report finds that on the afternoon of 28 September 2016, a weather front, including high winds, thunderstorms, lightning strikes, hail and heavy rain, moved through South Australia. Five transmission line faults occurred in 88 seconds prior to the system black, causing six voltage disturbances.

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: Please ask me a question. In terms of wind farm operation, it is important to note AEMO reports that intermittency was not a material factor in the system black; rather, it was their protection system's responses to the voltage disturbances. The sudden loss of the 445 megawatts of generation from nine of the 13 operating wind farms increased flows on the Heywood interconnector. The interconnector's automatic loss of synchronism protection then operated, which disconnected it so as to prevent damage. The loss of 900 megawatts of supply across the Heywood interconnector could not be met by remaining operating generation in South Australia.

This updated report from AEMO confirms that the intermittent nature of wind energy had nothing to do with the September blackout in South Australia; instead, it states that wind farms operating in the market at the time experienced a software issue.

Members interjecting:

The Hon. A. KOUTSANTONIS: The report is public.

Members interjecting:

The Hon. A. KOUTSANTONIS: I don't think you have.

Members interjecting:

The SPEAKER: The members for Adelaide and Morialta are called to order.

The Hon. A. KOUTSANTONIS: Ask me a question.

Mr Marshall: Wouldn't understand the answer.

The Hon. A. KOUTSANTONIS: Ask me a question.

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, move a motion.

The SPEAKER: The Treasurer will stick to the ministerial statement that he has tabled and had distributed.

The Hon. A. KOUTSANTONIS: This updated report from AEMO confirms that the intermittent nature of wind energy had nothing to do with the September blackout in South Australia; instead, it states that the wind farms operating in the market at the time experienced a software issue. There are a number of political opportunists that now owe—

Ms CHAPMAN: Point of order, Mr Speaker. I move:

That leave be withdrawn.

The SPEAKER: It requires only one person to withdraw leave, and that person is the deputy leader and the member for Bragg.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is called to order, and I notice under the mandatory minimum sentencing regime his next naming will lead to his absence from us for 11 days.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:10): I bring up the report of the committee entitled 'Report of the inquiry into an amendment to the Births, Deaths and Marriages Registration Regulations 2011 to enable the recognition of de facto relationships on the register recording the death of a person (death certificate)'.

Report received.

Mr ODENWALDER: I bring up the 31st report of the committee, entitled Subordinate Legislation.

Report received.

Mr ODENWALDER: I bring up the 32nd report of the committee, entitled Subordinate Legislation.

Report received and read.

Mr ODENWALDER: I bring up the 33rd report of the committee, entitled Subordinate Legislation.

Report received and read.

Question Time

POWER OUTAGES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): My question is to the Premier. Can the Premier inform the house on whose advice he relied when he told the people of South Australia that the statewide blackout was unequivocally caused by the collapse of the high-voltage transmission lines in the state's north?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:15): I thank the honourable member for his question, and it's good to be back in South Australia. One thing that a bit of distance from South Australia—

Members interjecting:

The Hon. J.W. WEATHERILL: A little distance from South Australia allows you to reflect a little. I actually did get an opportunity to read the *Hansard*, and even though it was in print I could see the discomfort of those opposite. It fairly sort of came off the pages. It's the policy of this government to support 50 per cent renewable energy for South Australia, and we on this side of the house stand ready to support that policy. One of the things—

Mr Marshall: What about answering the question: whose advice did you rely upon?

The Hon. J.W. WEATHERILL: We on this side of the house are going to continue to pursue that policy because it not only is in South Australia's interests, in terms of jobs and prosperity, it is in the national interest, and it also is about making a contribution to the international effort in relation to tackling climate change.

A few things have become clear as a result of the publication of the report that was put out today, and I must say the first thing I did expect from the Leader of the Opposition was that he would be standing up in this house and apologising to the people of South Australia for misleading them and making false remarks denigrating our renewable energy industry.

Members interjecting:

Mr PISONI: Point of order, sir: the Premier is entering into debate.

The SPEAKER: I take the view that people making points of order about debating in question time ought to come to the point of order with clean hands, and the member for Unley does not, and I will be reading out the warnings in due course. Member for Heysen.

Ms REDMOND: On a further point of order, sir, the Premier accused the Leader of the Opposition of misleading the house.

The Hon. J.W. WEATHERILL: I accused him of misleading the community.

The SPEAKER: Misleading—I'm sorry, Premier, I didn't catch it?

The Hon. J.W. WEATHERILL: The community, not the house.

The SPEAKER: Yes, apparently misleading the community is fine.

The Hon. J.W. WEATHERILL: Yes, that's right, and he did it with impunity.

Members interjecting:

The SPEAKER: Yes, by 'fine' I meant uttering the words 'misleading the community' does not breach standing orders.

The Hon. J.W. WEATHERILL: Mr Speaker, you can generally determine the level of discomfort from those opposite by the rising inflection of the Leader of the Opposition: the more trouble he's in, the louder he gets. I'm not going to compete with him in the shouting stakes, suffice to say this: there were four important observations that were made in and around the time of the power blackout. One of them was made by Senator Xenophon and was backed up by Senator Barnaby Joyce, that when the wind blows really strongly windfarms don't work. False. False—completely debunked by the report.

The second proposition which has been spread by some media commentators and which has been also advanced by the Prime Minister of this country and numerous others, including those opposite, is that the intermittent nature of renewable energy has destabilised the system such that it caused blackouts. Debunked, completely wrong, completely debunked by the report.

The third proposition—and this is a special one, because this one was dreamt up by the Leader of the Opposition; nobody else decided to be on his side with this one—is that the start-up of the system after a system black was somehow delayed because of the amount of renewable energy in the system. Now, nobody else advanced that proposition, only the Leader of the Opposition—completely debunked. The central proposition is this: renewable energy is good for our state, it is good for our nation, it is good for our planet. We are going to pursue it and we are not going to be dictated to by the climate sceptics opposite.

Ms Chapman: Come on, Patrick, come back. They need your help!

The SPEAKER: The Leader of the Opposition will be seated. The deputy leader is warned for referring to the gallery. I have a good mind to clear that voluble Fenian out of the gallery since he responded. I call to order the members for Hartley, Mount Gambier, Finniss, Chaffey, Goyder, Schubert, Kavel, Mitchell, the Treasurer and the leader. I warn the members for Morialta, Hartley, Mount Gambier, Unley, Chaffey, Schubert and the leader, and I warn for the second and final time the leader and the members for Chaffey, Hartley and Morialta.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: The member for Wright.

BRAND SA

The Hon. J.M. RANKINE (Wright) (14:21): Thank you, sir. My question is to the Minister for Agriculture, Food and Fisheries. Minister, how is the state government promoting South Australia's products and businesses locally?

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) (14:22): I thank the member for Wright for the question and also I thank the Treasurer for putting some money aside this year in the budget to help promote South Australian produce and services in South Australia to South Australians, because we all know that we produce some of the highest standard products anywhere in the world. We deliver some of the best services anywhere in the world.

Just by explaining to people and pointing out to people the companies that are here and the great produce and services that they come up with, by educating people a little bit, we know that South Australia is a parochial state and people love supporting local industries and local jobs. If everyone spent a few extra dollars on South Australian produce we would create hundreds more jobs.

Many of these jobs are in regional South Australia. If we look at the merchandisable exports, about 50 per cent of them come from the regions of South Australia, despite only 29 per cent of the population living in the regions. So, this is a great initiative of Brand South Australia, and I want to congratulate Karen Raffen and her team who do such a tremendous job. I want to thank all the media partners who have come on board and helped in this support, and, in particular, Ish Davies from *The Advertiser* newspapers. Ish is a proud South Australian. He wasn't always from here but, since he has arrived, he has been—

The Hon. A. Koutsantonis interjecting:

The Hon. L.W.K. BIGNELL: It's the accent, I think, Treasurer. That's how I can tell. He absolutely loves South Australia. He lives up in the Hills. He is a big fan of the Pirate Life beer and the hills wines from South Australia. I think that what we are seeing is so many South Australians—whether they have lived here all their lives or they have come here like Ish—adopting the wonderful companies that we have here, supporting those companies and seeing them grow and flourish.

I guess that Pirate Life is a good example of that. It is a beer company that came from Western Australia because of the conditions here in South Australia, as well as the business climate here—the fact that we take premium food and wine and other beverages really seriously and that we get in and back them as a government and work side by side with those producers. To the team at Brand South Australia, thank you for the wonderful effort you have put in over the past few weeks to promote several businesses from right around the state.

This Saturday, it will culminate in I Choose SA Day, and it is a time for every South Australian to think about what they might do that day. I hope people, like me, will get along to the Willunga Farmers Market, call in to Goodieson's Brewery to maybe swill beer and then get along to some wineries and have dinner at a great restaurant in McLaren Vale. We all represent fantastic parts of the state and we all have fantastic businesses and producers in our electorates. I encourage everyone in here to get behind—

The Hon. J.M. Rankine interjecting:

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

The Hon. L.W.K. BIGNELL: —this wonderful initiative. Another thing that Brand SA does particularly well is present the South Australian regional awards. Last night, I was in the Adelaide Hills at the Bird in Hand winery, where we celebrated many of the great companies and businesses. I know the member for Hammond was there as well. It was a terrific night. We had four local mayors representing a large swathe of the Fleurieu Peninsula, Kangaroo Island and the Adelaide Hills.

I want to particularly congratulate B.-d. Farm Paris Creek, Thorngrove Manor Hotel and Canoe the Coorong, who were the three winners last night. To all of those finalists, congratulations on running wonderful businesses, producing world-class produce and giving experiences to people from around the world that are second to none. I want to congratulate you on the hard work that you put in and also for employing so many South Australians. You are doing a terrific job.

The SPEAKER: The leader.

Mr MARSHALL: My question is to the Premier. Given the Premier has been unable to provide the house with any evidence that informed his public statements—

The SPEAKER: Leave is withdrawn for the question. It is a comment. Member for Giles.

REGIONAL AIRPORTS

Mr HUGHES (Giles) (14:26): My question is to the Minister for Transport and Infrastructure. Can the minister update the house on any assistance being provided by the South Australian government towards our regional airport facilities?

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned. Minister.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:26): I thank the member for Giles for his question. Airports are critical infrastructure for many regional and remote communities in South Australia. They are not only used to fly in goods and services but they can be central to many tourism operations as well as, of course, medical and emergency services. That is why I am pleased to update the house and announce that the state government has allocated $1 million to support the delivery of priority infrastructure upgrades to regional airports during the current financial year.

The Department of Planning, Transport and Infrastructure will be managing this initiative and has opened up the application process for a share of this funding of $1 million as part of the new support regional aviation initiative. A master planning process was completed earlier this year for 19 regulated regional airports which identified future development opportunities at these facilities to further service the needs of their communities.

Owners and/or operators of existing regulated airports and aerodromes in regional South Australia can apply for a share of the funding to undertake priority upgrades. The primary purpose of this initiative is to:

- improve the airport-aerodrome network;
- conform to current regulatory requirements;
- accommodate changing airline fleets;
- support the growth of regional aviation markets; and
- deliver regional, economic and social benefits through improved air services.

Owners and operators of regulated airports and aerodromes in regional areas in South Australia can apply for a share of funding for upgrades such as resealing runways, taxiways and aprons; upgrading fencing; replacing lighting; and extending and upgrading terminal facilities.

The Department of Planning, Transport and Infrastructure is writing to the relevant councils and the Outback Communities Authority to seek applications for funding, and I encourage those eligible to apply for a share of this funding which I understand will go a long way to improving

infrastructure upgrades in regional airports. Applications are now open and will close on 11 November this year.

This initiative is in addition to more than $10 million of state government investments in major upgrades for regional airports. As members may be aware—certainly, the member for Finniss would be aware—the state government is funding half of the $18 million upgrade for the Kangaroo Island airport which will enable larger passenger planes to land on the island. The Kangaroo Island airport upgrade project includes lengthening and strengthening the runway, improving the taxiway and apron areas, and an upgrade to the existing terminal to accommodate direct flights from other capital cities in Australia using larger aircraft.

We also delivered a $1.3 million upgrade of the Coober Pedy Airport just last year and, further, the Minister for Tourism has announced an investment of just under $3 million towards the upgrade of the Mount Gambier Airport—a very important project.

The Hon. L.W.K. Bignell: Good for Glencoe.

The Hon. S.C. MULLIGHAN: It is good for that important community, to the Minister for Tourism. While I am on the topic of improving aviation services, it is important to draw the house's attention to a rather unfortunate development.

Just as recently as last week, I was contacted by a concerned worker of our soon to be lost Adelaide air traffic control terminal unit located at the Adelaide Airport, whose job, along with 42 of his other colleagues, will be shifted to Melbourne's Tullamarine Airport. This move was announced by the then federal minister for transport, and it had been announced before the requisite safety case had been undertaken by the Civil Aviation Authority. I would urge all members to join with this government and the federal member for Hindmarsh in condemning this move.

Ms Chapman interjecting:

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

POWER OUTAGES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): My question is to the Premier. Did the Premier deliberately mislead the South Australian community when he repeatedly claimed that the statewide blackout event was caused by the collapse of the high-voltage transmission lines in South Australia?

The SPEAKER: Before the Premier answers, read the question again.

Mr MARSHALL: My question was: did the Premier deliberately mislead the South Australian community when he repeatedly claimed that the statewide blackout event was caused by the collapse of the high-voltage transmission lines?

The SPEAKER: Imputations that a member misled the community are permissible.

The Hon. J.J. SNELLING: Point of order: it was debate, and latitude should be provided to the Premier in giving his answer accordingly.

The SPEAKER: I will allow the Premier to answer the question in the spirit in which it is asked. Premier.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:32): Mr Speaker, I heard this rumour earlier today that the—

Ms Chapman: How about answering the question?

The Hon. J.W. WEATHERILL: I'll get there and you'll enjoy it. I did hear a rumour earlier today that the Liberal Party were going to mount a proposition that this blackout wasn't due to the storm. And I thought, no, surely they wouldn't be that stupid—surely they wouldn't be that stupid. Have they—

Ms CHAPMAN: Point of order.

The SPEAKER: I'm sorry, I will take the deputy leader's point of order. I won't have heard what it is about. I'm afraid I was in a conversation with the Opposition Whip. What is the allegation?

Ms CHAPMAN: It will be a dark day when the Premier claims to be in charge of the Liberal Party of South Australia. This is clearly debate, nothing to do—

The SPEAKER: As is the point of order. Premier.

The Hon. J.W. WEATHERILL: We have been running rings around them for some time, Mr Speaker, and we don't intend to stop right now. I did hear this rumour that they were going to erect a proposition that the storm didn't cause the blackout—and here it emerges.

Ms CHAPMAN: Point of order.

The SPEAKER: The last point of order was rendered bogus by the deputy leader not making a point of order at all, so I hope this is going to be a point of order.

Ms CHAPMAN: Relevance.

The SPEAKER: I will wait for the Premier to join up his remarks.

The Hon. J.W. WEATHERILL: These are preparatory words, sir. It is extraordinary that, despite the fact that we have the AEMO report published today, they are seeking to advance this idea that the storm didn't cause the blackout. Let me take you to the report, page 5 of the report, released today. It is now known—

Mr Marshall interjecting:

The Hon. J.W. WEATHERILL: Would you like to listen to the answer?

The SPEAKER: The leader has been called to order and warned twice.

The Hon. J.W. WEATHERILL: The alternative that the transmission lines fell down by themselves I presume is the proposition. But, anyway, let's—

The Hon. J.J. Snelling interjecting:

The SPEAKER: The Minister for Health is called to order.

The Hon. J.W. WEATHERILL: Can we just go back to the report. It is now known—

The Hon. A. Koutsantonis interjecting:

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

The Hon. J.W. WEATHERILL: It is now known that five system faults occurred within a period of 88 seconds on 28 September 2016. These—

Mr Marshall: That's not the transmission lines.

The Hon. J.W. WEATHERILL: Just wait and you will find out; we will join these things up. These system faults led to six voltage disturbances. Okay, are we right with that?

Mr Wingard: Are you okay with the state blacking out?

The SPEAKER: The member for Mitchell is warned.

The Hon. J.W. WEATHERILL: Page 14 of the report details—you have to read past the executive summary, you see—and I quote:

> Extreme weather conditions resulted in five system faults on the SA transmission system, with three transmission lines ultimately lost to the power system.

These are the faults caused by the extreme weather, the storm that began a series of events which is now documented. In fact, the following pages, pages 15, 16, 17 and, most specifically, page 18, detail the faults on the transmission lines that resulted in the six voltage disturbances. I quote from page 18: 'Five transmission line—'

The Hon. A. Koutsantonis: You can't be this stupid.

The SPEAKER: The Treasurer has been called to order and warned twice.

The Hon. J.W. WEATHERILL: 'Five transmission line faults, resulting in six voltage disturbances on the network, led to the SA region Black System.' It is quite embarrassing for the Leader of the Opposition to be erecting this proposition that the extreme weather, the storm, did not cause the defects which then led to the cascading series of events which led to the blackout. No storm, no blackout—this is contained within the report. Such is the—

Mr Bell: You said a tower went over and the state went out.

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

The Hon. J.W. WEATHERILL: They are doubling down on this and I am glad they are, sir, because we are going to hang this around their neck. They are doubling down on the attack on renewable energy in this state. We stand by the renewable energy industry. We stand by it because it's the right thing to do for our state, our nation and our planet. It will create jobs and prosperity in the long term. In the long term, it will lead to a more secure, a cleaner and lower cost energy system for our state.

Mr Tarzia: You have been saying that for years. Where are the jobs? You can't even keep the power on.

The SPEAKER: The member for Hartley has been called to order and warned twice.

The Hon. J.W. WEATHERILL: I will finish on this point: when there is a choice between this Leader of the Opposition standing up for this state or the Liberal Party, he chooses the Liberal Party every time.

ARTS FESTIVALS

Ms WORTLEY (Torrens) (14:37): My question is to the Minister for Arts. How is Adelaide securing itself as Australia's festival city?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:37): I thank the member for Torrens and acknowledge her keen interest in our creative sector here in South Australia. South Australia prides itself on our wonderful festival culture, with a recent report showing that over 60 per cent of all Australia's festival tickets are sold here in South Australia.

We recently wrapped up the OzAsia Festival which, under the direction of Joseph Mitchell and the team at the Adelaide Festival Centre, has gone from strength to strength. This year saw the introduction of the Good Fortune Markets, the brainchild of the Social Collective, the team behind the Royal Croquet Club and the Alpine Winter Village. Stuart Duckworth and Tom Skipper created an excellent atmosphere at Elder Park and, while the wild weather meant some of the events had to be cancelled, they are to be congratulated on yet another successful festival venue.

This weekend will see the opening of the Feast Festival, complete with the launch of their new venue on Hyde Street. This is Feast's 20th festival and will kick off with Dannii Minogue on Saturday night, followed by two weeks of arts activities and events. As we come to the—

Members interjecting:

The Hon. J.J. SNELLING: Am I going? I don't know—

Mr Pisoni: I have never seen you there. I have never seen you at a Feast event.

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

The Hon. J.J. SNELLING: My office is a feast festival 365 days of the year, as everyone knows.

The Hon. J.R. Rau: I think the member for Unley is on a float.

The Hon. J.J. SNELLING: Yes, that's right. As we come to the end of 2016, the attention turns to next year, when we will see the return of the Adelaide Fringe and the Adelaide Festival of Arts. Today, the Fringe launched their 2017 poster and it suddenly makes sense why Heather Croall's hair has now turned a tinge of green, with this year's mascot being a green—I am told magical—unicorn. The Fringe artist registrations closed last week, and I understand that they have again

exceeded expectations, with a record number of artists registered. The Fringe has also launched its new ticketing system, creating local jobs, and 40 shows are now on sale ahead of the program launch on 2 December.

Finally, the jewel in our Adelaide crown, the Adelaide Festival of Arts will launch its full program next Thursday. I have had a sneak peek, and I can assure the house that they will be blown away when they see what Rachel Healy and Neil Armfield have in store.

The Hon. L.W.K. Bignell: The Fringe is going to Mount Gambier.

The Hon. J.J. SNELLING: The Fringe is also going to Mount Gambier, as the minister for primary industries points out. Their major event, *Saul*, is, I am told, already close to selling out, with interstate and overseas ticket sales tracking above their expectations. As announced last week, the Festival has also secured the support of a private overseas philanthropist who is making a donation of $150,000. I was pleased to meet with the generous donor and add my support to the Festival while I was in Edinburgh in August.

This support shows the respect that the Adelaide Festival has on an international level and it is a huge coup for everyone involved. We will be on show to the world when Festivals Adelaide hosts delegates from the International Festivals City Network next March, and I know that with the Fringe, the Festival, Writers' Week and WOMAD they will certainly see what makes Adelaide the best festival city in Australia.

POWER OUTAGES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): My question is to the Premier. Does the statement made by the world's biggest mining company, that copper production at Olympic Dam was cut because of the statewide blackout, damage South Australia's reputation as a place to invest and do business?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:41): No, it doesn't. I have to say that the idea of the natural disaster that caused the separation and the system black being responsible for South Australia being a worse place to invest because of a storm is ridiculous. It is no more ridiculous than saying that it's not safe to invest in South Australia after Ash Wednesday. It is no more ridiculous than saying it's not safe to farm after Pinery. These are ridiculous assertions.

They desire to try to talk down the South Australian economy, they desire to try to talk down South Australia—and why? It is because the opposition is committed to one thing and one thing only: they want to create a climate where everyone thinks that South Australia is unfit to invest in. That suits their narrative. Well, the people of this state have something to say about that. The people of this state won't have the Leader of the Opposition actually saying that this state is not worth investing in.

Yesterday, during a debate a senior member of the opposition said that if he were an investor he would not invest in South Australia. What a disgraceful statement by members opposite. We put South Australia first and our party second. The idea that, as part of a national electricity market, there is one state that suffers from a storm, that somehow that doesn't reflect on the entire national operation of the NEM, only reflects on a government that doesn't own or operate its assets is ridiculous. It is absolutely ridiculous. If the Leader of the Opposition's argument is taken to its full extent who he is really criticising is Prime Minister Turnbull, Premier Baird, Premier Palaszczuk.

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, who controls the National Electricity Market? Who sets the regulations? Who puts the safety mechanisms in place? This is a national electricity market. I have to say that the idea that a storm and its subsequent impacts on the South Australian electricity market on that day, by ripping out infrastructure, is reflective of a worsening condition to invest in South Australia is simply unpatriotic.

DOMESTIC VIOLENCE

Ms HILDYARD (Reynell) (14:44): My question is to the Minister for the Status of Women. How is the government supporting women affected by domestic violence?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:44): I pass on my thanks to the member for Reynell for this important question. I am pleased to inform the house about the Women's Education Program funded by the Office for Women and delivered through a collaboration between the Central and Limestone Coast Domestic Violence Services and TAFE SA.

I want to thank our specialist services for their involvement in this program. It was personalised to support those affected by domestic violence to achieve their learning and personal development goals. Preventing domestic and family violence requires forward thinking and sustained effort to achieve positive social change. We know that women in abusive relationships, particularly those with children, struggle to maintain control as their partner undermines their capacity to make decisions. Fear and reliance on the abusive partner complicates a woman's decision to leave an abusive relationship.

With this in mind, the Women's Education Program was personalised to support the women to heal, improve their confidence and strive for excellence. The Women's Education Program won the Adult Learning Program of the Year as part of the 2016 Adult Learners Week. I have previously spoken in this house about the effects of domestic violence. We remain committed to ending this cycle of abuse and its effects on children and young people.

Seventeen women participated in the Women's Education Program, and I am pleased to advise that all graduates have either enrolled in further study or are pursuing further study, including two women who are currently exploring pathways to tertiary education. The women completed their studies in a confidential learning environment with support from a TAFE SA lecturer and a domestic violence caseworker. This program was successful in improving the participants' communication skills, financial literacy and time management. Equally as important are the flow-on benefits of this program, because improving women's access to education and employment is a win for their children, their families and a win for South Australia.

I congratulate all graduates and commend them for taking control of their futures. Our government understands that addressing violence against women, and indeed gender inequality requires much more than one-off sporadic initiatives. That is why we have committed to continue our efforts to involve women's economic status through our blueprint, Investing in Women's Futures. Ending violence against women remains a true focus for this government, and I am pleased to advise the house that next week our Premier will lead a South Australian delegation to the COAG summit against domestic violence.

POWER OUTAGES

Mr TRELOAR (Flinders) (14:47): My question is to the Minister for Mineral Resources and Energy. Can the minister explain to the house why the people on Lower Eyre Peninsula endured a much longer blackout than most of the rest of the state despite Port Lincoln having a generator, owned by Synergen and contracted to ElectraNet, which is designed to provide backup power in the event of blackout?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:47): That is an excellent question by a local member concerned about his community, and I applaud him for asking that question because it does need to be understood. I understand there was a fault. The report doesn't go into the details of what that fault was, but I would certainly like to get to the bottom of it, and I think the owners of that generator have a lot of explaining to do to the people of Lower Eyre Peninsula.

Mr Marshall: Have you sought an explanation?

The Hon. A. KOUTSANTONIS: Yes, I have. I met with the chief executive of the company that owns the generators and I had a long discussion with him and his team about what's occurring. They are in the middle of an investigation and obviously will be making that available. I am happy to offer a private briefing—a preliminary briefing—to the member about what occurred. Given that there's a lot of technical details about what this is, until they get to the bottom of it—I think it will have some serious repercussions for that company.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I think the childish interjections of the Leader of the Opposition while I am trying to give an explanation to a very good and decent question just show the level of maturity of the Leader of the Opposition. The member for Flinders is worried about the city of Port Lincoln and Lower Eyre Peninsula, and he asked a decent and good question and I am trying to answer it for him. I have to say that the childish interjections by the Leader of the Opposition go to the quality of his character.

Mr PISONI: Point of order, sir: the minister is imputing improper motives.

The SPEAKER: No, he is not imputing improper motives, he is just insulting the Leader of the Opposition.

Mr Gardner: It is a personal reflection; it is the same standing order.

The SPEAKER: It is a personal reflection rather than imputing—

Mr PISONI: I ask that he withdraw and apologise.

The SPEAKER: No, the leader has to do that. The leader has to say he is offended and hurt.

Mr MARSHALL: Certainly, sir, I am offended by those statements and I ask the Treasurer to withdraw and apologise.

The Hon. A. KOUTSANTONIS: Sir, if I have upset the gentle and fragile nature of the leader, I apologise.

The SPEAKER: No, just a withdrawal would be good.

The Hon. A. KOUTSANTONIS: I withdraw, sir.

The SPEAKER: Good, yes, that's sufficient, thanks. A withdrawal will be sufficient, thanks.

The Hon. A. KOUTSANTONIS: Thank you very much, sir. I do, I withdraw.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: They are, Mr Speaker. When the final investigation is conducted, obviously there will be consequences for the people who offer the generation. I have to say again that attempting to answer a very good question with the constant interjections about the way we run a privately-owned electricity system that members opposite privatised is a bit rich. It's just a bit rich.

I have to say that the people of Port Lincoln should not have experienced the blackouts for the period of the time that they did, and the private operators who own that generator and the private operators who own the distribution network who get power to Port Lincoln from other sources when that generator is not on will have to explain to the independent regulator what occurred. When they are able to finalise that investigation and make it publicly available, we will have more to say about it, but, again, it goes to the root cause of the problem, which is that the people of Port Lincoln were left to rely on private operators and generators and the guilty party here are the members opposite.

Ms CHAPMAN: Supplementary?

The SPEAKER: The member for Kaurna.

TOBACCO CONTROL STRATEGY

Mr PICTON (Kaurna) (14:51): My question is to the Minister for Mental Health and Substance Abuse. How has the Tobacco Control Strategy affected smoking rates in South Australia?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:51): I thank the member for Kaurna for his interest in this area. He has a long-term interest and has advocated strongly to ensure that we minimise the uptake and harms of tobacco use in this space for many years. Members in this place may recall that I recently launched the latest iteration of the SA Tobacco Control Strategy 2017-2020. This strategy has a key target to

reduce adult smoking rates to 8 per cent by 2020. The target comes from recent data that shows there is positive progress being made in our tobacco control policies.

Our latest strategy saw declines of smoking rates in key areas, including smoking rates among South Australians, declining from 20.5 per cent in 2010 to 15.7 per cent in 2015. Smoking rates have also declined among young people, which is an important area. In the ages of 15 to 29, it has gone from 22.9 per cent in 2010 to 16.9 per cent in 2015. Smoking rates amongst people with mental illness have also declined, from 34.5 per cent in 2010 to 26 per cent in 2015.

These impressive results are the result of changes being implemented through evidence-driven policies and targeted campaigns. These include the removal of all tobacco products displayed from retail outlets; increasing smoke-free outdoor areas, such as covered transport stops and children's playgrounds; and delivering culturally appropriate smoking cessation campaigns and services for Aboriginal people.

I would like to acknowledge the work of all the people working in this space and in this sector, which is an incredibly hard area to work in, such as SA Health, Drug and Alcohol Services South Australia, NGO workers, the Cancer Council, the Heart Foundation, the AMA, and the South Australian Health and Medical Research Institute. A diverse range of stakeholders in our community are working very hard to ensure that we continue our good work in reducing tobacco use and tobacco harm in our state.

While good progress has been made, we must continue our positive forward momentum. Premier Weatherill and the state Labor government believe in minimising the harms of tobacco use in our community.

The SPEAKER: The minister won't refer to any member by his or her surname.

The Hon. L.A. VLAHOS: Thank you, Mr Speaker. The latest data shows our strategies have been working, and I look forward to building upon this progress and achieving our strategies.

FLINDERS FERTILITY

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): My question is to the Minister for Health. Does the minister stand by his comment that Flinders Fertility is a private facility?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:54): Yes, I do. It is private. It is true that the government has shares but we don't in any way control or exercise any control over that particular company. Yes, we do have shares; that is just part of the history of the formation of that particular company. I think we have one person who sits on the board, but other than that it is for all intents and purposes a private company.

Ms CHAPMAN: Supplementary?

The SPEAKER: The member for Napier.

SAFEWORK SA

Mr GEE (Napier) (14:55): My question is to the Minister for Industrial Relations. How is the government helping business to understand and meet their occupational work, health and safety responsibilities?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:55): I thank the member for his question. I know he has a longstanding interest in the welfare of people in the workplace, and it is a very important topic that he raises. Some years ago the government embarked upon a process of consultation to see whether we could improve a system that was then referred to as WorkCover. We undertook a series of conversations with people in the year 2013, I think initially.

Both the Premier and I were involved in these conversations at length. We spoke to people from the trade union movement, various employer groups, the self-insured group, and aside from having a multitude of concerns about the then WorkCover system—I believe all of which have

ultimately been addressed in the return-to-work legislation that has now been operating since 1 July last year—they also raised with us the question of the workplace safety organisation that operates in South Australia.

As you would appreciate, in the event of a person having an injury, ReturnToWorkSA is there to provide, in effect, insurance cover for the outgoings associated with that injury which could include loss of wages, medical bills or whatever the case might be, but aside from a risk management function which ReturnToWorkSA does have, ReturnToWorkSA is not a workplace education unit and it is not a workplace policeman. Those functions have traditionally sat with what is called SafeWork SA.

SafeWork SA came in for quite a bit of criticism during the course of the negotiations that I have just been speaking of because both people on the employer and the employee side of the ledger told us that they felt as if they were not comfortable inviting people from SafeWork SA into the workplace because if they did that, the person they invited in ostensibly as somebody who was to be there to help might immediately transform into somebody who was there to issue a summons on them.

So we came to the view that there was a prevailing culture out there which was, 'Don't engage with SafeWork SA because if you do, it might ultimately be to your disadvantage,' and that is from the employer's perspective. I have to say from the worker's perspective, there were concerns about whether or not the advice that was being received was sufficiently particular and pertinent to the industries in which these people were working. So, we set about trying to improve this system, and I have to say I believe what has been achieved has been so far very encouraging.

As from 1 July this year, we now have within SafeWork SA two completely distinct units. We have an educational arm of SafeWork SA and we have a prosecutorial arm of SafeWork SA. They have ceased to be mixed up. The object of this exercise was to make it clear to employers that you can invite someone from SafeWork SA to come into your establishment and give you advice as to how you can make your workplace safer, and thereby hopefully avoid injuries in the first place. You can actually have these people in there without fear that by doing so you are letting the wolf into the chicken coop.

The Hon. J.W. Weatherill: Or the fox, even.

The Hon. J.R. RAU: Or even the fox, and so we have a separation of what you might call the black hats and the white hats. They are separated.

The SPEAKER: Time is up, I'm afraid.

The Hon. J.R. RAU: I've got more.

The SPEAKER: I had a feeling that the minister's preamble was too long. Deputy leader.

RETURNTOWORKSA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:59): My question is to the Minister for Industrial Relations. Why was the position of the Chief Executive Officer of ReturnToWorkSA not publicly advertised, given the minister's statement at estimates this year:

It has been my policy to try to do a public call on all of these statutory-type positions, and that is even in cases where I am not dissatisfied…I have often advertised not because I am telling them—

The Hon. J.M. RANKINE: Point of order, sir: the deputy leader doesn't have leave to make an explanation.

Ms Chapman: I'm not; I'm quoting him.

The Hon. J.M. RANKINE: You don't have leave to include facts in your—

The SPEAKER: The member for Wright will be seated. The deputy leader didn't seek leave to make an explanation, so she should just ask a question and, as far as I know, the question has been asked.

The Hon. L.W.K. Bignell interjecting:

The Hon. J.R. RAU: Yes, am I able to finish off with the punchline to the last answer?

The SPEAKER: No.

The Hon. J.R. RAU: Fair enough. Anyway, there have been phenomenal improvements in performance, for those of you who are hanging out for it. It's been great.

The SPEAKER: The CEO.

The Hon. J.R. RAU: Yes, the CEO. What has happened with the CEO's position is this: ReturnToWorkSA is a statutory corporation which is governed by an independent board. The independent board is chaired by Ms Jane Yuile, who is doing an excellent job, and I congratulate her and her board on the great work they have done in bedding down the new return-to-work scheme.

I must say that they have been doing this in the context of some quite volatile financial markets, particularly of recent times, where it got to the point where the discount rate, which I know my friend the Treasurer understands more than I do—apparently, if the discount rate goes down the value of your portfolio goes down, or maybe if it goes up. Whatever it is, there has been a lot of movement, and that has been a challenge.

Ms Sanderson interjecting:

Mr Knoll: John, what is the discount rate?

The Hon. J.R. RAU: I'm not a banker.

The SPEAKER: The member for Adelaide is warned.

Mr Marshall: You are not a what?

The Hon. J.R. RAU: I said banker.

Members interjecting:

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

Mr Knoll interjecting:

The SPEAKER: The member for Schubert may leave for the remainder of question time under the sessional order.

The honourable member for Schubert having withdrawn from the chamber:

The Hon. J.R. RAU: What a shame. He's going to miss what I was about to say. Anyway, what happened is that they have been doing a tremendous job. Mr McCarthy, who has really done an extraordinarily good job—and I have to say to the Minister for Health, who I think was instrumental in his original appointment, that he made an excellent choice because Mr McCarthy has proven to be an excellent person. One of the things Mr McCarthy has proven to be excellent at is assembling around him an excellent team of executives.

Ms CHAPMAN: Point of order: we have had two minutes of preamble. I raised the question, and the question was very simple.

Ms Bedford interjecting:

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

Ms CHAPMAN: It was about the current CEO—

Ms Digance interjecting:

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

Ms CHAPMAN: —as to why the current CEO's position was not advertised, not the preceding one.

The SPEAKER: With 90 seconds left on the clock, could the minister approach the substance of the question.

The Hon. J.R. RAU: Not even vexatious posturing will stop me answering this question.

The SPEAKER: By the Speaker or the deputy leader?

The Hon. J.R. RAU: The deputy leader, of course, Mr Speaker. As I said, he has assembled around him a galaxy of star chief executives, an executive team, one of whom has obviously made such an impression on the board that they felt the best way to secure the ongoing improvement that was set in train by Mr McCarthy was to pick somebody whom they knew, they had worked with for some time, and in whom they had full confidence.

I was advised by the chair of the board that that was the intention of the board. She did that as a matter of courtesy. She explained to me that, having regard to the period of time that the preferred candidate had been with them, they had had a good chance to have a good look at him and that was the choice they had made.

I have to say that the experience I have had working with the current board of the ReturnToWork corporation and with Mr McCarthy lead me to believe that I should have every confidence that the board is making a very, very wise decision, and for that reason, even though at the time of estimates I did not know what they were going to do because I had not had that—

The SPEAKER: The member for Little Para.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT

Mr ODENWALDER (Little Para) (15:05): Excellent, thank you, sir. My question is to the Minister for Education and Child Development. Can the minister advise the house about the education and care services available to South Australian families with young children?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:05): I thank the member for his question, and I am always delighted to talk about the services available for young children and, of course, for their families who are intimately involved in the quality of experience that young people have. If we do not support families, we do not support young children.

Yesterday, I had the very great pleasure of attending a lecture given by Nigel Richardson, who is from Leeds, where they have done a tremendous amount of work to improve not just their child protection system but more generally the way in which young people's experience leads, from the full experience from their education and their health and also, of course, very much about their safety. What was interesting was that a good part of the talk he gave resonated very much with the role of our children centres, which, of course, were the initiative of one of my predecessors in this role who is now the Premier.

The idea of these children's centres is that you not only provide services that support the children themselves but also you are able to provide in a non-threatening way very much needed services for the parents of those children in a way that is not about intervening from a child protection statutory perspective but is about ensuring that parenting is improved and of the highest quality possible. The capacity in these children's centres to integrate with allied health services as well as with social workers as necessary and, of course, primarily with educators is a tremendous effort which is absolutely crucial in our response to supporting young children and their families.

As we deal with the reality of our child protection system, we have understood in recent times—having to deal with so many children in South Australia—that by the age of 10 we know that nearly a quarter of all 10 year olds have had at least one notification into our system and that 19 per cent of all 10 year olds have had a notification that has been screened in, yet we only have in the out-of-home-care system 1.8 per cent of our children. Between those two statistics lies an enormous amount of support and help that needs to be given to families to stay strong and to be the kind of supportive and loving and nurturing families that children deserve.

In South Australia, we have had a very long tradition of supporting early childhood development, and particularly early education. We have the visionary Lillian de Lissa and also Lady Gowrie, both of whom have lent their names to various centres to this day. But it is in recent times, through the work of this government in establishing these children's centres and establishing a focus on the importance of the development in the early years, that we have really seen an acceleration in the quality of what is being offered.

Of course, Professor Mustard has given advice, and Carla Rinaldi again has been in Adelaide very recently and met with the Premier, whom I know she cherishes as one of the most visionary leaders in early childhood in the world. She has worked closely with the method of engaging with children at a young age in order to ensure that through play, through enjoying being a child, children are able to develop the skills and the capabilities that will serve them in the long term.

So, we have done much, but we have more to do, and we will be working very hard not only on the child protection, the statutory end of our system, but also on supporting kids from birth and their families.

JETTY REPAIRS

Mr WHETSTONE (Chaffey) (15:09): My question is to the Minister for Transport and Infrastructure. Was the $3.5 million of funding committed to repair jetties across the state, damaged by recent storms, allocated from the boating facilities levy fund?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:09): The allocation of the funds was made to the councils in immediate response to the damage. Certainly, no decision has been made to take it from the boating facilities fund, so we will be looking to fund that elsewhere, rather than from that fund.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (15:10): My question is to the Minister for Health. Can the minister tell the house what were the 10 high rated risks identified by the independent project management officer with respect to the transfer of services from Modbury Hospital to the Lyell McEwin Hospital, and has the minister had subsequent advice as to whether these high rated risks have been adequately addressed?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:10): All the risks that the Auditor-General is referring to are financial risks. Principally, he is talking about the ability of the department to deliver savings. I haven't been briefed on that particular section of the Auditor-General's Report, but I imagine that is what he is referring to.

I know that he makes general comments about risks to the project, but it is very important to point out that he is not referring to clinical risks. He is talking purely of the ability to extract savings as we go through the Transforming Health process. It is very important to point out, and I have consistently said every time I have been asked about it, that the first priority with Transforming Health is to get better clinical outcomes for patients.

Mr Pisoni interjecting:

The Hon. J.J. SNELLING: It is working very well—working very, very well. I am glad the member for Unley asked me because, in fact, I can go into quite a bit of detail about what things have been achieved through Transforming Health.

Since we started Transforming Health, we have seen a reduction in the average length of stay in our metropolitan hospitals, which means that South Australian patients are spending seven hours less in our hospitals this year when compared with last year. It is an average seven-hour reduction in the length of time our patients are having to spend in hospital because of Transforming Health. Patients are being treated more quickly in our emergency departments, spending, on average, around 22 minutes less in our metropolitan emergency departments this year.

Mr GARDNER: Point of order: the minister is no longer referring to the 10 risks identified in the Auditor-General's Report, which is what the question was about.

The SPEAKER: I uphold the point of order. Member for Morphett.

LYELL MCEWIN HOSPITAL

Dr McFETRIDGE (Morphett) (15:12): My question again is to the Minister for Health. What has SA Health done to address delays in radiology support at the Lyell McEwin Hospital, given the Workplace Safety report which identifies that a car accident emergency patient at Lyell McEwin had

their treatment delayed for over three hours because of problems in communicating with the England-based private radiology service?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:12): We have had difficulty recruiting additional radiologists to the Lyell McEwin Hospital. Given that we have had no difficulty recruiting to central Adelaide and the Royal Adelaide Hospital—we have had plenty of applicant radiologists to the Royal Adelaide Hospital—it does make you wonder why it would be difficult to recruit to the Lyell McEwin Hospital.

What we have done is gone out to the private sector through, I think, an expression of interest process to find whether there are private radiology providers who are able to supplement our government-salaried radiologists at the Lyell McEwin Hospital to overcome this issue. It is a very grave issue, with the enormous increase in presentations we have had at the Lyell McEwin Hospital and the increase in complete complexity of those presentations at the Lyell McEwin Hospital. Having a properly resourced radiology department and medical imaging at the Lyell McEwin Hospital is incredibly important.

I do note that the member for Morphett refers to a report done by SASMOA, by the doctors' union. I point out that, at almost every step of the way that we have tried to increase resourcing to the Lyell McEwin Hospital SASMOA have used everything they have in their industrial arsenal to prevent us and to frustrate these changes. I think the doctors' union might have a little bit more credibility with regard to issues at the Lyell McEwin Hospital if they took a far more cooperative approach in terms of bringing out additional resources up there, rather than running a pretty, I think, narrow and short-sighted industrial approach.

Mr GARDNER: Point of order: the minister has stopped answering the question and is now just attacking doctors.

The Hon. J.M. Rankine: He is not.

The SPEAKER: No, the member for Wright is warned for the second and final time and is at grave risk of being suspended for the rest of question time. The Minister for Health is finished.

Grievance Debate

CHAMBER MUSIC ADELAIDE

Mr GARDNER (Morialta) (15:15): It gives me pleasure to identify that Chamber Music Adelaide conducted an exercise on the weekend that I want to bring to the house's attention. I want to commend Chamber Music Adelaide for this exercise because I thought it was a very solid endeavour. It was called On the Terrace. Chamber musicians of different natures were engaged to perform at our three sandstone institutions that sit next to each other on North Terrace: the State Library of South Australia, the Art Gallery of South Australia and the South Australian Museum.

We had the opportunity, as did significant numbers of the South Australian community, to go along and enjoy chamber music in those very special environments. It is the sort of thing that I think would do us all good to see more of. I commend also those three institutions—the Museum, the Library and the Art Gallery—for allowing their spaces to be used in this way. While I was there, appreciating about five of the performances, the thing that struck me was that not only were there significant numbers of people who had gone to those institutions to appreciate the music that was on offer but there were also significant numbers of people who were at the institutions anyway, who seemed to be taking significant pleasure in the opportunity to see the performances.

You never like to single out one performer when there is a number who are particularly good, but one that really struck me performed in the Art Gallery, in a room where a significant number of Australiana and South Australiana paintings were displayed. The musicians engaged included a flautist and a classical guitarist, who played a number of pieces that were contemporaneous—

Members interjecting:

The SPEAKER Order! Due respect should be shown to the member for Morialta, and the three groups nattering around the gangway should go elsewhere. Member for Morialta.

Mr GARDNER: Thank you, sir. The music selected was contemporaneous with when Matthew Flinders was exploring South Australia. The musicians identified that some of the music was known to be popular with Matthew Flinders himself, who was a flautist and may have played. There were also works by a South Australian composer that were recovered and rearranged for the occasion. I commend all of the artists and companies involved.

At the State Library, the Kegelstatt Ensemble, with Steph Wake-Dyster on the clarinet, Kim Worley on the cello, and Leigh Harrold on the piano, performed an exceptional piece, *Fantasy Trio* by Robert Muczynski, which I had not heard before and which was tremendous. There was a significant number of people in the State Library when I walked in, because they were multiple performances on the day, who were clearly appreciating the music while they were in the library for other reasons, so I do not see why we cannot do this more often. Also, Russian pianist Konstantin Shamray presented works by Scarlatti, Schnittke and Tchaikovsky, which were terrific.

At the South Australian Museum, there were several performers from the Recitals Australia group—Aiden Sullivan, Lili Horner and Joseph Freer—who were particularly well appreciated. That was the one performance I did not get to go to, unfortunately. However, it was great to see John Aue on the double bass and Derek Pascoe on the saxophone supporting a terrific young guitarist from the Centre for Aboriginal Studies in Music at Adelaide University, who stepped in at the last minute to replace the advertised performer.

He sang some terrific songs and did a terrific job, appropriately right outside the Aboriginal exhibition at the South Australian Museum. What I thought was notable in that particular performance was the number of people (who were taking their kids to the Museum and were looking at either the stuffed animals or the Aboriginal collection) who then stopped on their way out for 20 minutes to listen to some of the music.

At the Art Gallery, I mentioned Tim Nott and Geoffrey Morris from Ensemble Galante and their really strong works, including Schubert, Pleyel and South Australian composer Carl Linger. I want to particularly congratulate the a cappella vocal trio of Bethany Hill, Sarah Jane Pattichis and Courtney Turner from Various People Inc. They are three sopranos who did a terrific job and really made the Melrose Wing of the gallery come alive with music. I commend Chamber Music Adelaide for their work and I hope we will see a lot more of it in the future.

LAW SOCIETY MOCK TRIAL COMPETITION

Ms BEDFORD (Florey) (15:20): Today, I want to bring the house's attention the Mock Trial Competition which is run annually by the Law Society. At the outset, I would like to acknowledge the work of the mock trial committee who oversee all aspects of the competition every year. I thank them on behalf of everyone who participates. Introduced in 1988, the competition had 36 teams from 32 schools across the state in its inaugural year. The aim is:

> … to bring the legal profession into closer communication with teachers and students in Secondary Schools to remove some of the mystique surrounding the law and the legal profession, and to give students a better understanding of how the South Australian Legal System operates.

The teams compete in a round robin competition for three rounds, with the top four teams moving into a semifinal and the winners of each going into the grand final. Each team consists of up to seven students from years 10, 11 and 12. Both state and independent schools are invited to participate and, while dominated by the private schools, Aberfoyle Park, Unley and Marryatville high schools have won in past years.

Participating schools are sent prosecution, plaintiff or defence cases and given two weeks to prepare. They then play each other in front of a Law Society member who volunteers to judge the case. The participants are two barristers, two solicitors and two witnesses per team, plus a court official, and they are scored on their performances and the most points wins; that is, a maximum of five points might be gained for a barrister's cross-examination of the opponent's witness.

The top four teams, on a win-loss ratio and points margins, get to play in the finals. This year, Glenunga International High School was one of the top four and played Pembroke in a semifinal. After winning there, Glenunga went on to the grand final against St Peter's College and managed to

win under the different rules that operate in a grand final, which sees no scoring and a Supreme Court judge deciding the outcome.

The winning Glenunga team consisted of barristers Claire Muecke and Tian Ball and solicitors Natalie Jong and Lucinda Kalisch. Witnesses were Sofija Smiljanic and Mollie Verstegen, with Amila Dedovic as the judge's clerk. It was an all-female team, if I am not mistaken, but it was ably assisted by Zac Carter acting as an additional team member during the year. I must declare a conflict of interest, as I have known Tian Ball almost all her life and so share with her parents, Sue and Chris, in congratulating her on her fine achievement.

I have been advised that no public school has won the competition for 15 years and it really does show there are no boundaries to what our kids can do. As for Tian, she had a difficult task trying to call their second barrister to account in his cross-examination of Mollie Verstegen, which went for an interminable 40 minutes. One of the observers told me that, if he had been Tian, he would have just given up, but she kept objecting time after time to defend Mollie. She was just so determined, and her argument of objections all night was first class, as was her poise and presence. She certainly knew that she was up against the Saint's barrister who had won the best barrister award last year, but she just saw that as a challenge she had to overcome.

During the year, Glenunga defeated Norwood Morialta, Cabra Dominican College, Seymour College and narrowly beat Pembroke into the grand final. Saints had much closer results on their way to the finals, making the Glenunga win all the more commendable. Additionally, I believe Saints had an all-male team and, while I am loath to draw any conclusions, I think this year has been a fabulous result for girls and the public education system. Students learn many skills: not only the art of persuasive argument but also trial strategies, such as the art of examination-in-chief, cross-examination, arguing, objections, constructing opening and closing statements, and much more. Thorough preparation and teamwork are essential for success.

Glenunga International High School has been in the competition for the past five years. For the first three years, it was more about fun and everyone having a go at different roles, but last year's team decided to focus on being good at the various roles. They beat some of the big guns along the way to make the 2015 grand final, but they lost to Saints, who are the perennial finalists and have won four of the last eight grand finals. This year, Glenunga International High School was undefeated, which is a credit to the talent and hard work of this great team of students, their teachers, led by Mal Quorn-Smith and their families and supporters. It is another great win for public high schools.

DEMENTIA

Mr DULUK (Davenport) (15:24): Dementia remains one of the biggest global public health challenges facing this generation and, whilst dementia may affect us at any age, its prevalence certainly increases later in life, meaning that the rapid ageing of our population is leading to an equally rapid increase in the number of people with dementia. Dementia is already the second leading cause of death in Australia, and there is no cure.

More than 350,000 Australians have dementia, and this number is projected to reach more than half a million by 2030. Closer to home, 30,000 South Australians are living with dementia. It is expected that this number will increase by one-third, to 40,000 in less than 10 years. There are almost more than 100,000 South Australians involved in caring for a person with dementia.

Often people associate dementia with memory changes and fail to understand how it can affect behaviours, communication, relationships and the ability to undertake everyday tasks. Unfortunately, too many people living with dementia suffer social isolation and a sense of embarrassment. People with dementia are just that, people with dementia. An important element of a tolerant and welcoming society is how it treats its most vulnerable members. People with dementia deserve to live with meaning and purpose, and we all have a role to play in ensuring that they do.

In November, I am hosting a dementia-friendly community forum in my electorate in what I hope will be the first step in fostering an environment where local residents living with dementia can remain engaged within society and contribute in a meaningful and supported way. Alzheimer's Australia SA CEO Kathryn Quintel is the lead speaker, and I would like to thank her for her support. The concept of dementia-friendly communities is a simple one. It is about improving community understanding of those living with dementia and developing ways to promote social inclusion to

ensure that they continue to enjoy quality of life. I strongly encourage all members of parliament to have their offices support the dementia-friendly campaign.

The growth of dementia-friendly communities will provide enormous social and economic benefits, including savings to state and federal health budgets. Alzheimer's Australia estimates that the cost of dementia to the health and aged-care system is at least $4.9 billion per annum. Supporting people living with dementia to live more independently and actually within their communities will reduce dependency on the aged-care system and acute care, and, indeed, help alleviate some budgetary pressures.

Perhaps if the state government focused a little more on preventive initiatives and a little less on shiny new buildings—which at the moment sees our hospital network looking like Tetris—we might see some better outcomes in this matter as well. I would like to encourage all my colleagues to become a parliamentary dementia champion. I signed up last year and will again be co-hosting the dementia champions' morning tea with the member for Fisher on 2 November. I encourage all members available to attend.

It is inspiring to look at what communities around the globe are doing to make positive changes to assist people living with dementia. In the United Kingdom, dedicated dementia-friendly bank tellers have been set up, and this pilot has been a great success. Still in the UK, in Plymouth a local bus company has helped design special cards to go with tickets so that bus drivers know what stop a person with dementia needs to get off at, and in the Netherlands a dementia-focused living centre called De Hogeweyk (aka Dementia Village) is revolutionising the relationship between patients and their care.

From the outside, the dementia village appears like a closed community, with gates and security fences, but inside it is its own self-contained world with restaurants, cafes, a supermarket, gardens, a pedestrian boulevard and much more. The concept is simple: it is to create an environment that resembles normal life as much as possible for people suffering with dementia. This is so that residents can participate in life in the same way they did before they entered the dementia care unit. Basic routines and rituals such as visiting the hairdresser, buying groceries and eating out at restaurants can help residents maintain a better quality of life. The security perimeter means patients can move about as they wish without being a danger to themselves.

Initiatives such as these serve as a model for South Australia, but we must all lift our game. We should be at the forefront of innovative thinking and design, creating positive environments that facilitate wellbeing, not just for people with dementia but for all seniors.

HINDU SOCIETY OF SOUTH AUSTRALIA

Ms DIGANCE (Elder) (15:29): Today, I rise to speak about the Hindu Society of South Australia and the welcoming, inclusive Shri Ganesh Temple situated in Oaklands Park. On the website, it says:

> The Ganesha Temple is a unique jewel among the religious places in Adelaide - the beautiful multicultural city of churches.

I can verify that this is indeed true. It is a beautiful and glorious temple depicting the vibrantly colourful and rich gold religious architecture of India. Completed in 2001, it is a place of worship that serves the needs of over 20,000 of Hindu faith in South Australia—a population that I believe is steadily increasing. Hindus are from India, Fiji, Mauritius, Guyana, Trinidad, Malaysia, South Africa and Sri Lanka, and choosing to make Adelaide home. This temple and centre serve to satisfy the needs of this group.

Last Sunday, I was privileged to be part of the ceremony, along with minister Bettison and the Hon. Grace Portolesi, Chair of the South Australian Multicultural and Ethnic Affairs Commission, and a great crowd represented by all supporting and complementary organisations and other guests. We were treated to some beautifully performed Indian dancing of colour, finesse and true grace. South Australia is indeed fortunate to have the community of the Hindu Society of South Australia in our state, as they forge pathways of peace and inclusiveness with outstretched arms of welcome and generosity of both spirit and action. They are agile in vision and direction, eagerly seeking to provide solutions to connect and build community.

The laying of the foundation stone for this community cultural centre signified the beginning, the start of the next chapter in the life of this most valuable and valued community. The significance of the event sealed intent, offering focus upon which to fix attention to attain this goal—a dream. All present were witness to a project that goes to the heart of welcome, speaking loudly of selflessness, beckoning involvement and demonstrating embrace of all people and what each and every one brings.

This new centre, to be built on a site next door to the temple, will offer an accessible and affordable community cultural centre. The centre will be able to host up to 300 people in its main auditorium, complete with a performance stage, greenrooms, sound and lighting systems, an office, a kitchen, library, dining area, and toilets. The Hindu Society seeks to fill the following objectives with this project, being provision of an affordable multipurpose venue for community members to gather and engage in various cultural and social activities.

The community cultural centre will also provide creative arts like music, dance, drama and visual arts exhibitions; be a place for training and learning; a venue for sharing business ideas and entrepreneurship; facilitate all-age-friendly physical and mental fitness activities like yoga and meditation; and promote and foster interage and intercultural learning, sharing and harmony. I know this is the Hindu Society of South Australia's dream project and the final addition to complete the Hindu Society complex.

I congratulate and applaud the activity by this particular group, and we should also celebrate their history. They have come so far from humble beginnings in 1985 when they purchased an old church building that, with love, persistence, and of course their financing, they have turned into a vibrant destination of an all-encompassing and welcoming temple. This temple is actually heritage listed and it is absolutely beautiful. If you have not seen it, I suggest that you take the time to go and have a look. They do have a community hall, but this community hall is growing smaller and smaller by the minute, as we saw on Sunday. The new community cultural centre is very much needed.

This present complex is being visited by thousands of local Hindu community members, and non-Hindus including schoolchildren on tours looking for a cultural experience. As I have said, all this was made possible by the financial contributions of members of this society. This final project will need some infrastructure funds from the state government. In closing, I thank and congratulate the Hindu Society of South Australia for their vision, foresight and generosity invested in this exciting project. I support their endeavours and wish them well on their journey as we share in the dream of strong and connected communities.

KAVEL ELECTORATE

Mr GOLDSWORTHY (Kavel) (15:34): I am pleased to speak in the house this afternoon to update members on a number of important developments and issues in the electorate of Kavel. The first issue I would like to talk about is the recent official formal opening of the Bald Hills Road interchange that occurred the best part of a couple of months ago. The Minister for Road Safety, the Hon. Peter Malinauskas, and the federal Senator, the Hon. Simon Birmingham, performed the official functions at the opening of the interchange.

I can say that it has been of immediate benefit to the district. With traffic volumes at the Adelaide Road freeway interchange—the only interchange in existence that had traffic moving in and out of Mount Barker—the impact was felt immediately, with the volume of traffic at the Adelaide Road interchange dropping away. It has obviously been of benefit to the residents of the township of Nairne because previously they had to enter the freeway, funnel down through Littlehampton and then onto the Adelaide Road interchange. Now they have to drive only two or three kilometres to enter the Bald Hills Road interchange to move onto the freeway to travel in either direction, west to the city or east out towards Murray Bridge and farther afield.

I want to take this opportunity to congratulate the previous federal government and also the previous member for Mayo, Jamie Briggs, on his determination and commitment to see that the previous federal government committed $16 million to that project. In total, it was a $27 million project, but the federal government committed $16 million. It was good and it was necessary that the state government contributed $8 million and that the local council, the Mount Barker council, contributed $3 million.

All in all, it is an outstanding improvement to the district and something I have lobbied for from pretty much the first day I was elected to this place. I am really proud that I can say that the state Liberal Party has supported me in my endeavours to see that project to fruition and construction. That support was provided at the 2006 election by the Liberal Party, with it being part of their transport policy in terms of supporting the project, and in again 2010 and 2014 when they committed funding to the project.

It is up and running. It is great for the areas within the Mount Barker township as well, not just for the Nairne and Littlehampton townships but for the areas in Mount Barker that we call Dalmeny Park, Waterford Estate and Martindale Estate, and also the industrial area around Oborn Road and Secker Road that run off Alexandrina Road because there are some heavy transports that come off the freeway and make their way into the industrial area of Mount Barker. Before, they had to funnel their way down Adelaide Road, through a series of roundabouts and traffic lights and so on, and it was an impediment to those businesses, but the Bald Hills Road interchange has been a boost to the profitability and efficiency of those businesses.

I want also to raise quickly in the time remaining the intersection in Nairne, the Woodside Road and the old Princes Highway intersection. I have spoken about it previously, but I will continue my remarks at a later date on that matter.

WHYALLA STEELWORKS

Mr HUGHES (Giles) (15:39): I want to acknowledge the sheer effort put in by the workforce of the Whyalla Steelworks and at Olympic Dam following the power outage on 28 September 2016. In very difficult circumstances, the work performed helped ensure both safety and the avoidance of what could have been far more significant damage to plant and equipment and associated costs. I contrast that conscientious effort on the part of both workforces to the incredibly irresponsible and lazy commentary immediately following the initial storm event that took out three of the four 275 kV transmission lines from Davenport.

The three major transmission lines were taken out over a 43-second period. Without bothering to wait for a detailed analysis of the initial event and the set of cascading events that led to the outage, the usual suspects came out and either directly blamed renewables or attempted to conflate renewables and the outage. Imagine if the police acted the way these people did: turning up at a crime scene, choosing not to investigate and just jumping to a conclusion that suited whatever preconceived notions they had. Fortunately, our police do not act like that, but much of the commentary about our electricity system—a complex system, I would add—follows that script.

The Australian Energy Market Operator has published the preliminary report concerning the events that occurred on 28 September. The preliminary report outlines the events on that day but has held off on a deeper analysis pending the completion of a more detailed study which has been released today. It will be one of a number of studies carried out by a variety of organisations, and those studies will help throw light on the initial storm event and what followed. Those studies will cast far more light than the commentary from the anti-renewables brigade.

There are challenges in transitioning to a far greater proportion of clean energy in our electricity market, and those challenges will be met. The Paris agreement, allied to the massive drop in the cost of clean technology, will continue to displace fossil fuel sources of energy and will inevitably lead to major reform of the National Electricity Market, a market with a regulatory framework that is a creature of the 20th century with its hub-and-spoke, highly centralised form of energy production and distribution.

Our future energy system will be different, with a far greater emphasis on distributed energy, storage, the growth of microgrids and a far greater emphasis on demand management. Over the last five years, the cost of solar has reduced by 80 per cent, with wind by 60 per cent. Cost falls are expected to continue, especially for solar, and will be joined in the coming years by falls in the cost of various storage technologies, including batteries.

There have also been cost falls for solar thermal and in the cogeneration of power from industrial processes. Modern, efficient cogeneration is clearly a very practical and cost-effective option for the Whyalla Steelworks, an option that would enable the steelworks to meet its own need

for electricity while potentially providing capacity to export to the grid. In addition to the falling cost of renewables and storage equipment, there has been a major reduction in the cost of capital for clean technologies which significantly benefits renewables compared to fossil fuel sources of energy which have much higher recurrent costs.

As an indicator of where prices are going, the tender for utility-scale solar in Abu Dhabi came in at US42¢ per kilowatt hour and US2.91¢ per kilowatt hour in Chile. Prices are nowhere near that level in Australia but there will be an inevitable big fall in costs and the price of electricity over time. We all want to see affordable and reliable electricity, and most of us want to see clean electricity. Unfortunately, there are some who still prefer dirty electricity.

South Australia is incredibly well placed to benefit from the ongoing fall in renewable costs, which will ultimately lead to lower prices in South Australia. We live in one of the few places in the world that possesses both world-class wind and solar resources, and Eyre Peninsula, the Upper Spencer Gulf and Far North of the state will become a clean energy powerhouse.

Bills

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL

Final Stages

The Legislative Council has agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly.

No. 1. Long Title—Delete 'and the Youth Advisory Committee'

No. 2. New clause, page 5, after line 25—Insert:

3A—Meaning of rights, development and wellbeing

(1) For the purposes of this Act, a reference to the *rights* of children and young people will be taken to include a reference to rights recognised in accordance with statutory and common law, rights set out from time to time in the *United Nations Convention on the Rights of the Child* and rights set out in any other relevant international human rights instruments.

(2) For the purposes of this Act, a reference to the *development* of children and young people will be taken to include a reference to the physical, social, emotional and intellectual growth of each individual from birth through to adulthood.

(3) For the purposes of this Act, a reference to the *wellbeing* of children and young people will be taken to include a reference to—

(a) the care, development, education, physical and mental health and safety of each individual from birth through to adulthood; and

(b) the cultural welfare and wellbeing of children and young people.

3B—State authorities to seek to give effect to *United Nations Convention on the Rights of the Child* etc

Each State authority must, in carrying out its functions or exercising its powers, protect, respect and seek to give effect to the rights set out from time to time in the *United Nations Convention on the Rights of the Child* and any other relevant international human rights instruments affecting children and young people.

No. 3. Clause 6, page 6, after line 7—Insert:

(2a) The Governor may, by regulation, establish a scheme for the recruitment of the Commissioner (and recruitment of the Commissioner must comply with that scheme).

No. 4. New clause, page 8, after line 4—Insert:

8A—Staff and resources

The Minister must provide the Commissioner with the staff and other resources that the Commissioner reasonably needs for carrying out the Commissioner's functions.

No. 5. New clause, page 13, after line 18—Insert:

20A—Staff and resources

The Minister must provide the Guardian with the staff and other resources that the Guardian reasonably needs for carrying out the Guardian's functions.

No. 6. Clause 23, page 14, lines 22 to 34—Delete clause 23 and substitute:

23—Participation of children and young people in development of practices etc

The Guardian must establish and maintain processes to ensure the participation of children and young people in strategic, policy or systemic practice development or review processes.

No. 7. New clause, page 17, after line 2—Insert:

30A—Staff and resources

The Minister must provide the Committee with the staff and other resources that the Committee reasonably needs for carrying out the Committee's functions.

No. 8. Clause 40, page 21, after line 16 [clause 40(3)]—Insert:

or

(g) the Guardian.

No. 9. New clause, page 24, after line 2—Insert:

47A—Staff and resources

The Minister must provide the Council with the staff and other resources that the Council reasonably needs for carrying out the Council's functions.

No. 10. Clause 49, page 24, lines 27 to 39 [clause 49(2)(c) and (d)]—Delete paragraphs (c) and (d)

No. 11. Clause 55, page 27, lines 15 to 19 [clause 55(1)]—

Delete ', the Guardian or the Council may, by notice in writing, require a specified person (whether or not the person is a State authority, or an officer or employee of a State authority) to provide to them such information, or such documents, as may be specified in the notice (being information or documents in the possession of the person or body that the Commissioner, Guardian or Council' and substitute:

or the Guardian may, by notice in writing, require a specified person (whether or not the person is a State authority, or an officer or employee of a State authority) to provide to them such information, or such documents, as may be specified in the notice (being information or documents in the possession of the person or body that the Commissioner or Guardian

No. 12. Clause 55, page 27, line 22 [clause 55(2)]—Delete ', Guardian or Council' and substitute:

or Guardian

No. 13. Clause 55, page 27, line 28 [clause 55(4)]—Delete ', Guardian or Council' and substitute:

or Guardian

No. 14. Clause 55, page 27, line 33 [clause 55(4)(b)]—Delete ', Guardian or Council' and substitute:

or Guardian

No. 15. New clause, page 32, after line 5—Insert:

63A—Review of Act

(1) The Minister must cause a review of the operation of this Act to be conducted and a report on the review to be prepared and submitted to the Minister.

(2) The review and the report must be completed before the third anniversary of the commencement of this Act.

(3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

I just want to say a few words about this. Over the last few years, I have had the privilege of being a member of the executive government and the privilege of being involved in the passage of a great many bills through this parliament. In fact, Libby in my office keeps count of how many bills we pass and if I do not do well enough she chastises me—in a reasonable way, not in a hurtful way, but she can be quite firm.

This bill will stand out amongst all the bills I have had the fortune to be involved with by the extremely cooperative and swift passage it has received through this parliament—it is absolutely astounding. I know that occasionally I am critical of those opposite, but today I think where credit is due it should be given, and I think one should be generous in one's praise where it is appropriate.

I have to say that the Leader of the Opposition gave an undertaking that when we brought this in he would be supportive of it, and he was as good as his word. What happened was that this came in here and we managed to pass the thing through all stages in one day. The only thing I can say to the Leader of the Opposition, aside from well done and thank you, is that I have another 25 I would like to do this way, and we can start tomorrow. I just want to say that I love and I welcome the Leader of the Opposition's new approach to legislation—and the deputy leader's, I do not want to leave her out because she has been magnificent in this, too.

I welcome their new approach, and I look forward to seeing that on lots of other things. I also am impressed by the way they have even been able to persuade some of those in another place to embrace the idea of swiftness. That indeed is an achievement for which I also thank them. Can I also say that I have had the opportunity of speaking with the Hon. Mr Wade, who has not always seen eye to eye with me, but I must say that in relation to this matter he has been most helpful, and I want to place on the record my thanks for his cooperative approach, and also the Hon. Tammy Franks who, again, I do not always agree with. In this case, she has been extremely cooperative, helpful and collaborative.

I thank, in particular, those two members of the other place because I think it is only fair to acknowledge when people are of assistance in making the parliament work as it should. It is a marvellous thing to actually say thank you to those people because thankyous are often not mentioned—only complaints are made—and I am not that sort of person. I like to say thank you. Given the cooperative way in which this has proceeded, I am accepting all the amendments that have come from the other place. I welcome them. I welcome the new approach that we have seen in this bill from the other place. I am looking forward to the other two bills that we have which are companion bills to this. I am looking forward to that, too.

I think that this is an important step forward. It means that we now can get on with the appointment of a suitable person to be a children's commissioner; and, again, I think we have to put things out there. The Leader of the Opposition and I when we first discussed this went through a number of things, and the leader said to me, 'Look, let's do something which makes more independence about the method of appointment,' and, of course, I took the honourable leader's suggestion on board and that is what we have done.

I acknowledge that was a contribution made specifically by the Leader of the Opposition, and he will see that the other place has picked it up and even enhanced it, I think is the word that the Hon. Stephen Wade would use—sorry, 'improved'. I think that is the word he used. I am happy with this. I think that this is a very important moment. It means that one of the first planks of the government's raft of legislative change—which is not the whole thing—in relation to looking after our children has passed both houses. This is an important day. I thank everyone for their assistance, and let us get on with getting a really good person in the job.

Mr MARSHALL: I wish I could join with the Deputy Premier in his comments regarding this bill, but I have a completely separate perspective. He has waxed lyrical for far too long—as is his wont—talking about the alacrity with which this bill has passed this parliament. Can I just make the point that this was a recommendation given to this parliament back in 2003—13 sorry years ago. South Australia remains the only jurisdiction in the nation without a commissioner for children and young people, and this is a source of shame. This government should hang its head in shame for the time it has taken.

In 2013, when the Debelle royal commission report was received by this government, the then minister, the current member for Wright, stood on the steps of parliament and committed that a commissioner for children and young people would be in place by the end of 2013. It did not happen. Immediately after the election, there was no useful movement whatsoever. So, it was the Liberal Party in the other place that drafted a bill to establish an office of the commissioner for children and young people for this state to address the issue originally recommended by Robyn Layton QC back in 2003. That passed the other place years ago and it sat on the *Notice Paper* here and the government refused to advance this important reform for the people of South Australia.

With this piece of legislation, I have had to negotiate with the member for Wright, the member for Port Adelaide and the member for Enfield, and it really was only after Margaret Nyland's royal commission report into our failed child protection system here in South Australia that the government did anything whatsoever. And so the government is quite right to point out that it passed with alacrity, but the question is: why did it take so long for this Labor government to actually act on a very obvious recommendation which sailed through both houses in record time?

I am very prepared to work with the Deputy Premier and anyone opposite to advance legislation which is going to put the children of South Australia in a better position. There are a huge number of recommendations made in Margaret Nyland's report. We cannot use the example of a 13-year delay with the other recommendations that are contained in this report.

I remind this parliament that indeed many of the recommendations that are covered off in this Margaret Nyland royal commission report have been made in multiple other reports to this government, whether it be the Nyland report, the Mullighan report, the Debelle royal commission report and multiple Coroner's reports and recommendations to this parliament, but this government's casual attitude towards child protection in this state must cease. I indicate to the house that we will be supporting the amendments.

Motion carried.

NATIONAL PARKS AND WILDLIFE (CO-MANAGED PARKS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:55): Obtained leave and introduced a bill for an act to amend the National Parks and Wildlife Act 1972; and to make related amendments to the Wilderness Protection Act 1992. Read a first time.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:55): I move:

That this bill be now read a second time.

The National Parks and Wildlife (Co-managed Parks) Amendment Bill 2016 provides for important amendments to the co-management provisions of the National Parks and Wildlife Act 1972 and the Wilderness Protection Act 1992. The bill also provides retrospective approval to two existing mining leases in the Ikara-Flinders Ranges National Park, while not allowing for further mining rights to be acquired within the park.

The National Parks and Wildlife Act and the Wilderness Protection Act establish parks and wilderness areas that protect and conserve South Australia's significant natural and cultural values. In 2004 the National Parks and Wildlife Act was amended to allow for the co-management of parks, an initiative which acknowledges the rights and capacity of Aboriginal communities to manage cultural and natural values on their traditional lands. In 2013, amendments were made to the Wilderness Protection Act 1992 to provide for co-management over the state's wilderness areas.

The state government has now entered into 12 co-management agreements over 35 of South Australia's parks and reserves, covering 13.5 million hectares, or 64 per cent of the state's reserve system. For 12 years now, co-management has allowed Aboriginal communities to look after and use sacred places in accordance with their traditional culture and values, build land management expertise, and provide a platform for pursuing cultural tourism and other economic benefits.

This bill provides administrative amendments to strengthen co-management by allowing co-management agreements with Aboriginal people to establish a co-management board over more than one park. This amendment will provide greater flexibility for the government and Aboriginal people in the negotiation of future co-management agreements. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This amendment will also allow for existing co-management agreements to be updated to allow existing co-management boards to merge. This will be of particular benefit where one Aboriginal community is represented across multiple boards in the same region.

The Bill also improves the clarity of co-management governance arrangements as well as the terminology and role of co-management boards and advisory committees.

In addition to amendments relating specifically to the co-management of parks, the Bill includes an amendment which allows regulations to be made that fix expiation fees for alleged offences against the Act, in addition to the regulations.

Finally, the Bill includes an amendment to the National Parks and Wildlife Act that provides retrospective approval for two existing mining leases in Ikara-Flinders Ranges National Park, while not allowing mining rights to be acquired over any other area of the park.

These two mineral leases were granted by the then Minister for Mines in 1949 to allow the extraction of barite, a mineral that, I am advised is used for both medical and engineering purposes.

In 1970, the Oraparinna National Park was established under the *National Parks Act 1966* over the two mineral leases which preserved the existing mining rights. When the *National Parks and Wildlife Act 1972* came into operation the Oraparinna National Park ceased to exist and the now Ikara-Flinders Ranges National Park was constituted by statute.

I am advised that by an administrative oversight, the new National Parks and Wildlife Act did not contain any transitional provisions in relation to the preservation of existing mining rights. Consequently, for the following 44 years the mines have been operated, bought and sold, regulated and renewed, as if they were valid.

To correct this oversight, this Bill includes an amendment which preserves and validates the operation of these two mineral leases, while confirming that the extent of mining operations in Ikara-Flinders Ranges National Park cannot extend beyond these existing leases.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Parks and Wildlife Act 1972*

3—Amendment of section 5—Interpretation

This clause inserts a definition of *co-management advisory committee* consequential to the amendment made by clause 7(2) (inserted subsection (2a)(b)(ii)).

4—Amendment of section 38—Management plans

This clause amends section 38(2a)(c) to provide for consultation with a co-management advisory committee in the preparation of a plan of management for a co-managed park where there is no co-management board for the park. The clause also provides for the Minister's powers in relation to the adoption of a plan of management to be subject to consultation with a co-management advisory committee in the place of the other party to a co-management agreement where there is no co-management board for a park.

5—Amendment of section 42—Prohibited areas

This clause provides for the Minister's powers in relation to the declaration of prohibited areas in a reserve to be subject to consultation with a co-management advisory committee in the place of the other party to a co-management agreement where there is no co-management board for a park.

6—Insertion of section 43AC

This clause inserts new section 43AC which deals with rights of entry, prospecting, exploration or mining in respect of the Ikara-Flinders Ranges National Park.

Subclause (1) provides that the acquisition or exercise of relevant mining rights, or purported acquisition or exercise of such rights, in respect of the land constituting the Ikara-Flinders Ranges National Park before the day of commencement of the clause are declared, for the purposes of this Act and for the purposes of any other dealings with or in relation to those rights, to have been validly acquired or exercised. Subclause (1) further provides that such declared rights, in existence immediately before the relevant day, may, despite section 43, continue to be exercised in respect of the prescribed land on and after that day.

Subclause (2) provides that, despite section 43, rights of entry, prospecting, exploration or mining may, with the approval of the Minister and the Mining Minister, be acquired pursuant to the *Mining Act 1971* in respect of the prescribed land (including, for example, by the renewal of relevant mining rights) and may be exercised in respect of that land. Prescribed land is defined as land subject to Mining Lease 3413 and Mining Lease 3414 under the *Mining Act 1971* at the commencement of the clause.

Subclause (3) provides that a person in whom rights are vested under the *Mining Act 1971* in respect of the prescribed land must not carry out work in the exercise of those rights that has not previously been authorised unless the Minister and the Mining Minister have approved that work, and such an approval may be subject to such conditions as the Ministers may agree. If the Minister and the Mining Minister cannot agree as to whether to give an approval under subclause (2) or (3), or impose conditions under subclause (3), the Governor may, with the advice and consent of the Executive Council, give an approval or impose conditions in writing under the relevant subsection.

Subclause (5) makes it clear that nothing in this clause authorises or otherwise permits the acquisition or exercise of rights of entry, prospecting, exploration or mining in the Ikara-Flinders Ranges National Park after the commencement of this clause other than those rights referred to in subclauses (1) and (2).

7—Amendment of section 43F—Co-management agreement

This clause makes a number of amendments to section 43F of the *National Parks and Wildlife Act 1972* which deals with co-management agreements for co-managed parks.

Subclause (1) provides that a co-management agreement may relate to more than 1 national park or conservation park.

Subclause (2) inserts a new subsection (2a) which provides for governance arrangements of a co-managed park. This new subsection provides that an agreement for a national park or conservation park constituted of, or to be constituted of, Aboriginal owned land must provide for a co-management board for the park. Where a co-managed park is to be constituted of Crown land, the agreement must either provide for a co-management board or for a co-management advisory committee.

Subclause (6) substitutes a new subsection (5) providing for the termination of co-management agreements in light of the introduction of co-management agreements that may apply to more than 1 park.

The clause also makes amendments to section 43F consequential to the introduction of co-management advisory committees.

8—Amendment of section 43G—Establishment of co-management boards by regulation

This clause amends section 43G of the *National Parks and Wildlife Act 1972* consequential to the introduction of co-management agreements that may apply to more than 1 park in clause 7(1).

This clause also amends section 43G of the Act to give the functions and powers of a Board, being a board that is either not able to constitute a quorum at a meeting of the Board due to insufficient appointments or for which the regulation establishing the board is disallowed by Parliament, to the Director until the relevant appointments are made or a new Board is established by regulation.

9—Amendment of section 43I—Dissolution or suspension of co-management boards

This clause amends section 43I of the *National Parks and Wildlife Act 1972* consequential to the introduction of co-management agreements that may apply to more than 1 park in clause 7(1).

10—Amendment of section 80—Regulations

This clause amends section 80(2)(z) of the Act to provide that the regulations may fix expiation fees for alleged offences against the Act.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Wilderness Protection Act 1992*

1—Amendment of section 33A—Co-management of wilderness protection areas or zones

This clause amends section 33A of the *Wilderness Protection Act 1992* consequential to the introduction of co-management advisory committees.

Part 2—Transitional provisions

2—Advisory committees—National parks and conservation parks

This clause is a transitional provision to provide that a committee established before the commencement of clause 7(2) to provide advice to the Director in relation to the management of a co-managed park constituted of Crown land under a co-management agreement is taken, after the commencement of clause 7(2), to be a co-management advisory committee within the meaning of the *National Parks and Wildlife Act 1972*.

3—Advisory committees—Wilderness protection areas and wilderness protection zones

This clause is a transitional provision to provide that a co-management committee within the meaning of section 33A of the *Wilderness Protection Act 1992* immediately before the commencement of section 8(2) of this Act is taken, after that commencement, to be a co-management advisory committee for the purposes of Part 3 Division 4 of the *Wilderness Protection Act 1992*.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (PLANNING, DEVELOPMENT AND INFRASTRUCTURE) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr WILLIAMS (MacKillop) (15:58): In speaking to this bill, I understand that this is concerning transition provisions and the implementation of the new legislation which has already been passed by this house, but I want to take the opportunity to raise a couple of matters which continually come up in my electorate, and another specific matter that I want to address which will give an indication of some of the problems created within, I guess, the general planning field and, particularly, problems which occur in country areas.

First, I will mention a couple of general things that have been upsetting a number of my constituents. We have this notion in South Australia when establishing environmental and food protection areas that we use the planning system to isolate areas of the state to protect food-producing lands from other activities, particularly, residential development.

I suggest that one of the things that we have plenty of in South Australia is land. There is not a shortage of land in South Australia, although some of our best and most highly productive agricultural and horticultural land is underneath asphalt, housing and that sort of thing. Principally, that has occurred in the Adelaide metropolitan area and those areas immediately to the north and south of metropolitan Adelaide and to a lesser extent in the Mount Lofty Ranges, the Barossa Valley, McLaren Vale and Willunga areas. These are the areas that to this point have been the greatest subject of the government's push to provide protection, but the government has seen fit to extend this even further.

This leads me to an issue that occurs in all the council areas in my electorate. As part of their development plans, there is a rule that prevents people from establishing residences on small properties. In general, across the council areas in my electorate, for a property of less than about 80 acres, 30-something hectares, it is a noncomplying development to seek to build a residence on a block that size. It causes all sorts of problems because there are many small parcels of land, particularly close to our townships, that lend themselves to be used for residential purposes.

Indeed, some of these blocks of land, where the owners have been prevented from either building on the land or selling it to other people to build on, are basically not used for anything. Because the ownership is separate and they are very small, they are not viable to be used for general farming, whether it be running a few sheep or some cattle, etc., because to do that you need the infrastructure. You need yards to load and unload, to corral the animals to get them to market or to provide veterinary services. It is not as simple as saying that this is in a general farming area and that it is a small block of land and we should not allow housing to be developed on it.

It came to my attention quite recently, when I was approached by a constituent who owns one of these particular blocks of land, notwithstanding that this land is in a general farming zone, and who is being charged the residential rate by the local council. She is not allowed to build on it because it is in the general farming zone and not in a rural living zone or residential zone. She is not allowed to build on it, but she does not get the benefit of paying the general farming differential rate. She is paying the residential rate, and I think that is an absurdity.

Again, this issue came up with the quite recent changes to the NRM levy, which puts a differential levy on farming land as opposed to residential land or land with other purposes in my

region. These people are damned if they do and they are damned if they do not. That is an issue that I would love the minister to do something about. I will go to a specific case that was brought to my attention by constituent. The minister I am sure will be somewhat aware of this because about 12 months ago I brought this constituent to the minister. The minister agreed to meet with him, and he talked about an issue he had.

He owns a shack site on the River Murray, and shack sites are subject to a land management agreement which has certain rules. This all came about when the shacks on this site were given freehold title a few years ago and certain restrictions were put on the sort of development that could occur on them. Lo and behold, one of his neighbours decided to redevelop his shack with no regard for the agreement that had been signed at the time of the freeholding. He moved the boundaries of the shack, and all the other aspects of the land management agreement were ignored. This site is obviously not in my electorate.

My constituent appealed to the council and said, 'These are the things that were written into an agreement that I thought we would all abide by,' but the council was not of a mind to take any notice of that in any case and went on their merry way. My constituent came and spoke to the minister about this 12 months ago in an effort to ensure the minister was aware of this and so maybe it would not happen again.

As it turned out, another shack owner in this particular group lodged a development application to redevelop their shack site. My constituent went to the council and said, 'This is noncomplying. They are doing this and they are doing this and they are doing this. It doesn't really matter the actual disregard that they had for the land management agreement.' Notwithstanding that, the council took no notice and the council development assessment panel approved the application for the redevelopment of the site and, it being a noncomplying development, it then had to go to the Development Assessment Commission.

This is where things got tricky, because my constituent was sitting there waiting for his opportunity to appeal if the decision went in favour of the proponent. I want the minister and his agency to be aware of how difficult it is for people out in the street to work their way through our planning laws. Once the Development Assessment Commission made its decision, if the appellant (my constituent) disagreed with that decision, I understand that he had 15 working days to lodge an appeal. To aid that process, the council has an obligation within five working days to give notification to the appellant that the decision had been made, so that would leave 10 working days for the appellant to lodge their appeal.

What actually happened in this circumstance is that on 9 August the Development Assessment Commission handed down their judgement, which approved the assessment panel's approval and therefore triggered my constituent's desire to lodge an appeal. The council did not sign and post the letter of notification to my constituent until 30 August. According to my calendar, that is 15 working days, so the window of opportunity that my constituent had to lodge an appeal had already closed by the time the council had posted the notification. Indeed, my constituent did not receive the notification for another full week, another five working days, which was on 6 September.

My constituent happened to be overseas at the time, but he had a planning expert handling the matter on his behalf and, by the time he made contact, he had lodged his appeal. Being a resident in the Lower South-East, he lodged the appeal at the Mount Gambier courthouse. The appeal was with the ERD Court. According to the ERD Court's website, it says that you can lodge these papers in these matters at any court registry in the state. My constituent's appeal was lodged at the courthouse in Mount Gambier on 14 September. It turns out that the papers, as lodged, did not get to the ERD Court in Adelaide until 19 September.

Obviously by that date the 15 days from 9 August had long since passed and my constituent sought leave from the ERD Court for an extension so that his appeal could be heard. That leave was not granted; the ERD Court, in its infinite wisdom, decided that my constituent should have proactively sought to understand when the Development Assessment Commission was going to make its determination. Notwithstanding that the council managed to gobble up the whole 15 days' window, the council sent its lawyer along to this hearing at the ERD Court and argued that my constituent should not be heard, should not have leave, that the period in which they could lodge

their appeal should not be extended. Indeed, that was agreed to by the judge. This seems absurd to me.

We have a planning system—hopefully—to allow us to have orderly planning, and part of the process is that when we get a noncomplying development at least people still have an opportunity to argue the case. I have always thought that noncomplying developments should have a hearing. One of the things that annoys me about the way planning happens in this state is that if a development is seen as noncomplying, quite often the council's attitude is that it is not just noncomplying but that it has no chance—and probably should not even be submitted in a lot of cases.

I always think that noncomplying simply means that it should be judged on its merits. To judge something on its merits, not only should you have the council assessment panel look at it, and in this case the Development Assessment Commission look at it, but if a neighbouring property owner has a concern I think they should be heard. However, the processes I have just described make that an impossibility.

I am making no claim as to whether or not there was any motivation in the council to gobble up the 15 days, I am not making that allegation at all. I am just pointing out the facts: that is what happened. When it came to my constituent seeking an extension of the 15 days' statutory time frame to lodge his appeal, the council sent its lawyers along to argue the case against that. To my mind that is unconscionable. I would have thought that the council should have accepted that it had been less than thorough in the exercise of its duty and that my constituent should, indeed, have been heard.

What I found even more extraordinary was that, in making his judgement, the judge of the ERD Court also apparently made comment about the strength of the appeal, whereas I thought that the hearing was all about whether the appeal would actually be heard or not. My constituent went along not to plead his case on the appeal but simply to plead to be heard, and it was judged that it was not worth hearing because it was not worth it, his case was not strong enough—yet he never had the opportunity to make his case.

I make this point to the minister because this is the way that planning is being handled in this state at the moment. I know that the changes the minister has brought about are all about the big end of town stuff, it is to try to fast track major developments, trying to make things happen more quickly. At the end of the day, if we are going to have orderly development, and we are going to have a process where noncomplying developments can get approval, surely we need to make sure that interested parties can appeal, should be able to lodge their appeal and should be able to have their appeal heard.

I think my constituent was denied natural justice. To be quite honest, I think my constituent possibly has a case against the council for its failure to fulfil its duties, but that is a different matter. I just want the minister to be aware that there are serious problems within the planning system in South Australia and the way that it is handled within councils. Quite often on this side of the house, we will stand up for local government, but here is an example of where local government has let down their constituents (and my constituent). But that is not all of the problem.

The reality is that, in country areas, we are relying on the postal system. I know that extending that 15-day opportunity to 30 days may slow things down, but it also may increase the ability of people to be heard fairly and justly when they have a worthwhile claim to make. Without going to the actual bill itself, I thank the house for its indulgence and I will leave my comments there.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:16): First of all, can I say thank you to those members who have contributed. I understand from the member for Goyder that we will be going into committee and there will be an opportunity to discuss in some detail a few other bits and pieces, and obviously I welcome that opportunity. Can I say to the member for MacKillop that it is refreshing, from this side of the house, to hear somebody who sits on the other side of the house making full and frank disclosures about some of the problems in the present system which do actually land at the doorstep of local government and throwing out the challenge to all of us collectively to do something about it.

Quite often, we have other members opposite—not the member for MacKillop—essentially parroting the position of the Local Government Association or some council or something. I think they could do well to read and reflect upon the member for MacKillop's contribution because he is obviously bringing a critical mind to things, rather than accepting that whatever the local government people have to say is to be taken as being unequivocally correct and coming from a position of total perspective, if you know what I mean.

Can I say thank you to all those who have made those contributions. I know that some of those contributions—I think in particular from the member for Hammond—proceeded from what I am happy to advise is a misapprehension. The misapprehension of which I speak is the misapprehension that there has been no consultation. I am delighted to advise him that that is a complete misapprehension and he can sleep tonight. The consultation on this particular piece of work has been more extensive and more rigorous than any consultation on perhaps anything ever anywhere.

Prior to 2013, an expert panel chaired by Mr Brian Hayes was asked to go out and inquire into all the issues about planning. Mr Hayes and his group went out for 18 months, they had something like 2,000 meetings, and they received a gazillion submissions. I can assure the member for Hammond and anyone else who has a consultation worry in their mind that Mr Hayes and his group spoke to absolutely everybody, including the LGA, multiple times. They produced quite a significant draft report which arrived in late 2014.

Mr Griffiths: December 2014.

The Hon. J.R. RAU: December 2014, thank you. Then they said, 'We are not content with this. We enjoy consultation so much, we are going to consult on the draft.'

Mr Griffiths: It was in August, and then in December it was final.

The Hon. J.R. RAU: August, I beg your pardon. So out they go again consulting on a draft. This will all come as great news to the member for Hammond because I know he is worried about a lack of consultation. As good fortune would have it, he need not worry. So there they go, consulting again from August to December, at which time they then produce a final report, and the final report is then out there in the public domain. We then go off and draft legislation to reflect what is said in the report and we say that we are going to pick up everything in the report except heritage, because heritage is itself quite a complex issue as I am learning every day.

Heritage will be dealt with as a separate matter, but we will come back to it, and we have and we are presently. We will do everything else and we will put it into a bill. We set about doing that, but I thought, 'Let's have more consultation', because I like consultation on this sort of thing because I think it is important. So off we went and we called together all of the main groups that were interested in this. Again, member for Hammond, can I reassure you that the LGA was on the invitation list from day one, and they bobbed up with people like the then president, I think, His Worship, the Mayor of Prospect, and their legal team.

They were invited to many meetings around the drafting of the bill, as were the Property Council, as were the UDIA, as were the Master Builders and as were, initially, even the HIA, although they told us at the first meeting that unless we did exactly what they wanted—a former colleague of the member for Goyder actually delivered the message on their behalf—the bill would be defeated, which I thought was an unusual way to commence the negotiation. Shortly after that, they dropped off the Christmas card list.

Nevertheless, with everybody else it was consult, consult, consult. We got the bill in here and I made it clear that it was a bill we were putting in to save time, but we were going to consult on it, and we did. We established a thing called CAT because I am quite fond of that word. It is consultative action team or something—collaborative advisory team. It does not matter, as I can only remember the acronym. That is why you have acronyms; it means you do not have to worry about the other words. Anyway, we have a collaborative advisory team and guess who is in the collaborative advisory team? It is the Local Government Association and their lawyers, the UDIA, the Property Council and the Master Builders.

Mr Knoll: The HIA?

The Hon. J.R. RAU: No, they had already decided that they were not involved. They decided that they were going to take their bat and ball and go home, throw the toys out of the cot and not participate in the process, and that is fine and they are enjoying the fruits of their decision-making. We then established a regular set of meetings for these people and I said to them, 'I don't just want to meet you before this bill goes through'—this is the bill we did last year and the beginning of this year—'I want to keep meeting you for the next three years, if I am still here in three years—

Mr Duluk: Hopefully not.

The Hon. J.R. RAU: That is very unkind—'as the process, not just the legislative process, but administrative and policy process, rolls out.' I have had at least six or seven meetings of that group since the first bill passed, or something in that order, and, in fact, I feel like another one. For those who are listening, can we please organise another one because I have not seen them for a while and I miss them. I understand that on Friday we are doing it all over again. There you are, on Friday it is happening all again.

The reason we are meeting with them is that we want to hear what they have to say. Can I say to the member for Hammond that there is no need tonight to toss and turn. There is no need tonight for Bovril. There is no need tonight for Milo, Ovaltine, valerian tea or any other form of assistance to enable you to rest comfortably in the arms of Morpheus because—

Mr Knoll: You don't drink Milo at night.

The DEPUTY SPEAKER: You are not in your seat, therefore I can't hear you, can I?

The Hon. J.R. RAU: —because the consultation has been relentless, it continues to be relentless, and in pride of place in every consultation process is the Local Government Association. I hope that rather lengthy recounting of the consultation process will mean that when we are asked questions in the committee stage, I do not say it all over again, and if I am asked that, Madam Deputy Speaker, would you like me to say all this again or just refer to my—

The DEPUTY SPEAKER: I will do that.

The Hon. J.R. RAU: In that case, I will say I will refer to my earlier remarks because that might save everyone a lot of time. Is there anything else I should get to at this point in time?

The DEPUTY SPEAKER: No, you have closed the debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

Mr GRIFFITHS: Minister, I am glad you are in a good mood. I like listening to your speeches. In defence of the member for Hammond, we are going off the track slightly, but he was talking about consultation direct with the Rural City of Murray Bridge about the EFPA. That was the focus of his comments. Indeed, the feedback from him is that the level of knowledge was not there beforehand, and I know you are talking about different groups. My question, and I apologise if I am completely wrong on this, is about clause 2 and how section 7(5) of the Acts Interpretation Act does not apply to this act. Could you explain that to me please?

The Hon. J.R. RAU: Yes, it is a very good question. The story is that the Acts Interpretation Act has a sort of a catch-all provision in it which says if an act of parliament has been proclaimed, and within two years of it having been proclaimed it has not by reason of gazettal been brought into being, it automatically comes into being.

It occurred to us that, because we are not at this point in time sufficiently certain when individual bits and pieces of this legislation are going to be ready to be turned on and consequently bits of the other legislation turned off, it was prudent for us to actually dispense with that automatic two-year turn on because, if we did, what would happen is at exactly a predetermined date in two

years someone could walk in and flick all the switches on one to 'off' and flick all the switches on the other one to 'on' and chaos would ensue. This is intended to enable an orderly transition.

Clause passed.

Clause 3 passed.

Clause 4.

Mr GRIFFITHS: This question relates to clauses 4 to 7 about a change of emphasis from the commission to the minister. There were a substantial number of amendments that stemmed from all sides, I think it is fair to say, on the debate on the previous legislation where there was a change of focus from the minister to the commission, but this is the reverse. I have not checked to ensure whether this one was amended. Was this amended in the Legislative Council debate to the commission? Could I have an explanation from the minister as to why? I can understand that accountability requires responsibility but I just thought you should put it on the record.

The Hon. J.R. RAU: Yes, I will put it on the record. The original bill tabled in parliament gave responsibility for a range of matters, including state planning policies—in other words, these are the high-level executive government determinations, in effect—ultimately to the minister, as I think political accountability would demand rather than the commission. These provisions were significantly amended during the debate instead to refer them to the commission, an unelected body, albeit probably a very good body. Can I say that obviously the minister would have regard to the advice of the commission, no doubt, in determining state planning policies.

The government recognises that state planning policies are of significant importance as expressions of policies belonging to the government of the day, and the government of the day should be entitled to change them if and when they have good reason to do so. On reflection, the government considers that, having regard to the Westminster system of government with which we operate, the representative of the elected government of the day, whoever they may be, rather than an unelected body, should be responsible for ensuring that such policies are prepared because ultimately they are accountable to the people and the commission is not.

The purpose of this clause is to place responsibility for ensuring state planning policies exist with the minister of the day, rather than with the commission, consistent with adaptive re-use and climate change policies under sections 61 and 62 as, in fact, passed by the Legislative Council. Under the proposed amendments, these policies will be prepared by the commission on behalf of the minister. I emphasise those words 'on behalf of the minister'.

The requirements set out for the commission to prepare and amend policies under sections 73 and 74, including compliance with the community engagement charter, submissions to parliamentary scrutiny, and potential disallowance will still apply. For further information, section 73, it is intended that both the commission and the joint planning boards will be designated entities for the purposes of section 73(6), authorised for the purposes of preparing statutory instruments under section 73(2). Therefore, both will be required to comply with the requirements to consultation under the charter, etc. pursuant to section 73(6).

Mr GRIFFITHS: I am happy to accept that response.

Clause passed.

Clauses 5 to 7 passed.

Clause 8.

Mr GRIFFITHS: The minister alluded to this in his last sentence about the designated entities. I know that is a concern, and I am expressing this on behalf of the LGA where they have a difference of opinion, as I understand it, and they have had some legal advice. There was a concern that they are not recognised in the legislation as a designated identity, and there was the suggestion of an amendment change to ensure that was tidied up. My understanding from the LGA is that that information has been forwarded to the government. While the initial position might have been that it saw the thing very differently, is that still the case, or has there been a review of the position?

The Hon. J.R. RAU: No, I think the situation here is that it has always been the case that we have had a view that the LGA would be involved in consultations about this. Section 44 of the act, which governs the charter, actually provides at subsection (6) that the charter must provide for consultation with councils or the LGA in relation to preparation or amendment of designated instruments. So, I am of the view that that is already catered for.

Mr GRIFFITHS: As an extension to that, the LGA concern was that that does not necessarily mean that it has to comply with the community engagement charter.

The Hon. J.R. RAU: The advice I have is that we are of the understanding that parliamentary counsel says that is exactly what it does mean, so it might be that their lawyers and our lawyers do not have the same view, but that is as I understand it to be.

Clause passed.

Clause 9.

Mr GRIFFITHS: My understanding from the briefing provided by your staff was that this was an area that was inadvertently missed out from the legislation initially.

The Hon. J.R. RAU: I understand that it is a typographical error or an editorial error in the act. It is not a change of substance; it is fixing up an omission or an error.

Clause passed.

Clause 10.

Mr GRIFFITHS: I have quite a few questions because it is quite a substantial area, as this is where the new legislation actually starts. 'Designated day' is referred to through it a bit, and my recollection of reading this is that there are references to 'designated day' and potentially before and after 'designated day'. I am interested to find out how that was chosen and what does it mean?

The Hon. J.R. RAU: That is again a very good question. The situation is basically this, and I know analogies are always problematic, but—

The CHAIR: Dangerous.

The Hon. J.R. RAU: Dangerous, yes, but here we go. If we have a Commodore 61 machine here and the Commodore 61 machine is running all our bits and bobs—

Mr Griffiths: It was a 64.

The Hon. J.R. RAU: A 64—that is the later model, I think, yes. There you are: it is not my long suit, is it? Anyway, you are trying to actually move something from there to somewhere else, but the rules say that at no point can either machine stop operating and at no point can the data stop being accessible or capable of being utilised. What you actually wind up doing is finding individual components that you can switch from one to the other according to some logical pattern, and that pattern may not mean that whole slabs of information or whole slabs of data are moved at the same time. It might mean that you start breaking it down into smaller parcels. So, far so good.

The CHAIR: No, I don't think it is. Is there a recipe analogy?

Mr GRIFFITHS: I appreciate that explanation.

The CHAIR: Do you? Next question. I am not sure anyone else will understand it.

Mr GRIFFITHS: You have to have been here for a while to listen to the minister's speak to understand what he meant.

The CHAIR: I have been here a long time listening to his speeches and I did not get that one at all, but go on.

Mr GRIFFITHS: Can I ask this question under clause 2 of new schedule 8—Saving of Operation, It talks about repealed acts and then states:

…Act remains relevant to the operation…the provision may be taken to continue to operate for the purposes of this Schedule despite its repeal.

The Hon. J.R. RAU: I think I can explain that, and if I get it wrong there will be a bunch of very concerned-looking people slightly to the left of me who will be making hand signals. I think what it means, as I understand it, is this: let's say that you got an approval under the existing act to do something, and let's say that the requirements for that approval under the existing act turn out to be different from the requirements under the act.

This, as I understand it, means that, by reason of the new act coming into operation, there is no question about the validity of steps already taken, notwithstanding the fact that the new act no longer requires those steps to be taken or that those steps are no longer even there. The way I would paraphrase this is that it is a no-disadvantage sort of proposition. Whatever happens under the new regime, the fact that you have commenced your process, or indeed may have completed your process under the old regime, you will not be disadvantaged and the thing will roll on as if you had been compliant had the new scheme been in place.

Mr GRIFFITHS: I thank the minister for the explanation. If I can go on to part 2 and clause 3—Definitions, particularly 'development authorisation'. While the minister has asked me not to refer to consultations with other groups, there are some particular words I want to put on the record. This one is from the UDIA has a concern about this clause 3. Its concern states:

> The reference to development authorisation being taken to include authorisations issued under the 'repealed Act' should expressly extend to authorisations issued under earlier repealed Acts for instance to include the Planning Act and the Planning and Development Account…This is because there are still authorisations under those Acts which are in force today and it is important that the chain of transitional adoption of prior approvals from those Acts to the current day is intact.

The Hon. J.R. RAU: Again, a good point. Our advice from parliamentary counsel is that, because there were transitional provisions in the current act which referred back to those earlier acts, that is already picked up by this. So there is a domino effect going backwards, if you like, and this is simply, in effect, relying upon the transitional provision of the earlier work.

Mr GRIFFITHS: Therefore, it becomes more inclusive than the concerns put by the UDIA. It does go back as necessary.

The Hon. J.R. RAU: Yes.

Mr GRIFFITHS: I can appreciate that. If I can go to clause 4—Change of land use. They also have some concerns and say:

> This clause enables the period of non-use to extend to a period that started before the designated day. Given the more extensive reach of these provisions it would be fair for the period of non-use to only commence on or from the designated day and not before.

I am interested in your thoughts on that. I have not come to a final conclusion on that issue, so I am just interested in your thoughts.

The Hon. J.R. RAU: Let's have some context first. Increasingly over the next few years, we are going to be looking at the opportunity—and, indeed, the necessity—for urban infill, not just in the City of Adelaide but all around the state, and we are also going to be looking at the fact that we have parts of South Australia (many of them in the city, but not all) where we have historic industrial activities that have taken place and those historic industrial activities have, for whatever reason, ceased. The effect of the provision in the bill we passed earlier is to say that, if you have a couple of events occur, there is a change in the way the law will operate, and I will explain what I mean by that.

First, let's say we have some land somewhere in the city which is industrial land or it is zoned for an abattoir or zoned for whatever else. A good example would be the land around Clipsal. This is probably the best way of illustrating my point. If you look at the land around Clipsal, you have an old gas works which is a very filthy, dirty, old polluting mid-20th century industrial activity and electrical manufacturing works and various other things. Those lands were earmarked for urban redevelopment and rezoned from their former industrial use either to deferred urban or to urban development with quite a lot of detail into it. But, either way, they were rezoned from industrial.

In the event that there is an industrial enterprise operating still, in that area—notwithstanding that it has been rezoned—the rezone has zero impact on that enterprise. They have an existing use and they are entitled to continue with it. If we look at, for example, again, Clipsal, there is a factory

at the back which is not owned by the state government (I think it is Conroy's factory, if I remember correctly), and they produce smallgoods and other things. The member for Schubert might be able to correct me about what they do.

Mr Knoll interjecting:

The Hon. J.R. RAU: Anyway, they are not in the same league as another well-known entity.

Mr Knoll interjecting:

The CHAIR: You are in the wrong spot, aren't you, for saying anything.

The Hon. J.R. RAU: In any event, they are entitled to continue doing what they are doing. Even more that, member for Goyder, if they are continuing to do whatever they are doing and the member for Schubert decided to purchase them as a going concern and set up yet another—

Mr Knoll interjecting:

The Hon. J.R. RAU: I don't want to mention it. If some mysterious person were to want to purchase that enterprise and keep doing it, they are allowed to, too, because they are taking advantage of an existing use of right. What this is saying is that in circumstances where non-use (that is, the complete stopping of doing things) has occurred before the date of whenever it is this comes into operation, you actually say that the period of time that this thing has been not operating starts from the day that it stopped operating and not some fictional date later on.

Mr GRIFFITHS: Therefore, in effect it is like turning on and turning off the legislation. It does not matter whether or not legislation is in place, it is from the time of use or non-use that is the key date. I can appreciate that response.

The Hon. J.R. RAU: The only thing that this will affect is something which has completely gone into non-use.

Mr GRIFFITHS: Under clause 4—Change of use of land, subclause (3) refers to section 4(2)(a) of the act, which refers to a 12-month period. Clause 4(3) talks about a period that is to be extended to two years. Can you give me an explanation as to why that is there?

The Hon. J.R. RAU: This is a transitional provision, and the explanation I have is that you start off with a period of discontinuance as far as the act is concern. Clause 4(3) provides:

> For the purposes of the revival of a use of land after a period of discontinuance, the period of 12 months referred to in…4(2)(a) of the act will be taken to be extended to a period of two years in relation to a period of discontinuance…

In other words, it is saying that you get an extra year because that is the provision under the Development Act and it was started under the Development Act.

Mr GRIFFITHS: Part of the concern of the UDIA with clause 4(2), where we are talking about change of land use, they also have a similar concern about clauses 4(6) and 4(7). I have a question about clause 4(8), where there are terms such as 'before the designated day', 'under a preceding subclause', 'before being brought into operation' and 'if the Governor'. It just seems to be a collection of—

The CHAIR: Bad English.

Mr GRIFFITHS: Yes.

The CHAIR: Is the minister able to help us with that?

The Hon. J.R. RAU: Is it subclause (8) in particular that you are looking at?

The CHAIR: Clause 4(8)—what is the wording that we would like to use, member for Goyder?

Mr GRIFFITHS: I can understand 'before the designated day under a preceding subclause and before being brought into operation'. I have a question on 'if the Governor, by proclamation'. Is this a normal selection of words used for transitional legislation such as this, because I looked at this and it was confusing to me.

The Hon. J.R. RAU: If we came to the view that there was another Clipsal-type opportunity sitting somewhere in the city, for example, by reference to this clause we should be able to designate that as a particular thing which was singled out, if you like, as a particular project before the general provision came into operation.

Mr GRIFFITHS: Subclause (9) refers to 'In connection with subclause (8)' and (a) has the words 'the Governor' and (b) has the words 'if the Governor'. Does it have to do be defined in the legislation somewhere else that that is one of the responsibilities of the Governor, or is there another act where there is an overriding power that provides for the Governor to do those things?

The Hon. J.R. RAU: Where it refers to Governor, generally we are talking about the Governor in Executive Council. It is a shorthand way of referring to a process by which there is a cabinet decision, the cabinet decision is conveyed to the Governor and the Governor then in Executive Council gives effect to that decision.

Mr GRIFFITHS: If I can go over the page to 5(2) under part 3, which is part of clause 10. I note there is a proclamation date of 1 April, but it then talks about opportunities to go around that date. I asked this question in the briefing, but I presume that is in case—and I hope this is the case—things can happen earlier. Or is the other side of the scenario that, if it cannot be achieved earlier, we do not need to bring in separate legislation to amend a date?

The Hon. J.R. RAU: Correct. What I wanted to do was to give the parliament, the industry and those people who are interested in this thing as much of a transparent idea as to what my expectations were about the introduction of the planning commission as possible. My view was that we wanted it up and running by the end of March. That is why I started off with 1 April.

I then spoke to those wiser than me who advise me and they said, 'But what if it doesn't get done by then?' I said, 'Of course it will be done by then.' They looked at me, and I said, 'Well, I guess if it can't be done by then, I will be quite agitated, but we wouldn't want to have to go back to parliament or we wouldn't have to start something that didn't exist.' Then I said, 'Hang on, what if you can do it earlier? Does it work that way too?' and they said, 'Yes, I suppose.' So that is it; that is exactly it.

We have a target date, but we are saying, if we really get snappy on it—and this is a way members can judge the high performance of the planning people—that if they undershoot 1 April, you will not need me to tell you how good they are because you will know it, and if they overshoot 1 April you will not need me to tell you that I am quite embarrassed.

Mr GRIFFITHS: My obvious question then becomes: because the planning commissioner is such an important appointment for things to occur—and my questions to you in estimates were that you are still looking at a March commencement opportunity for that position.

The Hon. J.R. RAU: Absolutely.

Mr GRIFFITHS: Any earlier than that? Do you have any update?

The Hon. J.R. RAU: I am mindful of the fact that we are running into Christmas, we do not have this legislation through yet, I want this thing running as fast as I possibly can and we want an excellent person, so I do not want to have some sort of cursory desktop search or something going on. I have asked the department to start work on an appropriately thorough search, but until this legislation is actually through I cannot formally press the button on the search because I do not yet have a thing to search for. Well, I do not have timing anyway that I can reliably offer anybody.

We have everything ready to go—at least I hope so; we do. We have everything ready to go. My strong view is that it will be up and running come 1 April. This provision is here as a safety valve if something completely terrible and unforeseen happens and we do not have it or, alternatively, if everyone gets their skates on and we can do it earlier, we will do it earlier.

Mr GRIFFITHS: I hope there is a multitude of people jumping out of their skins ready to apply for it, too—

The Hon. J.R. RAU: Me too.

Mr GRIFFITHS: —so we get the absolute best person. Can I say, firstly, I put a tick against the fact that, for the charter of community engagement, you have set yourself a six-month time line. I think that is great and that is one of the key things. As part of that, because it will be a formulation effort that goes into that, is it the intention to allow individual members of parliament to be involved in the creation of that? It will be an important thing for us, as representatives of the community, to be involved in the consultation on how to consult.

The Hon. J.R. RAU: I absolutely would welcome that. I have told the group with whom I have been consulting, the CAT, that I want all of them to do their best to offer up whatever thoughts they have. I speak to people in the local government sector who are not necessarily LGA executive holders and I say to them, 'Please get involved.' Yes, I put on the public record that I welcome the involvement of any and all members of parliament in that process because I would like to think that, by the time we get to this community charter, we have something about which there is a high degree of consensus not just in the industry and local government sectors but within the parliament as well.

Mr GRIFFITHS: I commend you on those and hope that at a minimum the ERD Committee, for example, is used because it represents various political groups, but individual members being involved would be fantastic.

I now go to new schedule 8, clause 6(3) which provides that on or after the designated day 'a reference in any Act…be taken to be a reference to the State Planning Commission'. We are talking about designated entities here again. That is a very broad statement to make. Did that need to be included to give some surety to every other piece of legislation about? Yes.

The next issue relates to new schedule 8, clause 6(5). I note that the state planning commission 'may' adopt any findings or determinations from designated entities, adopt or make any decision. The question I have is: what if the planning commission has a different opinion from the designated entity and does not wish to adopt? Whose authority rules here?

The Hon. J.R. RAU: Ultimately, it would be the state planning commission, but what I think we are particularly talking about here is that the current Development Assessment Commission might have a matter before it which is at some point; it has not yet been finally disposed of but it is nevertheless in the pipeline somewhere in the Development Assessment Commission. As I read this, it is intended to mean that the new planning commission does not have to go back to square one and start again. The Development Assessment Commission might have gone through a whole bunch of processes—called witnesses, had a design review, done whole bunch of things—and it would be silly if the commission could not take advantage of that work.

Mr GRIFFITHS: I completely agree that it would be silly if that were not the case, but it comes down to the use of the word 'may' versus 'must', I suppose, which has been part of planning debates for decades now, but I am prepared to accept that response. Over the page, it talks about 'take other steps to promote or ensure the smoothest possible transition'. Is that a legislative phrase, 'the smoothest possible transition'? I am not aware that I have ever read that in anything else.

The Hon. J.R. RAU: I do not think I have read it before either. It has the horrible ring of something that I might say that has accidentally found its way into the act. It is intended to convey the idea that we should be having a seamless transition, we should not be inconveniencing people, not annoying people, not making people say, 'No, go back to the end of the queue and start again.' It is that sort of thing.

Mr GRIFFITHS: I can appreciate that. I probably would not have asked the question if it had said 'seamless transition', as well, so I understand that. I go down to new schedule 8, clause 7, which talks about the regions. Subclause (1)(a) provides that a regional plan under section 64 need not be prepared and adopted until the expiration of 24 months. Why has that 24-month period been chosen?

The Hon. J.R. RAU: This is one the member for Hammond might find pretty satisfactory. What that is intended to do is to give an opportunity for councils—and in some cases these regional plans will obviously involve more than one council, and councils have differing degrees of competencies and resources available to them—to ensure that they have sufficient time to be able to marshal their forces and make decisions.

I have to say here—and I know that the member for Goyder is well aware of this, and I am sure the member for Hammond is, too—that having, as we do, 68 local government areas where, at one end of the spectrum, you have an area like Onkaparinga where you have 120,000 or 140,000—

Mr Picton: A bit more than 160,000.

The Hon. J.R. RAU: More than 160,000 people, you therefore have a ratepayer base capable of sustaining a quite sophisticated council bureaucracy. At the other end of the spectrum you have Elliston or something—

Mr Griffiths interjecting:

The Hon. J.R. RAU: Well, there you are, you see. There is a tremendous diversity of capacity in local government so we have to allow for that. The other thing is that in this part, where we are talking about regions, we are also giving an opportunity for there to be sufficient time for them to also negotiate planning agreements and set up regional plans. One of the things in this that I thought was very important was that there should be no compulsion on local government in regional areas to collaborate, but there should be encouragements and rewards for collaboration. SELGA, for example, in the South-East, to all observations I have had is a very successful collaboration between councils in a region. The Upper Eyre Peninsula—

Mr Griffiths interjecting:

The Hon. J.R. RAU: Yes. Again, many of them are already moving in this direction, and this is just to give them an opportunity to actually turn that into something that is functional.

The CHAIR: The member for Hammond has a question on clause 10?

Mr PEDERICK: Yes, Madam Chair. We were talking about regions, I believe?

The CHAIR: This is the longest clause I have ever seen; it is 20 pages.

Mr PEDERICK: Page 12—that will do. In relation to defining regions, there is a section under the act where that can be constituted. Does that mean that potentially the environment and food protection area would be constituted as a region? There is a huge area of land between Kapunda and Goolwa, and encompassing the Rural City of Murray Bridge, under the previous act and this bill.

The Hon. J.R. RAU: My understanding of the whole area in relation to this is that, in relation to regions, we are talking about local government authorities volunteering to create a regional collaborative environment. I guess the answer to the question is: if all the local government areas anywhere wish to collaborate to do something, then that becomes possible, but this is not designed to enable the minister or the commission to go around dictating that these regional affiliations occur. It is a matter for people to come forward, not for them to be coerced.

Mr GRIFFITHS: At the bottom of page 12, under 7(2), it states:

(2) To avoid doubt, a plan applying under subclause (1)(b) may be amended…

Is an amendment defined as being more of a cosmetic change or a significant one, or is it any amendment that occurs? Is there any control in place as to how extensive it can be?

The Hon. J.R. RAU: The advice I have on that is what is meant by 'amendment' basically comes after part 5 of the act, which talks about amendments to plans. One has to have regard to part 5 to understand exactly what the scope of amendment in this particular scheme is. Generally speaking, an amendment, basically as in this place, constitutes anything short of the effective repeal of the original provision or the effective complete substitution of that for something completely different. The specific answer lies in part 5.

Mr PEDERICK: In relation to what I asked about environment and food protection, you indicated that local governments would not be forced to work together on this, but essentially they were landed with the environment and food protection area. Are there any options for local government working with the minister and his department if they are not happy with provisions of the environment and food protection area, or even being part of it, to negotiate their way out of that?

The Hon. J.R. RAU: There are several answers to that. As a matter of good public policy, whether they want to be in it or not is not the primary question. The primary question is whether or not the EFPA is a good piece of public policy, but in particular the answer to the question is that, under the legislation we passed earlier this year, there is an automatic review every five years. Every five years, there is a legislated requirement that the planning commission must have an inquiry into a whole range of things, and that inquiry includes an inquiry into essentially the existing boundaries of the EFPA with a view to asking itself: do we think those boundaries are continuing to be appropriate?

In addition to that, there can be, of its own motion, opportunities for the commission to undertake such a review, and that own motion review might indeed be provoked by a request, which they may or may not choose to action, but they have to do it every five years because the act says they have to. The short answer is that, if any council, or any landholder for that matter, wanted to approach the planning commission at any time during those five-year windows and say, 'I've got a particular problem here. I want you to look at it,' they are entitled to go forward and ask that question.

The planning commission is not obliged to answer yes, but if they make a sufficiently compelling case the planning commission is empowered to look at it, and then there is a process in the act as to what then follows. If the planning commission, either at a five-year review or as a result of a request from an individual or a council, comes to the view that the EFPA needs to be modified, there are two separate kinds of modifications that might be entailed. The first one is a completely trivial or minor modification.

For example, the Hills Face Zone might run around a contour of land that chops off the bottom corner of your 1,000 square metre block and sticks it into the Hills Face Zone and the rest of it is in your block. By any definition, that is an absolutely trivial boundary adjustment. The commission is empowered to fix those things itself. You just go there with your case and say how ridiculous and trivial it is and the commission can fix that.

However, if you are talking about a more large-scale change, then the process set out in the act is that ultimately the commission makes a recommendation, the recommendation goes to the minister and the minister can determine to do it or not do it, as the case might be. It then winds up being brought to the attention of the parliament. There is an engagement opportunity for the ERD Committee, and ultimately the parliament will decide, not the minister, whether or not that change should occur.

The short answer is that, for those people who might consider that they have a genuine and strong case for a change in that boundary, the place to go in the future is not the minister: it is the commission. When they go there, they should know that if what they want is a tiny, trivial, obvious fix-up of a line because of some obviously unforeseen and ridiculous consequence, the commission itself has the capacity to fix that, full stop. But if it is a major thing, there is a much more elaborate process which cannot be agreed to or stopped or mucked around with ultimately by the minister: it is a matter for the parliament.

Mr PEDERICK: I am certainly pleased that there is the ability either in between the five-year period or at the five-year period, and you can make comment on this if you like minister, and it is more of a comment that a question. It is certainly far more opportunity, I believe, than what people in local government had in being landed in these environment and food protection areas.

The Hon. J.R. RAU: I understand what the member for Hammond is saying and I understand where some of the concerns are coming from. Can I put it this way: the EFPA is intended to preserve the environment and food production areas which are very close to the City of Adelaide. It recognises that Adelaide should be able to feed itself and have valuable landscapes and horticultural and agricultural areas preserved in close proximity to the city. I know that, of course, there are some landholders within that close proximity who believe that if they could rezone their land they would make a lot of money, and that is fair enough, I understand that.

Mr Pederick: It is not just about that, John.

The Hon. J.R. RAU: I know, but I am just saying. There are a lot of people who think that. That is entirely fair and reasonable that they would like to be able to do that, but ultimately whether

we allow them to do that should not be dictated on whether or not they want to make more money, it should be on whether or not it is good planning policy. Their making money out of it is incidental.

If we come to Murray Bridge, which I know is the primary concern the member for Hammond has, Murray Bridge already has a significant unrealised development opportunity contained within the future growth plans for the existing city of Murray Bridge. It is already there, and that has been preserved. None of that has been taken away. The EFPA did not remove what is—and I cannot remember what the future growth allowance is there over 20 or 30 years or whatever—actually sitting there already as yet undeveloped, not in the EFPA either.

Murray Bridge is not being squeezed or choked to death. It is not being choked. Murray Bridge can grow. There is plenty of room for Murray Bridge to grow. If in 10 or 20 years there is a significant growth in the population of Murray Bridge and it gets to the point where that population is starting to bump up against constraints in terms of available land, that might make an excellent case for the Murray Bridge community to go to the commission and say, 'Look, we are wanting to grow our community and the EFPA is likely to restrict us doing that. We would like you to consider doing something about it,' and that would be entirely reasonable at that time.

At the moment, I am informed—reliably informed, I believe—that there is more than sufficient available land in all of the townships that are captured by the EFPA to permit 20 or 30 years reasonably foreseeable growth opportunity, and that is assuming no greater densification. I am absolutely positive that no town within the EFPA is going to be choked by the EFPA. That is not what it is doing.

Mr Griffiths: It will be five years before it is renewed anyway.

The Hon. J.R. RAU: Well, let's say there is a new industry that comes to Murray Bridge, a lot of people start moving to Murray Bridge and the population growth really takes off. Of course, then it would be reasonable for the Murray Bridge community to go to the planning commission and say, 'Here is our problem. Can you help us with it?' Then it is a conversation with the commission, and ultimately it is a decision for the parliament whether that is something we want to do. In putting in the EFPA it was always intended that there had to be some independent capacity for those decisions to be reviewed.

Mr GRIFFITHS: It is interesting to talk about the EFPA, the environment and food protection area. Hansard wanted me to clarify what I had said before, so that is why I have enforced it. I have a question about division 3, clause 8(1) which provides, 'Subject to this clause, section 7(5) of this Act does not apply.' Section 7(5) talks about environment and food protection areas and the division of areas within that land.

I completely understand the fact that you want to preserve existing rights. The title gives me the explanation but I am wondering, for the benefit of those who might wish to review this later and those who might feel they are impacted by it, if you want to put any words on as to the need to ensure the preservation of that right, and therefore why this amendment is in place?

The Hon. J.R. RAU: The intention of this is basically this: the real nitty-gritty of this is in section 8(4). What it is basically saying is this: I presently have a property within the EFPA. I have an unrealised potential, presently, to build a home on that. Bear in mind that at all times the only thing the EFPA is touching is the ability to do residential division. It does not affect any other form of land use at all. But let's say that I have the opportunity, presently, to subdivide a piece of land and create multiple holdings which can be used for residential purposes, and I have that right right now.

What this is saying is that, notwithstanding the fact the EFPA is coming in, I have two years to exercise that right if I wish to do so. It is saying to everybody, 'You're not going to wake up one morning and all of a sudden this has gone. You've got a chance, and if you wish to exercise that chance you've got two years to do it.'

Mr GRIFFITHS: I agree, and I recognise that we just spoke about this during the primary debate in the initial legislation also. If I can jump forward over the page, I note at the end of page 13 there is a reference to the fact that the planning and design code does not have to be enforced until 1 July 2020, but I presume efforts have been made to ensure it is there before then, and we all agree on that. The UDIA has put to me a concern, which I might just read out again:

The power for the Minister to make amendments to the Development Plan as the Planning and Design Code is brought into operation is sensible.

We all agree.

It is important however that the amendments to the Development Plan all form part of the consultation process. This can be achieved without duplication so long as the process to create the [Planning and Design Code] includes consultation on the consequential amendments to the Development Plan. The concluding sentence to 9(3) [on page 14] could be amended to say '…the Minister may make the amendment by the Planning and Design Code and the process of amendment under Part 5 Division 2 shall apply to the amendment to the Development Plan as though it were the Planning and Design Code under this Act.'

They go on to say that clause 9(4) can simply be deleted. I just want to check that on the basis that I have received this from the UDIA, and that it has been provided to your staff also, is there a position of acknowledgement of this issue and is it fixed?

The Hon. J.R. RAU: Can I get back to you about that one? I think that is one I need to take some advice on. The short answer is: on consultation, I am totally accessible to all these people all the time, and my intention is that they are part of this process ongoing. Everything that we are going to do, I want them to be involved in a lot of it. We want people to own this thing. So, we want people on board, working with the government, and we want their input and their expertise.

Mr GRIFFITHS: Subclause (4) on the middle of page 14 states:

The Minister must give notice of an amendment under subclause (3) in such manner as the Minister thinks fit.

Are there any guidelines about how the minister is to 'think fit' for the notice to be provided? At a minimum, is that because it relates to the code—and this is a local government request—that individual councils that will be impacted by it will be advised?

The Hon. J.R. RAU: The last sentence has to be read as part of the rest of the whole section, and so 'if the minister considers that a Development Plan should be amended', first question, including:

…by the removal or alteration of material in the Development Plan—

(a) because of provision by the Planning and Design Code; or

(b) because of…the minister may make the amendment...

These are not enabling provisions that enable the minister to please themselves as to what they want to do. It has to be an amendment which is pertinent and relevant to the empowering provision, which is at the top. I am not troubled by that in a sense. I do not think that it lacks any particularity.

Mr GRIFFITHS: Can I clarify then, does it mean the same thing as a ministerial DPA does at the moment? My understanding of the process there is that it is a determination that you make and you put in force on an interim basis for 12 months?

The Hon. J.R. RAU: This is apparently very similar to section 29 of the existing Development Act, which enables amendment. The advice is that section 29 of the current act provides that certain amendments may be made to development plans without formal procedures by way of notice in the *Government Gazette*.

Mr GRIFFITHS: At the bottom of page 14 under clause 6(c) my notation here is 'What does this mean??' I wonder whether the minister can outline that for me?

The Hon. J.R. RAU: Let me have a look. I am advised that this means that if there is in progress a DPA under the current scheme, this facilitates the possibility of the DPA being split and continued.

Mr GRIFFITHS: Thank you. If I can go over the page then to subclause (7) which provides:

Without limiting a preceding subclause, the Minister may, by notice in the *Gazette*, revoke a Development Plan…

If you consider it no longer required or appropriate. Is this advice that is provided to you by the commission? Is that the only case where you would do something?

The Hon. J.R. RAU: This is, as I understand it, one of the provisions here which is in effect one of the incremental switch-off provisions. So, my expectation is that, when everything else is lined up and ready to go to replace the development plan, you would then basically turn it off using that.

Mr GRIFFITHS: I come to local heritage, and I will not talk about it very long because I know it is subject to things later on. As it is going to be separate piece of legislation, why it is included at this stage?

The Hon. J.R. RAU: Excellent question. As much as I tried to keep local heritage out of the legislation in this place earlier this year, and as much as I knocked it out once, it again was the subject of, I think the euphemism is 'improvement' in another place.

Mindful of the very fact the member for Goyder has just raised, namely, that we are in the process of having a conversation about local heritage—and I did actually raise this with the relevant people in the upper house and say, 'For God's sake, we are going to get around to this, just don't jump the gun'—this is just saying, 'Look, in effect, that will be turned on when we are ready,' and my expectation and hope is that we will have our heritage conversation, a heritage bill, a heritage act and this will no longer be required.

Mr GRIFFITHS: I appreciate the response but can I seek an explanation under subclause (3) where it refers to 'Subclauses (1) and (2) do not limit the ability to make a later amendment to the Planning and Design Code in relation to a place' for recognition? Why have you given yourself a capacity to make an amendment to a place that is identified under local heritage listing? Is that what the implications of it are?

The Hon. J.R. RAU: I do not want this legislation to have anything to do with local heritage: trust me. I do not want to do that. As I understand it, it is saying in subclause (2) that you can amend a planning or design code in order to include a place of heritage value in the code. I gather that is an inclusive proposition, not an exclusive proposition.

Mr GRIFFITHS: Having said that, they are an inclusion, not exclusion. I appreciate that. If I can go over the page to page 16 and clause 12—General transitional scheme for panels, I am interested in the transition from what is currently in place to the panels being in place. This legislation, as I understand it, will set the scene about how that is done, but do you want to put any words into *Hansard* about that?

The Hon. J.R. RAU: Yes. This clause provides for existing council development assessment panels under the Development Act to continue for the time being (so, they continue to operate) until the complete legislative scheme is commenced to operate as council appointed assessment panels for the purposes of the new act. So, even though their membership probably does not comply with the new act, there is a deeming provision, in effect, that says that, notwithstanding the fact you do not comply, for a transitional period you will be deemed to be okay. They will also be able to make decisions under the repealed act until the new act is fully operational. So it is one of those transitional arrangements.

Mr GRIFFITHS: If I can jump over to page 17 and subclause (7), I have some more comments from the UDIA about section 12—General transitional scheme for panels. They go on to say:

> This ought to include an express provision that enables an assessment panel acting under that clause 12(7) to deal with any matter subject to an appeal so that a panel can for example consider and agree to a compromise proposal put as part of the settlement of an appeal. Otherwise, once the decision is made, the Panel has discharged its function and the matter is within the jurisdiction of the Court. If the old DAP cannot consider a compromise proposal (because it has ceased to exist as a DAP under the old act) then the new Panel ought to have the express power to deal with the litigations.

The Hon. J.R. RAU: I understand that, and I think there is a satisfactory answer to this. I am advised that the new panel will stand in the place of the old and make decisions accordingly in relation to appeals, including in relation to settlement conferences and the like. So the new panel will have the ability to settle an appeal informally and, indeed, to give effect to any decision in relation to an appeal as it stands in the place of the panel established under the Development Act.

Mr GRIFFITHS: Jumping to page 18, under clause 14—Assessment managers, I have a quick question. Can an assessment manager act for more than one panel?

The Hon. J.R. RAU: I am advised the answer is yes.

Mr GRIFFITHS: At the bottom of page 19, under clause 18—Continuation of processes, this is another UDIA area, and they say:

> The ability to vary an existing authorisation which may have been granted under the Development Act or a preceding Act would be helpful (see clause 18(6) which goes some of the way). It may be appropriate to insert somewhere a clause that expressly recognises the prior approvals and enables the variation power in section 128 of the [Planning, Development and Infrastructure] Act. At present, s128 is limited to varying any approval 'previously given under this act' thus arguably precluding variations to approvals under earlier Acts unless some express provision is included. For instance a clause could be inserted to read 'Any consent or approval given under or for the purposes of the repealed Act, the Planning Act 1982, the Planning and Development Act 1966 or the Town Planning Act 1929 is to be treated as though it was given under this Act'.

Is that necessary?

The Hon. J.R. RAU: It is the same answer we had a while ago, where the transitional provision dominoed back through the previous legislation.

Mr GRIFFITHS: I refer to the bottom of page 20—Appeals. I do not want it to be seen as confusing for anyone that an appeal is considered under the provisions that might relate to the current development plan requirements, where an application might have been considered and approved under the planning and design code but considered under the development plan provisions. Does this tidy it up to ensure that it is understood by all that what is in place at the time is that the appeal has to be lodged and considered under it?

The Hon. J.R. RAU: The advice I have is that this clause provides for the continuation of third-party appeals lodged under the repealed act to be continued to final determination under the repealed act and recognised, however, under the new act.

Mr GRIFFITHS: I refer to page 21—Crown and infrastructure development. Subclause (1) states (this is for sections 49 and 49A developments) that 'the designated day may be continued and completed under the provisions of the repealed act.' Does 'may' mean that it has to be and, if not, how is it considered?

The Hon. J.R. RAU: It simply enables; it means 'may' and not 'must' or 'shall'. We will try to get some confirmation about that from parliamentary counsel.

Mr GRIFFITHS: I refer to new schedule 8, page 23, part 8—Building activity and use, classification and occupation of buildings. Can the minister outline what clause 27 means?

The Hon. J.R. RAU: This goes to the classification of buildings.

Mr GRIFFITHS: This applies to land or buildings owned by the Crown.

The Hon. J.R. RAU: I am advised that the present provisions do not apply to crown buildings, and this is intended to make it clear that they will only apply after this comes into new crown buildings, not retrospectively to existing crown buildings.

Mr GRIFFITHS: Swimming pool safety referred to at the bottom of this page has also been referred to in the previous debate. Can you explain how the implementation of this area will improve the current provisions? It was previously explained to me by a person who works in this area that there was some level of ambiguity about regulations not necessarily agreeing with each other. As an expert in the field, he talked about the fact that he has inspected properties that are built according to the regulations but do not meet required standards from other areas. Does this help to fix that and ensure that the provisions exist?

The Hon. J.R. RAU: I am advised that, yes, subject to consultation, this does give the power to resolve those ambiguities.

Mr GRIFFITHS: I refer to page 24, pilot schemes for infrastructure projects, for which I know the minister has quite a passion. I am intrigued because new schedule 8 clause 30 provides, 'This clause applies despite section 245(6)'. Why is it necessary to put it in?

The Hon. J.R. RAU: If I am not mistaken, 245(6) is the is the one that says that these infrastructure schemes are going to be non-operational for a period of a couple of years after the act is proclaimed. That was something which was made as a request by the UDIA, the Property Council and others at the time we did the original bill. Since that time they have come back to me and said, 'Actually, we have been thinking about it and we wouldn't mind test driving a couple of these infrastructure schemes. What do you think?'

I said, 'I think that's a great idea, but you got us to put in a thing that said I couldn't do that for two years. So, if you are asking me to go back to the parliament at your request to actually truncate that period in respect of an application you make to me to do one of those things, I will do it.' That is why I am doing it. I said to them, 'I want you to make it crystal clear to the member for Goyder and others that I am not doing this because I am trying to recant on something that was settled by the parliament at the beginning of the year; I am doing this because you have asked me to do this.'

I hope they are very happy to confirm that with you, but I can assure you that is the way this came about. I have actually been told by both the Property Council and the UDIA that they have two, three or maybe even four potential projects in mind that they would like to participate in.

Mr GRIFFITHS: I will confirm that the industry that I have spoken to do fully support its inclusion, so there is no doubt about that. However, I did receive a response from the Master Builders Association, and I can understand the reason for it, so I will put it on the record:

> Master Builders SA is concerned that these trials may be subjected to a lower bar for approval, which may in turn survive the transition and so be open to weakening the provisions relating to future schemes. We have been reassured this is not the case, and look forward to an opportunity to assess the operation of Act's infrastructure scheme provisions with reference to an actual project.

Is that commitment in place, that the assessment of it will be safe?

The Hon. J.R. RAU: Again, I welcome the opportunity to put this on the record: all this particular section (part 9) about general schemes deals with is to say that the limitation in terms of the commencement time for this will be shortened in some circumstances; it does nothing to affect the rigour attached to the schemes. That rigour is already set out in the act and just because a scheme pops into the system early because of this does not relieve anybody of any obligation under that provision.

Mr GRIFFITHS: Still on page 25, talking about land management agreements, I have not referenced this against what part 5 of the repealed act actually states, but I am interested that at the start it provides:

> A council must, in relation to any land management agreement to which the council is a party…furnish a copy of that agreement to the Minister within the period of 3 months after the designated day.

Is that all LMAs? I can imagine that they are quite substantial in number, and I am wondering what you actually do with them then. I presume they become part of the planning portal so that they are on the property, and therefore any future owner or intended purchaser will be aware of the provision of it. I am just wondering about that.

The Hon. J.R. RAU: Essentially, the intention is that the commencement of the new legislation provides an opportunity to take stock, update records and establish a contemporary register, which then will become a register on the planning portal.

Mr GRIFFITHS: That will be a substantial project, but it is part of the documentation requirements for those who might own it in the future, so I can understand that. The next point I want to go to is on page 26, clause 34—Proceedings to gain a commercial competitive advantage. The UDIA commented to me that they seek the insertion of an express carryover of the right of action under section 88C of the repealed act.

The Hon. J.R. RAU: That is the same thing again.

Mr GRIFFITHS: Is it?

The Hon. J.R. RAU: I will ask people to consider that between the houses, but my understanding is that that is simply a reflection of something that exists in the existing legislation. I do not believe it to be a new thing.

Mr GRIFFITHS: The next question relates to part 15—Other matters, proclamation of open space. Is this only an issue that has come to light since the legislation was passed in April? I looked at this and thought, 'Why wasn't it actually in the original legislation?'

The Hon. J.R. RAU: My advice is that this was a transitional provision in the Development Act 1993, and that it carried over provisions going back to the 1929 act. It is further being carried over into the new system.

Mr GRIFFITHS: If I can go to the bottom of page 27, to 40—Conditions. Again, this is the UDIA feedback which I will allow you to give consideration to later on:

> This clause relating to the continuation of conditions under the Development Act should refer to conditions applying to a decision under the repealed Act or any of the earlier Acts given that they may still be in force.

The Hon. J.R. RAU: Exactly. I say again that our advice is that we have this cascading arrangement already in place, but we will check it again with parliamentary counsel.

Mr GRIFFITHS: Nearly there. I appreciate the minister's willingness to provide fulsome answers. I have gone to page 32 now, part 10—Amendment of section 3—Interpretation:

> (1) Section 3(1), after the definition of pollute insert:
>
> pre-school…

Minister, I read this and I was intrigued as to why the definition would change as a result of the PDI Bill in the Environmental Protection Act.

The Hon. J.R. RAU: The answer apparently is: because the Development Act regulations will ultimately no longer apply and this apparently appears in the Development Act regulations, the EPA has asked that it be stuck into their regulations.

Mr GRIFFITHS: I could have accepted it if it related to section 49 or 49(a), in relation to crown development if it was a childcare centre on crown land, but okay, I accept that. I go on to the second to last page, 43—

The CHAIR: Page 43 is the last part of clause 10, and then I am passing clause 10 before we do anything else.

Mr GRIFFITHS: That is true. I am interested in 79—Amendment of section 34C—Minister may give effect to road process proposal. I think this relates to the Roads (Opening and Closing) Act:

> …delete "The Governor" and substitute:
>
> The Planning Minister

Minister, I know you are influential in many areas, but I am just intrigued about this one.

The Hon. J.R. RAU: I am advised that the reason for this is that previously, major projects were determined by the Governor, which means the Governor in counsel with SALT. Under the Planning and Development Act, as passed, this would be a matter for determination by the minister, not the Governor. Therefore, any road closing or opening under the act should be undertaken by the minister as part of the major development process, not by the Governor.

Clause passed.

Remaining clauses (11 to 85) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:43): I move:

That this bill be now read a third time.

Can I thank the member for Goyder, the member for Hammond and others who participated in the committee stage. I think all the questions that have been asked have actually been very constructive, and hopefully those people who were concerned about some of those matters will find that the answers are satisfactory. If they are not, I say, particularly to the member for Goyder, I am obviously very happy to chat to him about further matters between here and elsewhere.

Bill read a third time and passed.

At 17:45 the house adjourned until Thursday 20 October 2016 at 10:30.