LEGISLATIVE COUNCIL

Tuesday 18 September 2012

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

STATUTES AMENDMENT (NATIONAL ENERGY RETAIL LAW IMPLEMENTATION) 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) (14:19): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

STATUTES AMENDMENT AND REPEAL (TAFE SA CONSEQUENTIAL PROVISIONS) 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) (14:20): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

PAPERS

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Regulations under the following Acts—
- Development Act 1993—
  - Building Rules Consent—Disability Access
  - Land Division—Water and Sewerage Requirements—Assessment of Requirements
- Intervention Orders (Prevention of Abuse) Act 2009—Foreign Intervention Orders
- Primary Produce (Food Safety Schemes) Act 2004—Meat Industry—Terminology Change—Meat Producer

Rules of Court—
- District Court—District Court Act 1991—
  - Civil—Amendment No. 20

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Industrial Relations Advisory Committee—Report, 2011-12

By the Minister for State/Local Government Relations (Hon. R.P. Wortley)—

Regulations under the following Acts—
- Local Government Act 1999—Local Government Sector Employees
- South Australian Local Government Grants Commission Act 1992—Prescribed Councils

District Council By-laws—
- Alexandrina—
  - No. 4—Moveable Signs
- Mallala—
  - No. 4—Dogs

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports, 2010-11—
- Architectural Practice Board of South Australia
- Premier's Climate Change Council

Report of actions taken by the Department for Communities and Social Inclusion following the Coronial Inquiry into the deaths of Robyn Eileen Hayward and Edwin Raymond Durance, dated June 2012

SOCIAL DEVELOPMENT COMMITTEE

The Hon. J.M. GAZZOLA (14:22): I bring up the report of the committee on an inquiry into food safety programs.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:24): I bring up the interim report of the committee on Eyre Peninsula water supply: under the lens.

Report received.

The Hon. G.A. KANDELAARS: I bring up the annual report of the committee, 2011-12.

Report received.

PUBLIC SECTOR EMPLOYEES

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) (14:25): I table a copy of a ministerial statement relating to the public sector made in another place by the Premier, the Hon. Jay Weatherill.

SAFEWORK SA

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:24): I seek leave to make a personal explanation.

Leave granted.

The Hon. R.P. WORTLEY: I offer to the council the following explanation of comments that I made on 5 September 2012. These comments were in response to a question without notice raised by the Hon. Mr Lucas MLC on 16 February 2012. The Hon. Mr Lucas asked: can the minister indicate how many cases there have been where driveway staff in hotels have been injured by cars whilst working in driveways of hotels? In responding to that question I indicated to the chamber as follows:

> I am advised a search of WorkCover SA records has found that there have been no claims in the liquor retailing industry where driveway staff in hotels have been injured by cars whilst working in the drive through bottle shops.

I now understand that this information is not correct. SafeWork SA has undertaken a further review of accident and injury data for this type of workplace and has now advised that the workers compensation data does, in fact, reveal that there have been 12 workers compensation claims between 2001 and 2012 which involved workers being hit or trapped by vehicles in drive-through bottle shops. I ask that the record be corrected accordingly.

However, in saying this, the sad fact is that the number of injuries reported in this situation underscores my concern about the safety of these workers. The Hon. Mr Lucas may have made comments regarding this matter based on a misapprehension, and I apologise for this. However, I should reiterate that just because a particular incident has not occurred does not mean that we should not take steps to mitigate a risk of someone being injured or killed at work. This is something that the Hon. Mr Lucas, sadly, fails to understand.

I think it would be of benefit to the chamber if I gave some further information on this matter—which, I might add, started as a joke at an Australian Hotels Association function in December last year.

The Hon. J.S.L. DAWKINS: I have a point of order.

The PRESIDENT: Order! The Hon. Mr Dawkins has a point of order.

The Hon. J.S.L. DAWKINS: The minister is debating the matter now and not restricting himself to a personal explanation.

The PRESIDENT: The honourable minister is only correcting the record, so he should stick to the facts.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: This whole issue started as a joke at an Australian Hotels Association function in December last year but is something that the Hon. Mr Lucas has tried to make political mileage out of.

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: I have a further point of order.

The PRESIDENT: Order! The honourable minister is not to debate the issue. You have made your personal explanation: correct the record.

The Hon. R.P. WORTLEY: Mr President, there have been 12 incidents. There is a lot more information, which I will give to the chamber at the appropriate time just to enlighten them on this very important issue.

SAFEWORK SA

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:31): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.P. WORTLEY: Recently I gave a personal explanation on an issue regarding a particular hotel and its driveway. I think it would be of benefit to the chamber if I give some further information on this matter which, I might add, started as a joke at an Australian Hotels Association function in December last year, but which is something that the Hon. Mr Lucas has tried to make political mileage from. For the period of October 2001 to February 2011 a total of 42 claims were received by WorkCover SA for this particular hotel.

This unacceptably high number of claims for this particular workplace is why it was included in SafeWork SA's industry improvement program. This is a targeted initiative focusing on workplaces with a poor safety record. In fact, this initiative goes to the heart of Mr Lucas's concern about focusing on those workplaces that present the greatest risk to workers. Well, this is exactly what has occurred in this instance.

The industry improvement program examines the overall safety management system within a workplace. SafeWork SA occupational health and safety inspectors attend the workplace and examine the safety management system, as well as auditing particular hazards with a view to reducing accidents and injury rates. This is a positive measure designed to assist workplaces in reviewing all of their work practices and implementing appropriate controls to minimise the risk of injury.

In the case of this particular hotel, the inspectors reviewed all work practices, including those for the drive-through bottle shop. The inspectors developed an improvement plan for the hotel which, among other things, identified the need to control risks associated with the drive-through area. Specifically, the improvement plan stated:

> Initially investigate methods of reducing the risk, including the provision of speed humps and signage (i.e. 5km/h) to reduce speed and implicit risks.

Importantly, I am advised that the improvement plan never stated that the hotel had to adopt high visibility vests. It beggars belief that it was mocked by this particular person at the association dinner when 42 incidents had been reported in the last 10 years.

As members of the chamber would be aware, the risk management approach is a fundamental principle of the state's occupational health, safety and welfare legislation and, indeed, makes good business common sense. Bottle shop workers can be exposed to a wide range of conditions that could increase the risk to their safety. These include impatient drivers, poor weather and substandard lighting, and people who may have varying degrees of intoxication. It is important that all employers undertake an adequate risk assessment of the entire workplace and identify and implement appropriate control measures to address any risks and prevent injuries before they happen.

Reports that SafeWork SA is threatening hotel owners over the high visibility vests are simply not correct. One hotel with an identified record of injuries was instructed to implement measures to reduce the risk of injury arising from moving vehicles in a work area. This instruction is entirely consistent with current laws that have been in place in South Australia for some time, noting that the provision of high visibility clothing is one measure among others that could be adopted. The fact of the matter is that the hysteria being whipped up by the Hon. Mr Lucas is groundless and offensive to the values that the community expects to see in our society.

QUESTION TIME

TASTING AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:36): I seek leave to make a brief explanation before asking the Minister for Tourism a question about time frames.

Leave granted.

The Hon. D.W. RIDGWAY: In mid-April, around 40,000 people attended a major national—in fact, international—food event at Elder Park. It featured a range of cuisines from more than 100 exhibitors. They came from across South Australia. More than 40 wineries from regions including the Clare Valley, Coonawarra and Langhorne Creek showcased their finest drops.

It was part of Tasting Australia—a biennial event first held in 1997 and described by the minister as one of the top food and wine events around Australia. On Tuesday 1 May, the Minister for Tourism told this parliament that the 2012 Tasting Australia would be the very last one involving the event management company Consuming Passions and its very famous director Ian Parmenter. Consuming Passions had run Tasting Australia since the very beginning and had built the event for 16 years.

Then, while the Hon. Gail Gago was minister, she lost her passion for consuming and, under her watch, Ian Parmenter got the flick. 'Never mind,' said the minister. Four and a half months ago, on the first day of May, the minister assured this parliament, assured the industry and assured South Australia that the Tourism Commission was 'well down the track in the process of appointing a new director and, hopefully, this will be able to be announced soon'. The dictionary defines 'soon' as 'within a short...time...; before long; in the near future; at an early date.' My question to the minister is: is 141 days soon, by the minister's definition?

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) (14:38): I thank the honourable member for his repetitive questions. He finds it very difficult to come into this place with something original but, nevertheless, he is like a broken old record so, if he wants to waste the precious time of this chamber on repeating old questions, then I am happy to repeat the answers.

Indeed, Tasting Australia has been an extremely successful event in this state. It's sponsored by the South Australian Tourism Commission. It is a good example of one of the SATC's amazing achievements. It built the event up over many years from what started as a fairly simple and straightforward event to something that has become quite iconic in this state. Indeed, many tens of thousands of people come along and enjoy this event. It is a wonderful opportunity to showcase some of South Australia's fabulous primary produce and also some of our processed foods as well. It has a range of exhibits, including masterclasses and demonstrations. It is indeed a very fun filled and incredibly interesting and informative event.

Consuming Passions had been the event manager for some time. They chose not to reapply for that position. The SATC opened up considerations for what might be a process to refresh and rejuvenate this event. It had been travelling along in a fairly similar vein for a number of years and it was believed that this was an ideal opportunity to review, and an opportunity if need be to refresh and rejuvenate.

This is a showcase event. It is a very important event and it is critical that, if we are going to make changes, they are the right changes and that this event continues to be the enormous success that it has been. There have been considerable dialogue, negotiations and considerations about what might be a suitable future model for this event. The SATC owns the brand Tasting Australia, so Tasting Australia remains South Australian, and we are very proud of that brand. That brand does indeed have a high recognition rate and a high value rate, and we intend to ensure that however we progress this event we continue to value add to that brand.

In terms of the discussions, negotiations are continuing, as I said in this place before, and considerable work has already been undertaken. As I said, in terms of what the definition of soon is, the definition of soon is when we get it right; when we get this right and we again continue to have a fabulous showcase iconic event for this state.

TASTING AUSTRALIA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:42): I have a supplementary question arising from the answer. Will all components and events of past Tasting Australia be part of the future, given the minister spoke of the wonderful food and wine that we have on display?

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) (14:42): He does not even listen! Not only does he repeat old questions in this place; not only does he not come into this place with a fresh question, he cannot, even after a week of parliament not sitting, come into this place with a fresh, vital question, something that is a bit politically cutting edge, something that is right on the edge. No; he comes in here with the same old tired, repetitive questions, over and over.

I go to lengths to answer the question in detail. I have given a comprehensive, detailed answer to the question about this being an opportunity to refresh and rejuvenate. Refresh and rejuvenate were the words I used, and that is what we intend to do: refresh and rejuvenate. It is highly likely that there will be some changes to the event, but as I said, we are looking at an alternative model, and when that has been decided on, an announcement will be made. The event is not due until 2014, so we have plenty of time to make sure that we have a brilliant Tasting Australia showcase event for the 2014 season.

LOCAL GOVERNMENT CONFIDENTIALITY

The Hon. J.M.A. LENSINK (14:44): I seek leave to make a brief explanation before directing a question to the Minister for State/Local Government Relations on the subject of council confidentiality practices.

Leave granted.

The Hon. J.M.A. LENSINK: An audit of the City of Burnside's confidentiality practices in the years 2009-10 and 2010-11 by the state Ombudsman found that Burnside had a very high number of confidentiality orders. The Ombudsman, Mr Bingham, found that 'the council made orders in excess of 40 per cent and 30 per cent of agenda items for the two years covered by the audit' and has advised that the council must significantly reduce the number of matters discussed in secret, recommending a rate of less than 3 per cent per annum as ideal. As part of that audit, Mr Bingham also reviewed 10 confidential matters and found that more than half should have been discussed, completely or partly, in public. My questions for the minister are:

1. What procedures are in place to review the making of confidentiality orders by councils?

2. Will the minister implement any mechanisms to monitor the number of confidentiality orders passed by councils or their committees?

3. Does the minister support the Ombudsman's recommendation for a rate of less than 3 per cent?

4. What steps has the minister taken to achieve greater transparency in discussion of council matters?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:45): I thank the honourable member for her very important questions. There is a concern about some of the governance issues in local government councils. Last year, the Ombudsman investigated something like 700 different complaints, and many were found to have merit. It is of concern to this government that those sorts of governance levels are taking place. What we have done, since I have become minister, is work with the LGA in developing a discussion paper with regard to a code of conduct. That will also include in-confidence meetings, conflict of interest and behaviour of councils.

This is all part of the ICAC Bill and future changes to the Local Government Act, and I am fully aware of the problems. What we will be doing is working with the councils. I have attended probably 45, maybe 50, councils. I have discussed the issue of governance with every council with

regard to our desire to lift up the levels of governance and the transparency of councils. I must say that there is overwhelming support in the councils for this mandatory code of conduct.

I support the Ombudsman. He is talking about a 3 per cent rate. I would like to see a 0 per cent rate. I think most councils would like to see a 0 per cent rate. So, we are hoping that in the near future a bill will come to this chamber with regard to changes to the Local Government Act to ensure that councils' standing in the community as a level of government is improved dramatically.

LOCAL GOVERNMENT CONFIDENTIALITY

The Hon. J.M.A. LENSINK (14:47): Of the 700 complaints, did they all relate to confidentiality provisions of councils or were they on a range of matters?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:48): No; they were not all about in-confidence meetings. They were on a broad range of behaviour in general with regard to local government. They covered a whole spectrum of issues, but in-confidence meetings were part of those complaints. A mandated code of conduct and the changes in the future will look at trying to tackle a whole range of issues, including in-confidence meetings.

DISABILITY SERVICES

The Hon. S.G. WADE (14:48): I seek leave to make a brief explanation before asking the Minister for Disabilities a question relating to government payments.

Leave granted.

The Hon. S.G. WADE: Disability services providers, both directly and indirectly funded by the Department for Communities and Social Inclusion, have complained to the opposition that the government is failing to provide their funding within an adequate time frame. On a number of occasions this delay has caused difficulty for the service providers to meet their financial needs, including being unable to pay their staff. My questions for the minister are:

1. What is department policy with regard to a target time frame for paying for services rendered?

2. What percentage of payments to service providers over the last year were paid within that target time frame?

3. What is the total amount of payments now considered overdue by the department in terms of its own policy, and is the minister aware of service providers who need to stop providing services because of the cash flow impact of the department's slow payments?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (14:50): I thank the honourable member for his important question and for his ongoing interest in this area and topic of disability. They are detailed questions and I undertake to take them on notice and bring back an answer for him.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. CARMEL ZOLLO (14:50): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about agricultural research.

Leave granted.

The Hon. R.I. Lucas interjecting:

The Hon. CARMEL ZOLLO: What are you talking about? According to a report in *The Stock Journal* on 13 September 2012, Pulses Australia predict that better cultivars, higher prices and increased emphasis on crop rotations mean that this year is set to be the biggest Australian year for chickpeas on record. The South Australian Research and Development Institute (SARDI) has won world renown and respect and has an enviable reputation for its innovative work in developing new varieties of agricultural products that have been of great benefit to primary producers. Can the minister update members about SARDI's role in delivering new products for this growing area of agriculture?

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 most important question relating to the humble chickpea. Chickpeas are a favourite of mine. I love chickpeas. I do; I love chickpeas.

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: I do love brussels sprouts as well. They are probably my second favourite. Chickpeas and brussels sprouts—I love them.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: I do enjoy brussels sprouts. The South Australian—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: The South Australian—

The Hon. Carmel Zollo interjecting:

The PRESIDENT: He hasn't had his pie.

The Hon. G.E. GAGO: Well, my belly doesn't hang over the edge of my pants, Mr President; I can tell you that much. There are probably a few other people in here who could do with a few chickpeas in their lives. The South Australian Research and Development Institute delivers robust scientific solutions to support sustainable and internationally competitive primary industries. Scientists create knowledge platforms, technology and products to promote growth, productivity and adaptability of food, aquatic and bioscience industries while ensuring they remain ecologically sustainable.

Two new lentil and chickpea varieties to be released at South Australian field days this month will continue to help South Australian growers produce quality, high-yielding pulses for export markets. This type of work, as members will know, is part of the vital work that SARDI does for South Australia which supports our farmers in our fabulous cropping areas, and these are the types of services that, if the Liberal opposition have their way, will be cut. Yes, the opposition leader, Ms Redmond, certainly let the cat out of the bag when she gave away the plans for the opposition to cut public sector jobs—public sector cuts of more than 25,000 jobs which are going to be lost under a Liberal government. They let the cat out of the bag.

We have just seen the Liberals in Queensland roll out their cuts. Not only have they cut the usual targets—arts, women, services to gays and lesbians—but they have also announced plans to slash almost half the paid positions in the rural fire service, and cuts to health, child safety, disability services, police, transport, roads, education and training; the list goes on and on.

The same Liberal policy of cuts is being rolled out across the nation and we can see that this Liberal opposition has the same policy lined up to be rolled out in this state, and the cat is out of the bag. We can see exactly what it intends to do. So, it is clear that the Liberal opposition is offering South Australia nothing more than cuts and that is what it plans to do. It has no innovative or clever ideas or policies. Its priorities are just to cut 25,000 jobs.

With cuts to the public sector and cuts to important services and initiatives, many of which support the most vulnerable in our community, losing over 25,000 jobs would not just hurt the city. It would affect our schools, hospitals, police. Cuts of approximately one in four in the public sector would have sweeping effects in our regions.

Would there be cuts to one in four of our fruit fly inspection stations? So, one in four road blocks will go—is that what will happen under the opposition? Cuts to our livestock inspectors who do the inspections for lice, foot and mouth and a whole range of other important biosecurities—is one in four of those inspectors' positions to be slashed? Is that what we will get if the Liberal opposition comes into government?

Will there be cuts to our fisheries management, our really important fisheries, and the enormous amount that is worth to this economy, ensuring we have up-to-date management plans, that we have proper quotas in place and sustainable fisheries for the long-term future and prosperity of this state? Would South Australia still be able to supply top quality produce to the world without those very important public servants, the one in four who will be cut? They are there to provide the vital services and jobs that they do.

In South Australia, we have already looked carefully at our budgets and trimmed expenditure in a number of areas, restructuring to make the best use of funds that are available. It has not been easy, and it never is when budgets are tight, but we have already done the hard yards and made those decisions to reduce spending and to work our way back to a surplus. We have improved efficiencies, cut back on duplications and replications, and we have done that in a way, wherever possible, to protect front-line services, whereas under an incoming Liberal government one in four on top of that will clearly undermine all of that, leaving South Australia in ruin. If they come to power they will obviously slash and burn, and these impacts will also be felt in country areas.

The Hon. A. Bressington: What's this got to do with chickpeas?

The Hon. G.E. GAGO: Oh, don't worry, I'll get to the chickpeas.

The Hon. A. Bressington: Riveting.

The Hon. G.E. GAGO: I am very pleased that the Hon. Ann Bressington finds this riveting. I am glad she appreciates the enormous amount of consideration that goes into providing answers to these very important questions. Back to one of my favourite foods, chickpeas: the new premium quality desi-type chickpea variety is well adapted to the shorter growing season and lower rainfall pulse producing environments in South Australia. It has higher yields than all currently available chickpea options in desi and kabuli, and these releases are part of an ongoing pipeline of new varieties that will help promote growth in South Australia's valuable broadacre cropping sector, in which the pulse area is currently estimated at 350,000 hectares.

The latest two premium varieties will give growers an opportunity to capitalise on improved traits, such as higher and more reliable yield, good disease resistance and, in the case of the chickpea, a high export quality. This research is obviously vital to ensuring the successful development of varieties suitable not only to South Australia but also to other areas outside Australia, and certainly the hard work of SARDI that goes into helping develop these new resilient varieties is critical to the economic and long-term sustainability of this particular sector.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. R.I. LUCAS (14:59): I have a further supplementary question arising out of the minister's answer on chickpeas.

An honourable member interjecting:

The PRESIDENT: How much chicken is in the pea?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas. The Hon. Mr Lucas wants to change his diet, I am sure.

The Hon. R.I. LUCAS: Thank you very much, Mr President. Given that the minister supports the government policy to cut more than 4,000 public servants from the state public sector payroll, can the minister indicate to the house how many public servants have been cut from her portfolio over the last three years, and how many more public servants have to be cut from her portfolio over the forward estimates under the current budget parameters?

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) (15:00): Not as many as the Liberal opposition intends to cut—nowhere as many.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. R.I. LUCAS (15:00): I have a supplementary question arising out of the minister's answer. Is the minister indicating that she does not know the answer as to how many public servants she has cut from her portfolio and how many she is required to cut, or is she refusing to answer the question?

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) (15:00): I have answered the question very clearly: nowhere near as many as the Liberal opposition. All of these figures have been tabled in our budget document. All of these figures are on the public record.

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: They are on the public record for everyone to see.

Members interjecting:

The PRESIDENT: The minister should not waste the time of the council answering the question when the Hon. Mr Lucas has indicated that he already knows the answer.

The Hon. G.E. GAGO: The honourable member knows, because the record already—

The Hon. R.I. Lucas: She might know chickpea recipes, but she has no idea about how to run the portfolio.

The PRESIDENT: The Hon. Mr Lucas should have his pie. He is very—

The Hon. G.E. GAGO: Have his chickpea and eat it, too? The Hon. Rob Lucas knows that these figures are on the record, because I have already put them on the record before, as part of the budget documents. He knows that PIRSA, for instance, in 2011-12, had a cut of around 27 FTEs and for 2012-13 around 33 FTEs. He knows, because it is on the public record, that the Tourism Commission had a cut of around 38.2 FTEs in 2011-12 and an additional 3.4 in 2013-14. He knows, because it is already on the record, that the Office for Women—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —had a cut of around one FTE in 2011-12. He knows all of this, because it is on the record, and he knows that it is just wasting this chamber's time reading out figures that are already open and transparent and on the public record. I reiterate that the cuts this government has made and has planned to make are nowhere near the one in four that this Liberal opposition intends to make if it gets into government. One in four: 25,000 jobs! They are our teachers, our doctors, our nurses and our police. These would be frontline jobs—frontline services. That is 25,000 positions, one in four. It is an absolute disgrace.

PUBLIC HOUSING, SOLAR ENERGY

The Hon. M. PARNELL (15:03): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion questions about solar energy for people on low incomes.

Leave granted.

The Hon. M. PARNELL: Solar PV is a great strategy to reduce household energy bills. However, there is some concern that people on low incomes are locked out of this option through the high capital cost of installation or because they rent rather than own the property where they reside. As a major landlord through Housing SA, the SA government is uniquely placed to directly assist Housing SA residents to obtain benefits from solar energy by installing panels on Housing SA properties. This has been recognised previously by this government. For example, former minister Michael O'Brien said last year:

> ...we ought to be looking very seriously at assisting low income earners get this technology on their roofs....public housing is the obvious starting point...

Another option is support for community solar buying, where renters are able to pool funds to invest in a larger solar installation away from their place of residence and use the return from the sale of the electricity to offset their electricity bills. I understand that one such community solar option for South Australia was being actively considered by Renewables SA when that group's funding was cruelly scrapped by the Weatherill government.

But I came across another option recently in documents I received under the Freedom of Information Act. In those documents, well respected solar advocate Adjunct Professor Monica Oliphant proposed a clever scheme whereby the SA government agreed to pay up-front a number of years' worth of energy concession payments, and this up-front payment could be used to install solar power on the concession recipient's house or Housing SA property.

According to Professor Oliphant, this scheme would save the government money whilst also providing a greater financial return to the householder. It is a wonderful example of a win-win. In these FOI documents it appears that the minister is well aware of this proposal; however, in my conversations with Professor Oliphant she was unaware of whether any of her discussions with people in the minister's department back in February had led anywhere. So my questions are:

1. Does the minister support the proposal put forward by Professor Oliphant? If not, why not? If he does support it, what is he doing to progress it?

2. What other plans or strategies are in place for the government to install solar PV on public housing?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:05): I thank the honourable member for his important questions and for his ongoing interest in this area. There has been some ongoing interest in the media and public debate in the recent past about the benefits of placing solar panels on Housing SA's properties. Whilst the benefits to the tenants would be obvious, particularly in the face of rising electricity costs and the general cost of living pressures on moderate to low-income households, the cost to actually install solar cells on about 45,000 properties would be extremely cost prohibitive, especially in the current economic environment.

Housing SA is supportive of the installation of solar systems on its properties; however, the current capital outlay can be significant, depending on the size of the system installed. There is also the consideration of long-term recurrent maintenance and replacement costs of the systems and their component parts. For example, a trial of about 200 homes would require capital expenditure in excess of $400,000 I am advised, in addition to the ongoing maintenance and replacement costs—I repeat: in addition to the ongoing maintenance and replacement costs.

Suggestions about using advance funding from the energy concessions have been made, so that eligible individuals and families could use this to pay for the installation of solar systems. This is problematic on a number of heads of argument. We have to understand that Housing SA has a fairly transient rental tenant cohort. This may present problems for tenants wanting to transfer to other housing; for example, to downsize or to move into new accommodation.

If tenants purchase systems and put them on Housing SA property they then have ownership of the system. The current deed of agreement that exists when Housing SA tenants elect to put solar panels on the roof gives the tenant three options should they terminate their tenancy or transfer to other accommodation: first, to remove the system and make good any repairs to the roof to bring it back to its original condition; secondly, to leave the system on the roof and allow it to pass to Housing SA's ownership and be used by the next tenant; or, third, to have Housing SA remove the system and pass any costs associated with the removal or repairs required to the vacating tenant.

In the proposal where the tenant might use forward funding from their energy concessions entitlement, they would not be eligible to claim this concession for what could be quite an extended period, and that is a great difficulty for some tenants who are on fixed and low incomes. There are also the potential equity issues with those people who have already paid to install their own solar panels. I am advised that in 2011-12 Housing SA approved 143 installations of solar panels at the expense of the sitting tenant, and it is expected that these will increase as the price of photovoltaic cells continues to drop in the market. These tenants sign a deed of agreement outlining their obligations and responsibilities should they vacate the house. Tenants who have installed solar panels under the deed are responsible now for maintaining the systems themselves; Housing SA does not provide these services.

As I mentioned, solar panels are increasingly becoming more affordable for tenants to purchase through major energy retailers. Some retailers have offered rent-to-buy type plans, and even payment plans to purchase systems over several years, which are part of monthly or quarterly billing cycles. Given the need to reduce energy bills for those on low and fixed incomes, the government has announced $1 million in the 2012-13 budget for a utility literacy program. The program is currently being consulted on with NGOs and support services with the aim of better educating tenants about how to use electricity, gas and water more wisely and more efficiently.

Cost-effective energy and water efficiency measures implemented in Housing SA stock include supporting renewable energy through the installation of solar hot water systems as well as gas and heat pump hot water systems, low flow showerheads and dual flush systems. All new houses constructed for Housing SA achieve a six-star energy rating through the installation of wall and ceiling insulation and the inclusion of passive design energy efficiency principles to achieve good levels of thermal comfort.

In March 2012 Housing SA implemented the energy rating assessments project to assess the energy rating of a representative sample of the existing stock and identify possible cost-

effective energy efficiency improvements. The results of these assessments will inform Housing SA about the performance of its housing stock and will identify areas of potential cost-effective energy efficiency measures.

PUBLIC HOUSING, SOLAR ENERGY

The Hon. M. PARNELL (15:10): I have a supplementary question to the minister. If the Tasmanian government, which has far fewer resources than we do, can afford to put solar panels on public housing at public expense, why can't we do it in South Australia?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:10): Last time I checked I am not responsible for public housing in Tasmania.

PUBLIC SECTOR EMPLOYEES

The Hon. G.A. KANDELAARS (15:11): I seek leave to make a brief explanation before asking the Minister for Industrial Relations a question.

Leave granted.

The Hon. G.A. KANDELAARS: Last week the Leader of the Opposition told reporters she would slash a minimum of 25,000 public sector jobs—that is 25,000 public sector jobs—if the Liberals won government in 2014. That is approximately a quarter—one in four—of the current public sector workforce. Can the Minister for Industrial Relations please outline the ramifications if this irresponsible action should be implemented?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:11): I would like to thank and acknowledge the long-term interest the Hon. Mr Kandelaars has had in a very highly skilled and productive public service. This is a very sad story. It is sad for the state, and I must say there can only be one happy ending on this. The only way there can be a happy ending is if the state Liberals lose the next election, if the people of South Australia ensure that they are not elected at the next election.

In recent times we have seen Liberal governments in Victoria, New South Wales and Queensland take the axe to the public sector workforces, namely in the areas of health, education, community services, police, child safety and disability services. Members would be aware that, if the Leader of the Opposition has her way, the public sector here in South Australia will also face a policy of slash and burn.

Indeed, South Australian workers will suffer a worse fate than their Queensland counterparts should the Liberal Party be elected in 2014, with the opposition leader announcing that 25,000 public sector jobs should go. Liberal governments in the eastern states have now amassed over 30,000 public sector job cuts and stripped billions of dollars from vital frontline services. It is now apparent that the South Australian Liberals have conjured up their own hit list targeting teachers, nurses, fire fighters, ambulance officers, child protection workers and the police.

As a Labor government we have invested in key infrastructure programs that have created jobs. We realise that we must plan carefully for the future, but we have made a decision not to cut or compromise essential services. Our primary responsibility must be to provide a good education for our children, keep our communities safe and provide the best care possible to the sick and disabled.

The opposition's planned cuts would have an enormous impact on one of my own agencies. A 25 per cent staff reduction within SafeWork SA would lead to the loss of approximately 64 positions. This would have a significant impact on SafeWork SA's ability to deliver and support a raft of front-line preventive, regulatory and enforcement functions in areas such as occ health and safety, industrial relations and dangerous substances which are required to achieve safe, fair and productive workplaces in South Australia.

Importantly, a 25 per cent reduction would result in reduced service delivery to those areas which require it most, such as regional South Australia. In regional and remote communities in South Australia such a reduction would result in fewer staff to cover high risk occupations, including farming and agriculture. These staffing cuts would inevitably lead to an unacceptable increase in workplace injuries and fatalities. Our Prime Minister, the Hon. Julia Gillard, summed it up well when addressing a convention meeting in Brisbane over the weekend:

These blokes who crow about it and crack jokes about it and lick their lips as they do the dirty work...and show their true values in the cuts they make.

They've cut the Rural Fire Service, the ultimate frontline services.

They've cut the palliative care beds—care for the dying.

They've cut the children's guardian.

They've cut the domestic violence services.

They've even dismantled BreastScreen Queensland.

A cut so brutal I didn't even believe it when I first read the reports, and so sad I still don't want to believe it now.

Until now, the Leader of the Opposition has quite rightly been accused by many of being bereft of policy ideas. Finally, the Leader of the Opposition has shown her true colours and now the cat is out of the bag. The fact that she has later had to qualify her comments shows that she is either unable to get a simple fact straight and is completely ignorant about the public sector job numbers or she was initially honest about her true intentions but later lied to the South Australian public with her embarrassing retraction. It is difficult to tell which scenario is worse. Whatever the case, the public of South Australia deserve better.

PUBLIC SECTOR EMPLOYEES

The Hon. R.I. LUCAS (15:15): I have a supplementary question arising out of the minister's answer. Given that the minister—

The Hon. A. Bressington interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Given that the minister supports the government's policy to slash more than 4,000 public servants from the state public sector, can he indicate to the chamber how many public servants have been cut from portfolios or agencies that report to him over the last three years and how many are intended to be cut during the forward estimates period under the current budget parameters?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:16): Over the last couple of years, SafeWork SA have reduced their numbers by 12. I understand there is one more to go, so we are looking at 13. Any cuts that we have to make, we have also made internally by internal operations, which is naturally a matter for SafeWork SA's management. We made sure that we did not affect frontline services; that is why we have reduced the number of injuries in this state by 38 per cent since 2002.

We have actually increased. We still have many more numbers now in SafeWork SA than we had when we took over back in 2002. We are proud of our record in SafeWork SA and we will continue to work to ensure that workers are safe in their workplaces. I will say this: if there is a cut of the magnitude which the Liberals' policy dictates, there will be a massive reduction in services which will result in fatalities and injuries in the workplace.

The PRESIDENT: The Hon. Mr Lucas has a further supplementary arising from the answer.

PUBLIC SECTOR EMPLOYEES

The Hon. R.I. LUCAS (15:17): Given that the minister boasted he restricted his cuts to internal cuts, can he indicate what the alternative was?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:17): That was an operational matter for the executive of SafeWork. We do not interfere. We allow them to get on with the job. They are very competent in the work they do and we have achieved such a massive reduction in workplace injuries because of the competent way they handle SafeWork SA.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. J.S.L. DAWKINS (15:18): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions regarding the South Australian Research and Development Institute.

Leave granted.

The Hon. J.S.L. DAWKINS: On ABC radio on 28 August this year, the Treasurer (Hon. Jack Snelling) made the statement that the government has 'certainly got a strong commitment to SARDI'. The government is currently involved in discussions with the University of Adelaide with the aim of the university absorbing the functions of SARDI. In addition, $1 million was cut from research and development activity to SARDI in the 2012-13 budget to meet budget savings targets. My questions are:

1. How is the government supporting research and development in this state whilst currently in discussions with the University of Adelaide to divest SARDI and over $70 million worth of assets and South Australia's total agricultural research capability to the university?

2. What is the current status of the deal being done by the state government to transfer its responsibilities for SARDI to the University of Adelaide?

3. Will the minister advise the council of the detail of the assets that would be transferred to the University of Adelaide under such a deal?

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) (15:19): The relationship between SARDI and the University of Adelaide is not a new one. Over the last 18 years we have developed a very strong collaborative relationship with significant benefits to both parties. I am advised that in 2010 a joint working group was established between PIRSA and the university to develop the relationship further and, in particular, to explore opportunities for integration. A two-stage process was agreed upon, with stage 1 covering the major issues that would need to be agreed in deciding if integration was feasible and beneficial. Stage 2 covers the details of a proposed integration and due diligence around the proposal.

Currently, stage 2 of the process investigating the integration of SARDI with the University of Adelaide is progressing and includes financial analysis. SARDI and the University of Adelaide are, as I said, engaged in this due diligence process, which has included looking at assets, human resources, funding and governance. An industry advisory committee with representatives from all major agriculture and fisheries related industries, and significant business acumen as well, was formed in May 2011 to help advise on this process, and a number of issues have been looked into.

As I said, a range of options were looked at in terms of assets. At this point in time no decision has been made in terms of what the final model might look like. We are certainly very committed to having a continuing and ongoing partnership with the university. We are looking at ways in which we can establish SARDI to be able to continue to provide the vital services that it does for our primary industry sector, and I have also talked in this place before about the benefits of partnership with the university. The collaborative relationship with the university would attract significant additional commonwealth funding.

No decision whatsoever has been made about transfer of assets. As I said, they are all matters still being considered, and a final model for this new collaborative arrangement has yet to be decided on. A significant amount of work has gone into this because it is a very complex issue. The needs of the university and the administrative and governance arrangements of the university are complex. Those of SARDI are complex as well, and the government is very clear about what our needs are in terms of the future for our research and development. The dialogue continues with the new Vice Chancellor, and I have had a chance to meet with him. They have been very positive discussions indeed, and so our deliberations continue.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. J.S.L. DAWKINS (15:23): I have a supplementary question. Will the minister rule out the possibility of any SARDI assets being sold off as a side effect of the collaborative arrangement, as the minister has described these negotiations?

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) (15:23): I have made it very clear that the future model is under review and that no final model has been determined. Again, this is an old question that the Hon. John Dawkins has asked in this place before.

The Hon. J.S.L. Dawkins: No, it's not.

The Hon. G.E. GAGO: If it wasn't you, it was one of your colleagues. I have answered this question several times before. I have always answered the question in detail and given an open

and honest answer. The negotiations continue. No decision has been made about any sale or transfer of assets and the dialogue continues.

HOUSING SA

The Hon. R.L. BROKENSHIRE (15:24): I seek leave to make a brief explanation before asking the Minister for Communities and Social Inclusion questions with regard to tenant damage to Housing SA premises.

Leave granted.

The Hon. R.L. BROKENSHIRE: On the last Tuesday of sitting, the minister tabled the following and informed the house that 'Approximately $6,740,000 of the total customer debt relates to charges for property damage.' That is $6.7 million of the total $19.726 million of tenant debt in the last Housing SA annual report. When these figures were explored further by the *Today Tonight* program last Tuesday, the minister declined to be interviewed and Mr Brendan Moran—a man I feel terribly sorry for as the government pushes him out to take the fire on these issues—made this statement:

> Three strikes, you're out policy was put in place by the Government a number of years ago and it has led to quite an increased number of evictions.

I recall, Mr President, that you did not agree that the government had a three strikes policy when I put it to this place some time ago. Mr Moran also said some of the tenants have alcohol and drug dependency and they work with other support agencies to make their tenancies sustainable. My questions of the minister are:

1. Can the minister explain the workings of the 'three strikes, you're out' policy to this chamber and the statistics on evictions pursuant to that policy and other outcomes since its inception, whenever that was?

2. Is tenancy in Housing SA properties a right or a privilege?

3. What message does the minister have for the 20,000 people on the waiting list when current tenants, some of whom destroy properties and leave taxpayers with tens of thousands in clean-up bills, are given another property?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:26): I thank the honourable member for his most important questions. It is well known that it is Housing SA's policy that the tenant of a Housing SA property is responsible for all non-fair wear and tear repairs to their rental property. Fair wear and tear is any deterioration of or damage to a property that arises from age and reasonable use of the property. Non-fair wear and tear is any deterioration of or damage to a property as a result of wilful, reckless, neglectful or deliberate actions by a tenant, including household members and visitors, that did not arise out of or was not in connection with the reasonable use of a property.

When tenants occupy a Housing SA property they sign a conditions of tenancy lease, in which the tenant agrees to give notice to Housing SA of any damage, blockage, breakage or defect in or around the property which is not the result of fair wear and tear as determined by Housing SA. When the deterioration, damage or loss is determined as non-fair wear and tear the cost of the maintenance will be charged to the tenant. Tenants have the opportunity to have the damage repaired themselves by a licensed contractor or have Housing SA fix the issue and charge them for the maintenance cost.

Tenants are charged for damage which is accidental. If someone puts a hole in the wall with a ball while playing inside or the lawnmower flicks up a stone which breaks a window the tenant will be responsible to have the repairs done and paid for or, as I said, have Housing SA fix the problem and charge them for the cost. If tenants have damage done as a result of a break-in or by someone where the tenant involves the police, e.g. domestic or family violence situations, then Housing SA will use the police report number to rebate any charge to the tenant. In some cases, where the perpetrator can be identified, the charge will be passed to them.

Tenants who do not pay the charge for damage or fail to arrange to pay the debt off over a period of time will be referred to the Residential Tenancies Tribunal for an eviction order. Applicants who refuse to pay their debts owed to Housing SA are not considered for housing, no matter which category they are assessed for. So, even category 1 applicants will need to have or maintain a repay arrangement on their debt prior to being considered for a housing offer.

Housing SA does not have a system to differentiate between the levels of damage caused by tenants. We take a very hard line between wilful damage and fair wear and tear damage.

The term 'trashed' is often used but it is reasonably subjective, and what is considered trashed by one person could be quite different for another. However, Housing SA has very clear guidelines that we use in assessing damage to properties. What can be measured as damage to property if it is wilful, reckless or deliberate will result in the firmest response from Housing SA. Last year Housing SA evicted 15 people for wilful or reckless property damage via the Residential Tenancies Tribunal.

These evictions were not based solely on the cost of repairs but by the intent shown in relation to damaging the property. In 2010-11 Housing SA had 42 properties where the cost of repairs to the property was between $5,000 and $10,000. It also had five instances where the cost of repairs exceeded $10,000. In 2011-12 there were 72 properties in the $5,000 to $10,000 range and 12 which exceeded the $10,000 level.

When assessing tenants for rehousing, Housing SA takes into account their debt and how it was accrued. If the tenants are reapplying for a Housing SA property after being evicted for property damage, Housing SA will request support services be put in place to determine whether the tenants are capable of independent living. There is no three strikes policy in relation to damaging of Housing SA properties or in relation to tenant debt. The three strikes policy relates to disruptive behaviour by tenants.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire says 'Oh!' Well, the Hon. Mr Brokenshire needs to actually understand what the policy is. We have a three strikes policy and it relates to disruptive tenancies, not to damage, and the Hon. Mr Brokenshire should know better. He should not come into this place and try to ascribe to others wrongful information. I am trying to give him advice. He should listen to it and not make these errors on radio into the future.

The Hon. T.J. Stephens interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Stephens says I should give him a slap, but Mr President knows that I do not resort to violence in the chamber.

Members interjecting:

The Hon. I.K. HUNTER: Let me come back to the issue at hand. Where tenants are found to have demonstrated that they are incapable of living independently, they are instead referred to supported living facilities rather than being housed independently by Housing SA. Several years ago Housing SA changed the conditions of tenancies for tenants receiving a new allocation of housing. These new tenants are now placed on an original probationary lease and then placed on fixed term leases of either 12 months, two years, five years or 10 years. Tenants who abide by the conditions of tenancy are offered extensions to their fixed terms, whereas tenants who are not abiding by their lease can have their fixed term reduced or Housing SA can choose not to extend their lease further and terminate their tenancy based on those breaches.

DISABILITY 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) (15:34): Whilst I am on my feet, I have a response to a question I took on notice earlier, asked by the Hon. Mr Wade, and I will give a brief summary now of the response that I shall give him. The individual support service program manages approximately 4,000 contracts per annum which deliver personal support services to people with disabilities. A new purchasing system to manage contracts issued under the individual support program has been introduced to ensure that funding systems will be flexible enough to support clients who in the future may choose to manage their own funding.

The system came into effect from 1 July 2012, I am advised, and the system is internet based and allows service providers to directly view the contracts that Disability SA has raised with those providers. The initial focus has been to ensure that all contracts are properly loaded onto the system so that service providers are clear about the contracted levels of service delivery. The new system also allows service providers to acquit the services they have delivered by uploading data directly to the system.

Direct invoicing remains an option for providers but it is the intention to transition all providers to a more automated method of acquittal and payment as soon as possible. I understand that there have been some delays in processing time for invoices during this transition from the old system and the finalisation of the arrangements for 2011 and 2012. My advice is that the department will continue to work with providers to ensure that payments are prioritised and processed as quickly as possible. We have put in place training for a number of providers who provide a large number of these services. As I understand it, it has been scheduled for the coming weeks to progress the move towards automated billing and payment processes.

If there are instances where our NGO sector who are contracted to us are having difficulties with the new system, we will go in and put in place assistance to them so that they may be able to transition over to the new more automated system using the 'interweb thing'. Most people in this place understand and hopefully I will never have to use it myself.

I am also advised that the automatic acquittal of services is being delivered successfully and is being operated by at least two major providers to a very high level of success. The turnaround for releasing payments can be as little as 48 hours from the time the data is uploaded to the provider, I am advised. There are things, however, called reject items where services fall outside a contract period, and they are referred back to providers for further assessment and acquittal.

I understand that Disability SA is rolling out the automated acquittal process to the next group of major service providers. Disability SA will focus on developing the business processes of organisations to accommodate this new method of seeking payment for services. We understand that a number of larger providers, such as those—I will not mention the name—

The Hon. G.E. Gago: Oh, go on.

Members interjecting:

The Hon. R.L. Brokenshire: I've got a supplementary and he comes and answers another question in the middle of it. Where's the order in the house?

The PRESIDENT: Order! Well, I was going to ask you if you had a supplementary at the end of his answer, but I don't think I'll bother now that time's run out, because you jumped the gun.

The Hon. I.K. HUNTER: I would have been finished by now without the interjections, of course.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Wade asked the question: I would have thought he would be very keen to hear me answer it the same day that he asked it, but of course he has no interest in hearing the answers to the questions without notice. He just wants to ask the question and go out to the media and trash the government. Unfortunately for him, he does not have any basis for doing that.

CHAMBER TIMEKEEPING

The PRESIDENT (15:36): I invite honourable members to look at our new timing arrangement on the desk here, which was set up by Mr Peter Davis, a very highly respected electronics engineer in our state, and also the 'other half' of our Clerk. He has spent a lot of time doing this. The only thing I do not like about it is that it has a big sign there that keeps saying 'Time to go', which I have to keep looking at. I think it should be changed to 'Time left'.

ANSWERS TO QUESTIONS

FAMILIES SA

In reply to the **Hon. A. BRESSINGTON** (23 June 2011) (First Session).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Education and Child Development has been advised:

The *Children's Protection Act 1993* provides a clear legal framework for dealing with child protection matters, including the response to notifications and oversight of child protection practice. These are supported by the Families SA manuals of practice and procedures.

The *Children's Protection Act 1993*, as amended in 2005, established a number of mechanisms for external oversight, including:

- Office of the Guardian for Children and Young People;
- Child Death and Serious Injury Review Committee; and
- The Council for the Care of Children.

In addition the following bodies also oversight Families SA:

- Special Investigation Unit;
- Office of the Health and Community Services Complaints Commissioner (HCSCC); and
- Ombudsman SA.

The South Australian Parliament is able to scrutinise Families SA.

FAMILIES SA

In reply to the **Hon. A. BRESSINGTON** (14 February 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): Due to the confidential nature of the matters raised by the Hon A. Bressington, there are significant limits to the information that I can provide. However, in reply to the Hon A. Bressington's questions, the Minister for Education and Child Development is advised:

1. (a) In regards to the first case, this family is working closely with Families SA and at this time, this matter does not require further review.

   (b) In regards to the second case, an external independent review has been completed.

2. Families SA has provided a report and met with the carers involved in this case to outline the decision-making process and access arrangement procedure.

3. Once a child is placed in foster care, Families SA has a legally delegated duty to ensure a child is safe from harm and provided with a standard of support, protection and care that will enable them to reach their full potential.

4. Families SA has a number of Family Preservation programs, including the *Stronger Families, Safer Children* and *Keeping Them Safe* programs. Families SA will continue to work towards family preservation when it is safe and in the best interest of the child to do so.

5. Families SA have advised they are unaware of any 'truckload of goods' that was provided to a particular family. There is however, a pre-existing fund for financial assistance that can be used to purchase goods to families, such as beds and linen that are required to make their home safe and liveable for children.

CAVAN TRAINING CENTRE

In reply to the **Hon. S.G. WADE** (1 March 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Police has advised:

1. The actions taken by SAPOL in relation to this matter are considered to be operational in nature and part of SAPOL's core business. On that basis, the individual component costs are not identified.

I am advised:

2. It is not customary for inter departmental reimbursement in these matters.

3. The Department will be actioning a range of security measures to minimise opportunities for escape.

REGIONAL DEVELOPMENT AUSTRALIA

In reply to the **Hon. J.S.L. DAWKINS** (27 March 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): I can advise that I did not receive any such request form the Murray and Mallee Local Government Association. However I am aware that my Department did receive a letter dated 9 March 2012 from the CEO of the RDA Murraylands and Riverland to that effect and my department responded on 15 March 2012.

As this process is managed by the Commonwealth in conjunction with the State Government and Local Government Association of South Australia (LGASA), my department will meet with the Commonwealth and LGASA representatives to discuss their further appointments to the RDA Associations.

A key focus for appointment by the Commonwealth, State and the LGASA is achieving a diversity of skills, as well as ensuring gender balance, a continual refreshment of membership and local leadership opportunities.

HOUSING SA

In reply to the **Hon. D.G.E. HOOD** (3 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): The Attorney-General has provided the following advice:

5. Section 27(4) of the *Victims of Crime Act 2001* (the Act) authorises him to make ex gratia (that is act of grace) payments to certain victims as compensation for personal injury resulting from a criminal offence. Regarding the case in question, those victims who suffered personal injury might be entitled to apply for compensation under section 17 of the said Act rather than section 27(4).

A Police Victim Contact Officer spoke with the mother of the injured victims on 30 April 2012 then on 1 June 2012 sent her information about victims' rights and victim assistance such as victim compensation. If the victims who suffered personal injury require more information on victim compensation, including ex gratia payments, they should consult a lawyer. For this purpose, the police referred the victims to lawyers who deal with victim compensation applications.

If the mother is worried about her personal safety and/or her children's safety, she might be entitled to a discretionary payment under section 31(2) of the *Victims of Crime Act 2001.*

The Commissioner for Victims' Rights is exploring this option. He has asked the police (if the mother approves) to conduct a security audit of the family's house and surrounds. He has also spoken to the mother about this option.

The Commissioner has undertaken to provide the Attorney-General with a report and, if appropriate, an application for a discretionary payment to help pay for the installation of security devices.

OPAL FUEL

In reply to the **Hon. T.J. STEPHENS** (15 May 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Aboriginal Affairs and Reconciliation has been advised:

1. A number of issues have significantly delayed the availability of Opal fuel at Yalata including a change in the preferred location for the fuel tanks and complex tenure and regulatory issues associated with the site.

2. Delays have occurred while the complexities are being addressed.

3. Commonwealth funds are not being held by any stakeholder.

4. A fully operational Opal fuel outlet for Yalata will be installed when the required plans, approvals and costings have been finalised. It is anticipated that it will take 3 to 4 months to

complete installation once a new Commonwealth funding contract is in place, which is expected to happen in the near future.

MALE TEACHERS

In reply to the **Hon. D.G.E. HOOD** (31 May 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): The Minister for Education and Child Development has been advised:

South Australian public schools continue to have the highest percentage of male teachers in the school sector compared to all States and Territories in Australia.

Teach SA, a State Government funded program to increase the number of qualified maths and science teachers in public schools, has been successful in attracting more male teachers to public schools. Approximately 58 per cent of the teachers recruited so far through this program have been male.

Other Department for Education and Child Development initiatives that have also been implemented to support the attraction of quality teachers to the workforce, including male teachers, are the *Teaching is Inspiring* campaign and the *SA Public Teaching Awards*.

The current number of teacher graduates entering the teaching workforce is sufficient to retain a strong supply in South Australia. The number of males entering teacher education courses in South Australian universities has increased from 1,127 in 2006 to 1,285 in 2010.

RIVERSIDE BUILDING

In reply to the **Hon. S.G. WADE** (28 June 2012).

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers): I am advised:

1. The 2011-12 fit-out for the Riverside Centre comprised half of Level 8, the Level 8 Board Room and the SW North Terrace Level. The total cost of the fit-out is $1.077 million. This comprised of $0.853 million investing expenditure and $0.224 million of operating expenditure.

2. The project did not exceed budget. While the investing expenditure of $0.853 million is $77,000 higher than the Estimated Result of $0.776 million reported in the Agency Statements, this was offset by a corresponding underspend in the operating expenditure associated with the project.

3. The majority of funding for the overall Riverside project was incentive funding provided by the building owner. Additionally we are saving money over forward years by terminating existing leases and centralising staff at Riverside Centre.

PETROLEUM AND GEOTHERMAL ENERGY (TRANSITIONAL LICENCES) AMENDMENT BILL

Received from the House of Assembly and 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) (15:38): I move:

That that this bill be now read a second time.

The Petroleum and Geothermal Energy (Transitional Licences) Amendment Bill 2012 introduces amendments to the Petroleum and Geothermal Energy Act 2000 to ensure the validity of certain past grants, consolidations and renewals for petroleum production licences held by Santos Limited, Delhi Petroleum Pty Ltd and Origin Energy Resources Limited in the Cooper Basin.

It has been drawn to the state's attention that there are potential unintended consequences arising from the transitional provisions of this act. The state has concerns that, if the proposed amendments are not made, many petroleum production licences could be found to be flawed on the basis of the unintended legislative effect. Such a finding would have very serious consequences for the confidence of the petroleum industry in carrying on business in South Australia and the state's ability to encourage future investment in the state's petroleum sector.

The state may have inadvertently excluded the grant and renewal of certain transitional petroleum production licences under earlier petroleum legislation from the normal intended renewal provisions in part 2, division 3, subdivision I of the commonwealth Native Title Act 1993, and instead left them subject to the right to negotiate provisions in subdivision P. This scenario was never intended to be the case and has come about only as a result of an unintended interaction between the transitional provisions of the Petroleum and Geothermal Energy Act and the commonwealth Native Title Act.

The proposed amendments to the Petroleum and Geothermal Energy Act have retrospective operation in order to ensure that existing transitional petroleum production licences were granted, renewed or consolidated consistently with subdivision 1 and therefore did not attract the right to negotiate. Newer production licences granted after the commencement of the Petroleum and Geothermal Energy Act will still be subject to the right to negotiate (or the alternative Indigenous land use agreement) provisions in the usual way. Native title parties have already participated and will continue to participate in these processes, which usually occur before the exploration stage and which cover both exploration and production.

In presenting this legislation to parliament, the government has carefully weighed up the need to provide certainty to petroleum producers in the Cooper Basin, who have continued to produce petroleum on renewed tenements in the belief that they had been properly issued, against the understandable desire of native title parties to participate in the economic benefits of petroleum production.

The government is confident that native title parties and petroleum producers will work together in a productive and positive manner to ensure mutually beneficial economic outcomes from petroleum production in this important part of the state. I commend the bill to members. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

It is important to note that this measure will be brought into operation without delay. Furthermore, the amendment relating to the on-going operation of section 32 of the repealed Act to the renewal of transitional licences under the Act, and to provide expressly that a licence arising from the consolidation or division of any area that relates to a transitional licence will in turn be a transitional licence, will be taken to have come into operation on the day on which the Act came into operation (25 September 2000).

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Petroleum and Geothermal Energy Act 2000*

4—Amendment of section 82—Consolidation of licence areas

In the case of the consolidation of 2 or more licence areas, it will now be the case that the licences will continue or will be amalgamated (with such conditions as may be appropriate and without the issue of a new licence). The rights of the holder of a licence after a consolidation will be no more extensive than those existing before the consolidation.

5—Amendment of section 83—Division of licence areas

This amendment provides for the enactment of a provision to the effect that the rights of the holder of a licence after the division of an area will be no more extensive than those existing before the division.

6—Amendment of Schedule—Transitional provisions

This amendment relates to the term and status of transitional licences, including after the consolidation or division of a licence area. Special provision is also made to clarify the status of petroleum production licences granted under the *Cooper Basin (Ratification) Act 1975*.

Schedule 1—Transitional provisions

1—Transitional provisions

These provisions ensure that the reforms effected by this measure will extend to licences issued before the commencement of the measure as an Act.

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

REAL PROPERTY (ACCESS TO INFORMATION) AMENDMENT BILL

Received from the House of Assembly and 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) (15:41): I move:

That this bill be now read a second time.

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

Leave granted.

A Register Book of land holdings, 'the Register Book', is maintained by the Registrar-General under section 65 of the *Real Property Act 1886*.

Section 65 provides:

Search allowed

65. Any person shall have access to the Register Book, and to all instruments filed and deposited in the Lands Titles Office for the purpose of inspection during the hours and upon the days appointed for search.

The four principal entry points to access information held in the Register Book about title to land under the *Real Property Act* are the:

- name of the registered proprietor;
- address of the property;
- certificate of title reference number;
- plan and parcel reference.

The effect of section 65 is that the Register Book is an open public register that may be searched by anyone and may be searched electronically. As a result, it is possible to search the Register Book by name and obtain the residential address of the registered proprietor of real property.

The Registrar-General's office regularly receives correspondence from registered proprietors, including victims of domestic violence and members of SAPol, concerned that a search of the Register Book will reveal their residential address to someone wishing to do them harm. Many have asked that their names be suppressed from searches of the Register Book. Owing to section 65 the Registrar-General cannot comply even where he is of the opinion that the safety of the person, a member of their family, or some other person is at risk.

After targeted consultation with industry and within Government, the Registrar-General has recommended that section 65 be amended to enable him to prevent access to a person's particulars via the Register Book where the person's personal safety, or that of a member of their family, is at risk.

This Bill contains the necessary amendments.

Clause 3 repeals section 65 and replaces it with a new provision. New section 65 provides that a person whose particulars are, or are to be, contained in the Register Book or in any such instruments may apply to the Registrar-General to prevent or restrict access to their personal details. The Registrar-General may grant the application if he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of the applicant, a member of the applicant's family or any other person (and the Registrar-General may take any measures he or she thinks fit to prevent or restrict access to any relevant particulars while the application is being determined).

Clause 4 amends section 93 to provide a statutory right of access to the Register of Crown Leases that, like section 65, is subject to the Registrar-General's power to prevent or restrict access to particulars on the Register where he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of the applicant, a member of the applicant's family or any other person. Although the current structure of section 93 is different from section 65, in practice the Register of Crown Leases can be searched and thus presents the same problem as section 65.

The power conferred on the Registrar-General is consistent with the power conferred on an electoral registrar under section 21 of the *Electoral Act 1985*. I would expect that many electors whose details are suppressed under section 21 will apply to have their personal details suppressed under section 65 or 93.

I understand that Members of this place have been consulted about the Bill and have agreed to support its passage forthwith. For the reasons explained during the briefings on the Bill, the Government is grateful for this support.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal

Part 2—Amendment of *Real Property Act 1886*

3—Substitution of section 65—Search allowed

Section 65 of the Act gives the public a right to have access to the Register Book and to instruments filed and deposited in the Lands Titles Registration Office. This clause substitutes a new section 65 to provide that a person whose particulars are, or are to be, contained in the Register Book or in any such instruments may apply to the Registrar-General to prevent or restrict access to their personal details. The Registrar-General may grant the application if he or she is satisfied that access to any such particulars would be likely to place at risk the personal safety of the applicant, a member of the applicant's family or any other person (and the Registrar-General may take any measures he or she thinks fit to prevent or restrict access to any relevant particulars while the application is being determined).

4—Amendment of section 93—Execution and registration of Crown Lease

This clause amends section 93 of the Act to give the public a right to have access to the Register of Crown Leases and to allow for suppression of details in a manner corresponding to the proposed new section 65.

Debate adjourned on motion of Hon. J.S. Lee.

WORK HEALTH AND SAFETY BILL

In committee.

(Continued from 6 September 2012.)

Clause 1.

The Hon. R.I. LUCAS: I move:

That the committee report progress.

The committee divided on the motion:

AYES (10)

Bressington, A.	Brokenshire, R.L.	Dawkins, J.S.L. (teller)
Hood, D.G.E.	Lee, J.S.	Lensink, J.M.A.
Lucas, R.I.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES (11)

Darley, J.A.	Finnigan, B.V.	Franks, T.A.
Gago, G.E.	Gazzola, J.M.	Hunter, I.K.
Kandelaars, G.A.	Parnell, M.	Vincent, K.L.
Wortley, R.P. (teller)	Zollo, C.	

Majority of 1 for the noes.

Motion thus negatived.

The Hon. R.I. LUCAS: Can the minister indicate what the government's current intentions are in relation to the commencement date, should the parliament pass either the model bill or an amended version of the bill? When does the government believe it will be implementing the legislation in South Australia?

The Hon. R.P. WORTLEY: The intention is that the commencement date will be 1 January 2013, and for any new issues involved in this legislation there will be a transition period of 12 months.

The Hon. R.I. LUCAS: Can the minister indicate what commitments he has given to individual industry sectors in relation to potential impacts on their industry and delays in particular provisions of the legislation applying to their particular industry sectors?

The Hon. R.P. WORTLEY: The government has given no undertakings to any sector of the industry. The only commitment we have is to work with industry through an education campaign to ensure that business and unions—their membership, the objects of the legislation and every other aspect of work health and safety legislation—are fully conversant with the legislation.

The Hon. S.G. WADE: In relation to the minister's answer to the question from the Hon. Mr Lucas about commencement, when the minister says there will be transitional arrangements for some elements, will that be transitioned in the sense that some provisions will commence on 1 January 2013 and other elements will have commencement dates 12 months later, or is there some other transitional arrangement the minister is adverting to?

The Hon. R.P. WORTLEY: Yes, that is correct. There are some elements to this legislation which are new, so there is an arrangement that a transitional period of 12 months will be given for employers to familiarise themselves with the act.

The Hon. R.I. LUCAS: Can the minister indicate which particular sections of the proposed bill will be delayed and operational on a date later than 1 January 2013?

The Hon. R.P. WORTLEY: The provisions in the regulations will have a transitional period, and the actual bill itself will be kept intact.

The Hon. R.I. LUCAS: What commitments has the minister given in relation to regulations to any particular industry sector or to industry in general in relation to a delayed implementation of particular aspects of the regulations?

The Hon. R.P. WORTLEY: It has been made known to business exactly what the transitional period would be. That has not been an issue between businesses and government. The government has made it quite clear that they will work with business during the transition period. As members would be aware, the vast majority of business supports this legislation going through. As I said, it only seems to be issue for the Hon. Mr Lucas.

The Hon. S.G. WADE: Considering that the transition element of the package will be managed through the regulations, can the minister advise when the draft regulations will be released and when final regulations will be promulgated?

The Hon. R.P. WORTLEY: The draft regulations are available now and they will be promulgated on 1 January 2013.

The Hon. S.G. WADE: I am trying to anticipate businesses being confident that on 1 January they know their responsibilities fully. Is the minister indicating that the draft regulations as they are now will be promulgated on 1 January, or does the government anticipate further revisions as a result of consultation or the like?

The Hon. R.P. WORTLEY: No. I will just make it quite clear that this is not new legislation. These regulations and the legislation have been negotiated on tripartite committees for quite a number of years now. There are no surprises to business about what is in the regulations, but there is no intention to make any changes between now and then.

The Hon. R.I. LUCAS: Can I just clarify that? My understanding was that some of the negotiations the minister was conducting with the Hon. Mr Darley and, indeed, others necessitated changes to the regulations that had been drafted and put out generally. Is the minister indicating now that he has given no commitment to the Hon. Mr Darley or, indeed, any other member or any industry sector about changes in relation to the regulations?

The Hon. R.P. WORTLEY: As of this minute now, there has been no undertaking about changing regulations.

The Hon. R.I. Lucas: What do you mean by 'as of this minute'?

The Hon. R.P. WORTLEY: Right now. I have made no commitment, right up to this very minute, to make changes to the regulations.

The Hon. R.I. LUCAS: Is the minister indicating that, in emphasising that as of now he has given no commitment to either an individual member of this chamber or to an industry sector about a change of regulations, he is currently negotiating changes in regulations which may well mean that the regulations that are promulgated on 1 January will be different to the ones that we have seen at the moment?

The Hon. R.P. WORTLEY: The Hon. Mr Darley has indicated that there is an issue with regards to strata titles. We have not given any commitment to make changes to the regulations, so that is it.

The Hon. R.I. LUCAS: Is the minister indicating that that is the only area in relation to the regulations that he is negotiating potential changes to? In particular, I ask him whether or not he has had any discussions in relation to changes in regulations in relation to the issue of falls and heights?

The Hon. R.P. WORTLEY: Let me make something quite clear: it has been put to me that we increase the height level from two metres to three metres. That is unacceptable to the government and there will be no change to the regulations with regards to that height level.

The Hon. R.I. LUCAS: I just want to be quite clear as to the guarantee the minister has put on the record in this chamber; that is, if this bill passes this chamber in this particular form with the government's amendments, there is no provision in this model bill which is proposed to be amended by the government that will not be operational on 1 January 2013. So, the bill with all its clauses will be implemented in its entirety at the one time. There will be no staged or phased proclamation of provisions of the legislation.

The Hon. R.P. WORTLEY: There will be some staged introduction of certain regulations in regards to provisions for major hazard facilities, high-risk construction work and high-risk work licences. They will either be staged or the vast majority will have a 12-month transition.

The Hon. R.I. LUCAS: Can the minister indicate what particular clauses in the legislation will not be implemented on 1 January 2013 and then, secondly, what particular date they will be implemented on? Will it be 1 January 2014 or some date between those two dates?

The Hon. R.P. WORTLEY: Clauses within the bill are in accordance with the national harmonised legislation, so we will be seeking to have them introduced in their entirety from 1 January 2013.

The Hon. R.I. LUCAS: If the minister could clarify: I understood his previous answer to indicate certain clauses. I asked him whether all of the bill in its entirety would be proclaimed at the same time on 1 January. He came back and indicated that various provisions would not be.

The Hon. R.P. Wortley: Regulations.

The Hon. R.I. LUCAS: Okay. My question was not in relation to the regulations: it was firstly in relation to the legislation. Is it the government's commitment that if it is in a position to proclaim the bill on 1 January 2013, it will be proclaiming the whole of the bill—it will not be, as government can sometimes, proclaiming most of the bill but not proclaiming certain provisions and delaying the operation of those provisions until some later date?

The Hon. R.P. WORTLEY: The intention of the government is to proclaim the bill in its entirety from 1 January 2013. This is an expectation that has been put on us by business, unions, and volunteers. They are all looking to have this legislation by 1 January 2013.

The Hon. R.I. LUCAS: I thank the minister for that clarification. Can the minister just now again clarify the answer he gave to my question earlier, where he was referring to regulations? Can he now repeat which aspects of the regulations are not intended to be proclaimed for 1 January 2013 but will be delayed, and for each of those, what is the particular date that the government intends for them to be proclaimed?

The Hon. R.P. WORTLEY: Yes, there is a number of new provisions and responsibilities in the regulations. They will be phased in and they will be given 12 months. Three of them I have already mentioned, but there is a number, so what we will do is we will seek to get those regulations to you and let you know which ones they are.

The Hon. R.I. LUCAS: I thank the minister for that. If he could provide an indication of which particular regulations will not be operational from 1 January, then clearly the converse of that argument is that all the other regulations in the draft regulations are to be operational from 1 January 2013. I have seen public statements from those concerned about asbestos regulation that the minister and the government had given that sector commitments.

Given the minister has just indicated he has given no commitments to any industry sector, is he in a position to throw any light as to why they would believe that the minister and the government had given some commitments in relation to the impact of the legislation and the

regulations on asbestos issues in South Australia? Indeed, I think the minister referred to aspects of that. I do not have his second reading response with me, but my recollection is he referred in some respects to commitments that he had given to that particular industry sector.

The Hon. R.P. WORTLEY: We have given an undertaking that we will continue to air monitor asbestos removal when it comes to non-friable asbestos. We have also given an undertaking to the senior officers' group for South Australia to lobby to have that put into the regulations after the review. We have also given a commitment that we take it so seriously that we will make it a condition of licensing for asbestos removal that air monitoring is continued for non-friable asbestos removal.

The Hon. R.I. LUCAS: Then on that, is the minister indicating that that will not require any amendment to the bill, the regulations or any of the codes of practice that will operate from 1 January 2013?

The Hon. R.P. WORTLEY: No; there will be no change at all to the act.

The Hon. R.I. LUCAS: I also asked whether there will be any changes to the regulations or to the codes of practices they would apply to the industry?

The Hon. R.P. WORTLEY: We have already changed the regulations, so South Australia actually complies with those conditions. As I have said, this is a commitment that we have given with regard to ensuring that the monitoring of asbestos removal and the standards are not reduced. We have a very strong commitment to asbestos removal and doing it in a safe way. There will be no changes from now on to the regulations, unless we can negotiate it through the senior officers group because we believe it should be on a national level, but it will be a condition of our licensing provisions for people removing asbestos.

The Hon. R.I. LUCAS: Is the minister indicating that the regulations that will apply in South Australia will not be the model regulations as adopted at the national level, that South Australia has amended those regulations as they apply to this particular industry sector?

The Hon. R.P. WORTLEY: The regulations mirror the national regulations, but we have incorporated a provision for air monitoring—we have made it tougher—for the removal of non-friable asbestos.

The Hon. R.I. LUCAS: I think the minister is there confirming that we are not implementing the model regulations relating to this area, we are implementing our own regulations relating to this industry sector. Can the minister take on notice or through his adviser indicate which particular section of the proposed regulations in South Australia are different in this respect to the national regulations?

The Hon. R.P. WORTLEY: I will take that on notice.

The Hon. R.I. LUCAS: Can the minister indicate which other sections of the regulations that he says will apply in South Australia from 1 January 2013 (in just over three months) are different to the model regulations that were agreed at the national level?

The Hon. R.P. WORTLEY: The regulations we will be proclaiming will be consistent with that of the model regulations.

The Hon. R.I. LUCAS: Is the minister saying that the only difference between the regulations in South Australia and the model regulations at the national level is the regulation change relating to asbestos?

The Hon. R.P. WORTLEY: Yes; other than jurisdictional notes which accommodate the machinery of government.

The Hon. R.I. LUCAS: Could you repeat that?

The Hon. R.P. WORTLEY: Other than jurisdictional notes which incorporates the machinery of government.

The Hon. R.I. LUCAS: Can I just clarify: whatever 'jurisdictional notes' refers to, does that refer to any other industry sector in South Australia other than asbestos?

The Hon. R.P. WORTLEY: It is just like we call the SafeWork advisory committee the SafeWork SA Advisory Committee. Each state has a different name. It is the machinery of government (the various namings) but no actual change to industry regulations.

The Hon. R.I. LUCAS: Has the abalone industry made representations to the minister and/or SafeWork SA of concerns it has relating to both the bill and the regulations and the impact on the abalone industry, and, if so, what, if any, response did the minister provide to them?

The Hon. R.P. WORTLEY: There have been some representations in regard to the diving regulations. There are some technical issues there which are being sorted through. They are mainly about their licensing. We are working through these with the diving industry.

The Hon. R.I. LUCAS: Is the minister indicating that there has been no commitment to that industry sector in relation to any change either in the regulations or the codes of practice that would apply to the industry?

The Hon. R.P. WORTLEY: Certainly, there has been no commitment in regard to the regulations but there has been a commitment to accommodate them through the code of practice.

The Hon. R.I. LUCAS: There are obviously many issues in relation to clauses 1 and 2 which I will need to raise but I want to make a general point at this stage in relation to proceeding in the committee stage of this debate. The first point I want to make is that, at this stage, while the Liberal Party has circulated its amendments to various stakeholders and I think the government and other members have a copy, we have not tabled our amendments for the committee stage of the debate. There are some 15 or 20 pages of amendments.

We have not taken the government's amendments to our party room because we were advised that the government was negotiating with the Hon. Mr Darley and that the Hon. Mr Darley was going to be moving amendments in his name different to those that the government was moving. It was the Liberal Party's procedure that we were going to take to our party room, both the government's amendments and the Hon. Mr Darley's amendments and then decide whether we support either the government's amendments or the Hon. Mr Darley's amendments.

So, in terms of the processing of this bill, as I said, there are a million questions that we can proceed with but ultimately the position in relation to amendments is that, as I understand it Mr Chairman, you have the amendments from the Hon. Ms Franks and the government but you do not have 15 or 20 pages of amendments from the Liberal Party or any amendments from the Hon. Mr Darley in relation to these issues.

Progress reported; committee to sit again.

PAST ADOPTION PRACTICES

Adjourned debate on motion of Hon. G.E. Gago:

That this council:

1. recognises that the lives of many members of the South Australian community have been adversely affected by adoption practices which have caused deep distress and hurt, especially for mothers and their children, who are now adults;

2. recognises that past adoption practices have profoundly affected the lives of not only these people, but also fathers, grandparents, siblings, partners and other family members;

3. accepts with profound sorrow that many mothers did not give informed consent to the adoption of their children, and to those mothers who were denied the opportunity to love and care for their children, we are deeply sorry;

4. recognises that practices of our past mean that there are some members of our community today who remain disconnected from their families of origin.

To those people adopted as children who were denied the opportunity to be loved and cared for by their families of origin, we are deeply sorry.

To those people who were disbelieved for so long, we hear you now; we acknowledge your pain and we offer you our unreserved and sincere regret and sorrow for those injustices.

To all those hurt, we say sorry.

(Continued from 19 July 2012.)

The Hon. M. PARNELL (16:14): I rise today as a Greens member of this parliament to add my comments welcoming the formal apology delivered by the Premier and echoed by many other MPs from all sides of politics for the former forced adoption practices that unjustly, unethically and sometimes illegally coerced vulnerable parents into giving up their sons and daughters for adoption.

In state parliament my colleague the Hon. Tammy Franks and the member for Morialta in the other place, John Gardner MP, had both previously put forward motions calling on the Premier to apologise for these forced adoption practices. This apology was first recommended by the Australian Senate community affairs committee's commonwealth contribution to former forced adoption policies and practices report which was tabled in February this year.

The committee's inquiry was chaired by Greens Senator Rachel Siewert. Submissions to the Senate inquiry highlighted the grief and emptiness felt by parents and families that had relinquished their children. This grief often lasted for decades and can still be felt today. Some tens of thousands of Australian women were estimated to have been forced into adopting their babies by government and church-run homes and hospitals between the 1940s and the 1980s.

An estimated 250,000 Australian women were subject to the practice of closed adoption during this period, where adoption papers were sealed in order to provide a complete break between mother and child. The impacts on the adoptees themselves, now adults, have been substantial. Denied their birthright, they have suffered the loss of a family of origin, the loss of their heritage, the loss of their identities, the loss of their names, their biological connections to other siblings and extended families and the knowledge of their genetic history, and the loss of very being.

Many of these people are of course now parents and grandparents themselves and have carried the legacy of their unjust treatment at the hands of our state or institutions for their entire lives. Their families in turn have also been affected by the intergenerational effects of adoption, with the impacts cascading down through the generations.

I hope that the apology now given will formally mark a public healing process from a very disturbing chapter in our state's history. Whilst the injustice of what happened has only very recently been recognised, we cannot unknow what we now know, and we need to move forward in the journey from injustice to healing and recovery. This apology is a good start, but we all know that actions speak louder than words. While the multipartisanship with which this apology has been received is welcome, it is clear that the words themselves will not be enough to address the wrongs done to the adoptees and their families, as well as to the relinquishing parents and their families.

The government must follow up this apology with a commitment to resource and support appropriate actions to facilitate healing and reconnection, including the provision of counselling services, access to records and reparations. The Greens are committed to addressing the injustices of the past. We are wholeheartedly committed to supporting such actions to assist those affected by forced adoptions in the healing and recovery process, as recommended by the Senate committee's report.

Sadly and tragically for many of those impacted, their lives already have been permanently changed in ways that those of us who are not directly involved can never share nor hope to fully understand or appreciate. For all the mothers, fathers, grandparents, siblings, partners and other family members of adoptees, and the adoptees themselves, these past adoption practices have in many cases blighted their lives.

For all those mothers and fathers, the adoptees themselves, their children and their immediate and extended families who were adversely affected by these past adoption practices, we are sorry. For the many pregnant and unmarried women who were not given the appropriate care and respect that they needed, and were sometimes coerced to give up children for adoption, we are sorry. For the removal after birth from their mothers, and the long-term anguish, emptiness and suffering this caused to all involved, we are sorry. For the friends and families of those today who were subject to forced adoptions and continue to experience feelings of grief, pain and loss, we are sorry. As a community, we were wrong then to do what we did and we are sorry now. I commend the motion to the council.

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) (16:18): I thank honourable members for their very important contributions to this very important motion, and I look forward to the unanimous support of this motion.

Motion carried.

STATUTES AMENDMENT (SERIOUS FIREARM OFFENCES) BILL

In committee.

Clause 1.

The Hon. G.E. GAGO: I want to take this opportunity to put on the record that there is an issue with the figures that were used in the second reading speech. This is my fault, apparently, because I added the court bail and police bail figures together to create one bail figure.

The PRESIDENT: You didn't have on the wrong glasses?

The Hon. G.E. GAGO: I probably did have on the wrong glasses, too, which never helps. This font, which I am sure is size 2, does not help either. The second reading reply will need to include the following text:

> The Attorney-General has asked me to clarify the number of individuals who were on bail at the time of committing a firearms offence between 2007 and 2011. During this period, there were 276 offenders on court bail and 221 offenders on police bail who were recorded as committing a firearms offence whilst on bail. The total of these two figures is 497, but the real total is 442 because some of these offenders were on court bail at the same time as being on police bail. The second reading speech in the other place referred to the 497 figure when the 442 figure should have been used.

The Hon. S.G. WADE: In relation to the same set of data the minister just referred to, the Attorney-General wrote to me on 8 August and gave some additional information. I propose to put that on the record, too. As the Hon. Mark Parnell and I have discussions in the chamber about the value of putting on the record information that is shared with members, I thought I would also put this on the record. The minister has already given an indication about 270 individuals on court bail and the 221 offenders on police bail. In the Attorney-General's letter, he advises:

> I am advised 85 per cent of such individuals were convicted of an offence against section 11(1) of the Firearms Act 1977.

He goes on in his letter to say:

> For your further information, I am advised that approximately 64 per cent of cases regarding an offence of possessing or using a firearm that are listed as finalised cases between 2006 and 2010 were cases involving an offence against section 11(1) of the Firearms Act 1977.

I wonder whether this might be an appropriate point, considering that we are not proposing further amendments to the offence in relation to shooting against a law enforcement officer, where the minister might inform the committee of the government's position on the suggestions of the Police Association for further amendments in that regard.

The Hon. G.E. GAGO: I have been advised that we do indeed regard this as an extremely serious offence, because it is actually shooting at a police officer whilst they are on duty. That is a position that needs to be protected publicly so that officers can go out and perform their function of protecting the public. So it is not just shooting at anyone; it is actually shooting at a police officer. We consider it a very serious offence. In saying that, the person has to know that the person they are actually shooting at is a police officer; whether that police officer is in uniform or out of uniform, the offence requires that they actually know that it is a police officer.

The Hon. S.G. WADE: In summary, the government prefers the amendments that were moved in the House of Assembly than those suggested by the Police Association. I have no further questions on clause 1.

Clause passed.

Clauses 2 to 8 passed.

Clause 9.

The Hon. S.G. WADE: Can the minister explain why we are using the term 'any part of a firearm'? I understand that the Firearms Act uses the term 'firearm part' and I notice that earlier in proposed section 37A(3)(ca) it refers to both the firearm and ammunition as defined in the Firearms Act. I wondered why we did not have all three elements of that provision as defined in the Firearms Act. I would be interested to know why that choice was made, and, secondly, if there is a significant difference in the two.

The reason I ask that is that I presume there are some parts of a firearm—for example, a screw or a bolt or a pin or a spring—that might well be able to be used for other purposes and therefore are not a firearm part in terms of the Firearms Act. I wonder if this will end up being more expansive and perhaps problematic.

The Hon. G.E. GAGO: I thank the Hon. Mr Wade for his questions. In terms of the first part of the question, we would need to obtain parliamentary counsel advice, which we will do now. We would need to take the second part of the question on notice, because it would involve specific information that we could only gain from the police. We are happy to do that but it would take some time to do so, so I will take it on notice. I have been advised, in terms of the reference to the word 'part', that it is not defined by the Firearms Act. Therefore, it is not correct to say 'within the meaning of'.

The Hon. S.G. WADE: With all due respect, the Firearms Act 1997 provides:

firearm part for a firearm means a barrel, trigger mechanism, magazine, cylinder, hammer, bolt, breech block or slide designed as, or reasonably capable of forming, part of the firearm;

It is defined by the Firearms Act, so I reiterate my question: why are we choosing to use the term 'any part of a firearm' rather than 'a firearm part'?

The Hon. G.E. GAGO: I am advised that it was a drafting decision to use the ordinary meaning of part of a firearm.

The Hon. S.G. WADE: I suppose it goes back to my second question, which was: is there a significant difference between the two? It links to the third question. The minister seemed to think that my third question was unrelated. It is not unrelated because, if I am correct in saying that any part of a firearm could be read to mean screws, bolts, pins or springs that might have a general use other than in the use of a firearm, whereas a 'firearm part' in the Firearms Act is a firearms dedicated part, I would be concerned if the numerous references to 'any part of a firearm' through the legislation were to have unintended consequences. I suspect that rather than hold up progress it might be that we go to the end of the committee stage and the government might think about that more.

The Hon. G.E. GAGO: We will check on that.

The Hon. S.G. WADE: That would be great.

The Hon. G.E. GAGO: I am advised that the reason that we needed the wider definition is that under the definition a 'firearm part' means:

...a barrel, trigger mechanism, magazine, cylinder, hammer, bolt, breech block or slide designed as, or reasonably capable of forming, part of the firearm;

It does not, for instance, include a stock. It is a technical definition that refers to the operative parts of a weapon. However, we know that, unfortunately, there is a great deal of innovation that goes into the crafting of illegal weapons, such as the use, for instance, of a piece of piping as a barrel, so a definition was used that would be able to capture these wider applications and include them.

The Hon. S.G. WADE: I thank the minister for her answer.

Clause passed.

Clauses 10 to 26 passed.

Clause 27.

The Hon. S.G. WADE: I raise this question specifically at the request of a constituent. By way of preface to the query, I just draw the minister's attention to the fact that, in proposed section 32AA, the offence involves discharging a firearm 'intending to injure, annoy', etc. Likewise, for subsection (2), an intention is required. In subsection (3), it is discharging a firearm and being reckless as to whether that act injures, annoys or frightens somebody. So, in other words, you do not need to intend to annoy: you can be reckless. The concern of my constituent relates to use of firearms on properties, particularly in rural areas. I might just quote their statement and let them speak for themselves. They say:

There have been cases, mostly in rural areas, in the past of a person making a complaint under the Summary Offences Act S51 against a neighbour where the two have been in dispute over non-firearms related matters. Defending this has apparently been difficult.

This is of course an issue for law abiding firearms owners who might be hunting with permission on a property and a neighbouring property owner makes a [lawful] complaint about being 'annoyed'!

My constituent asks me specifically to ask what may constitute a lawful excuse to be used in this context; in other words, in subsection (3), where it states 'where a person who, without lawful excuse'. I suppose implicit in my constituent's query is: would recreational shooting be a lawful

excuse such that a person discharging a firearm on a property would not be taken to have committed the offence by annoying a neighbour?

The Hon. G.E. GAGO: I have been advised that, in terms of that subsection (3), intention was not included in that section because that was specifically designed to capture those instances where gunshots were made into people's homes or into a shop or other building and the excuse was, 'We did not believe there was anyone in there, so we did not intend to hurt anyone.' So, it was to capture those types of offences.

In terms of lawful excuse, I am advised that there are hundreds of those types of offences throughout our statute books. It is a standard defence for, I am advised, hundreds of criminal matters. There is no specific definition for it. It has been dealt with historically on a case by case basis, but I am advised that there is plenty of guidance and direction in judgements that provide a solid framework for determining what is a lawful excuse.

The Hon. S.G. WADE: Is the minister not able to advise whether this statutory provision would capture recreational shooters?

The Hon. G.E. GAGO: I am advised no, because each case would have to be dealt with on a case by case basis. For instance, what is the definition of a recreational shooter? It might be people who like to go and ping signs on the sides of roads; they consider that a legitimate recreation.

Clause passed.

Remaining clauses (28 to 37) and title passed.

Bill reported without 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) (16:41): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

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

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

That the council do not insist on its amendment.

It was evident, after the failure of section 189A to pass through the upper house in 2011, that costs against police in summary courts was a contentious issue. However, as costs were substantially impacting on the SAPOL budget an attempt to limit costs in summary courts was again made in 2012. The proposed legislation in the Statutes Amendment and Repeal (Budget 2012) Bill 2012 is different from the 2011 proposal. The 2012 drafting was designed to limit costs that could be awarded against any prosecuting authority relating to indictable offences only, both minor indictable and major indictable.

It was primarily drafted as a budget measure to address the anomaly where costs are not imposed against the prosecution in superior courts on both minor and major indictable offences, however, costs could be imposed on the same offences in summary courts. Minor indictable offences are heard and determined in summary courts, however, if the defendant elects to be tried before a jury the minor indictable offences are determined in a superior court. Costs against police on indictable offences are not banned by the proposed legislation.

To ameliorate concerns raised by members in the upper house in 2011, the draft of 2012 does not exclude costs being awarded against a prosecuting authority on summary offences or expiable offences. The 2012 proposal will also continue to allow costs to be awarded against police prosecution in the summary courts on any indictable offences if a delay in court proceedings is through the neglect or incompetence of the prosecutor or the prosecution has unreasonably obstructed the proceedings.

The Hon. S.G. WADE: I thank the minister for her comments. In response, I would say that in terms of ameliorating our concerns relating to this provision in the bill, it is actually not possible. One of the fundamental objections that a number of members of this place had is that it

has no place in a budget bill. It is particularly offensive when this place is currently considering a courts efficiency reform bill, which would be the logical place to put this sort of provision.

As I have said in this place before, I would urge the government to return to the well-established conventions of the parliament and limit budget bills to budget matters. I will not regale the committee with the arguments yet again because this council has shown its strong commitment to those values. The correspondence from the Treasurer yesterday indicates that the government expects to see this in a deadlock conference.

What I might do is deal with some correspondence I have received since the council last made its second stance (two years in a row) to remove these provisions. As a member of parliament, I am not used to receiving thank you letters, so, especially as it was not just addressed to me, I thought I would put them on the record. The first is from the Law Society of South Australia, dated 17 July 2012. Its topic is 'Grateful thanks':

> I am writing on behalf of the Members of the Law Society of South Australia to sincerely thank you and your Parliamentary colleagues for voting against the provisions of the Statutes Amendment and Repeat (Budget) Bill 2012 in the Legislative Council on 17 July 2012.
>
> The Society is delighted with the result. Removal of the Courts' discretion to award costs against the prosecution in a matter in which a defendant was successful would potentially deny parties the ability to defence police prosecutions. It was therefore an 'access to justice' issue.
>
> We are extremely grateful that common sense has prevailed.
>
> Yours sincerely
>
> Ralph Bonig
>
> President

The Australian Lawyers Alliance chose to comment by way of press release. I will take thanks any way it comes. The release, dated Wednesday 18 July, under the heading 'ALA applauds SA parliament knock back on unjust laws', states:

> The Australian Lawyers Alliance applauds members of South Australia's Upper House in banding together to defeat laws which would have stripped successful defendants in the Magistrate's Court to be awarded legal costs. The laws were defeated for the second time in two years. Australian Lawyers Alliance South Australian President, Patrick Boylen said, 'Parliament has spoken loudly on this issue now on two occasions and it's to be hoped that we don't face it again in a year's time. The right to your legal fees is long standing and is one of the factors that underpins our justice system, and that should not be eroded in any circumstance.' If passed, the proposed laws would have meant the defendants, if successful in defending themselves in the Magistrate's Court, would have been deprived of their costs. 'This is a great day for justice in this State,' said Mr Boylen. 'We applaud the members of the Upper House for making a correct and fair decision.'

I urge members of this committee to maintain that position.

The committee divided on the motion:

AYES (8)

Brokenshire, R.L.	Finnigan, B.V.	Gago, G.E. (teller)
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.
Wortley, R.P.	Zollo, C.	

NOES (13)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Parnell, M.
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G. (teller)		

Majority of 5 for the noes.

Motion thus negatived.

CORRECTIONAL SERVICES CHIEF EXECUTIVE

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (16:55): I table a ministerial statement made in the other place by the Minister for Correctional Services on the subject of the appointment of the chief executive to the Department for Correctional Services.

CHARACTER PRESERVATION (MCLAREN VALE) BILL

In committee.

(Continued from 20 July 2012.)

Clause 1.

The Hon. D.W. RIDGWAY: Before we progress to amendments, I have some questions which may help members understand where the opposition amendments will attempt to go. They relate to the character values of the district under clause 6 of the bill. In an amendment to section 22, the planning strategy under the Development Act, later in the bill, the planning strategy must incorporate provisions which address any character values of a district recognised under character preservation law. I want an explanation, as my understanding is that those character values are, as stated in clause 6 of the bill:

(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;

(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.

My understanding is that those values will be open to the interpretation of the minister or the advice the minister has received from his department to be put into the planning strategy. I am interested to tease it out before we progress, because I have further questions about visual amenity in the Barossa, once I have had an answer from the minister.

The Hon. G.E. GAGO: I am advised that the answer to the question is that, yes, they are subject to interpretation by the minister. In relation to planned strategies, the minister is required to consult on those with the community and other relevant stakeholders. Ultimately, the strategy is translated into development plans, and they are subject to the oversight of parliament.

The Hon. D.W. RIDGWAY: I understand what the minister is saying. I am aware that the development plans must reflect the planning strategy; that is the law, they are the rules, and everybody accepts that. What I am interested to know—and I saw this example last Thursday in the Barossa—relates to rural sheds, such as haysheds, which are quite large structures. I think it is The Barossa Council, its development plans say that they must be set back from roadways and that they not be able to be too visible. In fact, in some cases, there should be a bit of a cut and fill so that they lay below the skyline so that they cannot be seen.

When I was near Tanunda last week, I was shown a landscape where there were four winery developments on the skyline, all of them above the hills. They were basically great big sheds. They were not rustic little old buildings made of wattle and daub; they were massive corrugated iron or Colorbond sheds. Nestled below them, were four or five tourism operations, which all looked beautiful.

With the Barossa development plan, there seems to be some conflict between broadacre farming and viticulture, and the residents there feel that the development plan does not adequately cater for them. I am interested to know what attributes are likely to be put into the planning strategy to reflect some equality in the rural landscape. The crops up there this year look sensational, so the visual amenity is magnificent, and these people have expressed feelings about how they are being treated.

I accept that you will probably say that this is part of the Barossa development plan and nothing to do with what we are talking about today. But if we are to assess the character values, the rural landscape and the visual amenity of the district, I would like to know what the minister's view is in relation to things that protrude into the skyline, whether they be a winery or a big hayshed.

The Hon. G.E. GAGO: I have been advised that, ultimately, the minister must consult, and therefore the views of the community will shape the planning strategy. However, the character values will give general guidance to the minister and underpin those sort of amenities and values that communities consider to be of high value and those they consider to be of lesser value.

The Hon. D.W. RIDGWAY: Is the minister indicating that potentially a hayshed, let us say, is of less value than a winery? I guess what I am looking at is—

The Hon. G.E. Gago: Visual value.

The Hon. D.W. RIDGWAY: If it is a corrugated iron shed and it protrudes above the skyline—whether it has wine or hay in it—who determines whether that is a positive attribute for visual amenity or a negative attribute?

The Hon. G.E. GAGO: Ultimately, that assessment is made through two processes: one is through the public consultation that I talked about, and the other is through the planning process. The honourable member would be well aware that the planning process includes local council and, in turn, public consultation that council is required to undertake. There is also the minister and ultimately parliament, because it is overseen by parliament.

The Hon. D.W. RIDGWAY: I have some further questions about character values. Paragraph (b) in this particular clause talks about heritage attributes of the district. In a briefing that was offered to the opposition early in the piece—and I know that the words 'fast-food outlet' have now been deleted from the bill—minister Rau indicated that he was quite happy to have McDonald's in the Barossa Valley, as long as it was not with the big golden arches at the front of the building, and that it was not necessarily what happened within the buildings, as long as they still looked as if they were heritage and in keeping with what I think everyone is trying to preserve. Is that the minister's understanding: that we are now not prohibiting what people do inside their buildings, but that certainly the visual amenity must be maintained?

The Hon. G.E. GAGO: The short answer is yes, that the outside of the building needs to be in keeping with the heritage values, subject to consultation, etc. However, in terms of what industry occurs inside the building, the example that the honourable member gave in terms of McDonald's, a fast-food outlet, would be accepted.

That does not mean that any industry can occur as long as you put it in a nice, heritage-looking building. For instance, we have talked about mining and other industries that can only be developed in that area if they are consistent with those values in that area. So, there are limits on what you can do but, for the purposes of the question I think you were asking, McDonald's could occur as a fast-food outlet in an appropriate heritage-type building that was consistent with the values of that area.

The Hon. D.W. RIDGWAY: I suspect that would be consistent with food, wine, tourism, the sorts of pursuits that we all enjoy in those areas, so I am not—

The Hon. G.E. Gago: Some more than others.

The Hon. D.W. RIDGWAY: Yes, well, if you're having a crack at me because I eat too much, I cannot help it if I enjoy South Australian food. Maybe you should eat a little more. I am also interested in exploring paragraph (c). I do not want to delay things, but I think it will help when I move my first amendment. The built form in the townships as they relate to the district is an interesting character value. Do we build things the way we built them 150 years ago? Probably not. Is it just about set back and allotment size, or is it about building things so they still look the same? As we see wherever we go now, modern building techniques for energy efficiency and a whole range of prices are different from the way we did it 150 years ago. What does the minister see as the built form of the townships as they relate to the districts?

The Hon. G.E. GAGO: I am advised that these builds are about character, and one part of that is the built form. That could include things, as the honourable member mentioned, such as setbacks and other design elements. However, these are not intended to freeze the building forms and designs for ever more to one particular design or fashion. They are designed to complement what is existing, and obviously that will evolve and develop as technology improves and our tastes change over time. These changes will be reflected through public opinion and consultation, so it is expected that there will be evolution of some description. As I said, it is meant to complement not freeze in time.

The Hon. D.W. RIDGWAY: Minister, I guess what you are saying is that, as we get more pressure for people to live in those areas, you would expect higher density dwellings in the townships of both the McLaren Vale and the Barossa, and maybe more than one storey. We might see not high-rise but two to three-storey type walk-up townhouses and apartments.

The Hon. G.E. GAGO: I have been advised that obviously it is possible. It is highly likely that that would be a long way off; but, having said that, again, it is subject to the wishes of the community. It is really about what the community is prepared to tolerate and what it believes reflects the underlying character and heritage of the region.

The Hon. D.W. RIDGWAY: It might be a long way off, minister, but my understanding of the legislation before us is that the boundaries, as lodged at the General Registry Office, will be enshrined in legislation. So, for the town to accommodate more people at any point in the future—and it may be a long way off—there are two options: one is to come back to parliament and say that we need a bit more land to build on, or we build up and have higher density. I grew up in a rural community where more and more people go to live. People like to age in their community and people need employment to service those elderly people and grow the economy there. I am assuming that the government's preferred option is to grow up, not out.

The Hon. G.E. GAGO: I have been advised that the boundaries are currently set with a 30-year horizon. So, it is a big footprint which is more than capable of dealing with the anticipated growth needs for those regions for, as I said, 30 years.

The Hon. D.W. RIDGWAY: But we are passing some legislation today that, while it may be reviewed every five years, will be here in perpetuity, I suspect. If it passes this chamber, it is unlikely to be repealed and thrown out, so it will be something that future generations will have to deal with. Thankfully, you and I will not be here in 30 years, so it will not be—

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: Well, if you are still here in 30 years, I will be delighted not to be here, that is for sure. Nonetheless, I think we need a definitive answer. If the townships are to grow, there are two ways: firstly, by changing the boundaries which, I assume, means coming back to parliament or, secondly, with higher density smaller allotments and more than one storey.

The Hon. G.E. GAGO: I remind the honourable member that the legislation is required to be reviewed every five years but, basically, there are three options. One is that we grow within the boundaries and, as I said, the footprint has been planned for at least 30 years. It is a large footprint and there is, we believe, plenty of room for communities to grow within those boundaries.

However, if the growth is higher than expected, then there are two choices: it either comes back to parliament and the boundaries are reviewed or the parameters around housing density are reviewed. Again, it will really be up to communities to decide what sorts of solutions they want for the growth of their communities.

The Hon. R.L. BROKENSHIRE: I just have a point of clarification on two or three of the general issues within townships we are discussing here. With respect to the protection of the character, if you look at the main street of McLaren Vale, apart from one set back off the road that is newer, one that has been there for about 40 years that is also two-storey and one or two that have got a type of mezzanine, there is a specific character in the main street of McLaren Vale that goes right back to the Belvedere and Gloucester years before they became the one township of McLaren Vale.

Is the minister saying that, to protect the character of the main street of McLaren Vale, they would not be allowed to have two or three-storey facades as the honourable Leader of the Opposition has raised? It would be a concern to me if they were allowed to, so that is the first point. The second point is: if there was to be a change like that, which is an extreme change of character to the main street of a town, would the council be able to make that provision through an amendment plan?

You talk about community being involved. Is the community being involved through the council making that decision? The third point on this was raised with respect to the golden arches of McDonald's and the fact that the minister has said to the house that golden arches would be prevented from being part of the architecture, which is in itself interesting. I am not sure if the Hon. Rob Lucas has been to the one at Kadina yet because it is new, but I am sure he has been to all the others and it will not be long before he does go to the McDonald's at Kadina.

There was a debate in Kadina township about the golden arches and in fact McDonald's was going to withdraw and refuse to develop the facility if it was not as per their total corporate style, which in the end occurred. The point is that, if you keep the character that we have been talking about, but then you have corporates like New Holland, Case or John Deer, or any of them who have specific logos and colour schemes, what is the situation regarding that with respect to the businesses as well? There are three points there that I would appreciate clarification of.

The Hon. G.E. GAGO: I believe I have answered these questions previously. This legislation provides a framework to provide guidance. Basically, what is or is not acceptable is a matter for communities to consider and decide, and we know that that is likely to change, develop and evolve over time as well. Whether golden arches are accepted or not is a matter for that community to decide; they will decide whether that is in keeping with the character that they want for their community.

The Hon. R.L. BROKENSHIRE: There are two further points. Are colour schemes also for the community to decide? Is the high-rise changing the whole character of a main street also for the community to decide? If indeed it is, what is the definition of the community from the point of view of implementation? Is it community through members of parliament to the houses of the parliament, or is it community through local government? These are fundamentals that I think we need to have clarified.

The Hon. G.E. GAGO: Again, I have already answered this question. I have said that it is for the planning process to resolve that matter. That is a very thorough process. It involves councils, it involves intensive community consultation, and it involves government and ultimately parliament. As I said, those processes are in place. This legislation does not undermine that. It simply provides an overarching framework for that to work within.

The Hon. D.W. RIDGWAY: The Hon. Mr Robert Brokenshire does make a valid point, though, about the overarching framework from a tourism point of view and a rural landscape point of view. The farm machinery dealers like New Holland, Case and others do provide equipment that is vitally important to the pursuit of modern farming practices, whether it is viticulture, broadacre farming or other horticultural pursuits, and so those emblems—the big illuminated lights, etc.—that are part of their development, can be prominent so that when Mr Farmer comes to town and wants to buy a new tractor he can see the person he needs to go and see.

He makes a valid point: if they are allowed, how do you deal with—I do not want to dwell on the golden arches—any of the things that the original intent of the bill was aimed at? I expect that what the minister is saying is that things like McDonald's and others can go ahead but we really do not want to see their sort of emblems polluting the landscape down the main street, although we are more than happy to have New Holland, Case, John Deer, the Holden dealer and their big emblems in the main street. I would just like a little clarification on that, please.

The Hon. G.E. GAGO: I cannot provide any further clarification. I have spoken to this issue several times and it will be a matter for communities to decide what is acceptable as an emblem, a branding or an outside building adornment and whether that is in keeping with character or not.

The Hon. M. PARNELL: Just to assist the chamber, because I have listened intently to the questions the Hon. Robert Brokenshire has asked the Hon. David Ridgway, I think part of the dilemma we have here is that people are reading a bit more into this legislation than exists. There are some things you can do that you do not need permission for that can absolutely ruin the amenity of a location; for example, if you wanted to paint your house hot pink, or some garish colour. Unless it is a heritage-listed house where there are some controls, you can do all manner of things that can change the character of an area and, currently, you do not need approval for it.

I think where this confusion has arisen is that we have these character values of the district and then there is an assumption that this legislation will protect all of those character values. The answer is, no, it won't, unless it involves development, unless someone comes along before the authorities and plans to do something, whether it is subdivide, build a building, install a new illuminated sign, or whatever. So, whilst it is not my job to answer questions on behalf of the minister it seems to me that an expectation has arisen that, because we have these noble character values, somehow this legislation will protect them all, when clearly it will not.

The Hon. D.W. RIDGWAY: I will move to the viticulture, agriculture and associated industries. It was raised with me in the Barossa last week about the conflict that exists between viticulture, or vineyard, development and broadacre development. I do not recall the exact detail of

it but my understanding is that if I was to plant a vineyard on the boundary of the minister's and my properties, because it is my land and I wanted to do that, then the minister has to provide a 100 metre buffer for spraying of a range of (I think) group A chemicals, the more volatile ones that damage grapes. I would like some clarification as to whether any one particular agricultural pursuit in these character values will take precedence over the others, or will they all be treated equally?

The Hon. G.E. GAGO: I have been advised that these character values are aspirational and they provide legislative guidance only. They do not deal with or change in any way land use rules such as the ones that the honourable member has referred to, those matters are dealt with either by the EPA or through biosecurity inspectors in PIRSA. So, those rules remain unchanged by this legislation.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. D.W. RIDGWAY: I move:

Page 2, line 7 [clause 3(1), definition of *development authorisation*]—

Delete the definition of *development authorisation*

In some ways, I guess, this will be somewhat of a test amendment, and I will probably divide on it, over a suite of amendments the opposition is proposing. I think the minister hit the nail on the head a little in her comments that it is the community that will determine the character values, they will be the framework and the community should determine how it develops in line with those character values.

We have some legislation before us as a result of a reaction from the government when they made some very silly decisions, and that was to declare the rezoning of Mount Barker a major development. I see the member for Mawson in the gallery. We had the Seaford Rise issue which he was silent about before the election. It was sold prior to the election in an open process but of course, when he got some pressure from his local community, he said we must protect the Barossa Valley and McLaren Vale.

The Hon. R.L. Brokenshire interjecting:

The Hon. D.W. RIDGWAY: The opposition had also supported the principle of some level of protection when we supported the Hon. Robert Brokenshire's Willunga Basin Protection Bill prior to the last election. We also saw the Buckland Park issue which was declared a major development. The really big threats to these particular areas from urban sprawl have been from a government intervention, whether it be by a minister via a ministerial DPA or whether it has been a major development.

This legislation sets up a framework of putting the boundaries in place for the regions. We saw earlier in the year that the Henschke's Hill of Grace winery was taken out of the protection zone because it was deemed to be not that important or the Mid Murray council did not want it. My view and the opposition's view is that if you are to protect a unique character value of the district—the rural landscape, the visual amenity, the heritage attributes, all the things we have been discussing in these questions—then Henschke's winery should be part of that.

We saw some change of the boundaries but nonetheless we have had these boundaries put in place and then we have had the town boundaries, although I suspect thankfully with some questioning from members in this chamber we have had some adjustment to some of those boundaries because there were some areas missed out. If there is anything else that has been overlooked or if somebody has a non-complying development because the boundaries were inaccurate when they were lodged, I hope the minister will and the government will assist those people to get those developments approved because there may well be some unintended consequences.

Nonetheless we have zone and township boundaries. I guess what is overkill here is that the government wants to bring the parliament in to be the final arbiter if there is to be a change of boundaries. When it has been the minister in the last decade it has only been when the government and the minister have intervened that we have seen any real pressure on these particular areas, so the opposition's suite of amendments is designed to give control back to the community and local councils and not to rest it here in the parliament.

It is interesting to note—and I will use an example but I am certainly not singling out the Hon. John Darley for any reason other than as a demonstration—we have seen with the Work Health and Safety Bill that the Hon. John Darley has the casting vote and he exercises that vote as he sees fit. We could very well see some development that the community wants, and the minister talks about how this is a 30-year horizon.

We could well see some development the community wants or a change of boundary for whatever reason, whether it is the township to grow or the actual outer boundaries to change for whatever reason. We would see that come through the parliament. As I said to minister Rau last week, it is very simple for him because he lives in a world in the House of Assembly where the government of the day has the numbers and they do not ever have to worry about whether their legislation will get through.

If the government of the day says, 'Yes, we think this is a sensible idea to make some amendment to the boundaries of these zones,' it comes to the Legislative Council and I suspect we will see a make up of about one-third, one-third, one-third in perpetuity. Regardless of who is in government, there will be roughly a third of the members with the government, roughly a third with the opposition and roughly a third with the crossbenches.

The opposition believes it is a foolish way to go to have those local final decisions that the community should have input about—as the minister was saying, these are about the community wanting to reflect the values that they hold dear (the built form and all the things the minister has been talking about). We could find that in 10 to up to 30 years' time there is a member of parliament in here who just simply does not agree. It is one person who may have no connection to the region and it might well be that the government of the day, the community and the local council see it as a sensible way forward, yet there is one member of parliament who says they do not agree with it.

We know that games are played in a chamber that is divided into thirds, and I use 'games' in a broad sense. Often there is some horsetrading done to get support for different pieces of legislation at different times. There is an old saying that in politics on different days you have different friends for different reasons.

The opposition believes that this is a way too cumbersome way to deal with it. The better option is to put the boundaries in place, put the town boundaries in place, remove the minister's right to do any ministerial DPAs in the rural zones and major developments, and let local councils manage them as they have done for the last 150 years. I remind members that it has only been under the pressure of urban sprawl that we have had the minister or the government of the day come in with a ministerial DPA or with a major development.

My first amendment is to delete the development authorisation, because we think all of those areas should remain in control of the council. The term 'designated area' is also deleted as it no longer requires differentiation as clauses relating to the restrictions on residential land in divisions will be opposed. The districts and township will be enshrined in the legislation and, under the amendments that I propose later on, the use of major developments and ministerial DPAs will only be available to be used in townships.

I urge all members to support this clause as a test to see whether we are going to go down the path of having parliament decide on the future of these areas. As honourable as it might seem, if it is supported, I suspect we will find that somewhat frustrating in the future, or we can adopt the opposition's approach of enshrining these areas in legislation, taking the minister out of the equation and letting the local communities have a say.

The Hon. J.A. DARLEY: I have a question for the minister that relates to both the McLaren Vale and Barossa protection bills. The current DPA applying in both districts, which I understand from the Minister for Planning was intended as a holding measure pending debate on this legislation, makes the building of a house on an existing allotment noncomplying. This makes it difficult for landowners to build a house on land that has already been subdivided.

Could the minister please confirm that it is the government's intention that, once this legislation has been supported by the parliament, this restriction will be removed, that is, that landowners who wish to build a house on their land will be subject to the requirements previously applying?

Further, in instances where an allotment is deemed to be noncomplying, can the minister give an assurance that his department will address with councils procedural aspects of such

applications with a view to ensuring that they are not unduly burdensome on the landowner? Specifically, this should include ensuring that landowners are appropriately consulted with and guided through any application process by council and not put to excessive cost or delay in having an application considered.

The Hon. G.E. GAGO: I have been advised that these two bills were introduced in April this year, and since their introduction they have generated a great deal of debate within both parliament and the community. Much of the debate has centred not on the bills but on the development plan amendment (DPA) that the Minister for Planning introduced at the time the bills were introduced.

It is understandable and natural that both councils and those directly affected by the DPA have raised concerns about the long-term impact of the changes introduced in that DPA, in particular, the temporary freeze on constructing dwellings outside urban areas. As the Minister for Planning stated in the other place when he introduced the bills, the associated development plan amendment was put in place to prevent inappropriate urban development from occurring while parliament debates this legislation.

There is not, nor was there any, intention that this freeze would remain in place once these bills have (hopefully) been passed by parliament. When the Minister for Planning is awaiting advice from the Development Policy Advisory Committee (DPAC) before finalising the DPA, it has always been the government's intention that the DPA, particularly as it relates to dwellings in rural areas, would be a holding mechanism.

If these bills are passed by parliament, subject to the advice of the DPAC, the government will return planning policy to the position that existed prior to the bill's introduction; that is, if the landowner had an ability to seek approval to construct a dwelling outside townships or rural living areas, that ability would be reinstated. By the same token, if a landowner had property where, prior to the introduction of the DPA, a dwelling was noncomplying, then the policy position would be reinstated.

In relation to the issue of streamlining procedural issues, I am advised that the Minister for Planning has already instructed the Department of Planning, Transport and Infrastructure to provide case management support to landowners affected by the noncomplying status imposed in SA and to resort to the interim development plan amendment.

It is important for me to point out to members that in the state planning system noncomplying status does not mean the development is prohibited. We do not have a prohibited category of development in our planning system. Noncomplying development can be approved at the discretion of the assessment authority, if the assessment authority considers it appropriate. I am advised that in both the Barossa and McLaren Vale districts all but one of the dwellings proposed while the paused DPA has been in effect have been approved with the concurrence of the DAC as noncomplying developments.

Further, the best advice available to me is that the application that was refused would almost certainly have been refused under the previous development plan policy. I am advised that DPTI will continue to provide this level of procedural support while the paused DPAs are in effect and for a reasonable period after the commencement of this legislation, as some time is needed to bed down key implementation outcomes.

The CHAIR: We have in front of us an amendment moved by the Hon. Mr Ridgway, to which the minister has not responded.

The Hon. G.E. GAGO: The government opposes the amendment and sees it as a test clause for the rest of the Hon. David Ridgway's amendments. This amendment and the related amendments to be moved by the Hon. David Ridgway are opposed. I also note that the Barossa Council opposes a number of the Hon. David Ridgway's amendments. This is because the net effect of his amendments is the very antithesis of what this legislation seeks to achieve. They would represent an unprecedented limitation on ministerial authority in the planning system, both within South Australia and nationally.

For the councils, it would effectively make them unaccountable to anyone but themselves—perhaps superficially attractive, but not the best way to achieve integration of land use, planning, infrastructure and service delivery. Nowhere else in Australia is the elected government of the day removed from having oversight of zoning by local councils, and there are very good reasons for this. The provision of infrastructure and services, the protection of significant

environmental assets, the maintenance of housing affordability and a competitive land supply to support industry and jobs are properly matters that fall within the domain of state government.

Indeed, the Productivity Commission in its recent benchmarking report into planning systems made it clear that it saw planning as a shared function requiring the involvement of all spheres of government, and it endorsed the practice of oversight of local zoning decisions by state governments as a leading practice for all planning systems. Indeed, the Hon. David Ridgway's amendments would remove the minister of the day from any oversight of planning decisions in either of the two districts.

The relevant councils would be free from any limitations that come with oversight by an elected government. It would be a free-for-all. It would be like South Australia's own version of the Hutt River Province, a place purportedly free from rules that govern the rest of our community. It would set a dangerous precedent for planning in our state.

The opposition's thesis underpinning these amendments is apparently that the state government is a principal threat to maintaining the long-term character of the McLaren Vale and Barossa regions, while the councils have no blemish to their record, yet the state governments of both political persuasions and councils must share the responsibility for the incremental encroachment of urban areas on these iconic districts. It is noteworthy that in the Barossa region, for instance, the significant rural living area between Sandy Creek and Williamstown, which has been long since useless for continuing agricultural use, is a product of the stewardship of the council for many years without any active intervention by state government.

Conversely, it is true to say that the extension of the southern suburbs into the McLaren Vale wine growing district is a product of state governments of both political stripes. Indeed, the Seaford area, including Seaford Heights, was first rezoned for future urban growth as far back as the Playford era as a result of the 1962 metropolitan development plan.

These bills will put a stop to that. They are supported by the councils in each district, they are supported by the community and they are supported by the wine and tourism industries. Why does the opposition want to jeopardise that by moving these amendments? That is what these amendments will do, completely undermine this legislation. It is fine for the opposition to make political points and the Minister for Planning has conceded that mistakes have been made in the way rezoning has been undertaken in the past. It would be irresponsible to jeopardise the long-term protection of these two iconic districts that these bills strive to achieve just to make that point.

Imagine the potential for expensive and irrevocable planning mistakes that the opposition's amendments would give rise to. Government would be unable to intervene to protect community interests, support economic development, protect environmental assets or even protect its own infrastructure through appropriate land use policy. South Australia's planning system has been consistently recognised as leading the nation by promoting integrated land use policy. It is not perfect, but it is right up there.

These amendments will set us back significantly and make us truly a laughing stock of the nation. They are extraordinary matters for a shadow minister to pursue, and show a lack of understanding or commitment to sound policy and good planning. The government will strongly oppose these amendments and seeks the support of this council to oppose these amendments.

The Hon. D.W. RIDGWAY: Is it in order for me to question the minister at this point?

The CHAIR: If you are so inclined.

The Hon. D.W. RIDGWAY: I am interested to know why the minister believes our amendments will make it unprecedented that the councils have an unfettered control. My understanding, and the discussions with parliamentary counsel, is the existing provisions will prevail where councils will be able to amend their development plans and the development plans must come to the minister for sign-off or appraisal. So I do not see any difference from the existing provisions that prevail today. I would like the minister, firstly, to explain why she thinks this gives the councils absolutely unfettered control.

The Hon. G.E. GAGO: That is not the advice that we have received. The advice that we have received is that council could initiate a DPA and that council could complete a DPA without ministerial approval or intervention.

The Hon. D.W. RIDGWAY: My understanding, and I might have to consult with parliamentary counsel, was that the current provisions prevail where councils can initiate a DPA,

and I would expect that under our provisions that would happen, but you cannot have a DPA approve the process. My understanding is that it must go across the minister's desk.

The Hon. G.E. GAGO: That is not our understanding; that is not the advice we have received. The advice we have received is that councils can both initiate and complete a DPA without ministerial input.

The Hon. D.W. RIDGWAY: So, that is the current state of play? We are not looking to change in our amendments what currently prevails in the Barossa and McLaren Vale. So, what you are telling me is that the Onkaparinga council, Barossa, Light and Adelaide Hills can actually initiate a DPA and not consult with the minister at all and proceed with that particular rezoning?

The Hon. G.E. GAGO: I have been advised that the substance of these amendments would change the existing arrangements. The existing arrangements mean that the minister has to approve. The amendments the honourable member is proposing will change that and would remove the powers of the minister to intervene, giving full fetter to local councils to do what they will.

The Hon. R.L. BROKENSHIRE: We are still considering this clause within the debate. There is a little bit of confusion there. My understanding is that, when the council does put in development plan amendments, they do have to go through a full and thorough process; it does ultimately end up on the minister's desk. I would ask the minister, given that we are not going to finish this debate today, to bring in any legal opinion the department has, because I think it is an important area to be clarified, and/or to bring in and table documentation that shows that the Hon. David Ridgway is wrong in his assumptions, because this is a fairly important area that needs clarification.

The Hon. D.W. RIDGWAY: Having had a quick discussion with parliamentary counsel, I would move that we report progress on the basis that parliamentary counsel would like to spend some few moments talking to the minister's adviser. Given that we are seven minutes from six o'clock, I am wondering whether it is appropriate to report progress and that, when we have had that discussion, we can carry on after dinner.

Progress reported; committee to sit again.

EVIDENCE (REPORTING ON SEXUAL OFFENCES) AMENDMENT BILL

Received from the House of Assembly and 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) (17:54): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends section 71A of the *Evidence Act 1929* to permit an application for a publication order if an accused person has not consented to the publication of material under subsection (1) or (2) of section 71A.

An application for a publication order may be made by a person who has, in the opinion of the court, a proper interest in the question of whether an order should be made.

The court will be able to lift or vary the restriction on publication of the name of a person accused of a sexual offence, or information about the evidence or proceedings, if it is satisfied that to do so would assist in an investigation of an offence, or if it is otherwise in the public interest to do so.

Publication of information by which the identity of an alleged victim is revealed, or from which the identity of an alleged victim might reasonably be inferred, remains prohibited by section 71A(4). The only exception to this prohibition is if a judge authorises such publication, or if the alleged victim consents to such publication; but no such authorisation or consent can be given if the alleged victim is a child.

The amendments require the court to make an initial assessment of an application for a publication order to determine whether the applicant has a proper interest in the question of whether the order should be made. If, in the opinion of the court, the applicant does have a proper interest, then the applicant, a party to the proceedings in which the order is sought, a representative of a newspaper or a radio or television station, and any other person who has a proper interest in the question of whether an order should be made, will be permitted to make submissions and, with permission of the court, call evidence in support of the submissions.

This Bill adopts one of the Hon. Brian Martin AO QC's recommendations from his Honour's 2011 report into the operation of section 71A. The Hon. Brian Martin AO QC also recommended the repeal of section 71A(1) and (2),

but it was noted that these recommendations represented his personal views and that *there is no 'right' answer and opinions can legitimately and reasonably vary*.

The majority of the submissions made to the Hon. Brian Martin AO QC supported the retention of section 71A(1) and (2) in at least some form. Some confidential submissions to the review provided detailed accounts of the detrimental effect that the publication of allegations of sexual offending had had on the accused and his or her friends and family. These stories were not only from accused persons, but from friends and family members who had experienced harassment, prejudice and threats even despite an eventual finding of not guilty, or the dropping of the charges.

The Government is well aware that the breadth, speed and accessibility of reporting now available by electronic media make it necessary to review the whole issue of suppression laws, and this is currently being undertaken at a national level. Given that those discussions are taking place, and that submissions to the review were generally supportive of retaining section 71A in some form, it is reasonable at this time to take a conservative approach to reform. The amendments will provide some flexibility to the existing law.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

4—Amendment of section 71A—Restriction on reporting on sexual offences

This clause proposes to amend section 71A of the *Evidence Act 1929* to provide that if an accused person has not consented to the publication of material under subsection (1) or (2), the court may, on application, make an order (a *publication order*) that the restriction on publication under subsection (1) or (2) be varied or removed altogether.

To make a publication order, the court must be satisfied that to do so may assist in the investigation of an offence or is otherwise in the public interest.

An application for a publication order may be made by any person who has, in the opinion of the court, a proper interest in whether an order should be made, and submissions on the application may be made by any of the following:

(a) the applicant for the publication order;

(b) a party to the proceedings in which the order is sought;

(c) a representative of a newspaper or a radio or television station;

(d) any other person who has, in the opinion of the court, a proper interest in the question of whether an order should be made.

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

[Sitting suspended from 17:55 to 19:45]

CHARACTER PRESERVATION (MCLAREN VALE) BILL

In committee (resumed on motion).

Clause 3.

The Hon. G.E. GAGO: When we left off there were some questions around the clarification of the status of the powers of the minister to intervene in the planning process as a consequence of the Hon. David Ridgway's amendments. We have sought further advice; and it is a little lengthy, so sit back. This font size is three, rather than two.

When we reported progress I was asked to clarify the precise nature of the operation of the amendments in total being moved by the Hon. David Ridgway. Before I go into that detail, I want to stress to members the fundamental difference between the proposition the government brings to the council and the effect of the amendments that the Hon. David Ridgway has before us for which this is the test clause.

Fundamentally, as the Minister for Planning has said on many occasions, this legislation is about giving parliament the power to have a say in the future of these districts rather than the minister alone. Currently, as members would know, the minister has broad discretion of oversight to development plan amendments in the planning system.

While governed by the provisions of the Development Act and subject to some parliamentary oversight, it is the minister's judgement that counts ultimately. We in the government simply do not think that that is an acceptable way to deal with these two iconic wine-growing regions in the way that the opposition proposes. These government bills will change the way that occurs.

The government bill will remove power from the Minister for Planning and give that power to parliament. That is what the bill intends to do; it intends to remove the power from the Minister for Planning and give that power to parliament. The Hon. David Ridgway's amendments do the reverse: they remove the power from the minister and give it to local councils. They do not empower parliament: they disempower the elected government of this state. I said before the dinner break that this would result in these areas being treated in an unprecedented fashion. They would be unique within the state planning system and unique within the nation in preventing the elected government of the day from appropriate involvement in rezoning decisions.

We are seeking to broaden the number of elected members who will have responsibility for protecting the character of these two particular districts. The Hon. David Ridgway's amendments, by contrast, seek to narrow it to elected bodies with fewer members—and, in fact, fewer voters. As the Productivity Commission rightly points out, planning must be a shared endeavour. This has to mean that our planning system—which, as I mentioned before the break, is regarded as a leading model across the country for its integrated approach to development—must be based on an appropriate balance, a balance of community, council and government interests.

It also has to be based on a long-term vision. The problem for both these districts, which I also mentioned before the dinner break, is that incrementally, over time, governments of both political persuasions and successive councils failed to stick consistently to a long-term plan for these areas, a plan that would ensure that their productive capacity and unique character are maintained. The government's legislation, and the amendments we bring to the chamber, will ensure that there is a legislative framework that ensures decision-makers in the planning system—councils, governments, parliament and the community—cannot repeat the errors of the past decades and allow the unique character of these districts to be casually or indifferently or, for whatever reason, eroded.

Let us be frank: we are at the tipping point where that could happen if we do not establish firm rules. Long-term population growth for the state means that we need to find ways to house people in the future. If these bills are not supported it will be too easy for future governments and councils to accommodate growth by continuing urban sprawl, a result which will, slice by slice, consign the character of these areas to history.

The amendments put by the Hon. David Ridgway will not achieve the outcome he seeks, and they will come with a number of unintended consequences that could contribute to the erosion of the character of these regions. If a council in one of these districts does not agree with the minister of the day, it will be able to thumb its nose at the will of the elected government, no matter how significant the state's interests might be. Under these amendments the minister would not be able to intervene through rezoning to protect the heritage and character of these districts. The minister will really be at the council's beck and call, and could be required to beg the council to consider their views.

What if the Natural Resources Management Board requests the government to make planning policy changes? The minister will have to go to the council. What if the government needs to reserve an infrastructure corridor for a road, railway, pipeline or other network infrastructure? The government will be at the beck and call of that council. They will have to go to the council and beg the council for consideration. What if the government wants to update zoning in the area to be consistent with zoning elsewhere in the state, making it easier for landowners to seek development approval for activities consistent with rural use of that particular district? The government is going to have to go to the council and be at their beck and call.

The Hon. David Ridgway's amendments will result in a Mexican stand-off. This is the antithesis of integrated land use planning. These are all the things that we have been working to try to pull together, and this amendment before us is the antithesis of that. It is the antithesis of the

recommendations of the Productivity Commission. It is a recipe for conflict rather than cooperation, and I must add that it is not what the community wants. They want legislation which will provide the right guidance to all players in the planning system, not legislation that removes the government from a role altogether.

To give an example of legislation similar to these bills, I draw to the chamber's attention the WA example of the Swan Valley Planning Act, which sets up a similar protection for another well-known winegrowing district. Unlike the Hon. David Ridgway's amendments, this legislation still maintains a role for the elected state government minister, but it also sets out a statutory framework to guide the minister and the local councils in the discharge of their functions. Certainly I understand that the Hon. David Ridgway has looked into the Western Australian planning system. I think this example, which maintains an appropriate role for ministerial involvement, while also maintaining a crucial role for local government, is one to be mindful of.

On the technical issue, I beg the council's indulgence to briefly state the government's understanding of the effect of the Hon. David Ridgway's amendments, having had the chance during the dinner break to clarify the matter with parliamentary counsel. These amendments will prevent the minister from rezoning any part of each district without the agreement of the council. They will prevent the minister from protecting the state infrastructure and state significant environmental assets.

Technically, yes, the minister retains the right under the Development Act as a gatekeeper for council DPAs, but that is all. To the degree that my remarks prior to the dinner break suggest that this was not the case, I seek to make that clear at this point. However, as I have already said, this amendment is a recipe for a Mexican stand-off. It is a recipe for ongoing, continual conflict with those councils involved. It will fundamentally reverse the situation for the minister of the day and remove their decision-making for those districts. It will be quite an extraordinary planning system. Indeed, I am advised that it will be the only one of its sort in the nation.

As the Minister for Planning has already made absolutely clear, this is about expanding the group of people with responsibility for protecting the character of these two areas, not about narrowing it down to a small base without appropriate oversight and guidance. Ultimately it is up to this chamber to determine this amendment and the remaining amendments put forward by the Hon. David Ridgway. It is time for this parliament to hear what the community and winemakers in these districts have to say, and it is time to put in place the appropriate legislative framework that will ensure co-operation to achieve this outcome, not conflict.

The Hon. D.W. RIDGWAY: I might just add by way of comment that I did go to some of the public meetings, unlike the minister opposite. I know she is not the minister responsible, but I did hear the concerns of the community. While there are some winemakers and others who have some support—

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: I sat in silence while you talked. I listened to a whole range of views. In fact, the Liberal Party had a party seminar in McLaren Vale only the week before last. There is a whole range of views, so it is not only about the people you have spoken to. I have some questions. The McLaren Vale and Barossa Valley regions, are they not covered by the 30-year plan? Already there are plans for growth in those areas under the 30-year plan.

I am interested in the minister's statement that, under my amendments (the opposition's amendments), the government would never be able to come in and reserve an important corridor for transport or infrastructure. So does that mean that under the government's amendment the minister can just come in and put a road or infrastructure corridor through the Barossa Valley and McLaren Vale without any consultation?

I am very confused. I spoke to parliamentary counsel before the dinner break and sought some advice. Our intended amendments were to make sure that the status quo remains. We put a boundary around the regions, we protected towns, but the rural areas remain the same as they are today. I am a bit confused as to where the minister is getting her advice.

The Hon. G.E. GAGO: Just while part of the question is being checked, in relation to the 30-year plan: yes, it is covered by the 30-year plan. Everyone knows that. In relation to the second question about the ability to provide an infrastructure corridor, the opposition's amendment means that the government will be required to buy land rather than rezone it in order to reserve land for, say, an infrastructure corridor. A good example is, for instance, the northern corridor. The

government does not own that land: we have simply put a rezoning caveat over the top of it. This amendment would mean that the government would then be required to actually buy the land rather than have powers just to rezone for infrastructure purposes.

On the third part of the question, I have been advised—and this is based on parliamentary counsel advice—that the Hon. David Ridgway is right. The status quo does apply for DPAs that apply to council, so the normal processes for a DPA will apply to council—status quo—however, those normal processes or the status quo will not apply to the minister. That is where the change is and that is the absolute threshold. They will not apply to the minister.

The Hon. D.W. RIDGWAY: The point I have been trying to make for about two hours is that that is the difference. We want to take the minister out of the equation. It was the minister who rezoned Mount Barker, it was the minister who did Buckland Park, it was the minister who intervened down at Seaford. We have said we do not want the minister involved.

There are two questions I would like to pose to this minister. She spoke about corridors and said she would have to buy the land. My understanding is that, if somebody owns land privately and the government wants it for a corridor, they are actually required to compulsorily acquire it and pay a fair and reasonable price for it, so I cannot see what the difference is in that particular circumstance. In relation to the comment the minister made about the Swan Valley protection zone, she spoke about the minister having powers and local council having powers, but does the parliament have powers in the Swan Valley zone?

The Hon. G.E. GAGO: I have been advised that, indeed, governments can compulsorily acquire land, but we only do that as a last resort. The provisions to be able to rezone are a much less intrusive and invasive way of dealing with those matters.

In relation to the WA example that the honourable member refers to, it is parliament that sets the boundaries in relation to that and parliament that sets the guidelines that that works within. Again, the threshold is this issue of removing ministerial powers altogether from this framework, which we are saying it seeks to narrow because it leaves out the parliamentary input.

As I said, there are very good reasons why elected governments of the day have oversight of zoning by local councils. Those reasons are things like the provision of infrastructure and services, the protection of significant environmental assets, the maintenance of housing affordability, competitive land supply to support industry and jobs, and other matters that fall within government.

So, unless the government of the day has input, all of those matters are simply left to the complete control of council, and the government of the day has to really go to the councils and hope that they can beg for mercy and have those sorts of matters addressed.

The Hon. D.W. RIDGWAY: Sorry to keep labouring this point, but we are talking about ministerial oversight. We are not looking to change anything that exists today. The advice I have had from parliamentary counsel is that whatever happens today, the existing provisions, the development plan, ministerial oversight—the minister said we needed ministerial oversight; we have that today because every rezoning and development plan amendment goes to the minister—is exactly what happens now, and that is what we want to continue.

What we have argued is that we do not want the minister to be able to do major developments or ministerial DPAs in the rural zone, which is offering a level of protection. They are the points that we are arguing over. Clearly, the existing provisions that we have today have worked well. We want to put a boundary around the region, around the towns. I have spoken to parliamentary counsel and I think the advice I got earlier was still consistent, and I cannot understand why the minister does not agree.

The Hon. G.E. GAGO: I think that, for fear of being repetitive, I have made it quite clear that, indeed, the status quo does prevail in terms of processes for DPAs that apply to councils. However, the status quo does not prevail—these amendments change significantly the processes that apply to ministers.

What these amendments do will remove the power for ministers to be able to initiate DPAs; I have already taken pains to outline several times all of the implications and I do not need to do it again. That is the difference; that is the impact this has. I think we have repeated it now several times. I think the issues for members are clear in terms of the impact these amendments have, and I think it is time that we move on.

The Hon. D.W. RIDGWAY: I have one further question. Is the minister saying that if the bill is not amended the minister will be able to implement a ministerial DPA in McLaren Vale or the Barossa? Clearly, she is saying that my amendments remove the minister's rights and she is saying that, if the bill stays as the government proposes, then they will be able to do ministerial DPAs.

The Hon. G.E. GAGO: Yes, consistent with the legislation.

The Hon. D.W. RIDGWAY: Mr Chairman, that is the very reason that we have the problem with Mount Barker. Minister Rau said that under his watch it would never happen again, and now the minister has admitted that it can happen with this legislation.

The Hon. M. PARNELL: When this debate started before dinner, it was a debate on [Ridgway-1] 1 to delete the definition of development authorisation. Since then—and certainly no criticism on your part, sir—it has now morphed into a more general debate about the whole of the legislation and the Liberal amendments in particular. So, with the indulgence of the committee, I would like to range a bit broader than just [Ridgway-1] 1.

I think the minister, in the clarification she gave us after the dinner break, did us a great service, and there were some excellent points that she made in relation to the balance that needs to be struck between different players in the planning system. The minister quoted from the Productivity Commission, and I think the phrase they used was 'shared endeavour'.

I am not normally a big fan of the Productivity Commission, or the old industry assistance commission, as it used to be called and how I still fondly remember it, but I think the sentiment is absolutely correct: it is about striking the right balance and how do we share the endeavour of planning our cities, our towns and our countryside in the public interest.

Throughout the contributions that have been made so far, there have been four players who have been identified: the minister, I guess being part of the executive; we have the parliament, and a big part of what this bill is about is the role of parliament; we have the role of local councils; and then we have the role of ordinary people, if you like, often quaintly referred to as 'third parties' in the planning system.

I will probably be the first and the loudest whenever there is a debate about whether that balance has been correctly struck, because the answer is that it has not. I think the balance between those four elements is wrong and it needs to be readjusted. The question that is before us is whether this bill is an appropriate vehicle for readjusting that balance. At one level it is, because it is before us and it is an opportunity that we have to do it. At another level, the issues that are being raised go far deeper than just the issues around the McLaren Vale and Barossa.

For example, when the minister and the Hon. David Ridgway have been talking about the relative power of the minister versus council to change the zoning of an area through a DPA, the minister had examples of where that power has been exercised for good, such as protecting heritage. The Hon. David Ridgway has come up with examples (and I could probably add to them) where it has been used for ill, for example, Mount Barker. The minister does not have a monopoly on good or bad endeavours when it comes to rezoning but one of the questions that we have to deal with is whether the answer is to write the minister out of the process, or is the answer to somehow curtail the minister's currently unfettered discretion, but I might come to that when we get to the specific amendment.

When it comes to the power of parliament, I think the minister was correct in her assessment of the government's bill versus the Liberal amendments. The minister said that their bill was giving power to the parliament. To be absolutely correct it gives some power to parliament; it is not giving all the power. Certainly the power in relation to what I think of as the black texta colour line around these districts becomes a parliamentary responsibility, and also the key prohibition which is land division, subdivision, urban sprawl if you like, is a matter for parliament. Most of the rest of the detail is still going to be left either to councils or the minister but certainly not councils without the minister on side and that is, I guess, the status quo. The buck always stops with the minister on rezonings and changes to planning rules.

The question I imagine that a lot of members are asking is: do we agree with the Hon. David Ridgway that, if you think that Mount Barker was a bad outcome, the answer is to support the Liberal amendments on this bill? I do not think that that logically follows. I think it is one fairly radical solution that would apply in these two districts but it is certainly not going to apply across the rest of the state, and I guess that goes without saying.

With regard to the status quo debate that has been had across the chamber, I think members need to be very aware of the Liberal amendment No. 12 which is the insertion of new clause 6A because I think the minister's assessment is correct. It effectively says that, if these amendments were passed, the minister would not be able to initiate any development plan amendment, any rezoning for example, unless they had the council on board. That regime by this amendment would apply across the whole of the district.

Whilst we can imagine examples where that would be a good protection for the council to have, it also stands in the way of statewide DPAs, some of which are very useful—the ability for the minister to change planning rules across the entire state using one document. Under the Liberal amendment, the whole of the state would be covered by that DPA except for the Barossa and the McLaren Vale unless those two councils agreed. Depending on whether you like the original ministerial DPA or not, that would either be a good outcome or a bad outcome. I will foreshadow at this stage that I have a similar amendment to the Hon. David Ridgway's in relation to curtailing the power of the minister to rezone land unilaterally in this area.

The difference between my amendment and the Hon. David Ridgway's is that I have limited it to the townships rather than limiting it to the whole area. Part of my rationale for trying to rejig this balance between local councils and the state government is that I have a long memory on these things. When we as a parliament, I think back in 2007, agreed to take away from local councils the power for the elected members to make individual planning decisions, we took that power from them. We gave the power to development assessment panels which were comprised of only half or less than half elected members.

There were two rationales for that. First of all, the government said local burghers, the local elected members, are not necessarily very good at making these planning decisions, and the second reason was that this would free up the elected members to do strategic planning. This would free up the elected members to think broadly about their communities and think about rezoning, building heights, setbacks and all these other things.

What has happened is that, rather than the government letting councils have their head, if you like, and do this work, it has continually interfered. In other words, councils have lost the right to make actual development application decisions, and they have not consequently been given additional responsibility in relation to strategic planning. The minister has hung on to that power very jealously and, as a result, we see very bad decisions such as the Mount Barker one.

I come back to where I started. It is a very big step to go as far as the Liberal amendments go and to remove the minister entirely from the zoning question, in terms of initiating zoning. Certainly under the Liberal amendment the council could initiate it. The minister used the word 'gatekeeper' I think, and under Division 2 of part 3 of the Development Act the minister still would have the final veto over anything that the council put forward.

That is what the minister referred to as the Mexican stand-off. The minister is not allowed to introduce a change; the council can, but if the minister does not like it, it does not happen. So effectively it is a recipe for no change. You could say that that is the right outcome for the Barossa and McLaren Vale, but it is not about no change: it is about managing change.

The only other thing that I will say briefly—because the minister did raise this question of the balance between the stakeholders, the executive, the parliament, local council and the people—is that parliament is being given miniscule responsibility in this bill, but the parliamentary oversight of the planning system is an absolute joke, as many members here would know. The parliament, under the Development Act, in theory has the ability to throw out a bad rezoning.

The heading in the Development Act is 'Parliamentary scrutiny' and, technically, the parliament has the power to do it. The fact that the parliament has never done it is partly the result of the fact that we do not get to look at planning schemes. As a parliament we do not get to scrutinise them until after they have been in operation for some months and, in some cases, over a year.

The idea that you can in all conscience put a heading in the Development Act called 'Parliamentary scrutiny' but allow decisions to be made for up to a year or more before the parliament even gets to look at it and pretend that the parliament has a genuine power of disallowance I think is an absolute joke.

Putting all these things together, whilst I will be at the barricade with the Hon. David Ridgway to try to reform our planning laws to get the balance right between the executive, the

parliament, the people and local councils, I do not think the honourable member's amendments to this particular bill strike the right balance. I think it is a broader debate we need to have so, to the extent that [Ridgway-1] 1 is a test for all or the bulk of the rest of the Hon. David Ridgway's amendments, the Greens will not be supporting them.

The CHAIR: We have had a lot of debate backwards and forwards on this amendment. Minister.

The Hon. G.E. GAGO: Yes, I have a new issue. I accept that we have spent a lot of time debating, this but this is actually a new issue that has been brought to my attention. That is yet another consequence of the Hon. David Ridgway's amendments—and I think I need to draw this to the attention of the chamber—in that his amendments will allow subdivision for residential purposes in rural parts of the district such as a prime viticulture area. Our clause 8 prevents that from happening. The Hon. David Ridgway's amendment removes that. Our bill provides for a statutory prohibition to subdivide in rural parts, so for instance in those areas that may be deemed prime agriculture or viticulture areas our bill will prevent subdivision for residential purposes. The Hon. David Ridgway's amendment will allow that rural area to be subdivided. I just thought I would add that as well.

The Hon. R.L. BROKENSHIRE: That is something that Family First would be incredibly concerned about, because we initiated this bill legislatively originally, and the whole intent was to protect the regions from further subdivision, and my understanding of looking at this bill was that that protection was there. Can the minister firstly, before I come back with some further questions, specifically highlight to the committee the difference between the bill as we are debating it now, and the Hon. David Ridgway's amendments and how those amendments then would allow subdivision outside of existing township boundaries within rural designated areas for housing?

The Hon. G.E. GAGO: Fundamentally, it is clause 8. We have a clause 8 that specifically prevents the subdivision of rural parts of these districts for the purposes of residential development. The Hon. David Ridgway's amendment removes clause 8.

The Hon. R.L. BROKENSHIRE: I have a question for the minister and then a question for the mover of the amendment. Regarding what the minister said earlier in the debate with respect to the Hon. David Ridgway's amendment preventing the minister from initiating and proceeding with their own DPA or some initiative within the prescribed areas, can the minister confirm that under the current draft of the bill that we are debating the minister would have that right, which I am comfortable with, but that from a check and balance point of view and process the minister would still have to go back to the council to advise or consult on a DPA that the minister is putting forward?

The Hon. G.E. GAGO: The bill as it stands will be subject to the normal planning processes. So, for instance, the bill will allow the minister to initiate and they would be subject to the normal consultation requirements per the Development Act. That would still remain in place as usual.

The Hon. R.L. BROKENSHIRE: I have a question for the Leader of the Opposition. When we have a look at your amendments, we have the wine industry indicating to us when we checked on this that they supported your amendment. Initially, at least, the Barossa council with respect to the Barossa bill indicated that they supported your amendment, although I have recently been advised that they do not support your amendment. Regarding the McLaren Vale one, the City of Onkaparinga advised us when we sought their response that they 'had no concern'. So, there are discrepancies between The Barossa Council as to whether it does or does not support your amendment. Clearly, the wine industry sector supports your amendment, but the City of Onkaparinga is not really concerned about things as they stand with respect to the government's current bill. So, I would seek some sort of comment on that as I deliberate.

The Hon. D.W. RIDGWAY: I thank the Hon. Robert Brokenshire. We put a set of amendments up (after we consulted with a range of people and went to some public meetings) to provide a level of protection and to make sure that the ministerial DPA, as we saw with Mount Barker, could not happen again in those areas. That was the area of contention. I am sure the government was aware that that was something the community did not like, the fact that the minister could come in and rezone a big portion of an area, whether it is the McLaren Vale, the Barossa Valley, or anywhere, and we had these two protection bills before us.

We tried to come up with a suite of amendments that gave the community some comfort and some control over their destiny, but that took the minister out of the equation. That is where, I

guess, the debate is at the moment: we want to take the minister out of the equation. I am a little confused because I did not think that ministerial DPAs were allowed at all, even under the government's legislation, because that is what minister Rau wanted to remove, yet the minister was saying that ministerial DPAs are still allowed.

We tried to come up with a compromise. As all honourable members would know, you will never come up with a suite of amendments that everybody is happy with. We have tried to strike a minimalist approach. I guess it is consistent with the opposition's approach to a smaller government with less intervention and to let local communities manage their own future.

I will make a comment relating to something the minister said, that subdivision would be allowed in the rural zones under the opposition's amendments. I do not believe that to be the case because the current development plans (in the Barossa, McLaren Vale, Light and Mid Murray councils) prohibit subdivision of land. In fact, The Barossa Council has minimum allotment sizes, and, of course, changes to those development plans have to go to the minister.

At the end of the day, technically, yes, the minister is right. If the council wanted to subdivide rural land, put a development plan amendment in to the minister's office and the minister agreed, then yes, it could happen, but right now it is incorrect to say it can just happen under my amendment. What we are trying to do is, by and large, leave the status quo in place, The Barossa Council, and all the others, have, in our view, managed their affairs quite well. Local communities elect their local representatives and they can manage their affairs. We are trying to remove the minister. The minister is trying to, if you like, play Big Brother in those two zones.

The Hon. G.E. GAGO: I absolutely need to take up this issue about subdivisions. Honourable members need to be really clear about this because it is a threshold issue. The honourable member talks about making sure that Mount Barker never happens again, and yet he inserts an amendment that in fact allows for the subdivision of rural parts for the purposes of residential development. So, this is a nonsense because it eliminates clause 8.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Let me finish. In terms of development plans, I have already addressed that issue. Development plans make subdivisions (in the case of rural areas to convert them to residential developments) non-compliant. That is not the same as prohibiting them from giving them a legislative backing. We know, in terms of non-compliance, that it is much easier to overturn and change non-complying activities than something that is legislatively prohibited. What the bill does is give much greater power to preventing the Mount Barker situation from ever happening again.

The amendment the Hon. David Ridgway puts forward allows the very same thing to happen again. He probably does not intend it to have these consequences but the bottom line is non-complying activity versus legislative prohibition—completely two different powers—and we are saying we want to make sure that that Mount Barker situation does not happen again so that you cannot go in and zone that prime rural area and put up a housing development. This bill before us allows that to happen. The Hon. David Ridgway's amendment waters that down significantly.

The Hon. D.W. RIDGWAY: Mr Chairman—

The CHAIR: I have to put this amendment very soon because you could not sell heaters to Eskimos.

The Hon. D.W. RIDGWAY: Mr Chairman, you are about to retire and go from this place. This is an important issue—

The CHAIR: Yes, and surely you would—

The Hon. D.W. RIDGWAY: —we have to deal with for the next 100 years.

The CHAIR: Surely you would have explained to members by now. Perhaps you are insulting the other members. They might understand. I have allowed a long, drawn out debate on this, so quickly.

The Hon. D.W. RIDGWAY: As I have said, the advice that we took from parliamentary counsel was not to change any existing provisions. I reject that the minister says that under our amendments we will see the Mount Barker type of rezoning. That simply cannot happen and that is inaccurate. The current council development plans prohibit a land division in the rural areas. We have minimum allotment sizes in most of the Barossa and I would advise the rest of the Barossa to

do that. So, I am confused about the advice we have been getting from parliamentary counsel. I am considering reporting progress and seeking—

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: I am happy to test it.

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: Mr Chairman, I have the floor.

The CHAIR: Yes, order!

The Hon. D.W. RIDGWAY: What I am considering doing is on clause 8, if that is an issue, I do not believe it is true. The minister is saying it is. I would need to seek further advice from parliamentary counsel. If we vote on this as a test clause and we lose, then none of the opposition amendments will get up. I am happy to progress it but when we get to that clause, I would like some further advice. We have come in here with the intention of not disturbing any of the current provisions that apply. We do not see broadscale subdivision happening in the Barossa or the McLaren Vale areas because it is simply not allowed by the development plan, yet the minister is saying it can happen. I do not believe that to be the case.

The CHAIR: We know that.

The Hon. R.L. BROKENSHIRE: I advise that, based on the good debate and information from the minister, Family First will not be supporting the opposition's amendment. My understanding is that because this is a specific bill for the Barossa Valley and McLaren Vale with respect to the preservation, it will have precedent over other planning matters regarding the current situation with subdivision in those areas and that your amendment does actually knock out the limitations on land division in the district and would actually then work against what many of us had fought for over a long time and that is stopping further subdivision outside of the boundary. Whether or not it is a drafting error, it is clear to us now that we could not support the opposition's amendment and would have to vote with the government.

The committee divided on the amendment:

AYES (6)

Dawkins, J.S.L.	Lee, J.S.	Lensink, J.M.A.
Ridgway, D.W. (teller)	Stephens, T.J.	Wade, S.G.

NOES (13)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Finnigan, B.V.	Franks, T.A.	Gago, G.E. (teller)
Gazzola, J.M.	Hood, D.G.E.	Kandelaars, G.A.
Parnell, M.	Vincent, K.L.	Wortley, R.P.
Zollo, C.		

PAIRS (2)

Lucas, R.I.	Hunter, I.K.

Majority of 7 for the noes.

Amendment thus negatived.

The Hon. D.W. RIDGWAY: Mr Chairman, I know when I do not have the numbers. My remaining amendments are consequential, so I will not be proceeding with them.

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

Page 2, lines 10 and 11 [clause 3(1), definition of district]—Delete:

'the prescribed day) but does not include the areas marked as townships on the deposited plan' and substitute:

26 June 2012)

This verifies the definition of 'district' to clarify the distinction between the district as a whole and the townships and rural areas contained within the district. It also amends the date for the reference to the map of the McLaren Vale district to 26 June by deleting the definition of 'prescribed day' and inserting the date into the definition of 'district'.

Both of these amendments are consistent with the Barossa Valley bill. There have been no changes to the GRO map lodged in relation to McLaren Vale and there have been some for the Barossa Valley bill. For consistency, the relevant date is the same under this bill.

The Hon. D.W. RIDGWAY: Given that we are just talking about maps, I want an undertaking from the minister that, if the government has drawn the maps incorrectly and any landowner is disadvantaged because of the incorrect maps, the government will address any losses incurred by those landowners.

The Hon. G.E. GAGO: I think we have led by example. For instance, we took up the issues the Hon. David Ridgway raised about the boundaries in relation to Henschke and the like. Again, if there are property owners who have issues in relation to their properties, obviously we will be sensitive to those and will be prepared to take up those as well and accommodate as best we can.

The Hon. D.W. RIDGWAY: The question is—and I am concerned with this—that this is likely to pass the parliament. The boundaries will be set in legislation and can only be changed if they pass both houses of parliament. Their could be significant times delays for that to happen. In fact, they may not happen within a time frame. If somebody is disadvantaged because of an error in drafting, as we have seen with a number of boundaries (Henschke's is one and I know that the Hon. Robert Brokenshire had some minor amendments to McLaren Vale), will the government take responsibility and guarantee this place that the boundaries are 100 per cent accurate, and if anybody is disadvantaged they will then make sure that they are not financially disadvantaged.

The Hon. G.E. GAGO: I can assure honourable members that we have verified all the boundaries and I have answered the question to the best of my ability, that is, if there are any other matters brought before us we will look at those and seek to accommodate any concerns as best we can.

The Hon. M. PARNELL: I have a question in relation to the maps. It is a fairly straight-forward question and relates I think to the incorporation of maps into legislation generally. I have a copy of the map because it was given to me. The map does not appear on the SA Legislation website. If you were to look for a copy of the bill or a copy of the act, you would not get a copy of the map. I have no idea how a member of the public would go about getting a copy of the map—whether you have to pay a fee or whether you have to front up at a counter somewhere. Given that ignorance of the law is no excuse for breaking it, how will the general public get access to the map?

The Hon. G.E. GAGO: I have been advised that they will be downloadable from the Planning SA website free of charge.

The Hon. M. PARNELL: I appreciate that answer from the minister. Can the minister say whether that is the approach that is always taken with maps incorporated into legislation? I am fairly familiar with the Planning SA website, and I do not think I would know where to start looking for it. Certainly maps that are part of the DPA will certainly be on the planning department's website, so if those maps are identical to the ones in this legislation that could be cross-referenced. Can the minister elaborate further about exactly how people can get maps that are referred to in legislation?

The Hon. G.E. GAGO: I have been advised that the maps are too detailed to be able to attach, for instance, as a schedule in the legislation, so that is why it is not done that way. However, they are available and I have been advised that it will be in a very user-friendly way to be able to download off the Planning SA website; and I am also advised that copies are available through the general registry office as well, and that is fairly usual practice.

The Hon. M. PARNELL: I appreciate the minister's answers: they get better all the time. When drafting legislation, given that most people who would access this act are going to go to the SA legislation website and download it and the act itself is not going to tell them that information, is there any problem with putting a note in this bill referring people who want to know how to get a copy of the map that is referred to in the definition of 'district' in clause 3 of the bill to a website, or at least giving some guidance as to how it could be found? I appreciate that the minister is saying

the government has every intention of making this information available, but most people will get to it via the bill, and the bill has no reference to how you go about getting the map.

The Hon. G.E. GAGO: I am advised that parliamentary counsel has said they can put a note in the legislation—they will consider doing that—and we are very happy to explore that as an option. Obviously, we do not want it inserted into legislation in a way that means every time we change a website or web address we have to open up legislation. That would not be prudent. I understand counsel has said there is a way to put in a notation without doing that and we will explore that, and we are happy to accommodate that if possible; so, thank you for that suggestion.

The Hon. D.W. RIDGWAY: My question relates to something that has been brought to my attention in relation to the government's amendment. Barossa Council supported one of our amendments not to have included the areas marked as townships as being in the district. I want to know why the government wants to include the townships as part of the district.

The Hon. G.E. GAGO: I have been advised that we have included townships to make it clear that the planning strategy volume, which will be developed after this legislation, can apply to districts as a whole, because we want to be able to—

The ACTING CHAIR (Hon. J.S.L. Dawkins): Order, minister! Voices to my right, I cannot hear the minister.

The Hon. G.E. GAGO: I am advised that it is too difficult to differentiate the character of a township from the characteristic of a district as a whole.

The Hon. R.L. BROKENSHIRE: I have a question for the minister regarding the GRO amendment. The Barossa Council indicated, minister, that it would prefer to have the date as at 26 June, and you have it set at 6 June as the relevant planned date. Is there any reason the government would not support the 26th?

The Hon. G.E. GAGO: The honourable member is right: this does amend it to the 26th.

The Hon. R.L. BROKENSHIRE: Yes, thank you; it is covered in there.

Amendment carried.

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

Page 2, lines 13 and 14 [clause 3(1), definition of 'prescribed day']—Delete the definition of *prescribed day*

This amendment is consequential on my last amendment.

Amendment carried.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Mr Ridgway, you are not moving your amendments?

The Hon. D.W. RIDGWAY: No, Mr Chairman, I will not be proceeding with my amendments. The first amendment was a test clause, as disappointing as the lack of support was.

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

Page 3, line 2 [clause 3(1), definition of 'relevant authority']—Delete 'or a provision of this Act'

This amendment is linked to the proposed amendment to clause 8 set out in government amendment No. 11. That amendment will restore the Onkaparinga council's development assessment panel as the relevant authority for the purposes of assessing land division applications under the Development Act 1993. However, it will make approval of a land division creating a new allotment subject to the concurrence of the Development Assessment Commission.

The bill as it stands provides for the Development Assessment Commission to be the relevant authority for the purposes of assessing land division applications, removing this role from the local councils. This amendment restores these rights to the councils, subject to the concurrence by the DAC.

These amendments are being proposed consistently with the Barossa Valley bill, following discussions with the Barossa, Light, Adelaide Hills and Onkaparinga councils, and reflect similar land division arrangements in the Hills Face Zone.

Amendment carried.

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

Page 3, after line 4 [clause 3(1)]—After the definition of *relevant authority* insert:

relevant council means a council whose area includes part of the district;

I believe this amendment is consequential on my last amendment.

Amendment carried.

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

Page 3, lines 5 to 8 [clause 3(1), definition of 'residential development']—Delete the definition and substitute:

residential development means development primarily for residential purposes but does not include—

(a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or

(b) a dwelling for residential purposes on land used primarily for primary production purposes;

rural area means the area of the district not including townships;

This amendment varies the definition of 'residential development' and introduces a new definition of 'rural area'. The new definition of 'rural area' is consequential upon the change to the definition of 'district' set out in government amendment No. 1. It assists to clarify the distinction between the district as a whole and the townships and rural areas of the district. The definition of 'residential development' is in this amendment proposed to be varied to clarify that the prohibition on land division for residential purposes contained in clause 8 does not apply to dwellings ancillary to a primary production purpose.

For this purpose it also clarifies that residential development is to be regarded as residential development where the development is primarily for residential purposes rather than wholly or partly residential purposes as outlined in clause 8. A consequential amendment to clause 8 is set out in the government amendment No. 12.

The Hon. D.W. RIDGWAY: How does this amendment affect bed and breakfast developments?

The Hon. G.E. GAGO: The advice is that it will allow B&Bs to occur in rural areas. We believe that, in the past, B&Bs have been allowed to occur in rural areas, but my understanding is that there has been some ambiguity around that, and this provision now provides a certainty and clarification.

The Hon. D.W. RIDGWAY: What abut temporary workers' accommodation? I am aware of developments in the Mount Lofty Ranges, in the Adelaide Hills, in vineyards where B&Bs—any sort of accommodation—were not allowed but workers' accommodation was allowed; so, will that still be allowed?

The Hon. G.E. GAGO: I am advised that this provision will also allow for temporary workers' accommodation in rural areas.

The Hon. R.L. BROKENSHIRE: As a point of clarification just regarding this amendment, in the meetings that occurred, and certainly in general discussion in the public meeting that I attended, there was always the argument that hotel/motel/convention-type accommodation by and large still be encouraged within these zones. With respect to (a), I understand that the Barossa Wine Association opposed that particular part. Does the minister have any concerns about any of this being detrimental to any sort of opportunities for tourism accommodation and convention-type infrastructure?

The Hon. G.E. GAGO: No. The short answer is no. In fact, we believe that it provides much more clarity for those businesses. It allows for those types of accommodation developments in rural areas; so it should, in fact, enhance tourism and enhance clarity and therefore confidence in investment in those developments.

The Hon. D.W. RIDGWAY: Maybe I do not understand it properly, but 'residential development' means:

...development...primarily for residential purposes but does not include the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration;

The Hon. G.E. GAGO: I have been advised that the whole definition has only one function, which is linked to clause 8. What we are considering at the moment is only linked to clause 8, and clause 8 is the prohibition of residential subdivision in rural areas. What we did not want was to capture inadvertently things like temporary workers' accommodation and other B&Bs and suchlike and prohibit those as well. So it only pertains to the prohibitions around clause 8.

Amendment carried.

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

Page 3, line 11 [clause 3(1), definition of 'township']—Delete 'the prescribed day' and substitute:

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This amendment is consequential.

Amendment carried.

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

Page 3, line 13 [clause 3(2)]—After 'characteristics of the district' insert:

and locations within the district

This amendment is also consequential.

Amendment carried; clause as amended passed.

Clause 4 passed.

New clause 4A.

The Hon. R.L. BROKENSHIRE: I move:

Page 3, after line 19—After clause 4 insert:

4A—Administration of Act

This Act is to be administered by the Minister responsible for the administration of the Development Act 1993.

The purpose of this amendment is to remove the possibility for an additional minister for character preservation. One could argue that the amendment is innocently drafted as a matter of legislative drafting to address that ministers, as corporations sole, wear different hats. The minister may well be the same minister, but be tasked with considering separate concerns; in this instance, the Development Act on one hand and character preservation on the other.

However, this drafting does advert to the issue that the minister responsible for character preservation could—in theory, if not in the government's actual plans—be a minister other than a planning minister. In Family First's view, the planning minister should be the minister seen to have responsibility for this legislation because we believe that it would be untenable, for instance, for a local member to be the minister for the character preservation legislation relating to their electorate. This would give rise to far greater potential for conflicts of interest or for one political party to push its agenda against another for electoral purposes in a character preservation area.

In summary we do not see, even if, for all intents and purposes, the minister would be the same minister as the planning minister, that there is the potential for there to be a separate minister, as we have been briefed, have read and understand this. We want to take that out. We have supported the government in ensuring that the minister has management and oversight, but that was with the intent of it being the planning minister, not another minister being delegated the ministerial responsibility in cabinet.

The Hon. G.E. GAGO: The government supports this amendment. The amendment seeks to make the planning minister the responsible minister for administration of each character preservation law. When first drafted it was intended that these bills would be capable of being administered by another minister. This reflects existing linkages in the Development Act to legislation like the River Murray Act. The intent has changed somewhat as a result of the revised bill, and therefore we are happy to support this amendment.

The Hon. D.W. RIDGWAY: The opposition supports this amendment as well.

New clause inserted.

Clause 5 passed.

Clause 6.

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

Page 3, line 35 [clause 6(1)(a)]—After 'rural' insert 'and natural'

This amendment varies the character values of the district to ensure that they include reference to both the rural and natural landscapes of the district. This amendment is being proposed at the request of the Onkaparinga council with the support of the Adelaide Hills, Barossa and Light councils.

The Hon. D.W. RIDGWAY: The opposition will be supporting this amendment.

Amendment carried.

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

Page 4, line 5 [clause 6(2)(b)]—Delete 'or a township under this Act'

This amendment is consequential.

Amendment carried; clause as amended passed.

New clause 6A.

The Hon. M. PARNELL: I move:

Page 4, after line 5—Insert:

6A—Development Plans relating to townships to be prepared or amended by councils

Despite Part 3 Division 2 of the *Development Act 1993* (including section 24(1)(fbb) of that Act), a Development Plan, or an amendment to a Development Plan, that—

(a) applies to any part of a township; and

(b) does not apply outside the area of the council where the township is located, may only be prepared under that Division by—

(c) the council for the area where the township is located; or

(d) the Minister (within the meaning of that Division) acting with the consent of the council for the area where the township is located.

As members would be aware—because I circulated a very brief note to this effect—this amendment addresses the same issue as the Hon. David Ridgway's amendment, which he is not moving on the basis that it was agitated earlier. I will just explain briefly the difference between my amendment and the one the Hon. David Ridgway—

The CHAIR: You have explained earlier.

The Hon. M. PARNELL: I am sure the honourable Chair remembers the difference clearly, but I will summarise it in a very few words. What this amendment proposes is that, for decisions about land use planning inside townships, that should overwhelmingly be the responsibility of the local council. It is not as broad as the Hon. David Ridgway's amendment, which was covering the whole of the district. My amendment is worded in such a way that, if the minister were to do a statewide DPA, the minister could still do that. However, what this amendment says is that, if the only purposes of the DPA is to affect land within that township, then that is not an appropriate use of ministerial power and that should really be the responsibility of the local council.

Of course, that does give rise to exactly the same Mexican stand-off we talked about earlier, where the minister might knock back council's plan to rezone yet the minister him or herself is not allowed to rezone. I accept that the same issue arises. The difference is that this is far narrower in its scope. The minister, in her contribution straight after the dinner break, talked about it being a unique situation where the minister was written out of the ability to do DPAs over a particular area.

I accept that this would probably be the only place in South Australia—with the Hon. David Ridgway's amendment these two districts would have been the only places in South Australia. Under this amendment it is just the townships which are regarded as a special case, and the minister under this amendment is to butt out, as it were, and leave the planning in those townships to the council, unless there is an amendment that is going to apply across the whole state or across multiple councils, in which case the minister does have a legitimate role.

The Hon. G.E. GAGO: The government rises to oppose this amendment for pretty much the same reasons as those I have already outlined. This amendment does apply it in a more limited way, but our concerns are pretty much the same, so I will be very brief.

As I said, the amendment is similar—although limited to townships—to that moved by the Hon. David Ridgway. The amendment provides that the DPA can only be initiated by the council or by the minister with the consent of the council. Final approval of the DPA would, however, still rest with the minister. It is impractical to legislate for a system that could result in a council commencing a DPA that, depending on the policy goal, may have no prospect of being approved by the minister.

Ministerial approval of the DPA is predicated on the fact that the minister of the day supports the intent of the DPA and that it aligns with the overall state strategic planning objectives. Without the initial agreement of the minister, it is inappropriate to allow a council to commence a DPA, given the costs and the resources involved and the fact that it may unduly raise community expectations that have no prospect of being approved by the minister. It is for those reasons, and for the other reasons I have already outlined, that we oppose the amendment.

The Hon. M. PARNELL: I have a very brief observation that what the minister is effectively saying is that councils should know their place and that it is not appropriate to raise the expectations of local people that their council might actually hold the day when it comes to rezoning. I accept that the minister is not supporting this, just as she did not support the Hon. David Ridgway's amendment. If this amendment is not successful today, then my offer to all members is that I am happy to sit down and work with you to try to come up with a regime that does redress the balance between the councils and the minister across the whole of the state, not just limited to these narrow areas.

The Hon. D.W. RIDGWAY: I indicate that, in the interest of trying to get something that I was crying for, the opposition will be supporting the Greens' amendment, although I think a better approach would have been to support me in the first place and then amend our position back to this. Nonetheless, I indicate we will be supporting the amendment.

The Hon. R.L. BROKENSHIRE: I just have a question to the mover, the Hon. Mark Parnell. I think I understand where he is coming from and I am certainly prepared on behalf of Family First to put on the record that we would look at engaging with the Hon. Mark Parnell and the Hon. David Ridgway to address the general concerns with planning that the Hon. Mark Parnell recently articulated in this debate—as soon as possible, I might add, but perhaps in another format.

Has the honourable member consulted with the relevant industry sector groups and the council on this amendment? The unintended consequence of the Hon. David Ridgway's amendment which concerned us was inadvertently opening up subdivision in the rural areas and the extension of township boundaries and so on.

The Hon. M. PARNELL: In relation to discussion with stakeholders, certainly the word that I have from The Barossa Council and also from stakeholders down south is that they do not believe that the balance is correctly struck. In fact, I moved this particular amendment at the request of and following a discussion with The Barossa Council.

In terms of unintended consequences, the big difference between this amendment and the one that the Hon. Rob Brokenshire refers to is that part of the Hon. David Ridgway's suite of amendments was the removal of that clause 8—the limitation on land divisions in the district. My amendment has nothing to do with removing clause 8. Clause 8 stays in there.

All this amendment says is that, when it comes to initiating a rezoning in a township that only applies to that township, it can only be prepared by the council or it can be prepared by the minister with the consent of the council. Effectively it puts the council back in the driving seat when it comes to changes to zoning inside the township boundaries. It does not affect the rural areas, it does not affect outside the township boundaries and it does not do anything to open up urban sprawl.

In fact, if the council was to put forward inappropriate plans, then the minister has the veto. The minister can always knock it off. It does actually elevate the status of council and it does require the minister and the council to work more closely together if there are to be changes to zoning. I use the word 'zoning' loosely. We are also talking about building heights, setbacks and a whole range of other planning considerations.

The Hon. R.L. BROKENSHIRE: Does the minister concur with the detail of the Hon. Mark Parnell's response to that?

The CHAIR: Do you concur with it?

The Hon. R.L. BROKENSHIRE: But they have had a chance to listen now.

The Hon. G.E. GAGO: Yes, we are satisfied that it does not capture clause 8 and therefore does not go to that issue of subdivision, which we are pleased about. However, we have those other concerns that I have outlined.

The CHAIR: The Hon. Mr Brokenshire, do you intend to support it or not? Do you want to indicate to the Chair what you are doing?

The Hon. R.L. BROKENSHIRE: Yes, sir, we will support the amendment.

The Hon. A. BRESSINGTON: I will be supporting the amendment as well.

The Hon. J.A. DARLEY: I will be supporting the amendment.

The Hon. K.L. VINCENT: Supporting.

New clause inserted.

Clause 7.

The Hon. G.E. GAGO: The government opposes this clause. This is linked to government amendment No. 23 which seeks to amend section 46 of the Development Act 1993, to impose a limitation on the declaration of major projects in the rural area of a character preservation district. This amendment removes the correlative limitation from the bill.

The combined effect of these amendments is to transfer the prohibition of major projects within the districts to the Development Act. This will make for better administration of the development assessment process but is otherwise policy neutral in its effect. This amendment is being proposed consistently with the Barossa Valley bill, following the discussions with the Barossa, Light, Adelaide Hills and Onkaparinga councils.

The Hon. D.W. RIDGWAY: I seek clarification, Mr Chairman. So, major developments will still now apply in both the McLaren Vale and Barossa districts, and the government of the day will be able to implement one in either the township of the rural zone?

The Hon. G.E. GAGO: Not in the rural zones, but in the townships; we will still have powers to do that.

The Hon. M. PARNELL: I understand the minister's explanation. They have taken the same principle out of clause 7 and they have put it elsewhere in the bill—they have put it in the schedule—and they have limited the application of the major projects provision to the township areas, in effect. In other words, you cannot declare a major project over a rural area. I was racking my brain as to what major projects had been declared in the rural areas of either the Barossa or McLaren Vale. The only one I could think of was a bottling plant, I think, in—

The Hon. D.W. Ridgway interjecting:

The Hon. M. PARNELL: Well, that is my question: was that bottling plant that was declared a major project in the Barossa area? I know we are doing the McLaren Vale bill, but I think we are cross-referencing.

The Hon. D.W. Ridgway: You can't have wine without the bottles.

The Hon. G.E. GAGO: The advice I have received is that we cannot recollect any, but this adds absolute certainty that you are not able to. It is possible that there could be some bottling plant, or something that wants to operate, and major project status could be put in place. This prohibits that.

The Hon. D.W. Ridgway: But not the rural zone.

The Hon. G.E. GAGO: I have already clarified that: it only pertains to restricting major projects in rural districts.

The Hon. M. PARNELL: I thank the minister for her answer. I think that I will be supporting the government on this, but I just make the point that, of all the inadequacies in the planning system that we can think about, one of the main ones is that the only way to get an EIS on a big project that is deserving of an environmental impact statement is for it to be a major project.

So, the dilemma is that, if someone wanted to come along in one of these rural areas with a major project that was directly relevant to the wine industry, or the fruit industry, or whatever, the minister would not be able to declare it a major project and thereby insist on an EIS. By the same token, the major project is a double-edged sword, because it also enables the minister to completely override the zoning and all the planning rules and effectively do his or her own thing, so it is a two-edged sword.

I just make the point that one of the amendments that I think this chamber in the future should be looking at is a trigger for an environmental impact statement that is other than declaration of a major project. Otherwise, we could find a project which we all support, which creates jobs and creates wealth and which is directly relevant to the Barossa and McLaren Vale and yet, because of this glitch, an EIS cannot be declared. I would just like to make that observation.

Clause negatived.

Clause 8.

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

Page 4, lines 10 to 14 [clause 8(1) and (2)]—Delete subclauses (1) and (2) and substitute:

(1) This section applies to a proposed development in the rural area that involves a division of land under the Development Act 1993 that would create one or more additional allotments.

(2) A relevant authority (other than the Development Assessment Commission) must not grant development authorisation to a development to which this section applies unless the Development Assessment Commission concurs in the granting of the authorisation.

(2a) No appeal under the Development Act 1993 lies against a refusal by a relevant authority to grant development authorisation to a development to which this section applies or a refusal by the Development Assessment Commission to concur in the granting of such an authorisation.

This amendment is consequential to amendment No. 3.

The Hon. R.L. BROKENSHIRE: I put up an amendment prior to the government moving this amendment and I would like to put the reasons for that on the public record so that it is there for the history. That was after writing to the minister because I was concerned, and I am still concerned, and I foreshadow discussion on a further amendment regarding the noncomplying factors of the DPA. Having investigated that, and the fact that there is a big difference between land subdivision per se and realignment of a boundary, in the interests of viable agriculture we need to be able to realign boundaries of existing titles without creating additional titles.

I have never known a situation where we have not had that opportunity within general planning before and, clearly, the government has now corrected their position to be supporting this so I thank the planning minister for seeing the wisdom of it. I want to put on the public record that we should always be able to realign boundaries to allow one farmer to get larger and another one to reduce holding or to set up for retirement. You are not creating any additional housing or anything like that. So, with those words we support the government's amendment. I move my amendments to the minister's amendment as follows:

Page 4—

Lines 10 to 14—After proposed new subclause (2a) insert:

(2aa) If the Development Assessment Commission is the relevant authority, the Development Assessment Commission must not grant development authorisation to a development to which this section applies unless the council for the area where the proposed development is situated concurs in the granting of the authorisation.

Lines 10 to 14—Proposed new subclause (2a):

After 'Development Assessment Commission' insert 'or a council'

The Hon. G.E. GAGO: We support the amendments.

The Hon. R.L. Brokenshire's amendments to the amendment carried; the Hon. G.E. Gago's amendment as amended carried.

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

Page 4, line 16 [clause 8(3)]—Delete ', wholly or partly,'

I believe this amendment is consequential.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT AND REPEAL (BUDGET 2012) BILL

The House of Assembly requested that a conference be granted to it respecting the amendment to the bill. In the event of a conference being agreed to, the House of Assembly would be represented by five managers.

At 21:34 the council adjourned until Wednesday 19 September 2012 at 11:00.