LEGISLATIVE COUNCIL

Tuesday 15 October 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:16 and read prayers.

The PRESIDENT: We acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

CHILD SEX OFFENDERS REGISTRATION (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

EQUAL OPPORTUNITY (SPORTING COMPETITIONS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

TORRENS UNIVERSITY AUSTRALIA BILL

His Excellency the Governor assented to the bill.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

TRAMS AND TRAINS

173 The Hon. D.G.E. HOOD (28 October 2008) (Fifty-First Parliament) (Third Session). Can the Minister for Transport advise:

1. Will the state government upgrade or build new facilities to manufacture our new trams and trains here in South Australia, keeping employment here for those who live in the state; or

2. Will our new rolling stock be built interstate or overseas?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation): The Minister for Transport Services has received this advice:

1. In the international and national markets, South Australia's orders for trams and trains are relatively modest, though significant for the size of our city. The state government is committed to, and considers, local and Australian content in all of its procurement processes, usually requiring bidders to provide a local content policy, whereby the opportunity for local industry to support an overseas or interstate acquisition is identified. This was a mandatory requirement as part of the new electric train acquisition. The government also considers value for money and whether the necessary skills, expertise and resources exist locally. However, it is not in the practise of creating economically unviable businesses.

2. The state government has purchased six Alstom Citadis trams from the Madrid government infrastructure owner Mintra, as these trams were excess to their needs. These trams were built in Europe. Despite Melbourne being the second largest tram operator in the world, it has been many years since Melbourne had trams built in Australia. However, in October 2010 though, the Victorian government announced an order for trams to be built by Bombardier Transportation Australia, located in Dandenong. This order is for the substantial number of 50 trams, with large numbers of additional trams to be ordered as Melbourne replaces its older trams in the future. This development will be closely monitored by the South Australian government.

With regard to the new electric trains, in November 2010, the Minister for Transport and Infrastructure, the Hon. Patrick Conlon MP, announced that Bombardier Transportation Australia had been selected as the preferred bidder, with the trains to be built in Dandenong, Victoria.

DEPARTMENTAL EXPENDITURE

47 The Hon. R.I. LUCAS (30 June 2010) (First Session). What was the actual level for 2009-10 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which are classified in the general government sector) then reporting to the Premier?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I have been advised of the following:

Agencies reporting to the Premier reported the following levels of capital and recurrent budget expenditure variations for 2009-10:

- $4.731 million lower than budget recurrent expenditure for the Department of the Premier and Cabinet. This variation mainly reflects vacancies and lower than anticipated medical panel referrals.
- $3.362 million lower than budget recurrent expenditure for the Department of the Premier and Cabinet Administered Items. This variation mainly reflects changes in the timing of the construction of police stations and staff accommodation on the APY lands and a net benefit from a lower than expected Government Workers Rehabilitation Compensation liability at 30 June 2010.
- $0.033 million higher than budget recurrent expenditure for the State Governor's establishment. This variation is offset by lower than budget capital payments of $0.042 million.
- $1.062 million lower than budget capital payments for the Department of the Premier and Cabinet. This variation mainly reflects delays associated with World Park One and the Dunstan Playhouse refurbishment.

DEPARTMENTAL EXPENDITURE

253 The Hon. R.I. LUCAS (7 July 2011) (First Session). Can the Premier advise the actual level for 2010-11 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which are classified in the general government sector) then reporting to the Premier?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I have been advised of the following:

Agencies reporting to the premier reported the following levels of capital and recurrent budget expenditure variations for 2010-11:

- $4.040 million lower than budget recurrent expenditure for the Department of the Premier and Cabinet. This variation mainly reflects lower than budgeted employee costs due to vacancies and lower than budgeted leave accruals. Other contributors to the variation are approved carryovers from 2010-11 into future years related to the Renewable Energy Fund, Carnegie Mellon University and the East Timor program.
- $5.260 million lower than budget recurrent expenditure for the Department of the Premier and Cabinet Administered Items. This variation mainly reflects changes in the timing of the construction of police stations and staff accommodation on the APY lands and various other joint Commonwealth and state funded initiatives associated with remote Aboriginal communities and a net benefit from a lower than expected government workers rehabilitation compensation liability at 30 June 2011.
- $0.116 million higher than budget recurrent expenditure for the State Governor's establishment. This variation mainly reflects expenditure funded by the Department of the Premier and Cabinet's sustainability program associated with the Glenelg to Adelaide Parklands Recycled Water Project.
- $14.755 million lower than budget capital payments for the Department of the Premier and Cabinet. This variation mainly reflects payment timing variations associated with the Adelaide Studios initiative.

- $4.5 million lower than budget capital expenditure for the Department of the Premier and Cabinet Administered Items. This variation reflects changes in the timing of the construction of the court and administration centre on the APY lands.
- $0.03 million lower than budget capital payments for the State Governor's establishment reflecting a minor variation in the annual capital program.

DEPARTMENTAL EXPENDITURE

95 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Agriculture, Food and Fisheries advise—

What was the actual level for 2011-12 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which were not classified in the general government sector) then reporting to the premier?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Premier has been advised of the following:

All agencies reporting to the Premier in 2011-12 were classified within the general government sector.

GOVERNMENT CAPITAL PAYMENTS

140 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Agriculture, Food and Fisheries advise—

What was the actual level of capital payments made in the month of June 2012 for each department or agency then reporting to the Premier—

1. That is within the general government sector; and
2. That is not within the general government sector?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): The Premier has been advised of the following:

Capital payments made in the month of June 2012 within the general government sector

The department reported capital payments of $7.693 million in June 2012. This includes $0.019 million for the department's Administered Items.

Capital payments made in the month of June 2012 not within the general government sector

All agencies reporting to the Premier in June 2012 were classified within the general government sector.

PAPERS

The following papers were laid on the table:

By the President—

Reports, 2012-13—
Auditor-General and Treasurer's Financial Statements, Parts A, B and C
Office of the Employee Ombudsman

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

Reports, 2012-13—
Community Road Safety Fund
Construction Industry Long Service Leave Board
WorkCoverSA
Adelaide (City) Development Plan—Institutional (St Andrew's) Development Plan Amendment by the Minister—Report
Construction Industry Long Service Leave Board Actuarial Report
Regulations under the following Acts—
Harbors and Navigation Act 1993—Restricted Areas—Lake Bonney (South East)
Liquor Licensing Act 1997—Dry Areas—

Coffin Bay—Cummins—Port Neill—Tumby Bay—New Year's Eve 2013
Cowell Area 1—New Year's Eve 2013
Lobethal Area 1—Lights of Lobethal 2013
Victor Harbor—Schoolies Festival and New Year's Eve 2013
South Australian Commercial Marine Scalefish Fishery Management Plan
South Australian Commercial Southern Zone Rock Lobster Fishery Management Plan

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Addendum to Maralinga Lands Unnamed Conservation Park Board—Report 2011-12
Report of actions taken by SA Health following the State Coroner's findings into the Death of Dallas Dixon Austin
Report of actions taken by SA Health following the State Coroner's findings into the Death of Norman Ebanezer John Smith

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:21): I bring up the annual report of the Natural Resources Committee 2012-13.

Report received.

SAFER COMMUNITIES, SAFER POLICING

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:21): I lay on the table a copy of a ministerial statement made today by the Premier, Jay Weatherill, on safer communities, safer policing.

YOUNG OFFENDERS

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:21): I lay on the table a ministerial statement made today by the Deputy Premier, John Rau, on young offenders.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS ACT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:22): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.K. HUNTER: I am pleased to advise that a limited review of the APY Land Rights Act 1981 commenced on 8 October 2013. The review will consider contemporary governance and accountability measures, the manner in which elections of members to the APY Executive take place, and opportunities to strengthen the economic development capacity and knowledge base of the APY Executive.

The review will be conducted in partnership with the APY Executive, Anangu traditional owners and other APY land stakeholders and will ensure both the relevance and longevity of this critical piece of Aboriginal land rights legislation. To achieve these objectives the review will be limited to specific consideration of the following five proposals:

1. Changing the voting structure for election to the APY Executive from community groups constituting electorates to a one vote, one value formal representation;

2. Enabling skill-based directors (Aboriginal and non-Aboriginal) to be co-opted to the APY Executive;

3. Introducing a 'fit and proper person' test to be applied to candidates or nominees who wish to stand for election to the APY Executive;

4. Introducing a requirement for gender balance on the APY Executive; and,

5. Establishing a commercial development advisory committee appointed by the minister, with the focus being on economic development on the APY lands.

A panel of four members have been appointed to conduct face-to-face consultations and provide expert advice and guidance with respect to the review and report on their findings.

The members of the panel are: the Hon. Dr Robyn Layton, AO QC, co-chair of Reconciliation SA Council; the Hon. John Hill, MP; Mr Harry Miller, Chief Executive, Port Lincoln Aboriginal Health Service; and, Ms April Lawrie-Smith, Executive Director, Aboriginal Health Division, SA Health. Dr Layton has been appointed to the role of panel chair.

A series of face-to-face community consultations have been planned to ensure the views of Anangu and traditional owners of the APY lands fully inform the outcomes of the review. Three rounds of consultation will be conducted during this period, the first round being 8 to 12 October 2013, the second round from 4 to 11 November 2013 and the third round from 15 to 20 November 2013. Face-to-face consultations will take place at Iwantja, Mimili, Kaltjitji, Pukatja, Amata, Pipalyatjara and Kanpi.

All residents of the APY lands are encouraged to attend at least one of these locations to participate in the consultations so that we can make decisions that are truly representative of all Anangu. An interpreter will be present at each of the community consultations. Where Anangu and other APY lands stakeholders cannot attend one of these sessions, they are able to make a written submission. Written submissions will be accepted from 8 October to 14 November 2013.

Further information regarding the review can be found online at www.aboriginalaffairs.sa.gov.au. I am pleased to be able to work with Anangu, the APY Executive and other key stakeholders on this important review. Together we can work to ensure the APY Act remains as relevant and as supportive of Aboriginal interests today as it was when this ground-breaking piece of legislation first commenced over three decades ago.

CLIMATE CHANGE REVIEW

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:25): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. I.K. HUNTER: Last week, Adelaide hosted the CSIRO's Greenhouse 2013 conference where the latest in climate change science, communication and policy was shared by leading researchers from Australia and around the world. The Premier opened this conference on Tuesday and announced that the Premier's Climate Change Council would lead a major strategic review of our state's climate change policy. This review will ultimately lead to a new strategic plan on climate change action in our state and has been triggered by two key issues.

First, the federal Coalition government is determined to replace the carbon pricing mechanism with its own Direct Action policy. The federal government's commitment to reduce carbon emissions by 5 per cent by 2020 based on 1990 levels under this plan is highly conditional. The Prime Minister has already stated that no further funding will be allocated to achieve this target, even if the Direct Action plan fails to meet it. Their policy is largely beyond our government's control but can still have a significant impact on greenhouse emissions. Action taken at the subnational level can and should not be underestimated.

Secondly, the Intergovernmental Panel on Climate Change has released its latest report and the messages are urgent and significant. The report shows that warming of the climate system is unequivocal and that human influence on the climate system is clear. Following the release of this report, UN Secretary General Ban Ki-moon has stated that, 'The heat is on,' and, 'Now we must act.' Many other key scientists and leaders have concurred publicly with this statement. What we need now is cooperation and collaboration, recognition of this science and a clear plan that reviews our past action and positions our state for the future. I want us to take the opportunity to revisit all our previous achievements, celebrate our successes to date and forge the best and most effective pathway forward.

The Premier's Climate Change Council agrees that a compelling vision has to be developed, and the council is intent on developing this vision. South Australia has much to be proud of through its leadership on climate change over the past decade. We have led in renewable energy. In 2012-13, 27 per cent of electricity generated in this state was sourced from wind and 4 per cent from solar. If South Australia were a nation state, it would rank second to Denmark as the world leader in terms of installed wind power on a per capita basis.

Since 2003, there has been $5.5 billion in investment in renewable energy, with some $2 billion, or 40 per cent, of this investment occurring in regional areas. Building on the success in this sector, the Premier took the opportunity at the Greenhouse conference to announce a new target for low carbon investment of $10 billion by 2025. We have also taken steps to develop a legislative framework for action through the Climate Change and Greenhouse Emissions Reduction Act 2007. We have signed sector agreements with key industries, local governments and regions. We have also improved our built form through the 30-year Plan for Greater Adelaide and demonstrated its application at Lochiel Park, Bowden and Tonsley.

Last, but not least, we are addressing the impacts of climate change through the multi-award winning South Australian adaptation framework. Whilst undertaking these reforms, we have engaged the community and businesses along the way in looking at these achievements and planning our strategy for the future. We will continue to ensure that we engage with our stakeholders.

I do not want to pre-empt this strategic climate change review. I want to emphasise that we are looking to the Premier's Climate Change Council for advice on these matters and they will rely on government, community and business input to formulate this advice. I know this council-led review will be an important first step in refreshing our climate change approach. It is imperative that we take this step now, for all of our futures.

QUESTION TIME

FRUIT FLY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about fruit fly.

Leave granted.

The Hon. D.W. RIDGWAY: The Mypolonga fruit fly trapping group was established in 1991—

The Hon. G.E. Gago interjecting:

The Hon. D.W. RIDGWAY: She wants to take the mickey. Why don't you just listen and understand that it's a serious issue. It is fruit fly. You should be the last person to criticise people for getting words wrong with your track record.

The PRESIDENT: The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: I will start again. The Mypolonga fruit fly trapping grid—now if you had been quiet and listened you would have heard it in the first place.

The PRESIDENT: I am listening.

The Hon. D.W. RIDGWAY: Thank you, Mr President—was established in 1991 to protect the local horticulture industry from the potentially devastating impact of fruit fly. Geographically Mypolonga is important to the Riverland fruit fly exclusion zone although it is regarded only as a fruit fly free area. Mypolonga growers have not received the same in-kind support as Riverland growers.

Local growers believe that the fruit fly exclusion zone status and the level of protection are important for marketing and export, but the industry funding for the Mypolonga fruit fly trapping grid recently ceased and necessary support services will no longer be provided. Some six weeks ago a Queensland fruit fly was detected in the area, so naturally growers are very worried and concerned. It would cost an estimated $12,000 to $15,000 to continue the support and local growers have agreed to match the government's contribution dollar for dollar. My questions are:

1. Will the minister fund the Mypolonga fruit fly trapping grid to ensure that the industry stays fruit fly free?

2. Will the minister guarantee adequate departmental support to maintain the essential services associated with the Mypolonga fruit fly trapping grid?

3. Will the minister upgrade the Mypolonga area from fruit fly free to a fruit fly exclusion zone and provide support similar to that afforded to the Riverland growers?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:31): I thank the honourable member for his most important questions. Indeed, the funding for the Mypolonga fruit fly trapping grid, which has existed since 1991, has recently been ceased. This has potential marketing implications for local growers, particularly in accessing processing and packing facilities in the Riverland fruit fly exclusion zone.

The Mypolonga fruit fly trapping grid has always been funded by industry. PIRSA has provided in-kind support—considerable support, and I will go into that in a little bit more detail later—by way of materials, technical advice and assistance with data management. There is no provision in the current budgets for PIRSA to take on more responsibility for the Mypolonga fruit fly trapping grid.

It is estimated that PIRSA's annual contribution to the Mypolonga fruit fly trapping grid is worth in the order of around $7,000 and it is estimated that the cost to industry of maintaining the trapping grid would be in the order of somewhere between $15,000 to $20,000, with around 80 per cent of that cost supporting the employment of a trapping grid inspector.

PIRSA can support, as it always has in the past, the Mypolonga growers in seeking ongoing industry funds to maintain the Mypolonga fruit fly trapping grid. I think it was HAL (the federal national industry group) that provided funding for the Mypolonga grid system and HAL has since ceased that funding. It is not state government funds; it is actually industry funds that have been ceased and it is the industry itself that has made a decision that they no longer wish to invest money in the Mypolonga fruit fly trapping grid. If successful in pursuing this assistance, PIRSA obviously will continue its in-kind support as per the historic arrangements.

PIRSA maintains a fruit fly trapping grid across much of South Australia, comprising around 3,200 trap sites in metropolitan Adelaide, the Riverland, Ceduna and Port Augusta. The trapping grid is obviously a very important measure in helping to maintain our status as the only jurisdiction to be fruit fly free in terms of being a mainland state. It complements other government measures to prevent fruit fly incursions, which include static and mobile quarantine stations (which I have talked about extensively in this place before), an extensive community awareness campaign and obviously regulatory control over the movement of host materials. The Mypolonga fruit fly trapping grid is the only trapping grid in South Australia that is funded by industry, with PIRSA providing that in-kind support.

Local growers met on 10 October, and that meeting was to address the ongoing requirements of their fruit fly monitoring in the Lower Murray. I was invited to attend that meeting, but most unfortunately I already had other commitments. I was not able to go, but I certainly made sure I sent senior officials along to listen to what growers had to say and to contribute.

A number of people attended that meeting. It was well attended, I understand. It was reported back that at the meeting the growers saw value in continuing the trapping grid and endorsed the following actions. Growers agreed to reform the Lower Murray Irrigators Action Group, which successfully applied for industry funds previously, so I think that is a very good initiative to get well organised. As I said, PIRSA will offer any assistance it can in pursuing that funding application to the federal government.

That group will develop a funding submission to seek industry support for the trapping grid from 2014, and PIRSA will provide support in assisting them to complete that process. They have also decided that they will develop a local levy system, whereby growers support the cost of the Mypolonga fruit fly trapping grid until industry funds become available.

A single male Queensland fruit fly was detected in a permanent trap in the Mypolonga trapping grid in July this year. As I said, it was just the one male fruit fly, thankfully. PIRSA ensured that additional and supplementary traps were set up within 200 metres of that detection zone after the fly was detected. Additional traps were also installed to increase trapping intensity from one trap per square kilometre to one trap every 400 square metres within 1.5 kilometres of the detection. They were very thorough in mapping out a grid around that zone to make sure that we were able to monitor any other incursions, and I am pleased to report that no other fruit flies were found.

In total, an additional 38 traps were deployed and they remained in place for nine weeks. As I said, PIRSA provides materials, technical advice and data management assistance in terms of maintaining that fruit fly trapping grid. It is estimated to be in the order of about $7,000. In terms of equipment, we provide the traps, the clothing, service kits, etc. In terms of technical support, there

are things like field training, auditing and a range of those issues. There is data management that looks at the information coming from the traps and manages detection; PIRSA does that as well. Also, PIRSA's Agribusiness and Regions Group assisted Mypolonga growers in developing a successful grant application.

Considerable efforts have been deployed. PIRSA has a permanent grid monitoring system right throughout the state and I am pleased to say it will continue to have that in place, but in terms of the additional grid facilities to facilitate a fruit fly exclusion zone qualification, we are looking to the industry to provide that support, with PIRSA providing in-kind support.

ADELAIDE PARK LANDS AUTHORITY BOARD

The Hon. J.M.A. LENSINK (14:39): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the subject of the Adelaide Park Lands Authority board.

Leave granted.

The Hon. J.M.A. LENSINK: The Adelaide Park Lands Authority's primary responsibilities include preparing and maintaining the Adelaide Park Lands Management Strategy as well as providing strategic advice to the Adelaide City Council and the state government on the management of all lands which are classified as parklands. Under section 6 of the act, the board consists of members, half of whom are elected by the Adelaide City Council and half are appointed by the state government and must be gazetted.

The three-year appointment of three board members—the late Hon. Frank Blevins, Ms Ann Sharp and the Lord Mayor of Adelaide, Stephen Yarwood—came to an end in February this year. However, I understand that individuals were nominated to these positions in February but have not been appointed or gazetted, as required under the act. This has left the authority without three board members for eight months, making a quorum difficult to achieve and transact business. My questions for the minister are:

1. Can he indicate when these appointments will be gazetted?

2. Why has it taken so long to fill these positions?

3. Is this a strategy by the government to deliberately avoid scrutiny?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): I thank the honourable member for her most important questions and I can advise that the government is currently consulting with the Adelaide City Council on replacements.

ADELAIDE PARK LANDS AUTHORITY BOARD

The Hon. J.M.A. LENSINK (14:41): A supplementary question: can the minister advise why it has taken so long?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:41): The process is underway and I will be advising the chamber as soon as we come to the concluded end of the process.

PRINTER CARTRIDGE SCAM

The Hon. R.I. LUCAS (14:41): I seek leave to make a brief explanation prior to directing a question to the minister representing the Minister for Health on the subject of 'cartridgegate' and 'foodgate'.

Leave granted.

The Hon. R.I. LUCAS: In late 2012 at the Budget and Finance Committee, a series of questions were put to the SA Health CEO in relation to 'cartridgegate' and 'foodgate'. At that particular meeting, the CEO of SA Health advised that in relation to 'foodgate' 134 employees had been identified, with two unidentified employees across 80 sites. Of those, 36 employees across 30 sites had been recommended by the Crown Solicitor's Office for further investigation. At that stage, the investigations were continuing and at that stage no-one had been suspended, dismissed, or any action taken against them.

In relation to 'cartridgegate' the CEO indicated that there had been 45 identified employees across 35 sites. At that stage, one employee had been terminated and another employee had resigned during the course of the investigation. Two employees based at one regional hospital had been suspended but had then returned to work after that suspension. Three further employees were suspended but then subsequently returned to work following further advice from the Crown Solicitor's Office. At that stage, five employees were on suspension with pay pending the outcome of the investigation.

In summary, the CEO indicated that the total value of procurement of toner cartridges and product vouchers within SA Health that was being investigated was $683,284 and the value of the gifts and benefits received in relation to food purchases was $107,369 in total for which those benefits was not provided to the committee and equally the total value of the benefits provided to employees for the $683,000 worth of printer cartridges also had not been provided to the committee.

In response to further questions in 2013, Mr Swan replied that it had not been possible to establish the total value of the gifts and benefits associated with the purchase of printer cartridges. This was because the suppliers had been requested on numerous occasions to provide the value of gifts associated with printer cartridge purchases and the supplier was unwilling to provide this information because there is no longstanding contractual relationship, i.e. no panel or standing offer contracts were in place.

A number of people have highlighted to me that, whilst that might be a correct reflection of what the suppliers have said to SA Health, SA Health would have copies of invoices on which at least there would—

The Hon. I.K. HUNTER: Point or order, Mr President. The point of order is that the honourable member is debating a point and not actually giving a brief background, as he sought leave to do.

The PRESIDENT: It is a point of order. The Hon. Mr Lucas, you will get back to your explanation without debate.

The Hon. R.I. LUCAS: Thank you, Mr President; I thank you for your guidance. The information provided to the employees of SA Health, and within SA Health, did include invoices with at least some estimate of gifts and benefits on them. My questions to the minister representing the Minister for Health are as follows:

1. In relation to 'foodgate', what is the total value of the food and services purchased under the food services loyalty program?

2. In relation to 'cartridgegate', whilst the suppliers might have refused to provide an estimate of the total value of gifts and benefits provided, will SA Health estimate from the invoices that have been provided to SA Health the total value of gifts and benefits on those particular invoices for the total value of whatever it was, over $680,000 worth of printer cartridges received by SA Health?

3. Can the minister outline for both 'foodgate' and 'cartridgegate' a summary of any action that has been taken against any employee involved in both of those particular issues, including those persons who have resigned, those who might have been terminated and those who might have had disciplinary action taken against them, or indeed any other disciplinary action that might have been taken against any officer?

4. What is the current status of any ongoing inquiries about any employee within SA Health in relation to either 'foodgate' or 'cartridgegate'?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his important questions and undertake to take the questions to the relevant minister—who I understand might be the Minister for Finance—in the other place and seek a response on his behalf.

RURAL WOMEN'S AWARD

The Hon. CARMEL ZOLLO (14:48): I seek leave to make a brief explanation before asking the Minister for Regional Development and Minister for the Status of Women a question regarding regional and rural women.

Leave granted.

The Hon. CARMEL ZOLLO: Supporting South Australian regional and rural women to develop their leadership potential is a crucial part of creating vibrant and sustainable regions and increasing women's participation in our primary industries. Can the minister inform the chamber of the South Australian government's ongoing support of regional women via the Rural Industries Research and Development Corporation (RIRDC) Rural Women's Award?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:48): I thank the honourable member for her important question. Mr President, you would have heard me speak previously about the vital contribution South Australian women make in our regions and within our primary industries, and we are certainly incredibly fortunate in this state to have a considerable pool of remarkably talented and passionate women who dedicate their working lives, and indeed much of their personal lives, to ensuring that they produce significant outcomes for their regions and their own local rural communities.

Conversely, I have previously spoken in this place of the obstacles that can confront regional women in harnessing their leadership potential and accessing opportunities that are sometimes easily, or certainly more easily, available to their metropolitan counterparts. Things like tyranny of distance, along with the prevalence of some often very male dominated industries and sometimes more complex pathways for women in our regions can create challenges that are not easily overcome simply with a bit of hard work.

The South Australian government understands that creating lasting and real change in our society does not occur by standing idly by and waiting for inequity to fix itself, unlike our current federal government which only has one female member of cabinet; it stands by and just waits for women's talent to arrive. It requires a government that is committed to providing input and leadership, things like scholarships and training. Eleven women, I understand, are going to take a place on our shadow ministry, compared to—what does the Liberal Coalition have—one: one woman compared to eleven women. One woman in the Liberal Coalition cabinet—

Members interjecting:

The PRESIDENT: The Hon. Mr Wade, if you want to interject, interject from your place and I will rule you out of order then.

The Hon. G.E. GAGO: —eleven that have been indicated to be on the Labor ministry. It is also of most importance that trailblazing women who are currently leaders in their industries and regional communities are acknowledged for their commitment and passion. I am pleased to inform the chamber that PIRSA will again be sponsoring the Rural Industries Research and Development Corporation (RIRDC) Rural Women's Award for 2014. The award is open to all women, regardless of formal qualifications, who are involved in natural resource management and primary industries.

The winner of the award receives a $10,000 bursary provided by RIRDC to implement a vision for their industry and support the winner's professional development through formal business or management training, the establishment of business plans or designing pilot programs, and such like. All state winners, along with the runner up, also have the opportunity to enhance their leadership opportunities by attending a one-week residential Australian Institute of Company Directors course. The course teaches the critical skills required around the duties and roles of board membership, along with knowledge in risk management, strategy development and organisational and financial performance.

I was very pleased to attend the 2013 award ceremony in March of this year and announce the winner of this year's SA Rural Woman of the year, Anna Hooper. Ms Hooper is a winemaker at Cape Jaffa Wines at Mount Benson, near Robe. I am advised that she will use her award bursary to explore how Australian wine compares to global performers in environmental performance and investigate ideas for improvement.

Applications for the 2014 RIRDC Rural Women's Award close on Thursday 31st of this month and all state winners travel to Parliament House in Canberra for the announcement of the Australian RIRDC Rural Women's Award later in 2014. I encourage all honourable members who know of eligible women who are making valuable contributions in their communities to put forward their nominations for this award.

DOG FENCE

The Hon. J.A. DARLEY (14:53): My question is to the Minister for Sustainability, Environment and Conservation regarding the dog fence. Can the minister advise the total length of the electrified sections of the dog fence with regard to the recent upgrade of 24 kilometres of the fence? Was this section converted to electric fencing or simply an upgrade of the wire netting fence? What progress has been made, if any, with respect to the remote monitoring of the electrified sections of the dog fence by radiotelemetry technology, which may alleviate the costly physical inspection by inspectors?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I thank the honourable member for his most important questions. The dog fence is, of course, a very important barrier to protect our valuable sheep industry and plays a vital role in protecting our regional communities. The dog fence extends across South Australia, New South Wales and Queensland and covers approximately 5,400 kilometres with 2,178 kilometres, I am told, of this in South Australia. Over 600 kilometres of the dog fence in South Australia is electrified. This is more than 25 per cent of our range. By comparison, less than 5 per cent of Queensland's section of the dog fence is electrified, and none of the New South Wales dog fence is electrified, I am advised.

The dog fence is methodically inspected across our state every fortnight. Given the size of the fence, I am sure that honourable members will agree that this is quite an impressive effort. This shows that our government's commitment to the maintenance and upgrading of the dog fence to ensure it protects our regional communities into the future is maintained.

I might take a moment to advise the chamber about a recent meeting in Port Augusta that I was informed about. I am told that dingo numbers have increased across the rangeland south of the dog fence in recent years. In response to this, the South Australian Arid Lands Natural Resources Management Board has led a series of projects aimed at improving dingo control. In particular, the South Australian Arid Lands Natural Resources Management Board Biteback dingo control program has been highly successful, and I am pleased to advise that the program will now continue for a further three years following renewed funding of $286,500 from the South Australian Sheep Industry Fund.

I am advised that Biteback targets dingos inside the dog fence by coordinating and supporting 22 local wild dog planning groups south of the dog fence to tackle wild dogs across the landscape. Biteback has resulted in a substantial increase in landholder participation rates across the landscape. In fact, I am advised that since the introduction of Biteback there has been a fourfold increase in the number of properties participating in ground baiting. There have also been improvements in the participation of landholders in aerial baiting.

Biosecurity SA led the delivery of a dingo aerial baiting program in the South Australian Arid Lands NRM region from 29 April to 7 May of this year involving 88 pastoral landholders. The program delivered, I am told, 44,200 baits over an 8,600-kilometre flight path across the rangeland south of the dog fence. I am advised that feedback from landholders in the pastoral regions affected by dingos has been positive, highlighting that the first three years of Biteback have improved landholder understanding of dingo control and provided additional management tools.

Three regional workshops at Olary, Blinman and Glendambo were held during the middle of last year to evaluate the aerial baiting trial. I am pleased to advise that participants were universally supportive of the program. Biosecurity SA, in collaboration with the Department of Health and DEWNR, provides oversight and implements statewide protocols for the safe preparation, use and storage of bait. Landholders must comply with these protocols. I am advised that the bait injection service provided to landholders twice a year has been boosted by the installation of 14 freezers to help ensure a continuous supply of baits to landholders year round.

I am advised that recent upgrades to the dog fence have been undertaken and these works have included 28 kilometres of new fence line being recently constructed at Parakylia and Mundowdna in the state's north. This will ensure that our dog fence continues to protect our regional communities and the sheep industry south of the fence from dingos.

I am also told that the National Wild Dog Action Plan has been drafted and public consultation is currently underway. I am advised that the South Australian Arid Lands NRM Board, in conjunction with Biosecurity SA, convened a wild dog forum in Port Augusta on 1 October. The

forum was an opportunity for stakeholders to provide advice on South Australian priorities and appropriate governance for implementing the national plan in South Australia.

In addition to this, the SA Sheep Advisory Group also held a meeting on wild dogs on 10 October in Port Augusta. Representatives from the South Australian Arid Lands NRM Board and the government attended this meeting. I am advised that the discussions held at the meetings were productive and positive. The Department of Environment, Water and Natural Resources is currently preparing advice for me on the outcomes of these two meetings, and I look forward to considering that advice shortly.

Following these meetings, a state wild dog advisory group will now be established to develop an appropriate process for putting the national plan into action in South Australia. In addition to this, the government is currently working on a long-term strategy for dingo management. Biosecurity SA is leading the development of a state dingo management strategy which, I am advised, is planned to go out for public consultation later this year.

DOG FENCE

The Hon. J.A. DARLEY (14:59): As a supplementary, was the 28 kilometres of fencing that was replaced done with electrified fencing or wire netting fencing?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): I do not have that advice but I will seek it and bring it back for the honourable member.

DOG FENCE

The Hon. J.A. DARLEY (15:00): By way of further supplementary, what progress is being made on the remote monitoring of the electrified sections by radiotelemetry techniques?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:00): As I said, our current modus operandi is to monitor the fence and inspect it across the state every fortnight in preference to remote sensing. Given the size of the fence, I am sure that members will understand that that seems to be a better course of action.

DOG FENCE

The Hon. J.S.L. DAWKINS (15:00): Is the minister alarmed by reports of the significant impact of dingoes on calving numbers in properties north of the dog fence, where Operation Biteback is not available, and is the impact of wild dogs in the cattle properties north of the dog fence a significant part of the wild dog strategy?

The PRESIDENT: Minister, part of that supplementary is seeking opinion, but you can answer it how you see fit.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I thank the honourable member for his supplementary. As far as I am aware, wild dogs are not controlled north of the dog fence—they are not baited—and my remit really relates to the dog fence and those areas south.

BUSHFIRE PREVENTION

The Hon. K.J. MAHER (15:01): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the house about the importance of last week's launch of the 2013-14 prescribed burning season?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:01): I thank the honourable member for his very good question. As you are no doubt aware, sir, prescribed burning forms a very important part of the government's efforts to protect the environment and, most importantly, human life and property from the ravages of bushfire. Fire is, of course, a natural process, a natural part of our South Australian environment. Many species of flora have adapted and evolved to rely on bushfire as a means of reproduction. For thousands of years the Aboriginal people of Australia used fire to maintain their lands.

Yet, of course in this modern day, with human settlement reaching further into traditionally bushfire-prone areas, the impact of bushfires has increased. As the honourable member points out,

last week I opened the 2013-14 prescribed burning season, one of our most important tools in minimising the risk of bushfire.

The opening took place at Black Hill Conservation Park and provided me with an opportunity to inspect the park's impressive firefighting facilities and meet some of the hardworking and dedicated fire management staff of the Department of Environment, Water and Natural Resources. These fire staff demonstrated the meticulous and methodical approach that they take to tackling the threat of bushfires in our state, and I was able to see how they ignite and then manage prescribed burns.

I was incredibly pleased to see firsthand the great passion the department's fire management staff have for their role in the prescribed burn process, but also the serious approach they bring to the task. Prescribed burning on the management of fuel loads is the only real physical element of bushfires that we can manipulate as a prevention measure. By reducing fuel loads in strategic places across our landscape we can influence the behaviour of fires and potentially provide options for earlier and safer containment of fire. Heat, wind and low relative humidity, and steep and difficult terrain are all factors our experts must grapple with when a fire begins, but if we can remove the aspect of fuel load from this equation as much as possible beforehand it makes the job of fighting bushfires easier and safer.

Prescribed burning is, of course, a complex science-based or research-based activity that carries an element of risk. However, by conducting these burns under milder weather conditions in spring and autumn, and undertaking detailed planning involving the consideration of weather, fuel types, topography and environmental factors, and of course the proximity of high-value assets, the threat of fire can be significantly reduced.

Officers within my department have conducted over 535 prescribed burns since 2004, treating more than 61,480 hectares of land across the state; 221 of these burns have been conducted in the high-risk Adelaide/Mount Lofty Ranges area, reducing the fire fuel loads across 3,190 hectares of park and reserve. When a bushfire does occur, my department also plays a significant role in supporting the Country Fire Service in response to bushfire events, both on and off public lands, by providing experienced and trained instant management personnel, firefighters and equipment. The Department of Environment, Water and Natural Resources is of course a brigade of the Country Fire Service, and both agencies work seamlessly together, along with others, to protect our communities from bushfires. In particular, I am told the department's involvement is proving to be valuable in reducing the burden upon CFS volunteers, helping them to return to their local communities and resume normal activities sooner than they otherwise would be able to.

This spring, 41 prescribed burns are planned, aiming to produce fire fuel loads across nearly 3,000 hectares of high risk public land. This includes nearly 400 hectares in the Adelaide Mount Lofty Ranges. Six burns have been completed so far as part of the spring 2013 prescribed burn program, including four in the high risk Mount Lofty Ranges, one of those being at Greenhill Recreation Park. I am further advised that burns have also been scheduled in the coming weeks for Kangaroo Island, the South-East and the Southern Flinders Ranges.

As I have said before, safety is a priority and burns will only take place when the appropriate conditions are present. We must all understand as a community and as a state that we will never be able to eliminate the threat of bushfire from our landscape. Instead, we need to learn to live as safely as we can with this natural phenomenon, implementing prevention and preparedness measures in the landscape and within communities to reduce the impact and potential for catastrophic bushfire. Prescribed burning forms an important part of this process, and I would like to take this opportunity to wish the officers within DEWNR, the CFS and our support agencies all the best with this important work into the spring and autumn season.

CLIMATE CHANGE

The Hon. M. PARNELL (15:05): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about climate change.

Leave granted.

The Hon. M. PARNELL: Last week, the Premier sent an email to South Australians who subscribe to updates on the South Australian Strategic Plan. The topic of that email was climate change. The email sets out the findings of the International Panel on Climate Change's Fifth Assessment Report and goes on to outline what the government has been doing in this area. I note

that much of that communication was repeated today as a ministerial statement entitled Major State Climate Change Review.

Whilst that ministerial statement and the direct communication from the Premier seems to reflect the Premier's view, earlier this month his colleague the Minister for Mineral Resources and Energy was spruiking the boom in exploration for fossil fuels in South Australia, including oil, gas and coal. Minister Koutsantonis was also singing the praises of new export proposals for South Australian fossil fuels, including new pipelines. Of course, this is on top of the Road Map for Unconventional Gas Projects that was released last year that promotes fracking for coal seam gas and shale gas in many parts of South Australia, including farmland. My questions of the minister are:

1. Will the strategic climate change review include an assessment of emissions resulting from the burning of fossil fuels interstate and overseas that originate in South Australia?

2. If such emissions are taken into account, does the minister accept that our carbon footprint would be far, far greater than previously disclosed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his most important questions, and I refer him to my ministerial statement where I said at the bottom that I will not be pre-empting the outcome of the Premier's Climate Change Council report. I have tasked them to bring us up to date to give the government advice. It is not my role to direct them to each particular issue that they should consider. That will be something that they will consider as an organisation.

FRUIT FLY

The Hon. J.S. LEE (15:08): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to fruit fly.

Leave granted.

The Hon. J.S. LEE: Maintaining South Australia's fruit fly free status helps protect our $675 million fresh fruit and vegetable growing industry as well as being vital to exporting produce. I guess that is why we keep asking all these important questions. The state government continues to claim that there will be a 50 per cent increase in planned random roadblocks in the coming fruit fly season. My questions are:

1. Can the minister advise how many random roadblocks were held in 2012-13 and how many are planned in 2013-14?

2. Following meetings with the key industry stakeholders, have any changes been made to the budgeted extra $1 million which is proposed as a dollar-for-dollar scheme?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:09): I thank the honourable member for her most important question. Indeed, this government does take our fruit fly free status very seriously and that is why we have committed the resources that we have to ensuring that those protections remain in place and that we remain fruit fly free.

I have spoken in this place before about a wide range of initiatives that we undertake. There is a suite of mitigation strategies in place to manage fruit fly risk and these include things like early detection, the trapping grids which we have already talked about here today, and the legal requirement for all commercial plant importers to be registered and to comply with import quarantine requirements.

Biosecurity SA undertakes audits of these arrangements to verify that consignments comply with South Australia's strict quarantine restrictions. Additionally, Biosecurity SA maintains quarantine stations, random roadblocks, sign packages and disposal bins at border entry points and also a comprehensive community awareness program, each aimed at reducing the risk of fruit fly.

I have been informed that eight random roadblocks were put in place last financial year and there are 12 planned for this year, which is a 50 per cent increase. In 2012-13, Biosecurity SA also increased the random roadblocks, as I said, and a number of measures will be undertaken to

ensure that South Australia remains fruit fly free. Additional resources include the opening of the Pinnaroo quarantine station one month ahead of schedule and also the additional roadblocks.

Work continues in regard to managing eradication. Wherever there is an outbreak, there is a very stringent protocol around that and we make sure that that stays in place. As I said, we continue with our considerable efforts. Additional funds were made available in our last budget, which made an additional $1 million available over four years for fruit fly initiatives. This scheme requires the coinvestment of the industry, and I have already reported in this place discussions that I have had with industry groups around the sorts of activities that they might undertake as a means of coinvestment.

I am not too sure whether I have understood the third question of the Hon. Jing Lee. I think she asked whether there was money additional to the $1 million. The $1 million was a budgetary requirement and we have incurred the additional expenses in relation to the increasing roadblocks, early opening and suchlike, so they did incur some additional expenses.

LUCERNE

The Hon. R.P. WORTLEY (15:13): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about agriculture, and in particular lucerne.

Leave granted.

The Hon. R.P. WORTLEY: With the benefit of some excellent rainfall which seems to have painted the landscape green, it is a pleasure, I am sure, for any member of this place to travel to the regional areas. However, I understand that our graziers cannot take for granted that the pastures they rely on to fatten up livestock can withstand grazing pressure. My question to the minister is: can she advise of a new development to assist farmers in this regard?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:14): I am very pleased to be able to share with the chamber the result of SARDI's breeding program which has spanned nearly a decade. A new lucerne variety is now available for graziers. The SARDI-Grazer variety which became available this year has been especially bred to create the most grazing-tolerant, winter-active lucerne cultivar available in Australia. Members may be aware that lucerne is used as a long-term pasture for grazing or hay production, as a short-term stand in cropping rotations or as a legume component of mixed pastures. Importantly, as it is a legume, lucerne can affix atmospheric nitrogen, providing nitrogen for its own growth or increasing soil nitrogen levels for subsequent crops.

Lucerne has a very large taproot that can easily grow, I am told, up to three metres or even more to access deep moisture reserves, and I understand that it is this taproot which also acts as an energy store for the plant, making established lucerne very hardy. But the benefits of this commonly used plant do not end there. Lucerne has a moderate tolerance of salinity, which, combined with its ability to dry the soil profile and lower the watertable, makes it a useful tool in managing soil salinity, particularly as an option in aquifer recharge areas.

The main limitations to use in Australia are soil waterlogging and high soil aluminium levels, which inhibit root development and cause difficulties with the establishment of the plant. While there are now a range of modern lucerne varieties suited to Australian conditions, most do not stand up to heavy grazing, so getting the right one, which stands up to heavy grazing, can make a very significant difference in grazing productivity.

So, improving livestock productivity through improved pastures helps enhance our farming sector and particularly the livestock and grains industries, which underpin the state's economy. We are not talking about small change as far as livestock go. In 2011-12, the dairy industry contributed $850 million towards South Australia's gross food revenue figures, while the beef industry contributed $1.02 billion to our food industry. When you add in the $919 million provided by sheep, meat and lamb, these industries alone made up 63 per cent of nearly $4.5 billion in value of gross food in that year's scorecard. So, obviously, developments which help improve the pasture on which our agricultural industries rely is very important.

Lucerne also contributes significantly to exports from South Australia through exported fodder, and lucerne as a seed export industry is one of the most important industries for the South-East and is worth a value of up to $300 million per annum. Seed is used in export destinations to seed new stands of lucerne, but also some specially treated seed is used for food alfalfa sprouts.

We have chosen as one of our seven priorities premium food and wine from our clean environment, and improving our pastures both in their sustainability and their productivity, as well as soil health, certainly adds further to South Australia's achievements in this area. SARDI, which I would like to congratulate for reaching its 21st birthday, manages 21 years of dedicated research, innovation and creativity. I do not think there is anything that we eat or drink that has not in some way been influenced by those 21 years of work that SARDI has done, albeit at times it might be indirectly.

SARDI manages the longest running lucerne breeding program in Australia and is at the forefront of developing new Australian-bred varieties for local conditions. This new variety, SARDI-Grazer, was bred with funding from the Grains Research and Development Corporation and the South Australian government, and while it is a great pleasure to highlight SARDI's achievement in bringing this new variety to market, this is just one of our successes. SARDI's plant breeding and variety development activities include the national oats and vetch breeding programs, as well as a new variety of agronomy and evaluation in grains, pulses and oilseeds.

I am advised that lucerne is performing well in paddock trials at Turretfield and Western Australia, and it is suited to both dryland and medium and high rainfall areas. It also adds to the range of SARDI-bred varieties available to Australian farmers who want to make use and take advantage of lucerne genetics. So I would like to take this opportunity to particularly congratulate Dr Alan Humphries and his team who have worked hard to bring about this important benefit to South Australian and Australian farmers.

ASSET SUSTAINABILITY LEVY

The Hon. R.L. BROKENSHIRE (15:20): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations, Minister for Agriculture, Food and Fisheries, Leader of Government Business in the house and many other things, a question about asset sustainability levies.

Leave granted.

The Hon. R.L. BROKENSHIRE: On Thursday 4 July 2013 in this place, I asked the minister questions about an outback community and some of the latter questions I asked related to the asset sustainability levy (ASL). I understand that this levy is intended to pay for the maintenance of airstrips and water infrastructure by way of cost contribution from all people living in the Outback Communities Authority area from the Far West to the Far North and Far North-East.

On 4 July the minister went through a host of matters relating to my earlier questions about that outback community. She did, to be fair, put on record that she would come back to parliament with answers to the ASL questions. I ask these questions again today because I am concerned that there is very little being said about this levy and I am very concerned that it will be another impost on outback communities. With that overview, my questions to the minister—the same as I asked on 4 July 2013—are:

1. Where is the planning and implementation up to on the OCA-wide ASL?

2. How much is the ASL expected to be in total revenue per annum and per landholding in the Outback Communities Authority area?

3. What consultation is underway, or will be underway for that levy?

4. What are the asset sites that will be funded via that levy?

5. What are the annual maintenance costs of those sites?

6. Does the ASL have any precedent in other states or the Northern Territory's outback areas and, if so, what is the structure of their ASL arrangements?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:22): I thank the honourable member for his most important questions. When I was the former minister for state/local government relations, I was the minister responsible for developing the legislation to make changes to the outback community trust that gave them powers to derive levies from their communities and there were two levels of levies. One was the asset sustainability levy (the ASL) and the other one was the community levy.

The asset sustainability levy was put in place to enable revenues to be gained to put towards general infrastructure throughout the outback areas which, generally, most people would

be able to benefit from or enjoy and that would improve access and amenity to the outback. That was a levy, as the Hon. Robert Brokenshire mentioned, to be applied generally throughout the outback and for residents to contribute in some way to that.

The community levy was a levy that required the local communities themselves to apply that levy, so extensive consultation needs to occur for the community to endorse or approve the application of that levy, and it was generally a levy that would apply to amenities or services that could be enjoyed or benefited by mainly that community—for instance, a swimming pool, a tennis court, or something like that. We have seen that Andamooka has wanted that levy applied and, through I think almost a year or more of consultation, has worked out what they wanted to pay. There is a process for them to determine what that is to be spent on, and that has been very successful.

In terms of the asset sustainability levy, the outback community trust decided, if I recall—and I will come back if I have left out any detail or if any of these details are incorrect—that it did need extensive consultation; number one, on assisting feedback from outback communities on what they saw were priorities for spending that levy on. So basically the community was to be consulted in terms of determining what that might be, and then of course determining what that amount would be. That work has been very slow to progress.

The work so far has been around the application of the community levy. That was very much needed and sought after by particularly the Andamooka community, and I think there are a couple of other communities that are seeking to do similar things. So the Outback Communities Authority is really busy applying that to communities that have indicated they want it, and it will continue with the work around the asset sustainability levy later.

I recently met with Cecilia Woolford, the current chair of the committee, and I recall that she indicated they would be looking to have that asset levy rolled out by mid-next year and spending considerable time consulting prior to that. That really is a matter for the Outback Communities Authority to determine. I respect that they are very closely in touch with their communities and, if they have indicated that work needs to be done on the community levy first, then I am happy that they do that. They are levies to assist outback communities to grow and develop. We obviously do not want them to be seen as some sort of impost, so considerable consultation and advice will be sought from those communities.

APY LANDS

The Hon. T.J. STEPHENS (15:28): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about governance on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: Following the Mullighan inquiry, the first recommendation handed down was to review the governance on the APY lands. The Anangu Lands Paper Tracker has taken it upon itself to track these recommendations and the government's response to them. In mid-July the minister stated on the Paper Tracker radio show that any proposed review would take between eight and 12 weeks. In light of the minister's announcement today that the review has been conducted, my questions are:

1. Why did it take the minister three months to implement the review?

2. Why are the terms of reference so narrow insofar as they are to investigate the viability of a government structure proposed by the minister?

3. Does the minister consider asking residents what they think of his proposals to be true consultation?

The PRESIDENT: Minister, time has expired.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:29): I will be brief then. Time having expired for question time, I can advise that the terms of reference were negotiated with the APY Executive and they agreed to an inquiry based on a narrow terms of reference which go to, in effect, governance issues. The lengthier time in terms of consultation came about because I went back not once, but twice, to consult with the APY Executive on the terms of reference and on the inquiry overall. Indeed, it took a little while to put together the panel, which is now heading up to conduct this review.

LAKE EYRE BASIN

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:30): I move:

That this council—

1. Recognises the significance of Lake Eyre to South Australia's Aboriginal, pastoral and tourism communities and its dependence on water flows from the Cooper Creek, Diamantina and Georgina rivers;

2. Expresses concern that the Queensland government has continued to refuse to consult with South Australia and other affected states regarding their plans to remove the legislative environmental protections of the Lake Eyre Basin rivers;

3. Calls on the Queensland government to maintain the current quantity and quality of water flows from the Lake Eyre Basin rivers into South Australia's rivers flood plains and wetlands in the Lake Eyre Basin; and

4. Calls on the Queensland government to formally consult with South Australia, as a co-signatory to the Lake Eyre Basin Intergovernmental Agreement, regarding any proposal which has the potential to impact flows into our state.

This motion is about ensuring the preservation of one of this nation's most precious natural resources, the Lake Eyre Basin. The Lake Eyre Basin is, of course, one of the world's last unregulated river systems. It covers around 1.2 million square kilometres, which is just under one-sixth of the size of Australia. Its transformation in periods of high rain from dry arid desert to flourishing water holes full of life is one of the continent's great natural phenomena. It is at these times that all rivers in the basin lead to the basin's heart: Lake Eyre, or Kati Thanda, some 16 kilometres below sea level.

The lake and surrounds sustain a wide range of wildlife: aquatic, terrestrial and birds, and it is also important to a vast array of economic activities spread across the many states. The tourism industry, the mining industry, the agricultural industry, the pastoral industry, livestock and the petroleum industry all rely heavily upon it as a natural resource. It is an area rich in Aboriginal heritage, with numerous Indigenous groups living in and on the basin for thousands of years: the Ngamini, Dhirari and Dieri, just to name a few. In fact, earlier this year, I had the pleasure of travelling to the lands of the Arabunna people where I participated in the ceremonial handover of Finnis Springs and surrounds and the renaming of Lake Eyre.

I spoke to the elders, who shared with me their culture, their affinity for the region and stories about the region. Today, post colonial settlement, the Lake Eyre Basin covers four state and territory jurisdictions: Queensland, New South Wales, Northern Territory and South Australia. The Northern Territory possesses the Hale, Todd, Plenty, Hay and Finke rivers, the latter of course believed to be the planet's oldest river bed, and Queensland possesses the bulk of the Georgina and Diamantina rivers and Cooper Creek, which take in most of Queensland's south-west land mass. These rivers are the lifeblood of the region, but they are unpredictable.

Water from Cooper Creek reached Lake Eyre in 1990 and then not again until 2010. Its flow is never guaranteed. It is because of these unpredictable water flows, extreme changes in climate and multiple environmental, economic and government interests all compounded that make looking after such a unique landscape quite a challenge. From a South Australian perspective, much like the River Murray, most of the water starts in other jurisdictions and ends up in ours. Historically, being situated at the bottom end of the basin has been a frustration for many South Australians living around the region.

Nevertheless, the signing of the Lake Eyre Basin Intergovernmental Agreement was an historic achievement for all parties involved, particularly South Australia, due to our location at the bottom end of the flows. This agreement provided us with a framework to ensure the sustainable management of the major cross-border river systems of the Lake Eyre Basin and has provided the basis for a collective vision of this natural asset: one of sustainable management and one that avoided or eliminated cross-border impacts.

Honourable members will be aware that the former Queensland Labor government initiated the wild rivers declaration to protect this unique area. However, the current Queensland government, under Premier Campbell Newman, has announced that it no longer supports the existing wild river declarations of the Cooper, Georgina and Diamantina basins; it is now developing an alternative framework for the protection of the western rivers. Whilst the Queensland

minister has ruled out open-cut mining, cotton farming or allowing further water to be released for irrigation purposes in Cooper Creek, the Georgina and the Diamantina, he has said that he will introduce a mechanism to allow existing irrigation licences that have until this time been unable to be used for irrigation in the lower Cooper Creek to be broken up and traded upstream for irrigation.

Upstream or downstream, the outcome is the same. Currently, 7,000 megalitres is being taken from the Queensland Cooper Creek for town water supplies, stock and domestic use and industrial and irrigation use each year. A mechanism such as the one proposed by Queensland to allow trading of existing irrigation licences could allow a further 10,000 megalitres to be used from the Cooper Creek every year. This, obviously, will have a number of effects on South Australia, yet at no point has the Queensland government decided to engage or consult with us in the matter.

From an environmental perspective, with intermittent rivers such as Cooper Creek, deep waterholes and the river channels serve as refuges for life during the long intervals between flows. Small and medium flows are critical for the maintenance of the water holes and the survival of life. The more water that is taken higher up in the catchment, the less likely these small and medium flows will reach South Australia and the Coongie Lakes. From an economic perspective, pastoralists, miners and tourism operators all have a lot to lose if less water comes down the river than before. That is why all of us in this chamber, I believe, and anyone who relies on the basin for their livelihood should have grave concerns about these proposals.

We should also have grave concerns about the lack of consultation on Queensland's behalf. I would like to make it quite clear that this is not a matter of politics: we cannot allow the mistakes made in the Murray-Darling Basin to be repeated with the Lake Eyre Basin. We cannot allow irresponsible overallocation and we cannot stand by when our ecosystems are pushed to the brink. We in South Australia know all too well what can happen to our rivers and communities when there is a lack of consultation about water. We in South Australia know all too well what can happen when we stand idly by letting the upstream states overallocate water. We fought for the Murray-Darling Basin and we will fight for the Lake Eyre Basin.

Members may be aware that I recently wrote to the Queensland government requesting that it engage with South Australia on this matter in a collaborative way. The response was both inadequate and dismissive. Queensland has chosen not to consult South Australia, nor has it provided any information which shows that there will not be cross-border impacts. In particular, no evidence has been provided that the small to medium flows will not be altered by this decision to allow irrigation licences to be traded. Until the detail on all the proposals outlined by the minister is released, I cannot be certain that there will be no effect on South Australia and the environmental health of this catchment.

I therefore ask that all members of the chamber join with me to support this motion. This motion is about looking after South Australia and our natural resources in a sustainable but collaborative way. This has been recognised by a number of bodies and organisations, including an honourable member in the other place, the member for Stuart, Mr van Holst Pellekaan. On 16 September this year the member for Stuart said on local radio:

> There is no extra water in the Lake Eyre Basin or in the Cooper Creek. This is not a river that flows out to sea where the surplus water just ends out in the ocean. All of the water that flows down these three major inland rivers, it's all used. It's all very, very important.

Another voice of concern was that of the Lake Eyre Basin expert Professor Richard Kingsford. He said on 17 September:

> One of the things that I've been doing now for more than 25 years is aerial surveys of waterbirds. What that's telling us is that the Lake Eyre Basin and its wetlands and its rivers are pretty much operating the way they were 20 or 30 years ago, which is a big contrast to places like the Murray-Darling where we've seen a long-term decline in waterbird numbers. We like to use the waterbird story as a reflection of the health of the river systems in the Lake Eyre Basin. It is very important for us not to make the sort of mistakes we have in other parts of Australia with this magnificent system.

Finally, Mr Angus Emmott, Chair of the Lake Eyre Basin Advisory Committee, appointed by the Queensland government, shared similar views when he said on 16 September:

> Moving into climate change we're going to have longer dry periods and longer periods of no flow so it's crucial to get every last little bit of water down the system.

Just a few weeks ago I spoke at the Lake Eyre Basin conference in Port Augusta where people from right around Australia with an interest in the basin came together to hear the latest news and science on the basin. Many expressed their concern to me about the 'go it alone' approach of the

Newman government of Queensland. I told them that this chamber would be debating the matter in the coming weeks and I told them that the South Australian government would do everything in its power to ensure that this nation of ours does not repeat the mistakes of the Murray-Darling Basin. Therefore, I have moved the motion and had it seconded, and I commend it to the house.

Debate adjourned on motion of Hon. J.M.A. Lensink.

HOUSING AND URBAN DEVELOPMENT (ADMINISTRATIVE ARRANGEMENTS) (URBAN RENEWAL) AMENDMENT BILL

In committee.

(Continued from 26 September 2013.)

Clauses 1 to 7 passed.

New clause 7A.

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

Amendment No 1 [Ridgway–1]—

Page 3, after line 29—Insert:

7A—Insertion of section 5A

After section 5 insert:

5A—Limitation on powers and functions of Minister

Despite sections 4 and 5, the Minister must not initiate, undertake or manage development for the purposes of urban renewal unless the Minister has used his or her best endeavours to engage a private sector body to initiate, undertake or manage the development.

This amendment is something the Liberal Party believes in very strongly, that is, when we have urban renewal and urban development the private sector plays a significantly large role in it, and we want to make sure that when a precinct is declared by the government, using this new Urban Renewal Authority and a declared precinct, that it does not exclude the private sector. We have already seen somewhat of a track record of failures, and that is why we support having an Urban Renewal Authority.

We had the Newport Quays development, which could have been done very differently under a model where you had some competitive tension, if you like, between rival developers to actually get diversity of product, price and a whole range of things. We saw the more recent example of Clipsal or Bowden Village, which is very much a government-initiated project. That site may be a little more complicated because there were multiple landholdings, multiple ownership, multiple soil types and some issues with contamination. However, I guess the one that spooked the Liberal Party the most was the Caroma site, which was bought by Renewal SA or the government, and I am sure that if it had been rezoned and dealt with differently you could have allowed the private sector to buy it and develop it, even under a renewal authority.

What we are concerned about is that this allows the government to compete, almost unfairly, with the private sector, because the government does not pay payroll tax, land tax, stamp duty and a whole range of very onerous taxes. Especially when it comes to doing business in this state, the government is competing with the private sector on, if you like, a very unfair playing field. The Liberal Party believes that, if the private sector can do something and do it cost effectively and provide a service to the community, why should the government and the taxpayers be competing with the private sector?

With those few words I ask members to support this amendment, because it does not preclude the government from doing the work. The amendment states, in part 'the Minister must not initiate, undertake or manage developments for the purposes of urban renewal unless the Minister has used his or her best endeavours to engage a private sector body to initiate, undertake or manage the development'. That is the key. We are not saying the government cannot do it, because there may be areas like the Bowden Village where, in the end, the government is the best body to do it, but we are very keen to make sure the private sector gets an opportunity to take a risk, to be involved in a renewal project and a new urban precinct, borrow some money, create some jobs, grow the economy—all the things the development industry is renowned for around the nation.

We all know that we are in a very unfortunate financial state at present, and the more we can get the private sector motivated to take a risk and have a go at some development, employ some people and build, whether it be residential developments, commercial developments or a combination of the two, and the quicker we can get that to happen, the better this state will be. I urge members to consider this: we are not prohibiting the minister or the government from doing the project, but to use their best endeavours to get the private sector engaged, because the private sector will drive this economy and help pull us out of the financial mess we are in. I urge members to support the amendment.

The Hon. I.K. HUNTER: Mr Chairman, with your indulgence, I might just take a moment to update the chamber on events that have transpired since we last met and then go to the amendments filed by the Hon. Mr Ridgway and outline why the government will be opposing it. On Friday 11 October, members would have received a memorandum from the Local Government Association outlining the LGA's support for the bill and the amendments being moved by the government. I will not read all of the letter into the record. However, I note that the LGA appreciates the broad consultative approach taken with this bill and has welcomed the strong level of engagement and negotiation between the LGA and the government. The LGA also appreciates the resultant amendments to a number of the submissions that we have made. The LGA's memorandum then goes on to discuss various aspects of the bill and the amendments the government has prepared and concludes that:

> In the light of the above and the government's commitment to work with the LGA on the associated regulations, the LGA supports the passage of this bill.

I note the LGA refers to a minor additional amendment which the government has since agreed and will be moving further in committee deliberations.

As a matter of interest and in response to those who have concerns about the level of consultation undertaken by the government in relation to the bill, I can confirm that since the bill's introduction the government has met more than 15 times with the various stakeholders regarding the bill and public domain support for the bill has been expressed by a variety of groups, including the Civil Contractors Federation, the Property Council, the Urban Development Institute and the Local Government Association and, in addition, we have received submissions from Community Alliance, the Environmental Defenders Office, the Law Society, the Planning Institute, the Urban Development Institute, the Local Government Association, the City of Adelaide and the City of Charles Sturt.

In relation to the recent correspondence from the LGA supporting the bill, members also will have received a letter from the South Australian branch of the Urban Development Institute of Australia on 26 September indicating its continuing support for the bill, including the amendments proposed by the government. I also note media from the UDIA last week supporting passage of the bill and opposing calls for the bill to be withdrawn pending the outcome of the planning review being undertaken by the Expert Panel on Planning Reform.

I also note that Community Alliance has indicated its continued opposition to the bill on these grounds. However, I have addressed these matters in detail at the close of the second reading debate. The government believes there are good reasons for this bill to be proceeded with at this stage. I should also emphasise that we are proposing a number of amendments that directly address points raised by Community Alliance in earlier correspondence and in the two meetings we have held with them on the bill. I should also add that last Friday the government also briefed representatives of the Property Council on the government's amendments, and I understand the Property Council continues to support the passage of the bill.

Finally, in addition to the government amendments already filed which members will be aware of, I also draw members' attention to the three additional amendments that have been filed earlier today. One of these amendments will replace an amendment in the initial set of government amendments and I will explain each of these as we come to them during the debate.

I now turn to the Hon. Mr Ridgway's set of amendments, the first of those being at 7A but I think there are probably consequential amendments to follow. The government will be opposing this amendment, which is the first of several. These amendments will go further than government amendment No. 1, which seeks to insert an express requirement on the URA in carrying out its functions in relation to urban renewal to take into account existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.

Government amendment No. 1 responds to concerns raised by the Urban Development Institute to ensure that the operations of the URA do not crowd out private sector development and are crafted, wherever practical, to facilitate opportunities for private sector involvement in urban renewal. Ultimately, the question of how to involve the private sector is best handled as a matter of administrative policy on a case-by-case basis. We have chosen to put forward this amendment as a way of reinforcing that point but not unduly fettering the URA in its operation as the government's principal development arm.

There are two key differences between Mr Ridgway's amendments and the government's amendments. First, Mr Ridgway's three amendments will prevent the minister, the URA or a statutory corporation from initiating, undertaking or managing a development for the purposes of urban renewal unless best endeavours have been used to engage a private sector body to initiate, undertake or manage a precinct development. These amendments would place procedural obligations on public authorities to undertake an urban renewal that we believe is unrealistic and burdensome. The nature of the test proposed, which goes further than the government's amendment, could, in some instances we say, lead to judicial challenges. More likely, however, it will simply add costs to government operations.

Were these amendments to have been applied to a number of the URA's current projects, they may have resulted in longer time frames, higher costs or deferral of the projects altogether. The requirement to use best endeavours prior to initiating, undertaking or managing urban renewal development, suggests that active steps will be required to offer opportunities to the market at each stage of a project. This could take the form of a tender, an expression of interest or the gathering of market intelligence. All of these take time and cost money.

In the case of the Bowden and Tonsley developments, for example, the master planning and remediation work undertaken by the URA could fall within the meaning of initiating urban renewal in this amendment. However, advice from the URA suggests that without government de-risking of this project, it could be difficult to secure private sector investment for either project to proceed any further. Importantly, with these initial de-risking steps having been taken, there are now significant opportunities for private sector investment and involvement in both of these precincts.

In the case of Lightsview, these amendments could cast doubt on the joint venture arrangements entered into with the private sector to manage the development. On one view, the effect of these amendments on a project of that nature would be to require the URA simply to offer the land for development as an en globo land sale without the ability to achieve higher density or award-winning design that has been achieved through careful collaboration in the rollout of the development.

Advice from the URA is that many private sector bodies believe that this style of joint venture arrangement is the preferred delivery model for urban infill development of this nature as it shares risk and enables the achievement of public policy outcomes that could not be realised through en globo land sales. The government believes that the Ridgway amendments could inadvertently negate the ability of the URA to enter into these kind of creative arrangements.

Additionally, it is unclear how these amendments would affect other URA functions, including its work with Housing SA in the redevelopment of precincts with high levels of government land ownership. For example, how would these amendments affect the process of expressions of interest for innovative redevelopment of Housing SA sites or development proposals that the URA has underway at locations such as River Street, Marden, Evanston and a host of other locations owned by Housing SA.

Secondly, Mr Ridgway's amendments would bind the minister, the URA and any statutory corporation. This goes beyond the concerns raised by the industry which were exclusively related to the operations of the URA. The government takes the view that this amendment, which would bind the minister, and Ridgway amendment No. 5, which would bind the statutory corporation, are unnecessary.

Indeed, as a consequence of government amendment No. 3, which will remove the ability of the minister to initiate a precinct declaration of his or her own volition, the first of these amendments may have no direct work to do. We believe that Ridgway amendment No. 5, which would apply to a statutory corporation, would limit the usefulness of the statutory corporation model available in this bill to support joint venture and other like arrangements.

I would like to reinforce that the government is strongly supportive of the principle that the URA is not intended to compete with the private sector. We want private sector investment in development and we want the URA to be a principal agent for unlocking opportunities for those investment dollars to flow. We see the URA's purpose as to coordinate, initiate and manage the delivery of development-ready urban renewal opportunities to the marketplace. That is why the government has agreed to put forward its own amendment which reinforces this role.

In that sense we are in agreement with the intent of the opposition's amendment to a point. However we are concerned that in unduly limiting the URA's ability to bring land to market for urban renewal, the Hon. Mr Ridgway's amendments could in fact compromise the ability of the government to facilitate urban renewal investment opportunities for the private sector. We believe that our amendment is a preferable option and will help ensure that this important principle is addressed while avoiding additional costs or delays.

The Hon. M. PARNELL: I might follow the lead of the minister and make a few preliminary observations before addressing the amendment that has been moved. The first thing that I would note is that all members of the crossbench especially would have received a letter from the minister (Hon. John Rau) on 3 October which I describe as a classic hurry up letter. The letter quotes the Hon. David Ridgway; Minister Rau reminds us that the Hon. Mr Ridgway had said:

> '...I am sure the opposition will be ready to complete debate on that particular bill' [when we next sit, probably Tuesday 15 October.]

Minister Rau then goes on to say:

> As such, I am writing to all non-Government members of the Legislative Council to attempt to ensure that all members are ready for debate to be brought to completion on Tuesday 15 October 2013.

Here we are: it is the day in question and what do we find sitting on our desks after question time has commenced? That is yet another set of amendments from the government time-stamped 2.16pm. Notwithstanding the rapid pace at which Legislative Council staff work, I am assuming that we probably got it at least 10 minutes after that. What can we say? The government needs, I think, to lead by example and not seek to chastise members for not being ready when clearly the government itself was not ready. Having said that, we are proceeding with the debate and so we proceed.

Coming to the Hon. David Ridgway's amendments, the others are consequential on the first. It is really just the one issue. I note the origin of this amendment is in the Urban Development Institute of Australia's submission, and that is the lobby group for the large scale property developers. What they asked of this parliament was an amendment that the minister was:

> [minister] to consider a proposal from a private sector entity for establishing a precinct. This would be an obligation by the minister to consider within a reasonable time frame.

Clearly, at the request of these lobbyists, the government has introduced an amendment which basically says that the minister will take into account existing or proposed development proposals by the private sector (I am paraphrasing), so the minister has gone some way. The Hon. David Ridgway's amendment goes further than the UDIA asked for and effectively obliges the minister to seek best endeavours to make sure that there is a private sector body that would undertake the development.

It seems to me this is fairly clearly ideologically driven, in that the opposition amendment assumes that the government is more capable of messing things up than the private sector. I disagree; the private sector can mess up development just as well as the government can. You only have to look at things like the Newport Quays development to see that getting things terribly wrong is not just the domain of the government; the private sector can do it as well.

Ultimately, I think this is an ill-conceived amendment, because it has at its heart an assumption that private sector bodies will be doing development. We know, for example, in the area of public housing that South Australia was proudly at the forefront of the development of public housing; we used to build them. We do much less of that now, but that is not to say that there is no role for the state in urban renewal.

Having said that, we will be opposing the Liberal amendments. I will also say at this stage that even with the government's amendments, which I expect will get up, the bill is still fatally flawed in the eyes of the Greens and we will be voting accordingly when we get to that point.

The Hon. D.G.E. HOOD: It is interesting that the Hon. Mark Parnell had a very similar thought process to my own in considering these amendments and yet we have come to precisely the opposite conclusion, which may take me a very long time to explain. I think the considerations that the Hon. Mr Parnell raises are valid. I think the point where we differ, however, is our philosophical position.

The Hon. M. Parnell: Bob Day would never forgive you.

The Hon. D.G.E. HOOD: Indeed. As to the extent to which the private sector development is desirable against government sector development, the bottom line is they are both desirable, but if one has to choose, it is the private sector that creates wealth; government distributes that wealth. For that reason, we will be supporting the Liberal amendments.

The Hon. D.W. RIDGWAY: I want to respond to a couple of comments the Hon. Mark Parnell made. He suggested that we were moving this amendment because the UDIA had written to everybody expressing flaws in the bill from their perspective. I want to put on the record that this was the position that we came to the day the bill was tabled in the other place, before any lobbyist or anybody had written to us. It was clearly a decision made from the principal point of view that we think the private sector should always be given an opportunity (where possible) to develop, and it is a coincidence that the UDIA have now written to everybody saying this is what they would like.

The other point I would like to remind members of is that the Hon. Mark Parnell says that the private sector can mess things up just as easily as the government, but the one big difference is that when the government messes up, everybody in South Australia pays the price in taxes and charges, and we are nearly at $14 billion of debt because of the number of cock-ups from this government, Mr Parnell. I know that the Tonsley project is expected to be significantly over budget; nearly every project the government undertakes is over budget. It will be no different if they are urban renewal projects—they will be over budget and the taxpayers have to carry the can every time. It is time we put a stop to that and let the private sector take some risk, and if they get it wrong, they lose their money not our money.

The committee divided on the new clause:

AYES (9)

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

NOES (12)

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

Majority of 3 for the noes.

New clause thus negatived.

Clause 8.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [SusEnvCons–1]—

Page 5, after line 42 [clause 8, inserted section 7C]—After subsection (1) insert:

(1a) The URA must, in carrying out functions related to urban renewal, take into account relevant existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.

This amendment will insert a new subsection (1a) into proposed new section 7C relating to the functions of the URA. The new subsection will require the URA in carrying out its functions relating to urban renewal to take into account existing or proposed development by private sector bodies and consider involving such bodies in urban renewal projects the URA proposes to undertake.

This amendment responds to concerns raised by the urban development industry through its peak body, the Urban Development Institute. The government has always been of the view that urban renewal must be undertaken in close collaboration with the private sector. I have already explained the government's reasons for this amendment and in relation to the Hon. Mr Ridgway's amendment and I commend it to the council.

The Hon. D.W. RIDGWAY: I indicate that, while this is not quite what we had looked for in moving our own amendment and we have not achieved success with that, the opposition will be supporting the government amendment.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Just to confirm, you are no longer moving your own amendment?

The Hon. D.W. RIDGWAY: I beg your pardon. I saw that previous division as a test for four or five of the seven amendments that we have filed. The first five are all consequential to that, so I will not be moving those.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–1]—

Page 6, lines 33 and 34 [clause 8, inserted section 7G, definition of *precinct authority*]—Delete 'precinct authority appointed by the Minister' and substitute:

> URA, another statutory corporation constituted under this Act, a council or a subsidiary of a council appointed by the Minister as the precinct authority for the precinct

This amendment will vary the definition of a precinct authority set out in proposed new section 7G. The revised definition has two roles. Firstly, it relocates the definition of a precinct authority from the proposed new section 7H(4)(c) in the bill. This is principally a drafting issue, I am advised; however, it will remove any doubt that a precinct authority may only ever be a public body. This responds to a concern put by the Local Government Association, the Community Alliance and the Environmental Defenders Office that the legislation appeared to leave this question ambiguous. To be clear, the government has always been of the view that as a precinct authority will potentially exercise public powers, it is pivotal that they are always constituted as public bodies. This amendment will put any ambiguity around this point to rest.

It is also important to note that this is not intended to prevent private sector participation in undertaking precinct development. The URA, for example, is empowered to enter into joint-venture arrangements under a proposed new section 72 and councils already have similar powers under the Local Government Act. However, such arrangements are to be subject to the accountability of a precinct authority as a public body.

Secondly and importantly, while maintaining the ability for a precinct authority to be one of the URA, a council or a statutory corporation established by regulation under the act, this new definition clarifies that a precinct authority may also be a subsidiary of a local council established under the Local Government Act. The appointment of a council subsidiary as a precinct authority may be a more convenient governance model in some instances for a council. This amendment will allow a single council to establish a subsidiary, but it will also allow two or more councils to establish a regional subsidiary to act as a precinct authority and this could be quite useful, for instance, where a precinct crosses council boundaries.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the government's amendment. That was also one of our concerns, that somebody could be, if you like, a planner and a developer. From our perspective, we think this makes it clear that only the government can have that role and so we support the amendment.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 3 [SusEnvCons–1]—

Page 7, line 2 [clause 8, inserted section 7H(1)]—Delete 'on his or her own initiative or'

This amendment will vary proposed new section 7H(1) to remove the ability of the minister to initiate a precinct declaration of his or her own volition. As a result of government amendment No. 4, this will mean that all precinct proposals will be required to be submitted in the form of a

business case. The Local Government Association has cogently argued that the minister is better served as the arbiter of urban renewal proposals. The government has accepted this view.

In practice, this will mean that proposals to declare precincts will come from government agencies, councils or private sector parties and the minister will then have accountability to make a judgement as to whether these proposals should attract government support through the urban renewal process.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 4 [SusEnvCons–1]—

Page 7, after line 13 [clause 8, inserted section 7H]—Insert:

(1a) A request under subsection (1) must—

(a) be in a form determined by the Minister that complies with any requirements prescribed by the regulations; and

(b) be accompanied by—

(i) a business case in a form determined by the Minister that—

(A) proposes a name and identifies the area for the proposed precinct; and

(B) proposes the objectives of the precinct that are to apply for the purposes of subsection (4)(b)(i); and

(C) proposes the body that is to constitute the precinct authority; and

(D) proposes the manner in which consultation with the community relating to the precinct should be conducted; and

(E) identifies any assets or infrastructure that might be expected to be transferred to another entity in connection with the establishment or development of the precinct, or if or when the precinct plan is revoked under this Part; and

(F) sets out proposed arrangements for the provision of services provided (as at the time of the request) within the proposed precinct by the relevant council (including any agreement with that council); and

(G) addresses any other matter, or complies with any other requirement, prescribed by the regulations; and

(ii) the fee (if any) prescribed by the regulations.

This amendment will vary proposed new section 7H by inserting new subsection (1a). This amendment will require every proposal to establish a precinct to be in a form determined by the minister and accompanied by a business case, together with a prescribed fee. At a minimum, a business case must propose a name and identify the area of a proposed precinct, propose the precinct objectives, propose the body that is to constitute the precinct authority, propose the manner of consultation with the community, identify assets or infrastructure that may be expected to be transferred to another entity in connection with the establishment or development of a precinct, or if (or when) a precinct is revoked set out proposed arrangements for continuing service provision in the precinct by relevant councils, including details on any agreement with the council. A business case must also include any other details required by regulation.

The government proposes to consult with the Local Government Association and industry in relation to the format and content of the business case. For example, it would be appropriate, in our view, for the business plan to identify issues such as financing arrangements and whether there will be any need for the use of rating or other revenue powers. This amendment has been developed following feedback from the Local Government Association. The LGA's submission was also supported by the Community Alliance and several councils.

Fundamentally, the purpose behind this approach is twofold. Firstly, it creates greater transparency about the use of the precinct declaration power. Together with the proposed changes to parliamentary oversight, this responds to a number of calls to clarify the criteria for declaring a precinct. The government is of the view that it will be problematic to unduly narrow the criteria for a

precinct for which we believe a reasonable degree of ministerial discretion is warranted. However, parliamentary oversight, coupled with the requirement for a business case, will ensure the process is seen to be transparent and accountable.

Secondly, we believe by bringing forward the discussion of precinct issues, such as consultation, infrastructure, servicing and the like, many of the downstream issues in managing the rollout of a precinct development can be resolved. Most notably, the business case will require upfront discussion and analysis of community consultation to be a feature of each business case, acknowledging that community engagement must be a central concern in effective urban renewal.

I should also acknowledge that we have, in our discussions with the LGA, canvassed the need for a business case process to be informed by appropriate financial modelling in circumstances where revenue and servicing costs are at stake. To be clear, we are not suggesting such rigour would be required where such issues do not arise. Nonetheless, this is a body of knowledge that will need to be progressively developed and we are keen to work with both industry and the local government sector to build this knowledge base to support the business case process.

Importantly, the introduction of a business case requirement will also clarify the pathway for private sector proponents to seek government support for a potential urban renewal project. While the final decision to establish a precinct will remain a matter for ministerial discretion, the clear pathway will provide greater certainty for the private sector in pursuing precinct opportunities. The government wants to be very clear that it fully expects to receive private sector proposals, and we encourage that. As I said at the close of the second reading debate, the precinct planning process is a framework which enables a joint venture style approach on a tripartite basis between government, councils and the private sector in the pursuit of urban renewal. We will always respond to private sector proposals and we look forward to working with the private sector in identifying future opportunities that this bill will help to unlock.

Finally, I would like to draw members' attention to the provision which allows for a fee to be set by regulation for a business case. This provision does make the business case process akin to an application process, although we have been at pains to make clear that the ultimate decision remains a matter of ministerial discretion and this is not an 'as of right' style application process. At this stage the government does not intend to use this power; however, we believe it is reasonable to have the ability to enable cost recovery for the initial assessment of precinct proposals. As members would know, this can guard against speculative proposals coming forward. That said, we do not believe it will be necessary in the near term to use this fee-setting power.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 5 [SusEnvCons–1]—

Page 7, line 15 [clause 8, inserted section 7H(2)]—Delete 'specified by the Minister' and substitute 'prescribed by the regulations'

This amendment varies proposed new section 7H(2). The bill as it stands provides that time frames for consultation with local government on a proposed precinct declaration are to be specified by the minister. The Local Government Association submitted that this time frame should instead be prescribed by regulation. The government has accepted this argument. I am aware of calls by some sectors for a business case and a precinct declaration to be subject to public consultation, as well as consultation with local government. This is not supported by the government.

First, it is important to note that a precinct declaration, like a statement of intent under the Development Act, is simply a gateway to the next stage—the next stage being the development of a master plan proposal requiring community consultation. In that sense, discussion between councils and government at this stage is a form of intergovernmental negotiation not amenable to wider dialogue. Moreover, it is likely that there may be sensitive, confidential material involved in aspects of this dialogue.

I am also reminded by the LGA that councils are well-placed as representatives of their local community at this stage, informed as they are through their own consultation on council strategic directions and the like.

The Hon. D.W. RIDGWAY: To speed things up I will add that the opposition is supporting all the government amendments, so when you are looking for contributions be aware that I will not be making any because we support all the government amendments.

The ACTING CHAIR (Hon. J.S.L. Dawkins): I am sure the committee appreciates that communication.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [SusEnvCons–2]—

Page 7, after line 21 [clause 8, inserted section 7H]—Insert:

(2a) The Minister must not publish a notice under subsection (1) that relates to land that forms part of the Adelaide Park Lands within the meaning of the *Adelaide Park Lands Act 2005* unless the Adelaide Park Lands Authority has consented to the publication of the notice.

This amendment will vary proposed new section 7H by inserting a new subsection (2a). The effect of this subsection will be to include an additional requirement if the minister proposes to declare a precinct which would affect the Adelaide Parklands.

This is in response to a submission from the Adelaide City Council. The amendment will ensure that no precinct development can include the Parklands without the consent of the Park Lands Authority. As we know with the Bowden project, the ability to invest in the Parklands can be a very useful way to manage an effective urban renewal project which adds value to the community. This amendment will not prevent that but it will add an appropriate check and balance to the system which is respectful of the unique importance of the Parklands in our city's fabric.

The Hon. M. PARNELL: I have had a discussion today with the Lord Mayor, and many of us I think have received emails from the city council urging us to be vigilant about making sure the Parklands would not be included within the scope of this legislation, and I can see that this amendment does in fact provide an extra check and balance. My question of the minister on this clause is: did the government consider exempting the whole of the Adelaide City Council from the scope of this legislation, and as a secondary question, given that the government has been active over the last little while and is currently active in rezoning areas of the City of Adelaide (and I am referring of course to the capital city DPA, and I think there is a pending residential DPA under consideration), and given that those existing processes under the Development Act are either very recent or underway, why does not the government exempt the whole of the city council from this bill?

The Hon. I.K. HUNTER: My advice is that the answer to the honourable member's two questions is, firstly, no, the reason being that future opportunities may arise from time to time within the bounds of the Adelaide City Council, and we should not be in a position today of ruling those out for a future decision.

The Hon. D.W. RIDGWAY: This was a new amendment tabled at 2.16, so I was referring to all the earlier amendments, which we have had time to consider, unlike this last rushed one. My understanding is that the old Royal Adelaide Hospital site is in an institutional or medical zone. Is this a site that is on what was formally Parklands but now has changed? Is that a site that the government might see that the Urban Renewal Authority may operate to bring forward some development at some point in the future?

The Hon. I.K. HUNTER: It is true to say that that site may well be a potential site for the future, but I believe that site is still classed as Parklands. My advice is that under the act that area is treated as Parklands and, unless it is particularly exempted, it will continue to be treated as Parklands.

The Hon. D.W. RIDGWAY: In relation to future development once the medical facilities are no longer required, how will it be treated? It is an institutional zone in the Parklands, so is it still parkland and therefore will present some problem for any future use, or what mechanism will be used to develop it?

The Hon. I.K. HUNTER: My advice is that it will be dealt with as a development plan amendment with the normal processes involved in a development assessment.

The Hon. D.W. RIDGWAY: In relation to an institutional zone adjacent to the Riverbank (I understand we will have a riverbank development authority at some point, whether in operation now or will be at some point in the future), can the minister explain the interaction between that authority and the legislation we are debating today?

The Hon. I.K. HUNTER: My understanding is that the riverbank development authority would have to be established by separate legislation. Those details, I understand, are still under consideration and discussion. This amendment that we are dealing with today would prevent that happening. This legislation could not be used to go to the riverbank area and authorise some development: it would have to be under the authority that would have to be established under legislation.

The Hon. D.W. RIDGWAY: We would require a separate act of parliament to establish an authority, so you would not be able to establish a precinct: it would have to be done through the legislative framework that an independent authority would give?

The Hon. I.K. HUNTER: My advice is that that is correct.

The Hon. D.W. RIDGWAY: Given that we only have 11 sitting days of parliament left this year, are we likely to see that piece of legislation? The form of the government over the last decade has been to rush things in at the eleventh hour so we have to pass it before we rise.

The Hon. I.K. HUNTER: I do not presently have that advice for the member. I will seek it for him.

The Hon. M. PARNELL: I have been following the toing and froing between the minister and the Hon. David Ridgway. The minister might want to clarify his comments, but I would have thought that you do not need special legislation. If you want to create a precinct on the old hospital site, you just get the Adelaide Park Lands Authority to consent, and I would have thought that is your entrée into this bill.

The Hon. I.K. HUNTER: My advice is that is an alternative method.

The Hon. D.W. RIDGWAY: Would that also allow for a riverbank precinct to be declared if the Park Lands Authority also agreed?

The Hon. I.K. HUNTER: My advice is: yes, but only with a consent.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 6 [SusEnvCons–1]—

Page 7, after line 24 [clause 8, inserted section 7H]—Insert:

(3a) Subject to subsection (3b), the Minister must, when publishing a notice under subsection (1), also publish (in the case of the establishment of a precinct pursuant to a request under subsection (1)) a copy of the business case that accompanied the request to which the notice relates.

(3b) Subsection (3a) does not require the Minister to publish any part of the business case that, in the opinion of the Minister, contains commercial information of a confidential nature.

This amendment will vary proposed new section 7H by inserting new subsections (3a) and (3b). The substance of these changes suggested by Community Alliance and the Environmental Defenders Office will require a business case to be published, with the exception of any commercial-in-confidence information, at the same time as the publication of a precinct declaration. This will ensure the process of receiving and considering proposals is seen to be transparent, while also providing valuable information to the community as the first stage of a precinct planning process is undertaken.

To ensure full transparency around the commercial-in-confidence restrictions, on publication, the government will work closely with the LGA and industry to ensure that the form of the business case (which is to be specified by regulation) treats general information separately from commercial-in-confidence information. We certainly believe it is important that as much information as possible is published while also recognising that, by its very nature, a business case will also include financial, investment and other market-sensitive information which should be treated with care. This amendment will strike the right balance around this issue.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 7 [SusEnvCons–1]—

Page 7, lines 32 and 33 [clause 8, inserted section 7H(4)(c)]—Delete 'the URA, another statutory corporation constituted under this Act, or a council to be the' and substitute 'a'

This amendment is consequential on government amendment No. 2.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 8 [SusEnvCons–1]—

Page 7, after line 34 [clause 8, inserted section 7H]—Insert:

(4a) The Minister must, within 28 days of the publication of a notice under subsection (1)—

(a) provide a report setting out the location, extent and reasons for the establishment of the precinct to the Environment, Resources and Development Committee of the Parliament; and

(b) publish a copy of the report on a website determined by the Minister.

This amendment will vary proposed new section 7H by inserting new subsection (4a) requiring the minister to report to the Environment, Resources and Development Committee upon publication of a precinct declaration, providing details of the declaration and the reasons for it and publishing that information online.

This directly responds to a suggestion put forward by the Community Alliance and Environmental Defenders Office in discussion with the government. It is one of a number of amendments that relate to parliamentary oversight and transparency of the precinct planning process enunciated in a number of submissions. These have included submissions from the Local Government Association, the Planning Institute, the Environmental Defenders Office and Community Alliance.

In essence the scheme proposed under these amendments will ensure that the Environment, Resources and Development Committee is provided with reports at each stage of the precinct planning process which will also be transparently published online and also will retain a right of disallowance on the same basis as that applying for a development plan amendment, the critical stage of the precinct planning process being the precinct master plan. Further amendments giving effect to these arrangements include government amendments Nos 18, 19 and 20.

The Hon. M. PARNELL: Whilst I do not particularly want to comment on just this amendment, the minister in his answer alluded to the fact that there are some consequential ones to follow, so rather than take up the time of the chamber then, I might just mention it now. What the minister said was that, under this amendment No. 8, the statutory committee—the Environment, Resources and Development Committee of parliament—will be receiving a report and then later on they will be given a copy of the precinct master plan and they will be given the ability to disallow that plan as the minister said on the same terms as it has the power to disallow a development plan under the Development Act.

The point to note, of course, is that since 1994 when the Development Act came into operation, the parliament has never disallowed a development plan because the Environment, Resources and Development Committee of parliament is a House of Assembly-controlled committee where the government chair in most cases has a casting vote and, as a result, the laughingly named heading in the Development Act 'Parliamentary scrutiny' means very little.

The only reason I am saying that is that most members would appreciate that—a bit like a red rag to a bull—they would be expecting an amendment from the Greens at this point which says that these precinct master plans do not come into effect until after parliamentary scrutiny has been completed, because that is the amendment that I have been moving for the best part of the last eight years whenever the Development Act comes up for review.

I just want to put on the record that the only reason that I am not moving that amendment in relation to this bill is that I did not feel that it would be appropriate because if by some chance it were to pass, then I would feel some obligation to support the bill, which I do not intend doing. So, I am choosing not to waste the time of the house with an amendment, but I just bear in mind that, as parliamentary scrutiny is a joke in relation to development plans under the Development Act, it is just as big a joke in relation to precinct master plans under the Housing and Urban Development (Administrative Arrangements) (Urban Renewal) Amendment Bill.

Amendment carried.

The ACTING CHAIR: We now move to amendment No 9 [SusEnvCons–1] in the name of the minister. It is clause 8, page 8 and we have just amended the line—it is actually 26 and not 27.

The Hon. I.K. HUNTER: I move the amendment thus corrected:

Amendment No 9 [SusEnvCons–1]—

Page 8, line 27 [clause 8, inserted section 7H(9)]—Delete 'may, and must at the direction of the Minister' and substitute 'must, other than in circumstances prescribed by the regulations'

This amendment will vary proposed new section 7H(9). It is linked to government amendments Nos 10 and 11. The current subsection provides that a precinct authority may establish a design review panel or a community reference panel and must do so if directed by the minister. In addition, the authority may establish other panels and may be directed to do so by the minister.

Submissions from the Community Alliance, the Planning Institute, the Environmental Defenders Office and the Local Government Association all suggested that the establishment of a design review panel and a community reference panel should be a default requirement. The government has accepted this view, but believes that it is important to retain some flexibility in the legislation. For this reason, the government is proposing to provide that a precinct authority must, other than in circumstances prescribed by regulation, establish a design review panel and a community reference panel. In other words, it will be a default requirement to establish these panels and this will only be able to be varied by regulations subject to parliamentary oversight.

This will ensure a degree of flexibility is maintained to cater for those projects where there may not be a need for a panel or where there is a better or more appropriate method of design review or engagement. For example, if a council is undertaking a precinct development, it may be that the council already has a range of community engagement mechanisms, which obviates the need to establish a separate community reference panel.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No. 2 [SusEnvCons–2]—

Page 8, line 27 [clause 8, inserted section 7H(9)]—Delete '1 or more of'

This amendment corrects a slight anomaly in the drafting consequential upon government amendment No. 9. It clarifies that the obligation to establish a panel requires a precinct authority to establish both a design review panel and a community reference panel. I would like to thank the Hon. Mr Parnell for bringing this issue to the government's attention for rectification.

The Hon. M. PARNELL: I thank the minister for thanking the Greens for discovering this anomaly. I just wanted to say a few things about it, because what we have seen in the amendment that just passed and the amendment we are now considering is that in one of the most important sections of this bill to the community sector, the creation of community reference panels and the ability to engage in the process were flawed. They were flawed from the outset and they have required two separate amendments on two separate occasions to fix them up.

A number of us spent lunchtime down at the Intercontinental Hotel at a forum on the upper house and how it might be improved. The Hon. Chris Schacht, former senator, got up and moved for the abolition of the upper house of state parliament, and a number of us were thinking—I know the Hon. Dennis Hood was thinking the same thing—that we have fixed up government legislation so many times. If not for the upper house, the legislation would be the poorer.

I think the other thing I need to say is that I received an email yesterday from the Cheltenham Park Residents Association, a group that I think you could best describe as having been through the wringer of planning ever since the racecourse was rezoned for housing. In an email which I think has gone to all members of the Legislative Council, Trevor White, the chairman, and Carol Faulkner, who is a committee member, set out a number of concerns that they have with this bill. Neither of those people is a lawyer; I know for certain they are not lawyers. One of the things that they pointed out in their submission to us yesterday was that it is not mandatory for the precinct authority to establish a community reference panel.

It strikes me that here we have some laypeople who have identified, fairly late in the piece, that there is a flaw in this legislation. The government has accepted that it is a flaw. I am not claiming it is a conspiracy. If this bill had gone through without this amendment, the government

would have had a choice about whether to set up a design review panel or a community reference panel. They would not have been obliged to set up both. I will accept that it was the government's intention to set up both, but that is not what the bill says now until we pass this amendment in the next few seconds.

I just make the point that here we have some mistakes we have found; I bet there are mistakes we have not found. I bet there are and that is why I think in the call from a number of community groups—the new Coalition for Planning Reform that has been established recently involving the Conservation Council, the National Trust and others; and the Community Alliance, whom the minister has cited with approval a number of times—their default position is, 'Let's not pass this bill now; let's wait until the Expert Panel on Planning Reform considers the whole of our planning law regime, and let's do the job properly.' I am glad that the minister has accepted that here is a mistake. I am happy that the Greens have pointed it out to them. They have fixed it up, but I bet you there are more mistakes. I just want to make that observation as we proceed with the committee stage.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 10 [SusEnvCons–1]—

Page 9, lines 5 to 8 [clause 8, inserted section 7H(9)]—Delete paragraph (c)

This amendment is consequential upon previous government amendment No. 9.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 11 [SusEnvCons–1]—

Page 9, after line 8 [clause 8, inserted section 7H]—Insert:

(9a) The precinct authority may establish any other panel considered appropriate to provide advice relating to planning and development within the precinct.

This amendment is also consequential upon previous government amendment No. 10.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 12 [SusEnvCons–1]—

Page 9, after line 35 [clause 8, inserted section 7H]—Insert:

(15) The Minister must, before acting under subsection (13)(b), be satisfied that the precinct authority has consulted with any council within the area of the precinct about—

(a) the transfer of any assets or infrastructure to the council on the revocation of the notice (including, if relevant, in connection with the operation of section 23); and

(b) other matters that appear to be relevant to the council in connection with the provisions of this Part no longer applying in relation to the precinct.

This amendment responds to a concern raised by the LGA regarding the transfer of infrastructure assets and a precinct to a local council upon revocation of a precinct declaration. The bill as it stands relies on the existing section 23 of the principal act which makes it clear that any property or assets can only be transferred to a council with the agreement of that council. This is reinforced by clause 9 of the bill which further amends this section. However, the government accepted the LGA's view that this clause could be strengthened.

This amendment will ensure that in order to revoke a precinct declaration, the minister must be satisfied that the precinct authority has consulted with a local council about the voluntary transfer of infrastructure assets in accordance with section 23. This will provide a critical checkpoint prior to the winding up of a precinct, and reinforces a council is not under an obligation to assume the precinct assets without agreement.

Additionally, as part of the business case for the precinct, the government has—at the suggestion of the LGA—included a requirement to identify up-front the likely infrastructure assets to be developed as part of the precinct and likely arrangements for their transfer to local government.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 13 [SusEnvCons–1]—

Page 10, after line 13 [clause 8, inserted section 7I(2)]—Insert:

(da) specify design guidelines for development, which may include specific design criteria relating to buildings or classes of buildings; and

(db) make provision in relation to any matter which a Development Plan under the *Development Act 1993* may provide for, including specifying classes of development within the area that will be taken to be *complying* development for the purposes of the *Development Act 1993*; and

(dc) provide for the provision of open space or the making of payments (insofar as it is relevant to development within the precinct) in connection with the requirements imposed under section 50 of the *Development Act 1993*; and

This amendment varies proposed section 7I(2). As part of the scheme of parliamentary oversight, the government has proposed in government amendment No. 18 that a precinct master plan be subject to parliamentary disallowance on a similar basis to a development plan amendment under the Development Act. To give effect to this, certain provisions which form part of a precinct implementation plan under the bill as it stands is proposed to form part of a master plan instead. This will ensure they are subject to the scrutiny and disallowance procedures.

The provisions to be transferred relate to design guidelines, complying development principles and open space requirements, and are part of the precinct plan which, in effect, will displace or override the underlying development plan to some extent. Because of this, it is appropriate that they are subject to closer parliamentary scrutiny.

This amendment responds directly to submissions put by the Planning Institute, the Environmental Defenders Office, the Community Alliance and the Local Government Association in relation to parliamentary oversight. It is part of a set of amendments which will implement a scheme of oversight including reporting to the Environment, Resources and Development Committee and a potential disallowance of precinct master plans by that committee. It is also a link to government amendments Nos 8, 14, 15, 18, 19 and 20.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 14 [SusEnvCons–1]—

Page 10, lines 23 to 25 [clause 8, inserted section 7I(4)(a)(i)]—Delete subparagraph (i)

This amendment indicates the government's view that it is consequential upon government amendment No. 13.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 15 [SusEnvCons–1]—

Page 10, line 33 to page 11, line 4 [clause 8, inserted section 7I(4)(b) and (c)]—Delete paragraphs (b) and (c)

I put the view that this amendment is consequential on government amendment No. 13.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 16 [SusEnvCons–1]—

Page 11, lines 8 and 9 [clause 8, inserted section 7I(5)]—Delete 'relevant provisions of any Development Plan applying in the area to which the precinct plan relates.' and substitute:

—

(a) relevant provisions of any Development Plan applying; and

(b) the Strategic Directions Report of any council,

in the area to which the precinct plan relates.

This amendment varies proposed new section 7I(5). Currently the bill provides for a precinct authority to have regard to the underlying development plan in undertaking the development of a

precinct plan. This will ensure that relevant information contained in the development plan is able to be considered and responded to. For example, it may be desirable that the flood mapping set out in the development plan is incorporated in the precinct plan.

In response to a suggestion by the Local Government Association, the government proposes in this amendment to make it clear that a precinct authority should also have regard to a council strategic directions report under section 30 of the Development Act in addition to the development plan itself.

Additionally, I can confirm that the government will encourage council to consider the use of the precinct planning process as a mechanism for the delivery of their strategic directions reports. This does not require an amendment, but for those councils wishing to undertake urban renewal, it is important that the government indicate it is open to this business.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 17 [SusEnvCons–1]—

Page 11, line 36 to page 12, line 4 [clause 8, inserted section 7I(8)(c) and (d)]—Delete paragraphs (c) and (d) and substitute:

(c) —

(i) in the case of a precinct master plan—

(A) by public advertisement, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase and invite interested persons to make written representations on the proposal within a period specified by the precinct authority; and

(B) hold a meeting where members of the public may attend and make representations in relation to the proposal, if the Minister considers it necessary or desirable for such a meeting to be held; or

(ii) in the case of a precinct implementation plan—undertake such public consultation on the proposal as is determined by the Minister to be appropriate.

This amendment varies proposed new clause 7I(8). Submissions from the Community Alliance and the LGA, among others, call for the public consultation requirements in the bill to be strengthened in relation to the preparation of a precinct plan. The bill leaves a deal of discretion in the hands of the minister in relation to the conduct of such consultation.

Submissions suggested that certain steps and public consultation should be mandatory upon a precinct authority rather than discretionary. The government has accepted these submissions. This amendment will make it a mandatory requirement for public consultation on the precinct master plan to include a public meeting and a public advertisement of the proposed precinct master plan, with submissions invited from the community.

This also reflects the fact that the master plan will now carry more of the detail of the precinct plan and also be subject to parliamentary disallowance as proposed in government amendment No. 18. The corollary of this is that the consultation process for precinct implementation plans has been simplified given that they now have less work to do and will be required to be consistent with the master plan.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 18 [SusEnvCons–1]—

Page 12, after line 38 [clause 8, inserted section 7I]—Insert:

(13a) Section 27 of the *Development Act 1993* (other than section 27(2)) applies to the adoption or amendment of a precinct master plan as if references in that section to an amendment to a Development Plan under Part 3 Subdivision 2 of the *Development Act 1993* were references to the adoption or amendment of a precinct master plan under this section.

This amendment varies proposed new clause 7I by inserting new subsection (13a). This new subsection will introduce parliamentary oversight of precinct master plans with the potential for

disallowance on the same basis as the development plan amendment. This forms part of a series of amendments which will increase parliamentary oversight and transparency of the precinct planning process.

This responds directly to submissions made by the Environmental Defenders Office, the Planning Institute, the LGA and the Community Alliance. Importantly, this will apply the same standards for parliamentary scrutiny as already apply for development plans. There have been some suggestions that this process requires review. In the government's view, this is best handled through the expert panel on planning reform as it is a broader initiative touching the system as a whole and must be considered in the light of overall system dynamics.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 19 [SusEnvCons–1]—

Page 13, after line 7 [clause 8, inserted section 7I]—Insert:

(14a) The Minister must, as soon as is reasonably practicable after the adoption of a precinct plan, publish on a website determined by the Minister—

(a) a copy of a report provided to the Minister under subsection (10); and

(b) any advice received from the Development Assessment Commission under subsection (12) on the report.

This amendment varies proposed new section 7I by inserting a new subsection (14a). This amendment will require the publication of the precinct authority's report to the minister and any advice by the Development Assessment Commission to be published transparently online. This responds directly to a suggestion made by the Environmental Defenders Office and the Community Alliance. It is one of a series of amendments relating to improved parliamentary oversight and transparency, including government amendment Nos 8, 18 and 20.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 20 [SusEnvCons–1]—

Page 13, after line 12 [clause 8, inserted section 7I]—Insert:

(17) The Minister must, within 28 days of the adoption of, or an amendment to, a precinct implementation plan, or the revocation of a precinct plan—

(a) provide a report on the matter to the Environment, Resources and Development Committee of the Parliament; and

(b) publish a copy of the report on a website determined by the Minister.

This amendment varies proposed new section 7I by inserting a new subsection (17) requiring the minister to report to the Environment, Resources and Development Committee upon the adoption or amendment of a precinct implementation plan or the revocation of a precinct master plan or precinct implementation plan. This is one of a series of amendments relating to improved parliamentary oversight and transparency, including government amendment Nos 8, 18 and 19.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 21 [SusEnvCons–1]—

Page 13, line 21 [clause 8, inserted section 7J(1)(a)]—Delete 'section 7I(4)(b)' and substitute 'section 7I(2)(db)'

This is consequential on government amendment No. 13.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 22 [SusEnvCons–1]—

Page 13, line 33 [clause 8, inserted section 7J(3)]—Delete 'section 7I(4)(c)' and substitute 'section 7I(2)(dc)'

This amendment is consequential on government amendment No. 13 as well.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No. 23 [SusEnvCons–1]—

Page 14, after line 1 [clause 8, inserted section 7K(1)]—Insert:

(ca) to make by-laws under the *Local Government Act 1999* or the *Local Government Act 1934*; or

This amendment is part of a series of amendments clarifying the operation of powers relating to council by-laws and rates. These include government amendments Nos 24, 25, 26 and 27. This amendment varies proposed new section 7K(1) by inserting new paragraph (ca). The amendment will make it clear that the ability to confer statutory powers on a precinct authority extends to the ability to confer by-law making powers. While this is implicit under the bill as it stands, it is desirable to make this power express. Importantly, by doing so it will provide a rationale for the inclusion of consideration of such powers upfront as part of the business case. As already indicated, the government will work with the LGA and other stakeholders to frame the format and content of the business case for inclusion in the regulations.

Amendment carried.

The Hon. I.K. HUNTER: I withdraw government amendment No. 24 in set 1, and replace it with government amendment No. 3 in set 2. I move:

Amendment No. 3 [SusEnvCons–2]—

Page 14, after line 30 [clause 8, inserted section 7K]—Insert:

(2a) If a precinct authority makes a by-law under the *Local Government Act 1999* or the *Local Government Act 1934* under subsection (1)(ca), the by-law—

(a) cannot be altered without the consent of the precinct authority; and

(b) is revoked if—

(i) the regulation under this section giving the authorisation to make by-laws is revoked; or

(ii) the relevant precinct is dissolved.

(2b) Without limiting subsection (1), a precinct authority may, if authorised by the Governor to do so by regulation, in relation to raising revenue for the purposes of the management, development or enhancement of a precinct established under this Part—

(a) impose a rate under the *Local Government Act 1999* (as if it were a council); and

(b) require a council to collect the rate on behalf of the precinct authority.

(2c) If a rate is imposed under subsection (2b)—

(a) Chapter 10 of the *Local Government Act 1999* will apply subject to any modifications prescribed by the regulations; and

(b) the council must comply with the requirement made by the precinct authority (and make a payment to the precinct authority of the amount recovered on account of the imposition of the rate); and

(c) the precinct authority is liable to pay to the council an amount determined in accordance with the regulations on account of the costs of the council in complying with the requirements imposed by the precinct authority (which may be set off against the amount payable by the council to the precinct authority); and

(d) if the precinct to which the rate relates is dissolved—the council may, for a period of 5 years, or such longer period as the Minister may allow, continue to impose any rate imposed by the precinct authority under subsection (2b)(a) and applying at the time of the dissolution (and, to avoid doubt, a rate continued under this paragraph is to be treated as if it were a rate imposed under subsection (2b)(a)).

This amendment is part of a series of amendments clarifying the operation of powers relating to council by-laws and rates. It is included in government amendments Nos 23, 25, 26 and 27. This amendment varies proposed new section 7K by inserting new subsections (2a), (2b) and (2c). New subsection (2a) is consequential upon government amendment No. 23. It makes clear that a by-law made by a precinct authority cannot be altered by a council during the life of a precinct without the

consent of the precinct authority. It also ensures any such by-laws are revoked upon dissolution of a precinct unless continued by a council under the Local Government Act.

New subsections (2b) and (2c) provide for the collection of rates within a precinct. Taken together, the regime proposed allows for rates to be collected by a council and passed onto the precinct authority for the purposes of management development or enhancement of the precinct. Councils may charge administrative costs involved in the collection on a similar basis to the Natural Resources Management Act. Importantly, the general provisions relating to the exercise of rating powers under the Local Government Act are to be applied to a precinct authority in exercising any local government rating powers, but subject to modifications that may be made by regulation. This important ability will allow flexibility in the application of rating powers.

Councils who act as precinct authorities will have the benefit of this ability to modify rating powers to propose innovative rating arrangements currently beyond the framework envisaged with the Local Government Act, provided these can be related to urban renewal purposes. The use of rating as a way of supporting financing for adaptive re-use arrangements could be one way this power could be applied. It can also be used to ensure that greater notification requirements are imposed on precinct authorities in relation to rating powers. This could, for example, require landowner notification as suggested by the Urban Development Institute.

New subsection (2c) also provides that any innovative rating arrangements applied within a precinct may be continued by a council with the permission of the minister. Members will note, in correspondence from the LGA last week, that councils would like to have a five-year period in which consent of the minister is not required. The government has agreed to this and the new amendment lodged in my name will give effect to this. It is otherwise the same as the original amendment filed.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 25 [SusEnvCons–1]—

Page 14, line 33 [clause 8, inserted section 7K(3)]—After 'matter' insert:

(which must include details of any submissions made by a council in consultation under subsection (5))

This amendment varies proposed new section 7K(3). Councils are to be consulted under proposed new subsection (5) proposed to be inserted by government amendment No. 26 in relation to the conferral of rating powers on a precinct authority. This amendment ensures that any submissions made by councils in response to such consultation are reported transparently to parliament. This responds to a direction suggestion by the Local Government Association.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 26 [SusEnvCons–1]—

Page 14, after line 37 [clause 8, inserted section 7K]—Insert:

(5) A regulation cannot be made under—

(a) subsection (1)(c) authorising the exercise of a power under the *Local Government Act 1999* in relation to the imposition or recovery of a rate, levy or charge; or

(b) subsection (2b),

except after consultation with the relevant council.

(6) The *Subordinate Legislation Act 1978* applies to a regulation made under this section as if references in that Act to the Legislative Review Committee of the Parliament were references to the Environment, Resources and Development Committee of the Parliament.

This amendment varies proposed new section 7K by inserting new subsections (5) and (6). New subsection (5) requires consultation with any relevant council in relation to a proposed regulation enabling a precinct authority to exercise a local government rating power. This amendment responds to submissions from the Local Government Association. New subsection (6) places responsibility for scrutiny of regulations under this proposed new section 7K with the Environment, Resources and Development Committee instead of the Legislative Review Committee. This is

because such regulations will closely align with the oversight functions of the ERD Committee in relation to precinct developments.

Amendment carried.

The Hon. I.K. HUNTER: I am advised that amendment No. 27 is consequential. I move:

Amendment No 27 [SusEnvCons–1]—

Page 15, after line 8 [clause 8, inserted section 7L]—After the present contents of section 7L (now to be designated as subsection (1)) insert:

(2) A regulation cannot be made under subsection (1) in relation to rates or charges imposed under the *Local Government Act 1999* except after consultation with the relevant council.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 28 [SusEnvCons–1]—

Page 15, after line 33 [clause 8, new section 7N]—Insert:

7N—Consultation with LGA on prescribed classes of regulations

(1) A regulation of a prescribed class cannot be made for the purposes of this Part unless the Minister has given the LGA notice of the proposal to make the regulation and given consideration to any submission made by the LGA within a period (of between 3 and 6 weeks) specified by the Minister.

(2) In this section—

LGA means the Local Government Association of South Australia.

Rather than go through the whole spiel I have been given by my very good adviser, I think the amendment speaks for itself.

Amendment carried; clause as amended passed.

Clause 9.

The CHAIR: The Hon. Mr Ridgway, we are just checking. We have an amendment No. 5 [Ridgway–1] new clause 8A.

The Hon. D.W. RIDGWAY: No, that is consequential.

The CHAIR: You are not proceeding with that one?

The Hon. D.W. RIDGWAY: No, and in fairness, I think it came after 27 but before 28 so I thought that you had realised it was consequential and we were expediting things.

The CHAIR: I'm completely confused, so keep going.

The Hon. D.W. RIDGWAY: Amendment No. 5 referred to the private sector and the minister must use his best endeavours to engage the private sector to initiate or undertake or manage developments. We discussed that in my first amendment. We divided and we lost it and so this is consequential. My amendment No. 6 is an amendment to the schedule where I am just adding a word.

The CHAIR: The Hon. Mr Ridgway, you will not be able to do that at this stage. First, we have to deal with the minister's amendment No. 29.

Clause passed.

New clause 10.

The Hon. I.K. HUNTER: I move:

Amendment No 29 [SusEnvCons–1]—

Page 15, after line 20—Insert:

10—Review

(1) The Minister must cause a review of the operation and impact of this Act to be conducted and a report on the results of the review to be submitted to him or her within 2 years after the commencement of this Act.

(2) The Minister must, within 6 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

Again, I think it speaks for itself.

New clause passed.

Schedule 1.

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

Amendment No 6 [Ridgway–1]—

Schedule 1, page 15, line 28 [Schedule 1, clause 1, inserted paragraph (d)]—After 'precinct' insert 'master'

This is to insert the word 'master' after the word 'precinct' in line 28 of that page. It is simply for clarification.

The Hon. I.K. HUNTER: I might speak for it. This amendment varies clause 1 of the schedule. The effect of the amendment combined with the Ridgway amendment No. 7 would be to alter the use of section 29 of the Development Act. The effect of these amendments will be to require any changes to a development plan consequential upon adoption of a precinct implementation plan to be made within a month while preserving flexibility for the minister in relation to a precinct master plan. The government, on reflection, is inclined to support this amendment.

Amendment carried.

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

Amendment No 7 [Ridgway–1]—

Schedule 1, page 15, after line 30 [Schedule 1, clause 1]—

After the present contents of clause 1 (now to be designated as subclause (1)) insert:

(2) Section 29—after subsection (3) insert:

(3a) The Minister must, within 1 month of the adoption of, or an amendment to, a precinct implementation plan under the *Urban Renewal Act 1995*, give effect to the adoption or amendment (as the case requires) by amending the relevant Development Plan by notice in the Gazette.

This effectively puts a deadline on the minister on amending a development plan after a precinct implementation plan has been finalised. I think the minister indicated that he was comfortable with it and it is consequential to amendment No. 6 so I will sit down and let the council do its work.

The Hon. I.K. HUNTER: The amendment is consequential.

The Hon. M. PARNELL: I will not disagree that it is consequential; I just wanted to say that I will have a very brief third reading contribution to make when we get to that point.

Amendment carried.

The Hon. I.K. HUNTER: I need to put on the record some comments about schedule 1, part 2, clause 3(1)—Transitional provision. This clause proves for a transitional period of 12 months during which the Governor may by regulation exempt any precinct authority from consultation requirements in relation to a precinct plan. The purpose of this provision is to allow for council or government projects which have already undergone consultation to be transitioned into the precinct planning model without repeating those steps. Sites like Bowden, for instance, have already involved significant public consultation in development of the master plan.

Similarly, councils that are partway through a public consultation process may wish to convert their urban renewal projects into a precinct without having to duplicate those steps. The exercise of this power will be subject to parliamentary oversight, of course. With those few remarks, I commend the remaining stages of the bill to the committee.

Schedule as amended passed.

Title passed.

Bill reported with amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:02): I move:

That this bill be now read a third time.

The Hon. M. PARNELL (17:02): I rise briefly on the third reading to put on the record that the Greens will not support the passage of this bill. As I have said before in this place, the government has hidden behind its review into planning law conducted by Brian Hayes QC as a reason for rejecting every proposed amendment to the planning system that the Greens have put forward in the last 12 months or so, and I expect we will hear exactly the same excuse again in relation to the next three bills I have.

In fact, the minister has already said today that, in relation to the sham that is parliamentary scrutiny of planning schemes, he thinks that that is a matter that the expert panel on planning law should look at. It seems that this is a case of double standards. The minister, in speaking to a number of the amendments, pointed out that some had been made at the request of groups such the Environmental Defenders Office and the Community Alliance. Yet, I want to put quickly on the record the Community Alliance's position as of 4 October—so pretty recently, and I know their position has not changed. They say:

> The Community Alliance SA remains opposed to the urban renewal amendment bill and its intended use as a significantly different and new way of carrying out planning and development in designated areas. The bill is very unpopular amongst communities at large, and putting it on hold, pending the outcome of the planning review process, would restore some faith in the process.

A very similar submission from the Cheltenham Park Residents Association I mentioned yesterday. They conclude their submission with the following:

> Putting people back into planning is not counterproductive to development. On the contrary, involving local communities to achieve results that everyone can happily live with will engender confidence in the planning system and create a smooth path for development outcomes. Wouldn't that be better than the widespread dissent and opposition that has galvanized the residents of this state into action? The formation of Community Alliance SA and the Coalition for Planning Reform is an unprecedented show of unity and evidence that something is seriously wrong with the present system.

Again, they have urged putting this bill on hold. They mention the newly formed Coalition for Planning Reform, a group that involves the Conservation Council of South Australia, the Community Alliance and the National Trust. Again, in this last week, that body has asked the Legislative Council not to pass this bill. In fact, if I can quote from the media release put out by the Community Alliance in the last couple of days, they say:

> The Coalition [for Planning Reform] is calling for the Premier to rein in his Planning Minister and instruct him to refer the Bill to the Expert Panel for consideration in its review of various options for reform of the planning system.
>
> 'It appears to the CPR [Coalition for Planning Review] that the Minister is determined to ram this Bill through Parliament as quickly as possible, in defiance of the many serious concerns raised in relation to it.'...'Putting this Bill on hold pending the report of its Expert Panel next year would be a good way for the Premier to demonstrate his commitment to community engagement and that he understands the unrest that has led to the creation of this new Coalition.' The Premier's credibility is on the line over the way the Government handles this Bill.

There is widespread concern in the community. The groups I have been referring to are the residents' groups, the ratepayers' associations and the community groups all over this state. They do not like this bill and they do not like the process it has gone through. They see the government as hypocritical in applying one standard to itself and another standard to every other planning law reform. For these reasons, the Greens will not be supporting the passage of this bill.

The Hon. A. BRESSINGTON (17:06): I rise to indicate I will not be supporting this bill, either, for all the reasons the Hon. Mark Parnell went into. I am not going to keep the council long, but I do hope the Liberal Party will reflect on what has been passed here today and the fact that process has been completely done away with. As the Hon. Mark Parnell said, there is a review process underway. One has to ask oneself why, when we are now legislating in relation to matters that would be taken into account by that very review process.

I wonder if anybody took notice of what happened at the federal election just a few weeks ago when minor parties and new parties basically ripped the guts out of the expectations of political analysts regarding what the outcome of that election would be. I will put on the record now that our state election is going to be no different because people are sick of this—absolutely sick of being ignored, and sick and tired of having to start up lobby groups in order to have their concerns heard.

Labor and Liberal join together on this and ram this through without any consideration at all of the objections of the people who actually pay them to be here.

I just give a word of warning: don't think that the state election is going to fare any differently to the federal election until people can see there is actually a difference between the Labor Party and the Liberal Party in this state. Right now, I think you have come together on a bill that is not only going to offend but absolutely separate you from a voting base that will be very disappointed to learn that you have gone along with this without waiting for a proper review process to be done and without the recommendations of that review being able to be taken into consideration.

The council divided on the third reading:

AYES (17)

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Finnigan, B.V.	Gago, G.E.	Hood, D.G.E.
Hunter, I.K. (teller)	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.
Wortley, R.P.	Zollo, C.	

NOES (3)

Bressington, A.	Franks, T.A.	Parnell, M. (teller)

Majority of 14 for the ayes.

Third reading thus carried; bill passed.

ELECTORAL (MISCELLANEOUS) AMENDMENT BILL

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

Amendment No. 1:

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

That the Legislative Council do not insist on its amendment No. 1 and agrees to the alternative amendment made by the House of Assembly.

Perhaps if I beg the indulgence of the council and make some comments now that pertain to all the amendments generally. Following a process of negotiation between the Attorney-General in the other place and the Hon. Stephen Wade, I understand that the amendments moved in the schedule have cross-party support.

Members would recall that, while a significant amount of the bill has been agreed to, there are essentially three sticking points between the government and the opposition. I thank all members for their contributions in consideration of the bill and the important points they have placed on record in leading to a positive outcome for the bill.

I obviously do not want to hold up the chamber, though I believe with the negotiation that has occurred between the Attorney and the Hon. Stephen Wade, and also advice and input from the ALP state secretary and the Liberal Party state director, it is important to place some detail on the public record.

The three outstanding issues relate to the day for the issue of writs, provisions for postal voting and resolving matters about second preference how-to-vote cards. The principles considered on these points have previously been placed on the record, both here and in the other place, so we obviously do not want to revisit those and I will seek only to detail the solutions we have found since then.

Firstly in relation to the date of the issue of the writs, I will move that the date should be set for 28 days from the date for the election. I will also move that the date for the close of rolls be changed from 10 to six days after the issue of the writ and the date for nominations be three days after the close of rolls.

The effect of this will be to minimise the length of the campaign period while still increasing the time the Electoral Commission has to distribute material, particularly relating to postal voting, which brings me to the next point: postal voting. I will move that the complete ban on political parties distributing postal vote applications be relaxed, as long as distribution occurs in a specific way.

The compromise position is that forms can be distributed so long as it is in a prescribed form that specifically states that the form must be returned directly to the commissioner. This point means the concerns that some electors would not receive postal vote applications were allayed as parties were still allowed to distribute. So, parties are still allowed to distribute postal vote application forms but it addresses the concerns about political parties' involvement in the process by requiring that the applications are not returned via a political party, which has been done in the past. I also understand there cannot be any political party material included on that paperwork as well, so it is quite party political neutral material that is included on that postal vote.

Finally, on the matter of how-to-vote cards, I will move that the candidate seeking to hand out a second preference style how-to-vote card would need to notify the candidate of the intention to indicate first preference to that candidate at least eight days before distribution. This combined with the proposed provision restricting the number of look and feel how-to-vote cards can be lodged with the commissioner to one where both concerns are passing off and the authority for second preferences are addressed.

The amendment does not prohibit the use of second preference how-to-vote cards, but it does mean a candidate essentially endorsed by another will have an opportunity to make it very clear that they do not accept the endorsement, if necessary. Additionally, the amendments ensure that it will be very clear to electors who is actually distributing the card owing to the government's passing off provisions.

In conclusion, I would like to thank all members for their contributions and efforts on this bill, particularly the Hon. Stephen Wade and Sandy Biar from his staff. I believe we have achieved a very positive outcome and I commend this motion to the council.

The Hon. S.G. WADE: I indicate that the opposition will support the alternative amendments proposed by the government. I acknowledge and thank the government for the focused and constructive discussions which have been held in recent times. In particular, I would also like to thank Family First, Dignity for Disability, the Hon. John Darley and the Hon. Ann Bressington, who supported some, or all, of the amendments proposed by the opposition. It was only by their willingness to support the opposition amendments that the government has been forced to negotiate amendments which were fair to all.

I appreciate that this crossbench support was given for the sake of fairness, not necessarily in their own interests. Earlier in the debate on this bill, I indicated my disappointment at the Greens' deafness to Liberal concerns. I think the government and the Greens need to remember that electoral reform is likely to be the best and most sustainable reform possible if the reform is fair and has bipartisan and multipartisan support.

I concur with the minister's summary of the intended impact of the alternative amendments. The bill is another step in the electoral reform journey. One element of the conversation on this bill which remains unresolved is the need to reconsider the availability of postal voting. My party is strongly of the view that access to postal voting needs to be increased. I hope that we might be able to consider this issue in the next parliament.

In conclusion, I also acknowledge the contributions of my adviser Sandy Biar, the Attorney-General's adviser Liam Golding and the state directors of our respective parties.

Motion carried.

Amendment No. 4:

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

That the Legislative Council do not insist on its amendment No. 4 but makes the following alternative amendment in lieu thereof:

New clauses, page 6, after line 29—Insert:

13A—Amendment of section 47—Issue of writ

Section 47—after subsection (2) insert:

(2a) In the case of a general election for the House of Assembly, the writ or writs for the elections in all House of Assembly districts must be issued 28 days before the date fixed for the polling in each district under section 48.

13B—Amendment of section 48—Contents of writ

(1) Section 48(3)(a)—delete '—the date falling 10 days after the date of the issue of the writ;' and substitute:

—

(i) in the case of a general election for the House of Assembly—the date falling 6 days after the date of the issue of the writ; or

(ii) in any other case—the date falling 10 days after the date of the issue of the writ;

(2) Section 48(4)—delete 'a date falling not less than 3 days nor more than 14 days after the date fixed for the close of the rolls.' and substitute:

—

(i) in the case of a general election for the House of Assembly—the date falling 3 days after the date fixed for the close of the rolls; or

(ii) in any other case—a date falling not less than 3 days nor more than 14 days after the date fixed for the close of the rolls.

I have already spoken to that.

The Hon. S.G. WADE: The opposition will be supporting this and all the following amendments.

Motion carried.

Amendment Nos 5 and 6:

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

That the Legislative Council do not insist on its amendments Nos 5 and 6.

Motion carried.

Amendment No. 7:

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

That the Legislative Council do not insist on amendment No. 7 and disagrees to the alternative amendments made by the House of Assembly and makes the following amendment in lieu of the alternative amendments of the House of Assembly:

Page 8, line 15 [clause 17, inserted section 74A(1)]—After '(an application form)' insert:

unless—

(a) the application form is in the prescribed form; and

(b) it is stated on the form that it must be returned directly to the Electoral Commissioner; and

(c) no additional information or matter appears on the form or on the reverse side of the form

Motion carried.

Amendment No. 11:

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

That the Legislative Council do not insist on its amendment No. 11.

Motion carried.

Amendment No. 12:

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

That the Legislative Council insists on its amendment No. 12.

Motion carried.

Amendment No. 14:

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

That the Legislative Council do not insist on its amendment No. 14 but makes the following amendments in lieu thereof:

Page 9, lines 21 to 27 [clause 22, inserted section 112A(1)(c)]—Delete paragraph (c) and substitute:

(c) the card—

(i) has substantially the same appearance as a how to vote card that—

(A) has been submitted for inclusion in posters under section 66; or

(B) has been lodged with the Electoral Commissioner no later than 12 noon on the day falling 8 days before polling day; or

(ii) is a compilation of more than 1 how to vote card of a kind referred to in subparagraph (i) (provided that those how to vote cards relate to different electoral districts).

Page 9, after line 33 [clause 22, inserted section 112A]—After subsection (2) insert:

(2a) If a how to vote card is lodged with the Electoral Commissioner under subsection (1)(c)(i)(B) by or on behalf of a candidate, no further how to vote card may be lodged in relation to the same election by or on behalf of that candidate.

Page 10, after line 18 [clause 22, inserted section 112A]—After subsection (5) insert:

(5a) Despite subsection (5), a how to vote card distributed by or on behalf of a candidate (the relevant candidate) will be taken not to have substantially the same appearance as—

(a) the relevant candidate's initial submitted how to vote card (if any); or

(b) a how to vote card lodged under subsection (1)(c)(i)(B) by or on behalf of the relevant candidate,

if—

(c) the distributed how to vote card indicates that the first preference vote should be given to a different candidate from the relevant candidate or any other candidate indicated as a candidate to whom a first preference vote should be given on a how to vote card referred to in paragraph (a) or (b); and

(d) the relevant candidate has not given written notice at least 8 days before the card is distributed and in accordance with any other requirements of the regulations to the candidate to whom the distributed how to vote card indicates that the first preference vote should be given.

Motion carried.

Amendment No. 15:

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

That the Legislative Council do not insist on its amendment No. 15 and agrees to the alternative amendment made by the House of Assembly.

Motion carried.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 September 2013.)

The Hon. K.L. VINCENT (17:31): I speak today in favour of the second reading of the Liquor Licensing (Miscellaneous) Amendment Bill 2013. I would like to start doing that by thanking Brad Green from the Attorney-General's office for briefing my office on this bill last week. We certainly have had some issues in relation to some venues and alcohol-related violence outside of those venues, including some that resulted in the death of young men in sad circumstances which Dignity for Disability would certainly hope could be avoided, as I think we would all hope for.

Alcohol-related injury and illness, whether through car accidents, other accidents, violence or ongoing abuse, are certainly a significant cause of disability and chronic illness in South Australian society. I am pleased that the government is acknowledging (through features in this bill) the significant harm that alcohol can and does cause to society, and that the disease and cost burden is far greater than the problems many illicit recreational drugs cause.

However, venues that serve alcohol are only one part of this picture. The vast majority of venues across the state serve alcohol in a responsible fashion and also manage unsociable behaviour in an equally responsible manner. This bill is really to deal with venues and patrons that operate outside the intended rules.

At this stage, I would like to ask a question of the government regarding the feature in this bill which now includes a definition of 'intoxicated' to enable prosecution where licensees provide alcohol in breach of section 108. I understand that we will insert the New South Wales and Australian Capital Territory definition of intoxicated (by drugs or alcohol) as:

(a) The person's speech, balance, co-ordination or behaviour is noticeably affected; and (b) It is reasonable in the circumstances to suspect that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor or other substances.

I have concerns about this definition, as you may suspect, because of both personal experience in what I have had reported to my office, and also what has been noted in the media where people with disability are discriminated against when attempting to purchase alcoholic drinks in licensed venues. I know I have been asked many times if I am allowed to drink, for example. As if I need a permission note from my mum, despite being nearly 25 years of age!

I have no issue with the definition as such, but I would ask the government and the Australian Hotels Association to ensure that adequate training be given to (often young) staff about some disabilities which can lead to people presenting as being intoxicated, for example people with cerebral palsy and people recovering from a stroke. As people with disabilities get more access to the community—as they should have already—and are able to live fuller and richer lives that may include going to the pub (a long overdue activity for some) this issue needs to be addressed.

I also acknowledge the work of my parliamentary colleagues, the Hon. Ms Franks, the Hon. John Darley and the Hon. Robert Brokenshire for their amendments to this bill. I advise that I am still considering the sets of amendments and intend to give them each the consideration that they deserve. However, with regard to Mr Darley's amendments, I certainly share his frustration that the Casino seems to be constantly exempt from the laws, regulations and rules that every other licensed venue in the state is held to, and that certainly does not seem fair, to say the least.

I also note the incredibly outdated features of the act that Ms Tammy Franks has identified, and Dignity for Disability is certainly open to these particular amendments. I only received the Hon. Mr Brokenshire's amendments this afternoon, I understand, and I am still considering them. At this stage I am happy to proceed with the debate and consider those amendments.

Debate adjourned on motion of Hon. K.J. Maher.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 3) BILL

In committee.

(Continued from 26 September 2013.)

New clause 9A.

The Hon. S.G. WADE: Just to remind the council where we were, the aim of the government's original amendment was to equate appeals from the Magistrates Court on major indictable matters to appeals from a single judge in the Supreme Court in its original jurisdiction or the District Court in its criminal jurisdiction. The Law Society queried whether this was appropriate on the grounds that as a magistrate is not a judge the extra safeguard of an appeal to a single judge attracting costs, as it does now, appears warranted.

The society recommended consequential amendments to the rules of court to make the appeals 'criminal appeals' to the Court of Criminal Appeal. The government accepted the society's point and has said that if the Legislative Council agrees to pass the amendments as is the Attorney will raise the issue with the Chief Justice with a view to appropriate amendments to the rules.

On 26 September the opposition received the support of the council to hold over further consideration of this bill to allow the opposition to consult with the magistracy. I would like to put on record excerpts from a letter I received from the Magistrates Association. The letter is dated 3 October and it states:

The response provided by the Law Society is disappointing. The assertion that Magistrates are not judges raises the very issues that are the subject of the correspondence addressed to you on 22nd July 2013. Magistrates, like the judges of the District Court, are creatures of statute. We have no inherent powers but have been given specific powers by legislation. The Courts Efficiency reforms gave magistrates the power of sentence in a very wide

range of matters classified as major indictable and increased the length of sentence that can be imposed by the Magistrates Court.

Later the letter goes on to say:

There is clear evidence and support from superior courts that magistrates carry out identical duties and must deal with all matters with the same care and attention that is required of the members of the superior courts. The parliament has seen fit to give magistrates the power to sentence for major indictable matters that have until recently been within the jurisdiction of the superior courts only. The penalties remain the same. For example, a person sentenced by the District Court for trafficking in a particular substance is likely to receive a sentence of 2 to 3 years imprisonment which may or may not be suspended. The same person who appears in the Magistrates Court is highly likely to receive a similar sentence. On behalf of the magistracy I now keep a record of District Court sentences to ensure that there is a level of consistency.

To suggest that magistrates are not carrying out identical responsibilities when sentencing as that required of District Court judges is unsupportable. Given that situation, it would appear incongruous to suggest that there should be a different order of costs when the appeal is from the Magistrates Court or that the convention in relation to costs in major indictable matters should be any different.

I put the Magistrates Association's views on record. That letter was forwarded from their President, Magistrate Kitchin. The association has indicated that they do not seek an amendment of the bill, but would remind the parliament of the status which the parliament itself has recognised in the magistracy in recent amendments to bills. So, the Liberal opposition will not oppose the government's amendments to this bill, but we do express our concern at the lack of consistency in the government's treatment of the magistracy.

New clause inserted.

New clause 9AB.

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

Amendment No 2 [AgriFoodFish–1]—

Page 4, after line 15—Part 7—before clause 10 insert:

9AB—Amendment of section 5—Interpretation

Section 5(1), definition of *Full Court*, (b)(ii)—delete subparagraph (ii) and substitute:

(ii) the Chief Justice has made a determination under—

(A) section 357(3) of the *Criminal Law Consolidation Act 1935*; or

(B) section 42(2a) of the *Magistrates Court Act 1991*; or

(C) section 22(2a) of the *Youth Court Act 1993*;

This new clause will provide that the discretionary power of the Chief Justice conferred in the Statutes Amendment (Appeal) Act 2013, to determine that a Full Court may be constituted by two judges, will include appeals arising from the Youth Court. The purpose of this amendment is to ensure consistency across jurisdictions.

The Hon. S.G. WADE: The opposition supports the amendment.

New clause inserted.

Clauses 10 to 12 passed.

New clause 13.

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

Amendment No 3 [AgriFoodFish–1]—

Page 4, after line 31—Insert:

Part 9—Amendment of *Youth Court Act 1993*

13—Amendment of section 22—Appeals

Section 22—after subsection (2) insert:

(2a) The Chief Justice may determine that the Full Court is to be constituted of only 2 judges for the purposes of hearing and determining an appeal to the Full Court of a kind referred to in subsection (2)(ba).

(2b) The decision of the Full Court when constituted by 2 judges is to be in accordance with the opinion of those judges or, if the judges are divided in opinion, the proceedings are to be reheard and determined by the Full Court

constituted by such 3 judges as the Chief Justice directs (including, if practicable, the 2 judges who first heard the proceedings on appeal).

I believe this is consequential to government amendment No. 2 in the first set of amendments.

New clause inserted.

Title passed.

Bill reported with amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (17:45): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ELECTORAL (FUNDING, EXPENDITURE AND DISCLOSURE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 September 2013.)

The Hon. R.I. LUCAS (17:46): I rise on behalf of Liberal members to indicate our support for the second reading of the Electoral (Funding, Expenditure and Disclosure) Amendment Bill. All other jurisdictions on my understanding in Australia at the moment, at the state level and certainly at the federal level, have some variation of publicly funded elections as part of their legislative and electoral funding arrangements. This particular proposal after many years of discussion seeks to replicate in South Australia what occurs in other parts of the nation.

Some cynics have said to me that it is interesting that after 12 years of enjoying what the cynics might argue are the benefits of the existing disclosure and funding arrangements that the state Labor government has decided to become a latter day convert to publicly funded elections. Those cynics are suggesting that perhaps some within the Labor Party are preparing just in case they enter a period where they are not in a position to enjoy the benefits of being in government and the benefits of the former funding arrangements and disclosure arrangements that existed in South Australia. Of course, I said to those cynics, 'Shame on you for even suggesting that the Premier and the state Labor Party would be driven by such base political considerations in the introduction of publicly funded elections after many years of opposing it.'

Whatever the reason, as the member for Davenport indicated in the debate in the House of Assembly, the Liberal Party has been for a number of years publicly and privately a supporter of the principle of publicly funded elections. It is true that there has been much debate about the exact model that was best and might be supported. Various people at various times have had various models that they have supported. Former Liberal leader Isobel Redmond was a strong supporter of some of the elements of the system that operated in a Canadian jurisdiction and she said so publicly leading into one of the recent elections. As I said, it has been a position that the Liberal Party privately and publicly, through people like the former Liberal leader Isobel Redmond and others, has supported the principle of publicly funded elections.

The issue, of course, is moving from the principle of supporting publicly funded elections and greater disclosure to exactly what model is capable of being implemented and that is, of course, what has taken some time. I can indicate that over many years, and under former Labor premiers and former Labor state secretaries, various proposals for public funding have been discussed. I had a recent discussion with former shadow attorney-general Rob Lawson, who at varying stages was engaged, as was I, in discussions with representatives of the Labor Party about the introduction of public funding.

All through that period, whilst there were some within the Labor Party who supported public funding, there were those, as I said, at the top and those who made the final decisions who ultimately decided the benefits of the current disclosure arrangements to the Labor Party and the Labor government meant that they were not prepared to introduce the sorts of reforms that are canvassed at this particular time. The recent discussions over the last 12 months or so are the latest in a series that have occurred over a long period of time in relation to the possibility of greater disclosure and the principle of public funding.

I think there is little doubt that most people in the community would agree with the view that there should be greater disclosure and transparency in relation to the funding of political parties and political candidates. Whilst that obviously impacts on the two major parties the most and the greatest interest rests with the Labor Party and the Liberal Party, we have seen in recent elections that there is an increasing focus by the media and the community on who is funding the minor parties. As has been raised on a number of occasions, a recent significant donation to the Greens at the national level attracted considerable public attention from the community and the media in relation to funding. Certainly, the funding of Senator Xenophon's campaign has attracted some interest, and I am sure for other minor parties and Independent candidates there has equally been interest.

The major interest and the major concern properly rests with those who might form government and those who ultimately might make decisions. Clearly, in our system, the prime responsibility for disclosure, I guess, rests with those who are actually in government. For the last almost 12 years, that rests with the Labor government because, ultimately, those who fund governments and ministers are in the greatest position, potentially, to have the perception of influence in relation to decision-making.

In terms of appropriate disclosure regimes, the fight for the ICAC in South Australia was an important part of that particular improved disclosure regime. Again, for many years the Labor Party in South Australia fought tooth and nail against the discipline, the disclosure and the accountability of having an ICAC in South Australia. That, of course, heightened public and community concern in relation to why Labor governments and Labor ministers would be so opposed to not only disclosure but also accountability mechanisms through something such as an ICAC.

Of course, after almost 12 years, and just prior to another election, we have seen another latter-day conversion to support for an ICAC in South Australia. Again, we the Liberal Party welcome that from opposition. We are pleased to be able to take the policy lead on these significant issues in the community and in the parliament and ultimately have the Labor government supporting the policy lead that Liberal leaders and the Liberal Party have adopted on these issues in terms of greater transparency and accountability.

A number of members have raised, and I have raised on a number of occasions—and I will not repeat the detail of this afternoon in my contribution—the concerns that have been expressed about significant donors to the Labor government and some of the statements that they made on the public record as the reasons why they made donations. In many cases, lots of the concern that was raised by people with the opposition was about what they saw as almost the requirement to donate significantly to the Labor Party in the need for their business to survive and thrive in South Australia. As I said, I have put on the public record, and other members have as well on some occasions, some of those concerns and some of the public statements that donors to the Labor Party have made about their reasons for doing so.

That is the history; we move on. I do not want to rake over the coals of that history too much other than to say we welcome this particular development—this attempt to move forward. We think it will be welcomed by the community broadly. It is certainly going to be welcomed by the media, I am sure.

There are complicated aspects to the legislation. When I conclude my remarks tomorrow and when we continue with the committee debate—whenever that is going to be—we will have the opportunity to flesh out some of the further detail, but there are complicated aspects to this.

As the member for Davenport indicated, there is already a High Court case that has been taken out by the union movement, or representatives of the union movement, in relation to the capping of donations in New South Wales being an abuse of the right of political free speech. Clearly, one of the issues that any of these regimes of capping expenditure and capping donations has is how on earth do you distinguish between third parties?

The most blatant of third parties are obviously those which enter into an arrangement with a political party to undertake a campaign on their behalf on a particular issue. The trickier third parties, of course, are those who do not enter into arrangements with political parties but know the political lay of the land and, on the particular issue that they campaign on, they know that it is favourable to one party and unfavourable to another party.

We have seen any number of those examples. At the federal level, the GetUp! organisation, with its campaign on industrial relations at, I think, the election prior to the most recent one, was clearly an example of a supposed third-party organisation running a major

campaign, funded through donations, which they clearly knew would be favourable to one political party—the Labor Party. In their view, they saw it as being unfavourable to another political party which was, on that occasion, the Liberal Party.

You could, in recent days at the federal level, look at the converse: the mining lobby running campaigns opposed to the mining tax, which would clearly be, from their viewpoint, seen to be a campaign unfavourable to the federal Labor Party at the time. They would see it as being favourable to the federal Liberal Party at the time. The issue of third parties and how you actually manage disclosure and expenditure caps is a critical issue in relation to disclosure and electoral funding issues.

The government, together with the opposition, has done its best in relation to this issue but I think it is fair to say, when we have a chance to further debate it, there is just no way—at this stage anyway—of being able to countenance all the possible opportunities that third parties and pseudo third parties might embark on to get their way around this proposed legislation. There is no simple solution. The High Court decision in New South Wales may well throw some light on this particular aspect of the legislation and we would be wise, as a state parliament, to look at that closely when the decision comes down.

The main change that has been agreed in the House of Assembly to the government's original proposal has been, in essence, to delay the vast bulk of this part—in particular the public funding part of it—until the 2018 election. It was certainly the Liberal Party's position that, at a time when we have just run a $1.2 or $1.3 billion deficit and this year we are looking at another billion dollar deficit, to actually say to the people of South Australia that, in this current budget crisis that we have after 12 years of Labor government, we think we should add to the budget challenges by publicly funding the 2014 election was in our judgement a step too far.

The member for Davenport, on behalf of the Liberal Party, moved an amendment to delay the implementation of this scheme until 2015, so that it will not operate until the 2018 election. Some of the disclosure issues, which I will address in the completion of my speech tomorrow, will commence straightaway. They will apply to the 2014 election, but the actual public funding side of things will not, and therefore will not be implemented until the 2018 election.

That will be something that will be warmly received by the electorate and by the community, as I said, particularly at a time when governments are asking for cuts to critical services and programs in health, in education and across the board. I am sure there would have been trenchant opposition to the public funding of political parties for the 2014 election. The Labor government agreed to reverse its position on that particular aspect of the bill and what we have before us is now an agreed position to operate from 2018. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

WORKCOVER CORPORATION (GOVERNANCE) AMENDMENT BILL

Received from the House of Assembly and read a first time.

SELECT COMMITTEE ON MATTERS RELATING TO THE INDEPENDENT EDUCATION INQUIRY

The House of Assembly has not given leave to the Premier (Hon. J. Weatherill), the Minister for Education and Child Development (Hon. J.M. Rankine) and the Minister for Employment, Higher Education and Skills (Hon. G. Portolesi) to attend and give evidence before the select committee.

MINING (ROYALTIES) 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 the Status of Women, Minister for State/Local Government Relations) (18:05): 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.

In the 2012-13 Mid Year Budget Review, the Government announced reforms to the timing of royalty payments collected by the State, for producers with expected annual royalties in excess of $100,000 required to make royalty payments monthly in arrears from 1 July 2013. This Bill reflects those reforms for mineral producers who pay royalties under the *Mining Act 1971*.

This change to royalty collections was estimated in the Mid Year Budget Review to provide a one-off benefit to the State of $31.6 million in the 2013-14 financial year.

The revised payment arrangement aligns South Australian royalty payments for large mineral producers with the timing of royalty payments in some other Australian jurisdictions. In addition, it aligns large mineral producers' royalty payment arrangements with royalty arrangements for South Australian petroleum and geothermal producers.

The amendments set out in this Bill have no impact on producers with an annual royalty liability of less than $100,000.

Mineral royalty provides a significant income stream to South Australia, collecting $119 million in royalty receipts in 2011-12. Approximately $79 million of the total mineral royalties collected in 2011-12 was paid quarterly due to specific producer indenture terms which differ from payment conditions set out in the current *Mining Act 1971*.

Amendments to indenture arrangements are being progressed separately to this Bill.

Only around 30 producers of a total of around 300 mineral producers in the State are expected to be affected by these changes. The 30 producers represent almost 95 per cent of the total mineral royalty revenue received by the State.

While legislation changes the timing of payments for major producers, the administrative arrangements previously applied will not change. Specifically all producers that may pay royalties on behalf of a grouping will continue to do so as they have done over the years. To ensure there is consistency and clarity, the mineral producer likely to have an annual royalty liability of $100,000 or more will be nominated as a designated miner captured by the proposed amendments.

In accordance with the *Mining Act 1971*, producers are currently required to provide a six monthly return with their royalty payment which summarises production and sales data relevant to the royalty period. While the new payment arrangements will require major mineral producers to make monthly royalty payments, the returns will continue to be required on a six monthly basis in July and January (covering the preceding six months) for all producers, minimising any administrative burden for producers.

In March each year, a 'notice of assessment' will be provided to each designated mining operator setting out the monthly payment schedule, for the next financial year. A transitional provision included in the Bill allows for the initial notice to be given after the Bill is passed.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure is to be taken to have come into operation on 1 July 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Mining Act 1971*

4—Amendment of section 17D—When royalty falls due (general principles)

This is a consequential amendment in view of the enactment of proposed new section 17DA.

5—Insertion of section 17DA

17DA—Special principles relating to designated mining operators

New section 17DA will introduce a scheme under which mining operators who satisfy criteria set out in subsection (3) may be required, by the Minister, to pay royalty monthly in advance in respect of a particular financial year on the basis of estimates made by the Minister. The scheme will include half-yearly adjustments to take into account actual royalty calculations, and the Minister will be able to vary any assessment from time to time and to extend any date on which a payment of royalty would otherwise fall due.

Schedule 1—Transitional provision

1—Transitional provision

The Schedule sets out a transitional provision that will allow arrangements to be put in place so that the new scheme can be operational in relation to the 2013/2014 financial year.

Debate adjourned on motion of Hon. R.I. Lucas.

STATUTES AMENDMENT (ARREST PROCEDURES AND BAIL) 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 the Status of Women, Minister for State/Local Government Relations) (18:06): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill aims to achieve greater efficiencies in the bail process by amendments to the *Bail Act 1985* and the *Summary Offences Act 1953* and to clarify some ambiguities in the *Bail Act 1985* that have led to some variations in court practice.

A number of interested parties, including the courts and legal profession, were consulted on the form of the draft Bill. Submissions from these parties were considered by the Government in finalising the Bill.

Bail Act amendments

Definitions

- To insert definitions of a 'designated police facility' (to have the same meaning as in section 78 of the *Summary Offences Act 1953*) and 'officer in charge' in relation to a police station (to mean the police officer for the time being in charge of the police station).
- To insert a definition of the term 'responsible officer' in relation to a police station (to mean the officer in charge of the police station or, if a police officer has, for the time being, been designated by the officer in charge of the police station as the officer with responsibility for persons accepted into custody at the police station, that officer). The reality is that it is often the case that the position of officer in charge of a police station is a nominal administrative position, and the police officer who is actually in charge of the cells is someone other than that officer. This amendment will reflect that practice.
- To clarify that a bail authority who is a police officer must be a police officer who is of or above the rank of sergeant or is the responsible officer for a police station.

These definitions are also consistent with amendments proposed to the *Summary Offences Act 1953*.

Procedure on arrest

Currently, section 13 of the Bail Act sets out the requirements once a person has been arrested when the person is eligible to apply for bail. It is proposed to repeal the current section and substitute a new section 13 that will clarify how a person may be brought before the appropriate court (either the Youth Court of South Australia or the Magistrates Court) for the purposes of the section. A number of other minor technical changes are also proposed that do not alter the substantive effect of the current section. The substituted section will clarify that a person may be brought before the appropriate court either in person or by video link or, if the person is in custody in a police station or designated police facility that is situated in a remote area and there is no video link available, by audio link. A remote area is defined as being 400 kilometres or more from the nearest appropriate court (but some other distance may be prescribed by the regulations in substitution for that distance).

This amendment formalises current practices of the Magistrates Court and will mean that an arrested person could appear via video link on an application for bail wherever the appropriate facilities are available, including metropolitan police stations and police stations in remote areas. If the arrested person is in custody in a remote area where video link is not available, the person could be brought before the court via audio link (for example, by telephone). This should assist arrested persons and free the police from having to transport defendants long distances for a brief court appearance. Instead of using valuable police resources to transport bail applicants, those resources can be put to better use in managing police stations and patrolling the regions.

Telephone reviews

Section 15 of the Bail Act makes provision for a review by a magistrate of a decision of a bail authority that is a police officer or a court constituted of justices by an applicant for bail who is dissatisfied with the decision of the bail authority. The section does not apply in relation to a decision made on application to a police officer on arrest if the arrested person (not being a child) can be brought before the Magistrates Court constituted of a magistrate not later than 4 pm on the next day following the arrest.

Currently, the police officer who made the original decision is required, on application by a dissatisfied person to whom the section applies, to contact the duty magistrate by telephone for the purpose of having the decision reviewed by the magistrate. However, it is often the case that the police officer to whom an applicant applies is not in fact the same officer as the one who made the decision the subject of the review because, for example, that officer has completed his or her shift and has been relieved by another officer.

It is proposed to repeal the current section and substitute a new section 15. The new section will allow another police officer of or above the rank of sergeant or in charge of the police station to contact the magistrate for

the purposes of a telephone review if the police officer who was the original decision maker is not immediately available to do so. The new section preserves the right for an arrested child always to have the right to a telephone review on request of the child or a guardian of the child and, in addition, reflects the amendments proposed in new section 13 in relation to how a person may be 'brought before' the Magistrates Court.

Other changes

Proposed substituted section 16 will allow the court to extend the time limit for deferral or a stay of release on bail where the Crown or police immediately indicate that an application for review of a magistrate's bail decision will be made. The amendment provides for an extension beyond 72 hours where there is approval either by a magistrate or the Supreme Court. The amendment will allow for the time necessary to provide information to the Office of the Director of Public Prosecutions (such as charge sheets, antecedent reports, bail papers), especially in cases where the criminal justice services are closed over a weekend or public holiday. The effort that goes into preparing written bail review applications is not only time consuming but resource intensive and this amendment will allow for sufficient time for prosecuting authorities to prepare the necessary documents.

The Bill will also amend sections 18 and 19A of the Bail Act so as to clarify that a court may, if a person has breached a term or condition of a bail agreement, revoke the bail agreement. Currently the court may cancel the right of the person to be at liberty in pursuance of the bail agreement. The amendment will avoid any confusion that may arise about the existence of the original bail agreement should the defendant, after having been taken into custody, be further bailed. The amendment will make it crystal clear that, on a breach application, the judicial officer may revoke the bail agreement.

Summary Offences Act amendments

Part 18 of the Summary Offences Act makes provision for arrest procedures. The Bill will substitute 'as soon as reasonably practicable' for the term 'forthwith' wherever it occurs in this Part of the Summary Offences Act. 'Forthwith' is considered to be an archaic term and has been interpreted by the courts as meaning the 'shortest time which is reasonably practicable in the existing circumstances'. These amendments are of a technical nature only and do not change the substantive effect of the provisions.

Proposed amendments to section 78 of the Summary Offences Act will relax the requirement for persons arrested without warrant to be brought to the nearest police station forthwith in certain circumstances. Currently, an officer must deliver the person into the custody of the officer in charge of the police station. An arrested person cannot be bailed on the spot, even if the arresting officer is a bail authority, but must be delivered into the custody of the police officer in charge of the nearest police station at which facilities are continuously available for the care and custody of the person apprehended or, for persons arrested in the Adelaide area, the City Watch House. This means, for example, that a person apprehended for a minor offence in the city cannot be taken to the Hindley Street Police Station because it does not have continuously operating holding cells. Further, a person who is injured cannot be granted bail but must be brought to a police station. The Bill will now allow police to take the arrested person to the nearest custodial police station or a designated police facility.

The Bill will permit police to grant bail at a designated place other than the nearest custodial police station when the person has been arrested in a remote or non-metropolitan regional area, or when the person is arrested in a situation where taking him or her to the nearest police station would significantly reduce operational police capacity in the area. This has been achieved by a series of amendments to section 78 of the Summary Offences Act and related amendments to sections 3 and 13(1) of the Bail Act.

The Bill repeals current subsections (1) and (2) of section 78 of the Summary Offences Act and substitutes new subsections. New subsection (2) will allow police to detain a person who has been apprehended without a warrant on suspicion of having committed a serious offence for a period not exceeding that specified in the subsection for investigation purposes. The Bill also inserts new subsections in section 78, including (3a), (3b) and (3c). The period of '2 hours, or such longer period (not exceeding 4 hours)' referred to in section 78(3a)(c) is a requirement that the legislation places on police to limit the amount of time that a person can be held at a 'designated police facility' without obtaining authorisation from a magistrate. This is intended to apply to special events or busy periods, such as New Year's Eve, where there are a high number of offenders arrested and it is not physically possible to process all of the arrested people quickly. The time limit of 2 hours is intended to be a balance between the ability of police to deal with the arrested person and that person's opportunity to apply for bail. The time limit and subsequent obligation to obtain authorisation are factors that will be a benefit for the arrested person by placing legislative constraints on police.

The Bill will allow the Commissioner of Police to approve in writing certain places as designated police facilities. These may include specified rooms, buildings or structures (whether permanent or temporary), or specified vehicles or classes of vehicles, for particular police operations or specified events, or classes of operations or events. The Commissioner of Police will be given authority to delegate this power by an instrument in writing to declare a designated police facility when there is an urgent need to declare and the Commissioner is not available. For example, the police may have been alerted that there will be a bikie run through the APY lands and may need to conduct, at short notice, an 'operation' at which there are likely to be arrests. The aim of this set of amendments is to have the Commissioner consider the custodial capacity of police throughout the State and to declare certain places outside the metropolitan area, other than police stations with the usual custodial facilities (usually located in large regional towns), to fill the gaps in remote areas. It is also to permit the Commissioner, in contemplation of arrests at a particular police operation or a large public event, to declare places or vehicles or vessels to be relevant police facilities for the duration of that operation or event.

Section 79 covers the situation where a police officer, without a warrant, takes into custody a person whom the officer has reasonable cause to believe has an outstanding warrant. Under the changes proposed to

section 79(3), if a person taken into custody is in need of medical treatment before being delivered as required under the section, the requirement to deliver the person as soon as reasonably practicable does not prevent the immediate provision of necessary medical treatment.

The spirit of these changes is to allow police to address more easily the welfare issues of a person who has been arrested, without committing technical diversions from the prescribed legislation.

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 *Bail Act 1985*

4—Amendment of section 3—Interpretation

This proposed amendment will insert the following definitions into the principal Act: *designated police facility*, *officer in charge* of a police station and *responsible officer* in relation to a police station.

5—Amendment of section 5—Bail authorities

Section 5 provides for the constitution of bail authorities for the purposes of the principal Act. This proposed amendment constitutes a police officer who is of or above the rank of sergeant, or the responsible officer for a police station, to be a bail authority in certain circumstances.

6—Amendment of section 6—Nature of bail agreement

7—Amendment of section 7—Guarantee of bail

8—Amendment of section 11—Conditions of bail

These proposed amendments are consequential on the amendment proposed to section 5 of the principal Act (see clause 5).

9—Substitution of section 13

It is proposed to repeal current section 13 and substitute a new section containing a related amendment, a number of technical amendments and clarification of what it means to be brought before the Youth Court or the Magistrates Court as required under the section.

13—Procedure on arrest

New subsections (1) to (4) (inclusive) re-state in current terms with minor technical amendments the duties of a police officer on arresting a person eligible to apply for bail and the rights of the arrested person.

A new subsection is included that clarifies how an eligible person may be brought before the Youth Court or the Magistrates Court for the purposes of this section. This may be—

- in person or by video link; or
- if the person is in custody in a police station or designated police facility that is situated in a remote area and there is no video link available—by audio link.

In this section, *remote area*, in relation to the situation of a police station or designated police facility, is defined to mean 400 kilometres or more (or, if some other distance is prescribed by the regulations for the purposes of this definition, that distance) from the nearest Youth Court or Magistrates Court (as the case requires).

10—Substitution of section 15

It is proposed to repeal current section 15 and substitute a new section.

15—Telephone review

New section 15 is similar to the current section but clarifies the scheme for a review by telephone by a magistrate of the decision of a bail authority constituted of a police officer or a court constituted of justices.

The new section also sets out the manner in which a telephone review must be conducted and contains provisions consistent with the changes proposed in new section 13.

11—Substitution of section 16

It is proposed to repeal current section 16 and substitute a new section.

16—Stay of release on application for review

New section 16 provides that if a bail authority decides to release a person on bail or, on a review by a magistrate of a decision of a bail authority, the magistrate decides to release a person on bail and there is an immediate indication by a police officer or counsel on behalf of the Crown that an application for review of the decision will be made under this Part, the release must be deferred.

New section 16 sets out when the period of deferral will end and provides that if a person is released on bail when the period of deferral ends (other than on the completion of a review), the conditions of bail are those that would have applied had the person's release not been deferred.

12—Amendment of section 18—Arrest of eligible person on non-compliance with bail agreement

This proposed amendment clarifies that if a court or justice is satisfied that a person released on bail has contravened or failed to comply with a term or condition of a bail agreement, it may revoke the bail agreement. The other proposed amendment is consequential.

13—Amendment of section 19A—Arrest of person who is serious and organised crime suspect

This proposed amendment is consistent with the amendment proposed to section 18.

Part 3—Amendment of *Summary Offences Act 1953*

14—Amendment of section 76—Arrest by owner of property etc

This proposed amendment is of a statute law revision nature.

15—Amendment of section 77—Arrest of persons pawning or selling stolen goods

The proposed amendment is consequential.

16—Amendment of section 78—Person apprehended without warrant—how dealt with

It is proposed to insert new definitions of a *custodial police station*, *designated police facility* and *nearest custodial police station*, for the purposes of this section. The amendments will allow a person apprehended without a warrant to be delivered as soon as reasonably practicable into the custody of the police officer in charge of the nearest custodial police station or a police officer at a designated police facility. A person apprehended without warrant on suspicion of having committed an indictable offence or an offence punishable by imprisonment for 2 years or more (a *serious offence*) may be detained for a period for investigation purposes before being delivered to the nearest custodial police station or designated police facility.

Inserted subsection (3a) provides that a person who has been apprehended without warrant and detained in custody at a designated police facility must as soon as reasonably practicable be delivered into the custody of the police officer in charge of the nearest custodial police station if the person declines to make an application for release on bail; or a decision is made to refuse an application for bail made by the person; or 2 hours, or such longer period (not exceeding 4 hours) as may be authorised by a magistrate, has elapsed since the person has been detained in custody at the police facility and the person has not been released (whether on bail or otherwise).

The clause makes provision for what will not be taken into account when determining the period that has elapsed since being detained in custody either in a custodial police station or designated police facility.

The Commissioner of Police may, by instrument in writing, approve the use of any of the following as a designated police facility:

- a specified room, building or structure (whether permanent or temporary);
- a specified vehicle;
- a vehicle of a specified class,

and may, by subsequent instrument in writing, vary or revoke such an approval.

An approval of a designated police facility must—

- specify the use of the designated police facility for a specified event, purpose or police operation or an event or a purpose or police operation of a specified class or for a specified area of the State outside Metropolitan Adelaide (within the meaning of the *Development Act 1993*); and
- specify conditions for the use of the designated police facility.

17—Amendment of section 79—Arrest without warrant where warrant has been issued

One of the proposed amendments is of a statute law revision nature and the other makes it clear that if a person taken into custody is in need of medical treatment before being delivered as required under section 79, the requirement to deliver the person as soon as reasonably practicable does not prevent the immediate provision of necessary medical treatment.

Schedule 1—Statute law revision amendments of *Bail Act 1985*

The Schedule contains amendments to the Bail Act that are of a statute law revision nature.

Debate adjourned on motion of Hon. T.J. Stephens.

EVIDENCE (IDENTIFICATION EVIDENCE) AMENDMENT BILL

Received from the House of Assembly and read a first time.

CONTROLLED SUBSTANCES (OFFENCES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

At 18:07 the council adjourned until Wednesday 16 October 2013 at 11:00.