LEGISLATIVE COUNCIL

Thursday 28 June 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 11:01 and read prayers.

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

AQUACULTURE (MISCELLANEOUS) AMENDMENT BILL

Consideration in committee of the House of Assembly's message.

The Hon. G.E. GAGO: I move:

That the House of Assembly's amendment be agreed to.

This is the money component of the bill, which had to be dealt with in the other house and which has come back to this house for consideration after being dealt with in the lower house. It deals with the aquaculture fund. The proposed amendments to section 79 are enabling clauses to clarify that the minister may use the Aquaculture Resources Management Fund to collect and allocate research moneys and to hold and use funds for the purpose of site rehabilitation.

PIRSA has no operating government rehabilitation fund for the aquaculture sector at the present time. As such, no fees are currently being charged for this purpose. The South Australian Oyster Growers Association does have an industry fund; however, the fund does not cover all oyster operations in this state, only those of its members. Should a government-held rehabilitation fund be proposed, it will be in consultation with the relevant industry sector. There will obviously be no double dipping in terms of mandatory contributions to multiple rehabilitation schemes.

The Hon. J.S.L. DAWKINS: The opposition supports the insertion of this clause. The minister has outlined what is well known to members; that is, such a clause cannot be inserted in this chamber, which was the originating house of the bill, so we do support the insertion of that clause. I am also grateful to the minister for reiterating the point about double dipping because, I suppose, as was put on the record in the lower house, particularly by the member for Flinders and also the shadow minister, the member for Hammond, there are some sectors—and the oyster growers are a very good case in point—that have done this work themselves with their own fund. We would not want that to be duplicated, and I appreciate the fact that the minister has reiterated that. I would hope that that will be the case because let us not get in the way of people who are doing a good job with their own resources. Having said that, the opposition supports the insertion of the clause.

The Hon. M. PARNELL: I have a question of the minister in relation to the insertion of the proposed new paragraph (ac) in section 79(4) which, whilst I do not have the original act in front of me, I assume is the list of things that the money can be spent on. My question is: why would you use a common fund to pay for what are, effectively, clean-up operations? For example, it says in new paragraph (ac):

for the purposes of taking action to remove or recover aquaculture equipment or stock, or equipment used to mark off or indicate the boundaries of a marked-off area of a lease...

I would have thought that those are personal expenses relating to the operator. Why would it not be the operator who is obliged to recover or remove their equipment or recover their stock that has escaped? Why should that be a common responsibility—unless I have misunderstood the meaning of that paragraph?

The Hon. G.E. GAGO: I have been advised that the honourable member is quite right: the condition of the lease requires the lessee to take responsibility for their boundaries, etc., in terms of removing bits of equipment and other matter. I have been advised, though, that there are situations, for instance, where the lessee can no longer be found, where things have become obsolete, and so no-one becomes responsible for their removal. The intention is that the fund be

used only in those cases. In the first instance, the obligation of the lessee under their lease requirements would be put in place, and it would only be if we were unable to do that that we would use the fund for those purposes.

The Hon. M. PARNELL: I thank the minister for her answer. That makes sense because certainly it should be the obligation of an operator to clean up after themselves. So, if for some reason it is not possible—and you would hope those situations are rare—to sheet home responsibility to that operator, then it makes sense for the industry as a whole to be responsible for those costs rather than taxpayers in general.

Motion carried.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION BILL

Adjourned debate on second reading.

(Continued from 14 June 2012.)

The Hon. M. PARNELL (11:12): There is a great sense of deja vu in rising for the fourth time, in fact, to speak to a bill to introduce an independent commission against corruption in South Australia. I have lost track of the number of bills overall, but my understanding is that the Democrats introduced, I think, five bills, the last two of which, when I was in parliament, were supported by the Greens. Family First introduced a bill as well, which the Greens also supported, and the Liberals introduced a bill, which I do not think got to a vote but which the Greens would also have supported had it done so.

They were not identical bills, but what they all had in common was the recognition of the need in this state for a formal body to investigate and take action against official corruption. Whilst, with all those different models, we could have nitpicked around some of the fine detail, they all had that at their heart: a formalised body to investigate and deal with official corruption. However, we do now have this bill from the government, and it has been some time coming.

I do not propose to go into the entire history the government's reluctance in the face of calls from all corners of society to introduce an ICAC, but I will just note an observation I first referred to back on 21 November 2007, which is the first time I got to debate a bill on an ICAC. There was a very prescient article published in *The Australian*—you do have to look hard these days in *The Australian* for such articles, but there was one back on 27 August 2007—which was headed, 'Opposing the obvious: why are some premiers against corruption commissions?' The article read:

> If the first sign a premier has been in office too long is a statement that independent oversight of the government is unnecessary, it is time for Labor MPs in South Australia to start thinking about a successor for Mike Rann. Last week, Mr Rann suggested South Australia does not need an independent corruption commission because in other states such agencies spend a lot of money on lawyers.

The article went on:

> But whatever Mr Rann thinks, from the wretched regime of Joh Bjelke-Petersen in Queensland a generation ago to the more recent influence-peddling of Brian Burke in Western Australia, the evidence is overwhelmingly in favour of well-resourced corruption commissions.

I think it is both timely and fortunate for our state that the government has seen the light and decided to introduce an ICAC bill.

When I first spoke about ICAC way back in 2007—that was in relation to a Democrats' bill—I had recently attended a public lecture by His Honour Jerrold Cripps, who was the New South Wales independent commissioner against corruption. He made the observation—and I think it is as true today as it was five years ago—that some 34 per cent or one-third of matters dealt with by the ICAC related to local government, and the vast bulk of those related to local government in its capacity as the assessor and approver of development, and in relation to rezonings.

It is therefore no surprise that most of the correspondence that the Greens have had on this bill on this occasion has in fact come from local councils, who see that their area of responsibility is very likely to be at the pointy end of the work of the independent commission against corruption and its related bodies. I note that some amendments were filed just yesterday, I believe, by the government, which seek to address some but not all of the Local Government Association's concerns, but we will deal with those matters more fully when we get into committee.

The Greens' position in relation to these bills, as I have said, has been that we have supported them in principle. I do not think any of them have got beyond the second reading stage, but we are now very keen to look at the fine detail of this government bill, because I think there are

some serious questions that need answering. However, overwhelmingly, the Greens' position has not changed: we support the creation of an independent commission against corruption and we will be supporting the second reading of this bill.

I also note that the Greens have moved for a similar body to be set up at the federal level, not because we believe it would replace state and territory anticorruption bodies but because it would complement them. Most recently, under the new leader, Senator Christine Milne, the Greens have reactivated that call in the federal parliament.

When we are talking about independent commissions against corruption or corruption watchdogs generally, there are a number of key principles that need to be balanced. At the heart of it, we need to get the balance right between a regime that discloses and adequately deals with public corruption or maladministration—that brings that behaviour to light, deals with it and puts in place measures to stop it happening again—and the rights of innocent people not to be unreasonably smeared in a forum where they might not have any opportunity to defend themselves. Getting that balance right I think is important. At the outset, I will say that having the bulk of investigations undertaken in private probably helps to get the balance right. That is not to say that all dealings with the independent commission against corruption should be hidden from the public and should be secret; we just need to get the balance right.

In terms of the detail of the bill, the first thing that we have to consider with this, as with any legislation, is what does it cover? What does it mean when we talk about corruption or misconduct or maladministration? The bill sets out in some detail what sort of behaviour is expected to fall within those definitions. In clause 5 of the bill we have a definition of corruption in public administration, a definition of misconduct in public administration and a definition of maladministration. As we work through the hierarchy of conduct, we get right down to the point in relation to maladministration, where it looks at not just impropriety or negligence, but also incompetence.

The idea of incompetence in public administration should send shivers down the spine of a large number of people, not just in local government but at the state and federal levels as well, I think. It is a word that I know the Local Government Association is nervous about. What does it mean for someone to be incompetent? We do need to remind ourselves that the only qualification for being a member of a local council or a member of a state or federal parliament is that you are elected to that position. There is no test other than the test of public opinion at the ballot box. So, when we get into committee we will explore some of the detail of that definition: what is meant by incompetence and how is that different from impropriety, negligence or other forms of misconduct.

I note that the regime in other states is quite different in terms of how they define the type of conduct to be caught by the anticorruption regime. For example, if we look at the New South Wales ICAC Act, in section 8, a part of their definition of corrupt conduct is any conduct of any person—whether or not a public official—that adversely affects or could adversely affect either directly or indirectly the honest or impartial exercise of official functions by any public official, any group or body of public officials, or any public authority.

That notion of it being corrupt conduct to behave in a way that could affect the impartial exercise of official functions raises all manner of questions about how things are conducted in parliaments and in councils. Where do we draw the line between normal politics and something that falls across the line and becomes corrupt?

A good example, and one of the examples that in the United Kingdom has led to law reform, is the cash-for-questions incident in the early 1990s. If members are not familiar with it, basically, *The Guardian* newspaper in October 1994 ran a story alleging that one of London's most successful parliamentary lobbyists, a chap called Ian Greer of Ian Greer Associates, had bribed two Conservative members of parliament in order for them to ask parliamentary questions and do other things in parliament on behalf of the Egyptian owner of Harrods department store, Mr Mohamed Al-Fayed. This is the cash-for-questions incident.

I am sure that members would be keen to note what the going rate is. We have question time coming on at 2.15, and I know that the Hon. Terry Stephens is keen to know. The going rate in the UK is £2,000 per question. In fact, the allegations became more than that, and what we did see is that one of the MPs resigned immediately after the allegations were made public. He basically admitted to taking money. He denied taking the money from the lobbyist. He said that he took it from Mr Al-Fayed himself rather than from the lobbyist, but it is really nitpicking, I think.

Adding to the cash-for-questions episode, there was cash for honours. I note that the Hon. Terry Stephens perhaps coveted a knighthood. I am not sure what the going rate for a knighthood was, but it certainly became a party fundraiser dispensing Her Majesty's largesse in the form of imperial honours.

Whilst we could make light of it, as I am to a certain extent, it does raise the question about where the line is. We can look, for example, at the situation in New South Wales, where it seems very clear that a deal was struck between the New South Wales government and the Shooters Party, that in exchange for the Shooters Party vote to privatise the electricity network the government would open up 79 national parks for recreational shooting, and that was the deal that was done. That is now a matter before the Independent Commission Against Corruption in New South Wales.

As a parliament, we need to decide to what extent is that just reasonable political horsetrading, or is it corrupt? Where is the line? Whilst that might be a difficult one for some members to get their heads around, I think that anything that involves money, any exchange of cash for executive favour or action, would, clearly, fall the wrong side of the line when it comes to official corruption. For example, if a minister of the Crown were to give special treatment or facilitate development approval in exchange for cash from a major party donor, then most of us would accept that that is corrupt behaviour and would be caught by the ICAC.

The problem is that whilst those sorts of donations and political decisions absolutely stink in the minds, or the noses, of the general public, what we always see in this place is that whenever such questions are raised a minister will come in here, or the other place, and say, 'It's an outrageous allegation. We considered the decision on its merits, it warranted approval and so we approved it.' When you point out that the party that was the beneficiary of this ministerial approval is also a major donor to the party, and you can track their donations, we are told that we are outrageous in making such links, that we should be ashamed of ourselves and how could we possibly even consider that the donations had any impact at all on the decision that was made?

I have been the subject of that on a number of occasions in this place. I remind members again of that well known, oft-repeated interview conducted on ABC radio in 2007 when Mr John Blunt, the CEO of the Makris Group, was interviewed by Matt and Dave. He was asked, first of all, how much money had they given to the Labor Party and why did they give that money? This was in the context of a number of recent major project declarations that favoured the Makris Group. I suggested, in parliament, that in the 2005-06 year the Makris Group had given the South Australian branch of the Labor Party a total of $32,000 in three separate donations.

I was gazumped by the Hon. Rob Lucas, whose forensic abilities were perhaps a bit better than mine at the time. He found that there was much more money than that, if we took into account the related entities. He will correct me if I am wrong, but I think he got it up to over $180,000. The importance of that interview is that despite government protestations that donations to political parties do not affect the decisions they make, clearly that is not the perception that is held by the donors because what Mr Blunt said in that interview was, when David Bevan asked him why the Makris Group chose to donate money to the Labor Party:

> I mean, we have got business interests, as well, so we want good governance. We want to see things happen in this state.

Matthew Abraham then interjected:

> You want to be looked after, too?

In response, John Blunt agreed and said:

> Yeah, we want to make our projects happen, that's for sure, but, you know, that's a part of the way the system—you know, politics—works here.

So, from the horse's mouth, from the donor's perspective, they think they are getting something from the donations they are making. The government denies it. The question is: how do we resolve this? Do we resolve it in the chamber? I will ask the questions. I will be told that I am muckraking by the minister and how dare I and to get out of the gutter. We need an ICAC. We need an independent commission against corruption that can investigate those claims and those sorts of behaviours.

However, I think it would be wrong to suggest that, when it comes to members of parliament, all of the mistakes made are made fraudulently and deliberately. I think there are occasions when people get things wrong, where they mess up, where they do not fully understand,

for example, various entitlements. We have had the controversy here over entitlements to travel and the ability of an MP's spouse or children to travel, and I do not think anyone in this place would deny that there has been a degree of the grey area about what entitlements are.

One of the things I think is good about the approach that has been taken by my federal colleagues in Canberra in terms of the Greens' model for a national integrity commissioner is that they also have a parliamentary integrity commissioner to oversee the entitlements and the ethics of members of parliament and also that they can give advice to members of parliament who are not sure, who do not want to do the wrong thing, who do not want to fall foul of that line of misconduct or improper use of entitlements, so you can actually go and get some advice. That, I think, is a good model that hopefully will see a number of those federal controversies diminish over time.

I will also point out that this model forms part of the agreement that the Australian Greens made with the Gillard government in exchange for support after the last election. We look forward to seeing how that model works, and it may well be something that we need to adopt here, because whilst codes of conduct have their place they are not enough by themselves.

Another aspect of the bill that we need to look at—and, again, we will deal with this more in committee—is who can refer matters. I think it seems fairly clear that basically anyone can, but the difference with this model is that the referral is not directly to the ICAC; the referral is first to the Office of Public Integrity. That raises a question about the relationship of that agency with the community. When we get into committee and begin discussing the ICAC itself and how it works and when they will or will not put out public statements in relation to their private investigations, there is also a question about whether the Office of Public Integrity will be making statements about matters that they refer to the ICAC, the ombudsman, the police or elsewhere.

I think it will be important for the public to know that matters are being dealt with. They do not necessarily need to know all of the details at the earliest stage, but they do need to know that the matter is being taken seriously and it is being dealt with.

In terms of the responses to misconduct, clearly there is a continuum of responses. At the most serious level it involves criminal charges, trial and potentially gaol and fines; that is up at one end of the spectrum. At the other end of the spectrum, you might find low level misconduct (we will not call them offences) which might be dealt with by the person concerned going away and doing a training course, for example, maybe in relation to financial management or maybe in relation to something else. So, there is a whole continuum of responses. Over time, once this regime is in place, we will need to see whether the authorities—the ICAC, in particular—are picking the mark correctly. Are they, in fact, imposing the right response for the right level of behaviour?

The Greens welcome the fact that the government has finally seen fit to introduce this legislation. I have had a fairly thorough briefing from both the minister and the Local Government Association. I need to double-check how many of their concerns have been picked up in the government amendments that have just been tabled. Certainly, we have had some argy-bargy earlier this month where the Local Government Association claimed that they had not been consulted and the minister said they had, but I do not need to go there, I just want to make sure that all of the issues at the end of the day are thoroughly canvassed.

What I do look forward to—once this bill is in place, as I am sure it will be soon—is for the act, as it will be, to act as a silent sentinel, if you like, that will actually drive better behaviour. In fact, a lot of integrity arrangements that we put in legislation are effective not just because of the behaviour that they catch but also for the behaviour that they prevent.

It has been a long time coming. The Greens welcome the fact that we are now going to get an independent commission against corruption. We will be supporting the second reading of this bill and looking forward to the committee stage.

The Hon. R.L. BROKENSHIRE (11:35): I rise to advise that Family First, in principle, will be supporting this government ICAC Bill. We will be looking at amendments that have been tabled by colleagues and looking at some specific questioning during the committee stage but, as I say, the principle of having an ICAC bill come through this parliament is very important and it is long overdue.

We are already on the public record, having previously talked in detail about why we want an ICAC in South Australia. In fact, a lot of the principles of this bill are similar to a bill that we put up a couple of years ago that I thank the majority of colleagues in this house for supporting. That

bill was passed by the Legislative Council but was stalled in the lower house because, at that point in time, this government did not support an ICAC.

To give credit where it is due, I do give credit to the Premier, Jay Weatherill, the Attorney-General, John Rau, cabinet and the whole of government through their caucus in now seeing the wisdom of bringing in an ICAC bill. I understand that the probable reason why they did that was there had to be points of difference shown between Premier Weatherill and premier Rann.

I am sure that when Premier Weatherill was waiting to be formally sworn in over that period of time, he was at Labor headquarters on South Terrace asking about qualitative and quantitative polling. I am sure that one of the key things that he saw in that was that the South Australian community was very frustrated that there was not an ICAC and that was really polling badly against the government, so Jay Weatherill, in his wisdom, realised that they had to announce an ICAC, and that is really how it happened.

Members interjecting:

The Hon. R.L. BROKENSHIRE: I am pretty sure of how that would have happened. Having said that, the pressure, the heat, came to bear good fruit and we now see an opportunity for an ICAC. This ICAC Bill, one way or another—I agree with other members—will be passed, clearly with some amendments, I would expect. I will be looking particularly closely at some of the amendments the Hon. Ann Bressington has already tabled and the amendments that I understand the Liberal Party and the government have tabled or are going to table with respect to issues raised by the Local Government Association.

I am surprised that there was a debate on consultation and that it was said that there was not consultation with the Local Government Association because I thought, until recently, that there was a serious attempt now to debate and decide rather than announce and defend, but I think the jury is still out on that. You see a lot of things like the ferry at Cadell, where there was no debate and decide, it was just announce and, for a start, defend.

We would have been the only state in Australia that would not have had an ICAC. With 1½ million people in this state and a bureaucracy of about 90,000 public servants, we would be kidding ourselves if we did not think we had a need for an ICAC. We may be a state of free settlers, but there are certainly going to be issues around corruption and probity here in South Australia just like there would be in any other state.

I never accepted the former premier's argument that we had a Police Complaints Authority, an internal investigations branch, an ACB and so on and so forth. Of course we had those, but of course all other states also have those as well as an ICAC. Even if we were that squeaky clean as a state that there was no need for an ICAC, I think the expenditure of having an ICAC in place would be justified by ensuring that we remain a very clean state when it comes to corruption issues and the like.

One of the things we are concerned about—and we will drill into this more during the committee stage in the next week of setting—is that we want to make sure that this is a full and comprehensive ICAC and that corners are not being cut. Some of our decision-making in the committee stage will be based on clause 1, and some questions will put to the minister with respect to that.

One of the things that is pretty fundamental to how successful an ICAC will be is how much funding it gets, how it is going to be staffed and how it is going to be managed. When the government was opposing an ICAC, the then attorney-general (Hon. Michael Atkinson) was critical of the model I put up because he claimed it would cost millions of dollars a year more than I had estimated with the limited resources I had for the model.

Our estimations were based on models with successive recurrent years of budget expenditure by ICACs but, nonetheless, Michael Atkinson said that much more money than that was required. Yet now we understand that we are going to be able to have a fully-fledged ICAC that will have all the comprehensive processes of any other ICAC in any other state, the only one difference appears that we can do it at a bargain basement price.

The Hon. A. Bressington interjecting:

The Hon. R.L. BROKENSHIRE: Yes. We are going to need some explanation from the minister and her advisers to see whether or not we are convinced that the sort of funding model

they have is sufficient. If you are going to have an ICAC, you have to ensure that it can do its work adequately and appropriately.

There does need to be some questioning on the Office of Public Integrity. I would have thought that the best model was one where anyone who had a concern could lodge it directly with the commissioner. I hope that we can find a suitable commissioner. I note with interest that in the media Premier Baillieu in Victoria expressed concern about finding the right person to take up the lead position. That in itself is concerning because I would have thought that there were a lot of learned men and women with the right qualifications who would jump at the opportunity of taking on this role.

As I see it, this will be one of the highest public offices in this state and, therefore, I think it is healthy that the Hon. Ann Bressington has decided to put an amendment stating that both houses of parliament should be involved in that decision; it does need to be a multipartisan acceptance of the commission position. I certainly have an open mind, as does Family First as a party, and will listen to and consider strongly what the Hon. Ann Bressington has to say when she speaks to that amendment.

Gary Burns is our new police commissioner (and I personally believe he will be an excellent police commissioner) and clearly there is multipartisan support for him, and that is healthy: it is healthy for the parliament and it is also healthy for the new police commissioner. I think it would be healthy that, when you are dealing with issues of probity and corruption, the person heading that position has the full confidence of a democratic parliament. We will listen to that debate with a lot of interest. They are the key points I wanted to raise at this stage.

The community of South Australia has, in an overwhelming absolute majority, clearly indicated for several years now that it wants an ICAC. As a member of parliament, I am very keen to see an ICAC. In my earlier years in parliament, I did not have issues coming across my desk where I thought. 'Gee, I wish there was an ICAC. I can't see a road that I can take this issue down.' That never used to happen in the early days but, for some reason I cannot put my finger on exactly, a range of issues have come to me over the last several years from constituents where I would have loved an ICAC. I would have said, 'Look, this is the opportunity, this is the model, here is a vehicle for this issue.'

I have to say, sometimes when I have represented constituents in recent years and gone to what I thought was the appropriate vehicle to consider this allegation—sometimes a very serious allegation about an individual or individuals, or the state as a whole—I have come up against a roadblock. A classic example has been with issues around public servants whom I believe have had genuine allegations. You try to send things to the Auditor-General when you can. You send them there, but you often do not actually hear back from the Auditor-General. The Auditor-General has no legal requirement, as I understand, to report back to a member of parliament when that member of parliament puts something forward.

In the case of the Commissioner for Public Sector Employment, I have put forward stuff that I believe needed investigation, only to find that after a little while a letter comes back saying, 'Send that back to the department and let them investigate it.' I have said, 'Hang on a minute, I have already tried that and so has the constituent. It is not working. Surely your role as the Commissioner for Public Sector Employment is to investigate that.' It is a whitewash.

We do need a fresh start here. There is a real need for an ICAC. The government and the parliament have identified that. Most importantly, the absolute majority of South Australians have called for it. They are going to get a positive answer to their request, and we will have an ICAC. The challenge for us now in committee is to ensure that we set up the best possible model for the long-term interests of all South Australians. With those words, I commend the principles that the government has put up in respect of the ICAC Bill.

The Hon. A. BRESSINGTON (11:46): I rise to speak to the Independent Commissioner Against Corruption Bill 2012. In doing so, I thought I was going to be the only one to express concerns over the model that has been put before us, but it seems that most members in this place have had very similar experiences to me in having to deal with the complaints of constituents. I truly believe that if the existing bodies, such as commissioners, the Ombudsman and the layers upon layers—Police Complaints Authority, Anti-Corruption Branch—were actually given the teeth that the people thought they had, or that even members of parliament thought they had, we probably would not even need to have this debate or this conversation about an ICAC.

As the Hon. Robert Brokenshire rightly pointed out, when we try to engage those many layers of so-called accountable and transparent bodies, it does quite often seem like a bit of a whitewash. It seems that there is no path to take, there is no pathway for people who have come with genuine concerns that would border on either professional misconduct or outright corruption. People have sought justice as whistleblowers, or those who have just been on the wrong side of a situation have raised these issues, exposed their treatment and carried the banner forward for what they considered to be a just outcome for them, only to see themselves going around in circles, sometimes for a decade, and running themselves into the ground, losing everything in the meantime, and quite often their families fall apart under the pressure. That is not good enough.

Of course, the media have played an important role in the campaign for an ICAC in this state as well, and I imagine only time will tell how this all plays out. I long ago came to the conclusion that no government would implement such a body for anything other than political purposes, and this government especially seems to care very little about true justice and more about appearing to be responsible for making tough decisions, usually to the detriment of average Joe—and I still sincerely wonder why. I go back to the WorkCover debate; I go back to the debates that we have had in here about child protection; and I go back to inquiries that we have had into the office of the Public Trustee. All of them left people with no better outcome than what they had started with in the first place and that is my concern with this ICAC.

I have a number of amendments that I will be moving that reflect exactly those concerns. As the Hon. Mr Brokenshire has just finished saying, if we are going to have one, then, for God's sake, let us make it work. Let us make it effective and let us make sure that this is not just another merry-go-round that people are going to jump on, with all the hope in their heart that they are going to be justly treated and have just outcomes delivered, only to find that it is just another smoke and mirrors activity.

No less than eight ICAC bills have come before this parliament previously, as the Hon. Mark Parnell pointed out, with one successfully passing in this place. These bills reflect the increasing demands from our constituents for greater government accountability, with many coming to believe that the rot of corruption has already set in, with only the symptoms so far exposed. Others who have found little relief with the existing complaints mechanisms, as I have said, and then discovered that this was their only option, have demanded a new body with real power and real teeth to be established.

More broadly, our constituents have no doubt been frustrated by the lack of outcomes in high profile cases of alleged corruption such as the Burnside council saga and the Eugene McGee case. Despite a ministerial investigation in the former and a royal commission in the latter, those involved believe that corruption has not been exposed and dealt with. Clearly a consensus has formed that a new anticorruption body is needed, and the government has finally listened, or I hope it has.

I will express my support for the ICAC model devised by the government having worked my way through the bill. I must say I was genuinely surprised at the model that was presented but I have found some problems that I will be addressing through amendments. The potential for the success of this ICAC rests upon three things, I believe. The individual chosen to be the commissioner, particularly the first commissioner, will be responsible for establishing the policies, procedures and staffing levels.

The bill proposes the Governor, on recommendation by the executive, appoint the commissioner for a term not exceeding seven years. The bill offers little guidance as far as the qualifications and qualities of the successful candidate, except to require seven years of legal practice and that he or she has been a former judge of a state, territory or commonwealth court. Additionally, serving judicial officers or members of parliament have been rightly excluded. Beyond this, however, the executive government is free to appoint whom they please.

While criticism will surely result from a partisan appointee, we cannot dismiss the possibility if this process remains. Given the status and powers of this particular commissioner, it is my position that the person appointed to be the commissioner should have the support of the parliament and not just the party with the majority in the House of Assembly. As such, as I said, I will be moving an amendment to replicate the appointment process for the Ombudsman and the electoral commissioner for the ICAC commissioner.

Essentially, the Statutory Officers Committee, a parliamentary standing committee, will inquire into and report on nominated candidates following which both houses of parliament must

resolve their support for a preferred candidate. I would hope that the game of politics would not come into this appointment, given the importance of it and the fact that people have been screaming out for this for at least the six years that I have been in here.

I note that one of the concerns of the Attorney-General in our meetings has been that this could delay quite significantly the appointment of a commissioner, but I also note that within the bill there is the ability to appoint an acting commissioner for no more than a six-month period, which should give the standing committee and the parliament plenty of time to come to an agreement and be able to appoint the first fully-fledged commissioner for the South Australian ICAC.

This process ensures that the ICAC commissioner is not a partisan candidate and that there is adequate scrutiny of candidates' credentials and eligibility and ensures that all members of the parliament are consulted and engaged on the appointment of such an important position. This process was introduced by the Liberal Party in 1996 following a 1993 election promise to engage the parliament in future Ombudsman appointments; and, having read the *Hansard* of that debate (specifically the Ombudsman (Miscellaneous) Amendment Act), it is clear that this had bipartisan support then, as I hope it will again.

While the debate in 1996 reflects concerns about the potential for such a process to descend into partisan politics, history has shown that this parliament has largely taken this responsibility very seriously, and I am sure that it will do so when called upon, as I said, to determine the first and future ICAC commissioner of South Australia. Also potentially undermining the success of the ICAC is the question of funding, an issue which I note the Hon. Robert Brokenshire and the Hon. Mark Parnell also raised.

There is a saying that if you pay peanuts you get monkeys. We certainly did not want to pay peanuts when we were building our desal plant, but it seems that for our ICAC a paltry $4 million of initial funding is going to be sufficient—I doubt that very much. Even if it is just the initial funding, I believe it is indicative of this government's willingness to truly investigate serious allegations of corruption with just that much money set aside. It is, of course, my hope that the commissioner will be provided additional resources as required; and, if it was possible, I would move an amendment to the bill to ensure that he is.

The bill does propose to minimise some of the cost of the model chosen by staff in the Office of Public Integrity with employees seconded from the Public Service, as well as a few senior commissioner employees. From the briefing provided, I am led to believe that the former will be specifically hired by the Attorney-General's Department for that purpose. As a question to the minister, I seek clarification as to whether the commissioner or delegate will be involved in the selection of such employees.

From my research, I found this to be comparable with the staffing arrangements for the Ombudsman's office, as well as other statutory offices, such as that of the Equal Opportunity Commission. Having spoken to the Ombudsman, I am aware that it has worked quite well; however, I nonetheless remain concerned that public servants will be acting, effectively, as the gatekeepers to allegations of corruption while remaining answerable to the chief executive of the department from which they hail.

This raises issues around not only such employees having a divided loyalty and accountability structure but also the potential for a perceived conflict of interest if such an allegation relates to the Attorney-General's Department. For this reason, I will be moving an amendment to ensure that, whilst public servants are seconded to the Office of Public Integrity, the commissioner will act as their chief executive to the exclusion of the chief executive by whom they were technically employed.

Indeed, it would seem that the Attorney-General agrees that this is how it should be, stating in an answer to a question from the member for Bragg in a budget estimates committee:

> ...whilst the IPO and the ICAC are separate entities functionally, in the context of the bill they still sit under the one chief executive, in effect, which is the commissioner.

As such, I look forward to his support for that particular amendment. Another longstanding concern of mine which has the potential to limit the effectiveness of the commissioner is the protection, or lack thereof, of whistleblowers or anybody who comes forward with information that would assist the commissioner in an investigation into corruption.

Whilst the state encourages whistleblowers to come forward and make a public interest disclosure about corruption, misconduct and maladministration, if the whistleblower is then subject

to reprisals for their disclosing, the state effectively washes its hands of the whistleblower and directs them to the courts or to the Equal Opportunity Commission for redress. So, basically, they get a pat on the back and, 'Here you go, off to the courts, and best of luck.'

Despite the bill before us seeking to protect those who make a complaint or assist the ICAC, the commissioner will be unable to assist in their protection or to pursue those who seek their revenge. Instead, this task falls to the whistleblower themselves, as already happens in this state and, given the subtle form that such victimisation can take, this is by no means easily done.

Given the difficulties of demonstrating victimisation without investigative powers, and the fact that the state encourages whistleblowers to come forward with what they know, it is my position that the state has a greater interest, and responsibility, in pursuing those who victimise whistleblowers. As such, I will be moving an amendment to both the victimisation provision in the bill and the Whistleblowers Protection Act to make it a criminal offence to victimise a whistleblower. This amendment is still being developed, if you like, as we go along with discussions between the Attorney-General and my colleagues in this house.

The state, the police, through the ICAC, if the victimisation is by a public servant or otherwise, will then be responsible for investigating and prosecuting those responsible. This will, in turn, assist victimised whistleblowers to seek compensation through the aforementioned mechanisms. Recognising this, my amendments will also limit the liability of employers, including the state, in criminal or tort proceedings if they have exercised all reasonable diligence to ensure that the employer or agent would not commit an act of victimisation.

A similar provision in the Equal Opportunity Act, which, to my understanding, already applies to victimisation proceedings pursued under that act, has been interpreted to require direct action by the employer and not simply have policies in place—because we do know that we now live mainly in a world of paper policy that rarely translates into practice, and that is especially where whistleblowers are concerned.

It is my hope that the availability of this defence will encourage employers, particularly government departments and agencies, to do all they can to protect those who disclose corruption and wrongdoing in their midst in the interests of the public. It should also be noted that the equivalent Queensland act, the Public Interest Disclosure Act, both criminalises reprisals against whistleblowers and provides a similar defence.

Whilst it did not prevent my support for the establishment of an ICAC, something that has concerned me is the potential for a person's reputation to be irrevocably damaged by being the subject of, or even just associated with, an ICAC investigation. I know this was a major contributor to the government's reluctance to establish an ICAC, with many government MPs expressing their reservations about the potential for a person's career to be left in tatters, even if the ICAC ultimately clears them of any wrongdoing. These reservations have obviously been reflected in the drafting of this bill, with hearings of the commission to be closed and a prohibition to be placed on publication of any matters relating to an ICAC investigation, including details of the original complaint that led to that investigation.

While this is obviously contrary to the media's interest, and I am surprised that the media have not been more vocal in their opposition given the headlines such hearings and allegations would generate, I do believe that this is appropriate and necessary to protect those who may well be innocent. Whilst I am confident that the South Australian media will respect the prohibition (or, at least, respect the potential gaol term that follows a breach), I do not believe the prohibition can extend interstate and, as such, if the allegation is sufficiently scandalous, it may still find its way into print. Further, being a user of Facebook and other social media, I am well aware of the potential for an interstate news article or even just a rumour, particularly of the allegation, to go viral. While individuals may be pursued and prosecuted, this is unlikely and by this stage the damage has already been done.

The bill attempts to address this by enabling the commissioner to make a public statement for the purpose of preventing or minimising the risk of prejudice to the reputation of a person if the commissioner considers it appropriate to do so in the public interest. However, this provision is seemingly encouraging a statement during the course of an investigation, which will by necessity be circumspect due to no findings having been reached, and the potential to adversely affect the potential prosecution; that is, if such considerations do not outweigh the desire to protect an individual's reputation and hence prevent a statement being made at all.

Whilst at that stage such considerations are proper, I believe the commissioner should also be encouraged to make a statement following an investigation if the investigation has cleared the individual concerned. As the Hon. Rob Lawson QC said when speaking to an earlier ICAC bill, there ought to be a mechanism which exists, first, for the purpose of investigation for prosecution and, secondly, for the clearing of people if their reputation deserves to be cleared.

To provide this mechanism I am considering moving an amendment to encourage the ICAC commissioner to make a public statement to restore the reputation of an individual if an investigation has cleared them and the allegations against them have been made public. Of course, this will not be appropriate in all cases, particularly if the findings were borderline or there is a prospect that the investigation may be recommended if new evidence comes to light; but for those whose reputations should be untarnished they deserve the commissioner's say so.

I was also considering that we should put a provision in here to ensure that, if the media has allocated half a page or a full page contributing to tarnishing a person's reputation, they should be required to dedicate the same amount of print space when a person is cleared as well; but apparently it is a crime under this bill to publish anyway. However, I do take very seriously the fact that quite often the media will print a story because it is sensational and, quite often, you never let the facts get in the way of a good story. This will also partly address those concerns about the potential damage of vexatious allegations, which I know the Attorney-General also shares.

I also briefly raise my concerns about the disregard for parliamentary privilege in the bill. In particular, my concern that members of parliament may be compelled by direction of the commissioner to report to the Office of Public Integrity an allegation of corruption that has come to their attention. This may well be by a constituent who, for a variety of reasons, may not want to be involved in reporting the allegation.

Given that a public officer, which a member of parliament is considered to be, may be compelled to provide details of the allegation sufficient to enable an investigation, including the names and positions of those involved, this may result in a member of parliament being required to breach the trust of their relationship with their constituent. We have protections in place for the privilege that exists between a legal practitioner and their client, yet the similar relationship that exists between members of parliament and some constituents may have been overlooked in this bill.

Additionally, the notion in the bill that the President of this council is somehow responsible to the Attorney-General and then the Premier to my mind offends the independence of this parliament and, importantly, the separation of powers between it and the executive. Having spoken to my colleagues, I am aware that I am not alone in having these concerns and I look forward to addressing them during the committee stage of the bill.

Finally, I wish to express my concern about the deficiency of the parliamentary committee, the Crime and Corruption Policy Review Committee, as it is currently known. From my reading, this committee will be limited to reviewing and reporting on the annual reports of the ICAC and the police and other reports required under the police and the various serious and organised crime acts. Whilst annual reports often do not receive the scrutiny they require, I am sure that our constituents expect greater oversight from this particular committee given that it is going to hold, probably, more power and influence than any other that we have ever established.

Given that we have locked the media out, and as such lost its scrutiny of the ICAC's performance, the parliamentary committee must have the teeth to ensure that the extensive powers which are extended to the ICAC and have recently extended to the police are being used appropriately and effectively. I am aware that amendments addressing this will be moved during committee and I look forward to that particular part of the debate. Subject to these amendments, I again express my in-principle support for the bill. I support the second reading of the bill generally, and again congratulate the government on introducing it. It is certainly not before time but, as they say, better late than never.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (12:11): I understand that there are no further second reading contributions to the bill so I would like to make a few concluding remarks and answer some of the questions that were asked in the debate. I thank all members who have contributed to the debate for their support for this bill. As the Hon. Stephen Wade said, this is an historic bill, a lot of work has been done to get to this stage and a lot of consultation took place throughout the drafting of the bill.

Consultation has continued since its introduction, and we will be moving some amendments in committee stage in response to that consultation because the government is obviously keen to make sure that this is the best model for anticorruption legislation that we can make. I would like to briefly address three questions that were asked by the Hon. Stephen Wade. As most of the matters will be dealt with in detail in committee, the first question was whether privatised former operations of government will be covered within the ambit of the bill, and the answer is yes. The bill covers a person performing contract work for a public authority or the Crown and also applies to conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer.

The second question was whether there are public sector agencies or employees who are not covered by schedule 1. The fourth entry in schedule 1, column 1, states, 'any other public sector employee', and under column 2, 'the public sector agency that employs the employee', so that all public sector agencies and employees are covered. The last question about the ambit of the bill was who else might be declared by regulation to be a public officer. The government is confident that the relevant officers and authorities are captured by the schedule. However, out of an abundance of caution, I have been advised, should we have not covered all relevant existing officers in authority, we have allowed for additions by regulation. There is no hidden agenda in this and we are not expecting, at least in the short term, that there would be any reason to add further officers or authorities by regulation.

I would also like to address the question directed to the Attorney-General by the Local Government Association regarding clauses 38 and 39 of the bill. The LGA sought an assurance that the evaluation by the commissioner of practices, procedures and policies of local government will be restricted to the scope of the commissioner's functions; namely, to advance comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration. I have been advised that this is correct: the commissioner's ability to evaluate practices, procedures and policies of public authorities must, by a matter of statutory interpretation, be limited to his or her functions as set out in clause 6. A number of other questions were raised today; I would be pleased to take those on notice and provide answers through the committee stage.

Bill read a second time.

In committee.

Clause 1.

The Hon. S.G. WADE: I would like to make one brief comment and then put a short list of questions on notice. I make it clear that I do not expect a response today; they are not the sort of matters that could be dealt with today. The brief comment is actually coming out of the Estimates Committee B proceedings of the other place on Monday 25 June. The Minister for State/Local Government Relations said, in that committee:

> The Office for State/Local Government Relations and the Local Government Association recently completed consultation with all councils on current governance issues, including the possible content of mandatory codes of conduct, conflicts of interest, confidential matters and meeting procedures. While we are still working through the detail of these issues and will continue to consult with the local government sector as we develop detailed responses on these issues—particularly on mandatory codes of conduct—councils on the whole have been very receptive to the idea of a transparent and independent process that ensures the integrity of all government decision making in South Australia.
>
> They understand that if any government, state or local, wants a strong relationship with their community then the level of trust that we are making decisions in the public interest only is essential. Over the next six months or so the Office for State/Local Government Relations will be working closely with the Local Government Association to develop and finalise the regulations that will support a new era in councils' governance processes.

The reason I am quoting that is to highlight the fact in which I have expressed concern, and that is that the government has not effectively coordinated its work in the ICAC and its work in local government governance. It was the government's choice to include local government governance reform in this bill, and I believe they have not ensured that we will not actually have to revisit the matters dealt within these bills in the not too distant future.

The minister cleverly uses the words, 'Over the next six months, we'll have to develop and finalise the regulations that will support a new era...' It will not just be achieved by regulations. My understanding is that the Local Government Association and the government are having constructive discussions, but that some of the options actually involve changes to the Local Government Act. This bill amends the Local Government Act.

I will assert—and I anticipate that I will make similar comments again when, in the next six to 12 months, the government may well need to come back and make amendments to the Local Government Act as a result of its consultation with local government—that clearly, through this process, minister Wortley and the Attorney-General have not been consulting properly.

The Local Government Association has made it very clear that they have not been consulted properly, neither by their own minister or by the Attorney-General, and I think it is indicative of government that, whether it is the Cadell ferry, whether it is the South-East forests, or whether it is local governance reform, they seem to be pathologically incapable of consulting with the community they represent.

I now move to questions. This is a question on notice, and I do not expect an answer now. While on the LGA, does the government intend that the Local Government Governance Panel will continue to operate once the ICAC bill is passed? If so, what role does the government envisage for the panel? Secondly, does the Local Government Association support this ongoing role for the panel? For budgeting purposes I presume that the project director for the ICAC has prepared an indicative budget for the ICAC, so I ask, for 2012-13:

1. What is the budget for the ICAC?

2. What is the budget for the office of public integrity?

3. What is the FTE for the ICAC?

4. What is the FTE for the office of public integrity?

5. What has been allocated for each of the investigative, educational and preventive roles of the ICAC?

6. What is the estimated number of investigators to be employed directly by the ICAC, given that the Attorney-General claimed in the *Sunday Mail* of 5 June 2011 that the office will have around 20 investigators and other support staff?

7. What is the estimated additional cost of the expanded role of the Ombudsman foreshadowed in the Independent Commissioner Against Corruption Bill?

8. Given the expanded role, why has the Ombudsman's funding for the 2012-13 year actually been reduced?

9. What are the actual and budgeted funding and staffing levels of the Government Investigations Unit in 2011-12 and 2012-13?

10. What variations have been made to the budget of the unit as a consequence of the anticipated impacts of the establishment of an independent commission against corruption on the work of the unit?

The Hon. M. PARNELL: In terms of questions to put on the record now, I would be appreciative if the minister was able to respond in some detail to the submission of the Local Government Association. Its submission dated 7 June, which I understand has been sent to all members, contains a large number of suggestions and even proposed amendments to various clauses, some of which appear to have been picked up in the government's amendments, others of which have not. I do not necessarily need the rationale to be read into *Hansard*, but even a letter from the Attorney, outlining why he did or did not accept the points in this submission, would be helpful.

I want to ask one specific question as well, and again the minister can take this on notice: it relates to the coverage of the legislation, including its retrospective nature. Certainly it is well understood that the bill, if passed, will have a retrospective effect and will apply to the conduct of elected members who no longer hold office—so past conduct—so that is understood. However, I note that one of the legal firm's briefing papers sent out to its local government clients (and I am referring to Wallmans lawyers) a month or two back says the following:

> Surprisingly, the bill also includes conduct of a person who was not an elected member or staff member at the time of the occurrence, that is, the occurrence the subject of a complaint, but who then subsequently become an elected member or a staff member.

I would like the minister to explain where the line is drawn in relation to conduct? Are we talking, for example, about conduct, to use the example of a member of parliament, that they were engaged in

that did not relate to their work as a member of parliament but something they did in a previous life, which all of a sudden is now caught by this regime?

I do not fully understand how that is likely to work and in particular whether, for example, a person who might have been accused of embezzling money in a private or corporate situation and who then becomes elected as a member of parliament is caught by this regime, or is that circumstance still entirely the purview of the police and the regular criminal justice regime? I need a bit more clarification as to how that aspect of this bill is going to work.

The Hon. R.L. BROKENSHIRE: I also want to put some questions on notice in clause 1 in order to give the minister and the government a chance to respond when I expect we will get into the detail of the bill in the committee stage during the next week of sitting. I highlight those questions, as follows. Why not direct to ICAC but instead via the Office of Public Integrity, and to what degree will the commissioner therefore have full oversight? With regard to staffing, we would also like to know what the expected staffing will be, both seconded and permanent.

We ask what the annual budget will be into the forward estimates. I note that, in the 2012-13 budget, there are references only to the set-up of the commission and the OPI as a target, with no specific funding. We have seen what happens when no funding is announced for compensation or policing burden for such things as the marine parks proposal. So, I think it is only fair that the committee be informed about this with respect to the budget into the forward estimates. I also ask for an indicative salary bracket for the commissioner—what the government expects, in broad terms, it will have to pay for a commissioner. It is a senior position, and I think it is fair and reasonable—

The Hon. M. Parnell: A vice-chancellor's salary!

The Hon. R.L. BROKENSHIRE: We might have to have a go ourselves if it is that high. I would like to know, in an indicative way, what the salary bracket will be. Does the government intend to advertise this position within the state and nation and internationally? Once the bill is passed, will the government do what Premier Baillieu in Victoria has done today, that is, to announce an interim commissioner for six months or for some other interim period, or how does the government anticipate the set-up and starting structures with the commission?

Will there be only an annual report or will the OPI and ICAC be required on a more regular basis to publish statistics on complaints it has received and how it has dealt with those complaints? For instance, will the commissioner report annually or more frequently on the number of requests made to him or her, to make a public statement, and the times he or she accepted or declined that request?

Does the government contemplate any secondment at all of Anti-Corruption Branch police officers in the early stages or is the government going to take a wait-and-see approach? What rationale was there for the Police Ombudsman name change? Did the government consider any other changes to the Police Complaints Authority structure in the overall context of the proposals the government has put to us within the ICAC bill? I ask that the government highlight the importance of the OPI being sufficiently resourced to listen from start to finish with respect to the allegations of corruption, whether or not they are well-founded, in order to ensure some level of closure for complainants.

The following is a question on clause 5, but I think it would be fair to include it here in order to assist the minister and provide the minister with more notice. I will skip over paragraph (a), but clause 5(4)(b) provides:

> (4) Maladministration in public administration—
>
> (b) includes conduct resulting from impropriety, incompetence or negligence;

What is the rationale for including the word 'incompetence' there? Is that a precedent from interstate or from other ICACs? It seems to me to be risky, perhaps even for some of us in this place, that incompetence could be grounds for maladministration in public administration. I ask the minister: what criminal penalty will apply for someone found to have conducted maladministration in public administration?

My final two questions are as follows. Can the minister confirm that, in general, this bill does not criminalise corrupt conduct, rather that it adds new criminal penalties for failure to comply with the commission's directions; in other words, there are no substantive anticorruption offences created by this bill? Finally, based on the bill I put up, and some of the allegations from the

government in opposing the bill, where the government said that this would become a 'lawyers' picnic' if we were to have an ICAC, can the minister explain to the committee what provisions the government has within the content of the ICAC bill to ensure that it does not become a lawyers' picnic?

The Hon. S.G. WADE: Mr Chairman, with your indulgence, I will just make a brief comment in response to the questions from Mr Parnell. Mr Parnell mentioned that he was happy for the responses to his questions to be conveyed by letter, rather than to be read in the house. Just as a brief comment, I commend the Attorney-General for the discussions that are going on with the opposition. I understand that the Hon. Ann Bressington is having discussions and I know the LGA has. With amendments, for example, the Hon. Ann Bressington has filed amendments and the Attorney-General has responded with a letter which is distributed to all members and I welcome that. I think that is a very helpful communication loop.

My concern with the Hon. Mark Parnell's comments is that he is raising a matter on the public record and he is suggesting that the response might not be on the public record. I just flag for the house's consideration that I think we also owe it to the public for them to know on what basis we make judgements.

Once we get to the stage where an amendment has been tabled and questions are asked in the house, perhaps the government might well want to correspond with Mr Parnell and we would certainly be happy to receive a copy of that correspondence, but I think it would still be good for the record to have a summary at least of the position, so that judges and other people who need to use the legislation understand what motivated the parliament.

Clause passed.

Clauses 2 to 4 passed.

Progress reported; committee to sit again.

TELECOMMUNICATIONS (INTERCEPTION) BILL

Adjourned debate on second reading.

(Continued from 30 May 2012.)

The Hon. S.G. WADE (12:32): I rise on behalf of the opposition to speak briefly on the Telecommunications (Interception) Bill 2012. As mentioned in the other place, this bill accompanies the Independent Commissioner Against Corruption Bill and facilitates commonwealth approval for the ICAC to use telephone interception powers by allowing the ICAC to be declared an agency under the commonwealth Telecommunications (Interception and Access) Act 1979.

The bill also deals with SAPOL's telecommunication interception powers. However, as SAPOL already constitutes a declared agency under the commonwealth act, I will only be speaking on the ICAC aspect of the bill. In the House of Assembly debate, the Leader of the Opposition raised a concern with clause 5(2) which allows a review agency—the Police Ombudsman or an appointed reviewer—to have discretion to report any noncompliance following an investigation into aspects of the state act or any part of the federal act.

Under the bill, the review agency may include such details of noncompliance in the report on the results of the inspection. I note that the Attorney-General welcomed the leader in the other place putting particular amendments on the record to allow the opportunity to discuss the matters. However, he warns that:

> ...these state pieces of legislation, which are complementary to the federal legislation, are by and large almost a template, so there is a certain consistency amongst them. The extent to which we depart from that might invite some issues with the commonwealth.

Given that state agencies will primarily be performing the review, with reports making their way to the commonwealth, I find it hard to conceive that the commonwealth is going to be concerned about getting more information, not less. Not only that, the Attorney fails to cite any equivalent template legislation interstate.

Given the seriousness of telephone intercepts, noting noncompliance should not in our view be left to the discretion of the review agency. We believe that a government committed to openness and accountability would want such information provided, which they and the commonwealth stakeholders can assess and consider. Accordingly, I will be moving an amendment to change 'may' to 'must' and thus make a report of noncompliance mandatory.

Of course, if the review agency has the opinion that the noncompliance has occurred, the Attorney-General should be advised. The reports do not become public, and the review agencies is able to provide commentary on the significance of the non-compliance. The noncompliance may be merely technical and not raise any concerns for the reviewer. The Attorney-General and any subsequent stakeholders who receive the report can make their own assessments.

This bill is a straightforward bill intended to meet requirements of the commonwealth act, and the opposition looks forward to complementary amendments to the commonwealth act being considered—I was going to say expeditiously, but I understand the advice is that they might be more efficient than we realise. With those few remarks I commend the bill to the council and foreshadow the amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (12:35): I understand that there are no other second reading contributions to this bill. It is a fairly straightforward piece of legislation. By way of concluding remarks I would like to thank the opposition for its support for this bill. It is a companion bill to the ICAC bill and its purpose is to enable the Independent Commission against Corruption to be declared an agency under the Telecommunications (Interception and Access) Act of the commonwealth, and so enable it to obtain telephone interception warrants for the purpose of investigating corruption in public administration.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Progress reported; committee to sit again.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

Adjourned debate on second reading.

(Continued from 14 June 2012.)

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:38): I think the last time we sat I started the debate on these two particular bills, discussing them together, I guess, because while the two pieces of legislation are slightly different they both have the same intent, and one of the bills has consequential amendments for other acts. So I do intend to speak to the Barossa bill and that will virtually be my contribution on the two bills.

The Hon. J.M. Gazzola interjecting:

The Hon. D.W. RIDGWAY: The Hon. John Gazzola is delighted that I will be speaking only once, but it will probably take me a little while to get through this this morning. I raised a number of questions the last time we sat, and I have been provided with a letter from the minister, which I will refer to later. I think it answered most of the questions but there are still some issues that I think need to be resolved before we complete this debate. Of course, there are a number of amendments on file, both from the minister and the Hon. Robert Brokenshire, and there is a late one that we received today. I indicate that I will provide more detail about the amendments the opposition intends to file later on.

I think we should go back to where this all started. The Hon. Robert Brokenshire moved a bill in the last parliament—I think it was called the Willunga Basin Protection Bill—which the government refused to support. It said there was no need for a bill of that nature and that it was an over-reaction. I cannot remember the exact words, but I am sure that the Hon. Paul Holloway, the minister for planning at the time, would have been talking about another level of bureaucracy and another level of control that was not necessary. That was where this started.

The opposition at the time—and I was then the shadow minister for planning and am still the shadow minister for planning—recognised that areas such as the Willunga Basin or McLaren Vale and the Barossa play a significant role in our tourism industry and our wine industry and are important areas to South Australia not only in terms of agricultural production but also tourism potential, because they are so close to Adelaide.

We indicated that we did not really agree with that being the perfect model, but we wanted to indicate to the broader electorate that we thought there was some merit in looking at a model of protection that would give the locals some comfort that they would not be overrun and that they

could get on with their lives and do what they have been doing in those areas, in most cases, for about 150 years. What we really saw was not a failure of the planning system to protect those areas; in fact, over the last decade we have seen a failure of the government, particularly under minister Holloway and then under minister Rau, to properly consult and understand what the community is talking about.

I suspect that the three areas that have caused most concern to the government include the ministerial DPA and the rezoning of Mount Barker—although it is interesting that it was initiated by minister Holloway, yet the final rezoning was announced by acting minister Snelling when minister Holloway was on annual leave, I think, around Christmas time just before he announced his retirement. It is interesting that the announcement was made by the now Treasurer and a very senior member of this current government. That rezoning was a ministerial DPA in Mount Barker.

We also saw the major development proposal for Buckland Park. The Hon. Mark Parnell was probably one of the first to ring the alarm bells about Buckland Park. It was a long way outside the urban growth boundary and there is the ongoing debate today about it being on a flood plain, the lack of infrastructure and transport connection. There are some real concerns. I suspect that either the developer, the community or a combination of both will need to make a significant investment to make the development work and be a success.

We also saw the issues around Seaford and the Seaford Rise development, where the minister again intervened. I think this land was rezoned to residential land towards the end of the Bannon government, so it had been rezoned for residential use for a considerable amount of time. Interestingly, through all of the turbulent years with the State Bank issues and the significant financial pressures that were facing the state during that time, the Liberal government made no decision to put it on the market.

I am not sure who would have owned it back then, but in recent times it has been the LMC, which is the body that took it to market under the government's instruction. So, in all of that period it did not come on the market. We can argue the merits of whether it should or should not have been rezoned, but that was some 30 years ago. The Liberal Party recognised that it was not an area that the community would support housing development on.

So we have those three key areas of Mount Barker, Buckland Park and Seaford. Clearly, the government took a reasonable amount of pain at the ballot box, although, interestingly, not in the seat of Mawson, where the local member was silent. It is interesting that, during the election campaign and prior, he was silent on the sale. The sale was an open, transparent tender, I think. I have not looked at the actual details of that, but I do not think there was anything secret about it. He did not make any noises at all in the lead-up to the election; it is really only since the election that he has made some noises.

Nonetheless, I think a significant amount of water, shall we say, in a nautical sense, was taken by the government in relation to the decisions, particularly regarding Mount Barker and Buckland Park. We had a change of minister. We had the Hon. John Rau as the minister after the Hon. Paul Holloway retired and moved on to other tasks. John Rau was making statements such as, 'Well, we failed in Mount Barker. We got it wrong. It will never happen again on my watch.' If we look back, I think that is the journey that this government and the community have been on over the last decade or more, the minister and the government of the day have imposed decisions on communities rather than the communities getting it wrong.

We have now reached the point where we have these character preservation bills before the parliament, which were introduced last February, I think. The actual date escapes me, but an announcement was made by the then premier Rann and minister Rau that these were important pieces of legislation to protect the iconic areas of the Barossa Valley and McLaren Vale from urban sprawl. It is interesting that the only urban sprawl that was threatened was the urban sprawl created by the current government. It was not the local community that wanted it, it was not the opposition that was calling for it, it was not the Greens calling for more development in those areas: it was the government. So, effectively it was the government that was saying, 'We've got to protect these areas from ourselves.' Minister Rau and the premier announced it with great fanfare. One headline read: 'Rann promises no urban sprawl into wine regions.' The former premier said:

> I have asked John Rau—

the Minister for Urban Development and Planning—

> to look at ways that we can protect the unique identity and integrity of the Barossa Valley and McLaren Vale. We will look at special legislation. We must never allow the Barossa and McLaren Vale to become suburbs of Adelaide. The

Barossa and McLaren Vale food and wine are key icons of South Australia. We've got to protect them not just for now but for all time.

I reiterate again that they were not under threat until premier Rann's government embarked on some of the rezonings that had been approved. I could go on and list a whole range of statements that the premier and minister Holloway made prior to that. Then premier Rann, with the Hon. John Rau, put out a consultation paper which had an interim DPA attached to it—this was back in February last year—which was interesting.

I will just digress slightly, if I may. We have the DPA for the Barossa Valley and McLaren Vale, and I know that we have a subsequent one which is less restrictive. However, the initial one meant that everything was noncompliant. So a house anywhere on a house block, a shop in a commercial zone on a main street, a factory in an industrial zone—all of them were noncompliant.

I think it was Mark Goldsworthy (the member for Kavel) who had a constituent whose house had burnt down. They were living in a caravan in a shed and they could not get approval to rebuild their house. I accept that this was the first one and that we have moved on a little. That constituent was very reluctant for us to raise their situation publicly because it was against council by-laws to live in a shed. He was concerned that if we raised the matter and he was not able to build his house, he would be kicked out of his shed as well. So, these are some of the unintended consequences.

It is interesting that last year minister Rau and premier Rann went down the path of an interim DPA for the Barossa Valley and McLaren Vale. Towards the end of the year, both the Premier and the minister released the interim statewide DPA on wind farms, which actually allowed wind farms to be developed closer to towns than any other state and closer to houses than any other state.

It is a bit of a strange anomaly. Interim DPAs are meant to stop people. The nature of them is: we are going to put a hold on everything until we do the development plan amendment and then we will know exactly what the rules are. The Barossa Valley and McLaren Vale one was to stop development, to halt it in its path, so that nothing could happen and you would not have the opportunistic developers or land owners trying to do little things that maybe are not in the best interests of the community.

On the other hand, we had a statewide ministerial DPA on wind farms that basically said: you can come within a kilometre of anybody's house, within a kilometre of the town, and build them pretty much anywhere you like. Apart from a couple of small zones, and I remember the wording, the zoning was to be where you could expect to see wind farm development. So, it was quite interesting. Last year we saw two different approaches from minister Rau: one, total prohibition, you cannot do anything, and the other was that you could have a fair crack and pretty much build them wherever you like. It was interesting to see that they adopted that process.

Parliament was then prorogued and the bills dropped off the *Notice Paper*. I expect minister Rau realised that there were a lot of unintended consequences. The honourable statement of: yes, let us protect the Barossa and McLaren Vale, I do not think anybody disputes that that is not an honourable goal to strive for. Whether this is the correct way to do it is what we are now debating. I think the minister realised that the interim DPA was flawed. There were people like the gentleman whose house had burnt down who was unable to rebuild his house. How crazy is it that that would be allowed to happen?

I know that minister Rau is a very busy minister, he is Attorney-General and he was, for a time, Minister for Tourism, and there is a lot on his plate, but I would hope that he has some highly qualified people advising him. I am surprised that we had a six month period where what was normal development, where you could go about your normal business, rebuild a house after it has burnt down, was a non-complying development. There was an officer appointed, and I cannot recall who it was, within minister Rau's office, who, if a constituent rang one of our members and said, 'Look, we've got this problem, my house has burnt down', there was a hotline to fix it. It was, I thought, a very clumsy approach to dealing with an issue that should never have arisen in the first place.

Parliament was prorogued, we came back with a new interim DPA, some changes to the legislation and some changes to the maps. The first maps, of the McLaren Vale especially, I found quite confusing. I live in Mitcham, and on the first map that was presented for McLaren Vale I would have been able to walk to the top of my street, taking a bottle of wine and a bag of prawns, and go

to the Sea and Vines. I live in Mitcham, 300 metres from Scotch College, 800 metres from the Torrens Park Railway Station.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: It is a very nice part of the city. It is a great area to live in because our local member is a Liberal, so it is a fantastic part of the state to live in. However—

The Hon. R.L. Brokenshire: Is he a good local member?

The Hon. D.W. RIDGWAY: He is a very good local member. Where the Hon. Robert Lawson lives, he would be in the McLaren Vale protection zone. It was a crazy decision. So, we saw the map change and we saw the Barossa Valley map change. As I raised in this place by way of question, the Henschke's Hill of Grace winery had been excluded from the Barossa Valley zone because, as the minister said, the local council (the Mid Murray Council) said that it did not want to be in the protection zone: there is really no pressure; there are probably no houses going to be built out there; we really don't need it. So, they listened to the local council and took it out.

Yet if you look back at the statements made by the Premier: we can protect the unique identity and integrity of the Barossa Valley and food and wine are key icons of South Australia, if the Hill of Grace winery is not a key icon in the wine sector, I do not know what is, other than the minister's husband's great ability to make Grange. Henschke's Hill of Grace and Grange are probably the two iconic wines recognised all around the world as being some of the best in the world. Yet for whatever reason—

The Hon. R.L. Brokenshire: Eight dollars a bottle for my cleanskins. They're all right.

The Hon. D.W. RIDGWAY: The Hon. Robert Brokenshire is obviously moonlighting with his own production in his backyard. The joke about this is that we saw an iconic winery—and, as I said, I have been there. Back before you could measure liquids accurately, they weighed barrels, so there is a set of scales and that set of scales is still at the front door, used since about 1850 or 1860.

The Hon. R.L. Brokenshire: Could they weigh you?

The Hon. D.W. RIDGWAY: Sadly, it did not go up heavy enough to weigh me! It is an iconic part of our state's heritage and it is a tourism attraction, almost second to none. It beggars belief why that would be excluded, and then you start wondering what else has been excluded and what else has been overlooked. You start to be concerned about all of the unintended consequences. I have a letter from the minister saying that he is more than happy to put that back in, and I am pleased because I thought that was a crazy decision, if the intent is to protect and preserve those iconic regions. If it is another agenda, then fess up and be accurate about the agenda.

We now are faced with two pieces of legislation that are called the Character Preservation (Barossa Valley) Bill 2012 and the Character Preservation (McLaren Vale) Bill 2012. I have a number of pieces of correspondence that I will read into the record, not necessarily representing all of my views but I think it is worth putting them on the record to show the diversity of views. We have local government—both of the Barossa Valley and McLaren Vale, as well as Mid Murray and Light—and we also have a lot of individual landowners who have raised a number of concerns which I think are in key areas.

I will refer to the bills briefly, in particular to clause 5—Objects and clause 6—Character values of district. Clause 5 provides:

(1) The objects of this Act are—

(a) to recognise, protect, and enhance the special character of the district while at the same time providing for the economic, social and physical well being of the community; and

(b) to ensure that activities that are unacceptable in view of their adverse effects on the special character of the district are prevented from proceeding; and

(c) to ensure that future development does not detract from the special character of the district; and

(d) otherwise to ensure the preservation of the special character of the district.

(2) A person or body involved in the administration of an Act must, in exercising powers and functions in relation to the district, have regard to and seek to further the objects of this Act.

Clause 6 recognises the character values of the district as follows:

(1) The following character values of the district are recognised:

(a) the rural landscape and visual amenity of the district;

(b) the heritage attributes of the district;—

but we took Henschke's out, so I am not sure how we can leave them out if we are trying to recognise the heritage attributes—

(c) the built form of the townships as they relate to the district;

(d) the viticultural, agricultural and associated industries of the district;

(e) the scenic and tourism attributes of the district.

(2) The character values of the district are relevant to—

(a) assessing the special character of the district; and

(b) the policies to be developed and applied under the Planning Strategy and any Development Plan under the Development Act 1993 that relates to the district or a township under this Act.

I am no lawyer but, if you look at the objects and the character values, they are so open to interpretation. It is all in the eye of the beholder as to what is a visual amenity. The Hon. Robert Brokenshire has tabled an amendment to ban wind farms. We have a wind farm select committee, and I have been quite outspoken about wind farms. The people who have them on their property think they look fantastic; people who do not have them on their property and are affected by either the noise or the loss of visual amenity think they are the worst things out. So, often the visual amenity is not about—

The Hon. G.A. Kandelaars interjecting:

The Hon. D.W. RIDGWAY: The Hon. Gerry Kandelaars says, 'How many of them are getting paid?' Maybe it is about how noisy it is; maybe it is about how much you are not being paid. It is very subjective; it is not a clearly defined—

The Hon. R.L. Brokenshire: Beauty is in the eye of the beholder.

The Hon. D.W. RIDGWAY: Well, that is right. The Hon. Robert Brokenshire interjects that beauty is in the eye of the beholder, and we all look at different things on different days for different reasons and come to different assessments of what we think is beautiful and attractive and what is nice. What I am concerned about with this legislation is that we have the objects and the character values which are particularly difficult to define. The minister opposite has by way of private members' business introduced a bill to legalise prostitution in this place.

Members interjecting:

The Hon. D.W. RIDGWAY: Bear with me.

The PRESIDENT: The honourable member might like to seek leave to conclude on one of the bills.

The Hon. J.M. Gazzola: You're confused.

The Hon. D.W. RIDGWAY: I am not confused. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 13:01 to 14:17]

QUESTION TIME

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Tourism a question about sackings at the SA Travel Centre.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday afternoon, the minister said it would be business as usual when the government's tourism visitor information centre is banished from its Grenfell Street cavern to the Service SA gulag—exiled, isolated from the major retail heart, whereas in Melbourne, for example, the visitor centre is right in the middle of Federation Square with its nine million visitors a year. Nine million people visit Melbourne's information centre location compared with just 30,000 people trickling through Service SA in Adelaide.

The minister claims it is a good location. She said, and I quote, 'While people are waiting to pay their bills they can think about planning their next holiday.' She dreams that people standing in line to pay a $390 fine for driving 11 kilometres over the speed limit are in the right mood—a happy, carefree frame of mind—to spontaneously book their next holiday at Ceduna or in Mount Gambier. She also intimated that there would be no staff sackings when the existing centre closes tomorrow afternoon, and I quote her again:

> The Government...took on the payment of those original staff and we've been operating the service with those staff for the last six months and we'll continue with those staff in the new service arrangements.

I have indisputable information that tomorrow a number of travel information officers at Grenfell Street will be out of a job. They have been given less than a week's notice that their contracts won't be renewed—from tomorrow, no pay, no money, no job, no wage. My questions are:

1. Will the minister make a public comment in this parliament this afternoon, or tomorrow morning at the latest, that she will meet the travel information officers whose contracts haven't been renewed, apologise to them for her untruthfulness and make sure that their contracts are re-signed by this time tomorrow?

2. When was the last time when lining up to pay a government fee that the minister felt like booking a holiday?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:23): I thank the member for his questions.

The Hon. D.W. Ridgway: Be honest with the people who work at the Travel Centre.

The PRESIDENT: Order! The Hon. Mr Ridgway had his go.

The Hon. G.E. GAGO: I have been very clear, very concise and very up-front about the changes involved in the relocation of our visitor centre. I can't help it if the Hon. David Ridgway is too lazy to listen carefully or even read the information that is available. He is clearly just too lazy to do that, because we know that they are a lazy, indifferent opposition. They come in here, day after day, ill prepared, poorly researched and get it wrong time and time again. I would be very happy to go through and address the misinformation that the Hon. David Ridgway has provided today.

The reason we decided on this particular location was that it is on North Terrace and is in a major hotel precinct. I think there are about nine major hotels within about 1.5 kilometres of the building or less. The Adelaide Convention Centre is just across the road and it attracts many South Australians from all around the state. Last year alone it attracted something like 18,000 delegates from interstate—18,000 delegates across the street from the centre; 18,000 interstate people just across the road. Also, just next to the Convention Centre is our casino, and many visitors go there. Service SA is a front counter for many different government services. It is a very successful customer service model.

The Hon. D.W. Ridgway: What about the staff who were sacked?

The Hon. G.E. GAGO: Do not worry, I will deal with all the issues. I am happy to show how you have got it completely wrong. It is also a really important attribute that we have co-located with Service SA. The visitor information centre services will be conducted from a separate desk; it will be a separate service with a separate telephone service, and there will be archways of entry to allow people to go through without having to queue or get a ticket. All of that will be well signed and people will be able to move quickly and smoothly around to the visitor services.

I understand that Service SA provides twice as many customer information inquiries at the centre as it does bill-paying inquiries, so people do not go there just to pay bills. In fact, twice as many go there for other inquiries such as change of address and things like short-term permits. Service SA is also a public counter for—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —SafeWork SA. You can see that it provides a wide range of services. Around about 600 South Australians come through its doors each day for a range of reasons and it is reasonable to assume that at least some of those people might be interested in looking at holiday plans.

Nevertheless, that is not the primary reason that we located there. The primary reason is that it is in a major hotel strip and it is close to all of those other major tourism places. It is well located in terms of access to public transport, with the tram out the front and the railway station just up the road, and it is now located in a precinct that has been earmarked for major redevelopment that will have significant tourism implications. They are the reasons that we chose to locate in this highly suitable place.

In relation to staffing—I have been very clear about this and I had a media conference yesterday morning—I was very clear that currently there are five employees (FTEs) at the visitor service centre and the new service will provide 4.8. I have been clear about that right from the outset.

I have been advised that a number of staff members involved were on contracts and that they were advised back in early June—I think the honourable member said it was a week's notice or something but I am advised that they received correspondence in early June—that their contracts were not going to be automatically renewed and that they would need to apply for their positions, and a process was put in place to enable them to do that. I understand that a number of those people have been re-employed and some have not. That was the process that was used. As I said, I have been very up-front and very clear about how we have proceeded, and very clear about the implications to staffing and the service model.

The PRESIDENT: The Hon. Mr Ridgway has a supplementary question.

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Why did the minister then say yesterday on radio, 'The government took on payment of those original staff. We have been operating the service with those staff for the last six months and will continue with those staff in the new arrangements'? She is now telling us that some of them have been terminated.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:30): I cannot be any clearer. This would have been in a context, and you need to look at the context in which those comments were made. I have been very clear.

Members interjecting:

The PRESIDENT: Order! You must listen.

The Hon. G.E. GAGO: I have been very clear in a number of public forums, on radio, at a press conference yesterday—very clear. I cannot help it if the honourable member fails to do his research, fails to read the context. As I have said, I have been clear right from the outset that we are moving from five FTEs to 4.8 and that there has been a process of contract renewal.

The PRESIDENT: The Hon. Mr Ridgway has a further supplementary.

SOUTH AUSTRALIAN TRAVEL CENTRE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): How many of the former staff have been unsuccessful in having their contracts renewed?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:31): I have not been advised of that. I have been advised that some of those have been re-employed, but not all.

DOMESTIC VIOLENCE

The Hon. J.M.A. LENSINK (14:31): I seek leave to make an explanation before directing a question to the Minister for the Status of Women on the subject of domestic violence intervention orders.

Leave granted.

The Hon. J.M.A. LENSINK: On the weekend, the Director of the Women's Legal Service of South Australia, Zita Ngor, agreed with some allegations made by a domestic violence victim that delays in police serving domestic violence intervention orders are common. It is my understanding that some police officers will not issue a domestic violence intervention order unless the defendant is present, which leads to delay, despite the intention of the act to 'assist in ensuring victims are protected from further violence in an efficient and prompt manner'. Domestic violence intervention orders are a key part of the government's Women's Safety Strategy and delays in the issuing of the orders are contrary to the intention of the act. My questions are:

1. Is the minister aware of the delays and has she raised them with either her colleague the Attorney-General or the Minister for Police?

2. Is the government satisfied that the current process of police officers serving domestic violence intervention orders only when the defendant is present offers domestic violence victims appropriate protection?

3. Has the rollout of the training of SAPOL officers been completed? If so, does the training package need to be amended and reissued?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:33): I thank the honourable member for her most important questions. Indeed, the new intervention orders reforms were a major initiative of this government. I also read in the paper recently the story of a particular woman who talked about her own personal situation where she alleged that the intervention orders were delayed significantly.

In relation to that particular case, I understand that her personal situation is being investigated to see what has occurred and if improvements do need to be put in place. That is under investigation at the moment, and I obviously cannot comment on that. In relation to any other complaints about delays in intervention orders, to the best of my knowledge I am not aware of any complaints that I have received. This is something, as I said, that I just read in the paper the other day.

These intervention orders were a major reform around domestic violence. The intervention orders were set up in a way to enable a rapid response, particularly for police so that they did not have to go through a protracted court system before they were able to take out a restraining order that often took many days and, during that time, left women and, often their children, at high risk.

These intervention orders were designed so that a police officer could go out, make an assessment there on the spot and, if they believed that there was a high risk of violence, the intervention order could be put in place there and then. The other wonderful thing about these orders was that it completely turned the model around.

In the past when police went out to an incident, their only course of action was often to remove the victim and the children and move them to a safe house and leave the perpetrator there in the family home. These new intervention orders allow that to be completely turned around and allow for the perpetrator to be removed from the house there and then and for the victims and the family to stay protected in the family home.

It is quite disturbing that there are allegations that this is not operating in the way that it was intended. As I said, I understand that is under investigation. I am not aware of other complaints but I am sure that at least, in investigating this woman's case, if improvements do need to be put in place, we will use that as a valuable learning lesson.

In terms of the training, my understanding is that that has been completed; it is something that the Attorney-General and the Minister for Police have carriage of, but my understanding is that that has been completed. As I said, the feedback I have received is that it is going well, and the new system that has been put in place is also going well. It is deeply disturbing to see a situation come forward publicly where there are alleged delays in intervention orders, but I am confident that that will be investigated thoroughly.

DOMESTIC VIOLENCE

The Hon. S.G. WADE (14:37): I have a supplementary question. In addition to the police training that the minister referred to, I also understand that the government was establishing an

increased number of police officers to implement the orders. Could the minister take on notice how many of those additional police officer positions have been filled?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:37): Sorry, what was the question?

The Hon. S.G. WADE: My understanding was that there were going to be additional police officers allocated to LSAs to deal with the new orders, and I was hoping that the minister might take on notice how many of those positions have been filled.

The Hon. G.E. GAGO: I am happy to take that on notice and refer that to the relevant minister and bring back a response.

RIVERSIDE BUILDING

The Hon. S.G. WADE (14:38): I seek leave to make a brief explanation before asking a question of the Minister for Disabilities about the Riverside centre.

Leave granted.

The Hon. S.G. WADE: Expenditure on the fit-out for the Riverside centre has blown out by $800,000 over the past year. I ask the minister:

1. What was the total cost of the fit-out?

2. Why did the expenditure blow out?

3. Why is the fit-out of an office building a priority for this government given the level of unmet need in the disability sector?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:38): I thank the honourable member for his question and I will undertake to get the details and report back to him on that.

BUPA CHALLENGE TOUR

The Hon. G.A. KANDELAARS (14:38): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the BUPA Challenge Tour.

Leave granted.

The Hon. G.A. KANDELAARS: The minister has previously told the chamber about the significance of the Tour Down Under to South Australia's events calendar. Can the minister tell the chamber something about the 2013 event?

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:39): Thank you, Mr President. I thank the honourable member for his most important question. The Santos Tour Down Under has grown to become a festival of cycling, with a range of associated events that add value for spectators and provide additional motivation for interstate and international visitors to attend.

The Santos Tour Down Under is the biggest cycling race in Australasia and the only UCI World Tour event staged in the Southern Hemisphere. Indeed, the Tour Down Under has become a major drawcard on the state's events calendar. For example, in 2012 the event injected about $42 million into the state's economy and had crowds of more than 760,000 people, including more than 36,000 interstate visitors.

It generated around $140 million of media coverage and around 260 hours of national and international television coverage. I am very delighted today to announce that cycling enthusiasts can now register to ride the same route as the world-class cyclists in the Bupa Challenge Tour as part of the 2013 Santos Tour Down Under.

The Bupa Challenge route was launched today. I am told that the route from Modbury to Tanunda will give cyclists an opportunity to challenge themselves just hours before the

professionals take on the same course. As part of the ŠKODA Breakaway Series, the Bupa Challenge Tour will be held on Friday 25 January and will follow the same route as Bupa Stage 4 of the Santos Tour Down Under.

The Santos Tour Down Under is again teaming up with the Cancer Council of South Australia, which is the official charity partner. I am told that the 2013 event will be the first year that riders have the opportunity to gain free entry in the challenge tour if they raise $1,000 or more as part of the Cancer Council's Ride for a Reason fundraising campaign. I have been advised by Events South Australia and the Santos Tour Down Under Race Director, Mike Turtur, that next week's Bupa Challenge Tour will provide riders with three different starts and ride distances to cater for all levels and capacity of riders.

I am advised that the full route from Modbury to Tanunda is 127 kilometres, while the second start from Kersbrook is a 92 kilometre ride. The third from Mount Pleasant is another 46.5 kilometres from the finish line at Tanunda. In addition to the start and finish locations, the Bupa Challenge Tour will take in many other towns like Birdwood, Springton, Eden Valley and Angaston.

Last year more than 7,000 people participated in the Bupa Challenge Tour, which included more than 2,200 riders who travelled from interstate and overseas to take part. It included riders who travelled from across Australia and many other countries. Early-bird registrations are open from today, and I urge members to think about participating.

This is the seventh year that Bupa has sponsored the challenge tour, and I would like to place my appreciation on record. The Bupa Challenge Tour has become quite an iconic cycling event. It is an important way to promote cycling and healthy activities here in South Australia, and I am sure that members will agree that it is important to get out there, not just for fun and fitness but also to assist the Cancer Council with its fundraising.

The PRESIDENT: The Hon. Mr Ridgeway has a supplementary question.

BUPA CHALLENGE TOUR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:43): Thank you, Mr President. The minister said that free entry would be afforded to those who raised over $1,000 for the Cancer Council. What is the cost of entry for those who do not raise any money?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:43): I will take that on notice. I am happy to bring back a response. I understand that it is a fairly nominal fee. It is part of a fundraising event but, in terms of the actual detail, I am happy to take it on notice.

BUPA CHALLENGE TOUR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:44): As a further supplementary, could the minister also bring back the cost of what it was last year and what the money was used for?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:44): I am happy to do that, Mr President.

SAFEWORK SA ADVERTISING

The Hon. J.A. DARLEY (14:44): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question with regard to the SafeWork SA advertising campaign.

Leave granted.

The Hon. J.A. DARLEY: SafeWork SA is currently running an advertising campaign which focuses on homecoming using the catch phrase, 'The most important reason for workplace safety is not at work at all.' A part of this component is a television ad which features a schoolboy who waits for his father to come home from work. The ad suggests that the father will not return. However, at the last minute the father comes home and there is a joyful reunion between father and son. My questions are:

1. Can the minister give details of what other elements there are to the campaign in addition to the television commercial?

2. What was the total cost of the campaign, and can this be broken down to reflect the cost of the individual components?

3. Which organisation or organisations were employed to develop and produce this campaign?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:45): There are quite a number of issues in that question regarding that campaign. I will take it on notice and break it down and get all the information to the member.

ANDAMOOKA

The Hon. CARMEL ZOLLO (14:45): My question is to the Minister for State/Local Government Relations. Can the minister advise the chamber of any recent progress in the new governance arrangements for Andamooka?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:46): Andamooka is a unique township, evolving from being solely a collective of opal miners to a large community that supports the mining industry, tourism, local government, a school and other services. Until now, responsibility for the delivery of local management and services has fallen to the volunteers who make up the Andamooka Progress and Opal Miners Association.

The proposed expansion of the Olympic Dam mining project has also created an expectation that the township will attract new residents seeking accommodation and work outside Roxby Downs. Increasing tourism numbers to the region are also placing pressure on the volunteers to deliver local services and infrastructure to meet the demands. Given the rapidly changing situation in Andamooka, the Outback Communities Authority, with my support, has established the Andamooka Town Management Committee to provide a local presence that can guide the expected future growth in Andamooka.

Members might recall that the Andamooka Town Management Committee was established in January 2012. Reporting directly and responsible to the authority for its decisions, the ATMC will cease operations on 30 June 2013. A review will be carried out to assess whether the ATMC will continue beyond that date. The ATMC comprises five persons: Mrs Cecilia Woolford, Chairperson; Mr Peter Allen, an APOMA representative; Mr Robert Hancock, an APOMA representative; Ms Jennifer Cleary, an Outback Community Authority Board member; and Mr Mark Sutton, the General Manager of the OCA.

Mrs Woolford's appointment is supported by the authority and the APOMA. Ms Woolford has experience as chair and board member of a number of statutory and non-government boards at the state and national level, including the Eyre Peninsula Natural Resources Management Board and the Natural Resources Management Council Volunteer Committee. She possesses the skills necessary, particularly in the areas of governance, managing diverse opinions, engaging with people, communication and delivering on planned outcomes.

In consultation with the Andamooka community, the ATMC has developed the Andamooka Community Plan that sets out its strategic objectives over the next three years and its 2012-13 financial plan. I am also very pleased to advise that a community administrator, Ms Deborah Allen, has been appointed to undertake, on the ATMC's behalf, the development and management of community development, business, environmental and essential services and programs. Ms Allen is located in Andamooka. I wish Ms Allen and the ATMC all the best in their future endeavours and work ahead.

WORKCOVER CORPORATION

The Hon. T.A. FRANKS (14:49): I seek leave to make a brief explanation before addressing a question to the Minister for Agriculture, Food and Fisheries, representing the Minister for Workers Rehabilitation, on the topic of the WorkCover charter and performance statement.

Leave granted.

The Hon. T.A. FRANKS: I asked a question in this place on 15 March this year to the Minister for Workers Rehabilitation as to why the rehabilitation and return-to-work section is no longer contained in the WorkCover Charter 2011-12. I also asked where the assessment is of the

WorkCover Board's performance against the charter and the performance statement for which they are meant to be accountable. I would like to note that on 28 March 2012 WorkCover SA provided a response to my question, which had been asked by me in parliament, during its WorkCover stakeholder information session, citing that that was a response to my question. How embarrassing that WorkCover is able to respond to my question before the minister. My questions to the minister are:

1. Why has the minister failed to respond to this council by giving an answer to my question, and why is that answer missing in action from this place when WorkCover was able to make a response on 28 March 2012? When will this response be tabled?

2. Where is the performance statement which is referred to in part 3A section 17B of the WorkCover Corporation Act as amended in 2008?

3. When will the minister table a copy of the performance statements that have been made since 2008, ensuring that they are accessible to the public and to members of this parliament?

4. Where are the performance statements available anywhere in the public domain and, if they are not, why not?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:51): I thank the honourable member for her questions and will refer them to the appropriate minister in another place and bring back a response.

AQUACULTURE ZONES

The Hon. J.S.L. DAWKINS (14:51): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about the government's aquaculture zones policy.

Leave granted.

The Hon. J.S.L. DAWKINS: Eyre Peninsula recreational fishers, as well as many others who travel long distances to that region, will be directly impacted by the proposed aquaculture zones in the Lower Eyre Peninsula area of the state. Many are anxious about the potential impact that aquaculture leases may have on recreational fishing. My questions to the minister are:

1. Will the minister provide an update on the proposed Draft Aquaculture (Zones—Lower Eyre Peninsula) Policy?

2. What form of public consultation will a proposed aquaculture lease be subject to under this policy?

3. Will the minister indicate the distance from the shoreline for new aquaculture leases that will be featured in the zones policy?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:53): I thank the honourable member for his questions. The Aquaculture Act allows for aquaculture zones to be created specifying specific species. It also enables things like where and how much is permitted to be farmed. The ability to zone for aquaculture is something that is recognised internationally as a very important and quite fundamental planning tool, which is fundamental to supporting industry sustainability, industry confidence and investment.

South Australia has been able to attract corporate investment from within Australia and overseas, with a number of industry testimonials crediting its management arrangements as one of the key reasons for its investment; so it is something that is very important to us. There are 11 aquaculture zone policies that cover a number of regions, including Coffin Bay, Lower Eyre Peninsula, Arno Bay and a number of others.

Combined, these policies, I am advised, allocate over 6,300 hectares for aquaculture activity. They accommodate industry medium-term growth forecasts and include a range of aquaculture species and farming techniques for fin fish, intertidal and subtidal shellfish and algae. A zone policy is currently being drafted for Tumby Bay, with comments from and responses to the public consultation process going to the Aquaculture Advisory Committee in early 2012. The Draft Aquaculture (Zones—Lower Eyre Peninsula) Policy is at the same stage as the Draft Aquaculture

(Zones—Tumby Bay) Policy, and new zone policies for Franklin Harbour and Ceduna are also planned for 2012.

The zone policies are developed through scientific processes, obviously, involving consultative processes. Of particular importance is having sufficient data to be able to determine the activities for each zone, and this information is obtained through technical investigations of the area, scientific research results, information gathered through the licensing and environmental monitoring program requirements and consultation with key stakeholders, the public and other relevant government agencies. A thorough public consultation process is undertaken as part of the policy development, as I have said, and this also assists in identifying broader resource uses and other issues of community concern. In relation to the distance from the shoreline, I will have to take that on notice and will be happy to bring back a response.

SEMAPHORE PARK CLEAN-UP DAY

The Hon. J.M. GAZZOLA (14:56): My question is to the Minister for Social Housing. Will he tell the council about the recent clean-up day in beautiful Semaphore Park which involved Housing SA and a variety of community-based services?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:56): I thank the honourable member for this most important question. On Saturday 2 June 2012, a community clean-up day was held in Semaphore Park. The event was triggered by a spate of fires in the area over the preceding months, some of which had left families homeless and others of which had threatened the lives of Housing SA tenants.

The clean-up involved Housing SA's Community Building Team in partnership with Housing SA's office staff from the Port Adelaide region. It also included staff from the City of Charles Sturt, SA Police, Metropolitan Fire Service, Solo Resource Recovery, Transpacific Industries, St John Ambulance, members of the Housing Trust Tenants Association and local residents. The aim was to remove a significant amount of hard rubbish from the area, some of which had been used to start several of the recent fires. An estimated 10 tonnes of hard rubbish and more than 30 mattresses were collected, thus significantly reducing the amount of fuel available to arsonists and the potential for copycat fires and further rubbish dumping.

Apart from the opportunity to physically remove rubbish from the area, the day provided the opportunity for many people to connect with each other and form relationships which will be beneficial to the community into the future. This sense of community has the potential to provide the local residents and support services with valuable insight into each other's roles and responsibilities and makes very important connections across the community.

Housing SA and the City of Charles Sturt each contributed to the cost of rubbish removal and also provided a sausage sizzle on the day. The Metropolitan Fire Service provided a fire truck as well as demonstrations and education to residents and younger members of the community. SAPOL's newly appointed Neighbourhood Watch officer for the area was introduced to residents, and Solo Resource Recovery donated the hire of four skips, three staff members and the trucks to collect larger items. Transpacific Industries donated the waste disposal fees required to dispose of all rubbish collected on the day.

To ensure the project's long-term sustainability, residents were invited to form a residents group to continue to build on the work done on that day. This proved very popular, with more than 25 residents, I am told, signing up to be involved on an ongoing basis to build community connections and to look after their local community. I have been advised that there have been no further reports of arson in this area since the clean-up day and the formation of that group. My great thanks go to all who took part in this project, for helping to build and strengthen local communities in the area of Semaphore Park.

PHYLLOXERA

The Hon. R.L. BROKENSHIRE (14:59): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question regarding phylloxera protection.

Leave granted.

The Hon. R.L. BROKENSHIRE: One of the distinctive attributes of the South Australian wine industry is its phylloxera-free status, which sees in places wine grapes grown on very old root stock because that root stock has not been wiped out by phylloxera, as it has in other states and

competing wine regions overseas, famously the European (particularly French) vineyards in the 19th century.

A phylloxera outbreak has the potential to devastate our wine industry, costing many millions in lost production, replanting costs and reduced prestige in our standing in a very competitive wine market. Information provided to me indicates that there may have been shortcomings in the consultation process with the regional committees and industry stakeholders on the board's decision to relax phylloxera protections—a decision that the minister has advised the council has been reversed on an interim basis while consultation is reinvigorated.

The information I have received indicates that the Phylloxera and Grape Industry Board of South Australia did consult approximately two years ago on industry views generally on phylloxera protection, but then more recently, when it had resolved to relax those restrictions, did not indicate to stakeholder groups that it was of a mind to so before proceeding to formally do so.

I place on record my respect for the members of the board, their genuine interest in keeping our wine industry healthy and strong, and the important work the board and its staff do in monitoring phylloxera issues and in tracking grape harvests and trends. My questions to the minister are:

1. At what stages, and in what ways, did the board consult with its statutory regional committees and industry stakeholders on relaxing phylloxera restrictions?

2. Does the minister have full confidence in the voracity of the phylloxera exclusion zone regime in place in Victoria?

3. Have all of the regional committees required under section 15 of the act been property constituted?

4. Does the minister still have full confidence in the presiding member of the board?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:01): I thank the honourable member for his important questions. As I have said in this place before, I certainly agree with the honourable member that South Australia is unique: it is the only Australian state which has an independent statutory authority, the Phylloxera and Grape Industry Board of South Australia, which has actually been established to deal with the issue of phylloxera.

Obviously, this government takes very seriously the threat of phylloxera and is very proud of its close working relationship with the phylloxera board. As I have said in this place before, the charter of the board is to prevent phylloxera from entering the state, to control outbreaks of phylloxera in this state and to develop plans for the eradication of phylloxera in the state's vineyards.

The board members must be nominated from South Australia's major grape growing regions, and all members must be able to demonstrate proven experience, knowledge and commitment to the improvement of this state's grape growing and wine industries. Indeed, the current board has a breadth of highly valuable skills, a great deal of experience through a number of different aspects of the industry, and a high level of technical and scientific expertise.

I not only have confidence in them, but I also continue to have confidence in the presiding member. The board has an ongoing role in developing policies in relation to appropriate restrictions or conditions for the movement of machinery and equipment, vines and other vectors, into and within South Australia to ensure that the introduction and spread of the disease is prevented.

As I have talked about in this place before, a national set of phylloxera standards is in place. That is where some of the contention lay recently, where South Australia had a plan, which I think went back to 2004; it might have been 2006, but it was a long time ago that it was first mooted that a national standard would be developed and applied to all jurisdictions. South Australia has had a longstanding policy position of adopting and implementing that national standard. Nevertheless, it was done over, I accept, a very long period of time and those people who may have been involved in industry discussions at the time might not be around today; it is a different set of individuals.

We had an issue recently where these national standards were adopted. It changed the way we manage the movement of equipment and generated a great deal of local concern. Those concerns were raised with me and I passed on those concerns to the board, which responded very

quickly to those concerns and issued a statement whereby they recommended to reinstate the previous standards until such time as the industry has had a chance to be fully consulted and consider the best way forward.

In relation to what went on in the past, it was a long, protracted, drawn-out process that took place over many years. There is not much to be gained going back over that old ground. The board has responded to the concerns about changing standards and put in place a process to ensure they engage, consult and devise the best way forward. I am absolutely confident in the capacity and capability of the board and the presiding member. They have shown how responsive they have been and have put in place what I think is a reasonable process to respond to local concerns.

PHYLLOXERA

The Hon. R.L. BROKENSHIRE (15:06): By way of supplementary question, can the minister confirm with the house that the regional committees will be consulted this time, and can she also advise the house whether the regional committees under section 115 of the act have been properly constituted?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:07): In terms of the latter question, I have no reason to believe they are not, so I am not too sure whether from your question you are implying that you might have some information that they are not. I would value receiving that information rather than some innuendo. If there is an issue of concern that the honourable member wants me to look into, I am happy to look into it. On the surface of it I have no reason to believe that they are not properly constituted, but I can double-check that. I assure the honourable member that all relevant stakeholders will be consulted.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (15:08): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion, representing the Minister for Aboriginal Affairs and Reconciliation, questions about the Mai Wiru regional stores.

Leave granted.

The Hon. T.J. STEPHENS: Recently a protest was held in Amata town square about the loss of the Amata community store. Elders and community leaders turned out at this meeting to show their support for Mai Wiru and the great work they do for food security on the lands. As many would know, the Hon. Tammy Franks and I have championed the case for this group on a number of occasions.

At this meeting the committee rejected any other organisation to take its place, especially the government-run Outback Stores, which is a testament to this government's record in the area of Aboriginal affairs. My question to the minister is: will the government commit to the funding that Mai Wiru requires to ensure the future of the community stores on the APY lands and, if not, why not?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:09): I thank the honourable member for his most important question and I undertake to take that question to the Minister for Aboriginal Affairs and Reconciliation in another place and seek a response on his behalf.

WOMEN, SUPPORT

The Hon. G.A. KANDELAARS (15:09): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about supporting women in the community.

Leave granted.

The Hon. G.A. KANDELAARS: I know the honourable minister is very committed to supporting women in all their diversity in our community. Will the minister tell the chamber about what is being done to support women in the community?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:10): I thank the honourable member for his most important question. As Minister for the Status of Women, I believe that it is important to support women in a range of organisations to

undertake capacity building and engagement with their communities and, for many initiatives, a small amount of assistance often leads to a very big impact on that community.

I have spoken before of the assistance provided in the 2011-12 financial year to Women in Agriculture and Business. I recently announced a one-off grant of $10,000 to enable this group to provide technology workshops to women living in rural and remote areas, enabling them to keep in touch, to exchange news and also to network. These workshops will provide women with valuable tools to enable them to expand the reach of WAB across the state and to further engage with women in the online environment.

I was also pleased to hear recently about the work undertaken by the South Australian Feminist Collective to engage with young women in our community. The collective has a very active Facebook page, which includes interactive forums, and I understand that a range of issues relevant to feminism are discussed there. I have been told that the page has seen discussions on pay equity, reproductive issues and different schools of feminist thought.

The collective also holds regular meetings, which I understand are well attended. I understand that some fairly lively debate occurs around some of the meetings as well. I believe that it is important that young women are able to have a say on issues that affect their future and that they are able to participate in the community. I am delighted with the level of engagement the collective has already achieved, and I have every confidence that this grant will allow them to engage with even more young women on feminist issues.

To assist with the establishment of events and programs for young women, I have provided just under $3,400 to the collective. The funds will be particularly useful for increasing its online interactive engagement in our increasingly digitised world. I understand that, along with its current Facebook forum, the collective will be establishing an interactive website. Young women are often already well versed in the range of interactive and electronic forms and forums, so I certainly await with interest to learn how the collective will use innovative methods to increase its presence online.

The work of the collective includes the establishment of a diversity officer to ensure that young women from culturally and linguistically diverse backgrounds, and those from an Aboriginal or Torrens Strait Islander background, are engaged. I am sure that all members would agree that it is important that the voices of all young women are heard. I understand that the collective will be holding a range of forums across all university campuses about issues that affect young women and diversity.

The Office for Women also recently provided some funding members might be interested in. As members would know, I believe that it is vital that women's diverse roles within our community are acknowledged and celebrated. Every year for the past 50 years, SAPOL has held its annual Women in Policing luncheon to ensure that the extraordinary contributions of women who have served in South Australia Police, past and present, are recognised. The luncheons are organised by the Women in Policing Committee. It is an important event that provides an opportunity for women police officers to be acknowledged and to celebrate the work they do. As I have said, I have been delighted to be able to provide funding to a wide range of diverse organisations, all of which in some way recognise the importance of women and women's issues to our broader community.

RURAL WOMEN'S HEALTH

The Hon. J.S. LEE (15:14): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about rural women's health.

Leave granted.

The Hon. J.S. LEE: On 22 June, Jean Hailes and the Royal Flying Doctor Service of Australia presented an event, entitled 'The time of your life: things every women should know!', for the women of South Australia's Eyre Peninsula. From this event, it was noted that a lack of information and access to services could be having an effect on women's health. Ms Louise Browne, Project Manager for Jean Hailes for Women's Health, said on ABC radio that:

> ...finding specialist services can sometimes be a struggle in the regions...The limited access to health professionals does make a difference and if you don't necessarily develop a good rapport with the local health professional, then that's a disadvantage too.

Ms Browne goes on to say:

> ...it's not that they're lacking information, but they don't have the opportunities.

It was recorded that 350 women attended the 'Time of your life' event, indicating that rural women want more information; they want to learn more about their health. It is interesting that the minister has earlier talked about her involvement with women in the community, so my questions are:

1. Over the last year or so, how many information sessions has the state government conducted with regard to targeting health issues for women living in regional South Australia?

2. With women in the region stating that 'they don't have the opportunities', does the minister believe this is another sign of the government forgetting about the state's regions?

3. As the Minister for the Status of Women, what advocacy has the minister undertaken with the minister for health to ensure that sufficient health programs and information sessions are provided to rural women?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:16): I thank the honourable member for her important questions. Obviously these issues are largely the responsibility of the minister for health but, nevertheless, there are some things that I would certainly like to comment on. This government has invested significant funds in the country to ensure that people living in the regions are able to receive health care close to their homes and in modern facilities.

Compared with the last year of the Liberal government, spending on country public health services increased by $339.5 million—an 89.3 per cent increase in spending—so we can stand very proud of what we do. Although I know that meeting all individual needs of people living in the country is very difficult, and it is a challenge, nevertheless this government has gone a long way and certainly much further than the former Liberal government in doing that.

Members interjecting:

The Hon. G.E. GAGO: The truth hurts, doesn't it? The 2011-12 budget committed something like $719.8 million to public health services in the country and I am advised that this spending will provide for things like: increased haemodialysis chairs in rural areas; an increase in elective surgery and chemotherapy provided in the country, increasing procedures by over 3,444 over current levels; and $22 million funding over four years to improve and expand health services in country communities, in addition to major developments of hospitals at Berri, Ceduna and Whyalla.

Of this $22 million, I am advised that, at least for 2011-12, $1.768 million has been allocated for minor works, such as upgrades to accident and emergency departments at places like Cummins, Mannum, Victor Harbor, Meningie, high-voltage switch replacements at Port Pirie and a range of other minor works as well. In addition, $1.459 million has been allocated to purchase biomedical equipment, and that included anaesthetic machines for Port Pirie, Gawler and Mount Barker, monitoring systems for Port Pirie and Gawler, and a wide range of other biomedical equipment as well.

This government is also funding dedicated mental health beds in areas of country South Australia. For the first time we have opened intermediate mental health care facilities out into the country; that has never been done before. These facilities include the new acute mental health beds that are located at Port Lincoln, Whyalla, Berri and Mount Gambier. As I said, in country South Australia intermediate care services are being established for the very first time to enable services to be provided closer to where people actually live.

Both facility and non-facility based services are planned, with non-facility places now available in Mount Gambier, Whyalla, Port Augusta, Kangaroo Island and Port Lincoln. South Australia will also benefit from the commonwealth government's recent announcement of nearly 159 beds and places for our state's mental health system, a huge additional boost to our mental health system that includes a 10-bed community rehabilitation centre to be established at Whyalla and Mount Gambier. These centres will be similar to those already operating in metropolitan Adelaide. I could go through the details of other beds and placements, the wide range of activity that this government has undertaken for regional South Australians.

CITRUS INDUSTRY (WINDING UP) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of

Women) (15:21): Obtained leave and introduced a bill for an act to amend the Citrus Industry Act 2005. Read a first time.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:22): I move:

That this bill be now read a second time.

While Australian citrus accounts for less than 1 per cent of the world's production and South Australia's production is only a small percentage of that, the citrus industry is nevertheless a very important contributor to South Australia's economy. According to the PIRSA 2010-11 Food Scorecard, the industry's gross contribution to food revenue was $348 million, while the value of citrus exports was $51 million (46 per cent of all of South Australia's horticultural exports). Only some 6 per cent of the citrus grown in South Australia is consumed in this state; the rest is consumed interstate and overseas or made into juice.

The citrus industry is a significant employer both on-farm and along the citrus supply chain. Clearly, the benefits of a vibrant citrus industry flow through to communities along the River Murray and to the entire South Australian community. The citrus industry has been in transition for many years in response to both external pressures and market signals. Prior to 1991, the then Citrus Industry Organisation Committee administered an orderly marketing scheme which endeavoured to ensure fair returns for growers. Since then, the industry has been moving away from a highly regulated industry model towards a free market model.

The Citrus Industry Act 1991 created a new body, the Citrus Board of South Australia, that policed provisions in the act and regulations that required registration of industry participants and imposed restrictions on the transport, packing and sale of citrus. The board was also empowered to make certain orders in relation to the marketing of citrus.

In 2001 the review of the Citrus Industry Act 1991, undertaken in accordance with the state's National Competition Policy obligations, revealed that a number of anticompetitive elements required reform. In March 2004, a draft bill to remove the anticompetitive marketing elements and, ultimately, sunset the 1991 act was presented to the industry for comment. However, industry indicated that it wanted to retain some legislation.

In response to this feedback, a further review of the citrus industry's legislative requirements was undertaken. Through numerous industry consultation processes and meetings, the act was completely rewritten and a new act was passed in 2005. While the Citrus Industry Act 2005 retained the board, the Citrus Industry Development Board, the former board's role as a market regulator was abandoned.

The 2005 act intended to provide a fresh emphasis on citrus industry development and align functionality to similar arrangements in other primary industry sectors. However, friction attributable to various stakeholders having conflicting views on the benefits and costs of the arrangements that the act put in place continued, and concurrent changes to citrus industry arrangements at the national level exacerbated competing stakeholder anxieties.

In 2011, following another protracted period of citrus industry discord and disagreement around the effectiveness of the industry arrangements, the government responded to industry calls for intervention and commissioned a retired District Court judge, Mr Alan Moss, to undertake an independent review of the citrus industry structure.

During the course of his examination of the appropriateness and operational effectiveness of the 2005 act and its associated regulations, Mr Moss conducted 62 interviews and received 22 written submissions. He observed that, while there have been pockets of success since 2005 and industry participants have worked hard to achieve useful changes within their respective visions for the industry, progress has been limited and disjointed because the structure of the industry is fundamentally unsound and itself promotes disunity and duplication of effort.

Mr Moss determined that none of the current functions of the board are not already done, or could not be done, by another body. Mr Moss concluded that there is no good reason to retain either the board or the act and urged decisive government action, otherwise the current division in the industry, which he considered untenable in terms of the long-term interests of the industry, would only worsen.

The purpose of this bill is to implement a process to wind-up the board and, in due course, to cause the act to expire. Although the government's preference is for the act to cease as soon as the board is wound up, there is a provision that the minister may require a citrus industry participant to provide periodic returns of information reasonably required for the purposes of the industry. This provision addresses stakeholder concerns that immediate deregulation of the citrus industry may create an information vacuum if the embryonic national industry-funded InfoCitrus project and related initiatives undertaken by the national citrus industry organisation, Citrus Australia Limited (CAL), fall short of industry expectations. A proclamation for the expiry of the act will be made once the government is satisfied that the industry's information needs are being met.

The wind-up of the board will relieve the citrus industry of a regulatory burden that imposes compliance costs in the order of $3.3 million per annum on citrus growers, packers, processors and wholesalers. Mr Moss also identified the need for one strong industry body at the state level with the ability to contribute to and benefit from national citrus industry arrangements. A transition working party, chaired by citrus grower and former speaker of the House of Representatives, the Hon. Neil Andrew, was subsequently established to develop a new industry structure for the citrus industry in South Australia.

The government has accepted the working party's recommendation that the citrus industry establish an advisory committee, to be known as the South Australian Regional Advisory Committee (SARAC), under the auspices of CAL. Processes to establish SARAC have been initiated. There will be up to seven members on the new body, at least four of whom must be citrus growers. Citrus Growers of South Australia (CGSA), the organisation that currently represents the state's citrus growers, has undertaken to dissolve once SARAC is established.

The five-year management plan for the Citrus Growers Scheme established by regulation under the Primary Industries Funding Scheme Act 1998 will be revamped to ensure that those functions appropriate for an industry organisation to undertake are integrated into the management plan. The process of reviewing the plan will include extensive consultation with all industry stakeholders and verification of the proposed contribution rate of $1 per tonne, which was recommended by the Transition Working Party, and industry structure.

Each year, SARAC will submit a business plan that aligns with the management plan for the fund. Funds will be paid to CAL only for the purposes identified in the business plan and will only be spent by SARAC on programs and services that benefit South Australian citrus growers. Currently, citrus growers contribute $3.20 per tonne for oranges and $2.20 per tonne for other citrus to the Citrus Industry Fund administered by the board. Citrus growers also contribute 65¢ per tonne of citrus to the PIFS citrus scheme to support the CGSA.

Under the new arrangements, contributions by growers to support SARAC are expected to be $1 per tonne. To achieve this end, the PIFS citrus scheme will be amended to require these contributions. As grower charges under the Citrus Industry Act will cease, the next saving for citrus growers will be $2.85 per tonne of oranges they produce and $1.85 per tonne for all other citrus fruit they produce. For many growers, these savings will generate very welcome additional cash flow. I commend the bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Citrus Industry Act 2005*

4—Insertion of Part 6, 7 and 8

Part 6—Winding up

28—Winding up

This clause enables the Minister to appoint an administrator to wind up the affairs of the Board and the Fund. No further contributions are payable to the Fund. Any assets and money in the Fund remaining after the winding up are to be applied for the benefit of the citrus industry as directed by the Minister. A winding up report, including accounts audited by the Auditor-General is to be laid before Parliament.

Part 7—Powers of Minister to gather information

29—Powers of Minister to gather information

An ongoing power to gather information from citrus industry participants is given to the Minister. The information is to be passed on to a body that, in the opinion of the Minister, represents citrus industry participants or a class of citrus industry participant.

Part 8—Expiry of Act

30—Expiry of Act

This clause provides for expiry of the Act by proclamation. Immediately before the expiry, any remaining liabilities of the Board vest in the Crown.

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

WORK HEALTH AND SAFETY BILL

Adjourned debate on second reading.

(Continued from 3 April 2012.)

The Hon. J.A. DARLEY (15:32): I rise to speak on the Work Health and Safety Bill 2012. As members are aware, the bill provides for South Australia's participation in a nationally harmonised system of occupational health and safety, an issue which has been the subject of debate amongst successive governments across Australia for some 20 years.

The Work Health and Safety Bill, developed under the intergovernmental agreement for regulatory and operational reform in occupational health and safety, is part of an integrated package that also includes model regulations, model codes of practice and a national compliance and enforcement policy. Safe Work Australia is responsible for the development and evaluation of the bill while the commonwealth and individual states and territories are responsible for regulating and enforcing work health and safety laws in their jurisdictions.

The New South Wales government, which has consistently supported OH&S harmonisation, was the first state to introduce model legislation into their parliament. They, along with Queensland, the ACT and the Northern Territory, introduced the legislation with minor amendments that reflected the needs specific to those jurisdictions.

The legislation commenced operation in these states and the commonwealth on 1 January this year. In Tasmania, the commencement of the legislation has been delayed until January 2013. It is yet to be seen what the final outcome will be for Western Australia and Victoria. According to the Western Australian Commissioner for WorkSafe, the Western Australian government remains committed to the principle of harmonisation and continues to take steps to progress the implementation of the model work health and safety laws.

Whilst it is not intended that it will adopt the whole of the bill, it is likely that the Western Australian government will adopt the vast majority of the proposed model laws, save and except, perhaps, for provisions relating to union right of entry, stop-work orders by health and safety representatives and increased penalties.

The Victorian government initially indicated its in-principle support to harmonisation, subject to an assessment of the impact and benefits to Victoria. To that extent, the Victorian government initiated a Victoria-specific assessment of the legislation, which was undertaken by PricewaterhouseCoopers. At the same time, it also called on the commonwealth to defer the implementation of nationally harmonised occupational health and safety laws.

It is fair to say that the Victorian government remains dissatisfied with the model legislation, particularly as a result of the assessment undertaken by PricewaterhouseCoopers. A media release issued by the Victorian Premier, Ted Baillieu, on 12 April, states that the so-called reforms would take Victoria backwards and impact severely on the productivity of the state's small business, and I quote:

> the proposed laws do not deliver on the intent of the COAG reform agreed to in 2008 which aimed to reduce the cost of regulation and enhance productivity and workforce mobility.

The media release goes on to state that it will cost Victoria $812 million to transition to the new model. Further, it would cost Victorian businesses $587 million a year to comply with the new legislation, with 78 per cent of those costs to be incurred by small single state employers. These figures are based on the assessment undertaken by PricewaterhouseCoopers on behalf of the Victorian government.

It is worth noting that the PricewaterhouseCoopers report has been criticised, particularly in relation to the accuracy of the information used to arrive at those figures. It has also been criticised for relying on research based, in part, on unconfirmed claims from small businesses. Indeed, the document disclaimer at the beginning of the report states that PricewaterhouseCoopers:

> ...have not sought any independent confirmation of the reliability, accuracy or completeness of this information. It should not be construed that PricewaterhouseCoopers has carried out any form of audit of the information that has been relied upon.

Further, the disclaimer goes on to provide that:

> It is impossible to predict with complete accuracy the cost and benefits associated with the model work health and safety laws, but every effort has been made to use the most reasonable assumptions and methods for valuing the costs and benefits.

I raise this not because I necessarily agree with the views expressed, either by the Victorian government or its critics, but because this bill is intended to ensure national harmonisation. As such, it is important that we pay particular attention to all of the issues and concerns raised by our interstate counterparts.

In relation to industry, I note that the bill has the broad support of Business SA and the Australian Industry Group. The Australian Industry Group, in association with its affiliates, represents some 60,000 businesses in a broad range of sectors, including manufacturing, engineering, construction, automotive, food, transport, information technology, telecommunications, labour hire, printing, defence, mining equipment and supplies and airlines. Their submission on the bill outlines their strong support for this legislation, and I quote:

> A single set of laws, replicated nationally, framed strongly and fairly, with underlying consistent enforcement protocols, is eminently preferable to the current situation, not only for those companies that operate or trade across jurisdictional boundaries, or in a national supply chain or market, but for any company.

Business SA initially raised a number of concerns in relation to the bill, all of which I understand have now been addressed by the government. Those concerns will be elaborated on shortly. The fact that these groups, which represent such a broad range of businesses across Australia, support the bill cannot be overlooked. It is indicative of the progress that has been made with respect to the issue of occupational health and safety national harmonisation.

That said, I understand there are those members of Business SA who are not entirely happy with the decision to support the bill without further amendment. There are also other groups that remain concerned about the model legislation in general. The Motor Trade Association, for instance, whilst committed to the principle of harmonisation, has indicated its dissatisfaction with a number of aspects of the bill. I understand that other groups with similar concerns include the self-insurers' association, the Council of Small Business of Australia, the Real Estate Institute, the Hardware Association, the nursery and garden industry association, and the Urban Development Institute.

Perhaps the most vocal opponents to the bill have been the Housing Industry Association and the Master Builders Association who have highlighted a number of industry specific concerns. I will address some of these concerns in the context of the bill itself. Turning now to the bill, and as alluded to earlier, its primary purpose is to protect persons from work related harm. To that end, the overriding principle of the bill is that workers and other persons should so far as is reasonably practical be given the highest level of protection against harm to their health, safety and welfare from hazards and risk arising from work.

In light of this, the concept of a single nationally consistent legislative regime for occupational health and safety makes sense. Among other things, it would streamline the practices of employees and ensure that workers across Australia benefit from the same and the highest level of protection in the workplace. It would ameliorate the complexities in complying with occupational health and safety obligations for those businesses that operate nationally and it would ensure the same levels of maximum penalties which currently differ considerably across jurisdictions.

The mere fact that there are more than 70 pieces of primary legislation relating to occupational health and safety across Australia demonstrates the need for national reform. According to the Productivity Commission's 'Performance Benchmarking of Australian Business Regulation' report, businesses operating Australia-wide currently have to be aware of some 3,392 pages of occupational health and safety regulations; 1,068 from primary legislation; and 2,324 from formal legislation. In addition, they face 282 codes of practice at the state and territory level. Not only does this create a tremendously complex task in terms of being on top of all the

regulatory requirements across various jurisdictions, it is also an extremely costly exercise for businesses.

It is these very issues that a national approach to occupational health and safety attempts to overcome. Having said that, I acknowledge that such a scheme is not without its problems. Throughout this debate many concerns have been raised regarding some of the key provisions and concepts proposed by the bill. The most controversial provisions include the establishment of duties of care for individuals and organisations and the associated concept of a person conducting a business or undertaking, the issue of the control test, the removal of the right to remain silent, union right of entry and, lastly, increased penalties.

In relation to the first three matters, the bill establishes a primary duty to ensure, so far as is reasonably practical, the health and safety of workers. The duty to ensure the health and safety of a worker applies to any person who by virtue of their activities can influence the health and safety of workers and those in the workplace. This is achieved through the inclusion of the concept of a person conducting a business or undertaking (otherwise referred to as a PCBU). The definition of a PCBU is intended to reflect the broad range of modern work relationships and business structures and to remove the uncertainty that currently exists around the responsibilities of, for instance, principles on the one hand, and subcontractors and labour hire companies on the other. This is, of course, only one example of the sort of relationship captured by the definition. A worker is also defined broadly to take into account the broad scope of contemporary work relationships.

As already mentioned, a PCBU's duties are not without qualification. Firstly, each PCBU is only required to discharge their duty to the extent to which the person has the capacity to influence and control the situation in question. Secondly, a duty imposed on a person to ensure health and safety requires the person to eliminate or minimise the risk only so far as it is reasonably practicable to do so.

The bill also defines what is intended to be included when considering what is reasonably practicable. Those considerations include the likelihood of the hazard or risk occurring, the degree of harm that might result from the hazard or risk, what the person ought to have reasonably known about the hazard or risk and ways of eliminating and minimising the risk, the availability and sustainability of ways to eliminate or minimise the risk and, lastly, the costs associated with eliminating or minimising the risks, including whether those costs are grossly disproportionate to the risk itself. This is not an exhaustive list and other relevant matters may also be taken into account when assessing a particular situation.

The main point of contention in relation to these provisions centres on the issue of control. Again, it is fair to say that those groups most opposed to this particular issue are the HIA and the MBA. They argue that the duties imposed under the bill should be confined only to those individuals who exercise direct control in relation to a risk to health and safety. Any person who does not have direct control of a risk should not have responsibility for eliminating or minimising that risk.

In an effort to overcome these concerns, the government has indicated its willingness to insert an additional clause that further qualifies a PCBU's responsibility by providing that, if a person does not have direct control of a particular risk, the extent to which they must eliminate or minimise the risk depends on the extent to which they have the capacity to influence the matter. I understand this additional clause has the support of Business SA and the Ai Group. However, after several discussions with both the HIA and MBA, it would appear that they are still not satisfied with what is being proposed.

Another point of contention in the bill involves the removal of the right to remain silent. Clause 172 of the bill currently provides that the privilege against self-incrimination is abrogated. The practical effect of this is that a person is compelled to comply with the requirements of this provision, which include answering questions or providing information or documents, even if to do so would incriminate or expose the person to penalty.

In an effort to strike a balance between these two factors and, more specifically, the abrogation of a person's common law right, the bill further provides that any information provided by an individual is not admissible against them in any subsequent civil or criminal proceedings. As a matter of principle, I would not be willing to support such a provision; however, I understand the government is now willing to concede to delete this provision, particularly in response to representations made by Business SA.

A more contentious issue in the bill relates to union right of entry. Clauses 117 and 121 of the bill provide that a union official may enter a workplace for the purposes of inquiring into a suspected contravention that affects a worker or for the purposes of consulting on work health and safety matters. In the former case—that is, entry on the grounds of a suspected contravention—the union official need not provide prior notice. In the latter case, a minimum of 24 hours notice is required before entry.

The provisions, although not identical, are consistent with the current right of entry provisions that apply in relation to industrial relations matters by virtue of the commonwealth Fair Work Act 2009. According to the government and the unions, the move towards union right of entry on occupational health and safety grounds is a natural progression that would bring South Australia into line with other states.

Again, there has been a lot of conjecture around these provisions of the bill with the HIA and MBA being those most vehemently opposed to it. The MBA argue that their current system whereby all duty holders, including health and safety representatives, can request the assistance of the regulator is the most preferred option. Further, they argue that, although union right of entry is premised as a means of improving safety, in the case of construction sites this does not appear to be the case and such powers are often misused and abused by unions as an industrial tool which only serves to trivialise safety matters.

The MBA is concerned that work health and safety right of entry rules will further exacerbate this problem and only serve to expand the scope for misuse by union officials. Further, they argue that any suggestion that the entry permit system will provide adequate policing is nonsense as permits are rarely, if ever, restricted even in the case of the most flagrant breaches. Their ultimate position is that union right of entry should be scrapped altogether. Short of that, and at the very least, they argue that safeguards should be implemented to prevent a return to what they called the bad old days by modifying the union right of entry provisions regarding notice and stop-work orders consistent with the Fair Work Act.

Many of the same concerns have been raised by the HIA who argue that union officials are not safety experts and, as such, have no place in determining safety issues. They argue for the deletion of the whole of part 7 of the bill. I understand that many of the MBA and HIA's concerns will be addressed through amendments to be moved by the Liberal Party.

There are, of course, a number of safeguards proposed in the bill to deal with union officials who may abuse their privilege. For one, they have to be licensed and they must hold an equivalent permit under the Fair Work Act. They must also have completed relevant training and their permit may be subject to conditions imposed by the authority. Where the conditions of a permit are breached or a union official acts in an improper manner in the exercise of their role, their permit can also be suspended or revoked. Further, where a union official intentionally and unreasonably obstructs a person or disrupts a workplace or otherwise acts in an improper manner, they face a maximum penalty of $10,000.

As an aside issue, what I do find interesting is that the bill does go slightly further than the Fair Work Act in relation to union right of entry for suspected contraventions insofar as the Fair Work Act limits a union official's entry to sites where members of the union who perform work on the premises and whose industrial interests the organisation is entitled to represent are present. I am sure that in practice this is not difficult to overcome insofar as union officials can and probably do enter on different grounds but still investigate suspected breaches in cases where they do not have actual members at a site.

I understand the reason the bill goes slightly further is that by limiting the scope to members only it is easy for employers to identify which staff member contacted a union official. This only serves to create more angst on the part of employees who may become fearful of losing their jobs if it becomes known to their employer that they have contacted the union in relation to a worksite issue. I accept that this may very well be the case. I only make the point because I think that it is important to highlight the difference between this bill and the provisions of the Fair Work Act in relation to union right of entry.

My main issue in relation to union right of entry has less to do with union officials entering worksites themselves and more to do with the performance of SafeWork SA in relation to compliance and enforcement issues. As far as I am concerned, the role that unions play in terms of suspected safety contraventions is one that should rest fairly and squarely with SafeWork SA and,

frankly, I struggle to see the point of any new legislation without a significant change in the culture and attitude of SafeWork SA.

You can have the best legislation, but unless it is backed by best practice and enforced effectively it becomes a pointless exercise. I accept that, in many instances, workers may feel more comfortable calling the union representative as opposed to SafeWork SA in relation to a safety breach, but what this demonstrates to me is that, for whatever reason, workers do not trust SafeWork SA. You may argue that they fear for their jobs and that it is therefore easier to contact a union representative as opposed to SafeWork SA. Again, I do not doubt this but contacting SafeWork SA can be done confidentially and, indeed, anonymously, so I think there is more to it than just the fear of losing jobs.

I also accept the argument that union right of entry provides a means of having more eyes and ears on the ground but, again, I come back to the point that we should not have to rely on union officials to do the job of SafeWork SA in relation to safety breaches. The tragic situation of the recent deaths related to the desalination plant springs to mind as a perfect example of SafeWork SA failing to adequately follow up and address concerns expressed by workers, which ultimately resulted, very tragically, in the death of not one, not two, but three workers.

We can argue all day about whether those were workplace accidents or not, and, as we know, in two instances they have been deemed not to be workplace accidents. However, I think that is irrelevant here. On several occasions I heard from more than one business and trade organisation that the conditions at the desal plant were an accident waiting to happen; that eventually someone would be killed. Certainly, what whistleblowers have claimed publicly is a culture of unsafe work practices and cutting corners in order to meet unrealistic deadlines.

The point is, if experts and businesses involved in the project were not only thinking it was an accident waiting to happen but talking about it, then why was SafeWork SA not there to prevent it? If there is one thing I have learnt through my dealings with the construction industry, it is that news travels fast. So how is it that everyone except for SafeWork SA, the body responsible for policing safety in the workplace, could know about a situation that ultimately ended in tragedy, even if you accept that there was only one work-related death?

If the issue is one of resourcing, then this is something that needs to be addressed by the government. Again, I see no point in introducing new laws if they are not accompanied by adequate resourcing in the areas that count, not just in areas that appear in government television advertisements or awards for good performance, but in expenditure for more inspectors on the ground at the coalface, ensuring accidents do not occur in the first place. Coincidentally, in response to a question asked only yesterday, the minister indicated that there were an overwhelming eight nominations for SafeWork SA awards.

We have also heard countless claims in relation to the inaccuracy of work-related injury statistics and the under-reporting of accidents, particularly with respect to the building industry. My question in relation to this is: what has SafeWork SA done about it? What measures have been taken to take into account that in some industries accidents go unreported? I mean measures relating not only to better statistics, but to better safety outcomes.

If SafeWork SA knows that a particular industry is not currently complying with the legislative requirements in terms of health and safety—and I am not pointing the finger at any particular industry—then how will new legislation improve this? If you are going to have good laws, you also need good policy and a well-designed and resourced organisation to implement these. In my view, none of these exist in this case. Moreover, there needs to be more of a focus on prevention rather than prosecution.

I foreshadow that I will be moving a number of amendments intended to provide further safeguards and overcome at least some of the concerns raised in relation to union right of entry. In addition to increasing penalties for breaches of permit conditions, I will propose that union representatives be required to notify SafeWork SA prior to entering a worksite and that SafeWork SA be required to establish and maintain a policy that relates to the extent to which their own inspectors will attend at workplaces when notified of the proposed entry of union permit holders.

I will also be proposing that the act be subject to a review three years after its commencement and that as part of that review an assessment of the effectiveness or otherwise of that policy be undertaken. Data relating to the extent to which SafeWork inspectors have attended

workplaces will also need to be included in that report. I have discussed these amendments with various union representatives, and generally speaking they appear supportive of these measures.

In relation to penalties, the bill proposes a scheme with increased penalties and, in the worst case scenario, imprisonment. Again, the HIA and the MBA are opposed to any increase in penalties, arguing that the current range of fines is appropriate. As members are aware, currently the levels of maximum penalties vary consistently across jurisdictions. If we are to have nationally harmonised laws, I think the range of penalties is one area that should remain consistent across jurisdictions.

I note that the government has also indicated its willingness to delay the commencement of the legislation and apply a 12-month transitional provision for significantly new regulatory requirements that are contained in the model regulations in order to provide a reasonable period of adjustment for businesses. This move has also been welcomed by Business SA and other business organisations and will go some way towards alleviating their concerns regarding compliance.

Lastly, another aspect of the bill which has raised a great deal of concern, not only amongst businesses who will be directly impacted by it but also amongst many of us lawmakers, relates to increased red tape. Last month I travelled to Sydney to meet with various representatives from stakeholder groups, including unions, WorkCover (being the regulator of health and safety issues for New South Wales), and the building industry.

The purpose of my trip was to gain a better understanding of the practical effect of this legislation in a jurisdiction where it was operational. What I learned from my trip to Sydney was that there were mixed views in relation to the impact this legislation has had on that state. For instance, one prominent builder (who I will not refer to by name) indicated that in his opinion the legislation had contributed towards the stagnation of the housing industry in Sydney.

Coincidentally, and on the positive side, he also indicated that he was not concerned about union right of entry and, in fact, welcomed any health and safety representatives onto his site. This builder's main concern with the scheme was in relation to the Safe Work method statements and risk assessments which, in his opinion, required too many resources.

He was of the view that if these processes were simplified and centralised with clearer guidelines for businesses the system would work a lot more efficiently and at a more reasonable cost for businesses. He was also critical of WorkCover's lack of support towards businesses and claimed that the practice of referring them to private consultants in terms of ensuring compliance was only leading to further increased cost. Many of his concerns were echoed by other representatives of the building industry.

Overall, the impression I got from builders was one of too much red tape. WorkCover, on the other hand, seemed to think that the system was working okay and that there had been a change in attitude throughout the organisation since the change of government in that state. In the past few months, I have also put to the minister countless scenarios and asked for responses in relation to what the practical effects will be for South Australian businesses, whether they be small operators or large operators, when this legislation goes through.

I have tried to establish what an ordinary business will have to do in order to comply with this legislation, how that differs from what they do now and, importantly, whether this will result in overly cumbersome paperwork especially in the case of small businesses. The intention of this legislation is not to bog businesses down in paperwork: it is to improve workers' safety. Indeed, I think at least one of the overarching objectives of this legislation was to develop a scheme that ensured that the benefits and the new regulatory requirements were not outweighed by unreasonable increases in costs, whilst also ensuring that worker safety remained at the forefront.

This was certainly the point behind the Productivity Commission's benchmarking report referred to earlier. We often hear claims about the world as we know it coming to an end as a result of new and more complex legislation. More often than not and over time we see businesses adapt to change and continue to operate without too much of a problem; sometimes, however, I think we get it wrong and businesses are forced to cope under excessive pressure.

It is extremely important that we give due consideration to this issue during the committee stage debate and take whatever steps are necessary to ensure that businesses are not unduly impacted by this legislative package. If there is one thing that has become apparent to me after many long and protracted meetings with various groups from both sides of the fence, it is that a

one-size-fits-all approach in this instance is proving difficult in terms of reaching agreement. Having said that, I remain hopeful that many of the concerns raised can be addressed through the committee stage of the debate and through regulation.

In closing, this is a very significant piece of legislation and it will have broad implications for South Australian businesses. It is therefore extremely important that we get it right and that we not try to rush the bill through without a thorough and robust debate. I have raised the concerns of industry groups such as MBA, the HIA, Business SA and the Ai Group because they have played a very proactive role in the development of this bill.

Since coming to this place my office has advocated for a number of families who have lost loved ones in workplace accidents. I have worked closely with Andrea Madeley, the founder of Voice of Industrial Death, a woman who is truly worthy of praise for all her hard work and for the priceless support that she has been able to provide to family members who have lost loved ones.

If you consider what Andrea has been through herself as a result of losing her own son in a workplace accident, you have to marvel at her ability not only to help others but also to continue to push for tougher compliance and enforcement of health and safety in the workplace. It is extremely important that we not lose sight of this during this debate. I also remain hopeful that we not lose sight of the purpose of this bill, that is, to protect workers from injury, something which I feel has at times been overlooked throughout the debate.

Debate adjourned on motion of Hon. J.M. Gazzola.

CHARACTER PRESERVATION (BAROSSA VALLEY) BILL

Adjourned debate on second reading (resumed on motion).

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:07): I was speaking prior to lunch and I talked about the private member's bill proposed by the honourable Leader of the Government and Minister for Tourism, that is, a bill to decriminalise or legalise prostitution. Members might think, 'What's this got to do with the Barossa Valley or McLaren Vale?' We are preserving these areas for tourism, recreation and hospitality pursuits, and some might argue that the services provided by a legal brothel could easily fit somewhere into the character values and the objects of this bill when we talk about providing economic impact and contributing to the tourism attributes of the district.

I think we need to be very careful when we start talking about the objects and the character value of these districts and trying to prescribe it in legislation because clearly it is not cut and dried, it is not black and white. It is very open to interpretation, and I expect that it will be very difficult. It will be almost like a lawyers' picnic, I would think, if we try to prescribe it in the objects of these bills, particularly the character values of the districts.

During this whole process a number of us have received quite a significant amount of correspondence in relation to these bills, and Iain Evans (the shadow treasurer) who had carriage of this legislation read a lot of the local government commentary into the record. I will not read in and duplicate most of what he said, but I know that the Barossa Valley council was somewhat concerned initially with the second bill and the second DPA, and its option was to abandon it in favour of amendments just to the current Development Act to give it some comfort. I know the view of the Onkaparinga council, which is the other major council that is affected, was that they wanted to go through the whole round of public consultations. I think the final ones on the DPA are in August, so they were wanting this legislation not to be progressed until then.

I will now read into the record some of the correspondence from people who have been concerned about, I guess, some of the unintended consequences. I have a copy of a letter sent to the Presiding Member of the advisory committee (I assume it is DPAC), Revised Barossa Valley and McLaren Vale Protection Districts Development Plan Amendment, care of the Department of Planning and Local Government, from Mr Phillip Santy of Hollitt Road, Clarendon. This is just the executive summary of his submission. He said:

> The revised DPA and proposed Character Preservation Bills create the following issues:
>
> - Renders 2052 potential existing lots that meet existing minimum allotment size for a dwelling worthless. The costs to landowner (based on a conservative average of $300,000 per title) is approximately $616 million in lost equity.
> - Will cost the local councils in the Barossa and McLaren Vale districts $3.287 million per annum based on reduced valuations. Funds required to maintain public utilities.

- Stops governed environmental development of 2 houses per square kilometre in McLaren Vale District and 1 house per square kilometre in the Barossa District and creates 2052 worthless untended allotments.
- Will cost the housing industry a conservative estimate [of $250,000 per dwelling, somewhere in the vicinity of $549 million] in our state at a time when we wish to promote a skilled workforce.
- Will be detrimental to tourism target 6 per cent increase of $378 million by 2014, with lost (council) resources, disgruntled landowners and untended land allotments.
- In summary, it will cost the South Australian economy approximately $1.17 billion in the foreseeable future and leave the government vulnerable to a class action for compensation on the grounds of estoppel (right and expectation to build a house per title withdrawn) in excess $616 million.

Also, I have an email that has been forwarded via the Hon. Michelle Lensink from Mr Felgate and it says:

Dear Ms Lensink,

The Character Preservation (McLaren Vale) Bill 2012 together with the Develop Plan Amendment (5th April 2012) which the South Australian State Government proposes to introduce, supposedly to stop the loss of prime agricultural land to further urban develop (i.e. to stop urban sprawl), is totally unnecessary and is in fact a disaster for all the owners of such land and for the local councils.

The pretence under which it is being introduced is a complete sham, as all such properties are currently protected by the development plans of the local councils (the Onkaparinga council in my case and my property) which prevent subdivision of this land and the construction of more than one dwelling per title.

Building one house on my property, Mullaghmore, Lot 21 Toops Hill Road, McLaren Flat of 42.5 hectares (103 acres) can hardly be described as urban sprawl. If this bill is introduced, the value of my property will fall to a fraction of the price I paid for it and far below the mortgage I am currently paying off, to say nothing of the loss of rates to the local council.

These bills must not be passed by the parliament.

Since purchasing my property in 2008, I have been planning the infrastructure, arranging aerial spraying of weeds in accordance with the Mount Lofty Ranges Natural Resources Management Board instructions, agisting cattle to keep grass down and help prevent bushfires, repairing fences and performing routine maintenance tasks.

I have plans for my house and garden there, and am utterly devastated that I may be prevented from ever living there, and may be unable to sell my land. My hopes and dreams will be dashed, and I will suffer great financial hardship if this proposed bill goes ahead. It is quite unnecessary!

Please help me to realise my dreams instead of being bankrupt and homeless.

The next correspondence I have is a letter to the member for Unley from Mr Davey. He says:

I introduced myself to you at the Unley Shopping Centre as Rhonda and I are now in your electorate at 'Braested'.

I guess everybody is in my electorate; we have 1.6 million, all of us are fortunate to have 1.6 million people. It continues:

Please note the enclosed. My son's letter has all been sent to the Hon. David Ridgway, Minister Gago, the Hon. Leon Bignell, and Mayor Lorraine Rosenberg.

We would like to know your views on the bill and if you can ask your colleagues can you rectify the wrongs in this legislation.

We are a very hard 'working family' and have always been. We support development and have been very happy with what has happened on the west side of South Road. Dean Brown resolved these issues many years ago to our complete satisfaction.

This bill has the potential to destroy the businesses of many farming families—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Well, again, you have to take that up. It continues:

It has been a tough few years...and now this.

If the bill is passed what rights do we have to compensation of value lost.

With best wishes

RJ Davey.

I will read another one from Mr Nichols. He states:

The character preservation bills—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: I beg your pardon? I have another one from Mr Scroop. This is a submission to the Barossa Valley McLaren Vale revised protection development plan. It states:

We have owned a property between Mount Pleasant and Springton for a period in excess of 35 years. This property consists of some 300 acres, 2 titles, main road frontage, mains water and power.

When we purchased the property it was run down, rough and untidy. Rural living was unheard of and irrelevant because the area was considered too far away from many living areas...Over the years we have developed and nurtured the land running it essentially as a sheep farm while always maintaining and appreciating the beauty of the area.

In latter years, particularly the last 20 years, rural living in the Adelaide Hills has become very popular, particularly for retirees wishing to build and live on a small rural holding close to the city. This has added greatly to the value of the property and we are at a point now where these tittles are prime assets because of this.

As you can imagine the Barossa Valley and McLaren Vale proposal has been met with disgust as it will cause severe financial hardship and impact greatly on our future lifestyle.

1. The Current Value of the property has been used for borrowings by our company and if halved will place us in a non viable situation financially.

2. The Current Value of these properties also forms a large part of the superannuation/retirement asset which we are relying on for the purpose of self funding and a comfortable lifestyle in retirement.

3. Over the past 30 years we have put extensive capital investment into the presentation, preservation and improvement of the property and to wipe out this improved value with a simple stroke of a pen without suitable compensation cannot and will not be accepted. We will therefore endeavour through a class action with other participants to protect our rights and seek full compensation for any loss we may incur.

4. Freehold title of land has always entitled the holder to a dwelling. This is the Australian Way and must be protected at all cost.

5. This Proposal Plan if it goes go ahead will not only add huge costs to any potential future development/redevelopment (which the state can ill afford) but will have a severe effect on local businesses and employment as development grinds to a halt in these areas and become nothing more than rural backwater.

Finally this exercise smells of a broke Labor Government with nothing to lose and plenty to gain for no cost. Affected people will be people who have worked hard to earn a dollar and build a valued asset and do not believe in using other people's assets for averaging of the rest.

Mr Rau, this is Australia not China or some other socialist republic. If you are so passionate about helping to preserve the 'special character' of the Hills for future generations then maybe you and your politician colleagues would like to show the way and donate half of your hard earned wealth/retirement assets to help with this project.

I have another one here which is quite lengthy, but I will read it onto the record. This is a press release that I know a number of members did receive, but I think it is worth putting this on the record. It is entitled 'Barossa and McLaren Vale Bills To Cost Land Owners Millions'. It states:

As you may be aware, on 5th April the Minister for Planning tabled a revised Bill named the Character Preservation (McLaren Vale) Bill 2012 and a similar Bill applying to the Barossa. Also on that date the Minister brought into effect a Development Plan Amendment (DPA). The DPA is effective from 5th April for 12 months unless terminated. The DPA has to be read in conjunction with the current City of Onkaparinga Development Plan (as consolidated on 24th November 2011) and the corresponding plans in the Barossa.

As an example, a partial extract from the DPA applying to the Rural Zone is reproduced below.

In the first list of PDC 94 (non-complying development) which relates to 'The following kinds of developments are non-complying in the Rural Zone, except for in the Watershed Policy Area, the Primary Production Policy Area and the Yaroona Policy Area...the words: 'Detached Dwelling, except within 'Note 1 below.'

Detached dwelling...:

(a) in accordance with Note 1 below

(b) in the Character Preservation District shown on Figures [Onkaparinga Consolidated Plan Development]/1 to 11 to replace an existing dwelling provided the replacement dwelling does not result in more than one dwelling on an allotment.

The effect of this change In both the McLaren Vale and Barossa is that the owner of rural land (which in this context means land outside the township boundaries) cannot build a dwelling on their land (unless it is to replace an existing dwelling) with consequent severe loss of property value.

HOW DID THIS COME ABOUT

The government began a process of consultation in June 2011 when the public was invited to give their views on the future for McLaren Vale and Barossa Valley. The printed invitation contained a hint for those interested—'Most will also agree that prime agricultural land must not be lost under housing estates.' The implication here is that this scenario is possible unless new legislation is brought in to prevent it. Although this implication was

false and misleading, it certainly produced a spate of responses from concerned residents who didn't want housing estates to encroach on rural land.

Over two hundred submissions were received by 22nd July. Minister Rau said he was delighted and, not surprisingly, 'the majority strongly supporting the protection of the Barossa and McLaren Vale from further urban development', (according to the Minister's media release).

But what is meant by the term 'urban development'? If it means suburban housing estates, there is no need for the Minister to act to protect the rural districts. They were and still are protected by the Development Plans for each Council district. These Development Plans have been carefully built over the years by responsible local councils who act with the benefit of local knowledge and community objectives, and are administered by competent professional staff. The Development Plans and the administration of them have a proven track record of success over the years. On the other hand, the hastily conceived legislation with which we are now confronted has no track record whatsoever.

On Wednesday September 28th 2011, Minister Rau introduced the so called 'Character Preservation' bills and a DPA to go with them covering Barossa and McLaren Vale. His press release stated his legislation would 'ensure the protection of Barossa and McLaren Vale from urban sprawl'. This is commendable on the face of it, but that claim is nothing but a sham as the areas were already protected for the reasons given above.

THE HOAX

The hoax here is that the misleading threat of 'urban sprawl' is being used to justify the prohibition of a very low level of additional dwellings as will shortly be explained in detail.

RESULTS OF THE PUBLIC CONSULTATION TILL DEC 19TH, 2011:

A period of public consultation followed regarding the DPA, to close on December 19th 2011. This time the number of responses was reduced to 107, but having now seen the detail, instead of being in favour of the new proposals, the vast majority were scathingly critical of it. A common reason for objection was that their existing in principal right to build on an existing rural block was to be taken away, resulting in severe financial loss, disruption, uncertainty and hardship to them.

As a result of the poor report card the proposed legislation received on Dec 19th, on April 5th 2012 Minister Rau released revised Bills and a revised DPA to cover both the Barossa and McLaren Vale. However the revised DPA still prevented building a house on a rural allotment (except to replace an existing house) just as the previous version did.

The Fact Sheet issued with the April 5th proposed legislation stated an objective was 'to present residential style development in the rural areas pending further strategic review and analysis'. This is the same nonsense as before, as residential housing style development was not previously permitted anyway.

THE CURRENT BILLS AND DPA AND THEIR DEVASTATING EFFECT

The comfortingly named Character Preservation Bills and the DPA which goes with them will be devastating to many rural land owners including those who the Bills are supposed to benefit. This is because the DPA which is in force now will in many cases prevent the building of a new house in rural areas. In consequence property values will be slashed, with some properties being rendered virtually worthless. If you have rural land for sale the prospective purchaser will be frightened off on discovering that building a house is 'non complying'.

There is no mechanism proposed in the Bills or elsewhere to compensate land owners for the loss in value of their properties and the deprivation of in principle building rights. Should these Bills pass Parliament it will result in thievery by the government from affected land owners on a grand scale.

There has been little about the Bills in the press. Consequently it is likely that only a tiny fraction of landowners who will be adversely affected by the laws are aware of them.

HOW MANY PEOPLE ARE AFFECTED?

The government has obligingly provided us with this information as part of the 2012 DPA in the table reproduced below—

Mr President, I seek leave to insert a statistical table into *Hansard*.

Leave granted.

Summary of land division and new dwelling potential in rural zones (pre-interim DPA) (4)

Protection District	Potential existing lots without a dwelling	(A) Potential existing lots that meet minimum allotment size for a dwelling	Lots able to be divided (for residential use)	(B) Potential additional lots for dwellings	Total Dwelling Potential (A)+(B)
Barossa Valley	2,289	1,263	53	76	1,339
McLaren Vale	789	789*	48	69	858
Total	3,078	2,052	101	135	2,197

Notes: *(1) No minimum lot sizes exist for dwelling in the McLaren Vale district in the Onkaparinga (City) Development plan; (2) Excludes Government land

(4) *'Rural Zones'* includes a range of primarily non-urban zones within the protection districts located outside of townships or other areas excluded from the 'district', including Rural, Primary Production, Primary Industry, Watershed, Fringe, Hills Face, MOSS or like zones.

The Hon. D.W. RIDGWAY: The potential of existing lots without a dwelling in both areas, according to this information, is some 3,078 allotments. The potential existing lots that meet the minimum allotment size for a dwelling are then reduced to 2,052, only about 101 lots are available to be divided for residential use under the existing provisions, and there is the potential for 135 additional lots and dwellings. So, there ends up being a potential number of dwellings in the two areas of 1,339 in the Barossa and 858 in McLaren Vale—a total of 2,197. The submission continues:

The government has also calculated and provided us with the size of each Character Preservation area. McLaren Vale is 40,000 hectares or 400 square kilometers, and the Barossa 136,000 hectares or 1,360 kilometers.

Having determined the number of allotments affected and over what area of land, it would appear that the government did no further analysis on these figures. Had it done so, it would have realised how little effect the proposed measures would have on the McLaren Vale and Barossa dwelling numbers.

According to the above figures, a maximum of 858 new dwellings could have been build in the McLaren Vale Character Preservation District prior to September 2011, while the Barossa District could have accommodated 1,339 new dwellings.

WHERE IS THE URBAN SPRAWL?

To summarise, in the McLaren Vale district, according to the government's own figures, prior to September 28th 2011, only 858 new dwellings could have been built on 400 square kilometers of land. This amounts to just over 2 dwellings per square kilometer. In the Barossa the corresponding figure is 1 new dwelling per square kilometer. So where is the urban sprawl referred to by the Minister?

The halt on land division alone ensures that no housing estates can occur.

The staggering fact is that this legislation, under the guise of stopping 'urban sprawl', would at the most, prevent the building of 2 new houses per square kilometre. These would be new houses of attractive design which complement and preserve the rural landscape. One must conclude that such new dwellings would be a most desirable attribute to the district, not a detriment.

If the proposed measures come into effect it will render many allotments worthless. This will particularly apply to allotments less than 2 hectares (5 acres in the old measurement), as no commercially viable primary production activity is possible on this size allotment. These allotments will be neglected and quickly become an eyesore and fire hazard.

WHO WILL PAY FOR THE PROPOSED LEGISLATION?

Firstly the general community will be disadvantaged. The desired character of the area will not be preserved, so the legislation will have the opposite effect to that desired.

The next class of those who will suffer is the local councils. As an example a block of land in Seaview Rd McLaren Vale which was for sale for $400,000 will, if the legislation is passed, become virtually worthless. Rates payable on this land are $1,140 per annum. If this land becomes worthless or close to it, Council stands to lose over $1,000 per annum of rates collectible. On the government's own figure of 858 allotments affected, that is almost $1,000,000 annually. The corresponding figure for the Barossa is around $1.4 million annually. This money which could otherwise be used to maintain the respective districts.

The next class of those affected will be the owners of rural land who lose the ability to build a dwelling on their land. The loss of value per allotment has been estimated (by a retired land agent with property in the area) at $300,000 minimum in the McLaren Vale district. For 858 allotments land owners will stand to lose $258 million.

At that rate, the loss to Barossa landowners over 1,339 allotments would be some $402 million, a total of $660 million over both districts.

The building industry will lose the construction of 2,197 homes at an average of say $250,000, a total loss of over $500 million.

In summary the DPA, in stopping the owner's rights to build on their existing allotments will cost the SA economy approximately $1.16 billion in the foreseeable future.

This is contrary to the State Strategic Plan promoting sound economic development and can be avoided by limiting the DPA and proposed Bills to only stop further subdivision.

The next question posed is:

OWNERS IN THE DARK

The government has made no effort to advise the 858 owners in McLaren Vale or the 1,339 owners in the Barossa of the government's true intentions. Hopefully the Councils in the affected areas will take immediate steps to ensure that every rural landowner is informed of the detrimental nature of what is proposed.

This is particularly so in the case of the Character Preservation Bills (April 2012 versions). In these 2 Bills there is mention of preventing land division but no mention whatsoever of preventing the building of a dwelling. It is only when one looks at the DPA which the Minister has brought into immediate operation that the intent of the government to prevent new dwellings in rural areas is revealed.

So on the face of it the DPA is inconsistent with the Bills. One might wonder how the Bills could be used to ban new dwellings. Perhaps if the Bills are passed by Parliament, the prohibition on new dwellings will be achieved by regulations which the Bills authorise the Minister to introduce.

WHERE ARE WE NOW?

What started out in June 2011 as an exercise to protect the McLaren Vale and Barossa districts from 'urban sprawl' has now become a pathetic inconvenience which would prevent a miniscule number of new dwellings relevant to land area being built. The legislation would, if it succeeds in being brought into law, do more harm than good, and cause irreparable damage to many small landowners.

The legislation is an affront to the local Councils who have a proven track record of responsible administration by overriding their Development Plans.

The reintroduction of new Bills and DPA on April 5th 2012 without restoring rural dwelling rights shows that the so-called consultation process is merely window dressing which is really ignored by the government.

Make no mistake, if the proposed legislation comes into force there will be mortgage foreclosures and bankruptcies in the rural areas.

I think I am nearing the end of this particular piece of correspondence. It continues:

WHAT NEEDS TO BE DONE—ELECTED COUNCIL MEMBERS

According to the government figures there are 858 allotments in the McLaren Vale district and 1,339 in Barossa which will be affected, total of 2,197. Of the 107 submissions the government received on December 19th 2011, only half or about 50 were from rural landowners. This suggests strongly that over 2,000 landowners are completely unaware of the damage being done to their land values.

The people best placed to remedy this lack of knowledge are the elected Councillors in the affected areas. Councillors have a duty of care to their rural ratepayers, and should make a collective decision as to how their ratepayers might be assisted. Having made that decision, Council staff should be instructed to put the chosen measures in place.

The first measure which should be taken is to see that every landowner outside the townships should be notified by mail. The second is that Council should call one or preferably more public meetings so that the legislation and its effect can be explained, and written material handed out. Such meetings should be held before the end of May, so that landowners have a chance to put in a submission before the expiry of the public consultation on June 27th [which of course was yesterday].

Councils in the affected areas should take a stand on behalf of their rural ratepayers to protect the ratepayers' assets, to regain their Councils' authority, and lobby parliamentarians to reject the proposed legislation.

Then there is a little part here for all of us:

WHAT NEEDS TO BE DONE—ELECTED MEMBERS OF PARLIAMENT

Be assured that the current DPA, and Bills if they are passed, are causing widespread grief. To better understand this see Annexure A at the end of this document (extracts from submissions received on December 19th, 2011).

State Members of Parliament may wish to ponder on the inconsistency between the Bills and the DPA as far as dwellings in the rural areas are concerned.

Perhaps the Minister might be asked how the 2012 Bills will prevent building of dwellings when that objective appears not to be covered (unlike the 2011 Bills which very clearly permitted dwellings). Has the Minister exceeded the proper use of his powers by introducing a DPA which goes much further than the accompanying Bills?

We request the immediate reinstatement of the in principle right to build a dwelling on any allotment which is outside of township boundaries and was in existence prior to September 28th, 2011.

I will read from the last page of this document, which is extracts from the submissions on the initial DPA. It states:

So as you can imagine, we have found this news, to be honest, quite shattering, with the added stress and uncertainty of not knowing when, or even if we can build our family home...I plead for those who are able to overturn this situation to see sense that they are hurting a lot of innocent people trying to catch a few, there must be a better way. Please help me and my family, we are at the mercy of common sense.

The next one states:

I am distraught at the thought of not being able to build on my land that I have worked so hard to keep and this was my investment for retirement. I fear I will be stuck with land that I cannot afford and no one else will want to buy.

The proposed DPA has been presented to the public under the pretence of stopping urban sprawl and preserving the vineyards and productive farming land is totally misfounded, as it stands the Bill will sterilise the area, stopping all development, destroying the livelihood of many of the farms it is meant to be preserving.

While the Minister and Parliament take their Christmas break and holidays, bear a thought for those who have had their lives thrown into turmoil and will not be able to put the worry of what the new year may bring due to this crazy Bill and DPA.

The next point states:

We are in the process of finalising our house plans, but were very distressed to learn that dwellings, along with any other form of building, are now non-complying in the Watershed Protection (Mt Lofty) area.

We see this as a 'Kick in the Guts' as we are in our early sixties. [For] this to be a safety net. The removal of the current laws will cause financial shortfall, stress and stymie productivity. Ownership of land is also the key to retirement and we have planned this for decades. Primary producers have to be self funded retirees as no one pays our super. We can't be expected to be financially worse off without compensation.

Almost towards the end, it states:

My husband is 56 years and I am 54 years old, we don't have time to save again, or the years to spare. I can't believe this nightmare that we have stepped into due to no fault of ours.

Finally, it states:

[We have]...six children. This law will significantly affect our whole family financially. If unable to be developed our farmland will reduce enormously in value, or be (as it is currently) a difficult farm to farm.

Members can see with those comments and with the document provided to me that these bills have created a great deal of uncertainty and concern in the community. I have maybe one or two final quotes to go in relation to correspondence to me. I did hear the Hon. Mark Parnell make some—

The Hon. M. Parnell: I'm taking mine out of the file as you read them.

The Hon. D.W. RIDGWAY: Okay. I do recall a very lengthy WorkCover debate, where somebody took the floor for some 14 hours. This has barely been much over half an hour. I have one here from K.E. and M.D. Jennings of Rosedale, in the Barossa Valley. I had put some comments in the newspaper, and I received this letter, which states:

This week I read in our local paper...June 2012, about your concerns regarding need for more information...[in relation to] the DPA plans for the Character Preservation (Barossa Valley) Bill.

We have a business and farming property within this boundary and are extremely concerned about the future of our family.

April 24th 2012, I wrote a letter to the DPA, also sent a copy to the Honorable Ivan Venning, Tony Piccolo, Robert Brokenshire, the Senior Planner at Barossa Council...and I [also] sent a copy to the Honorable Nick Zenophon and Isabel Redman.

So, a number of people have received that.

Copy of this letter and the article from The Leader I have attached.

Our house plans have been submitted to Council. As you can read from my letter we have been put in a situation that we feel is unnecessary. We have no need to retire into a retirement home complex, as we are in our 60's, both fit and well and want to live on our property as long as we can.

Because we purchased our 50 acres knowing that we could build, which in the long term would add value to the property, we feel now the resale value is now worthless. Is the government going to compensate us and all the other people involved for their loss...we bought this property in good faith, knowing that we could build.

If you wish, please contact us on our mobile phone, or pay us a visit and see how we are managing under these circumstances. Because our daughter is now living in the farmhouse with her husband and three teenage boys (trying. also to renovate) we are living in a caravan and double garage. We are 'comfortable' but it's not best accommodation. We have been living this way since April 2012.

I have a copy of a letter sent to the Presiding Member of DPAC, and I might make this the last constituent letter I read. The letter is from Mrs Marlene Jennings, and she says:

I...on behalf of my family, wish to express our concern regarding the Barossa Valley and McLaren Vale Revised Protection Districts Development Plan. We are owners of the below mentioned properties at Rosedale.

December 2000, we took over the lease of the quarry at Rosedale, the property was then owned by...[Mr] Afford.

October 2010, Dean Afford approached my husband Ken Jennings about the sale of his whole farm, as he wanted to retire. That same month Ken and I approached the Barossa Council planning department, asking if we could build a house on Lot 308, if we personally purchased this parcel of vacant land. We were told yes.

So as a family business, Jennings Bros. purchased Lot 313, pieces 91 & 92 for $1,000,000 (one million dollars), this was the quarry area, approx 180 acres. Our daughter Kylie...purchased Lot 307 for $450,000 (four hundred and fifty thousand dollars) this was house and sheds, approx 38 acres, and [Kenneth Jennings and Marlene Jennings] purchased Lot 308, vacant land for $250,000 (two hundred and fifty thousand dollars) approx 50 acres. (This was our super fund.) This sale was finalized July 14th 2011. Total $1,700,000 (one million seven hundred thousand dollars).

Ken and I sold our house in Willaston (because we were told we could build on Lot 308) moved into the farm house, until such time as Kylie sold her house in Willaston and moved into the farm house, which has just happened.

Since moving in July, we have surveyed the property, had engineers report prepared and house plans drawn up to submit to Barossa Council, cost of about $8,000. Water is connected, enquiries made regarding power and phone and fenced off the house block.

We operate all these titles as one farm, except for about 20 acres, which is quarry area and recently extended our quarry lease to the property next door belonging to [Mr] Jim Johnson. The remainder is land for cropping and we are now running a small commercial herd of beef cattle.

We operate the quarry with four partners (family members), plus four full time staff and a casual truck driver when needed, because of these business commitments we feel that Ken and I should live close by, not in the next town.

Council told us we could not build a granny flat onto our daughters house.

[Their grandson] is studying...at Xavier College and is doing a farm management course...[He is] planning to work the farm and eventually take over running the quarry.

The house that we are intending to build will eventually be left to [the grandson], when we no longer need it.

This house block is situated 300 metres from the Rosedale Road and is well within the township zone of Rosedale. Our front boundary fence is situated inside the 80 km per hour sign and also continues into the 50 km per hour zone. How are small townships supposed to survive if we can no longer expand in the future?

We saw on TV a report about this plan, but thought it was in connection with sub-divisions.

We are not grape growers; we are farmers with a moderate size quarry, which is greatly supported by the Barossa and Kapunda Councils and the public.

If a farmer cannot build on a separate title, what hope do they have of trying to stay on their own farm as long as they can, and still have their heir run the property?

Ken and I do not have any sons, but have a grandson who is prepared to continue the business and live on the farm, learning from his Grandfather.

Please consider this letter and the plights of others in the same predicament when making your decisions.

I think that letter and the others certainly summarise a lot of the concerns that are out there in those two communities, and I think it has demonstrated that the minister probably has not understood the unintended consequences. I think it is clearly stated in the early commentary that everybody thinks that the concept of protecting the Barossa Valley and McLaren Vale is a sensible and honourable thing to do, but when it comes to the technicalities of it, it becomes much more difficult.

I am nearing the end of my contribution, but I did put some questions to the minister here last time when I started my contribution. One of minister Rau's advisers was sitting in the gallery and he has attempted to answer most of the questions I asked. I do not believe that either the minister sitting here, the adviser or the minister himself understood when I talked about the areas and the township boundaries. In particular, I highlighted Beckwith Park where the old town boundary had not been changed to reflect a change of land use, so the car park of the Beckwith Park facility was in the protection zone. I have provided copies of that aerial photograph to the minister's office via his adviser.

However, the minister did provide new copies of the protection zones to me, which I note now include Henschke's Hill of Grace winery, but I am yet to see the detail of the maps in relation to the Beckwith Park issue and the Tarac facility. I did ask the minister (via the minister here) to recheck every town boundary because, if we pass this legislation, both the external boundary and the township boundaries will be enshrined in the legislation in relation to the maps that are lodged at the General Registry Office.

So once they are lodged and these bills pass, if they are not accurate and someone wants to do some development that they are entitled to do—for example, the Beckwith Park people on

their car park, which is bitumen and has no character or heritage to preserve; and when you look at the aerial photographs you can see this anomaly—it will be noncomplying. It will be in the wrong zone and they will actually have to come back to parliament to adjust it.

I did have an informal discussion with the minister, and he agreed that that is what would have to happen. I know we will not be doing any of the committee stage today, so I do ask the minister to instruct his officers to double-check every town boundary, even by use of aerial photographs, to make sure the land uses and boundaries are all consistent with what their intention is, because I would hate to have to come back here and do all this again.

Having said all that, when the Hon. Robert Brokenshire indicated that he wanted to protect the Willunga Basin we indicated that we would be prepared to look at legislation that offered some level of protection. We now have these two bills. Broadly, this is a bill where basically, as the minister says, nothing can happen unless it comes to the parliament; the parliament is the final decision maker. So if the parliament wants to change a town boundary or have some development, the parliament gets the final say.

We think that is an overreaction. As we have seen, with a number of the contributions I have made and the correspondence I have read onto the record, the existing development plans of the Barossa and McLaren Vale have, by and large, coped with all the issues and all the pressures of the last 150 years. In fact, as I alluded to earlier, the only issues, the big issues, were when the minister intervened with ministerial DPAs or major developments in those areas.

So it is the opposition's intention to support the bills, but we will be supporting them with some amendments that will enshrine the boundaries where they are—now that we have Henschke's Hill of Grace—and, provided that the minister can guarantee that all the town boundaries are in the locations they need to be, we will enshrine them in the legislation as proposed. So I guess we support the intent of the bill there.

Clearly, we want to make sure (and I am pretty certain) that Henschke's Hill of Grace winery is back in the zone, but what we would like to do is, in the broadacre area, remove the right for a minister to be able to do a ministerial DPA so that the minister cannot do what he did in Mount Barker: just come in and say, 'Look, we don't really like what you are doing. We have had a chat to the developers, our mates the developers, and here we go; we're going to rezone 1,300 hectares with you like it or not.'

We see that as one of the main reasons we are faced with these bills now, because of the reckless behaviour this government. We think the easiest way to achieve that is to remove the minister's ability to initiate a ministerial DPA in the broadacre area. We believe that major developments should be removed from the minister's ability in the broadacre area as well, and of course we would support a five-year review.

Then we would actually amend the bill to remove the character. We have some new objects of the bill that have been drafted now, which naturally I will circulate and table and put on file, but what we want to achieve is to say that, yes, we accept that these are particularly important areas, clearly defined by the boundary. The township boundaries are defined, but what we want to do as an opposition is have smaller government and actually hand it back to local councils to manage—as they have done for the past 150 years.

If the boundary is clearly defined there is no capacity for Big Brother, for the government, to come in and say, 'We're going to have a broadacre subdivision.' Our intention would be that the small landholders, the ones we have discussed who have 20, 40, 100 acres, whose dream was to build a home—and I have a dozen more of those letters; maybe the Hon. Mark Parnell can read the ones I have not covered—

The Hon. M. Parnell: I've found some more.

The Hon. D.W. RIDGWAY: He has found some more. There are some really genuine cases, and I know that the Hon. Robert Brokenshire is concerned about those. It is not urban sprawl: it is a house on a 100 acre or 50 acre farm that someone has bought, mortgaged, gone out and put their neck on the line to be able to build their dream home. Those are the things we think should still be important, and that is where local councils should manage it. In the Barossa, the local council has imposed a minimum allotment size, and that was something they did themselves some 20-odd years ago, I think. That was something the locals did and it was their decision to do it.

The intent of our amendments is to get government out of it. It is not for the parliament to be telling an area what to do; it should be about the local communities and their local councils. I

suspect, if our amendments are successful, we would see a greater interest in local government elections. If there were a rogue council (although 'rogue' is probably a bit harsh) or a council clearly going off at a tangent from what has been the normal practice, as people know, all the development plan amendments do go across the minister for planning's desk at this point, so at the end of the day there is still a check and a balance for the minister.

However, under our proposal, the minister or the government of the day cannot impose upon the region something that is against the region's wishes. I think that is what we have seen at Mount Barker, Buckland Park and, to a lesser degree in one sense, at Seaford because that land had been rezoned for some 30 years, but it was the government of the day that—

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: Well, they might have misled the whole community, and maybe you might like to cover that in your contribution; I do not wish to delay the debate. I think it was Mount Barker that was the catalyst for this legislation, and the key issue at Mount Barker was the use of a ministerial DPA. The key issue in Buckland Park was major development. We are proposing that those two options are not available. We would amend the bill to make it impossible for the minister to do that.

We would still allow major developments to be used within the town boundaries because there may be an old industrial site or a commercial site that needs some sort of consolidation or remediation. We can see that there may well be a situation where you would have a need for a major development within the town boundaries. I have discussed these proposals with both councils. They certainly favour a more minimalist approach, rather than the prescriptive approach that the minister has proposed.

By and large, though, the councils have managed their affairs extremely well, and they have done a great job. It is not the councils that have been engaging in this urban sprawl: it has been the government. By removing the minister from it and handing control back to the local communities, all the current development plans, as has been outlined before, where subdivision is not allowed, will stay in place. At the end of the day we will get a clearly-defined area, clearly-defined township boundaries. Handing control back to the locals is what we will be attempting to do when we move our amendments at the committee stage of the bill. With those few comments, I support the bill.

The Hon. M. PARNELL (16:52): I am sure that everyone in this place is in furious agreement that the Barossa Valley and the McLaren Vale regions are most appropriately preserved as areas of agriculture and rural landscape. All of us would agree, when we are in the heart of the Barossa or at McLaren Vale and in amongst the vineyards, that that landscape is best left as it is, rather than being turned into concrete and bitumen for housing estates—the ongoing urban sprawl of Adelaide. I have not heard anyone disagree with that proposition: we all want to see these areas protected. The bill before us is one method of doing that, and other options are available as well.

I look forward to the committee stage when we have a look at some of the amendments that have been foreshadowed to see whether they in fact improve or detract from this model. The McLaren Vale and Barossa Valley areas (and I should say that I will speak to both bills in this one contribution, rather than dividing them up) are close to Adelaide, they have fertile soil and, as we know, they are very important areas for producing wine. There are orchards of fruits and nuts, and there are vegetables and other crops. These are important agricultural areas, and the fact that they are within a stone's throw of a metropolitan area of over a million people is something that is not that common these days around the world.

In fact, this sort of agrarian landscape on the outskirts of a major city, whilst not unique in the world, is regarded as globally significant. That is why there is at present a push for the world heritage listing of this agrarian landscape. A fair bit of work has been done on mounting the case for some of the areas in the Mount Lofty Ranges and these agricultural areas to actually be put forward to UNESCO for listing as a world heritage agrarian landscape.

It would be a travesty if these areas were opened up to bitumen, concrete and urban sprawl. We would in fact be killing the goose that laid the golden egg, because these areas are of the utmost importance to tourism in this state.

There are not many places where you have winegrowing areas of such quality in such close proximity to a major metropolitan area, and that is a fact that is not lost on international visitors or on the people of Adelaide. People from Adelaide love going up to the Barossa and down

to McLaren Vale. They like doing so because it is close. There are wineries and other tourist ventures there, it is close to Adelaide but it is not Adelaide, and we do not want it to become part of Adelaide.

So, the objective of this legislation is to keep these assets and to keep the character of these areas intact and to protect them from urban sprawl. The first question we need to ask ourselves in relation to this legislation is whether these bills are necessary to achieve that objective. There are two ways of looking at it. If we approach it from a planning perspective or a strictly legal perspective, the answer is no, we probably do not need the legislation; we have legislation that is capable of protecting areas. However, when we approach it from a political or indeed a community perspective, the answer is that we do need this legislation.

Under our existing planning scheme, we have arrangements whereby a development plan can create zones, and the development plan can set out what is or is not allowed within those zones. If you want a finer grained form of planning, you can create policy areas within zones and you can use that to protect the character or the desired character of these areas. So that is why from a purely planning point of view there are plenty of people who say that we do not need to do this.

However, as I have said, from a political perspective or in fact even a community perspective, we do need these bills. We need them because there is a major hole in our planning system. In fact, I would not call it a loophole: it is actually a gaping cavern. This hole is big enough to drive a fleet of bulldozers through, which is exactly what has happened time and time again in South Australia. This hole is the virtually unfettered power of the minister of the day for planning to make whatever decision he or she wants and for those decisions to be beyond challenge. That is the loophole, and that is why legislation offers a much higher level of protection than the regime under the existing Development Act.

Under the current system, the minister can ride roughshod over the local community, over local councils and even over the advice of statutory authorities and independent experts. Under our current system, the minister is king. If this parliament decides that the special character of the Barossa Valley and McLaren Vale is deserving of a higher level of protection than being left to the whim of the minister king at any point in time, then we need this legislation.

However, I think we also need to acknowledge that the current planning minister absolutely knows this to be the case. As he has said to me and to others as well, through this bill he is voluntarily giving up a degree of power and he is giving up authority, and he is giving it up not just on behalf of himself but on behalf of future ministers for planning. That is something that is rare in politics and it is something that he should be commended for.

Effectively he has put the handcuffs on himself, but the question that I think we will get to in committee is whether he has left the keys close by or whether we need to put those keys out of his reach. The Hon. David Ridgway has referred to some amendments that he is planning which probably fall into that category: putting the keys to the handcuffs beyond the reach of the minister of the day.

I do not want to simply slap the minister on the back and say, 'Job well done', because the back story to this legislation is, in fact, even more informative than the revelation on the part of the current minister that something must be done. In fact, the whole reason this legislation is necessary is that you cannot trust the government to get these planning decisions right. You cannot trust it not to do the bidding of its mates in the development industry. It has shown time and time again that when given the opportunity to make a bad planning decision on behalf of a mate it jumps to it.

As has been mentioned before in debate, you only have to look at Buckland Park, an atrocious planning decision not supported by any town planner I have met, other than those who are directly associated with the project and are making some money out of it, they do not seem to think it is so bad. Practically everyone else in the planning profession will acknowledge, in public and in private, that it was an appalling decision that should never have been made.

The Greens have also been strongly opposed to the urban sprawl at Gawler East, certainly at Mount Barker, and within the existing metropolitan area we have had some pretty dodgy deals done like the St Clair land swap and the rezoning of too much of the Cheltenham Park racecourse for housing and not enough provision for open space.

The back story is that the government has consistently been getting this wrong for most of its term of office. Through this bill the government is recognising that it cannot trust itself, and that

is right. We do not trust it either. So, passing legislation that restricts the power of the minister to make bad planning decisions in relation to these two important areas is most welcome.

I would also mention that it will be interesting, on the third Saturday in March 2014, what people remember of how this government has performed since 2002, because from my perspective what we are seeing now is the old good cop/bad cop routine. We had bad cop minister Holloway and bad cop premier Rann. They are the ones who brought to you Buckland Park, Mount Barker and Gawler East. They have been replaced by good cop planning minister Rau and Premier Weatherill, who brought to you things like the Barossa Valley and McLaren Vale character protection legislation. Will people be fooled in March 2014? Will they remember that the legacy of this government is the urban sprawl that they will start to see at Mount Barker and Gawler East?

The urban growth boundary is a line on a map which has been intended, for many years now, to be the limitive outward spread of the metropolitan area. The problem has been that that line has been written with an HB pencil and it is easily subject to being erased and redrawn, when in fact it should have been written in texta colour. In fact, it should have been written in one of those broad felt-tipped markers that are behind the glass case, behind wire, in the hardware store.

I have it on good authority that the planning minister is over 18. If he needs a note, we can give him one, to buy one of those broad tip texta colours to make sure that the line on this map, beyond which urban sprawl cannot go, will be enshrined in legislation. The object here is that once you have identified the areas that are worth protecting, in this case the valuable agricultural land of the Barossa and McLaren Vale, you draw those lines and you do not keep messing with them, you do not keep rubbing it out and moving it further and further out.

Whilst this legislation sets the broad framework for the protection of the McLaren Vale and Barossa areas, the detail is partly contained within the development plan amendment that is currently out on public consultation. The submissions formally closed yesterday. I will say that this latest version of the development plan amendment is a vast improvement on the version that was released last year.

Last year's version was a very blunt instrument, effectively making any form of development anywhere a non-complying form of development and that led to some of the ridiculous situations that have been described already, such as people within townships in industrial zones not being allowed to undertake reasonable industrial development in an industrial park. That was a crazy situation, so the government has moved and amended the map that forms part of this legislation, and they amended the development plan amendment as well.

The effect of making everything non-complying was that it stomped on good development as well as inappropriate or bad development. That was the subject of my submission to the Development Policy Advisory Committee, and I am glad that the minister stepped in and acted and fixed that up before we even got to the public meetings that had been scheduled.

It has also been mentioned before, but I will say it again, that the development plan amendment (both the previous one and this one) has been introduced on interim operation; that is the provision in the Development Act which is also known as the 'shoot first, ask questions later' clause. It basically says that the changes to the planning rules come into effect immediately and then consultation is undertaken afterwards.

I have been very critical of the misuse of that tool by ministers in ministerial development plans for many years, but I will say that this is one case where it is absolutely appropriate to bring changes in under interim operation because what we are trying to do is to pre-empt speculative behaviour. If you were going, for example, to prevent subdivisions in an area and you flagged your intention months out, then the logical consequence is that you will get hundreds of subdivision applications all lodged in a rush to try to beat the changes. So when the object of the exercise is to protect and preserve an area, interim operation of changes to the planning scheme are absolutely warranted. I just want to put that on the record because I have been critical of just about every other interim operation that the government has introduced.

In relation to the specific situations in the McLaren Vale and Barossa Valley, along with other members I have been sent a large number of submissions from individuals and groups, and they fall probably into four categories. Category 1 are the people who are wholeheartedly in favour of the legislation, people who can see what it is trying to be achieved and who urge us to vote in favour. Those submissions tend to be fairly general in nature and, as I said at the outset, we are all in furious agreement that we do not want urban sprawl through the Barossa and McLaren Vale.

The next category of submissions come from people who say that they feel hard done by with this legislation because they had always intended in the future to subdivide their land as an investment and that they feel it is unfair that they will no longer be able to do so. I will say that I have less sympathy for these people than for some of the other categories of people affected by this legislation.

In some ways it has parallels with the introduction of the native vegetation clearance laws back in the 1980s and 1990s where people said that it was always their intention to clear all of the native vegetation on their property and to then turn it into what they saw as more productive uses. They felt that it was unfair for the community to want to protect native vegetation on private property and they insisted on compensation, and the government back then agreed.

They thought, 'That is fair enough. If we are going to stop you from clearing vegetation, we will compensate you.' That scheme did not last very long before it pretty well sent the environment department broke and a wiser government then realised that when you impose these changes in the public interest for the community good, then there is not a need to compensate each and every landholder who is affected.

I think there is a parallel here with those people who complain that their future intentions to subdivide for housing have been thwarted. I think the response is: 'I'm sorry but bad luck.' The whole purpose of this legislation is to prevent inappropriate future subdivisions. That category of constituents will not be getting much joy from the Greens.

The second category of constituents are the people the Hon. David Ridgway referred to at some length. These are people who already own a block of land, they have a separate certificate of title in either the McLaren Vale or the Barossa area and they are concerned that they will not be able to build a house on it. The Hon. David Ridgway sought leave and was granted it to incorporate into *Hansard* a statistical table, showing the number of affected properties with people who own land and feel that their ability to build houses on it has now been compromised by this legislation.

What I would ask the minister is, if she could, in her second reading summing up or in committee, verify those figures and just confirm that they are, in fact, accurate figures. I have got no reason at all to doubt the Hon. David Ridgway, but we need to know how many people we are talking about. We need to know how many people previously had a right—and I use that word cautiously—to build a house compared to those people who now find that that right is somewhat curtailed.

I make the point—and the minister will no doubt make it at great length in committee—that, when a form of development such as building a house is described in a development plan or in legislation as noncomplying, it does not mean that you cannot do it. What it means is that it is more difficult to do it. You have got more hurdles to jump and, most importantly, if you are knocked back in your application, you are not allowed to challenge it, so they are the two main things.

The Hon. David Ridgway read out a number of letters from people who said that their properties were now effectively worthless because they had either paid a sum of money for them or paid rates on them as if they were able to have a house built on them and, if they are not allowed to have a house built on them, then the land is worth less.

It is pretty hard to doubt the logic but where the proof of the pudding will be in the eating will be the extent to which people do lodge applications to build houses on large allotments and are then knocked back by their local council using the noncomplying development rules. My feeling would be that there will be much less of that than might be feared, but that is not to detract from the genuine concerns of the people who own these blocks, because they do not know which of them they will be able to build a house on and which they will not.

The Hon. D.W. Ridgway: Uncertain.

The Hon. M. PARNELL: It is uncertain, because they do not know what that will hold. I think there are some serious questions around that, and I am not sure at this stage what the answer is. It is certainly a broadbrush approach at the moment making such development noncomplying. It may well be that, as we progress this and certainly as the local councils undertake their role in fine-grained planning, we find that some of those larger allotments in particular are, in fact, freed up again for individual dwellings.

Having said that, we have seen the system rorted in years gone by where people have leant on their local council to allow extra blocks to be carved off. It starts off as a granny flat and

then it is an extra house for the ageing parents and, whilst that might be legitimate at the time, it is only a generation away from being an extra block of land for a tree-change owner to move onto.

Whilst the individual stories about people's personal circumstances—their kids, their ageing parents or whatever—might lead us to feel that we need to change some of these rules, what we have to remember is that the rules are in place and the consequences of those rules last from generation to generation. So, it is not just about trying to achieve individual justice for a current landholder, but we do not want to ignore their legitimate concerns either, so that will be part of what we have to do in committee.

The other category of people who have contacted me are people who have got more than one title and who might seek to rearrange the boundaries. I think there is some scope in the legislation, in the development plan amendment, for that to occur, but we need to make sure it occurs in a way that protects the character of these areas. You would not want the boundaries being shifted in such a way that the only spot left for a dwelling, for example, is in the most environmentally sensitive spot on a piece of land; that would be a bad outcome.

In terms of the correspondence that we have received, the Hon. David Ridgway was reading a large number of them and, as he read them, I put them onto a discard pile, so I do not need to refer to all those same ones again, but I will just give you a flavour of them. One sort of example that has crossed my desk was from a person who said that they had two 80-acre titles—so, fairly large allotments.

They had always intended to keep one and sell the other and now they are facing this uncertainty in that they have been told by their real estate agent that, because they are in the Barossa protection zone, even though only by a small amount of 500 metres, they do not have a guarantee that the land can be built on, and their comment is that this effectively makes the land worthless. Well, I disagree with that: the land is not worthless but their future is uncertain, and we do need to acknowledge that. One letter I have—and, again, this is the furious agreement I referred to—states:

> This decision to protect the uniqueness of the Barossa Valley I support.
>
> The vehicle used by making all development Non Complying I do not support, and intend on fighting against these amendments.

Another piece of correspondence I received from someone said that they had recently purchased their dream block of land on 20 acres, and they wanted to move from the city and bring up their family in a rural environment. The letter goes on about the different sums they have expended in trying to turn their block into their future dream home and that now they are worried about the lack of certainty.

I am sure that for some people, whilst the wait might be anxious, the situation will be resolved once the development plan amendment is finalised and local councils undertake their fine-grained planning. I would like to think that some of these people will be able to build on their properties, especially the very large allotments; it is hard to see that that is urban sprawl. I think we need to look sensibly at this measure so that it is not stifling all forms of development but focuses primarily on stopping the intense residential development we have seen in places like Gawler East and Mount Barker.

I have received an amount of correspondence from local councils, and in particular the Barossa Council has been very vocal. I know that the minister has expressed, I think publicly and maybe privately to members, that he has been frustrated. However, to give the council credit, it has persevered, and I think it has actually now achieved the sort of compromise it was after.

Certainly, I received a letter from the minister, written on 17 June, outlining the amendments the government was proposing to both bills (the Barossa bill and the McLaren Vale bill) which the minister says were the result of further consultation with the Barossa Council, the Light Regional Council, the Adelaide Hills Council, the Mid Murray Council and City of Onkaparinga. I was pleased to receive a letter just last week from the Barossa Council which includes the line:

> The Barossa Council is pleased that Minister Rau has indicated an agreement to support the majority of Council's requests for amendment of the Bill and therefore Council does not want to derail the proposed legislation.

Having said that, the council is not saying that it is perfect and there are a few outstanding matters it would like considered, and we will deal with those in committee.

In relation to the McLaren Vale area, I have met with representatives of the wine industry and, again, I think their position can be pretty well summarised by saying that they are in furious agreement with the protection of their area as a primary production area and an area for tourism and for the wine industry. They want to protect it from urban sprawl, but they want to make sure that legitimate and appropriate developments can still occur. The Greens will be supporting these bills, and I look forward to the committee stage.

The Hon. David Ridgway has flagged a number of amendments, and the Greens are considering amendments as well, but many of those could be put into that category I described before. The minister has put the handcuffs on himself and on any future planning ministers, but we need to make sure that those protections are real and not illusory. We need to make sure that the keys to those handcuffs are appropriately looked after. My guess is that there might be twin sets of keys held by the local councils, on behalf of their communities, and by this parliament as well. With those words, the Greens support the second reading of both these bills.

The Hon. R.L. BROKENSHIRE (17:19): In the next 20 minutes or so I will summarise what I have already put on the public record on a couple of occasions on behalf of Family First when we argued for the protection, initially, of the McLaren Vale and surrounds of the basin. I put on the public record my appreciation to colleagues in this house. The majority of them, in fact everyone other than the government, on two occasions supported a bill that I had over a two or three year period.

I just want to put a little more history into this as I debate the second reading. In principle, Family First will be supporting both these bills, subject to seeing some amendments approved that I will highlight further in a moment and in detail when we get to the committee stage. I will speak to both bills, even though they are scheduled to be spoken to separately. In the interests of efficiency in the chamber, I am speaking for both bills, because for all intents and purposes the McLaren Vale character protection bill and the Barossa Valley bill are in content the same.

Back in 1993, as a candidate then for the Liberal Party, I was asked by the then leader of the opposition (Hon. Dean Brown) to draft an agreement that could be developed into a heads of agreement between the then district council of Willunga and the Liberal Party opposition. I was very pleased and proud to do that. There was a lot of community interest in our district for years before that, but it started to express some concern about rapid expansion of housing on some of our prime agricultural land and also about the fact that the government—it had the right intention—had bought so much land in some of our best agricultural and diversification opportunity rural land that housing was starting to spread fairly significantly then through the Morphett Vale areas and so on.

At that stage areas like Woodcroft were still running dairy farms, poultry, almonds and some cropping, even sheep. The markets at Willunga were still there, so it was quite a rural area, but it was clearly evident then that we were continuing that sprawl way back from when we were colonised, frankly. I drafted this agreement, and along with the then mayor of Willunga and the Hon. Dean Brown we had a signing media opportunity up near Oliver's, just to the immediate north of the McLaren Vale township. Effectively, what that agreement said was that outside the township boundaries of McLaren Vale, Willunga and McLaren Flat, to the east of Sellicks and Main South Roads, there would be no further subdivision.

By and large, up until very recently, that agreement, which was adopted and endorsed by the merger of the Willunga and Noarlunga councils to the Onkaparinga council, and, in fairness, also in principle adopted by the current Labor government, stood quite strongly and the intent of that did protect pretty much most of that land. Of course, there was no intent in that agreement to protect the area on the western side of Sellicks and South Roads at that point in time, because the trade-off was to develop along the coast but protect the land in the Willunga Basin up through to the Hills Face Zone. Of course, the Hills Face Zone had already been protected years before. I think the members of Dunstan government were probably the ones who rightly protected that Hills Face Zone.

It worked well, but it has got to a point now where we need to have legislation for the long-term protection of these areas, because we are rapidly running out of prime agricultural land that has diversification opportunities. Clearly, agriculture is going to change over the next 40 or 50 years, and we will see a totally different form of a lot of intense horticulture from what we see at the moment. Even around our own home farm, both to the northern and western sides, we have two—one in particular very extensive—plastic house complexes where quality vegetables, herbs and the like are being grown and trucked to the Pooraka markets pretty much every day of the week. We will see a lot more of that change.

There has been a huge effort in the McLaren Vale area with the purple pipes, as we call it, the recycled water project—something I was proud to be associated with—and that region has been drought-proofed. As the government finalises the tertiary treatment of the water supply from the Christies Beach treatment plant we will be able to use that water for hydroponic vegetable production and the like. The facade of the McLaren Vale fruit packers cooperative is still there at the Menz FruChocs confectionary outlet opposite Hardy's McLaren Vale hotel. We will see that type of concept recurring through Blewitt Springs, McLaren Vale and right up to Willunga as we see some changes with our primary industry of viticulture.

I think it is quite good that we have taken this step and, likewise, with the Barossa Valley. They are iconic areas, they are economic engine rooms, and they are good for tourism. With the Barossa Valley, particularly, and McLaren Vale, there are very few people you meet when you are overseas who have not heard of the Barossa Valley and Kangaroo Island, and they are iconic places for us now and into the future.

That is a bit of the history. When the two bills that I put up on behalf of Family First were passed, the government opposed them. They were opposed for one reason only and that was because Treasury had said that they needed to accelerate the subdivision opportunities for Seaford Heights, which is the gateway proper to the McLaren Vale/Willunga Basin district. It was dollars that drove that, not what was best for long-term opportunities. It is well known that work done by some highly experienced people including Philip White, a renowned wine writer and an expert in the wine industry, discovered that it had some of the best soil type for viticulture available in Australia, and that now is going into housing.

I put that on the public record because I was very disappointed that the government, for short-term financial expediency, destroyed that particular area. But once they did that, their tenders came through and they sold it, they then realised that politically they had to do something else to protect the region if they were to try and hold a couple of marginal seats in that area. They could not leave it all to good redistributions that they seem to get every time in those southern seats, and they thought they had better put up another initiative.

So here we are this afternoon debating these two bills. As I said, in principle, we agree with them, and I commend the government for finally seeing what we have been calling upon for a long time to be put before this parliament. I will not name all the individuals I have worked with over a 20-year period now—they know who they are—who have put in a such an enormous effort to see this vision become a reality in the parliament. We know that, unless there is total inflexibility by the government when it comes to the amendments that will be tabled, debated and voted on in committee, these two pieces of legislation will be passed, I expect, before we get up for the winter break in a few weeks.

I particularly give the Hon. John Rau an accolade because I have worked with him on this, and Michael O'Brien before him, and I think it is fair to say—

The Hon. R.I. Lucas: Minister Rau.

The Hon. R.L. BROKENSHIRE: Minister Rau. The Hon. John Rau and the honourable—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Now, do not get really excited just because I give credit where it is due now and again. I commend the Hon. John Rau and the Hon. Michael O'Brien, who both genuinely realised that something had to be done. My friend, and someone I thought was one of the best ministers in the Labor government, the Hon. Paul Holloway, was the axeman. He had to do a job for the government, so he pushed through the Seaford Heights and Mount Barker developments.

I received the document from a very frustrated public servant. I received a piece of the documentation where, at that point when we were debating my bills in here, the Hon. Paul Holloway put a request through to the department, saying, 'Give me all the reasons why we can't support the Brokenshire bill.' It was not 'Give me the pros and cons of the bill', but, 'Give me all the reasons why we can't support the bill', and surprise, surprise one of the reasons—and it is on the public record—was that the bill that I put up was so draconian that you would probably not get council being able to approve a shed. That was one of the reasons why they would not support my bill.

That was a nonsense, because the bill I put up was for the big picture, the boundaries etc., and then the internals of that bill were to be put together through local people, including the council.

I find it ironic after the Hon. Paul Holloway saying that he could not support my bill on behalf of the Labor government because it was going to be too cumbersome and have too much control even over a shed, that now there are hundreds of people who are disaffected because the government hit the nut with a sledgehammer and went so far over the top that pretty well everything at the moment is noncomplying, and that is of real concern.

Whilst I understand why the minister put in the interim DPA (because he was concerned there may have been an acceleration of opportunities to subdivide before protection legislation went through), the reality was that it could not happen outside the township boundaries, anyway. However, even after a lot of effort by many of us in this parliament, we did get a second interim DPA. That is still not adequate and it still worries me enormously.

I will give a few reasons why that does worry me. The Hon. David Ridgway has already put a lot of these reasons on the public record, but I think there needs to be just a few more put on the public record. I received one only today, which states:

> Good morning Robert,
>
> I was just wondering if you could get an update on the rural land fiasco. We are anxiously awaiting news of what Mr Rau has decided to do in regards to the building on rural land approvals. At last when I read in the Messenger—

and my constituent quotes—

> 'suggestions had made no impact on the time delays and approvals for building approval on vacant rural land', and that vacant rural land is losing its value because there are no developments (house dwellings) still being approved. Could you follow that up? Pete and I are waiting to sign on a block of land but won't do so until this is sorted out or we have something to say that says we can build a house on the four acres.

Then they ask for my response. That is as recent as today. The Hon. David Ridgway talked about the Jennings, and we received that correspondence as well. I received another one here from some people at Mount Pleasant. They talk about their concerns, and I quote just a couple of them. They say:

> The very inadequate concessions that were made indicates to me that the potential damages of the original DPA were not completely understood.

They then go on to say:

> First things first. We must ensure that we get to a position where if you own a vacant title you are entitled to build a dwelling on it provided it meets council regulations.

I also have many other pieces of material from constituents. I note today also that there is a concern by dairy farmers—jersey breeders like our own family from Greenock who want to expand their dairy because they not only milk cows but they value add. They want to increase their cow numbers and they want to increase their processing to other products, which will clearly create jobs and economic opportunities.

They want to bring their three daughters and son into the business. They have some titles, I understand, but, at the moment, it is all noncomplying so they cannot expand their dairy. The daughter would be forced probably to live in the town of Greenock and then commute out at very early hours of the morning to milk cows and get involved in the processing plant. This is undemocratic, and this is where the government has made a huge mistake.

Just to show what can happen, one of the reasons the Hon. Iain Evans and I are both in this parliament is a minister involved in planning back in the 1990s called the Hon. Susan Lenehan. Back in the early 1990s, the Hon. Susan Lenehan decided that, even though you had titles right through the Adelaide Hills and Fleurieu Peninsula, it was a risk because, if houses went all over that land, you would not have the landscape.

She was not actually very interested in the agriculture, I might add, but she was interested in the landscape so that she could drive out of Adelaide on the weekend and suck some fresh air. What the Hon. Susan Lenehan did in the early 1990s was say that it did not matter how many titles you had, you would not be able to build on them. Iain Evans and I set up an action group—with great success, I might add—and had a lot of meetings to ensure that we could get that overturned and that the Liberal Party, if they were to get into government in 1993, would ensure that they were overturned.

In fact, it got to the point that, when I was a candidate hoping to come into this parliament, I had to move off my farm, even though I had multiple titles, because I needed a share farmer and I

was not allowed to build another home on any of those titles because the then Labor government said there would be no more dwellings on existing titles. I know that World War II and World War I were attended by a lot of men and women throughout this state (and some of them paid the ultimate sacrifice) to ensure democratic rights; and one of the basic democratic rights, surely, must be that, if you have a Torrens title system and a council-approved building envelope and if you meet standard building and planning requirements, you should have a right to build on those existing titles.

I talk about the Hon. Susan Lenehan because I find it interesting that here we are now, just over 20 years later, and we are going to have to argue this same debate in the house. Whether the bureaucracy or the ideology of the Labor government is at work here, I do not know (perhaps we can be told during the committee stage), but this aspect of what has happened with the DPA and what will continue to be a problem if we do not get this fixed, is wrong.

As I said, I have a lot of respect for the Hon. John Rau. He is genuinely committed to the protection, and I commend him for that, but I appeal to the Hon. John Rau to support the amendment that I have tabled now, which I will talk about in more detail during committee, to ensure that, providing people do have that building envelope and do meet council building requirements, they will be able to build.

It is no good public servants in the planning department saying, 'If you have got a problem, get it to me on behalf of your constituent and we will fix it. It might cost you $450 for some advertising and a bit of documentation but we are not stopping any of that.' That public servant may not be in that position long-term. Why should people suddenly have to spend $450 with no right of appeal because, suddenly, building a home on a piece of land becomes noncomplying?

At the moment, even if you want to put a toilet on the back of your home, it is noncomplying and you have to go through a noncomplying process. To give credit to the councils, they are trying to do whatever they can to approve them, and the Development Assessment Commission has indicated, 'We won't worry too much about it,' but that is not good enough for me. I do not, any longer, trust DPAs and public servants to that extent where I would put at risk the democratic rights of our constituents and also the money that they have invested.

I have had some of these people ringing me up and they are at sixes and sevens about whether or not they should be buying land at the moment. I have said to them, 'You have got to treat it as noncomplying at the moment, because that is where the DPA is.' I make one commitment only to those constituents and that is that I will put this amendment before the house. I cannot guarantee that it will be approved, but I trust that it will be approved. We need to revert back to where we were prior to all this debate about protection. I never intended that, when we first started debating this in the house a few years ago, people with existing Torrens titles would have noncomplying requirements put around them when they wanted to build a home, a shed, or the like.

The intent, and the clear intent to today, should simply be to stop further subdivision and to protect the region and the districts of McLaren Vale and the Barossa Valley. That is what it was about: it was about stopping further subdivision outside the township boundaries, not saying to people that it would now be noncomplying and that they would run a huge risk in whether or not they could get housing approval.

There are about 2,000 titles, I understand, between the McLaren Vale and the Barossa Valley area. In the Barossa Valley, I also understand that they have had for 20 years or more their own planning through their development assessment plans, whereby you have to have quite significant title areas to build. Some people want to see that remain, and some people I have spoken to want every title to have democratic right to build. The amendment I am putting up would do that, but it would still support the principles of the bill in not allowing further subdivision.

It also would have no impact on the fact that you will not be able to cluster anymore. Clustering is an interesting issue. I have seen some very bad clustering in the McLaren Vale region recently that constituents were very concerned about. That would not be allowed any further under the government's bill, and I support that. I am not sure whether or not we should have been more innovative and been given an opportunity to expand an area like the Tatachilla Estate, which was a visionary concept developed some time ago (probably in the seventies), and it is not a bad little village settlement. However, the way the bill is set up that cannot happen, and on behalf Family First I agree with the government on that.

There were some concerns about how big subdivisions for wineries and the like might be able to remain under this bill. I will ask the minister some questions at the committee stage about that because, personally, I think we should have no further subdivision at all; but there is a huge difference between no further subdivision and allowing buildings on existing titles.

Over the last year, in the McLaren Vale/Willunga area, even though there are 800 separate titles, 12 new homes have been built, I am advised. Over probably the last 10 years, you would not have seen more than 100, 140, or 150, and that was in the good times. You only have to go to the top of Willunga Hill to see that there are very few shiny roofs in that area. The shiny roofs are still on the western side of Sellicks, South Road and Seaford, where all the development has occurred.

I am told that if the noncomplying situation continues with these individual freehold titles, you could see drops in value if you then cannot get approval through the noncompliance, and there is no guarantee of that once it becomes noncompliant. It is another hurdle, it is another cost, it is another impediment, but it will have an impact on the value of those properties. Surveyors, land agents and planners have been in touch with me and told me that they have real concerns about this and that they do not believe this should be the way to go. I would like to see that returned back to where it was before we started any of this debate.

There are some areas on the map that are showing that development will still be able to occur on the western side of Sellicks and South Roads. I hope that the community that has been particularly interested in this has noted that. We have alerted some, and the feedback from them has been neutral. There is some Land Management Corporation land there still, I understand, that clearly the government wants to develop. Given the amount of time I have spent consulting with people on this issue, I am happy to support the boundary the government has put up in the McLaren Vale area.

I think I am already on the public record about this next issue—it is another amendment that I do have to make, and it will be for the parliament to democratically decide on—and it relates to the Willunga township boundary. A constituent came to me who I think has a bona fide case. With that constituent, I have met with the senior planner and another planner within the City of Onkaparinga whereby, because of an anomaly with what we still call the new road coming up Willunga Hill (which is now, from memory, about 35 years old), a little pocket of the Willunga township remains in the Hills Face Zone and therefore what can be done is restrictive compared to the rest of the township, which prevents those people from being able to create township-sized allotments in that corner.

The rest, to the east and the south-east of that, over the Victor Harbor Road and east of the township boundary heading up the Old Willunga Hill, is Hills Face Zone and, clearly, that should stay there. There is an opportunity, as the Hon. David Ridgway said, to fine-tune a couple of these boundaries, and I will move an amendment for that. I think that covers most of it at the moment. It is breaking new ground, having this protection legislation. We saw what happened at Mount Barker when we did not have the protection structures there.

Realignment of boundaries is one thing that I want to touch on. As well as having a complying right, which was always the case, to build on an individual title subject to meeting that building envelope and normal council building planning requirements, in the past you have always been able to realign boundaries. That is very important, because sometimes farmers want to grow land and sometimes farmers want to sell off land or they may want to retire on a hectare and sell the balance of their land to their neighbour. To my knowledge, right throughout the state you can realign boundaries; it is not subdivision and it is not creating new titles, so it does not go against the intent of the bill.

I raised this with the Hon. John Rau and I note that, whilst I have tabled an amendment for this, so has the Hon. John Rau, and I thank him for seeing the importance of being able to realign boundaries. Even if, in time, the whole 800 titles were to be built on in the character protection area in McLaren Vale, it would have little impact on the opportunity for expansion of diverse agriculture and horticulture in the region. Given the pace of building and the fact that a lot of farmers do not want to have homes on those titles, we will probably not see a large number of those ever built on.

My step-grandfather and my grandmother who farmed along with other families in the Aldinga area, not far from the Aldinga township but on the eastern side of the road (there were titles right through there), still do not have any homes on their properties, which are still farming land. I look forward to the debate in the committee stage. I ask my colleagues to look at my couple of amendments.

The only other amendment I will speak more about is removing the right for a specific minister for these bills: I do not think that is in the spirit of good planning. I agree with what the Hon. Mark Parnell had to say with respect to some of the powers that ministers get, and I think it was by default that that seemed to be in the bill, because I cannot understand why the planning minister would want to have another minister responsible for overriding situations. We will talk more about that in committee. I commend the principles of the bill to the council and I look forward to the committee stage.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:49): I understand that there are no further second reading contributions to these bills, so, as other members have, I would like to make some concluding remarks, and they relate to both bills. I thank honourable members for their second reading contributions. As members are aware, the government intends to propose a number of amendments to both the Barossa and the McLaren Vale bills. The proposed amendments are based on feedback received from affected councils and clarify the intended operation of each bill.

Copies of the proposed amendments were provided to party leaders and independent members in correspondence from minister Rau last week. Given the substantial community interest generated by the previous bill, the minister in another place, believing it important that members had the opportunity to canvass their constituents and give the bill appropriate consideration, allowed the bill to lay on the table for over a month before debate commenced.

During this time, members would be aware that a number of comments on both the Barossa and McLaren Vale bills were made in the media by various parties, including councils in the proposed Barossa Valley district. Parallel amendments to both bills are proposed to be made. In addition, there are a number of consequential amendments to the Development Act proposed to be made under this bill which, if supported, will have an impact on the operation of both bills.

The proposed amendments fall into three categories. Firstly, the government will be seeking to exclude explicit provisions in each bill for the minister of the day to consult with councils in each district. This will include consultation in relation to alterations to the planning strategy and the development plan amendments related to the character of the district; consultation on any regulations, and consultation on the review of the bill are required in five years' time.

In addition, the new provision is proposed to be inserted, requiring a review of the bill to explicitly include a review of the township boundaries in each district. I also understand that the Hon. Mr Brokenshire will be moving additional amendments to this new provision, which the government is minded to support.

Secondly, the bills as they stand make the Development Assessment Commission the relevant authority for assessing any land division applications in each district, effectively taking this role away from council development assessment panels. The reason for this is to ensure that land division is undertaken in a consistent manner, ensuring that the prohibition on residential land division set out in clause 8 of each bill is applied consistently.

In discussions with councils, the government has agreed that the same outcome could be achieved by similar arrangements to those applying in the Hills Face Zone, where land division applications, while assessed by council development assessment panels, cannot be approved without the concurrence of the Development Assessment Commission.

Thirdly, as a result of the conversations with councils, the government is proposing a number of amendments to clarify the intended operation of the bills. For example, the government is proposing to amend the definition of 'residential development' to ensure that dwellings ancillary to an agricultural use of land are not inadvertently prohibited. I also understand that the Hon. Mr Brokenshire will be moving a number of amendments to this bill, a number of which the government is minded to support.

I will leave further detailing of the amendments to debate in the committee stage, but I obviously want to thank the councils involved for their willingness and assistance to engage with the government, particularly over the last few weeks. It is my understanding that each of the councils has expressed support, in writing, for these amendments.

Finally, I just want to emphasise that the Onkaparinga council—which is the only council affected by this bill—has indicated it strongly supports this legislation and wishes to see it passed as soon as practicable. Indeed, in discussions regarding possible amendments to the

Barossa Valley bill raised by the Barossa Council and others, the Onkaparinga council made it clear that it would not wish that discussion to delay passage of this bill.

With goodwill by all parties, the government does not believe that to be the case; we believe both bills can be debated together. However, the fact that the Onkaparinga council indicated this should be sufficient for members to understand its level of commitment to this legislation. With those few words, I commend the bill to the council and look forward to the committee stage.

Bill read a second time.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

Adjourned debate on second reading.

(Continued from 15 May 2012.)

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:55): On behalf of honourable members, I do not believe there are any further second reading contributions, given that most contributions were made concerning both bills when we discussed the Barossa Valley character preservation bill, and my concluding remarks included both pieces of legislation, so I think we can proceed to the committee stage.

Bill read a second time.

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:56): I move:

That standing orders be so far suspended as to enable the Clerk to deliver a message concerning the granting of a conference on the Statutes Amendment (National Energy Retail Law Implementation) Bill and messages, together with bills, where necessary, in relation to:

Statutes Amendment and Repeal (TAFE SA Consequential Provisions) Bill;

TAFE SA Bill;

City of Adelaide (Capital City Committee) Amendment Bill;

Children's Protection (Lawful Surrender of Newborn Child) Amendment Bill; and

Aquaculture (Miscellaneous) Amendment Bill.

to the House of Assembly whilst the Council is not sitting.

Motion carried.

At 17:58 the council adjourned until Tuesday 17 July 2012 at 11:00.