LEGISLATIVE COUNCIL

Tuesday, 8 December 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 10:19 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia and their connection to the land and community. We pay our respects to them, their cultures and the elders both past and present.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (10:19): I move:

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

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee.

Clause 1.

The Hon. M.C. PARNELL: In relation to clause 1, I want to ask the minister about the process that the government is seeking to follow in pushing this bill through in this optional sitting week. Before I ask the question, I refer the minister to two documents that she has presented us with in the last few days. One is a priority letter, dated 4 December, which says that the government's priority will be to complete all stages of debate by Thursday 10 December in relation to the Planning, Development and Infrastructure Bill. The letter goes on to say that only if an opportunity presents itself will the government seek to complete the following bills, and there is a list of four other government bills. Since that letter was distributed to all members of parliament we have had another letter, this one dated yesterday, Monday 7 December. It is only a few sentences so I will read it out:

Dear Colleagues,

Further to my letter to members in the Legislative Council dated Friday, 4 December 2015, it is the Government's intention to pass the Planning, Development and Infrastructure Bill before the Christmas break.

In anticipation of the above, the Council may be required to sit this Friday, next week and any other week following, in order for the Bill to pass.

The Hon. R.I. Lucas: Including Christmas Day.

The Hon. M.C. PARNELL: The Hon. Rob Lucas interjects, 'including Christmas Day'. Christmas Day is not excluded from this list, so the honourable member might be onto something. The letter goes on:

Members should be prepared to sit early and late on all days.

The optional sitting week and any other further sitting days thereafter are set aside to debate Government business, as such will take precedence over Private Members' Business this year.

It concludes: should further information be required, and there is a contact phone number. So, my first question of the minister is: what is the necessity for the bill to pass this year?

The Hon. G.E. GAGO: I thank the member for his question. The government is on the record, particularly the Attorney-General, who has expressed his desire to have the bill completed

this year. It is major reform. The bill has been through extensive consultation and the Attorney-General is very keen to implement the bill as soon as possible. There are a raft of changes that will result, if this bill is to succeed, and the Attorney-General is very keen to proceed to implement those.

In terms of contribution to clause 1, I might just put some matters on the record. Whilst this clause is formal, in order to facilitate progress of the committee deliberations, I wish to make a few overarching points. First, I wish to indicate that the government has been in dialogue with the Local Government Association and, accordingly, a number of the amendments we will put in committee directly respond to matters raised with us by the LGA. Members will have seen correspondence last week from the LGA outlining outstanding issues, and I am confident that members will see that with these amendments this list will have even fewer entries. In that respect, in addition to the amendments we will move a number of implementation commitments, which we will make at the request of the LGA when we reach the appropriate clause. There remain some matters where the government and the LGA do not agree, most obvious being the role of the elected members on assessment panels.

Secondly, the government has been closely engaged with industry groups over recent years, with particular focus on clauses relating to the proposed environment and food production areas and the proposed infrastructure delivery schemes. I will come to the detail of those shortly. It is important to recognise how far these conversations have come and how much industry has to gain from the passage of this legislation. It is clear to government that, as dialogue has proceeded, the willingness of industry groups to pull out all stops to reach a satisfactory outcome on these outstanding matters is recognition of that. That goes to the question the Hon. Mark Parnell has just raised: why the need to progress this as expeditiously as possible?

Thirdly, noting that there are a number of government amendments, amendments moved by the opposition, amendments moved by the crossbenches, I indicate that to facilitate the committee deliberations the government will treat certain amendments as test votes for wider propositions, and I will deal with those as we go along. In this respect I also note negotiation on some amendments that are ongoing and, should negotiations be fruitful, we would be willing, with the chamber's agreement, for particular clauses to be recommitted prior to finalising the bill for transmittal to the other place, and I will highlight those limited matters as we proceed through the committee deliberations.

Finally, in respect to the time frame, members will know that the government is keen to get this legislation through this year. That has been the case for some time, and of course the bill itself has been in the public domain for some time and is supported by the extensive consultation undertaken by the expert panel on planning reform that preceded it. I will not reiterate all the reasons I outlined in my second reading closing, but I remind members that the sooner we get this bill through the sooner we can start the implementation task, and that means the sooner the benefits can flow to South Australians.

I can give assurances that members will be engaged in the implementation process of key stages, and I already note the interest of the Hon. John Darley with respect to primary production issues and the Hon. Kelly Vincent in relation to universal design. As we come to the end of the committee's deliberations, I indicate that the government will be willing to give commitments to other members with respect to particular implementation matters, should they be requested. I hope all members will approach this debate with these considerations in mind.

The Hon. M.C. PARNELL: I thank the minister for her answer to my question. She has effectively said that the need for this to pass this year is because the Attorney-General wants it to pass this year and he has said it is going to pass this year. The minister referred to a number of stakeholders. She said the government had been closely engaged with the LGA, and that their conversations have come a long way with other stakeholders. More specific, can I ask the minister which of the key stakeholders has come out in the last week agreeing with the government as to the urgency to pass this bill this year? Is there any correspondence—because I certainly have not received any—from any stakeholders saying, 'The Legislative Council must pass this bill this year'?

The Hon. G.E. GAGO: I have been advised that a number of key stakeholders have indicated that they are keen to progress the implementation stage because a lot of the detail in terms of the implications for them are at the implementation stage. They are very keen to get to the

implementation stage and, obviously, we cannot reach the implementation stage until we have completed the bill.

The Hon. M.C. PARNELL: I thank the minister for her answer, which was that no group has put in writing, or even to me verbally, that they want this bill to pass this year. Certainly, they are keen to advance all the stages—a process that will take, on the government's own admission, between three and five years—but that was not the question. The question was about whether any of the stakeholders are clamouring for this bill to pass the Legislative Council this year, and the answer is no-one.

I refer the minister to the government's document entitled Transforming our Planning System: Response of the South Australian Government to the final report and recommendations of the Expert Panel on Planning Reform. This is a document dated March 2015. It is in fact the government's official response to the lengthy Hayes review process.

In that document, as well as the government's general response to the broad recommendations made by the Hayes review, there is a targeted time-line page, which is page 9 of the report. This report goes through the release of the Hayes review, back on 12 December last year, the deadline for public comments on that review—13 February this year—and then goes through to March 2015, which is the release of the government response, which is the document I am referring to of March this year. Then it states:

March—June 2015 drafting of legislation

Those are stages 1 and 2. Stage 3 is entitled 'Parliamentary process', and the document states:

Bill targeted for introduction to Parliament in July 2015. Debate on the legislation will commence in September after consultation over the winter break and is expected to be completed by the end of 2015.

Under the heading 'Key dates'—and these are the government's own words; they are not mine:

Key dates

July 2015 bill introduced to Parliament—with feedback sought during the winter break

And then:

September 2015 parliamentary debate proceeds on bill

My question of the government is, firstly: why was the introduction of the bill delayed for two months from July 2015 to 8 September 2015? What is the reason for that two-month delay in the process?

The Hon. G.E. GAGO: I have been advised that the time frame that we outlined in those early stages was an indicative time frame only. Obviously, we did everything in our powers to meet that time frame; however, the complexity of the legislation and the detail around drafting meant that we were not able to. In compensation, if you like, or to make up for that, I guess you could say, we conducted more than 60 meetings with stakeholders before and after the bill was tabled to ensure that we got the robust feedback that it warranted.

The Hon. M.C. PARNELL: I thank the minister for her answer. The part of it that I am struggling with is that the compensation for the two-month delay is that the government did what the government was always going to do and talked to stakeholders. The big difference was that we were delayed by two months. The whole process was two months behind and, in particular, in that crucial winter break, when parliament is not sitting and when all members of parliament have their opportunity to meet with stakeholders, talk to people, circulate the bill and get feedback on it, that process was basically short-circuited. We lost two months in the process: that is the point I am making.

My point, I guess—I can pose it as a question but I think the minister probably is not going to say any more than she said—is that, if the government has slipped the process two months, why is it not appropriate for the legislative process to likewise be put back two months, which would, in fact, bring us into the February sittings of parliament? That makes absolute sense to me.

In fact, it was the basis on which discussions had proceeded because, certainly, the government made it very clear to members of parliament that we would not be sitting the optional sitting week and a simple calculation of time would show that there was not a snowflake's chance in

hell of the committee stage being reached during the scheduled sitting days and, suddenly, we find that to sit the optional week is back on and it is for the purpose of the planning bill.

The point I am making—and, of course, I am leading up to what will surprise no members, and that is a motion a bit later on to report progress—is that the government slipped two months. In fact, there is more to it than is in the government's formal response because the minister was asked this question in estimates before the winter break and, basically, his view was that he would have the bill before the winter break. Heads would roll if he did not have the bill before the winter break. He did not get the bill before the winter break, and neither did parliament. I do not want to make much of that other than that two months that we lost in terms of consultation should now be added to this end of the process. Give us our two months back so we can consult with stakeholders.

In terms of the minister's response so far, she said that this bill is being progressed because the Attorney-General wants it progressed. As far as I can see, there are two main reasons that the government is progressing this in the way it is. The first is that the planning minister thinks we have had enough time. He is over it and he thinks we should be over it. He has had to deal with the lower house of parliament and the last thing he wants is to have to deal with a lengthy, complex debate in the upper house.

The minister in another place and the minister here have pointed out the lengthy process, which I will say I have engaged with. I have been to many of the consultations from the very early days of the Hayes review. But the approach that, certainly, the Greens have taken, and I think other members have as well, is that at the end of the day, as members of parliament, our time is going to be most valuably spent when we receive the bill and going through the bill as we do, clause by clause. When we knew exactly how the government was responding to the Hayes review, that was the time for the Legislative Council to focus on the detail.

I alluded to this but did not outline it in my second reading contribution, that those of us who went through the previous process between 1991 and 1993, that planning review process, know that you could spend hours and hours engaging in debate that ultimately made no difference to the outcome. The real debate was on the bill and in parliament and, of course, that was the great disappointment because, despite, as I think I have described, forests of butcher's paper being taken from endless community meetings, the ultimate result was a bill that was pretty much the status quo. The bill before us is not really that much more imaginative. The Legislative Council is where the rubber hits the road and it is where we need to do a thorough job.

The second reason I think the government is keen to progress this bill this year, for it to pass, is that the government does not give two hoots about the bicameral system of parliament. The conversation in the eastern corridors of the building is always the same, certainly amongst crossbenchers, that is, that we acknowledge that the government does not get it. They do not understand the bicameral system of parliament. They are arrogant and disrespectful, and they are disrespectful of the mandate that the people of South Australia have given the upper house of parliament.

As a result, we get these laughable, I would say, priority letters that tell us that, like naughty children, we are going to be kept in class until we come up with that the answer the government wants. In a classroom, if a student does not do what the teacher wants, they get sent to the naughty corner. That is what the government's attitude is: send the Legislative Council to the naughty corner. Make them sit long hours, day and night. Make them come back long after the scheduled sitting time for parliament has expired. Make them come back Christmas Eve, Christmas Day, Boxing Day, New Year's Day. Make them come back until they give the government what they want. But what is so offensive, I think to the government, is that the Legislative Council dares do its job properly.

As I have pointed out, every stakeholder that I have spoken to has problems with this bill, and in fact we are still getting correspondence. Most recently, and this letter, I think, arrived either last night or this morning from a group of key stakeholders being the Environmental Defenders Office, the National Trust of South Australia and the Conservation Council of South Australia. I need to put parts of this letter on the record because it goes to the haste with which the government is pursuing this bill. The letter starts, to members of the Legislative Council:

We understand the Government's intention is push ahead and finalise debate on this Bill during the upcoming sitting week.

Why the rush?

There has been a very limited opportunity so far for a genuine community debate on such an important planning reform. Generally, this level of reform is only undertaken once every 20 or so years and is accompanied by deep and wide community engagement.

What is different about this current reform process, and similar reform processes interstate, is the absence of sufficient detail for the community to be able to comment in an informed way on the nature of the proposed changes. There's been very little consultation on this highly complex Bill or the extensive amendments that have been tabled so far.

I will just interrupt my reference to this letter by pointing out that the government does talk about extensive consultation, but at the end of the process where we did not have any detail available to us. This is the pointy end. The bill is now before us and these community groups have not had sufficient opportunity to look at the detail of the bill.

The letter refers to extensive amendments that have been tabled so far. I am sure other members will refer to this fact that we received another 36 government amendments at 9.07 this morning, and we got this through the excellent initiative promoted by the Greens—which is the online service—so that once the amendments have been filed, we all get an email in our box telling us that an amendment has been filed at 9.07 this morning.

The government might say, 'Oh but it is date stamped last night.' We did not get it last night. I was in the chamber at 8.30 this morning going through the list of paper filed amendments, and it was not here at 8.30 this morning. In discussion with Legislative Council staff, it arrived at about 9.30 this morning, so shortly after we were notified electronically.

The point that I am making is that with these groups—the EDO, the National Trust and the Conservation Council—what possible chance have they had to consider these 36 amendments that were tabled this morning? When we add the 36 amendments to the previously filed amendments, we get to 241; 241 filed amendments, most of which in the last week, the last few days, which stakeholders not had a chance to thoroughly digest. To continue with the letter, it says:

We are very concerned there is no detail in the public domain on important matters such as the Citizens Charter, the Planning and Design Code, qualifications of members of decision making bodies, community comment on assessments and environmental impact assessment. Without the release of exposure drafts, it is extremely difficult for the community to provide a response on these matters.

There is far more to the Bill than the public would be led to expect from the Expert Panel's recommendations and the State Government's short response to it in March 2015.

As a result, many stakeholders and interest groups are calling for less haste and proper engagement.

The letter then goes on to say that they strongly support a number of aspects of the bill, and that is good on them. The Greens support a number of aspects of this bill. I will read the headings but certainly I will not go through all the detail, but this group of three important stakeholder NGOs is supportive of the environment and food production areas, the so-called urban growth boundary; they support 'empowering regional strategies to conserve and improve environmental and heritage resources.' They support some of the efficiencies to be built into the Planning and Design Code and they support some of the new enforcement tools.

There is a range of things that people will support, and they are more likely to support it the more opportunities they have to understand it and to go through the detail. The letter then goes on to a range of things that the bill does not achieve. Many of those are ones that I referred to at some length in my second reading contribution so I will not repeat them here, other than to conclude with the words in the letter, which says:

No one who is pro-democracy should be comfortable with this Bill in its current form. It appears stacked in favour of remote government, not inclusive practices. In the absence of more detail, there appears to be effectively unfettered Ministerial control in most processes.

There is no need to rush this legislation through. Rather, it is essential that the Legislative Council be given an appropriate opportunity to review and consult.

We therefore urge you and your colleagues to insist on the release of further information before the Bill is debated to ensure that you (and the wider community) are better able to adequately assess the practicality of the proposed legislation.

This letter is signed on behalf of the Conservation Council by its chief executive, Craig Wilkins, on behalf of the National Trust of South Australia by its chief executive, Dr Darren Peacock, and on behalf of the Environmental Defenders Office by coordinator and solicitor, Melissa Ballantyne.

This is something we have just received in the last 24 hours or so—key stakeholders saying that they desperately want to be able to support elements of this bill but that it is difficult to do so when they do not have the detail before them. I have a couple of questions that flow from that. In relation to the amendments that have been filed, and the government can only speak to its own amendments but there are over 100 of those, my first question is: who did the government consult in the preparation of these amendments?

The Hon. G.E. GAGO: All of our amendments?

The Hon. M.C. PARNELL: All of your amendments, who did you consult?

The Hon. G.E. GAGO: I thank the member for his question. In terms of who we consulted, as I have already indicated, there were 60 meetings conducted with a wide range of key stakeholders. There was a comprehensive list of groups outlined in the second reading contribution, so I refer the member there. The list contains community, local government and also industry.

In relation to the comments made around the 36 amendments filed last night, I am advised that they involve only extremely minor amendments, minor word changes, and they were in direct response to industry group feedback, so it was through consultation that those amendments were generated. The government indicated back in March last year the document that the Hon. Mark Parnell refers to, the government's response to the expert panel.

The Hon. M.C. Parnell: No, this year, March this year.

The Hon. G.E. GAGO: What did I say?

The Hon. M.C. Parnell: Last year.

The Hon. G.E. GAGO: It feels like last year. I beg your pardon—it was March this year; it just feels like it is an additional year. In that document we make it quite clear that we intended to complete the bill before the end of this year, so we have indicated well in advance our time line around that. Since then, we have indicated that the progress of these reforms will now require a two-bill process rather than one. The second bill, as we have indicated, will deal with the implementation issues, and we plan to do that in the first half of next year, subject obviously to this bill being completed this year.

In effect, the Hon. Mark Parnell says, 'Give us our two months back,' but we are doubling that: we are in fact giving an additional four months to progress these matters, so members will have further opportunity at the implementation stage to deal with those particular matters.

The Hon. M.C. PARNELL: I thank the minister, but most specifically, in terms of the amendments that have been filed, the minister says of the second set, 'Nothing to see here; they're only minor.' With respect, we will be the judge of that. Unintended consequences haunt these corridors quite frequently and so we need to be able to have a look at it.

In her answer, the minister was not able to refer to any stakeholder to whom the government had forwarded these actual two sets of amendments and asked them whether they were happy with them. I will give the minister one more chance if she wants to say, 'Well, actually, yes, we did send the amendments out to all these groups.' I do not think she did, but she can clarify that if she wants to.

The Hon. G.E. GAGO: I advise that various stakeholders have seen various iterations, so we have been involved with key stakeholders all along. As I said, basically, most of those amendments are in direct response to those lengthy discussions that we have had with stakeholders to be able to incorporate their concerns and considerations.

The Hon. M.C. PARNELL: I thank the minister for the answer. I do not deny for one minute that what she is saying is true: some people have seen some detail and the amendments are in response to submissions that some people made. But that is not the best way to legislate for the good order of the people of South Australia. It needs to be a more open process. The minister has admitted that she has not circulated these amendments to key stakeholders, and I just let that point stand.

In response to my suggestion that I would like our two months back, the minister said that we are getting double value—we are getting four months because of this additional bill. I certainly note that one of the planning minister's staff members wrote to crossbench members last week, and I will just read out a sentence:

> For your information, please also note that the Department continues to compile a set of minor/technical miscellaneous amendments to the Bill, which amendments the Minister has foreshadowed may be moved during a further necessary implementation Bill in the New Year.

My question is: what exactly is the government doing? Are there problems with the existing bill that need fixing or is the subject matter of a further implementation bill exactly that—implementation—in other words, not touching the framework and just working out how to implement it, or is it a bit both ways?

The Hon. G.E. GAGO: I thank the member for his question. Indeed, the second bill will deal with implementation matters. However, the government has also indicated that it is prepared to address any unforeseen or unintended consequences that may have arisen from this particular bill. We would be prepared to address those.

The Hon. M.C. PARNELL: I will just ask one question before I let someone else have a go for a while, not that I have finished on clause 1. I would just like to explore something that was raised in the letter that I referred to before from the Conservation Council, the EDO and the National Trust, that is, the suggestion that, with complex legislation, often the community expects there to be some sort of indication of what might be coming in terms of the detail. We can have things like exposure drafts or draft versions of regulations, and I think that is an eminently sensible way to go.

There are four sets of documents where the community sector, at least, is interested in getting some indication from the government of what they might look like. First of all, we have development plans under the current act, and I think there are 70 or so. There is one for each council area plus one or two for out-of-council areas and coastal waters as well. There are about 70 of these and they are all going to be rolled into something called the 'planning and design code', so people are interested in how that process is going to work and over what time frame that will be done.

Secondly, when might we see a draft of the regulations? The importance of the regulations, for example, is that, from memory, schedule 1 of the regulations contains all the key definitions—what is a shop or an apartment or a multidwelling. That is obviously crucial, and people are interested to know what is going to be in those. In fact, I do not recall a year going by in this place where someone—very often the opposition but sometimes a crossbencher—was saying, in relation to a bill, 'This doesn't give us enough to go on; tell us what you have in mind for the regulations.'

So those are my questions. The development plans are first: when will we see what they might look like? The regulations are important. Secondly, the community sector is really keen to see this new charter of citizen engagement, even just a preliminary advance, no-obligation version. Finally, there is the range of other statutory planning documents; there are state planning policies, there is a couple of obligatory policies that must be prepared. Wrapping all that stuff up into a single question: what is the government's plan for providing indicative drafts of these documents so that the community can have a better understanding of this whole package of reforms and what it might mean for them?

The Hon. G.E. GAGO: In relation to process, in terms of the task of changes to planning, this will require an enormous level of change and will require a very thorough and rigorous process with considerable input from key stakeholders. There are 23,000 pages of development plans, so it is just a huge task. That is why we have committed to the second bill and a thorough process of implementation, and that level of detail will be done during those stages.

In relation to how we will go about doing that, one of the amendments the government has put in place, and that I will be moving—hopefully soon—is an amendment to ensure that everyone will be involved, so industry, local government and the community will be involved. That amendment sets up two implementation committees, making sure that all relevant stakeholders are thoroughly engaged.

The Hon. D.W. RIDGWAY: I will just make a couple of quick comments before I address some questions to the minister. From the opposition's point of view regarding this bill we are now in the committee stage of, the Hon. Mark Parnell highlighted the time frame we were all working to. We had been told that we would not be sitting the optional week, and your party members, Mr Chairman, were as surprised as we were when we learnt we would be sitting the optional week.

However, if you look at it in the context of the important reform that I think everybody is wishing to get from this new bill—and it is, as you mentioned when you sat down in your chair, Mr Chairman, 230 clauses—at this point there are 249 amendments. The honourable minister opposite was elected on the same day as I was back in 2002 and in the 14 years we have both been in this chamber, while we have sat a couple of times in optional weeks, this will be the first time in those 14 years that we have had a bill of this magnitude, with the expectation from the government that we would deal with it in a week, when we actually have more amendments than there are clauses in the bill—at this stage, I point out.

It is unprecedented that the government, particularly the planning minister and Premier, think that we should be able to quickly process this bill in the week—

The Hon. G.E. Gago: Two weeks; last week and this week.

The Hon. D.W. RIDGWAY: We agreed to do the second reading speech last week which, I would point out, was a break from convention. Bills normally sit on the *Notice Paper* for a sitting week before we undertake the second reading debate but, I guess as a sign of cooperation, I think we were all happy, even the crossbenchers, to do the second reading speech last week. We were happy to do that in the interest of progressing things, and I think the understanding would probably have been, at that point, that we would come back in the first week next year, having had a couple of months for industry, government, various stakeholders and all of us in the opposition and on the crossbenches to work through all the proposed amendments, some 249 of them now, to actually come up with a much more considered position.

It is interesting that, of course, now we have some discussion around a second bill that presumably we will see some time in the first half of next year, as the minister said; although given their track record, it will probably be towards the second half of next year. It is interesting that the minister made some reference in her response to the Hon. Mark Parnell's question that they want to make sure that all stakeholders have a say. That is a recognition that they actually have not achieved that in the process that they have undertaken so far.

Just by way of example, I think it was minister Rau who said that he was very keen to make sure there was community engagement upfront. I have contacted all of the councils that are affected by the urban growth boundary. I will not go into too much detail because I am going to save that for when we get to those particular clauses at some point in the next three days. It is interesting he talked about consultation. This is from the Light Regional Council. Their first opening sentence to me, in relation to the map for the environment and food production area, is:

> The council first became aware of this via the related article in an edition of *The Advertiser* dated 2 December 2015.

We are now at 8 December, so that is six days ago that they read about it in *The Advertiser*. One of my first questions to the minister is: can she confirm that councils did not receive the detailed maps of their particular environment and food production area boundaries? How were councils, like the Light Regional Council, informed?

I have another question that I will quickly pose to her as well. I think the whole process of consultation has been, by and large, with minister Rau, the Minister for Planning and Attorney-General, with industry. I think he has a good rapport with industry. He has travelled overseas to Shanghai, or to China, and to the US with an urban development group.

The question I posed several times in my second reading contribution—and I have read the minister's response—was: can she give us a guarantee that minister Rau will be the minister through the next year or two, but especially next year? Maybe he will not be the minister before the next election, but certainly in the next 12 months, because he has actually undertaken this consultation. He has made some commitments as a minister that they will fix things up on the way through. Clearly, I can see this very acute opportunity for a reshuffle where a new minister will say, 'I did not give that commitment. I was not the minister.' So all of the commitments that the minister has given amount to nothing. Could the minister confirm whether the Minister for Planning will be the Minister for Planning for the next 12 months?

The Hon. G.E. GAGO: Most of the answers to these questions have been dealt with either in the second reading debate or my second reading summary. In relation to the consultation about the boundary, the development boundary has remained unchanged except for Roseworthy, So, that is the only change to the boundary. In relation to the guarantee of commitments, all commitments will be delivered.

In relation to the councils being consulted, every single council has been consulted in relation to the 30-year plan update process, and that has been conducted over the past 12 months. Over the course of this year, every council has had at least three briefing sessions on the 30-year plan, which go to the question of particularly where growth will be and implications to the boundary. So, they have all been involved in that.

As I said, it was deemed that it was unnecessary to make any changes other than to Roseworthy. In relation to Roseworthy, it was a key election commitment at the last election not to proceed with the second stage of the Roseworthy development, so that is no surprise to anyone. That was made at election time.

The Hon. D.W. RIDGWAY: I was not going to ask this question now, but the minister says there have not been any changes. We were provided with a copy of the map, which we forwarded to all of the councils. The Light Regional Council said the map that we attached features an error. Freeling is shown to be part of the Barossa preservation district, and the council says it is not. The government have said they have consulted, and the maps have been distributed. They have not changed yet. Clearly, in the very first piece of feedback I have had from one of the affected councils, there has been an error identified, which does spook me.

In the Barossa preservation bill, which was designed to protect our premium food and wine areas, we saw that the Henschke Hill of Grace vineyard was excluded. You would know, Mr Chairman, how important and how wonderful Henschke's Hill of Grace wine is, and that vineyard was excluded from the character preservation zone. It was not deliberately excluded; it was just an oversight, because they did not realise, but this is what frightens me about these maps and boundaries around every little town in the area. I will explore that later on, but it does frighten me that those mistakes or oversights can be made. That is what happens when you rush pieces of legislation: you are in such a hurry that you do not give them full consideration.

Interestingly, with the [EmpHESkills–3] amendments that have been tabled, I think, today, can the minister confirm whether all the stakeholders that they have consulted with have seen the amendments, and do they have agreement from those stakeholders? My understanding, as of late last night, was that the amendment had only just been received by the stakeholders. They were drafted, were incorrect, and had to be drafted again. The opposition has yet to receive any advice from any of the major stakeholders other than verbally—'Oh, we are getting closer to a position.' Exactly what is the position of those amendments, and are we likely to see a further range of amendments?

The Hon. G.E. GAGO: Which amendments were they? The 36?

The Hon. D.W. RIDGWAY: The 36 or 37 that we got at half past nine this morning.

The Hon. G.E. GAGO: I have already answered this. The 36 amendments—I believe it is 36, not 37—

The Hon. D.W. Ridgway: I think it was 37.

The Hon. G.E. GAGO: Thirty-seven—that were tabled last night, I have already indicated they were in response to feedback from the industry. They are very minor in nature, and we can deal with them during the committee stage. If the honourable members have issues or concerns about them, we will deal with them then. But, as I said, they are very minor and they were directly in response to matters that the industry had raised.

The Hon. David Ridgway is right about one thing, and that is that there were other minor amendments made to the urban growth boundary. The only substantial changes that were made were at Roseworthy. The others were very minor in nature and they were in response to our due diligence process—

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: —where we have picked up an opportunity for minor improvements.

The Hon. D.W. RIDGWAY: It is interesting that the minister describes it as minor. I know that interjections are out of order, but as one of my colleagues down the line here said, it is only minor if it is not your land, and that is the point I make. What were the minor adjustments? The minister is saying there were minor adjustments made, or minor mistakes, but if councils only received a copy or became aware of the final boundaries six days ago, how can she be certain that they are 100 per cent happy with the boundaries we have?

I remind her also that I think Eden Valley actually wanted consultation with that township. They wanted some more opportunity for their community to expand in the Barossa preservation zone debate, because they actually wanted to have enough houses and enough people in the community to sustain a village store or a small store so they could get a carton of milk and a paper and a loaf of bread. The town would not sustain that, so they actually wanted more. I would like to know what consultation has been undertaken with all of the little communities inside that boundary. Maybe with this I am digressing, because that is more of an issue for one of the clauses yet to come, but what consultation has taken place with those small communities?

The Hon. G.E. GAGO: The minor amendments that I referred to are outlined in a comprehensive document that was made available to the Hon. David Ridgway on Thursday of last week showing 'Greater Adelaide planning region' and 'Environment and Food Production Areas' and boundaries, and it is the due diligence review, so I refer the honourable member to that. I won't read it out, because it is already publicly available and it has been made available to the honourable member. In relation to the consultation, I have already indicated that a series of meetings was conducted with local councils, with three briefings each, in relation to the 30-year plan, at which issues around the urban growth boundary and implications were obviously able to be aired, and I have already indicated the 60-odd meetings that have taken place in relation to the bill.

The Hon. R.I. LUCAS: I just want to address some comments to clause 1 as clearly not one of the major participants in terms of the passage of the bill and, from that viewpoint, not having party responsibility for handling the bill but nevertheless as an interested participant in whatever it is that transpires and a participant in the committee stages of the debate, and I guess express some despair at the process we are going through or about to go through and ultimately where it might end up.

I think ultimately the only sensible solution will be that, if the committee stages are not concluded by the end of the normal sitting hours in the optional sitting week, the house chooses to adjourn to consider the matter prior to February, but that will be an issue for later in this debate. I just wanted to clarify at the outset were a couple of issues. As I said, as someone who is not the active participant on behalf of the party but nevertheless wanting to follow this, I have copies of amendments [EmpHESkills-1] and [EmpHESkills-3] and I just want to clarify: was there or is there a [EmpHESkills-2] package that I don't have?

The Hon. G.E. GAGO: I am advised no, there is not. We decided not to proceed to file package 2.

The Hon. R.I. LUCAS: I thank the minister for that clarification. Again, as hopefully an active participant in this debate, the dilemma I confront as one member of the committee is that, putting aside the argument as to when they were filed, whether it was last night or 9.30 this morning or whatever it is, I became aware of the amendments filed when they were on my desk here coming

into the chamber at just after 10 o'clock this morning. We will obviously need to go through those during the particular clauses in the committee stage of the debate.

I just highlight that the difficulty for anyone who wants to follow this bill and this process is that none of us have seen these amendments. There have been questions asked about who supports and who has seen them, and I understand that might allow other members to prosecute that particular case, but as a member of the committee, I am in a position of not having seen any of these. The minister says that there are only minor changes. Nevertheless, she has highlighted that there are 37 amendments, covering some 11 pages, which she has referred to as 'minor wording changes'. In terms of trying to keep up with the process, it is extraordinarily difficult.

As we have outlined, there are no [Minister-2] amendments. We have the original [Minister-1] amendments, which were filed on 1 December and now another 37 amendments filed, we believe, today, but dated 7 December. The other issue I want to clarify is whether the minister in her opening statement today indicated that there were ongoing discussions with some stakeholders and that if—I do not want to verbal the minister, but this was the take I took—there was a resolution with certain stakeholders unnamed that the minister may well be intending to table further amendments this week; or are those amendments to be delayed for the implementation bill that the Hon. Mr Parnell has referred to and the minister has referred to, and that is to be later in the process?

The Hon. G.E. GAGO: The Hon. Rob Lucas is right; discussions are continuing. The government, at this point, has no intention of filing further amendments, but as we know, in dealing with legislation you can never say never. Obviously, we will continue to engage in debate here in the chamber through the committee stage, and we will have to remain flexible where we can to accommodate honourable members so that we can progress the bill. We are always prepared to consider ways to move forward in a constructive way. As I said, at this point in time I am not aware that the government has any intention of filing further amendments, but we remain cooperative and engaging and willing to progress this bill.

The Hon. R.I. LUCAS: Certainly, the understanding that the opposition has from some stakeholders is that the government is still engaged in discussion and has indicated to some stakeholders a willingness to table amendments if they reach agreement this week. That was certainly consistent with what the minister said at the outset of her remarks in committee today. That in itself indicates the dilemma of actually resolving this whole debate this week. Stakeholders, unknown—or unnamed, I should say—are engaged in discussions with the government, and if the government reaches agreement with them, then another package of amendments may well be tabled in some of the key areas, the substance of some controversy in this bill.

For the Legislative Council members on the fly then to be in a position to be able to consult the other stakeholders to whom the Hon. Mr Parnell has referred, who are not party to these discussions, and for the opposition to consult other interested parties as well, again is further evidence that, whilst we accept the argument that we can progress sensible and useful debate this week, it would be folly to conclude that debate, given the circumstances that confront the Legislative Council and the chamber.

We will come to this later on, but just from the position of the Hon. Mr Ridgway, who is handling the bill on behalf of the Liberal Party, as a result of the process we were unable to file amendments until after our party room met yesterday afternoon. So the difficulty for minor parties and Independents in relation to that process in terms of your consultation on our amendments, we understand. We are also in a position on one of the key areas in relation to the levy arrangements and, if I can summarise those provisions in that particular area, the government clearly is engaged in ongoing discussions with stakeholders and is moving a continuing series of amendments, and possibly might even move another series of amendments some time later on. All of those issues impact on potentially the position that the Liberal Party might adopt.

The shadow minister and the Leader of the Opposition, the member for Dunstan, have put on the public record our concerns in relation to a couple of the key areas in the legislation, and this issue of a levy is one of those areas where we have concern. Ultimately, until we see the colour of the eyes of what the government puts on the table—and we have seen a couple of versions, but we understand there is more work being done—it may well necessitate the Hon. Mr Ridgway on behalf

of Liberal members in this chamber to move further amendments in relation to this area, not unsurprisingly. Again, that would be further evidence of whilst you can usefully progress the debate this week in terms of clarifying some of the issues, reaching a final resolution on them in the next two and a bit days would be folly, certainly from my viewpoint.

The final comment I would make in relation to all this is that I cannot think immediately, some of my former colleagues might remind me, but I cannot think of a messier committee stage debate on a major piece of legislation that I have ever seen in my time in the Legislative Council. I cannot remember the numbers the Hon. Mr Ridgway has referred to but it is over 250 amendments or whatever it is—

The Hon. D.W. Ridgway: It's 249 against 232 clauses.

The Hon. R.I. LUCAS: It is 249 to 232 clauses, and amendments are being filed by all and sundry for understandable reasons. I have given the reasons why ours were not filed because we did not have a party meeting until yesterday. But to have a situation on as important a bill as this to have been handled in such an appalling fashion as it has been is an indictment on the minister, because he has to accept responsibility—that is minister Rau, I am not referring to minister Gago here. It is an indictment on the minister, and ultimately the government, because they have concurred or gone along or been brow beaten to try to ram this through the Legislative Council this week. As I said, I cannot think of a worse or messier process on such an important piece of legislation as this particular bill.

The final comment I will make at clause 1 in terms of introductory statements is—and I think it was referred to by the Hon. Mr Parnell earlier in quoting correspondence—ultimately, the decisions that are taken in terms of how the legislation has progressed will be determined by majority in this chamber and, whilst we understand the position by way of correspondence from the Leader of the Government in this chamber, certainly there will be strong opposition from Liberal members to the proposition that 'you will sit until Christmas Day or thereafter to pass this legislation and we will not let you go home'.

Ultimately the Leader of the Government in this chamber and Labor members should understand that that can only occur should they convince the majority of members that that is a reasonable way to progress debate on the bill. It is certainly my view and our view that that is an unreasonable way to progress, and this is an optional week. The optional week concludes at 6 o'clock. There is nothing in the standing orders which says the rights of the government in the optional sitting week will prevail over everybody else. Ultimately that will be a decision for the chamber, and members will make a decision should the government seek to impose its will in relation to normal private members' time on Wednesday afternoon. Members have complied by being willing to sit from 10.15am through to a reasonable hour at night. Again, my very strong view is that, for those members who are actively engaged in this, 10.15 in the morning until a reasonable hour at night is more than a reasonable day's work.

The Hon. M.C. Parnell interjecting:

The Hon. R.I. LUCAS: No. It is reasonable until the dinner break anyway, given that it is the last week. These are issues that we can determine later on. Ultimately, when push comes to shove, if we have not concluded the debate by 6 o'clock on Thursday, which is the normal end of the optional sitting week, the chamber will then need to make a decision about adjourning the business to February of next year. It is my very strong view that, not only does that make sense, it makes sense in relation to ensuring that there is not a disastrous end to what is a very messy process in terms of the handling of the bill.

The Hon. D.G.E. HOOD: Members have probably observed over the years that I am not one for making extensive clause 1 comments as a rule. It is not something I have done very frequently in my nearly 10 years in this place, but I think some comments are warranted on the bill. As the Hon. Mr Parnell, the Hon. Mr Lucas and the Hon. Mr Ridgway have indicated, the process has been absolutely appalling. We have just heard from the Hon. Mr Lucas, who has been in this place for 30 years, I understand (or thereabouts), that it is the worst he has seen in 30 years. Those are very significant comments. I cannot testify as to what has happened in 30 years, but I can as to what has happened in 10 years and I would concur with that.

We have just had 30 plus amendments (36, 37, or whatever it is) handed to us this morning. I have not read them. I will be asked to vote on those amendments at some stage, probably as early as today. I have not even read them. I think it is not unreasonable that I have not read them. No-one can accuse me of being negligent. We received them, it is marked as 4.39pm yesterday. I certainly did not have them at that time. I have double-checked with my staff and we did not have those amendments at that time. I do not know how that works, but I can assure you that we did not have those amendments at that time. We had them at approximately 9.30 this morning, I was told. That seems to concur with what other members are saying. It is just not good enough to be asked to vote on things on the same day that you get them. It is simply not good enough.

The other thing I would say, and I do not want to be necessarily disparaging of the minister, in fact I think she is probably doing the best she can in a difficult circumstance, to be frank, but the minister did indicate that these are fairly minor amendments. On my very brief read of the first few of them this morning, they do not look minor to me. I have not had a chance to go through them to correlate them with the bill and the act, which is the normal process when you get amendments, to form a view on them.

They certainly do not look minor to me. In fact, without going through a whole lot of examples, we are talking about the impact on infrastructure levies, which are very significant changes to the way planning legislation works in this state. This is almost, if not the most significant aspect of the bill—in fact, it is probably the most significant aspect of the bill—at the very least it is certainly one of them. So, they do not look minor to me, of that I can assure you. For that to be considered with, really, no time to consider them is unacceptable to me and to my party.

The other thing, and this is not a criticism of the Liberal Party at all, but as members have said, we received the Liberal Party amendments just yesterday. It is well known what their process is. Their process is they have a party room meeting every Monday. That is quite a legitimate process. I have no issue with that. As a consequence of that, we were not able to receive their final amendments until yesterday afternoon, which is when we did receive them. In fact, you could argue that we received them quite quickly after their party room meeting, to expedite things. But again, I have not had a chance to go through those in detail. I am sure no-one has had a chance to go through those in detail.

I do not think anyone on the government benches in this place is going to accuse me, in my nearly 10 years in this place, of being unfair to the government. There might be quibbles at the margins of this issue or that issue, but by and large I think government members, including the ministers, would argue that me personally and in general Family First, but certainly me personally—sorry, the Hon. Mr Brokenshire—it would be a view held by government members, and I would be disappointed if it was not, that I have been more than fair on most occasions, on the overwhelming majority of occasions, to expedite government business, to the point where I have put my own matters of interest at a lower priority, or whatever it may be, along the way.

So, no-one is going to accuse me—I hope they do not anyway (I am pretty confident that would be true)—of being unfair to expediting government business through this place in nearly 10 years. Some may argue that if the government is calling you reasonable, you are probably too soft on them, I do not know. That could be one way of looking at it. I see a few heads nodding around the place there. Certainly some Liberal members on occasions have said to me, 'Gee, you've gone a bit easy on them on that particular issue.'

At the end of the day I believe governments have a right to govern, and that has always been my approach. But, this is a bad process; it is unfair and unreasonable and it will result in bad legislation, it is as simple as that. It will result in bad legislation. The last example I recall of a situation similar to this (nowhere near as bad as this, but similar) was when we dealt with the amendment to the ICAC bill, which allowed the ICAC Commissioner two years to review a particular case rather than what was previously in the bill, which was six months.

That occasion was a little bit different, because the ICAC Commissioner himself was good enough to come down here and personally lobby members of parliament and provide his reasons. I did not agree with his reasons, with respect to the commissioner (and I told him that at the time), but he was good enough to come down here and put his case. So there we had a key stakeholder in the

bill (of course it was the ICAC bill, so he was the key stakeholder) arguing his case, and that is appropriate—I have no problems with that. We had a stakeholder saying, 'This is why this bill must pass this house this week.'

Coming back to this bill, certainly no-one has approached me or my party at all yet, not any of the major stakeholder groups. I specifically mention them: the HIA, the MBA, the UDIA, even the LGA, or the Property Council—none of those groups, not once, have approached me or my party asking us to expedite this bill through this place this year, in fact, quite the opposite. Each of them has insisted, as strongly as they possibly can, that we pass this bill in February. Why do they want that? For a very good reason.

I was told by some senior people in those organisations, quite legitimately I believe, that they were not that far away from reaching a consensus position on some of the really meaty issues in this bill. I refer specifically to things like the infrastructure levy to be altered by this bill. So, we are not that far away from a consensus position. There is absolutely no stakeholder group at all seeking to push this bill through this chamber this week, so I have to ask why we are doing it. I know that the Hon. Mr Parnell attempted to ask the same question: why are we doing it? I do not think he was satisfied with the answer he got.

I make no criticism of the minister for that: I think she is toeing the party line, if you like. But, it is not acceptable, when you have no stakeholders of any group asking for this bill to be progressed expeditiously—not one of them—for us to be doing it. I would not be the only member in this chamber, I am sure, who has not had an opportunity to read the amendments that we have just been presented with this morning. In fact, I suspect no-one has read them.

The Hon. M.C. Parnell interjecting:

The Hon. D.G.E. HOOD: Indeed. The Hon. Mr Ridgway's amendments—as I said, I make no criticism of him—were presented to us yesterday. Maybe a few a members had an opportunity to read them. I was at a function last night; I got home at quarter to 11 or so and have not had an opportunity to read them. We have to ask: why are we doing this so quickly?. What is the reason we are doing this so quickly? You hear all these sorts of rumours—there have been things in the media that there might be a reshuffle coming because the Hon. Mr Malinauskas has joined us and everyone is watching with bated breath as to what might happen to him in the new year, and good luck to him. Again, I make no criticism of him.

The Hon. D.W. Ridgway: It will be a lesson to him to never let this happen.

The Hon. D.G.E. HOOD: Indeed. If that is the case and if a reshuffle is coming, that is not a good enough reason to be pushing through a bill of this magnitude without elected members of parliament—elected by the people of South Australia to scrutinise legislation—having had a chance to read those amendments. It is not good enough.

The rumour mill abounds. I am sure that other members have heard the ridiculous rumour, which I am sure is not true, floating around (maybe I should not say 'ridiculous' in case it turns ought to be true—stranger things have happened—but I suspect that it is not true) that the Hon. John Rau will take a seat on the judiciary. I think that is highly unlikely. My point is that all these sorts of rumours go around because there is no good reason to pass this bill before the end of the sitting year, so I think some crazy reasons get invented, and that is probably one of the more crazy ones.

I will conclude my remarks shortly. I do not want to delay the chamber unnecessarily, but can I say that we have around 250 amendments for this bill. A substantial number of them are quite substantial amendments to the bill. We should not kid ourselves that these are just minor amendments. The ones I have had an opportunity to go through, which have been filed previously, have created quite significant changes to the bill. Again, as I say, I see no good reason whatsoever for us to pass the bill this week.

Turning to some of the specifics of the bill that I think need addressing as well, I make the general point, as I did in my second reading, that Family First does not oppose this bill. Let's be clear about it: we do not oppose this bill. In fact, there are very positive aspects of this bill that we strongly support, and I have said that to minister Rau myself, but I would like the government to make its position clear on my amendment; no doubt, they will do that when we get to it.

I will just very briefly explain my amendment, as I did not have the opportunity to do so in my second reading, and I will explain it in more detail, obviously, when we get to the relevant clause. Fundamentally, it is to ensure that people living in any designated area within a council boundary cannot have a so-called 'heritage conservation zone' thrust upon them without at least a majority of people living in the affected area agreeing to it. It is as simple as that: without at least a majority of people living in that area agreeing to it.

I gave an account in my second reading speech of what happened at the City of Prospect council, where we own property, when a heritage conservation zone was slapped on, I think, 274 residents in that place, and about 70 per cent disagreed with it actually happening. I think that is disgraceful, and my amendment will deal with that.

On a couple of other specific issues as I reach my conclusion, on the urban growth boundary, the minister raised, in response to a question I think from the Hon. Mr Ridgway, the specifics that Roseworthy was excluded, and she indicated that it was an election commitment to do that. I would like to put on record that I would like to know why specifically Roseworthy was excluded. I do not know if the minister wants to answer that now or take it on notice. I understand it was an election commitment—that much is true—but why was that commitment given? On what basis was a large chunk of that particular area excluded? I do not know if the minister would like to answer that now or take it on notice.

The CHAIR: Do you want the answer now?

The Hon. D.G.E. HOOD: If the minister is able to, yes, thank you.

The Hon. G.E. GAGO: I have been advised that the reason we did not proceed with stage 2, I think, in relation to Roseworthy is that our urban growth trends demonstrated that we did not need it, and also we received many submissions raising concerns about primary production in that area. So, we believed it was prudent to give, if you like, early notice and certainty to primary producers that we were not going to proceed with redevelopment.

The Hon. D.G.E. HOOD: I thank the minister for her response. I would just like to place on the record that my understanding (and I am quite certain of this, actually) is that the council directly affected was keen for that development to go ahead for a whole variety of reasons, and I think they were surprised when that commitment was given. That area, to my understanding (and, again, I am quite confident of this), is within the seat of Schubert, of course, which the Labor Party did not win, so I am not sure that that policy is right; in fact, I think it is clearly wrong.

There will be different views in the chamber, I accept that, but there was a terrific plan for that area which I have actually seen and which has been on public consultation and strongly supported by the community and strongly supported by local council. Why would you stop that? In an environment where South Australia has the highest unemployment rate in the nation by a substantial margin, why would you stop that sort of investment in an area crying out for it, where the council itself and the actual community consultation were strongly in favour of it? That is a mystery to me, and I think, frankly, it was the wrong decision in the end.

I turn for another few minutes to another couple of issues. The next issue I would like to briefly highlight in my clause 1 contribution is the issue of the infrastructure levies, or the whole handling of infrastructure in this bill. It does not just deal with the levies, of course, in this bill: it is much broader than that. Of course, within that broad heading of infrastructure, there are the two subheadings, what you might call general infrastructure and what I would consider more specific infrastructure.

General infrastructure is the stuff that you generally associate with development—electricity, gas, hot water, sewerage, roads, etc. The more specific infrastructure I think is the really interesting part of this bill which I look forward to exploring in some detail in the committee stage. We have heard examples in the media, for example, of how it might be used to fund a tram down Magill Road or O'Connell Street, or somewhere.

A whole lot of examples have been given; Norwood Parade was one floated in the media as well. All of them are ideas that probably have merit, but there are some really key considerations with

respect to this issue that we need to iron out carefully. This is one of the most fundamental changes to how these things will be funded in our state's history, well and truly so in my time in this place.

I will be brief, but let's imagine a scenario where a tram is funded to go to Magill Road, for example. Under this bill, it is possible that the residents surrounding that area would be called upon to fund that tram. At the moment, of course, such infrastructure is funded out of general revenue. The government says, 'We will allocate $300 million,' whatever it is, to pay for that tram out of general revenue, and they raise the money through all the levies and taxes they have.

But this bill may—it is not clear that it may, but it may—substantially alter the way that is funded. We could have a situation where the residents in that general vicinity—and, of course, where you draw the line becomes a very a significant question: who is in, who is out, who pays and who does not—end up funding that tram through increased council rates and other levies. These are really legitimate questions that need to be ironed out by this place.

I can say that the industry representatives I met are quite excited about some these possibilities, to be fair, and that is why I said that Family First is actually quite positive about a lot of aspects of this bill, but they are also concerned about the detail, and I think it is entirely legitimate for them to be concerned about it—as is the LGA. At the end of the day, if these things are funded through local government rates, it is their organisations (the councils they represent) that will be sending out the rate notices and cop the messages of abuse should individuals not agree with what they are receiving in their letterbox in the form of a rate hike.

The second-last category I want to touch on briefly is the composition of the development plans themselves. I think the Hon. Mr Parnell, one of the previous speakers, raised this issue, and this is a very significant issue. We have not seen any detail on this whatsoever. Again, it is something that will need to be carefully worked through in the committee stage.

The final point is the issue with respect to heritage issues. This bill does not largely deal with these issues, but it is an issue I have an individual interest in. Again, I accept there will be different views in this chamber. No doubt, there will be individual members who would like to see further tightening of heritage restrictions. I am at the other end of the scale: I would like to see it loosened substantially. Where there is genuine heritage property—a building that somebody significant lived in for a certain amount of time, whatever it may be—I think there is a case for heritage listing, but I do not support the blanket heritage conservation zones where you encapsulate some genuine heritage properties and others which are nothing like heritage whatsoever.

In summing up, I gave that example previously of the property we own—but there are many other examples: it is not just about us—in the Prospect area. It was designated a 1910-1920 villa by the so-called heritage expert who surveyed the area and proposed this blanket heritage conservation zone. In fact, the house was built in 1941. He also paid tribute to the wonderful verandah on the front that was outstanding—a 'contributory item' is the term used, although it does not appear in the act anywhere. It is contributory item, contributing to the heritage value of the area. Unfortunately for him, the verandah was added in the 1970s, and I know that for a fact because it was done by the previous owners of the property. What a lot of rubbish.

We need to deal with these sorts of issues and we need to fix them once and for all. That is why we need time to consider this bill; that is why we should not be rushing it through this week. There will be different views on these very important issues and I think it is wrong that we are doing it this week, and for that reason I ask the government to reconsider and at least give us time to read the amendments.

The Hon. D.W. RIDGWAY: I have a couple of quick questions broadly in relation to the group of amendments that were filed today, or late yesterday, whichever it may be. I have a briefing note from the LGA talking about the three sets of the minister's amendments of 1 December, then 2 December, and my understanding is that, with the amendments of 2 December, the minister circulated them but did not actually progress them, so they were not ever put on file. Is that what—I am getting a nod from the minister's adviser. And, of course, there are the ones that were put on file yesterday, 7 December, but we only really saw them on 8 December. A question that has been provided to me is that:

While the amendments of 7/12 contemplate a charge being levied under subdivision 2A of the bill, this subdivision is not contemplated in the amendments.

They go on to say:

This suggests that further amendments to proposed subdivision 2A are being prepared by parliamentary counsel.

A question I have, while I was reading this and sitting here thinking, is: have they raised a genuine issue and are you preparing further amendments to a subdivision 2A?

The Hon. G.E. GAGO: I have already indicated in this place that we do not intend to make any further amendments but obviously are willing through debate and further consultation to consider further developments. But I have already indicated that we have no intention at this point in time to table any further amendments.

The Hon. D.W. RIDGWAY: So with that particular issue raised by the LGA, if it is something necessary, the minister is saying that you will not be prepared to move any more amendments or have them drafted in this bill, but it will be something that will be picked up in the bill that we are going to see next year some time. Is that what you are saying to us?

The Hon. G.E. GAGO: No, I am not saying that at all. We are just repeating ourselves here.

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: No, I have already indicated that at this point in time we do not have any intention to file further amendments, and then I went on to say that clearly we are a government that is keen to pass this legislation and, therefore, during the committee stage debate, during the discussions that we continue with key stakeholders, if there is a matter that comes up that is critical to enabling this bill to progress, we will consider any amendments that may fall out of that. But, in terms of particular plans to file amendments, I have already indicated a number of times that I am not aware of any, except the caveats I have put around that in order to progress and expedite this bill as best we can.

The Hon. M.C. PARNELL: I have a few concluding remarks in relation to clause 1, and I want to put on the record the fact that the Greens supported the passage of this bill through the second reading stage. Some members were surprised that I did not divide on the second reading, and the reason for that is I think we do need to get planning law reform and we do need to progress a bill.

I do not think the bill before us, in its present form, is the way to go but it is not beyond redemption. So I said at the conclusion of the debate last week, that I was hoping that the committee stage would be adjourned until February. I also said that the Greens were happy to come back for the optional sitting week to progress other bills on the *Notice Paper*. Never let it be said that we are not prepared to work the required hours; it is just that, for the reasons that a number of members have said, this is not the bill to be doing in the optional week.

Until the last moment on Thursday last week, I had hoped that sanity would prevail but, clearly, the government, when the question was put that this house do now adjourn, adjourned it to the optional sitting week. That was the first formal indication we had that we would need to come back on Tuesday. So, clearly, the government intends to push on with this bill. I think that their hope is that with endless debate, multiple divisions, that the Legislative Council will crack, that we will basically ask for the pain to stop, and the government will get their way.

I have no intention of letting the government off the hook because this is the longest and the most detailed, and one of the most important bills that we have seen all year. It deserves scrutiny and that is what we are going to give it. However, I also want to put on the record now my appreciation of commitments that have been made to me by the Liberal opposition and by some of my crossbench colleagues. Those commitments are that the opposition will not be gagging debate; in other words, it will not be unreasonably preventing members from speaking.

Mr Chairman, I know this will come as a matter of great interest to you, because in my time here I think only once was the motion put that the honourable member no longer be heard, and that was one of your predecessors, the Hon. Bob Sneath—a most excellent president. He actually ruled

that the honourable member no longer be heard. Again, it was in similar circumstances—a bill that was being rushed through—and I objected to the chair's ruling, at which stage there was a flurry of thumbing through the standing orders and it became apparent that my objection needed to be put in writing. The notepad was produced and the sharpened pencils—that the Legislative Council staff so diligently provide us each day—came out and I wrote a note: 'I object to the chair's ruling.' We then proceeded, again with standing orders out, to try to work out: what did this mean?

My understanding is that what it meant was that if the Legislative Council had agreed with me that the chair's ruling was unreasonable, the chair would have had no alternative but to resign. I think in the end sanity prevailed and the then leader of the government, the Hon. Paul Holloway, agreed that looking at the Liberal opposition it seemed keen to support the Greens' right to debate, and I think they thought they might not have the numbers, and a president resigning over a matter such as that was not something the government wanted on its hands. So I just make the point that I am grateful to the opposition and to my crossbench colleagues that they are not going to be gagging debate.

I also want to acknowledge that whilst I have a slight difference with the opposition about how we should proceed from now, they, through the contribution of the Hon. Rob Lucas, have agreed that sensible sitting hours will be observed. We will see what that suggestion is: it might be 6 o'clock tonight but my feeling is that it will probably be a bit later in the evening, but it certainly will not be 2 o'clock in the morning or 3 o'clock in the morning as that is not conducive to good debate.

I also want to acknowledge that the opposition has agreed not to abandon the primacy of private members' time on Wednesday afternoon. That, I think, is precisely the way we should proceed. Also, they have agreed that unscheduled sitting days should not be entertained. I know that the minister's priority letter caused some disquiet, certainly amongst the parliamentary staff, who I think have every right to rely on the schedule of sitting published at the start of each year by the government. That is a negotiated schedule of sitting. While circumstances can arise, unforeseen, where it becomes a matter of some urgency for us to be flexible, this is not such a case. I am glad that the Liberals have seen that this is not going to drag on until Christmas Eve or New Year's Eve or any time like that.

Whilst debate has been quite civil in the hour and a half that we have been going on clause 1 so far, it will get tetchy and, in fact, I can almost read the government's press release to come out maybe today, maybe on Thursday. The press release will read, 'Lazy obstructionist Legislative Council goes on strike.' I am helping the minister here by writing the headline. 'Legislative Council refuses to work. Mike Rann was right: Legislative Council should be abolished. Rex Jory is on the money. Rex Jory made professor of democracy, appointed new Thinker in Residence.'

The government will, as this debate drags on and becomes tetchy, start to try to turn this into some sort of attack on the government's mandate. They say they have a mandate for the reform of the planning system, and I think everyone agrees that the planning system should be reformed, but that does not mean that the government will get every single detail its own way and, of course, if that was the case, we would not need parliament.

Hopefully, serious political commentators and reporters and those who are looking at this debate will see through this and they will recognise that, really, it is the government's contempt for democracy and contempt for the legislative process that is the problem. At this point, having discussed with other members that there are no other contributions on clause 1, I now—

The Hon. R.I. Lucas: Just before you move it.

The Hon. M.C. PARNELL: Okay.

The Hon. R.I. LUCAS: Once the honourable member moves a motion, there can be no further debate, as I understand it, if it is the sort of motion that I suspect he might be moving. Before he does that, I just wanted to indicate, as one member of the committee, that should there be a motion to report progress at this stage, my position would be that I am prepared to continue to have sensible debate about aspects of the legislation during the committee stage.

However, I say that within the context of understanding that we are not likely to conclude the debate, given that there are over 250 amendments. I have just noticed that one member has just

filed another four, so I am not sure what the running total is now—254 or 253 amendments. Amendments continue to be filed on important issues in the legislation.

The point that I am seeking to make is that, whilst we furiously agree that it would be foolishness to conclude the debate by 6 o'clock on Thursday because of all these unanswered questions—and the Hon. Mr Hood has raised a most important issue which we will address in the government's amendment in relation to trams up Magill Road and who pays and those sorts of issues, which I am sure it will take some time to resolve—in my view, it is possible for us to continue to have some reasonable debate about issues within the context that, as I outlined at the second reading, there is support within this committee from the Liberal Party and, at least, opposition and minor party members to agree to recommit particular issues.

As I understand it, a most important and controversial issue is introduced as early as clause 5 of the bill and there may well be some earlier than that, but it is entirely possible for the committee to proceed in a fashion where we conclude that we are going to recommit this particular clause at a later stage, either to consider somebody's new amendment or a compromise amendment or to finalise a particular position. The committee may well be able to resolve to progress certain clauses, ask questions or seek clarification, and there may well be unanimity in relation to particular provisions.

It is possible, with a majority of members, to progress the committee stage of the debate whilst, in essence, leaving difficult and controversial clauses and issues in the too-hard basket to be recommitted when we come back in February but progressing on those where we can either get more answers or seek clarification or, in some cases, actually agree that there is no opposition to a number of clauses.

For those reasons, should any member of the chamber be about to move a motion to report progress, I would flag that, from my viewpoint, I would not be supporting it at this stage, but if that is the case, it is not to be taken as indicative of a view that I am a party to wanting to ram this through before 6 o'clock on Thursday evening. It is just an indication that we are back here for the optional week and we have agreed to progress sensible debate as best we can.

It may well be that, in the next two days, we get to a stage where it becomes impossible to proceed and there might be a different view. The Hon. David Ridgway, handling the bill on behalf of the Liberal Party, may well indicate that we take a different position. Certainly, at this early stage on the Tuesday morning, if that motion were to be moved, I would be indicating that I, as one member, would not be inclined to support it.

The Hon. G.E. GAGO: I just have a couple of final words on clause 1. As I have already said, back in March the government indicated that it wanted to complete this bill this year, so everyone has been given notice that that was the government's intention. We sought to use the optional sitting week when we realised that we were not going to be able to complete the planning legislation without it. The government has indicated that it is willing and prepared to sit for as long as it takes to complete this bill this year. We have indicated that willingness and our desire to do that in correspondence to other members.

I find it amusing that all of a sudden the Hon. Mark Parnell has sensibilities around the length of sitting days when he held us all to ransom here with the WorkCover bill until, I think, about 5am. It was all right for him to do that when it suited him—

The Hon. R.I. Lucas interjecting:

The CHAIR: Order!

The Hon. G.E. GAGO: It is interesting that he has developed a high level of sensibility around that. We have indicated that we want to stay to finish this bill, and I have outlined the reasons why it is important that we complete this bill this year. Obviously this government is bound by the numbers in this house, but I just wanted to put our intention clearly on the record.

The Hon. D.W. RIDGWAY: As the shadow minister who is handling this bill for the opposition, we have given a commitment that we are prepared to sit for the optional week. This is repeating some of what has been said, so I will not go on for too long, but we were prepared to sit

for the optional week. At this point in time I certainly would not be recommending to my team that we support any reporting of progress, but we may reach a point at some time in the next two and half to three days when we need to do that, and we may on several occasions.

I know that we have new amendments tabled by the Hon. Kelly Vincent, and the industry has not seen them. We need to get them circulated for them to have a look at. I am aware of the evolution of those amendments, but nonetheless we need the industry to look at them. I think the first one of those is at clause 12, so if the industry has not had a chance to look at them and give us some feedback then clearly there may be an opportunity at that point where we will have to report progress so that we can actually talk to people. We simply cannot do it while we are sitting in here.

The Hon. D.G.E. HOOD: I rise to briefly state Family First's position should a motion be moved to report progress. To be frank, we would be happy to be here next week and, if necessary, the week after. That is really not a problem; there is no impediment to us doing that. What is a problem for us, and I stated this in my clause 1 contribution, is that we have amendments put upon us with no notice that we are expected to vote on virtually straight away.

That is not the way to proceed, and it results in bad legislation—particularly if they are government amendments, because obviously government amendments are the ones most likely to succeed so they need to be very carefully scrutinised. We simply have not had that opportunity. For that reason, in the interests of good legislation on a very significant bill, should a motion be moved to report progress then we would be inclined to support it. It would not be because we are here late one night or sitting next week or the week after. That does not matter.

What matters is giving legislators the appropriate time to review the material, and to consult with stakeholders as well, as the Hon. Mr Ridgway said. That is critically important. For instance, what does the HIA think of the amendments that were put upon us by the government this morning, or the MBA or the LGA, or any of those other groups? I do not know. I have not read them, and I suspect they have not read them. I certainly have not had an opportunity to consult with them, and for that reason I would be very happy to report progress should a motion be moved to that effect.

The Hon. M.C. PARNELL: I appreciate the comments my colleagues have made, and I partly agree and partly disagree with the Hon. Mr Lucas. He does believe that it would be useful to progress and I think the Hon. David Ridgway is of the same mind, but both seem to agree that it would be folly to conclude, and so the question then becomes: at what point do we interrupt proceedings and go away and do the sort of consultation that the Hon. Dennis Hood and the Hon. David Ridgway have talked about? Out of respect for the stakeholders who have asked us to allow more time for proper consultation on all clauses of this bill and to honour the commitment that I made to them to do my best to try to make this legislative process as fair and thorough and sensible as possible, I move:

That progress be reported.

The committee divided on the motion:

Ayes 3
Noes..... 13
Majority..... 10

AYES

Darley, J.A.	Hood, D.G.E.	Parnell, M.C. (teller)

NOES

Gago, G.E. (teller)	Gazzola, J.M.	Kandelaars, G.A.
Lee, J.S.	Lucas, R.I.	Maher, K.J.
Malinauskas, P.	McLachlan, A.L.	Ngo, T.T.
Ridgway, D.W.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

PAIRS

Franks, T.A. Dawkins, J.S.L.

Motion thus negatived.

The Hon. R.I. LUCAS: I just wanted to put on the record what I think is a changed position from the minister in charge of the bill in relation to what the minister said, on behalf of the government, at the outset of the debate this morning. As I said, I asked some questions of the minister, because my recollection was that the minister had said the government was engaged in negotiations and, should they come to a conclusion, they would be seeking to move amendments.

When we pursued that issue, the minister's position seemed to have evolved to, 'I have indicated that we are not contemplating any amendments at all, other than in the eventuality that something arises.' I want to refer to the *Hansard* of the debate this morning, where the minister said:

> In this respect I also note negotiation on some amendments that are ongoing and, should negotiations be fruitful, we would be willing, with the chamber's agreement, for particular clauses to be recommitted prior to finalising the bill for transmittal to the other place, and I will highlight those limited matters as we proceed through the committee deliberations.

That statement, which was the government's considered position at the start of the clause, was quite clear; that is, there are ongoing negotiations of which the minister and the government are aware, and that if they are fruitful, their intention is to recommit and finalise prior to the bill being transmitted to the other place.

Given that the government wants to transmit the bill to the other place by the end of this week, prior to 'transmittal to the other place' clearly means this week. It does not mean, as the minister has sought to portray her position after further questioning, that there were not any ongoing discussions, there was no current contemplation of amendments being moved, and, in essence, trying to allay any concerns that members might have.

Now, with the benefit of the Hansard pull, it is quite clear what the minister said; that is, there is the contemplation from the government on one of the critical areas to which the Hon. Mr Ridgway has referred and to which I think I referred in my earlier comments in the legislation: if the government does reach agreement with some stakeholders, they do want to try to amend the bill before the bill passes this chamber this week.

The *Hansard* record is the independent umpire—the referee—in relation to what the government's position was. It is quite clear what the minister said, and the minister, in relation to that, was reading from a statement that had been prepared by the government on her behalf. These were her introductory remarks. It is clear that it was a statement of the government's position, and I think, for those who are following this particular debate, it is a much more accurate reflection of the government's position than the one she subsequently sought to put forward; that is, that there was no contemplation of amendments other than in the limited circumstances.

The minister said, 'Things might happen.' There is clearly negotiation going on in relation to some key issues in this bill, and it is the government's intention, at some stage today, tomorrow or Thursday, to potentially drop another package of amendments on members on one of the key issues, which we suspect relates to the imposition of the levy, and to seek to ram those particular amendments through the committee stage prior to us getting up this week.

The Hon. G.E. GAGO: I can only reiterate what I have already put on the record this morning. In relation to the negotiations I referred to in my opening remarks, I was referring to those negotiations with members of this house in relation to amendments that had already been filed. A good example of that is in relation to the amendments that have just been filed by the Hon. Kelly Vincent. Obviously, the discussions we have been having with her have resulted in her recommitting her amendments that better consider the government's inputs. I have already well established and put on the record the advice I have received about future amendments and I think we should get on with it.

The Hon. D.W. RIDGWAY: While we are not at this clause, can the minister say, just in relation to the second tranche of amendments the Hon. Kelly Vincent has tabled, that they supersede her previous amendments? She will not be moving them, I assume. Is the minister saying that the government now will support them? The reason I ask that is we have not considered them in our party room. We have some capacity to have a look at things if possible—we may not be able to—but we need to know if the government is supporting it, and then obviously we have to talk to industry and other stakeholders. So, if the minister can indicate what the government are doing, that gives us at least a starting position of where we are at.

The Hon. G.E. GAGO: I thank the member for his comments. Obviously I cannot talk about other people's amendments, but my understanding is that the amendments that the Hon. Kelly Vincent has filed today do supersede her original set of amendments and the government does indeed support the amendments that have been filed by her: [Vincent-2].

Clause passed.

Clause 2.

The Hon. M.C. PARNELL: My question at clause 2, which is the commencement clause, providing that the act will come into operation on a day to be fixed by proclamation: is there any part of the act that the government envisages will come into operation almost immediately? I preface that by saying clearly there are parts of this act that cannot come into operation for a considerable period of time because there are other documents to be prepared, but is there any part of this act that might come in soon or shortly after royal assent?

The Hon. G.E. GAGO: So your question is 'can'?

The Hon. M.C. PARNELL: Is there any part of the bill that the government envisages will be brought into operation almost immediately?

The Hon. G.E. GAGO: The advice I have received is no.

Clause passed.

Clause 3.

The Hon. M.C. PARNELL: I refer to the contribution that was made by the Hon. Rob Lucas a little bit earlier in terms of the government's commitment to recommit certain clauses at some stage, and I just put on the record that at least my expectation is that clause 3 will be one of them, because clause 3 is basically the definitions section and there are pages and pages of definitions, all of which are referred to in subsequent clauses. So, my expectation would be that, as subsequent clauses are amended or deleted, we will need to go back and revisit clause 3. I move:

Amendment No 1 [Parnell–1]—

Page 13, line 14—After 'land' insert:

but does not include—

(a) a tent, marquee or stall erected on a temporary basis for the purposes of an activity lawfully conducted on land; or

(b) any building, structure or other item excluded from the ambit of this definition by the regulations

The first amendment I have in relation to this clause is one that is actually quite current. I say it is current because, whilst we are here in parliament debating this bill, in a courtroom not far away another debate is underway in relation to the interpretation of the development regulations and in particular, the question of whether farmers' markets—in other words, the trestle table and the marquee—are shops and if so, is a collection of individual stalls a shopping centre? If it is a shopping centre, then clearly it is caught by the planning system and approval needs to be sought, and depending on the location of the farmers' market, it is very likely to be a noncomplying form of development, because the nature of farmers' markets is that they tend to be in car parks, for example, that are not used at other times of the day or the week.

The amendment that I have put forward basically is to exclude from the definition of development a tent, marquee or stall erected on a temporary basis for the purpose of an activity

lawfully conducted on the land. In other words, it is saying that the person selling the oranges by the side of the road or the group of stallholders collectively forming themselves into a farmers' market is not something that is captured by the Development Act.

People might think that that is a bridge too far and that you can imagine activity becoming quite large scale and certainly needing some sort of regulation, but I think that that criticism is dealt with in two ways. First of all, the amendment refers to activities 'lawfully conducted on land'. In other words, the range of other laws that apply to people, for example, selling food would continue to apply. Secondly, being lawfully conducted on land certainly presumes the support of the landholder.

The case that I am referring to that is apparently in court today was referred to in the *Sunday Mail* two days ago under the heading, 'Markets under legal threat'. In fact, in an earlier ABC online article in a similar vein, the headline was, 'Farmers' markets face legal challenge in Adelaide development court'. That was back in October. I will read just the first two lines from the ABC online report:

> A legal fight in an Adelaide court might affect the future of popular farmers' markets, where producers can sell direct to the public. Salisbury Council in northern Adelaide is being challenged over its development approval for one such market.

The market concerned goes under the name 'Farm Direct Community Markets'. The one that is apparently being challenged in court at the moment is in the car park of the Old Spot Hotel in Salisbury. It is not a market that I have ever attended, but certainly I will declare for the record that I am a member of a farmers' market, being the Adelaide Showground Farmers' Market—or rather, my wife is a member, but I think I am entitled to use the card, so I declare an interest in farmers' markets.

The question before the court is, as I said, whether a market stall is a shop and whether a collection of market stalls is a shopping centre. I will refer shortly to a letter that the planning minister received from the proprietor of the Farm Direct Community Markets. I will just point out that rather than being a fringe interest for people in Adelaide, these farmers' markets are incredibly popular. In fact, the Farm Direct Community Markets Facebook page has 14,000 people liking it. The Adelaide Showground Farmers' Market has a similar number of people who like it.

I can compare that with the planning minister's popularity. I do not think he is on Facebook, but the planning minister is on Twitter and he has fewer than 3,000 followers. His cat has another 258 followers on Twitter.

An honourable member: Whose cat?

The Hon. M.C. PARNELL: John Rau's cat is an identity on Twitter. I have about 4,500 and I do not have a cat. The point I am making here is that these farmers' markets are popular and they help to break the duopoly—the Coles/Woolworths duopoly—that controls most of the food and grocery supplies in this country.

In terms of how these farmers' markets should be regulated, I refer members to obligations under the Food Act 2001, and that incorporates an obligation to comply with food safety standards. That obligation includes notifying your local council if you are selling food. It is not that these markets will be unregulated if we remove them from the Development Act, they will still be regulated under the Food Act. If you handle food intended for sale or you sell food, you are by definition a food business, and whether or not you need to notify the local council depends on whether there is any hazard involved.

When you download the form off the SA Health website, you will see that you are obliged to notify the sort of food you are selling—dairy products, raw meat and poultry, processed meats and poultry, or is it just fresh fruit or seafood or water, alcoholic drinks, whatever it might be. Of course, different foods have different levels of risk. By removing these farmers' markets from the definition of development under this bill, we are not leaving a regulatory vacuum. The penalties for failing to comply with the Food Act for body corporates are $120,000 and for individuals $25,000, so clearly it is a regime that is rigorous.

The question may well be asked as to whether this is the appropriate place. I mentioned before that the development regulations are where most definitions are contained, including the definition of 'shop' and 'shopping centre', but the regulations are not before us. We do not have any

indication or an advanced copy of what the government has in mind in terms of regulations, so really the only way to deal with this problem of what effectively is bricks and mortar businesses challenging farmers' markets is to deal with it in the act that is before us.

In this whole debate about disruptive economies, disruptive technologies, in some ways the farmers' market versus bricks and mortar is the same debate as the food van versus the bricks and mortar café or the Uber ride share scheme versus taxis. One of the things that I think we have to grapple with in this parliament is whether our job is to prop up often outdated business models or whether in fact we can promote innovation and competition.

Certainly, for me, activities such as farmers' markets promote competition. They actually provide a direct outlet for primary producers to cut out the middle person as it were and deal directly with the public and I think they are things we should encourage. What is concerning about the case that is before the environment court at the moment is that the way these temporary stalls—and in saying temporary two mornings a week, I understand, is the extent of this market—are defined under the current system, and that is that a bricks and mortar business can legally challenge the farmers' market and could effectively shut it down. I think that is a bad outcome for South Australia and I think it is perhaps an unintended consequence of the legislation. That is the explanation for the amendment that is before us to clause 3.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The amendment will change the definition of 'building' to exclude tents and marquees and the like. The government understands the intent of this amendment, and is quite sympathetic about its intention as well I have to say, but does not believe it will be achieved through this amendment and, in fact, does not believe that using a legislative means is not the best way to resolve this. The definition of 'building' is a longstanding one and it has quite well established case law associated with it. Moreover, it is linked to the regulatory scheme embodied in the national building code. So, we should not change this definition lightly.

Therefore, given the potential unforeseen implications of this change, we would prefer to look at this question as part of regulations. I am quite happy to undertake that with the Hon. Mark Parnell, in fact it is something we could probably initiate straight away. It would be quite an easy thing to progress, and far quicker than using the bill. So, we would certainly be willing to work with the Hon. Mark Parnell to look at a regulatory solution to what is an issue that we are very sympathetic to.

The Hon. D.W. RIDGWAY: I have a couple of questions for the mover. It has been put to the opposition that what he is doing by excluding these from the bill, is that you do not have to get planning approval for a tent or a marquee. We have farmers markets in a range of communities around the state that seem to operate quite easily and profitably without being subject to legal action. So, I am intrigued. It may be that that is the nature of the court case and you may not be at liberty to explain why that legal action is taking place.

It has also been put to the opposition that this amendment will allow a roadside seller anywhere to pop up and sell some produce. While I am supportive of farmers markets in a broad sense, in the sense that the honourable member's wife is a member and I have attended the Adelaide Farmers Market before where you have to be a producer to sell your product, some of the roadside sellers that we see around the place are not under the banner of a farmers market and are not subject to the same sort of rules or interpretation of rules as producers are and where there is some traceability to the products they are selling.

The opposition is a bit like the government, we are sympathetic to what the mover is trying to do, but at the same time we are intrigued as to why this particular issue is before the courts, and also the impact it will have on other roadside sellers of fresh produce around the state.

The Hon. M.C. PARNELL: I thank the member for his questions. I will say that they are questions that agitated me as well because by removing from the definition of 'building' and therefore from the definition of 'development' tents, marquees and stalls, somehow along every roadside and at every opportunity individuals might set up their stalls. I do not see that as being a likely consequence because there are other regulatory regimes. Council by-laws spring to mind. There are

prohibitions in most council by-laws against selling things from the street without a permit. So, that would be the first thing.

Secondly, I mentioned the Food Act. I also said, though, that the Food Act does not apply to everything. It probably would not apply to fresh oranges, for example, but it would apply to someone who is selling cooked chicken. So, I think there are other ways the community can regulate the sale of goods from temporary stores and I think they can be regulated in those ways rather than through the Development Act.

In terms of the question about: why does something like this end up in court? My understanding is that if you have a farmers market and they set up in a hotel car park and they set up at a time when the hotel does not have any patrons, it is actually very good use of that land. It is vacant bitumenised land. The point is that the hotel is probably zoned in a way that is suitable for a hotel but is not zoned for shops or shopping centres. As a result, for the council to approve, as they did, the farmers market at the Old Spot Hotel, it had to be regarded as a non-complying development.

Non-complying development basically means that any person can challenge it. I am usually a big fan of people being able to challenge inappropriate developments, but it strikes me that there are broader issues at work here in terms of the future of our economy, the way people buy food, the way people sell food and the rights people have to negotiate directly with farmers. It ties in to the duopoly, as I mentioned. While I do accept what the minister has said: is the method that I have put in this bill the best method of achieving the result that I want, which is some level of protection for farmers markets? Whether I have admitted it in so many words, no, it is not the best mechanism.

My point was that it is the only mechanism available to us because we are dealing with the bill. But what I take some comfort from is that the minister gets it, the government understands that disputes like this will become more frequent and not less frequent, and as a community we need to deal with how we strike the balance between farmers' markets and bricks and mortar stalls, just the way we are having a debate about food vans versus bricks and mortar cafes and restaurants. So it is part of a broader debate. I certainly have moved to put it on the agenda. I am heartened the government is interested in pursuing dialogue on this. I have moved the amendment, and I am interested to hear any other contributions, but it is not my intention to divide on it.

The Hon. D.W. RIDGWAY: From the opposition's point of view we will not be supporting the amendment, but I make the comment that the minister had made the comment that it might be quicker to do it by regulation or other means, and the government is willing to have that dialogue. Certainly we support that. Given that there is a good prospect that this bill will not be completed this year, potentially—and, of course, we have the other enabling legislation, or whatever the other bill we will get next year will be called—clearly if we were to support it and pass this amendment this year, next year, some time, never, when will we see it come into operation? If it is a genuine concern—and the mover says the minister gets it and is heartened by that, which is generous, unusual perhaps, too, but at least there is some goodwill there that there is an issue that needs to be addressed. So at this point I indicate that the opposition will not be supporting the amendment.

The Hon. D.G.E. HOOD: It gets more interesting every moment, doesn't it? This particular amendment from the Hon. Mr Parnell opens up a whole lot of issues, of course, that he has canvassed briefly in his contribution. I would like to canvass a couple of examples that members may or may not be aware of that touch on this issue before I explain our final position on the amendment. I think parallels can be drawn from the amendment as to what the Hon. Mr Parnell is attempting to do here. We are over-regulated, in my view. Many of these sorts of situations I think are unnecessary. I am heartened to see the Greens moving to reduce red tape, which is quite exciting for some of us. Anyway, that is said in jest, sir.

It reminds me of a situation of a Burnside councillor, who was a member of the council himself and had an umbrella—you might called it erected, but placed is probably a better way of describing an umbrella—on his property shielding his car from the sun. The Burnside council objected to this, because they considered the umbrella was a development, and took him to court, one of their own councillors. He is a man of some means, I understand, and decided to defend the matter in court. Most people, of course, would cave in just simply because of the costs involved. But he decided on principle (and I applaud him) that he was going to defend the matter and he won. He won because it

was ridiculous red tape and absolutely unnecessary, and my credit to the courts for getting that 100 per cent correct.

In that situation I understand that many tens of thousands of dollars were involved. I have been given a figure, which I will not disclose because I am not absolutely certain of its accuracy, but let us say it was north of $50,000, so a man can have an umbrella over his car in his own front yard. Utterly ridiculous! Another thing that can be put in that basket as well is that I have heard some councils making noises of displeasure about the advertising of cars on roadsides, that is, you will have a car on the side of a road, it is a private vehicle, and they will put on the back of it: 'For sale $5,000', or $10,000, or whatever it is, and I understand that some councillors are kicking up about that because it creates a traffic distraction.

Well, every road you drive down has advertising screaming out at you from every single possible direction, designed to distract you, actually, designed to get your attention so that you look at that particular advertisement and then go and purchase their product or remember to purchase it next time you drive by, or whatever it may be. The Hon. Mr Parnell, to tie it back to his amendment, is drawing on that issue in this amendment, and that is that some of this regulation is just absolutely unnecessary and silly. In the case of farmers' markets, why should people not be able to sell their produce, if it is not necessarily offending anyone? Why should we have regulations designed specifically to make that harder for them?

I think I will please the Hon. Mr Parnell by saying that Family First will support his amendment. I hope that does not get his hopes up for the rest of his amendments, because some of them are to be questioned, but, certainly in this case, we will be happy to support the amendment. I think it is actually a very positive step in the right direction. Before I take my seat, I would say I am heartened by the minister's comments as well that, even if this amendment does not succeed—it looks like it will not—the government is prepared to look at this, because it really has got to a situation of being a little bit absurd.

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

The Hon. M.C. PARNELL: I said most of what I wanted to say, but I alluded to the fact that the operator of the market had written to the minister. I will not read the whole of the letter, but I would just make a couple of observations. The case I referred to is in the Environment, Resources and Development Court, and it is under the name Johnson v City of Salisbury & Mark Aldridge, who is the proprietor of the farmers' markets and, actually, well known to people in this place as a serial candidate for state parliament and other elected positions.

I just want to put on the record that this amendment in no way should be seen as an attempt to influence the outcome of a matter currently before the courts. I think it is probably stating the obvious that this bill will not come into operation for some considerable period of time so, even if the amendment were to succeed, which, on the numbers indicated so far, it will not, it in no way will affect the outcome of the case that is before the court. I will just give you one paragraph from Mark Aldridge's letter to the Minister for Planning, John Rau:

> We pride ourselves in the promotion of healthy eating and investment in local jobs, something that ought to be respected and supported by the current legislative agenda. In a time where low income families and our retirees are struggling to make ends meet, markets like ours are a godsend to these struggling people, and with the big duopoly opting to deal only with the larger farms and producers, we are the last bastion for the smaller farmers and producers to stay on the land and in business.

He then goes on to urge amendments to the Development Act. I should say that he wrote that letter long before I devised the amendments that I have put before the council, but I think it does give effect to what he is trying to achieve. I thank Family First and the Hon. John Darley for their support but, as I have said, I can see where the numbers are on this and I will not be dividing.

Amendment negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 2 [Parnell–1]—

Page 16, line 30—Delete subparagraph (i)

People might be wondering why I am removing this particular provision, and the answer is quite clear: this mechanism, if unamended, allows the government, using the device of the planning and design code, to effectively include anything that it wants in the definition of 'essential infrastructure'. Parliamentary counsel, I guess, is still there, but they might say—what was it that we learned in law school, the ejusdem generis rule, I think it was, 'birds of a feather flocking together'. But I maintain that it is an unfettered discretion. Anything the minister wants to put in the planning and design code as part of the definition of 'essential infrastructure', they will get away with. I already think that the definition of 'essential infrastructure' is too broad, but I do not want to see it added to by the planning and design code.

In fact, it has just occurred to me that I think I have two amendments which are both (i). I had better check that we have them both in, because I think I was also removing the definition of 'health, education or community facilities' as well. I might just check with parliamentary counsel whether, in fact, I have both those amendments in there, if I can have a quick consultation. Thank you, Mr Chair. I have just checked that there is not an amendment that relates to paragraph (i), health, education or community facilities, but that is one that I think is too broad.

People are wondering: what does the definition of 'essential infrastructure' matter? You have to look at what work that definition does later in the bill. In fact, if you go to clause 124 of the bill, you will find that the regime for assessing essential infrastructure projects effectively precludes public participation for developments that are worth less than $10 million. The minister becomes the decision maker and, on any essential infrastructure worth less than $10 million, the public does not get to have its say.

My point is that, if we are going to have such a provision, we need to have a fairly certain list in the legislation. We cannot have the minister just adding to it. It might seem ridiculous but you could think: is a fish and chip shop essential infrastructure? There is nothing in this bill that stops the minister adding any nature of development to the definition of essential infrastructure. This amendment that I have moved is consistent with other amendments that we will consider later on, and that is to maximise opportunities for public participation in relation to having their say on important developments.

Let me say at the outset that I have no particular problem with genuine public sector projects going through a different process from private sector projects. Most of the things that are on this list of essential infrastructure I think are fair enough and I am happy for them to go through a process that is currently called crown development. I think it is appropriate. You do not want the state government having to go to the City of Burnside to get the council's permission for some important piece of state infrastructure, but what I do not want is for the government to be given a blank cheque to add any form of development that it wants into this definition simply by bringing it in within the planning and design code.

The point is that the planning and design code is not going to be a disallowable instrument so, therefore, there will not be anything the parliament can really do about it. The government might refer to the parliamentary scrutiny provisions, but I would make the point that it is not going to be a disallowable instrument to the extent that we understand that term, especially in relation to, say, disallowing regulations. The question is not whether the government might not have a meritorious form of development to add to the list of essential infrastructure. I just do not want them to add it through the back door. I want them to come back to parliament and add to this list.

I have another amendment which I will not agitate now: it comes up later, but it relates to this definition. Traditionally, crown development was government projects but, of course, in recent times, and it is further exacerbated in this bill, the government is allowing private sector developers to hang off the government's coat-tails for the private sector to have the benefit of fast-track development assessment processes that previously had only applied to government projects. It is broader than just this particular amendment but, as I have said, it is important in terms of the integrity of this list to make sure that any changes will come back to parliament.

The point is that once something has been approved, then it attracts existing use rights, and it is effectively there forever. So we only get one chance to get this right, and I do not want to see projects using a backdoor method of approval, when the parliament could just as easily delete this

subparagraph and ensure that the government comes back to parliament with any additions to the essential infrastructure list.

The Hon. G.E. GAGO: The government rises to oppose this amendment. The amendment would limit the definition of 'essential infrastructure' by removing the flexibility to identify further categories of essential infrastructure in the Planning and Design Code. In this bill we are designing a legislative framework which the government hopes will last for several decades, and it is therefore critical that flexibility to adapt to change is incorporated. Removing such flexibility is an inherently poor approach to legislation.

The Hon. Mark Parnell says that without his amendment, the government could seek to put anything in under essential infrastructure. He knows that that is not actually correct. He knows that that is not correct, because we know that he has some degree of expertise in this area. I know that he knows that the essential infrastructure has to be compliant with the Planning and Design Code, and that the Planning and Design Code is subject to the ERD Committee, it is subject to consultation required through the charter, and it is subject to the planning commissioner, who is a key independent adviser. If the essential infrastructure is not compliant with the code, then it cannot gain the benefits of that fast tracking and those other elements that are part of the essential infrastructure entitlement.

The Hon. D.W. RIDGWAY: A quick question of the mover—not that the minister would want to be answering questions on behalf of the mover—but with the infrastructure levy that we are talking about later in the bill, and the definition of 'essential infrastructure', can you clarify for me, will the honourable member's amendment to this clause have an impact on the types of infrastructure that might be funded under the infrastructure levy?

I highlight the point that this is the second amendment of the Greens, and we received these on late Thursday or Friday, whenever it was, and for the opposition to get out and talk and listen—we have heard the government's explanation, but to talk to industry has been impossible in the last two or three days to get that done.

I will be asking a whole range of questions of the Hon. Mark Parnell and the other movers and may also indicate, when we get to our final position of support, that this may well be a clause that we would like to recommit if, once we have had more feedback from stakeholders, we may wish to adopt a different position. I would like to get some clarity from the mover if you could give it to me please.

The Hon. M.C. PARNELL: I thank the honourable member for his most excellent question. The main job of work that I was interested in, where the essential infrastructure provision is referred to elsewhere, was the provision I mentioned—the old crown development provisions—which effectively is a fast-tracking mechanism for government projects. Whether this same definition is cross-referenced in the infrastructure levy-type arrangements that are elsewhere in the bill, that is something that I have not put my mind to.

But let's say it is relevant, then the issue for the Hon. David Ridgway (who I know has some concerns with the recovery of infrastructure costs) and I mentioned an open cheque, well this is an open cheque because this basically says, 'You don't know what the gamut of essential infrastructure is, because, yes, it might be this list of things—causeways, bridges, culverts, health education community facilities, police, justice. These things are all in here but there is this catchall.'

The minister used the word 'flexibility' and that is exactly what it is; it is the government being flexible to come up with new things that would be included within the definition of 'essential infrastructure' that—and I cannot answer this definitively but, perhaps—other people would then have to pay for, and developers might have to pay for.

There may be that link but, like I say, I have not put my mind to the infrastructure levy components of this bill, because they are the subject of all the amendments that we have received and, for exactly the same reasons that you have not had the opportunity to go through this in as much detail as you would like, I have not actually seen how this definition ties into that infrastructure levy arrangement either. So you may be right.

The Hon. R.I. Lucas: It may be an unintended consequence.

The Hon. M.C. PARNELL: It may be an unintended consequence, as the Hon. Rob Lucas points out. As I say, the main evil to overcome, from my point of view for now, is not having an open-ended list that is guaranteed a fast-track process for development assessment without community consultation and without the right for people to have their say.

The Hon. D.W. RIDGWAY: I have a further question for the mover. The minister, in her response, spoke about the planning and design code and the interaction with the planning commissioner and the minister and offered what I thought was a reasonable explanation of how that might work. Again, for the reasons outlined, I have not had a chance to explore that. Are you able to enlighten me?

The Hon. M.C. PARNELL: I again thank the honourable member, and he is on the ball in coming up with the hardest of questions. At the heart of what the minister said was that she knows that I know that what I said was wrong. I do need to correct that because it goes to the honourable member's question. The minister pointed out that technically the planning and design code goes through a certain process and that ultimately the right of parliamentary disallowance, through the Environment, Resources and Development Committee, is still there.

The point I have made for the last 20 years under the current bill, and I am making under this bill, is that the right of parliamentary scrutiny is illusory. It does not work: it has not worked in the past and it is not going to work in the future. I will agitate that in detail later on. When you have a gatekeeper between the Legislative Council and the decision the minister has made, the gatekeeper being a government-controlled committee, it does not take a rocket scientist to work out that disallowance is not going to happen. It has never happened since 1993. It is not going to happen under this new bill while you keep a government-controlled committee as the gatekeeper.

Minister, yes, technically it falls within the regime of parliamentary scrutiny and potential parliamentary disallowance, but at a practical level it is just not going to happen. The minister is correct in what she is saying, that, 'Yes, the planning and design code will go through consultation; the Citizen's Charter will determine that the public get to have their say,' but at the pointy end, if the government wants to push through an additional item to be added to the list of essential infrastructure in the definition, they can do it and there is nothing we can do to stop them.

The Hon. R.I. LUCAS: I am not familiar with the legislative provisions around the planning and design code. Can a motion of the Legislative Council be moved by the Hon. Mr Parnell or any other member and, if passed by the chamber, disallow the planning and design code?

The Hon. M.C. PARNELL: The most excellent question we have had today because I have a further amendment, which we will get to later on, which achieves exactly the result that the Hon. Rob Lucas referred to. The answer at present is no. Again, I will agitate it in more detail later on, but that is why I am keen to get as many of these important planning documents into the realm of what I call 'direct' parliamentary scrutiny rather than via the gatekeeper of the ERD Committee. In other words, what I am trying to do in later amendments to this bill is, rather than have the gatekeeper, I want direct disallowance.

In other words, I want exactly what the Hon. Rob Lucas just said. I want any member of parliament to be able to stand up and say, 'I move that this planning instrument be disallowed,' and for that to go to a vote of the chamber. That is what we do with other delegated legislation. That is the regime under the Subordinate Legislation Act. We do it for regs, we do it for council by-laws and I think we should do it for these important planning documents as well. It is an excellent question, and the honourable member has gone to the heart of the problem with the current system—that is, a government-controlled committee as gatekeeper.

The Hon. D.G.E. HOOD: Can I clarify the comments of the Hon. Mr Parnell because I am not absolutely familiar with some of the terminology. Is he suggesting for his subsequent amendment that he would like to see the ability of individual members of this chamber to be able to disallow development plans as such?

The Hon. M.C. Parnell: Yes.

The Hon. D.G.E. HOOD: He is, thank you. I have a further question for the Hon. Mr Parnell. Often when a member moves an amendment to a government bill, they are thinking of a particular

thing or a particular example, a worst-case outcome—something they are particularly concerned about—or, indeed, a best-case outcome, as the case may be. I understand the Hon. Mr Parnell's theoretical argument about unfettered control but, in drafting this amendment and presenting it to us today, is there a specific instance he is particularly concerned about that would assist us in understanding the risk that he is concerned about?

The Hon. M.C. PARNELL: I thank the honourable member for his question. The answer is that there is no particular thing I have in mind that I am suspicious the government might try and add to this list. To be honest, that was not what I was thinking. I was really thinking—and the honourable member has put his finger on it—that, as legislators, do we look at legislation with a generosity of spirit that says, 'In the hands of a good and benevolent government, no harm would be done by this clause'? I have to say that I tend not to look at the law like that. I tend to look at how, in the hands of a dictator or in the hands of a thug, legislation might be interpreted.

In case people are worried that this is a significant amendment, I have to tell you that it is not. What I am removing is subparagraph (i) which basically prevents the government using the planning and design code to add to the list of essential infrastructure, but—and this is important—what I am not removing is subparagraph (ii) which says 'by the regulations'. If the government comes up with another form of essential infrastructure that they really think needs to be added to the list, then they do it through a regulation and the regulation is therefore directly disallowable by parliament.

I do not know what the government has in mind. It may be that it has nothing sinister in mind, but I am just keen, as a legislator, to remove the ability for what I think are fairly unaccountable decisions to be made, and I want the government to insist on using the normal regulation process if they want to add to this definition of essential infrastructure.

Progress reported; committee to sit again.

Sitting suspended from 13:02 to 14:15.

Parliamentary Committees

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (14:17): I bring up the revised interim report of the select committee.

Report received and ordered to be published.

The Hon. S.G. WADE: I seek leave to give the reasons for tabling this revised version.

Leave granted.

The Hon. S.G. WADE: As Chairperson of the select committee, concerns have been raised with me in relation to the wording of section 6. On reflection, the committee and I agree that it could be read as a reflection of the proceedings of the Veterans Advisory Council and the Veterans Health Advisory Council. That was not our intent.

I have met with the Veterans Advisory Council and know that management of conflict of interest is part of its practice. The committee's concern is that individuals need to be aware of conflicts of interest issues and their management, particularly under the formal process of the Public Sector (Honesty and Accountability) Act 1995. As Chairperson I apologise for the fact that the report was not as clear as it should have been. Accordingly, the committee has resolved to amend section 6 and recommendation 7 in its interim report, the report I have tabled.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

EMPLOYMENT FIGURES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about employment figures.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, the Treasurer, the Hon. Tom Koutsantonis, released the Mid-Year Budget Review for the 2015-16 state budget. The Mid-Year Budget Review shows employment growth collapsing from a forecast 1 per cent to less than one-quarter of 1 per cent at a time when South Australia's level of unemployment is the worst in the nation and, sadly, getting worse. My questions to the minister are:

1. In the light of South Australia having the highest unemployment rate in the nation, the lowest ranked business conditions on several measures, and collapsing employment growth forecast, why has the Labor government failed to deliver on payroll tax reform in its Mid-Year Budget Review?

2. What representations has the Minister for Employment made in relation to reducing the payroll tax burden for South Australian businesses that want to create jobs but are unable to bear the cost of this jobs tax?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:24): I thank the honourable member for his most important questions. The Mid-Year Budget Review has been handed down with a number of outcomes. Economic and employment growth forecasts have been revised down since budget time.

In addition, a significant reduction in commodity prices resulting from increased global supply in mineral resources and falling demand from China have resulted in resource companies having to scale back their investments and pursue efficiencies. We have seen that this has resulted in significant job reductions in the resources and construction sectors in particular, with significant job losses also associated with Alinta Energy's closure of the Leigh Creek mine and the Port Augusta power station.

We have seen these things operate. We know that the Department of the Premier and Cabinet prepares these economic forecasts for the budget using a number of data sources, and the professional judgement of economists as well. The process is independent of advice from the Department of State Development and it is not recommended that the forecast be used for other purposes, such as reporting against targets and the like.

The principal purpose of the forecast is to assist the government to estimate revenues in particular, and so they are inherently fairly conservative. Employment forecasts incorporate population projects by the Department of Planning, Transport and Infrastructure, labour force participation rate projections from the commonwealth Intergenerational Report (adjusted for South Australia) and as an assumption of the return to full employment. An allowance for the automotive and associated supply chain losses is incorporated.

Obviously, jobs are the single highest priority for this government, as indicated. It is our highest priority and one which we have incorporated a number of measures around. For instance, in the Mid-Year Budget Review itself, we see that a number of economic development measures are being incorporated—$518 million of state-funded measures.

These measures include the Northern Connector road project, in partnership with the commonwealth (the state component being, I understand, $197 million, the commonwealth component being $788 million). We have seen the announcement of $208 million for an additional 1,000 Housing Trust homes over the next three years—1,000 houses in 1,000 days—which will be funded from existing housing stock. We know that, given the problems that our construction industry is facing at the moment, those 1,000 houses in 1,000 days will operate as a significant stimulus for creating work and jobs in that space.

We also see that $24.8 million is to be brought forward, and part of that is effective immediately, in terms of the reduction in non-residential conveyancing duty. It was planned for 1 July, and it is now to take effect immediately. I understand that now means that South Australia is officially the lowest cost for business transactions of this nature in Australia—

Members interjecting:

The Hon. G.E. GAGO: The lowest cost for business structure. Of course, not only have we done that just in the Mid-Year Budget Review, but in the last budget we announced a whole raft of tax reforms that we were prepared to look into, and will continue our commitment there. In the Mid-Year Budget Review, we also saw $88 million over four years for a range of measures that we believe will also act as means of accelerating business activity, and therefore jobs.

The government announced $20 million for the new PACE copper initiative, and $19.2 million for Last Mile Road Projects to improve freight access. We know that a lot of our country people have been asking for that Last Mile work to be done for some time, so we will be rolling that out. There is $12 million for new infrastructure at Tonsley, $10 million to further support intergenerational engagement activities, $6.4 million in critical bridge repairs and $6.4 million for the Regional Development Fund. We know that that Regional Development Fund has had a significant role in helping to stimulate business activity in our regions and produce jobs.

We can see, as I said, a raft of things that have been put in place. That is why we have our economic plan that is underpinned by 10 economic priorities, to help us transition from the old economy to a new economy. We are reducing barriers to investment, building on our capabilities and driving growth in key sectors, for instance, premium food and wine, tourism, health, ageing and education and the like. We are also making targeted investments, as I have indicated, in housing and transport infrastructure to help stimulate particularly the construction industry, to help boost productivity and to create jobs.

EMPLOYMENT FIGURES

The Hon. R.I. LUCAS (14:30): Supplementary question arising out of the minister's answer: given the figures that the Leader of the Opposition has quoted and the minister has replied to, after almost 14 years in government, does the minister accept that she and the government have failed the people of South Australia on the critical issue of creating jobs?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:31): No, not at all.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We saw last month employment figures improve slightly, which was very pleasing. As I have indicated in this place before, we have seen unprecedented challenges to South Australia that have also been experienced globally but have had an amplified impact on South Australia's economy. I have talked in this place before about the double whammy: not only do we see the federal Liberal government pull out their support for Holden workers and the automotive industry—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Hundreds of jobs have already gone. That is how ignorant the Hon. David Ridgway is: hundreds of jobs have already gone because of the federal Liberal government's decision to withdraw their support to our automotive industry here in South Australia. Hundreds have gone already and a thousand-odd more will go into the future.

We are facing unprecedented challenges, and the Liberal colleagues sit there unashamed. They have done very little to support South Australians. We have watched, as I said, their federal Liberal colleagues rip the automotive industry from under our feet and we have also seen them try to renege on our submarines deal as well. They committed to 12 submarines being built here in South Australia and they are trying to renege on that. What did we see these Liberal lackeys do? What do we see from these Liberal lackeys? Nothing—they sit there on their hands and do absolutely

nothing. They sit there and do nothing other than talk this state down, talk us down, talk South Australians down and do nothing to create new jobs and innovation here in South Australia.

HOUSING TRUST

The Hon. K.L. VINCENT (14:33): Supplementary arising from the original answer: with regard to the 1,000 homes in 1,000 days program, will any of those homes built include features to make them accessible to people with disabilities or older people? If so, what percentage of those homes and what kinds of features will they include?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:33): I thank the honourable member for her invaluable question and I will make sure that that is forwarded to the appropriate minister in another place and make sure that the department is considering issues for disability in their plans for our 1,000 new houses in 1,000 days.

HOUSING TRUST

The Hon. S.G. WADE (14:34): Considering that the minister has already indicated—

The Hon. K.J. Maher: Is this a supplementary or a new question?

The PRESIDENT: A supplementary.

The Hon. S.G. WADE: Yes; on the issue of the accessibility of the houses. The minister mentioned 1,000 homes in 1,000 days. Could the minister bring that information back to the chamber in the context of the bill which we will be considering later today, when the minister has already indicated the government will be supporting universal design principles?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:34): What is the question, sorry?

The Hon. S.G. WADE: The information she asked: can you bring it back in the context of the bill?

The Hon. G.E. GAGO: As indicated, I will bring that response back to the house as soon as I possibly can.

The Hon. S.G. Wade: Okay, we'll expect the answer in the committee stage; expect the question at the committee stage.

The PRESIDENT: The Leader of the Opposition, if you want to show true regard for the position you hold, either put on your jacket or hang your jacket up in the closet. One of my colleagues has reminded me of that and I just thought I would bring it to your attention.

Members interjecting:

The Hon. D.W. Ridgway: Carry on; I'll put it on.

The PRESIDENT: The Hon. Mr Wade.

APY LANDS

The Hon. S.G. WADE (14:35): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation in relation to the Amata swimming pool.

Leave granted.

The Hon. S.G. WADE: There are three swimming pools on the APY lands. They are located in the communities of Amata, Mimili and Pipalyatjara. It costs about $180,000 a year to run and maintain each pool. This cost is covered by an annual allocation of the APY task force, a source of funding administered by the Department of State Development's Aboriginal affairs and reconciliation program.

On the APY lands, the swimming pool season lasts for six months, from the first week in October through to the last week of the term 1 school holidays the following year. In early November, *The Australian* newspaper reported that the swimming pool at Amata remained closed more than a month after the APY swimming season started. My questions for the minister are:

1. When does the minister expect that the Amata swimming pool will reopen?

2. If the Amata swimming pool is still not open when the school year finishes later this week, what will happen to the funding that the APY task force allocated to run the facility?

3. Will the minister ensure that a significant proportion of any unexpended funding is redirected to the cost of running additional holiday programs and other programs for children in Amata?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:37): I thank the honourable member for his question and his interest in these matters. There are a number of swimming pools that are attached to schools in the APY lands. A number of weeks ago, I was able to witness the benefit that is provided at Pipalyatjara by the swimming pool there and how much the students look forward to going to the swimming pool after school.

I know that there have been difficulties in recruiting people to swimming pools that are attached to the schools in the APY lands from time to time. I am not sure of the exact status of the Amata pool. If there is a problem, I assume, as it is from time to time, to do with the difficulty in recruiting people to manage those swimming pools, but if there is another reason, I will bring back an answer as to what that reason is. In terms of the expenditure of funds in relation to a pool, I will double-check but I assume that there still will be funds expended to maintain a swimming pool even if it is not open at the time. In terms of the funds that are used, again, I will seek that information and bring an answer back for the member.

EMPLOYMENT GROWTH FORECASTS

The Hon. R.I. LUCAS (14:38): I seek leave to make a brief explanation before directing a question to the Leader of the Government on the subject of employment growth forecasts.

Leave granted.

The Hon. R.I. LUCAS: In response to an earlier question, the minister indicated that the employment growth forecast included in the budget and Mid-Year Budget Review documents were essentially conservative by nature, the inference being that the reality will be better than the conservative estimates done by officers within the Department of the Premier and Cabinet.

Can I refer the Leader of the Government to the recent history of job forecasts. For 2014-15, what the minister has referred to as a conservative forecast was for 1 per cent growth in the South Australian economy. The actual reality was half that, at 0.5 per cent. For the financial year 2015-16, the first employment estimate done by the government—conservative, according to the minister—included in the June 2014 budget document, was for an employment growth forecast of 1.25 per cent.

Just six months ago, 12 months after that first forecast, the government downgraded that estimate from 1.25 per cent to 1 per cent. Of course, yesterday, in the Mid Year Budget Review that was downgraded again to 0.25 per cent. The minister has argued today in response to the earlier questions that these estimates for each budget year are conservative by nature. My questions to the minister are:

1. Is the minister aware that for the last three years—and possibly for longer—the supposedly conservative job forecast included in the budget documents in reality have been significantly overestimating employment growth in those years?

2. If that is the case and the minister is aware, on what basis does she stand up in this house and claim that these are conservative estimates of job growth?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:40): I thank the member for his questions. I have already

answered them but I will reiterate the principal purpose. I do accept that the changes that have occurred in most recent years in terms of the estimations tending to be over-predictions rather than under but generally in terms of overall trends they tend to be conservative and they are generally considered to be conservative, and the reason for that is because, as I have indicated, they are forecasts that are generally for the purpose of estimating revenues and, therefore, estimates for revenues are inherently generally conservative.

However, we have seen—as I have outlined—an unprecedented double whammy happening here in South Australia. We have seen the decline of our automotive industry and the withdrawal of our automotive industry, and on top of that we have seen plummeting commodity prices. Both have had a significant impact on South Australia's economy in particular. I am advised that it is that softening of our economic outlook that has operated to influence the downgrading of our employment forecast.

JOB CREATION

The Hon. R.I. LUCAS (14:42): A supplementary question arising out of the minister's answer: given the minister's answer, does she accept that after 14 years as a member of the government and now almost 10 years as a minister that she has had a fair go in terms of trying to turn around policies for job creation and perhaps that she is a little tired and it is about time she handed over to someone with fresh ideas in the ministry to help confront the challenges that confront the state in terms of job creation?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:43): As I have always indicated in this place, you can always tell when you have won a point over the Hon. Rob Lucas. You can always tell when you have scored because he then resorts to personal abuse. The problem is he cannot score one on me in terms of the budget—we have a sound explanation and good budget management, a good economy and good government. One of the reasons we have good government is because we have an extremely good leader. The Hon. Jay Weatherill is an outstanding leader, and we have a good cabinet.

As I said, you can always tell when he has lost because he has to resort to personal abuse because he has nowhere else to go. For all these years that he has been a member of parliament, a member of this place, most of that time, three-quarters of that time, he has sat there on the back bench or sat there in opposition. His two glorious moments were in his position as a failed former treasurer. I do not think he ever brought in a surplus budget.

His other big claim to fame is his mastermind, his campaigning mastermind. He was, apparently, one of the masterminds behind the Liberal opposition losing the last election. It was an unlosable election, unlosable, but with a mastermind like the Hon. Rob Lucas as part of the strategy team they lost the unlosable election. So, that is his other claim to fame, being a campaign strategist and mastermind. Apparently, his other big claim to fame is helping to mastermind the loss of Fisher. I stand very pleased and honoured to be a minister in this place. I look forward to my future in any capacity that I am able to serve. I am very proud of my past and, no doubt, will continue to be very proud of the future contributions I make, and I look forward to those.

APPRENTICES AND TRAINEES

The Hon. G.A. KANDELAARS (14:45): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about occupational licensing requirements for apprentices.

Leave granted.

The Hon. G.A. KANDELAARS: With thousands of year 12 students graduating over recent weeks, many may be considering an apprenticeship. It is important for prospective apprentices to be aware of occupational licensing requirements so they can make an informed decision about their future. Can the minister advise the chamber of the key occupational licensing requirements for apprentices and initiatives implemented by CBS to ensure the application process is efficient and customer focused?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:46): I thank the honourable member for his important question. Apprenticeships offer undeniable benefits to school leavers, such as the opportunity to earn an income while obtaining a nationally recognised qualification, as well as offering invaluable experience in the workforce. Many young people who may be considering an apprenticeship could possibly be unaware of the requirement to register with Consumer and Business Services when they work in particular industries.

Currently, in addition to registering with Traineeship and Apprenticeship Services (TAS), an apprentice who will be performing on-site works in the plumbing, electrical or gasfitting industries is also required to be registered as a restricted worker under the Plumbers, Gas Fitters and Electricians Act 1995. Although there is no application fee for registration, which is usually valid for the duration of the apprenticeship, the apprentice must contact CBS to arrange this. In contrast, there is no requirement for registration for apprentices undertaking qualifications in building work, such as carpentry, cabinetmaking, concreting or tiling.

Applicants who have completed an apprenticeship related to the building industry are then eligible to apply for a building work supervisor's registration in their relevant trade, enabling them to verify that all building work is properly supervised and meets required building standards. Similarly, plumbing and electrical apprentices are eligible to apply for the PGE licence. CBS performs an imperative role in licensing, as it ensures that tradespeople hold the necessary skills and qualifications required for the industry and instils confidence in the public that a tradesperson who they might want to call out to their home is actually competent to perform that work.

CBS has seen a recent success which highlights the value of business improvement processes. Previously, after an applicant had lodged an occupational licence application, they would phone CBS to seek an update on the status of their application. CBS receives 12,000 phone calls per month across their customer service centre, licensing and births, deaths and marriages areas. All of these calls (around 1,000 or 2,000 per month) are simply seeking an update on licence applications. If we work on an average call duration of five minutes, this equates to around 125 hours per month that CBS staff spend answering calls relating to application updates.

As a result of the changed process applicants now automatically receive an instant email notifying them of the anticipated processing time, and this email is jurisdiction specific. Once the application is granted, an email is sent to the applicant notifying them of their licence number, and the expected time frame before they receive a licence card or certificate will also be included.

In addition, a link to the public register is included in the email so that applicants can view their details. Even more impressive is the fact that in a matter of just 10 working days this significant development transitioned from being an idea to being fully implemented, and I extend my congratulations to all those involved in making these exciting and efficient changes possible.

I am pleased to report that, as a result of innovative changes such as these, CBS has recently received some fantastic feedback from satisfied customers, complimenting and thanking staff for their outstanding customer service: comments like, 'I appreciate the urgency placed on getting the licences', 'Thank you for the wonderful service provided', and another example is, 'I'm grateful for you going above and beyond your call of duty.' They were some quoted feedback.

So, you can see that it is important that school leavers considering an apprenticeship are aware of applicable licensing requirements, and the collaboration across numerous areas of CBS is allowing precious time and resources to be channelled elsewhere, while improving customer services.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome His Excellency, Mr Andris Teikmanis, the Latvian Ambassador—well done—and welcome to your business delegation: all the best.

Question Time

INFANT FORMULA SALES

The Hon. T.A. FRANKS (14:51): I seek leave to make a brief explanation before addressing a question to the Minister for Business Services and Consumers on the topic of the onselling of infant formula in this state.

Leave granted.

The Hon. T.A. FRANKS: As members are no doubt aware (and I hope the minister is), I asked a question in this place three weeks ago about what action the minister might consider in terms of prohibiting the onselling online of infant baby formula. I did so because there is a baby formula crisis in this country and in this state. I note at the moment that a seller based in North Adelaide is offering on eBay a single tin of Nestle Nan Pro Gold 1 for a starting bid price of $74.95 or a 'buy it now' price of $100.95. You can buy this retail at Chemist Warehouse for $20.99. Clearly, there is a profit to be made, and people are making a profit.

Reports from interstate have footage of groups of people buying the total amounts they can possibly buy from retailers because retailers have imposed restrictions on the number of tins that may be purchased in a single transaction. I have also since been contacted by parents who have had multiple births, who were worried about these restrictions on their ability to feed their twins, triplets, and so on.

I note that the Australian consumer group, Choice, has set up a website and are taking reports from concerned parents about the shortages across our country. I also note that New Zealand has stopped any export shipments from their country without appropriate accreditation, and Hong Kong has imposed a two-tin limit on travellers, relieving its region. My question to the minister is: what action has she considered with regard to the South Australian government stepping up and stopping the online onselling of baby infant formula?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:53): I thank the honourable member for her most important question. I have also shared the Hon. Tammy Franks' concern about the shortages being created in baby formula due to particularly the online selling of baby formula. I have no doubt read the same media reports that the Hon. Tammy Franks has read in relation to customers stripping supermarket shelves of premium baby formula and selling it online, I understand particularly to Chinese customers at very inflated prices.

We know that there is a big market there for us because of the Chinese general public's lack of confidence in the integrity of their own made baby formula. We all remember that horrendous, catastrophic incident where a couple of babies actually lost their life due to contaminated formula in China. This has made it very difficult for some South Australians to obtain their usual formula.

This is obviously a national issue. Demand for our high-quality formula which, as I have indicated, is seen as safe and of really high-quality, particularly by Chinese customers but not just by them, has grown rapidly in recent years following that incident I talked about in 2008. Baby formula is not a prohibited export, and it's not illegal for people to buy formula and resell it overseas. However, it is an essential item for many families, and the government is obviously concerned that South Australian parents have access to sufficient supplies to feed their babies.

Particularly, I think there is a significant problem around lactose intolerance as well, and there are particular types of baby formula that have become even more scarce than others, so the alternatives for those babies are quite limited. I have seen reports of really panicked mothers in particular, but no doubt dads as well, having to get in their cars and search and search for a particular baby formula.

Major supermarkets and some pharmacies have voluntarily introduced limits on the amount of formula that is sold to each customer, and I certainly encourage individual retail outlets to do that. The commonwealth assistant trade minister has also advised that he is looking into a solution. Export and trade arrangements are clearly a commonwealth government responsibility, but I am pleased to

see that they have been responsive. I have certainly encouraged all suppliers to ensure that there are sufficient supplies available for their loyal Australian customers.

I have also suggested that consumers should think about purchasing formula online. I have asked them to consider whether that's the appropriate thing to do, in terms of an online form of private selling. I have also asked the CBS to explore, particularly with the commonwealth government, other responses that we might be able to implement nationally.

There is the issue of putting bans on the onsale advertising of baby formula. Currently, South Australia doesn't have the provision or the capacity to do that because baby formula is considered safe. We would need new provisions there, but I have asked the CBS to go away and have a look at that. I think the most sensible way to go is through a national response or a mechanism that can be nationally applied, and I have certainly asked officers to work with commonwealth officers to outline the possible mechanisms that we could put in place to manage this shortage.

INFANT FORMULA SALES

The Hon. K.L. VINCENT (14:58): A supplementary: would the government support establishing formal milk banks in South Australia to help plug this gap, as recommended by health experts in *The Advertiser* last year?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:58): I am not sure whether that would address this particular problem, but I am happy to contemplate it, and I have asked officers to go away and outline the sorts of options that might be available for us to be able to do that.

The Hon. T.A. FRANKS: A supplementary?

The PRESIDENT: A supplementary, the Hon. Ms Franks.

INFANT FORMULA SALES

The Hon. T.A. FRANKS (14:58): Would that consideration of other options also include a supply of infant formula at hospitals, as suggested by Matt and Dave on ABC radio?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:59): Yes, as I said, I have asked officers to go away and consider options that are available to help us manage this shortage. I am happy to consider any option that is possible and applicable.

MANUFACTURING WORKS

The Hon. A.L. McLACHLAN (14:59): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question regarding the Manufacturing Works program.

Leave granted.

The Hon. A.L. McLACHLAN: The Frost & Sullivan recent review of the Manufacturing Works program found that a frequent problem with the program was that many participant organisations were often lost as to how to proceed with the newly developed product or how to apply the lessons they had learnt during the program. The report recommended that a follow-up with participants should be formalised in order to improve the ability of participants to successfully implement learnings from the programs that they have participated in.

My question to the minister is: will the government commit to implementing the recommendation in order to improve the ability of participants to implement learnings from the programs they participate in?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:00): I thank the member for his very, very good question indeed and his continuing interest in manufacturing and all things concerned with manufacturing. As the honourable member pointed out, there was a review

of the Manufacturing Works Strategy done by the global consulting firm Frost & Sullivan. There was a range of findings and recommendations that fell out of that review.

I do note that that review found a number of things. It estimated that, out of the Manufacturing Works Strategy, there were something like 290 new jobs created up to April 2015, something like $88 million of additional revenue generated by participants and, perhaps most importantly, the Frost & Sullivan review found the participants in the program performed better than the broader manufacturing industry. For example, the sales income of participants increased by 2.7 per cent compared to a decline of about 6.5 percent in the wider manufacturing industry.

In terms of the specific recommendations that were made, I would expect any recommendation that is able to be easily implemented as part of the program to be implemented. In terms of the specific one the honourable member has referred to, I know that there is formal follow-up with participants. If there is anything more that's being done as a result of that recommendation, I will bring an answer back and inform him what of what it is.

MANUFACTURING WORKS

The Hon. A.L. McLACHLAN (15:02): Supplementary: can the minister advise the chamber what constitutes a formal follow-up? Is that process one that has been designed in response to the specific recommendation I raised in my initial question?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his supplementary question and for the leadership that he is showing on that side of the chamber in asking sensible questions that elicit sensible answers.

Members interjecting:

The Hon. K.J. MAHER: And I note the interjections—

The PRESIDENT: Order!

The Hon. K.J. MAHER: —by those who do not display the similar sorts of leadership qualities that my friend the heroic and honourable Andrew McLachlan displays.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I will follow it up and bring you back an answer for the honourable member.

MANUFACTURING WORKS

The Hon. A.L. McLACHLAN (15:03): Supplementary: whilst I am always thankful—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.L. McLACHLAN: —for the minister's kind words about my abilities, my further question is: is the minister able to advise the chamber of a timetable when all the government's response to all the recommendations will be implemented?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:03): The question is: is there a timetable for the implementation of every single recommendation from this particular report?

The Hon. A.L. McLachlan: Yes, of the report.

The Hon. K.J. MAHER: Recommendations will be considered and implemented in due course, if it is practical to do so and will provide benefit to the program.

MANUFACTURING WORKS

The Hon. A.L. McLACHLAN (15:04): Supplementary: can the minister advise the chamber whether there is a timetable for the completion of implementation of the recommendations of the review?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his further supplementary question. As always, we will look to continually improve every program that we offer.

CENTRE FOR BUSINESS GROWTH

The Hon. P. MALINAUSKAS (15:04): My question is to the Minister for Manufacturing and Innovation. How is the government investing to accelerate the growth of South Australia's small to medium business sector?

Members interjecting:

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his question. I also thank the interjections of #theadvicethatterrygave. In terms of investing to accelerate growth in the small to medium business sector, the Treasury has released, as has been talked about in this house already, the Mid-Year Budget Review. I am pleased to say that it included more than $4.2 million over four years to assist small to medium-sized businesses accelerate their growth and support the creation of new job opportunities in South Australia.

This funding will enable the government to partner with the University of South Australia's Centre for Business Growth to deliver business growth clinics to more than 240 South Australian businesses. The centre is led by successful businesswoman and ANZ Chair in Business Growth, Professor Jana Matthews. Professor Matthews has an impressive background. She has been identified as one of 18 women business gurus in the world, was invited to membership of the International Women's Forum and was a finalist recently in the White House Fellows program.

Professor Matthews has also published eight books and over 50 articles and writes extensively about high performance and business growth. The Centre for Business Growth was established at the University of South Australia in 2014 to identify, research and teach the critical knowledge and skills that enable small and medium-sized enterprises to grow.

Since its commencement, the centre has delivered three types of programs: two-hour mini clinics with Dr Matthews and successful entrepreneurs; one-day clinics with Dr Matthews and growth experts; and a much larger nine-day business growth program for chief executive officers and senior staff with Dr Matthews and a number of other experts. This particular new initiative will significantly expand this approach and equip South Australian businesses with the knowledge and expertise to innovate, expand and compete on the global stage.

We know that small and medium-sized business are the engine room of our state's economy, and business accelerators such as this are a good way of growing small businesses into medium businesses, and medium businesses into larger businesses, both employing more people and creating more opportunities. This particular initiative announced in the Mid-Year Budget Review will enable the centre to run 50 one-day business growth clinics for around 240 South Australian small and medium-sized businesses over the four years of the funding agreement starting next year.

In addition, 12 nine-day business growth programs will be delivered to around 120 of South Australia's small to medium-sized enterprises. Company growth will be tracked and analysed and growth inhibitors and accelerators identified. A website will be developed with matched funding from the University of South Australia to provide access for other businesses to access resources, growth frameworks and mentors to help them grow and create job opportunities. If the previous success of the centre's programs are repeated, then the expected outcomes will be significant.

According to the Centre for Business Growth, small to medium-sized businesses that recently completed the program are showing signs of success. Those companies that were involved

reported an aggregate increase in revenue of 24 per cent, taking earnings from $132 million to $164 million. Within three years, 10 companies expect to be generating $615 million in revenue. For those businesses that participated, an average growth in profits of 30 per cent was reported, and I understand that those businesses that participated have added 114 jobs to date, with an additional 322 jobs expected over the next year.

If we see that repeated in the program that was announced in the Mid-Year Budget Review, we can expect several thousand new direct jobs from this program through the clinics and business growth programs. In addition, many more companies will receive access to resources and the knowledge required for growth through the website. The clinics and growth programs will be targeted to businesses that are aligned with this state's needs, including in particular Northern Adelaide businesses, automotive component suppliers, businesses involved in health and medical devices, food and wine, ICT and electronics, and regional businesses, particularly within the Upper Spencer Gulf and outback area.

The agreement with the university will include key performance indicators, including activity-based indicators such as the number of companies participating in the clinics and programs and impact measures such as the increase of employment within participating firms. The state government is committed to supporting the accelerated growth of South Australia's small to medium-sized businesses, and through this program we are enabling the outstanding work of Professor Matthews and the Centre for Business Growth to do that. I look forward to informing the chamber of the success of this program in the near future, and taking very difficult and detailed questions from the Hon. Andrew McLachlan on how it is performing and any new recommendations that come out of it.

STOLEN GENERATIONS COMPENSATION

The Hon. T.A. FRANKS (15:10): I have a supplementary question. Arising from the minister's answer and the #theadvicethatterrygave, the hashtag is actually #thingsthatterrydid, and does he note the words of David Washington on Twitter, who stated:

> What Terry *didn't* do—delay for years a compo scheme for stolen gens.

Will he actually now join in commending this council for things that this Legislative Council did and things that Terry did in supporting a stolen generations compensation scheme when the Labor Party did not?

The PRESIDENT: That does not arise out of the original question or his reply.

The Hon. T.A. FRANKS: Point of order.

The PRESIDENT: What is your point of order?

The Hon. T.A. FRANKS: That does arise from the minister's answer. He opened the door, he said '#theadvicethatterrygave'. I give the minister advice and the President advice that that was in fact in the minister's original answer.

The PRESIDENT: I heard your advice but it still doesn't require an answer. I will acknowledge Terry's contribution—very well done.

DISABILITY SECTOR EMPLOYMENT

The Hon. K.L. VINCENT (15:11): I have a supplementary question. I think my memory serves me correctly when I say that the minister mentioned health and medical devices as an area of interest. I wonder if he has done any investigating into the possibility of hiring ex-Holden workers to build equipment such as mobility aids and car modifications for people with disabilities.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I thank the honourable member for her question and the supplementary question that does seem to fall within standing order 108, arising out of and from the answer.

The PRESIDENT: Just get to the answer, minister.

The Hon. K.J. MAHER: The answer is 'absolutely'. We have had a number of visits and representations from auto-supply companies that are looking to diversify into a number of areas, including some that are looking at devices that assist those with disabilities—so absolutely.

APY LANDS, DRIVERS' LICENCES

The Hon. T.J. STEPHENS (15:12): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the driver licensing scheme on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I am following up on questions I asked on 24 March and subsequently on 5 May, as the minister has still failed to bring back answers and statistics which he promised to do. I have been made aware that there is a scheme called On the Right Track, also known as Project Mutuka, but that only 20 licences have been issued to Anangu since the legislation came into effect in December 2013, as part of a $4 million government scheme. My questions to the minister are:

1. Why has the minister not presented the statistics as requested of him on both those occasions, when they seemed to be available to others?

2. Does the minister think it acceptable that this scheme has resulted in only 20 out of almost 500 Anangu who registered their interest having received licences?

3. How much has been expended to date of the $4 million?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the honourable member for his question and his interest in these areas. These are not matters that fall directly within my portfolio of responsibilities. I am pretty sure it is the Minister for Road Safety, the member for Light, but I will certainly refer those questions to him and bring back a reply as soon as possible.

APY LANDS, DRIVERS' LICENCES

The Hon. T.J. STEPHENS (15:13): I have a supplementary question. Minister, given that this is a very important issue for Aboriginal people, in particular Anangu, is there any chance that you could give it some expedient attention so that we can obtain some outcomes? This legislation was pushed through the parliament quickly, the money was put on the table and yet the outcomes are appalling. I think you really need to help try and drive this if you can.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:14): I thank the honourable member for his supplementary question. I will bring back a reply as quickly as I can and inform myself of where it is up to exactly.

STRATEGIC EMPLOYMENT FUND

The Hon. J.M. GAZZOLA (15:14): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about an employment initiative.

Leave granted.

The Hon. J.M. GAZZOLA: Communities are often able to identify pockets of local employment need that require strong elements of engagement with local job seekers to help them win those local job opportunities. Can the minister advise the chamber about the Strategic Employment Fund and how it has to date assisted local employers to fill local job vacancies across the regions of South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:14): I thank the honourable member for his most important question. The Strategic Employment Fund, which is being transitioned to WorkReady, supports employment projects that connect job seekers to the jobs identified by local employers. The

Strategic Employment Fund (SEF) is delivered through a list of approved SEF providers. These providers develop employment projects in partnership with employers, who are prepared to commit to jobs, on a jobs first basis.

The fund aims to increase this state's skilled workforce and create tailored employment programs that assist job seekers to gain the skills and abilities necessary to win local jobs. The target of SEF in 2014-15 was to assist more than 900 people across South Australia into jobs. I am pleased to advise the chamber that, as of 5 October this year, 41 SEF projects were approved by the Department of State Development with the objective of assisting over 1,390 people into jobs. A total of $2.511 million is budgeted to deliver 41 SEF projects across the 2014-15 and 2015-16 financial years.

I would just like to give an example of a SEF project. This one is delivered in the Eyre and Western region, where 4 Life Proprietary Limited has received $34,900 to deliver 15 participants a Certificate III in Disability. The Hon. Kelly Vincent will be pleased: she asked a question about disability and carers and support workers the other day. Fifteen participants have completed their training and are currently undertaking the work placement component of the certificate. Participants have come from Port Lincoln, Venus Bay, Coffin Bay, Boston Bay, Tumby Bay and suchlike. It is anticipated that 12 participants will gain employment through that project.

SEF providers must have the required skills and experience to deliver tailored, locally developed employment projects that respond to employer-identified job vacancies. As at 4 November 2015, there have been 364 job outcomes from projects commenced under the SEF fund in industries such as community services, hospitality, events management and suchlike. Almost 28 per cent of job outcomes were in non-metropolitan regions.

All SEF projects are due to be completed by 30 June 2017. The job outcome information is provided by the participant upon exit of their employment project and, as a result, outcomes will increase as projects are completed and the reporting period is finalised. SEF providers are delivering projects that include accredited training, non-accredited training, individual case management, structured mentoring and project management.

The state's WorkReady initiative, which began on 1 July 2015, brings together all funding for training, employment and skills activity, including the SEF fund. In future, SEF will be delivered through Jobs First Employment Projects. I thank the honourable member for his most important question.

ILLICIT DRUGS

The Hon. R.L. BROKENSHIRE (15:18): I seek leave to make a brief explanation before asking the minister representing the Minister for Police questions relating to illicit drug use at music festivals.

Leave granted.

The Hon. R.L. BROKENSHIRE: As I'm sure the minister is aware, my colleague the Hon. Dennis Hood asked the minister a question last week in relation to preventing the use and trafficking of illicit drugs at public entertainment events such as Stereosonic, following the death of a young Sydney pharmacist the week prior.

As members would no doubt be aware, a young man tragically died over the weekend after he consumed pills believed to be ecstasy while attending the very same music festival here in Adelaide. A further two people were taken to hospital in a critical condition after overdosing from drugs at the event. Police seized 34 pills, evicted six people and refused entry to 34 other people after they were found to be carrying drugs. My questions to the minister are:

1. Were sniffer dogs allowed in the venue during and before the event on the day? (I know they were there the day before.) If they were not, why was this not the case?

2. Were all attendees searched before they were allowed into the venue for the potential trafficking of illicit drugs or personal use of illicit drugs?

3. What is the government's position to ensure that this does not happen again? Has there been a cabinet subcommittee meeting to discuss this event since Saturday?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:20): I thank the honourable member for his important question. Like everyone else in this chamber, I am sure, and like the community generally, I was deeply saddened at the recent death of the young man at a concert after taking drugs. He obviously did not understand the content of them, and it resulted in his death. It is such a tragic loss and a waste of a potentially wonderful young life. With that, I am happy to take the honourable member's questions on notice and refer them to I think the Minister for Police, but it may cross over to the Minister for Substance Abuse as well. However, I will refer the questions to the relevant minister/s in another place and bring back a response.

WOMEN IN TECHNOLOGY

The Hon. J.S. LEE (15:21): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women in technology.

Leave granted.

The Hon. J.S. LEE: In the *Financial Review* dated 1 December 2015 it was stated that the South Australian government had developed a plan to make Adelaide one of the largest start-up centres in the Asia-Pacific region, modelled on the US city of Boston. On the same day, another article in the *Financial Review* stated that the Australian Computer Society was pushing for a complete overhaul of the workforce and education system to change the culture and attitude towards working women and to encourage more to think about careers in IT.

The 'Digital Pulse' report confirmed that women in ICT were only 28 per cent compared to 43 per cent of all individuals working in the professional industries. The report also highlighted that the average earnings tended to be significantly lower for women in the ICT workforce compared with men, with an average pay gap of around 20 per cent. Furthermore, a 2014 employment survey found that 42 per cent of female respondents had encountered discrimination when applying for an ICT position, with around half of these indicating that discrimination was based on gender. My questions to the minister are:

1. With the government labelling this state as one of the largest tech start-up centres in the Asia-Pacific region, how does the minister intend to resolve the representation of women in ICT prior to the establishment of the centre?

2. What strategies would the minister implement to encourage women in the ICT industry sector?

3. Is the minister aware that 42 per cent of women experience discrimination in applying for ICT positions?

4. What consultation has the minister had with the industry to change the culture and attitude towards women working in the IT sector?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:23): I thank the honourable member for her most important questions. Indeed, we see a gender pay gap in the ICT area, but unfortunately it is a gender pay gap that is seen elsewhere as well. Currently the national gender pay gap is sitting on 18 per cent.

An honourable member interjecting:

The Hon. G.E. GAGO: It is a great shame. Here in South Australia I am pleased to say that it is slightly less than that; I think at the moment it is only 15 or 16 per cent. That is still not good enough, but I am pleased that we are one of the lowest states. There is a range of initiatives that we have been working at and will continue to work at, to continue to rollout, to help address that gender gap and help increase the number of women working in ICT.

In fact, in STEM generally we have developed a STEM Skills Strategy for South Australia to develop a workforce that is well-versed in science, information technology, engineering and maths. The strategy seeks to establish partnerships between education, industry, government and community to grow the number of STEM-based professional, paraprofessional and trade qualified individuals by 2020.

The Office for Women has developed a web resource specifically for women interested in studying careers in science, technology, engineering and maths. Women in STEM focuses on how to help attract and retain women in STEM employment and includes information on mentoring and support networks for women, access to programs for young women, and how to address stereotypes and the myth that women are not interested in STEM. It is also an action item under the Investing in Science Action Plan that South Australia identify opportunities within all STEM initiatives to include and encourage women to participate in STEM education and career pathways.

Women make up half of the population; in fact, I think it is slightly more than half, so we are losing half of the brightest people to solve the world's major problems if we do not include women. Obviously, the best work is done and the best policies are enacted when it is done in diverse teams, and that should include representation of women at all levels.

WOMEN IN TECHNOLOGY

The Hon. K.L. VINCENT (15:26): Supplementary: does the minister know why, as she suggested, the gender pay gap is slightly lower in South Australia? What is causing that?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:26): I thank the honourable member for her most important question. I would like to think it is because of our very progressive policies. Others might say it relates to the relatively low income levels of South Australia. I would prefer the former interpretation.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee (resumed on motion).

Clause 3.

The Hon. M.C. PARNELL: I would like to take the opportunity to provide a more comprehensive answer to the Hon. David Ridgway to the question that he asked me before the luncheon adjournment. I have not checked the exact words I used, but there was an element of actually not knowing the answer because the answer depended on the impact of the amendments that we received at half past nine this morning. I have now had the opportunity to have another look at it.

To get the context right, I am seeking to amend the definition of essential infrastructure to make sure that the government cannot add any items to that list using the planning and design code. I explained that the reason for me doing that was that the definition of essential infrastructure triggered what we call the old crown development provision, whereby developments go through a fast-track process compared to the normal process.

The Hon. David Ridgway asked me what effect did my amendment have on the infrastructure scheme regime which is covered in the bill at a later clause; in fact, it is clause 156 onwards. My answer to the honourable member was that I was not quite sure whether it was the same definition. Having looked at it, it is the same definition. If we look at clause 155 it says:

> (1) The Minister may initiate a scheme under this Division in relation to the provision of essential infrastructure...

The definition is directly relevant to clause 156, but what I am sure the Hon. David Ridgway is now on top of is the amendments that the government tabled this morning, where they have actually modified that position. They have now got this new concept, as of 9.30 this morning, called 'basic

infrastructure'. Basic infrastructure is a subset of essential infrastructure, and if you look at the government amendment No. 2 in the set of amendments [EmpHESkills–3] it says that:

> (1) In this Division—
>
> *basic infrastructure* means—
>
> (a) infrastructure within the ambit of paragraph (a), (b) or (h) of the definition of *'essential infrastructure'* under section 3(1)…

That has a number of implications. The first implication is that the Hon. David Ridgway has even more to worry about than simply my concern over unnecessary fast-tracking, because it looks as if there is this possibility of adding extra things to the infrastructure schemes that the developers will have to pay for. But wait, there's more! When we also look at the government's amendments filed this morning, one of the things they say is that, in this new definition of basic infrastructure, it includes:

> (e) other infrastructure, equipment, buildings, structures, works or facilities brought within the ambit of this definition by the regulations.

Those words are important. The government is basically saying that they can use regulations to add to the list of basic infrastructure, but what they do not give themselves in this amendment is the power to add to the list through additions through the planning and design code.

I think what I make of all that is that the government has agreed with me that the addition of new items of infrastructure through the vehicle of the planning and design code, which might have the impact of forcing people to have to pay for it because it gets incorporated into an infrastructure scheme, is inappropriate.

The minister may think I am drawing a very long bow, but given the fact that, in the government's amendment filed this morning, they refer only to additional items added by regulation and not to additional items added through the planning and design code, I think they are agreeing with me.

It may well be that part of the problem that the Hon. David Ridgway was concerned with might be solved, but the problem that I raised originally, which is that you have got this unknown list of extra things that can be fast-tracked, is still a live problem. The take-home message from all of that, the Hon. David Ridgway, is that you should continue to support the amendment, if that is in fact what you were originally proposing, and I look forward to other members supporting it as well.

The Hon. D.W. RIDGWAY: This comes from what the Hon. Mark Parnell has just said, but I also have some information here from one of the major stakeholders, the Urban Development Institute of Australia. I just thought it would be useful to ask the minister to respond to their concerns, which I will put on the record. They state:

> The phrases such as 'health, education or community facilities' are ambiguous and might include a broad range of developments. Note also the ability in (k)—

from which the Hon. Mark Parnell is proposing to delete '(i) by the Planning and Design Code'—

> to bring other infrastructure within the definition by the PDC or regulations. The definition is used for infrastructure schemes as well as the alternative assessment process for infrastructure in s123, which is later in the bill. In the case of assessment, a broad definition is good. In the case of infrastructure schemes, such as in part 13, the definitions need to be narrow.

They go on to say that two definitions are needed. Can the minister explain, with the amendments that have been tabled today that the Hon. Mark Parnell is referring to, have they addressed the concerns of the UDIA?

The Hon. G.E. GAGO: I have been advised, yes.

The Hon. R.I. LUCAS: I am indebted to the Hon. Mr Parnell for confusing me even further. I thank you for that. My question I think is probably firstly to the government. The Hon. Mr Parnell has raised this definitional issue of basic infrastructure in [EmpHESkills–3], which were tabled this morning, but on my reading of basic infrastructure there, is that not the same as the amendment which is already in [EmpHESkills–1] under amendment No. 38; that is, the definition to which the Hon. Mr Parnell is referring was already in the minister's first package of amendments?

The Hon. G.E. GAGO: I have been advised that basic infrastructure is a subset of essential infrastructure, so it comes within it.

The Hon. R.I. LUCAS: That is not my question, though. Let me explain my question. I understand that, because I think that is what the Hon. Mr Parnell was pointing out. What the Hon. Mr Parnell was saying was that the issues that were being raised this morning by the Hon. Mr Ridgway had been resolved by the new amendments moved by minister Gago this morning in [EmpHESkills–3].

He refers to the definition of basic infrastructure there, and I will not go through it because he has already gone through it, but my question is: is the definition of basic infrastructure (and I am sort of quickly trying to catch up here) in [EmpHESkills–3] not the same as the definition you had already circulated in [EmpHESkills–1]? That is, the issue to which the Hon. Mr Parnell is referring had already been catered for (if it has been catered for) in the first package of amendments.

The Hon. G.E. GAGO: I am advised yes, that is right.

The Hon. R.I. LUCAS: Good. So, the issues in relation to whatever changes there have been addressed in the first and then possibly just confirmed again in the second series of amendments from the minister. My question now really I guess is—perhaps the Hon. Mr Parnell can assist me—the Hon. Mr Parnell is suggesting, because of this definitional change, that the levy arrangements only relate, is it correct, to basic infrastructure as opposed to essential infrastructure?

The Hon. M.C. PARNELL: That is a question best directed to the minister, because I am trying to analyse the scheme. My gut feeling is that might be the case, but I do not know for sure.

The Hon. R.I. LUCAS: I will put to the question to the minister: can the minister confirm, this new definition of basic infrastructure being a subset of essential infrastructure, does the levy only apply to something which comes within the definition of something which is basic infrastructure?

The Hon. G.E. GAGO: I have been advised that the infrastructure scheme has been split into two parts. The first is scheme 1, which is basic, and that is what the industry sought. The second is scheme 2, which is a general scheme, and the normal definition applies, but higher thresholds or higher hurdles are required to be achieved. There are two opportunities in relation to that general scheme for parliamentary disallowance. We can talk about the details of those opportunities at the appropriate clause, if you like.

The Hon. R.I. LUCAS: Again, just pardon my ignorance in relation to this, but when the minister is referring to scheme 1, as I understand it there are two forms of infrastructure: one is a greenfield development and one is the minister's example of trams up The Parade. Can the minister just clarify, scheme 1 is what?

The Hon. G.E. GAGO: Greenfield scenarios.

The Hon. R.I. LUCAS: So, scheme 2 is the tram example up The Parade or wherever it happens to be?

The Hon. G.E. GAGO: More complex things of that nature.

The Hon. R.I. LUCAS: Can I clarify then: the minister's response is what? That 'basic infrastructure' relates to only scheme 1, which is greenfields developments? Is that what the minister is saying?

The Hon. G.E. GAGO: That is correct.

The Hon. R.I. LUCAS: And so in relation to scheme 2, or the more complex potential levy arrangements and infrastructure arrangements, such as trams up existing roads, does the new definition of 'basic infrastructure' have work to do in relation to scheme 2 arrangements?

The Hon. G.E. GAGO: I am advised no.

The Hon. R.I. LUCAS: If it does not, does the original definition of 'essential infrastructure' have work to do in relation to the scheme 2 arrangements?

The Hon. G.E. GAGO: I am advised yes.

The Hon. D.W. RIDGWAY: This is probably getting a bit confusing now, but I just wanted some clarity around a future amendment. It is [EmpHESkills-3] 2, which I know is a long way off. It talks about:

(1) In this Division—

basic infrastructure means—

(a) infrastructure within the ambit of paragraph (a), (b) or (h) of the definition of *'essential infrastructure'* under section 3(1); or

(b) roads or causeways, bridges or culverts associated with roads; or

(c) stormwater management infrastructure; or

(d) embankments, wells, channels, drains, drainage holes or other forms of works or earthworks connected with the provision of infrastructure under a preceding paragraph; or

(e) other infrastructure, equipment, buildings, structures, works or facilities bought within the ambit of this definition by the regulations.

We are talking about this infrastructure provision or the definition. Subclause (e) 'other infrastructure, equipment, buildings, structures, works or facilities bought within the ambit of this definition by the regulations' I assume is for—I don't know; you may be able to clarify it; it is probably more for greenfield sites rather than, for example, the tram down Magill Road. I am just intrigued as to what things they envisage could be brought in by the regulations, because certainly industry has some significant concerns about the open-endedness of that subclause.

The Hon. G.E. GAGO: I have been advised that in relation to the first part of the question, we do not know, but over time we will have regulatory power. In relation to the second part of the question, it will be in response to feedback. We will get to that clause and debate it, and if amendments are proposed, then we will consider those at the time.

The Hon. D.W. RIDGWAY: That is the issue that we have all been grappling with, with all due respect: we will debate it, and if we need further amendments we will get to them over time. I think that is the frustration for all of us here, that there is so little clarity around all these amendments. When would you propose them? I suggest to you right now that I think that is too loose; it needs tightening up and you should remove the words 'by regulation'. I can say that to you; who is going to draft the amendment? If you draft it, are we going to get it to industry? How do we know it is what they want? If I draft it, are you going to accept it? To me, the lack of clarity is unbelievable with this bill.

The Hon. G.E. GAGO: We need to get to the clause and debate the clause, and hear the detailed concerns at the time. Let's move forward and deal with it. If you are saying that it is not resolvable, the government has indicated, and the opposition has indicated, that we are prepared to recommit. Let's just get on and do what business we can, come to an agreement, or disagreement, wherever we can and not get too far ahead of ourselves.

The Hon. R.I. LUCAS: I have a basic question before I come back to the definition, and that is: why has the government not amended clause 3 to insert the definition 'basic infrastructure'? Given that the definitional clause includes 'essential infrastructure' and we have this distinction between essential infrastructure and basic infrastructure, why has the government in terms of the structure of the bill not included a definition of basic infrastructure in the definitional clause?

The Hon. G.E. GAGO: I am advised that the wording was based on parliamentary counsel's advice. It was a drafting issue and we have adhered to the expert advice that we appreciate so much.

The Hon. R.I. LUCAS: I will not give a rocket to parliamentary counsel, given the impending retirement, but it would seem to make sense to have basic infrastructure in the definitional clause. Whilst the minister says let's address some of the issues later, and clearly we will address some of them later, the definition of essential infrastructure and the government's new definition of basic infrastructure clearly are critical issues in terms of the scheme arrangements, scheme 1 and scheme 2, as the minister has outlined and how the levy might be applied and what it might be applied for. They are important issues.

The Hon. Mr Parnell is making—and I am not referring to it in terms of its importance but I was going to say a minor amendment. He is amending one small part of the definition of essential infrastructure but what it has done by way of responses is brought to mind the government's further amendments about basic infrastructure which make very significant definitional changes to what is basic infrastructure and what is essential infrastructure.

My question to the minister is: when one now looks at the reason why the government has moved to have a new concept of basic infrastructure as opposed to essential infrastructure, if you look at the new definition of basic infrastructure, it seems to exclude from its potential definition, unless it gets included by regulation, infrastructure under the essential infrastructure such as (i) which is health, education or community facilities; (j) which is police, justice or emergency services facilities; (f) which is testing or monitoring equipment; and (g) coast protection works or facilities associated with sand replenishment.

It seems on a quick look that roads seem to be kept within basic infrastructure but transport networks or facilities such as potentially railways, busways, tramways, ports, wharves, jetties, airports and freight handling facilities seem to have been deliberately excluded. They might all be included ultimately by way of regulation under the catch-all clause, but can I firstly clarify from the minister: as a result of the stakeholder consultation, is the deliberate intent of this to take out of essential infrastructure those sorts of infrastructure developments and to have this new definition of basic infrastructure which excludes them explicitly?

The Hon. G.E. GAGO: The simple answer is yes, and it is after feedback with industry.

The Hon. R.I. LUCAS: I am assuming, not having been involved in the stakeholder discussion with industry on this—let's take the greenfield site development. I am assuming industry have said, 'If you are going to be building schools and hospitals and police and emergency services facilities, etc., we do not want the levy being used to apply for those sorts of facilities. We see those as responsibilities of government as opposed to the developers of greenfield sites.'

The Hon. G.E. GAGO: Broadly speaking, yes, and that is why we put those extra hurdles in place for higher standards to be needed.

The Hon. R.I. LUCAS: Finally, just to assist my clarification of these issues, in particular in relation to transport which seems to be quite a specific definition or change. Your new definition of basic infrastructure, which will therefore apply to scheme 1, greenfield site developments, refers to roads, causeways, bridges or culverts. That is number one. I think you have changed that again. You are now saying, under clause 3, roads or causeways, bridges or culverts associated with roads, which is your latest amendment, but that is explicitly excluding, I assume on the basis of stakeholder representation, that they do not believe that the levy arrangement for greenfield developments for things such bus ways, railways, tramways, ports, wharves, jetties, airports and freight handling facilities ought to be the responsibility of the developers, if they are there; they are the responsibility of government. Is that the case?

The Hon. G.E. GAGO: My advice is that is correct.

The Hon. M.C. PARNELL: I thank the Hon. David Ridgway for putting on the record some of the concerns of industry. If I could paraphrase what they said: they do not really mind what gets added to the list of essential infrastructure for the purposes of fast-tracking development approvals, but they are very concerned about what gets added to the list of infrastructure that they might be asked to pay for. That is quite a logical conclusion for them to take. As I have said, what was driving me originally with this amendment was trying to minimise the amount of fast-tracking that could be done through this procedure. I do note, from the latest Local Government Association spreadsheet—which I am not sure if members have, but it must be 50 or 60 pages—they have gone through every clause of this bill, including some of the amendments. Perhaps the minister's adviser can have a think about this.

The Hon. R.I. Lucas interjecting:

The Hon. M.C. PARNELL: It is something I have. I do not know whether it is generally circulated. Anyway, I understand that at least some members have it. The Local Government Association generally supports this amendment, but they posed some extra questions in relation to

what might be included in the definition of essential infrastructure. The first point they make is that the definition of essential infrastructure should include open space. So, I guess the question would be: why is not open space included as a form of essential infrastructure?

Secondly, they seek clarification on whether the definition of essential infrastructure includes public transport and public lighting (streetlights, I guess). So, there are two things they are interested to know whether they are included in the definition. Without pre-empting the minister's answer, I guess these are things that could be added by regulation. I am certainly keeping that flexibility alive through my amendment, but I am saying that the government should not be able to add things in through the planning and design code.

The Hon. G.E. GAGO: I am advised that open space is dealt with elsewhere through the definition of public realm. Transport and lighting, I am advised, is dealt with through the definition of essential services.

The Hon. D.G.E. HOOD: I will be brief. It was suggested this morning that the amendments that were given to us this morning are minor and relatively inconsequential. It certainly does not seem that way from the discussion we are having at the moment. Can I go back to the amendment before us, which is the Hon. Mr Parnell's amendment No. 2. I just want to be absolutely clear, if I can, from the Hon. Mr Parnell. We have had a long discussion about this and there have been a lot of variations on it. If he can just, one more time, make it clear to the chamber exactly what the impact of his amendment will be, please.

The Hon. M.C. PARNELL: Very simply, the definition of essential infrastructure comprises a number of identified elements. They are things that would come as no surprise. It includes roads, embankments, coast protection works, there are all manner of things. The usual suspects are on the list. It is a reasonably appropriate list. They are all forms of essential infrastructure.

As in legislation, often you get a bit of a catch-all clause at the end which says, effectively, 'If we've left anything out, this is how we add new items in.' The government in the bill has given itself two ways of adding new items to this list: one way is through regulations. I support that way, because regulations are disallowable. If they try to add to the list in a regulation, and it comes to parliament and we do not like it, we can say, 'No, we don't think that fish and chip shops are essential infrastructure, we're not going to let you add that to the list', using a ridiculous example.

The other way the government gives itself to add to the list of essential infrastructure is by putting something in the planning and design code. The planning and design code is effectively an amalgamation (or will be; it is not written yet) of all the planning schemes for all the different local government areas. I cannot remember how many tens of thousands of pages the minister mentioned were included, but while it is not an exact overlap it will be a large overlap. Thousands of pages of planning schemes from local councils will roll into a thing called the planning and design code, and the government says, 'Well, we can add items of essential infrastructure in that planning and design code.'

The point I am making is that that document is much harder to disallow, because it has to go through the gatekeeper of the environment committee of parliament, which is a government controlled committee and never disallows anything. I am saying that I want the flexibility, I want the government to be able to recognise that there are new items of essential infrastructure, I want them to be able to add them to the list, but I want them to do it in a way whereby we as a parliament have a direct right of disallowance.

The Hon. D.W. RIDGWAY: I indicate that this is one of, I expect, a number of amendments where we will indicate that we will support the Hon. Mark Parnell, but it is one where potentially we will seek to recommit if we get further information. That is the dilemma we are faced with. As the minister is well aware, because of the time constraints—we have heard a number of explanations, we have information from the LGA, the UDA and all the other different bodies—trying to come to grips with it all is a bit difficult.

We have sympathy with what the Hon. Mark Parnell is trying to do, and our party room has resolved to support that amendment, but I do so on the basis that we reserve our right to recommit it if we get further information that gives us an opportunity to reconsider our position.

The Hon. D.G.E. HOOD: That is the position of Family First also. I have some sympathy for what the Hon. Mr Parnell is trying to do here; it certainly logically makes sense, but I need to be confident on this amendment and I need to consult with key stakeholders. We have not had that opportunity, obviously, and as such we will support it subject to a recommittal at a later time.

The Hon. J.A. DARLEY: I indicate that my position is exactly the same as the Liberals and Family First.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 3 [Parnell–1]—

Page 20, lines 7 and 8—Delete 'is excluded by regulation from the ambit of this definition' and substitute:

is within the ambit of subsection (1b)

Amendment No 4 [Parnell–1]—

Page 20, after line 10—Insert:

(1a) A regulation that excludes any tree that is within 10 metres of a building or swimming pool from a declaration of a tree, or class of trees, as a regulated tree or as regulated trees (and that would otherwise be a regulated tree by virtue of the regulations) is void and of no effect.

(1b) For the purposes of the definition of *tree-damaging activity* under subsection (1), maintenance pruning—

(a) that does not remove more than 30% of the crown of a tree; and

(b) that is required to remove—

(i) dead or diseased wood; or

(ii) branches that pose a material risk to a building; or

(iii) branches of a tree that is located within an area frequently used by people and the branches pose a material risk to such people,

is within the ambit of this subsection.

The next two amendments, [Parnell-1] 3 and [Parnell-1] 4 relate to significant trees. To cut right to the chase, I asked parliamentary counsel to reprise some amendments that I had made a little while ago, back in 2012 from memory, that resulted from a comprehensive survey that I undertook with local councils. I asked local councils how they were finding the operation of the new significant/regulated tree laws that came into operation I think in 2007 or 2008 from memory, and I asked them a number of questions, including whether more large trees were being removed, whether more or less applications for tree removal were being lodged and a number of other questions that went to the operation of these new laws. As a result of the responses I got back, I moved for three effective changes.

The first change related to the so-called 10-metre rule, and that is the rule that says a significant tree or a regulated tree—a large tree—within 10 metres of a dwelling or a swimming pool is effectively open slather. It is exempt; you do not have to apply; you can just chop it down. There are some exemptions, but that is the general rule. So, the 10-metre rule was one.

The second was the inability of relevant authorities to ask applicants to get an expert opinion—the so-called arborists' report. My colleague, the Hon. Dennis Hood, I think may have had a hand in that because he pointed out that arborists' fees can be quite expensive, and he saw that it was an onerous obligation.

We have had a few years for this to have effect now, and the result that I got back from local councils was that they were finding it very difficult to assess the claims that were being made, such as 'this tree is dead' or 'this tree is dying', and even the species was difficult. That issue of arborists is not dealt with here; that is a clause later on.

The third amendment, which is in these two, is this issue of maintenance pruning. As I said, I wrote to every local council certainly in the metro area—the councils mostly affected by this

legislation. I got responses back in relation to the number of applications that were being lodged because, when you have more exemptions, then you might think, 'Maybe there will be fewer applications,' because, if something is exempt, you do not need to apply, you just go and do it.

The City of Holdfast Bay, for example, said that the number of development applications for removal or pruning of significant trees was down by 40 per cent compared to a year earlier. They make the point that most trees no longer require development approval for removal. The majority of trees in the urban environment are now exempt from statutory control.

Basically, that is what they were saying. They were agreeing with what I imagined had been the case, and they proved it, which is that, if something is exempt, you do not have to apply. If you do not have to apply, there are no controls. There is no ability for the council to either agree or disagree with the claim of exemption because you do not need to notify the council.

The City of Holdfast Bay said that anecdotal evidence suggests that trees which are exempt from assessment are being felled at a rapid rate. I am not going to put on the record, as tempting as it is, because I think it took me an hour back in 2012, all the responses from all the councils. I am certainly not going to do that. I have just mentioned one briefly, but I do want to refer to the merits of these two amendments.

The 10-metre rule one, in particular, is one that I think has had an unintended consequence; that is, it is one thing to say that a tree that is within 10 metres of a house or a swimming pool does not need permission to be removed, but there is no flipside to that coin which says you are not allowed to build a house or a swimming pool within 10 metres of a significant tree. You can imagine the situation—and this is what is happening—where someone extends their house or they build a swimming pool, they build it close to a significant tree, and then they step back and say, 'My goodness! There is now a significant tree within 10 metres of my swimming pool. I had better chop it down. In fact, I am allowed to. I do not even have to go back to the council.'

It is a remarkable situation that we allow that to happen. The government tried valiantly in this chamber and also in proceedings of the Environment, Resources and Development Court to convince us that that would not happen because someone who was going to build a swimming pool or build an extension to their home would, of course, have to simultaneously apply for a tree damaging activity.

That was what the government said, and then I pointed out to them that the significant tree might be on next door's property. The significant tree might not even be on your land, yet maybe you can build within a metre of the boundary and the significant tree is two metres the other side of the boundary. All of a sudden, it is only three metres away and it can be removed, whereas, a few weeks earlier, before the home extension, it would have been protected. It really is an anomaly that needs to be fixed.

The government may well say—I am not privy to the minister's research on this—that I am trying to use the wrong tool to fix this problem, and the reason they would say that is these rules are largely written in the regulations. They were written into the development regulations and I am trying to use an act of parliament to fix a problem that was created by the regulations. My response to that is: it is the only tool I have got so that is the tool I am going to use. That is why I say we need to get rid of this 10-metre rule, because of these unintended consequences. The minister, no doubt, will say that the regulations will be completely rewritten—as they will be—with this new bill, but harm is being caused now and, the sooner we fix this, the better.

I will go back one step. One option that I put to councils was whether the 10-metre rule might be a five-metre rule instead. Some people thought that was a good idea but it did not have majority support of the councils I surveyed so I decided not to go down that path. Also, I investigated whether it was possible to force someone to apply jointly for not only the building work they want to do but also for the tree-damaging activity, but that has not been able to be done. If it can be done that might be the solution, but the government certainly has not made any attempt to do that.

On the second issue, this issue of maintenance pruning, the point that I made back in 2012 is that, when you have rules which include numbers, for example, such as how much of a tree you are allowed to remove in order to stay within the definition of maintenance pruning, you get the situation, for example, where it talks about 30 per cent of the canopy being removed but, of course,

it does not say how often you can do that. You could remove 30 per cent one month and another 30 per cent the next month and, before you know it, the tree is gone.

While that is not the intention of the government, the point has to be made that, ever since significant tree rules came into being, there has been a war out there between people who are desperate to get rid of them and will use whatever device they can to get rid of these trees and, of course, on the flip side of the coin, people who are very proud to have such majestic trees on their properties and will do whatever they can to keep them. But, certainly, there are people who, given loopholes and given the ability to remove significant trees by stealth, will grasp that opportunity. These two amendments both relate to the same issue, significant trees, and I would urge the council to support them.

The Hon. G.E. GAGO: The government opposes this amendment. During his second reading contribution, the Hon. Mark Parnell indicated he would be moving amendments to wind back changes that parliament previously supported in relation to the regulation of trees. This amendment, together with Nos 4, 84 and 85, relate to each other in respect of this matter, and the government considers this amendment a test clause for those related amendments.

In presenting this bill, the government has chosen to preserve the existing arrangements for regulated trees so, to be suggesting in any way that the provisions around this are somehow being wound back or weakened, is simply incorrect. We are going to preserve the existing arrangements for regulated trees. We will keep the status quo: there is no change. This was explained in the committee stage in the other place by minister Rau. Therefore, we are opposing this set of related amendments.

Indeed, I remind members that this regulated tree legislation has only been in place for a few years as a result of a private member's bill brought into this chamber by the Hon. Dennis Hood. We thrashed it out then. It was a lengthy debate. That was not all that long ago, and we simply do not need to be revisiting this debate at this particular time. It is status quo—there is no winding back, weakening, watering down—it is status quo.

The Hon. D.W. RIDGWAY: I am not sure that the Hon. Mark Parnell is trying to water it down—or maybe he is—but I think what he is alluding to is that people are using the rules to get around disposing of a significant tree.

I have a question in relation to swimming pools, and I know this is probably a bit irregular, Mr Chairman, but I quickly want an answer. I have been made aware that with swimming pools, of course, you cannot sell a property if it does not have a fence around the pool. I am also told that, when you build a brand-new pool, you have to get a certificate from the council to say that a fence is around it before you can fill the pool with water. I think that is my understanding.

I have become aware of a property not far from where I live. It is a house that has just been sold and the pool was empty and in bad repair. The new owners do not wish to keep the pool; in fact, they are going to dig it up and get rid of it, but the current owners are not able to sell the property until they put a fence around the pool that the new owners will then cut down and throw in the tip, and it seems strange to me.

Is there a possibility for a provision so that, if there is a property with an empty pool, the same rules could apply for transition of ownership? You buy the property with an empty pool with no fences as it is an old property. If you want to fill it with water then, clearly, you have to have a fence around it. It seems typical of the red tape we are confronted with today so some clarity on that please.

The Hon. G.E. GAGO: I thank the member for his questions. The member is right in respect of pools requiring a fence before you can sell, and we are happy to take on notice the specific example that he has outlined and the circumstances around that and try to resolve that in some way.

The Hon. D.W. RIDGWAY: I indicate that this is one of the amendments that we will also be wishing to recommit at some later stage. We are concerned that we might have people using the system to get rid of significant trees and so indicate that at this point we will be supporting the amendment, but I indicate that we will recommit once we have had a lengthier discussion with industry.

The Hon. D.G.E. HOOD: I guess it will come as no surprise to the Hon. Mr Parnell that Family First will not be supporting these amendments. As the minister indicated, it was, of course, a bill under my name that originally introduced this new regime for significant trees. I think there are a couple of important things that need to be clarified here, and that is, whilst it is true that in theory somebody can have a swimming pool, as they are building a new house, within 10 metres of a tree and then remove the tree because that is theoretically possible, in practice that is not my experience.

As somebody who has gone through that process in two different council areas, that is, the Burnside City Council and also the Adelaide City Council where I now live, the reality is that they have in their development plans a situation that forbids the building of a pool within, I think in the case of Burnside, six metres and it may be eight metres for the Adelaide City Council, one of the two—that may not be exactly right but it is very close to being right—and that actually forbids that from happening.

Whilst I think the Hon. Mr Parnell is right in this theoretical concerns, in practice, certainly in those councils anyway in my experience, that is not possible. But I make the broader point that with respect to significant trees—and this is a philosophical difference, and I think the Hon. Mr Parnell and I will never agree on this and that is fine—in my view, there should not be very many reasons anyway, why somebody should not be able to remove the tree on their own property, regardless of where it is, what is adjacent to it, and all those other considerations.

At the end of the day an individual goes to their individual workplace on a daily basis to earn their money to pay for their little piece of the earth and, within reason, I think that they should therefore be able to remove a tree if it is impeding their existence on that property if they see fit. So that is my philosophical position, and for that reason we will not be supporting the amendments.

The Hon. K.L. VINCENT: Just to assist the chamber, I will indicate that Dignity for Disability will support these amendments.

The CHAIR: I now put the Hon. Mr Parnell's amendments Nos 3 and 4.

Amendments carried.

The Hon. D.G.E. HOOD: I have a few questions on clause 3, if I may. These are brief questions and I think the minister will be able to answer them fairly quickly, so they will not delay the chamber. I just want a couple of points of clarification if I may on clause 3, specifically the interpretations. The term 'adjacent land' refers to a distance of 60 metres from other land. I am seeking clarification: does that 60 metres have any significance? Why is it 60—why not 20; why not 120 or whatever it is—why 60?

The Hon. G.E. GAGO: I am advised that the reason it is 60 metres is because it is historic. There was debate in the lower house when the government tried to reduce it to 40 metres but it caused a furore so we have left it at 60. Basically the width of a standard block is about 20 metres and this is about four blocks, so it is the block on either side and one more—it is basically four blocks in width.

The Hon. M.C. PARNELL: Just to assist the honourable member: the importance of the definition comes down to who has the right to be notified about something that is happening in their neighbourhood. Traditionally, people with immediately adjoining property—in other words their boundaries butt up against where the development is—get notified, then you have people who might live across the street or across the river or whatever so this additional 60-metre rule has been put in to slightly expand, I guess, the definition of 'neighbours'; people who are entitled to be notified. So 60 metres is better than 40 metres because more people are notified at 60 than at 40.

The Hon. D.G.E. HOOD: I thank the minister for her response, and the Hon. Mark Parnell for his clarification. That is how I understood it, but I was just interested in the actual figure of 60 metres. From my perspective 40 would be better than 60 but, again, that is a philosophical difference.

My next question is, again, one that I think the minister will answer fairly quickly, and that is the definition of 'adjoining owner'. I am interested in whether that includes diagonally adjoining properties? I am not trying to be too pedantic here but in the place where I live, in North Adelaide, for example, you have townhouses, and maybe perhaps in Norwood and other places like that, which

are not necessarily horizontal or vertical to the property. Specifically in here it says 'either horizontally or vertically'. I am wondering if that includes diagonal, for example?

The Hon. G.E. GAGO: I am advised that the definition is the same as the current act and that it has to abut, so the boundary has to actually touch the boundary of that property.

The Hon. D.G.E. HOOD: I thank the minister for her answer. The definition of 'advertisement', which I think is directly below the 'adjoining owner', talks about a sign. Is there any specific size requirement for something to be considered a sign in those circumstances? Does it have to be a certain size?

The Hon. G.E. GAGO: I am advised no, there are not requirements around the size of the sign. It relates to another clause later on that goes to the issue of unsightly. The size of a sign might be captured by that if it is significantly and outrageously large, and that is carried forward from the existing act.

The Hon. D.G.E. HOOD: I thank the minister for her response: that makes sense. The next question relates to page 13 and the reference to the term 'business day', which is just something that caught my eye. Days that fall between 25 December and 1 January—which may well be a Tuesday or a Wednesday or a Thursday, for example, which most people would consider a business day—are specifically excluded here. I was interested in why that might be the case.

The Hon. G.E. GAGO: I am advised that this is the same provision as in the existing act and it tries to address problems around periods of notification. You do not want to be compelled to notify people of certain matters when, in fact, very few people are going to be home and businesses are often closed. For that reason, they are excluded.

The Hon. D.G.E. HOOD: I thank the minister; again, that makes sense. I think this is my last question on clause 3. On page 15, paragraph (h) refers to 'in relation to a regulated tree—any tree-damaging activity'. I think the Hon. Mr Parnell has just touched on that topic. What I am not clear about is: does moving a tree with council permission constitute damaging a tree?

The Hon. G.E. GAGO: I am advised that, if you are contemplating moving a tree, which may involve damaging the tree or tree-damaging activity, you are required to seek an approval. Once you have the approval, you can move the tree.

Clause as amended passed.

Clause 4.

The Hon. D.W. RIDGWAY: This relates to change of land use and it may be covered somewhat by the minister's amendment. I would like to ask a couple of questions that were brought to my attention about the concern in relation to the change of land use and existing rights. I will read from this document that was submitted by the UDIA, and then the minister's adviser can respond on the record:

> The variation to clause 4(1)(d) reworks the increased intensity concept so that it is only triggered by the Planning and Development Code. The variation in clauses (3)(a) and (3)(b) changes the current law about the existing use rights. Currently, to kill off existing use rights, you either commence a new use or abandon the use or cease the use for a prescribed period. The amendment changes the language to 'an activity' which ceases. This is a lower threshold, as an activity might be just one part of a use of land, and the amendment means that if most of the significant activity in an overall use stops for 12 months, then the whole use can be killed. The first requirement is that the resumption of activity is inconsistent with the zone. This is patently an uncertain means to ascertain which existing rights survive, after one activity in the spectrum that make up the use, stops for 12 months.

They go on to say:

> Certainty in the use rights is critical to a regulatory system. Continuity of use rights is important to the property owners and businesses. Why should someone innovate and try a new activity in their retail, industrial or commercial use if they risk their entire investment?

I just want some clarification on the comments that the UDIA has made. I guess also, if farming is an existing use, is farming—agriculture or horticulture—looked at as an existing use as a whole or are different forms of agriculture looked upon as a different use? I use the example of going from perhaps growing a crop inorganically and then going organic, or even to the point where you might change

from broadacre farming to horticulture, to grapes, or maybe even some intensive horticulture where you might have some covered structure, whether it is netting for apples or even glasshouses. I would just be interested in that interaction and how existing uses are preserved.

The Hon. G.E. GAGO: I believe that my comments in respect of the government's amendment to this clause will address at least most of the issues you have raised. So what I might do is move my amendment, make those comments, and then if there are any outstanding matters we can deal with those after the amendment I move:

Amendment No 1 [EmpHESkills–1]—

Page 21, line 36—After 'such longer period' insert '(not exceeding 5 years)'

There are two amendments filed in relation this clause: the first is a government amendment, and the second is an amendment by the Hon. Mark Parnell. In articulating the government's position it is important to explain the purpose of this clause and how it has changed relative to the existing law.

Change of use is an important concept in planning law, forming one of the limbs of the definition of development, and which is used as a trigger for assessment and approval. It is common to find provisions of this nature in planning statutes across Australia as well as planning laws throughout commonwealth countries, which tend to be modelled on British archetypes. The purpose of the change of use test is to ensure that land uses which may not be compatible with the desired character of the zone are assessed before being permitted. Additionally, the expansion to existing use can be assessed by applying the change of use concept.

Two issues have arisen over the years which this clause seeks to address. Firstly, as reported by the expert panel, too often silly issues have been caught up in change of use assessment processes. Perhaps the most notorious is the case of the change in use from a cafe to a dog salon in a popular shopping district. There are many other silly examples that occupy too much time and attention in our current system, such as the farmers market examples cited by the Hon. Mark Parnell earlier today.

The bill addresses this by providing for use clauses to be provided for in the planning and design code. This will ensure that like-for-like land uses within defined parameters will not require a reassessment merely because a particular use is to be slightly modified. The Hon. Mark Parnell's proposed amendment would unduly fetter this important innovation and the government will oppose that.

Given that the planning and design code will be subject to parliamentary scrutiny, we believe it is unnecessary to constrain this provision to the extent suggested by the Hon. Mark Parnell, and we suggest that the effect of this amendment would be to effectively negate the purpose behind this reform. Secondly, the government has moved in this clause to address case law, which has found that only a complete abandonment of a site is sufficient to trigger a need to reapply, and will be curtailed in such circumstances. This is problematic in urban renewal scenarios where residual existing use rights may continue to apply for many years, despite cessation of all activity at the site and changes to the surrounding character of the area which make reactivation of activities at the site problematic.

Our amendment will limit the effect of case law if the activity in question is no longer appropriate for the zone. The effect of this is that a facility which has ceased activities will be required after 12 months to apply for a change of use assessment if it is to reopen. There is an out clause in this allowing an authority to extend this time in certain cases. The Local Government Association has sensibly suggested this ability to extend should be time-limited to five years and we agree, hence the amendment.

This is an important change that will support urban renewal over time. The government agrees that existing use rights should not be lightly removed; however, if a change in zoning has occurred around a site that makes the continued use at that site problematic, a lower threshold for discontinuance of use is both reasonable and required.

The Hon. D.W. RIDGWAY: I have come from looking at it from a perspective of the interface between urban development and agriculture and that change of land use on either side of a

boundary, which I will probably explore a lot more in a few clauses ahead of us in relation to the urban growth boundary.

The minister said it was not intended to capture a slight change of use. My first question is: are you talking about changing from a cafe to a dog salon or are you talking about a town boundary where a farmer might have run a few sheep or a bit of crop and then it is zoned to be inside the growth of a town and it is then rezoned and used for development? What happens to the property that is outside the boundary? Clearly, there has been a change of use on one side. My real interest, which I will probably explore later on, is actually the interaction of the buffer zones. Where does that actually lie when you have a change of land use in a rural setting?

The Hon. G.E. GAGO: In relation to the buffer zone question that you asked, that does not really relate to this clause. It does come in later, so we can discuss that then. It is probably relevant and easier to discuss that in detail at the appropriate clause. However, you did raise the example also of a farmer changing from one crop to another. The current legislation trips farmers up and complicates that. The current bill will simplify that so it will be much easier for a farmer to make those decisions to change from one crop to another, so this simplifies it for farmers.

The Hon. D.W. RIDGWAY: Minister, if you could perhaps clarify that. You said in your comments a moment ago that if an activity ceased for 12 months you did not actually have to apply. Is that in a retail and a metropolitan sense or is that in a rural sense that abuts a growth boundary?

The Hon. G.E. GAGO: I have been advised that the 12-month requirement to reapply only applies where change has been made in zoning around the area, so it does not capture the example that the Hon. David Ridgway outlines.

The Hon. D.W. RIDGWAY: It is my understanding that the amendment to the bill changes the language to 'an activity which ceases'. I am advised that is a lower threshold than a 'use'. I am aware of some of the concerns at various times, but I am just trying to get some clarity around it. I remember the Hon. Mark Parnell saying to me that once something is rezoned you cannot unzone something; you cannot turn backwards. I am interested to know why the government is going for a definition which has a lower threshold than the one we currently have. It seems like it is making it weaker, rather than reforming it.

The Hon. G.E. GAGO: You are right in one respect, in terms of it potentially being at a lower threshold, but it is only when it is captured by rezoning from the area around that property.

The Hon. D.W. Ridgway: Give me an example.

The Hon. G.E. GAGO: Say, for instance, there is an industrial business and that whole area is being rezoned for residential. If that industrial business—it might be a warehouse or something—ceases its activity for more than 12 months, it has to reapply. That replacement of 'activity' with 'use' only applies in a very limited scenario, so it is not open slather.

The Hon. D.W. RIDGWAY: Who do you reapply to? Let's say somebody has had a business, they have had some financial troubles and they have decided they are going to shut the door, and they sell the property to somebody else who wants to reopen it. Who do they apply to?

The Hon. G.E. GAGO: The relevant assessment body, which is likely to be the local council.

The Hon. M.C. PARNELL: This is a really important clause. Going back a couple of steps, the reason why working out what is or is not a change of land use is important is that one of the definitions of 'development' (in other words, what is caught by this act) is whether there has been a change of land use.

We know development includes building things, but there are some forms of development where you do not actually build anything. A classic example would be turning an old inner suburban house into a doctor's surgery. There might not be a single wall that needs to be removed, and there might not be a single brick that needs to be laid, but people would reasonably think, 'Well, hang on, a doctor's surgery is very different from a house,' and so therefore you have to go and get planning approval. So, the definition of 'change of use' is important.

From my long experience, especially from working on industrial pollution cases, the argument is often put to say to local residents, in very much the scenario the minister referred to before, 'You've got no right to complain. We've been here for 50 years.' That is what the industry says to the householders. Often the response is, 'Yes, but 50 years ago you had four employees and you worked from nine to five. Now you've got three shifts around the clock and you've got 200 workers.' So, you do need to have some rules around whether something has increased in its intensity such that it probably needs to go back and get another approval. Really, that is what we are talking about.

There are two issues: there is the increase in intensity and there is the abandonment and then trying to reinstate it. In terms of the intensity, the minister in the other place pointed out that a petrol station, I think, on Brighton Road wanted to go from limited hours of operation to 24/7 operation. The question arose as to whether they should have to go back and get development approval again or whether it was just really a continuation of an existing use. Those are the sorts of real-life examples that people come across.

I think the government in the lower house did make some amendments, which I think have partially dealt with what I am trying to achieve. They have this notion now of an increase in the intensity of the use of land. What I am trying to do in my amendment is to make sure that the concept of a material increase in activity on a land picks up two things: intensity and impact.

It is not hard to imagine—and the minister used the words 'like for like'—that there are some things that might look very similar but might in fact have very different impacts. One might have a lot more noise and smell and patronage and car parking requirements and might be a very different kettle of fish; even though they might both be shops, for example, they might be different types of shops. The example of a cafe to a dog salon I must admit I had not heard before, but maybe they are similar, maybe they both need the same amount of parking, maybe they make the same amount of noise.

The thing I am keen to avoid is for this planning and design code to be able to set out situations that are deemed not to be a change of use without the authorities having to have regard to those two things, intensity and impact. My amendment is limited to subclauses (6) and (7), which are this concept of a 'use class' specified in the planning and design code. This is a new way of looking at it for the planning and design code, to set out like for like. It would have something in it such as, 'If it's a shop, it doesn't matter what they're selling, it's still a shop.' I think that sounds reasonable, but I do want them to take into account intensity and impact because that is ultimately the evil we are trying to overcome here.

My amendment is pretty straightforward. The government may think that it has already picked this up in their new subclause (1)(d), which talks about an increase in the intensity, but I am talking about an increase in the intensity in relation to subclauses (6) and (7), which relate to the 'use class' provisions, which is a new insertion and part of the bill that was not in the previous act. I think that it makes sense for my amendment to get through because it will make clear that people will not have what is effectively a new development imposed on them, with much more noise and smell and traffic and all those other things, without it having gone through a proper assessment process. That is why I would urge people to support this amendment.

While I am on my feet, the government amendment regarding insertion of the phrase 'not exceeding 5 years', in terms of the intervening period between a cessation and a resumption, makes sense. It is something the Local Government Association called for and I will be supporting that.

The Hon. G.E. GAGO: As indicated, the government cannot support the amendment of the Hon. Mark Parnell because it would negate the whole nature of the reform we are trying to achieve. The current system requires significant litigation—complex, costly and time-consuming litigation—and legal advice. I am not surprised that the Hon. Mark Parnell supports this approach at all. But that is the current system and that is the effect that the Hon. Mark Parnell's amendment will have: it will continue the current requirement for complex, costly legal advice and litigation. The purpose of our approach is to reform that. We want to put simple, clear rules around this, rather than leaving it for the courts to have to thrash out in a costly way.

The Hon. D.G.E. HOOD: Family First supports the government amendment and does not support the Greens' amendment.

The Hon. D.W. RIDGWAY: I have a couple more questions, but I indicate that we will be supporting the government's amendment and not the Hon. Mark Parnell's amendment. We talk about change of land use and rezonings; my understanding is, of course, that if you had a group of houses that are no longer being lived in and they are not lived in for 12 months (and I think it is highly unlikely), does that mean that that is activity that does not exist anymore or it has ceased that activity? I think the Hon. Mark Parnell once said to me, 'You can rezone things to a higher value or a higher use; you don't take them the other way.' We just need some clarity around if that is ever a likely scenario.

The ACTING CHAIR (Hon. T.T. Ngo): I just want to make honourable members aware that currently we are dealing with the minister's amendment and not anyone else's. Mr Parnell has not moved his amendment, so we are just dealing with the minister's amendment at this stage.

The Hon. D.W. RIDGWAY: I will point out, Mr Acting Chairman, that we are supporting one amendment and not another one that has not been moved, so we are actually making it, perhaps, a little quicker.

The Hon. G.E. GAGO: Just in response to your question, it is possible, but it is highly unlikely. The example you are giving is, say, for instance, a residential area is rezoned for industrial purposes. Inside that, a small section is residential and there may be no-one living in those homes for 12 months. Theoretically, they might have to reapply to continue the residential status, but it is highly improbable and unlikely.

The Hon. D.W. RIDGWAY: Even though it is highly unlikely, let's just assume we have 10 houses that are empty and want to build another facility, which might be a sporting facility, a hotel or something. What happens to the interaction with existing residents?

The Hon. G.E. GAGO: This provision allows for greater opportunity for mixed use. It is only where the use becomes incompatible, and it is highly unlikely, for instance, that sporting use is going to be incompatible with residential. It might be that residential use is incompatible with some industry, but as I said, that is highly improbable and unlikely to occur. In most of the examples you give, it is unlikely that they would be found under the planning and design code to be incompatible.

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

The Hon. M.C. PARNELL: Just to assist the committee, I have heard a number of members say that they are not inclined to support my amendment, and that is fine; I will accept that, as I must. I do not accept that I am unduly fettering the ability of the government in the planning and design code to create this new concept of use class.

The reason I say that is that my amendment simply provides that they should not do that; they should not put within a use class types of development which clearly are going to have a greater impact on neighbours, for example. But given that the planning and design code is not something that is appellable, even though it says that subsections 6 and 7 do not apply, I think what it really means is it is actually advice to the government that they should not, in the planning and design code, put in common use classes types of development that will impact on neighbours. I can see where the numbers are on this one, so if I have not already, I will formally move my amendment, but I will not be dividing on it.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 5 [Parnell–1]—

Page 22, after line 2—Insert:

(7a) However, subsection (6) or (7) does not apply in a case where there is a reasonable likelihood that the change in use will result in a material increase—

(a) in the intensity of the use of the land; or

(b) in the impact of activities carried out on the land.

Amendment negatived; clause as amended passed.

Clause 5.

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

Amendment No 1 [Ridgway–1]—

Page 22, lines 8 and 9—Delete paragraph (b)

This is the amendment that the opposition is moving to remove what we know as the urban growth boundary. It is something that the opposition has felt quite strongly about for some significant time. It has probably been done in the wrong order. I am not going to hold this up but I will lie it on the floor so that the minister can see it. Am I allowed to do that?

The ACTING CHAIR (Hon. T.T. Ngo): You are not allowed to do that, the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Well, that is a shame, Mr Acting Chair.

The ACTING CHAIR (Hon. T.T. Ngo): Just try to describe it, the Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: Well, throw me out and we can adjourn until February. That is a map that we were provided only a couple of weeks ago. We have a whole range of questions. I was going to ask those questions before moving my amendment. Having moved my amendment—and I know the minister will not be supporting it—I will ask some questions in relation to the urban growth boundary or the environment and food protection area which I think is the same boundary with a different name. What is the foundation of the boundary? What rationale was used for the boundaries? This document refers to the greater Adelaide planning region environment and food protection area's boundaries. Could the minister explain what rationale was used for the outer boundary?

It says in this document that the areas excluded from the environment and food protection area include character preservation districts and the metropolitan township based areas. These exclusions create three separate areas that form the EPFA. I am sure she will quote from this document, so there is not much point in my quoting from it now. There is the northern area, the Kingsford triangle and the central southern area, but it is the outer boundaries. It is bounded by the sea but it is the outer boundaries.

What rationale did the minister have? The expert panel said this is something that might be considered, yet it has been introduced into this legislation as a really important part that the minister in the other place is particularly interested in. I am sure there will be a range of questions on this particular clause, so by moving my amendment I will kick things off with asking the minister: what was the rationale? Why did you draw the boundary where you did?

The Hon. G.E. GAGO: The rationale, the principles, are really in the 30-year plan. This is simply an extension of that. There are two boundaries—the outer boundary and the bits that have been cut out such as towns. In relation to the outer boundary, in general terms for metropolitan Adelaide the EFPA boundary is based on: to the north, the Gawler River and Virginia triangle horticulture area; to the south and east, the existing boundaries for the Hills Face Zone, existing character preservation areas, McLaren Vale, the Barossa Valley and the Mount Lofty Ranges watershed; and to the east (seaward), the LGA boundaries.

In relation to the bits that have cut out the township boundaries, they consider the following: the existing urban-type zones, future urban growth areas identified as part of the 2015 update of the 30-Year Plan for Greater Adelaide, planned urban lands to 2038 from the 2010 30-Year Plan for Greater Adelaide, Virginia triangle horticulture areas, specific areas removed due to approved residential statement of intent, Roseworthy Township Expansion DPA, Adelaide Hills Townships and Urban Areas DPA, Swanport DPA, DC Murray Bridge, and Brown Road (Residential) DPA, DC Yankalilla.

The Hon. D.W. RIDGWAY: I notice the boundary. Am I allowed to look at the map in my own seat to explain a road? The local government boundaries west of Murray Bridge seem to go out about 50 kilometres. I think it could even be called Boundary Road. Why is that, if you like, almost L-shaped section—

The Hon. J.S.L. Dawkins interjecting:

The Hon. D.W. RIDGWAY: Almost gone to Karoonda—why is that included in this particular zone?

The Hon. G.E. GAGO: I am advised because it follows the boundary of The Rural City of Murray Bridge.

The Hon. D.W. RIDGWAY: It does not appear to make sense. So, that is now an environment and food production area, out to that boundary. What is the difference between that and up at Port Wakefield or Clare and Gilbert Valleys? I know where I would rather have a food production area, with all due respect to the people of Karoonda. I would much rather have one in the Clare and Gilbert Valleys. It is intriguing to me. It is a bit like you left out the Hill of Grace vineyard and you are putting it in areas that have less economic food production value than other regions. It does not make sense.

The Hon. G.E. GAGO: I am advised that, as I have outlined, there are two types of boundaries. The type of boundary that you are referring to at present is the outer boundary. I am advised that they follow local government boundaries. That is so that we do not end up with complexities of splitting areas that come under the jurisdiction of different local councils.

The Hon. D.W. RIDGWAY: My next question will refer to the interaction between every little town (village)—I use the term 'proclaimed town', I do not know whether that is the exact term, but everywhere there is a little cluster of existing allotments. I have them in my office, but I do not have them here, and I thank the minister's staff for providing all the little township maps.

What I am interested in with this now, with your environment and food production areas, and this is in relation to buffer zones, is if there was any development that occurs—and minister Rau says we will have 30 years supply inside all of the boundaries that exist—clearly, development will push up, over time (if we ever have an economy that grows again) towards those boundaries.

The interaction between farming and agriculture is particularly tense at times. I am sure that, not all members but certainly those of us involved with planning or agriculture have been contacted by people like Mr Grocke, Mr Teusner and others, who are trapped, if you like, between developments.

I am concerned about the long term. What is this new bill's approach, if we are not successful in removing this boundary, to the interface between new residential development and agriculture, and on whose side of the boundary fence does the buffer zone reside? Should it be on the farmer's side or is it on the side of the township that is expanding?

The Hon. G.E. GAGO: I am advised that there is a long-standing policy which is in turn captured in this bill that says that, if you rezone a greenfields site, which interacts with land being used for the purpose of agriculture, the buffer zone has to go on to the developers' part of the development.

The Hon. D.W. RIDGWAY: So in a township that is growing with an already existing town boundary, and someone is farming up against that town boundary but the houses are not built there, you are saying that the buffer zone will be on the developer's side or the town side?

The Hon. G.E. GAGO: In the example the Hon. David Ridgway gives, the township development would be required to include the buffer zone, if to expand the township rezoning was required. There are old legacy issues that are quite complex, that make that more complex, but generally speaking the principles are sound, and that is that if rezoning is occurring, in terms of land that is to going to border agricultural land, the buffer zone must be included in the new development part of the plan.

The Hon. D.W. RIDGWAY: The minister I think is on the record as saying that we have 30 years supply already zoned inside this boundary (I think it is 30 years). What I am reading into what she is saying is that, because it is already zoned, there is no requirement for the buffer zone to be on the township side of the farmer's boundary. Are you only talking about an extension to the boundary at some future point?

The Hon. G.E. GAGO: It would be captured where application for subdivision has been made. So, the land might be zoned residential and currently does not have houses on it (or might not have anything on it), is zoned residential and the boundary is up against agricultural land. However, when buildings are applied to be built, and subdivision of the land is made so that housing, a shopping centre or whatever is to be built, the buffer zone would have to be included at that time, so it would still be required to be part and parcel of the development component of that plan.

The Hon. D.W. RIDGWAY: In relation to buffer zones, I am sure the actual distance of buffer zones is not in the bill, and it concerns me. I have a document called the Australian Pesticides and Veterinary Medicines Authority, the APVMA, its spray drift risk assessment manual, draft for industry feedback, September 2015.

The minister's adviser is nodding his head, so I assume that means he is aware of that document. The interactions between agriculture and residential development are noise, dust, and spray drift, which is the big one that I think every farmer is always concerned about, and everybody living in the house. So I am interested to know what the government is intending. This is only in draft, and, sadly, I have not been privy to a copy of it. All I have is the front page and I have been told what is in it. I am just interested to know how the regulations will deal, if at all, with distance when it comes to buffer zones. Again, they are the issues that Mr Teusner, Mr Grocke and a whole range of other people are really wrestling with.

The Hon. G.E. GAGO: I am advised that the regulations will seek to address some matters, but it is quite complex. There are two issues: one is that you choose a buffer zone to suit a particular context. That depends on what sort of activity is going to be conducted in what area, and that can be affected by the topography or the prevailing winds for that particular position, etc.

The other is that there are two lots of legislation involving decisions in this area: one is in planning, with buffer zones and suchlike; and the other is environmental, which can deal with distances and more prescriptive matters. These intersect, and both legislative arms, if you like, need to be considered to deal with specific examples.

The Hon. D.W. RIDGWAY: I guess this is because I have been lobbied so much by some of the affected people. As most people understand these days, in farming, properties get bigger or, if you are constrained or do not have the capital to get bigger, you want to become more intensive, so, of course, then you change the land use. You go from grazing or growing a crop to maybe intensive animals—piggeries, a chicken shed—or possibly greenhouses.

I just want to make sure the minister is aware—and I am sure, via her adviser, she will make a comment—that, often, because residential development is close by people's properties, they are not allowed to put in a piggery or put up a chicken shed because of odour and noise, but, of course, their property is not big enough to be viable. Nobody wants to buy it to farm on. A developer would be happy to buy it and put houses on it, but that compounds the problem because then the next property has those same issues. So, how do you deal with land values that get sandwiched between farming that can farm unfettered and those that are, if you like, jammed in between the two?

The Hon. G.E. GAGO: The honourable member touches on some very complex issues. Some of those relate to legacy issues, which are very, very difficult to resolve, and some of them probably will not ever be resolved. However, I guess the way to go forward is to make sure that we plan in the long term, that we get our buffer zones right and that we get the right quality of expert advice and information to enable us to make the best decisions we can at the time.

The Hon. M.C. PARNELL: I want to add a little bit to the Hon. David Ridgway's contributions about buffer zones. I have every sympathy for the minister dealing with this. They are incredibly complex and many of the issues are so-called legacy issues. Part of the difficulty with the planning system is that it only regulates new development, if you like. We have been talking about existing use rights but you only have to go and get approval for a new development.

If the minister was correct and activities that result in an impact on neighbours were required to have a buffer zone to keep their spray, their smell, their noise within their own boundaries, we would not have a problem. But we do have a problem. I can remember one of the very early cases that I handled—and I am sorry I am saying this just before dinner but it was a very necessary but a very stinky industry out at Kanmantoo. It was the industry that took the dead carcasses of laying

hens and composted them to recover value from what would otherwise be a waste product. I am up for recycling: it is fantastic. Composting dead chickens is a very worthwhile activity, but it stank to high heaven.

The difficulty was that this facility was on a relatively small property. The neighbours, and there were a large number of them, had long properties that all backed onto this chicken composting facility. These people, effectively, had the back half of their properties devalued because the council would not let them build houses on it because they were saying, 'That is in the buffer zone for the smelly chicken composting facility.' The neighbours, quite rightly, were saying, 'Hang on, I own this stretch of land, why am I responsible for that smelly industry's buffer zone?' It really was a terrible situation.

There is no mechanism in the planning system to force the smelly industry to compulsorily acquire the backyards of all these properties to be incorporated into the buffer zone. It does impact on the Hon. Rob Brokenshire's legislation: he has got his right to farm legislation. But I felt incredibly sorry for these people. They were forced to live right on the road at the very front of their properties because the backs of their properties were unusable as a result of the buffer zone.

I guess to turn a statement into a question: is this an issue that the minister believes may be able to be dealt with either through regulations or through the Planning Design Code with the principle being that those who are responsible for causing nuisances should be responsible for providing the buffer zone?

The Hon. G.E. GAGO: I am advised that, in the first instance, we would look to a state planning policy which relates to buffer zones and then, if we are not satisfied with the ability to address the matter there, we might then be forced to look at regulations or other mechanisms.

The Hon. M.C. PARNELL: I thank the minister for her answer: that does seem to be a good way to proceed. I guess as a supplementary question: the other document that is not a document under the Development Act but is a relevant document is the document published by the Environment Protection Authority and it is a guideline for buffer distances. In other words, it is a document which says if you want to build a new piggery, oil refinery or chicken shed, or whatever, this is how far away it should be from sensitive receptors, and sensitive receptors are basically residential neighbours, a school or kindergarten, or whatever.

Part of the problem with this EPA guideline for separation distances is that it is not mandatory. Basically, the way the referral system works at present is that, if you want to build a noxious industry that the EPA has to licence, the EPA can insist on certain conditions being attached. They can insist on a buffer distance.

But if you want to build a housing estate close to a noxious industry, then housing estates do not need an EPA licence, therefore the EPA advice might be sought, but the planning authority is under no obligation to take their advice into account, so you do end up with situations: I talked about the houses being built close to the trees, well this is the houses being built close to the noxious factory. If the EPA had their way, they would not allow it, but they are not given the authority to make that decision. So my question is, is the government considering rewriting and reincorporating the EPA's buffer distance guideline into a planning policy under this act?

The Hon. G.E. GAGO: Yes, I am advised that that is exactly one of the benefits of this new legislation; that it can pick up EPA guidelines and express that in a more obligatory or mandatory way.

The Hon. D.G.E. HOOD: South Australia has had in place for a number of years now the so-called 30-year plan, which is something that particularly from my understanding has had the broad support of industry and the local government sector and really all effective stakeholders, but certainly from the initial response that my office has received, there is strong opposition from many quarters—particularly industry but not just industry—and there are also some concerns in the local government sector and other stakeholders about the introduction of an urban growth boundary and the impact that it might have. Can I ask the minister, what stakeholder groups, as far as the government is aware at this point in time, are supportive of this idea in moving forward, and what specifically is it that they agree to about it, or like about it, if you like?

The Hon. G.E. GAGO: I have been advised that stakeholder groups include Business SA, the Conservation Council, Community Alliance and tourism lobby groups.

The Hon. D.W. RIDGWAY: What was the last one?

The Hon. G.E. GAGO: Tourism lobby—the tourism industry.

The Hon. D.W. RIDGWAY: Was it the Tourism Industry Council or the South Australian Tourism Commission?

The Hon. G.E. GAGO: Interest from tourism experts or tourism people who have an interest in this area. For instance, this weekend it was suggested by a respected professor visiting from France that the environment and food production area proposed in the bill would bolster South Australia's push to seek World Heritage Listing for the Adelaide Hills and Fleurieu regions, and that that would have a very positive tourism effect.

The Hon. D.G.E. HOOD: Can I clarify with the minister, then, because certainly I have had no communication to my office from Business SA, what was the nature of their communication and what aspects do they support?

The Hon. G.E. GAGO: An opinion piece in the *Sunday Mail* not long after the bill had been introduced by Business SA clearly giving support.

The Hon. D.G.E. HOOD: I assume, minister, far as you are best aware, that their current position is unchanged.

The Hon. G.E. GAGO: Yes.

The Hon. D.G.E. HOOD: Has the government done any work on the potential price impact of introducing an urban growth boundary into South Australia? Certainly the case has been made strongly to my office that when an equivalent scheme, or similar scheme if you like, was introduced into Victoria, it had a substantial impact and, indeed, there is international data that creates the same case.

The Hon. G.E. GAGO: We are not introducing a new concept. An urban growth boundary has been in place, I have been advised, since 1962. This bill does not seek to change that boundary in any substantial way except to the Roseworthy area—and there are other minor changes. It has been in place—

The Hon. D.W. Ridgway interjecting:

The Hon. G.E. GAGO: Yes, but it has been in place and has been effectively in place since 1962. It is the government's view that this has had a very positive effect on pricing because it reduces the cost of infrastructure—roads, electricity poles and cabling, water management and stormwater and other infrastructure—that has to go out to homes as they develop and as they push further and further out. It is much more cost-effective in terms of the cost. Infrastructure costs are always passed on in one way or another to the person buying the place and the taxpayer, of course.

We believe that the effect that the urban boundary has had has been a very positive one to reduce the impact of that burgeoning cost of infrastructure. Infilling significantly reduces those costs, and Adelaide is one of the lowest density and lowest level capital cities on the mainland so there is plenty to demonstrate that this is working extremely effectively.

The Hon. D.G.E. HOOD: From that answer—my question was really looking forward rather than looking back—is it the government's view that the changes that have been made under this clause will not negatively impact housing affordability?

The Hon. G.E. GAGO: Yes; the short answer is yes.

The Hon. D.G.E. HOOD: Could the minister provide a brief synopsis of what is the fundamental aspect that creates the difference between inside this boundary and outside this boundary? What is the consistent nature within the boundary that makes it all one parcel, if you like, or one block of land?

The Hon. G.E. GAGO: The only effect that this has is on residential subdivision. It is exactly the same as for the two character laws, so in environmental food production areas you cannot subsidise, in effect, farming land to become houses—residential.

The Hon. D.G.E. HOOD: Can I just paint a quick scenario. I think I know the answer to this and the minister should be able to answer quickly but just to be clear: assume somebody owns a significant parcel of land outside the so-called urban growth boundary and let's say they had three or four acres or something of that nature.

They bought that land some years ago and currently reside on that land—that is, they have their house on that land—but they had always intended to perhaps build another smaller house for their children somewhere on that four acres, maybe off to the side somewhere, or for elderly parents or whatever it may be, and their intention was to create another dwelling. Does the passing of this legislation and the clause we are dealing with here, have any specific impact on those hypothetical plans?

The Hon. G.E. GAGO: I am advised that all of this detail was dealt with when we were dealing with character laws. It does depend on the circumstance but, generally, the answer is, yes, they will be able to do that because most farmers characteristically have several lots to a parcel and they are entitled to build, I think, one housing development per each lot. It would be most unusual and quite out of the ordinary for a farmer who has that intention not to have purchased more than one lot.

The Hon. D.W. RIDGWAY: I have a couple of questions around housing affordability and also some around the Hills Face Zone. I want to correct the minister, too. She says we have had an urban growth boundary since the sixties. We have in a policy sense, but this is—

The Hon. G.E. Gago: Since 1962.

The Hon. D.W. RIDGWAY: Just a couple of years after I was born, sadly. That was in a policy sense, whereas this is a big step to a mandatory one that can only be changed by both houses of parliament. Up until 6 December, we had not actually seen the map. We were asked to support something in the lower house. Shadow minister Griffiths had seen the map but the broader community had not. We were asked to support something that only both houses of parliament could vary, but we were actually not looking at what we were going to support.

I am interested—and I will perhaps wait for the minister's adviser, who is giving her advice—in the interaction between imposing a mandatory boundary and house prices. I am advised that in Melbourne, in the lead-up to the enactment of their urban growth boundary, there was a rush to buy residential land within it. There was a perceived supply shortage and land prices increased very strongly during this period.

From the month prior to the UGB being foreshadowed in 2002 to the boundary being enacted one year on, the median residential land lot value went from $94,000 to $124,000—a 32 per cent increase. That was the Melbourne experience. I want to know whether the government received any advice on the likely market reaction to this intended boundary,

The Hon. G.E. GAGO: I will answer the first question first. Parliament has had scrutiny since the sixties to make decisions about zoning changes, and parliament has had the ability to actually stop rezoning outside of the boundary. The effect of having the zone in place since then has effectively been the same; that is, it has reduced urban sprawl, and that has occurred with parliament having the capacity to have oversight over that, if you like.

Although the Hon. David Ridgway is right that it is a policy, there has been parliamentary oversight. This bill gives legislative muscle to it; nevertheless, the effect has been in place since the sixties. Urban sprawl has been limited and parliament has had some powers to oversight that.

In relation to market affordability, we have received advice that we have more than 20-plus years of zone supply. That was advice given in the 2008 Planning and Development Review that had significant industry input. That is clearly saying that we have 15 years of affordable development available to us.

The Hon. D.W. RIDGWAY: The minister said we have parliamentary oversight over the existing boundary, rather than being the mandatory one. Can the minister explain how that oversight works? My understanding is that the planning minister can just table a change to the urban growth boundary at their own whim, maybe after a review process. Can the minister explain what the process has been from 1962 until 2015?

The Hon. G.E. GAGO: I am advised that the mechanism by which parliament has had oversight is through the ERD Committee. The Hon. David Ridgway is right; it is about policy, but policy means nothing until there is an application for a zoning change, and that zoning change then gives people the right to develop. Zoning changes have to be put through the ERD Committee.

The Hon. D.W. RIDGWAY: My next questions are in relation to this, because they do encompass the Hills Face Zone. My former colleague the member for Davenport, Iain Evans, had said that he had a range of people who were trapped with existing land uses in the Hills Face Zone—not the Hills Face Zone that we can see from the city but parcels of land that are, if you like, perhaps not in water catchment and certainly not visible from the plains—where they want to have some change.

How is the Hills Face Zone dealt with in this? The McLaren Vale Protection Zone goes up to the Hills Face Zone, I understand, and the Barossa and elsewhere. How is it all dealt with? It was a zone that was created by the Playford government because the infrastructure was too costly to get up there; that was the reason at the time. I think now, as a community, we have all grown to love the visual splendour of the Hills Face Zone, but there is a whole range of little parcels of land that are inadvertently captured in that zone. Is there any prospect of that being reviewed at any particular time? How does this new legislation and this new environment and food production area impact on the Hills Face Zone?

The Hon. G.E. GAGO: As we have noted in this place before, there are many complex legacy issues and this bill will not solve all of those; however, we hope that it will help with some of them. The first point is that the boundary follows the Hills Face Zone as it currently stands. The second point is to draw your attention to subclause (7c), which says that the commission may recommend a change by the minister if, and only if:

> (b) the Commission is satisfied that the change is minor or trivial in nature and will address a recognised anomaly.

The Hon. D.W. RIDGWAY: Perhaps I will explain a recognised anomaly. There is a development out of McLaren Vale called McLaren Vale Distilling. I was fortunate to be the catalyst to host a distilled industries forum here in parliament during the winter break. We had people come from all over the nation to look at issues including impediments to growth and growing this particularly new boutique industry which in South Australia will add to our food and beverage offering. Of course, the minister's husband is a great contributor to the wine part of that offering, but there are some great boutique industries setting up.

The Hon. G.E. Gago: He contributes to the food industry too.

The Hon. D.W. RIDGWAY: He makes a strong contribution across all of it, but probably not to the distilled industries. I am digressing slightly, but in the US about 10 years ago they had about 100 micro distilleries and they are now approaching about 1,000, so it is a growing industry. We see Kangaroo Island Spirits with their gin. I think everybody would agree that it will add another dimension to our tourism offering.

With this particular family company, I think they have turned the sod. When I was there they were pouring concrete a few weeks ago. I am delighted to see them making progress, but one of the interesting things is that they are in the Hills Face Zone and my understanding is—and correct me if I am wrong—they can make whisky; that is no problem. They can store it in barrels; that is no problem; but they are not able to bottle it because bottling is an industrial activity and that is not allowed in the Hills Face Zone.

What they would like to do is to screw the lids on 200 bottles a day as a maximum, so that is 1,000 a week or 50,000 bottles a year, and they are not allowed to do it. To complicate things, the only way they can do it, because it is against the law, is to actually take the whisky in the barrels

down the road into McLaren Vale to have it bottled at a bottling facility. The problem is that where they store the barrels is a bonded store so as soon as they move them they actually have to pay excise to the federal government to take it down the road about five kilometres to then have it bottled. They then bring it back and claim the excise back from the federal government. That is just a crazy set of circumstances.

I am talking about small businesses or families putting some life savings and a fair bit of capital—not financial but emotional or physical capital—on the line to grow a new business which I am sure will be an exciting new business. The figures show that a tonne of barley worth about $300 turned into whisky generates a bit over $20,000 in tax, excise and GST for this economy. None of them are complaining about paying that amount of GST or tax. They just want the opportunity to be able to do it.

This thing presents an opportunity. This bill is about cutting red tape and about reform so we can get development to happen. Can you explain to me what the process is that we have to go through so that a family who wants to create a distillery and screw the lids on bottles by hand can do it in their facility without having to invoke paying excise and then claiming it back?

The Hon. G.E. GAGO: The honourable member has raised a very good example of the need for planning reform. I have to say, though, from the outset that this bill is not the panacea for every planning problem that exists today, so it is not going to address some of those legacy issues, for instance, that are incredibly complex. It seeks to set parameters of simple rules that are streamlined and easy for people to understand and to remove some of the complexities out of the system. So, it is not a panacea; however, we obviously want to use this opportunity of reform to address as many anomalies and problems as we possibly can. I understand that this particular family has written to minister Rau—pardon, the honourable—

The Hon. D.W. Ridgway: I have, but I think they have also been in contact.

The Hon. G.E. GAGO: They may well have been, but anyway, the Hon. David Ridgway has written to the minister. Minister Rau is very interested in this particular example. He is extremely sympathetic, because it is that sort of change to business plans and operations that we need to be able to accommodate. One way may be to address this in the Planning and Design Code; another might be that we might be able to address it more quickly and simply through regulations. I know that minister Rau is very keen to resolve that particular issue and other families and businesses that are captured by a similar set of circumstances.

The Hon. M.C. PARNELL: I have resisted the temptation to make clause 5 the be all and end all of the discussion on the urban growth boundary, because we have a more substantial clause coming up at clause 7, with the opposition moving to delete that clause in its entirety. I have just a couple of observations on the contributions so far. The Hon. Dennis Hood was asking about, of all the stakeholders, who likes this? It is a very valid question, because we have had quite a bit of correspondence about people who do not like it, but the flipside of the coin is that most of the conservation groups, for example, who are concerned about the future urban sprawl for Adelaide, if we do not do something about it, have largely been supportive.

I was reminded that I had weighed into this debate many times, not least of which was in relation to Buckland Park, which was a clear case, in my eyes anyway, of urban sprawl that should never have been approved. I was asked whether that had gone through the ERD Committee, and the answer is yes, the rezoning did go through the ERD Committee, and I voted against it but, as people are sick of hearing me say, it doesn't matter in the ERD Committee because it is government controlled.

That actually triggered a thought that I had, and I am taking the minister back to the government's original response to the Hayes review. I have referred to that previously in relation to the bill being supposedly tabled in parliament in July, and we eventually got it in September. The other important aspect under the heading of reform 4, 'Engage parliament in the development of planning policies,' does refer to the fact that the parliamentary committees system is going to be reviewed separately and that the government's intention according to this was, 'The review of committees is anticipated to commence later in 2015.'

We are in the final stages of 2015, so my question is: in terms of the review of the ERD Committee of parliament, which is in fact the committee in this bill that is going to continue to have oversight of planning, what does the government have in mind and what is the time frame now for review of that committee and its processes?

The Hon. G.E. GAGO: I am advised that, at this point in time, we do not have the details of either a particular time frame or a particular process. It is obviously going to take considerable time and we will be engaging with appropriate people in the design of the process and then the time frame.

The Hon. D.W. RIDGWAY: I just wanted to return to the Hills Face Zone and the minister making a comment that we can do it by the code or by regulation. I just point out to the minister that the code is potentially three years away, and any broader regulations may well be a similar amount of time away. For the family that I have dealt with—and obviously, as you have advised us, minister Rau is well aware of it—how do we help these people? They have invested a lot of money. They have gone to the bank, regional employment, exports, value-add. How do we help them? Do we just say, 'Oh well, there's a legacy issue and we'll do something about it in three years' time.' How do we make these things happen more quickly?

The Hon. G.E. GAGO: I have already indicated that the minister is in receipt of the correspondence and is very keen to work at ways to resolve this. I have indicated that it could be the code or it could be through regulation—regulation can be a much quicker process. It is in minister Rau's hands at present.

The Hon. D.W. RIDGWAY: I have some questions in relation to the boundary itself. When I was briefed by Mr Stuart Moseley—I cannot remember his exact title, but I think he is finishing up with—

The Hon. M.C. Parnell: He is retired.

The Hon. D.W. RIDGWAY: His retirement is imminent, but I think he is still there until the end of this month. Anyway, we will not talk too much about Mr Moseley. He is off to sunnier parts; he has gone to Queensland, I think. I talked about what the government had done through their own urban growth boundary, and the two that stand out, of course, are the Mount Barker development and Buckland Park. The minister has reminded me of 1962, when we started it, but I suspect then Monarto was probably captured in its intention; we were going to have a satellite city outside the urban growth boundary. We never saw it come to fruition, and I wonder maybe whether Buckland Park will ever get to any level of development.

Regarding the point I raised with Mr Moseley, I said, 'What will stop a future government, if it chooses to, jumping over the boundary and rezoning something somewhere else?' At the time he said, 'Nothing,' but he did say, 'It will be so far north that nobody will ever want to do that.' I thought that was an interesting response, because clearly, on the map that I happen to be gazing at on the floor, we have Port Wakefield and I know that there have been various proposals to do some sort of development up and around Port Wakefield over the last few years.

It has all sort of withered on the vine, but I suspect the people who were wanting to develop that were thinking of a regional hub to support the mining industry. It is a little bit out of Adelaide, a bit warmer; there is the freeway all the way back into the city, and now with the Northern Expressway, the Northern Connector being proposed and the corridor through the city over the next decade, all of that potentially becomes possible. What would stop a future government from saying, 'We're going to rezone'—let's pick a figure—'1,300 hectares at Port Wakefield'? They did 1,300 hectares at Mount Barker.

The Hon. G.E. GAGO: Basically, the parliament can continue to have powers to scrutinise rezoning through the ERD. I guess, theoretically, there is only that, but it is also just common sense in terms of what developments are likely to be viable in some of these locations. Common sense tends to prevail; it has to be economically viable, so that is self-limiting in a way.

The Hon. D.W. RIDGWAY: It is still the Hon. Mark Parnell's question here, but if it is going to be common sense, I know we are going a little backwards in history here, but Buckland Park, which had no public transport and no infrastructure, was not connected. If you are talking about common sense, there was really no common sense at all in relation to that particular development.

In Mount Barker, you could argue, there was a freeway, an existing township and a whole range of other things that might have made that a little easier.

The question I have is: what process will we have to go through if we establish this boundary? If you explain the process where the parliament will be able to change the boundary, will it only be on the recommendation of the minister or the planning commission, or will a private member be able to get a private member's bill up, as we do here in this place, and the other chamber has done before? If you are fortunate enough to get the support to change the urban growth boundary, can you explain how that parliamentary process will work? Of course, you need to consider the speed at which the government of the day might want to do it. Could you explain how it might work?

The Hon. G.E. GAGO: I am advised that changes to the boundary can occur in one of two ways. Any member at any time could move a bill to amend the act; that is our right as legislators. However, it would have to be supported in both houses. The planning commissioner is required to review the boundary every five years and to provide a public report, the minister can then either choose to act or not act on that but that would require a resolution and that resolution would have to be supported in both houses of parliament.

The Hon. R.I. LUCAS: Just on that mechanism, if the minister of the day chooses not to act on the advice of the independent planning commission, does there remain any device available to the parliament for them to express a view on the independent advice of the planning commission or is the minister in essence the blocking mechanism to prevent that recommendation coming to parliament?

The Hon. G.E. GAGO: Yes, there is and, as I have already indicated, there are two ways that the boundary can be altered and one is that any member can move a bill to amend the boundary, so if a member had access to that public report and was not comfortable about the minister not supporting any position outlined on that, they could move a bill.

The Hon. R.I. LUCAS: I accept the minister saying that ultimately a member of parliament could seek to get the approval of the government of the day and both houses of parliament to amend the bill, so I accept that. In the end, if the government of the day has refused to accept the advice of the independent planning commissioner, then it is unlikely that the government of the day is going to prove amendments to the legislation anyway.

Put that political argument to the side. I am assuming from what the minister is saying the independent advice of the planning commission goes to the minister and if the minister agrees then it comes before the parliament and both houses of parliament have to approve it if that is the case, but if the minister of the day does not like the independent advice of the planning commission, he or she or the government of the day can just not pursue it and the parliament itself would not be voting on the independent advice of the planning commission.

The Hon. G.E. GAGO: I have already answered the question. What the member is saying is correct; however, if the independent planning commissioner made a compelling recommendation for change and the minister of the day chose not to support that change without compelling reason, then it is obvious that it is within the capacity of any member of parliament to move a bill that could accommodate those changes. The only reason that that would not get up is if there is obviously a good reason for it not to be supported.

The Hon. R.I. LUCAS: The minister has referred a number of times to the fact that the existing arrangements have applied since 1962 (I think). Is the minister's adviser in a position to be able to indicate, or is the minister, through advice from the department, able to indicate on how many occasions has the boundary been changed since 1962? Are we talking a mere handful or are we talking dozens and dozens of occasions during that particular period?

The Hon. G.E. GAGO: I have been advised that it may well be somewhere around 10 to 30 times that changes have occurred, varying between minor changes to fairly substantial. However, we do not have the exact figure with us at the moment. If you want the exact figure we could take that on notice and bring it back.

The Hon. R.I. LUCAS: I do not wish to delay the proceedings this week in relation to seeking that information, but assuming the bill might not be completing its passage until February, if the

minister could take on notice and indicate or provide by way of answer to question on notice the number of occasions and perhaps some detail about the particular changes under the old system that have occurred. I guess if you are talking about even up to 30, we are not talking about many over a period of 55 years, or something, during that period of time. So, if the minister is prepared to take that on notice we can move on.

The Hon. G.E. GAGO: I am happy to take that on notice.

The Hon. M.C. PARNELL: Just to pursue this issue a little further, there are two points I would like to make. One is, there has been discussion around the mechanism that will be used if the minister wants to change the boundaries that are being enshrined in this act. The first thing I would say is that the government has, in this bill, enshrined a process that I am generally supportive of, which we in the trade call easy in, hard out. In other words, any measure that is designed to conserve or protect something should be easy to implement and should be difficult to undo. So, I think that is the principle or the policy that has been—

The Hon. R.I. Lucas: Whose principle is that?

The Hon. M.C. PARNELL: It is Parnell's principle: easy in, hard out. I think that is what they have done here. Whilst the minister, having been here for some time now, would think it is hard in and hard out, the idea is, I think, that decisions to undo a conservation measure should be difficult, and that is what this bill proposes. The second point I would make is, and it follows from the Hon. Rob Lucas's points—I think the scenario he was talking about is where the minister was minded to change the boundary—the minister is then obliged, under clause 7, to go to the planning commission. The planning commission must conduct an inquiry and must furnish a report to the minister. If the minister wants to proceed, the minister must then table it in parliament and give parliament the commission's report.

The point the Hon. Rob Lucas was making is that if, as a result of that process, the minister decides, 'I'm not going to change anything,' then that report will not be tabled in parliament because there will not be a proposal for parliament to alter the boundary. The question, I think, that flows from that, for me, is: regardless of whether the commission's report results in a formal referral to parliament or not, if this exercise is undertaken by the minister and if the commission does conduct an inquiry and does furnish a report, will that report be published on the planning portal, for example, regardless of whether it goes to parliament? So, that is the question: will commission reports be on the portal?

The Hon. G.E. GAGO: We just need to clarify that there is some level of detail that I might need to add to the record, so I will bring that back after the break.

Sitting suspended from 18:02 to 19:45.

The Hon. D.W. RIDGWAY: During earlier questioning on the urban growth boundary the minister said that Business SA supported the urban growth boundary, which perhaps they do. However, I thought it important to put on the record that today I received a copy of a letter that was sent to the Hon. Mark Parnell, Steven Marshall, and some other people (I don't know who they are), John Darley and a couple of others from Business SA. It states:

> Hi all,
>
> I am writing on behalf of Nigel McBride, who is presently flying back from Perth.
>
> Business SA is quite concerned about the number of amendments to the Government's proposed planning reform bill, and we do not believe there is sufficient time to consider the potential impacts and shortfalls before Parliament rises for 2015.
>
> We do not want to see such considerable legislative changes rushed through before Christmas and later regret the potential adverse consequences in years to come.
>
> This is a landmark piece of legislation for South Australia and Business SA would like to impart a word of caution onto all parties which stand between this bill becoming law to carefully consider the time stakeholders now have to digest the nature of proposed amendments.

While that is not a question, I thought it was worth putting on the record. That is another industry group that thinks the government has got it wrong. To reiterate, my current amendment is the first of a number to do with the environment food protection area. The government has not convinced us, or the significant stakeholders in this state, that this is a step in the right direction for South Australia.

We have had an urban growth boundary, as the minister said, since 1962. At two significant times in the last decade the government of the day has jumped over it, which has been Buckland Park and Mount Barker. You do not have to be a rocket scientist to remember that it was a Labor government, one, sadly, that you, sir, were part of. Of course we had the Monarto experience back in the 1970s after the urban growth boundary was in place as well, although that did not result in any development.

I know minister Rau says he wants to have this boundary in place because he cannot trust a future minister. Well, no, what he should be saying is he could not ever trust his colleagues in the Labor government who have actually delivered this to South Australia. It is a bit like trying to shut the gate after the horse has bolted and then saying it will never happen again. The easy message is to follow due process, to be open and transparent and to make sure that these decisions are not made at the whim of a minister or a cabinet, or at the whim of somebody who is influencing the government.

We are yet to be convinced that the urban growth boundary is a sensible step forward. We worked with an urban growth boundary when we were in government last time. We continue to work with one in a policy sense, but we do not see any justification for a mandatory urban growth boundary that is enshrined in legislation and, therefore, requires both houses of parliament to change it.

The Hon. G.E. GAGO: The government rises to oppose this amendment. Amendments to this clause and clause 7 by both the government and the opposition represent for us a test vote on the proposal for the environment and food production areas of Greater Adelaide. In short, the Hon. David Ridgway's amendments Nos. 1 to 4 to clause 5 are cognate with his foreshadowed opposition to clause 7. Conversely, the government's amendments to clause 7 and the schedule stand in opposition to those moved by the Hon. David Ridgway. In simple terms, the government's amendments provide for:

- the boundaries of Greater Adelaide and the environment and food production areas within it to be defined according to a map lodged by the government in the General Registry Office;
- the boundaries of the environment and food production areas to be subject to review by the state planning commission every five years; and
- continued rights of landowners to subdivide in certain rural living zones in the proposed environment and food production areas.

As I indicated at the close of the second reading debate, the government sees this initiative as an important public integrity measure, an important measure that will protect the long-term stability of the state budget, an important protection for our prime agricultural lands and an important stimulus to the ongoing urban renewal of Greater Adelaide. Because of this and in response to requests made by various parties, including industry, the government has moved to define the limits of the proposed environment and food production areas now as part of this bill rather than leaving them for a later date as an implementation task.

Maps to this effect were lodged with the General Registry Office on Monday 30 November. These maps have been made publicly available on the DPTI website, and magnified versions of each town along with the due diligence document prepared by the department have been provided to the opposition for their consideration. The boundaries of this area have been determined based on the already widely consulted boundaries provided in the 30-Year Plan for Greater Adelaide. Councils have had input through this process and no boundary should therefore come as a surprise.

In the second reading contributions, a number of members raise concerns about the impact this could have on housing affordability. As I said then, the government sees this argument as a red herring and self-serving in the mouths of some in industry who propound that sort of approach. Land supply figures and affordability statistics show very clearly how much of a furphy this argument is.

Firstly, across Greater Adelaide, we now have well over 20 years' zoned land supply. What does that mean? Simply put, it means that we are not about to run out of land anytime soon. Our current analysis tells us that there are 79,900 potential lots able to be developed within Greater Adelaide in both fringe and township locations. Of that, 26,000 lots are development ready right now, with either land divisions approvals or infrastructure agreements, if necessary, in place.

In addition, there is an estimated long-term potential for a further 75,600 additional dwellings in greenfield locations that are currently undergoing rezoning or capable of being rezoned for future growth. On the basis of this, we far exceed the government's 15-year land supply target. As I say, more than 20 years' supply is out there right now.

Secondly, there is the growth that is happening and, as I said in the second reading debate, 59 per cent of growth is happening in the inner and middle suburbs and has been for quite some time. Infill is what the market is demanding, not fringe growth further and further out. One of the reasons our land supply balance has improved is that people want to live in smaller houses.

Contrary to the Hon. Dennis Hood's suggestion that government is forcing this upon people, what we have seen is that the average yields from broadacre land have increased steadily of their own volition over the past decade with the result that consumption rates for broad hectare land have decreased markedly. At the same time, there has been a significant increase in infill development. As I have already mentioned, 59 per cent of growth is now happening in the inner and middle ring of the city.

Why is this happening? Probably for a variety of reasons. Increasingly, younger generations are less interested in the dream of their parents of a quarter-acre block. Coupled with the ageing of our population, we are seeing a sustained trend of smaller households, singles and couples at the beginning and end of their working lives, who are more interested in townhouses, units and apartments closer in, than four bedrooms and a larger block that they would rarely use and have to maintain further. That is why we will be moving to include a periodic review required by an arm's length state planning commission with a 15-year land supply target, statutorily entrenched to keep the issue of affordability constantly in the mind of future ministers, governments and parliaments.

Thirdly, let's look at what the true costs of continuing urban sprawl are. They involve costs for taxpayers and costs for homebuyers. New infrastructure in fringe suburbs costs six times the cost of infill. That has to come from somewhere and, if we do not get it locked up-front, it ends up being a liability that sits on government ledgers and will have to be paid by future taxpayers at some stage.

This parliament is constitutionally charged with the oversight of the state budget and taxation base. It makes sense that we should also have oversight of how far urban growth extends so that we can minimise unforeseen expenses for future generations. If the Liberals are so keen to prove themselves to be responsible economic managers, as they often claim to be, they should be in favour of a tool which will help keep infrastructure costs within predictable parameters and help protect the long-term integrity of the state budget.

I know for some, such as the Hon. Dennis Hood, limits on urban sprawl in the manner that we put in front of the parliament cannot be supported as a matter of principle, but it is difficult for the government to accept that the line the opposition has taken to date is, in fact, a principled one. The Hon. David Ridgway in his contribution talked at great length on the Mount Barker rezoning and the findings in the Ombudsman's report into the Growth Investigation Areas report.

We in government certainly have accepted the findings of the Ombudsman and our proposal in this bill for a hard line that protects our agricultural areas is a direct response to this but, as soon as we proffer this solution, the concerns of the Hon. David Ridgway, who purports to be a supporter of the use of agricultural lands, seem to swing opportunistically to an alternative position.

It seems to the government that the opposition, in seeking to oppose this important integrity measure, is more interested in the views of some industries which do not want to change their tried and true business model of convincing someone in public office to rezone even the most unsuitable land and leave the costs to be paid by future taxpayers.

As the minister said in the other place, it is not the government's task to be the insurer of last resort for land speculators, but perhaps this is simply the case of the opposition listening to a very narrow range of vested interests rather than engaging with the policy conundrum we face and must resolve in the interests of all South Australians. I hope the Liberals and others will see the need to support this measure or move reasonable amendments to it, rather than simply repeat the echo chamber view that some in industry have been peddling in agitated tones, but it seems they are just determined to oppose it. South Australians deserve more than unthinking opposition to this proposal.

The Hon. M.C. PARNELL: It is no surprise to members here that the Greens are very critical of many aspects of this bill and, as we work our way through it, we will be agitating the criticisms and the solutions that we see to them.

But one area of the bill we actually do support is the concept of the urban growth boundary. It is not called that in the bill; it is called an 'environment and food production area', and we support the concept. In fact, the Hon. David Ridgway has said to me that he supports an urban growth boundary as well but that the issue has been to do with the mechanism and whether it should be locked in legislation. The Greens support the urban growth boundary and we support it being protected in legislation for the same reasons the minister has just given.

Certainly, in relation to the Mount Barker debate, it struck me that you had some of the best quality fertile farmland in close proximity to Adelaide that was effectively being put under bitumen for new housing estates. It is probably also fair to say, and the Hon. Paul Holloway said this a lot, that most of that land, or a lot of it, was not actually being used to its best advantage—a lot was just hobby farms, running a few ponies. The way I look at it from a long-term perspective, which is how the Greens approach these things, is that I find it incomprehensible that our grandchildren or great-grandchildren will not thank us for preserving land close to the City of Adelaide that is suitable for growing food. I am sure that will be the case in a carbon-constrained world: where food miles become an important consideration, we need to hang onto food growing land around the City of Adelaide.

The government is not entirely consistent in its approach to this. We are not going to be critical of this provision. We think that they are finally catching up with what the Greens have been saying for a long time about the need to end urban sprawl. I spent most of my first 10 years here fighting the government's urban sprawl plans, whether it was Buckland Park, Gawler East or Mount Barker. Another campaign the Greens have been pursuing for a long time is better public transport. The response always comes back, 'Public transport is not viable in a city like Adelaide because it is too spread out.' Well, why is it too spread out? Because government policy has been allowing urban sprawl.

If we are serious about turning around the way we do things in this city and adapting to a more carbon-constrained world, we are going to need to do things like move people around with public transport more often, and that is going to require a more compact city. It does not mean that they could not do better with the city we have—of course, the government could, but a more compact city would make it easier. There is a range of environmental reasons why encouraging urban sprawl is bad public policy.

It is also bad social policy, and when I go back to some of the debates over Buckland Park, for example, the phrase that springs to mind is 'a ghetto in waiting'. It was an area that was miles from any services, where young families would be attracted by cheap house and land packages only to be marooned by a lack of transport and a need to rely on probably not one but two cars and commute vast distances. It is just a bad way to plan a city. It has been alluded to before that, whilst Buckland Park had major project status and the zoning has all gone through, I do not put all my faith in the market, but I am hoping that in this case the market will speak and say that that development does not have legs and will not go ahead.

Whilst I think we still have a bit more debate ahead of us around the urban growth boundary, and in particular clause 7, which we are coming to shortly, I know that the minister has said, 'This is a bit of a test.' Well, it is, but I make the point, from a drafting perspective, that if all the opposition amendments to clause 5 are successful I think clause 7 still works. The reason I think it still works is that if we go back to clause 3, which is a clause that we will be recommitting at some stage, the definition of 'Greater Adelaide' is still in there; we have not deleted that definition yet.

I think the main urban growth boundary clause, clause 7, can probably still stand. We will have to debate that again when we get to it shortly, but for now the Liberal amendments effectively remove the concept of Greater Adelaide from clause 5, removing every reference to it, and it follows that if you support the urban growth boundary, you support it being a statutory measure, then we need to oppose the Liberal amendments to clause 5.

The Hon. R.I. LUCAS: I have been intrigued through this whole debate in relation to one aspect of this proposal and that is the minister and the government's contention that this is an

important public integrity issue. My question to the minister is: has the government or the minister formed a view that there is a genuine basis for concern that past decisions of the Labor government have been influenced by developer donations?

The Hon. G.E. GAGO: The short answer is no. I believe that the Hon. John Rau made comments to that in his contribution in the other house so I refer members to that.

The Hon. R.I. LUCAS: With the greatest of respect, this debate is in this chamber and I have not read all of the comments from the Hon. John Rau so my question is: if the answer is that the government has not formed, on a genuine basis, a concern that past planning decisions have been influenced by developer donations to the Labor Party, what is the public integrity concern to which minister Rau and the government are referring?

The Hon. G.E. GAGO: I believe that our focus is on the future and wanting to make sure that we forestall any possibility of there being any potential conflicts in the future.

The Hon. R.I. LUCAS: If the government is contending that it is intended to ensure prevention of conflicts in the future, can the minister clarify the government's concern is that there is a future potential for minister for planning decisions and government decisions in planning to be influenced by developer donations to their political parties, and the government wants to make this change for that reason?

The Hon. G.E. GAGO: I have previously said in contributions in this place—for instance, we note the findings of the Ombudsman's report in relation to Mount Barker, where he identified that the process could have been much better—that we have taken those comments into consideration to ensure that we have the highest public integrity level possible, and that is what this bill seeks to do.

The Hon. R.I. LUCAS: Methinks the government has created a rod for its own back in relation to one of its public justifications for this provision, and that is that minister Rau and the government have sought to pat themselves on the back in some way firstly by saying, 'Planning decisions like Mount Barker and Buckland Park will never happen again under the new minister's watch'—the clear inference being that there was something wrong in relation to the previous decisions taken by previous planning ministers and previous government. There can be no other inference, other than that. Then the minister, to all and sundry—both in the parliament, evidently, and also publicly—has argued that this is a public integrity issue, but the minister has never explicitly outlined what the public integrity issue is.

Clearly, there are two potential public integrity issues. The first and the most grotesque would be that politicians, ministers or public servants New South Wales-style are taking cash in hand through brown paper bags or personal benefits to make certain planning decisions that are not in the public interest but are in the personal pecuniary interests of either public servants or politicians. As I said, that is the most grotesque of the potential offences one might contemplate under the general definition of public integrity.

The second was the one I addressed to the government—which at least has been canvassed in the public arena and in the parliament—and that is the potential for developer donations to political parties and politicians to influence planning decisions. I will not go over the history of that. The Hon. Mr Parnell has referred to that in his extensive second reading contribution and it has been canvassed in the house before. I do not want to traverse the detail of that again, but that is the second broad area.

They can be the only two clear implications. Yet, when one puts the question directly to the minister in charge of the bill in this house, the minister shies away completely from that and says, 'Well, look, we're talking about the future,' and will not directly answer the question as to whether or not there is still a concern about developer donations or donations impacting on ministers and political parties in terms of their—

The Hon. G.E. Gago: I did, directly: I said no.

The Hon. R.I. LUCAS: No, I think—

The Hon. G.E. Gago: This is not so: I said no, that it was about future—

The Hon. R.I. LUCAS: That is what I said: the future. I said, 'In relation to the future, have a look at the minister's response—'

The Hon. G.E. Gago interjecting:

The Hon. R.I. LUCAS: I am sure the minister will have the opportunity during the committee stage to put further statements on the record should she so choose. As I said, when I put the question to her, firstly about the past, she said, 'No,' and when I asked the question about the future, she avoided answering that particular question. She answered it in a different way with the use of political spin—

The Hon. G.E. Gago: That's just not so at all. You're making things up. You're completely making things up; you're distorting what I said.

The CHAIR: Minister, you will have an opportunity to respond soon.

The Hon. G.E. Gago: He's misleading the chamber. He's saying inaccurate things.

The CHAIR: Allow Mr Lucas to finish in silence.

The Hon. R.I. LUCAS: Thank you, Mr Chairman. I have not interjected on the minister during this debate.

The Hon. G.E. Gago: Yes, but I wasn't misleading.

The CHAIR: Go ahead, Mr Lucas.

The Hon. R.I. LUCAS: The minister will have a chance to put on the record again a further attempt to answer the questions that I have put. All I am saying is that this dilemma for the government is one of its own creation. They are the ones who have raised the spectre of public integrity issues being key elements in this particular proposal. It has not been the opposition; it has not been the crossbenchers: it has been the government and the minister who have said, 'Look, the reason we're doing this is this is a public integrity issue.'

When one puts the question directly to them, 'Well, okay, what is the public integrity issue? You must have some genuine grounds upon which you have decided to take action, because you are concerned about public integrity issues,' the minister in this place has been unable to place on the public record any examples of public integrity concerns at least from the government's viewpoint. As I said, they have been canvassed in other debates and the Hon. Mr Parnell indicates he may well traverse the area in later stages of the committee debate. I just wanted to place on the record my commentary in relation to that.

The other issue I did want to canvass was that, just prior to the dinner break, we reported progress and the minister was going to clarify a response that she had given to an earlier question which I think was from the Hon. Mr Parnell. I am just wondering if at some stage—whether it be during this particular debate on this amendment or at a later stage on this clause—she will clarify, should she still need to, the early response she gave to the question from the Hon. Mr Parnell. I invite the minister to do so when she gets an opportunity.

The Hon. D.G.E. HOOD: I would like to make a few brief comments on this issue. I understand the Hon. Mr Ridgway has moved his amendment now—

The CHAIR: He has.

The Hon. D.G.E. HOOD: Thank you for your clarification, Mr Chairman. Speaking to that amendment, I think the Hon. Mr Parnell is quite right that clause 7 is really the primary clause, if you like, that deals with this issue of the so-called urban growth boundary—although, again as the Hon. Mr Parnell rightly points out, it is called the environment and food production areas within the bill itself.

Partly in response to what the minister said in her contribution to the amendment but also to give a short account of my personal experience with this matter, if I may, the minister alluded to the fact that the industry has been looking for a definition, a refining, a clear-cut explanation, if you like, of exactly where the environment and food production areas would be. She is quite right about that; I do not think any of us would dispute that, it is right. However, I think it is also fair to say that the

industry was not looking for those areas to be established by creating what we are referring to as an urban growth boundary around the growth areas of Adelaide.

They were looking for those areas to be defined in terms of what they could not go outside of; if you like, where these environment and food production areas were going to be. Therefore they (being the industry) could build or develop or whatever outside those areas but not inside them. I think it is absolutely correct to say that the industry was not anticipating—in any way, shape or form—that they would be told, 'Okay; here is where you can develop, and anywhere else you can't.'

So I think what the minister has said is absolutely true, but it would have had a very different interpretation from industry, and I think it is important to put that on the record. Certainly, all industry groups I have conversed with—and it has been quite a lot; the HIA, the MBA, the UDIA, the Property Council, they are the main industry bodies of course, even Business SA—were looking for clarity on where the farm areas are going to be and where the development areas were going to be, in simple terms. Whilst I am sure the minister would argue—and, again, she would be right in arguing this—that this bill actually sets it out, it is not in the way they were expecting, and that is the key issue here.

They were expecting, 'Okay, here is this particular parcel of land that we are not going to allow development on because it is appropriate for farming, and here is this parcel of land that we are not going to allow development on because it is appropriate for farming.' None of them had anticipated, from my discussions with them, and hence their opposition to it, a sort of blanket application of, 'Here is where you can develop and anywhere else you can't.' Effectively, that is what the urban growth boundary, or the environment and food production areas, as we are calling them, does. I think it is important to clarify that issue; this is not what industry was expecting and it is certainly not what they are supporting. That much is clear.

I think the other thing that is important to put on the record with respect to this amendment is that there is all this debate about building in the regions, and we hear this term 'urban sprawl' quite a lot, that the city continues to grow, and it does. However, I beg the indulgence of the chamber to very briefly tell my own personal story. When I was a young boy, at the age of seven, my parents bought their very first brick veneer and tile home; a very basic, three bedroom, one bathroom, 110 or 120 square metres, very small house out at Salisbury. At that stage it was the outer region of developing Adelaide.

There was little bit of development at Elizabeth with the Housing Trust and with Holdens and the like but, in terms of private housing, that was about as far as it went in practical terms, except for a few sporadic bursts here and there, in 1977. When this house was built there was nothing there, nothing. There was no bus service, there were no shops, there was no doctor, none of that infrastructure that we hear being spouted about as being so essential these days. In fact, right across the road—literally, directly across the street—there were massive almond orchards. There were acres and acres of almond orchards. There was nothing there whatsoever. It was what we might today call farmland.

Nonetheless, despite the infrastructure limitations, if I can put it that way, my parents made the deliberate and explicit decision to buy that property. Why did they buy it? There was only one reason. It was not the most desirable spot. It was not the spot that met all their needs in terms of having all these great services around it. It was not the spot that their friends even lived close by. They certainly did not work in the region. There was nothing in its favour, to be frank, other than one critical thing—they could afford it. They could afford to buy this house. They scraped, borrowed, begged and stole. They did everything they could to scrape—

The Hon. G.E. Gago: I am sure that is a metaphoric expression.

The Hon. D.G.E. HOOD: It is a metaphoric expression; the minister is quite right. I meant metaphorically, obviously. Don't people know that expression 'beg, borrow and steal'? I am using it in that context. They did not steal anything. Do not investigate that, police. Trust me.

The Hon. K.L. Vincent: It was a different time back then.

The Hon. D.G.E. HOOD: It was a different time, indeed it was, as the Hon. Ms Vincent says. Obviously, I am being metaphorical there. My point is that they did everything they could to scrape together the money to buy this very simple brick and tile house, but they got over the line. My dad

ended up borrowing $500 from his dad (my grandfather) because they did not have a deposit, but they got there.

My dad worked three jobs. He would go to work on Monday morning at 7 and he would come home on Tuesday night at about 6 o'clock. He did not go to bed on Monday night for about 10 years to pay for this house, but they could afford it and they could afford nothing else. They looked for years. They could afford nothing else, but there was this affordable new home by this company called Devon Homes, which members may remember; they have since wound up. My parents could afford this home.

My point is that they did not care that there was no infrastructure. They did not care that there was no doctor service or all this other stuff that people talk about. What they cared about was that they could afford a basic simple house to house their children and, ultimately, I think that is true of many families. Why would we deprive those families of that opportunity? That is why we do not support an urban growth boundary.

Houses will be cheaper on the fringe. That is the reality. They will be cheaper on the fringe and it gives the opportunity for young families in particular—not always, but it tends to be young families—the opportunity to buy a house of their own. It is a critical step on the ladder to prosperity and a good life, if I can put it that way. That is why we wholeheartedly support the Hon. Mr Ridgway's amendment and we will also support his amendment to clause 7.

The Hon. A.L. McLACHLAN: I have a question for the minister. The minister set out in her response to the opposition's amendment some indications of what the demand was by community members—those at retirement age and young ones—and the size of the houses that they might otherwise want and the land size. I ask her if she could advise the chamber of where that data or that understanding of market demand comes from or is based upon?

The Hon. G.E. GAGO: I am advised that the department runs a land supply monitoring program within the department. The details, I understand, are online. They report every six months and every two years there is an even more detailed body of work done and published.

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

The committee divided on the amendment:

Ayes 8
Noes 7
Majority 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Hood, D.G.E.	Lucas, R.I.	McLachlan, A.L.
Ridgway, D.W. (teller)	Wade, S.G.	

NOES

Franks, T.A.	Gago, G.E. (teller)	Kandelaars, G.A.
Maher, K.J.	Malinauskas, P.	Parnell, M.C.
Vincent, K.L.		

PAIRS

Lee, J.S.	Ngo, T.T.	Lensink, J.M.A.
Hunter, I.K.	Stephens, T.J.	Gazzola, J.M.

Amendment thus carried.

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

Amendment No 2 [Ridgway–1]—

Page 22, line 14—Delete subparagraph (ii)

Amendment No 3 [Ridgway–1]—

Page 22, lines 15 and 16—Delete ', other than Greater Adelaide'

These are amendments that we need to further implement the policy that the opposition is taking to remove the environment and food protection areas. It is interesting. I will just take a moment here. One of the issues that has concerned me with the whole map and the boundaries has been the lack of consultation. I only read a little bit of the information that the Light Regional Council has provided. I will read this letter rather than selectively quote from it, as follows:

Thank you for making contact…Council first became aware of this via the related article in the edition of *The Advertiser* dated 2 December 2015—

Consistent with the minister saying that they released the map on 30 November—

I appreciate that your enquiry relates to one aspect of the Planning, Development and Infrastructure Bill 2015 (hereafter 'the Bill') however the first point that I would make is that in Council's view there are sufficient issues with the proposed legislation that it is fundamentally flawed. Not all of these concerns have been addressed by the wide range of amendments during its passage in the Lower House. I am happy to elaborate on the views further if that would be of assistance, however I note that they have already been communicated to Shadow Minister Steven Griffiths previously.

As implied above, Council was not consulted about the release of the Map beforehand but it is noted that the Bill does not require that the Minister does this. The Map can simply be confirmed at the designated time via a Gazettal. A point that has been made in the Council's submission (via the LGA) on this noted how the proposals with respect to Clause 7 of the Bill are in stark contrast to the way that the Character Preservation Districts were introduced, which actually involved a collaborative community consultation process.

That said, the map you attached features an error in that Freeling is shown to be a part of the Barossa Character Preservation District, which is not the case.

Township boundaries for settlements in the Light Regional Council area (in this case Roseworthy, Freeling and Kapunda) were generally included in The 30 Year Plan for Greater Adelaide (the 30Yr Plan) volume of the South Australian Planning Strategy (the boundary now proposed for Wasleys however was not). When compared with the Map that has been released, the following is noted:

- The township boundary for Kapunda has been reduced through the exclusion of a part of the 'Township Fringe' Policy Area (within the Primary Production Zone) located on the eastern/south-eastern side of the township;
- The township boundary for Roseworthy has been reduced through the exclusion of the Bulk Handling Zone north of the township (as well as a significant reduction of the future urban growth area originally proposed on Map E6A of the 30Yr Plan, however this was expected based upon more recent interactions with State Government);
- There are other areas at Buchfelde and Kingsford that Council has identified previously in its Strategic Directions Report (Development Plan Review) for further investigation/consideration; and
- The Map could potentially be improved by excluding areas that are not associated with environment and/or food production (for instance the Recreation Zone, which accommodates the Gawler Aerodrome).

Before last week's release, Council was aware that the Department of Planning, Transport and Infrastructure (DPTI) had commenced a review of the 30Yr Plan as is required by the current Development Act. Public consultation has not yet taken place on this so an opportunity to contribute formally to this process has not been provided to date.

While the 30Yr Plan was released in February 2010, its township boundary alignments for Freeling and Kapunda actually date back to its predecessor, the Planning Strategy for the Outer Metropolitan Adelaide Region (2007). As these have not been reviewed and/or updated for some 8 years now, Council has recently been looking at spatial planning for Kapunda and Freeling in particular, and would have sought an opportunity to go through its proposals with respect to these areas with State Government as part of the review of the 30Yr Plan. This opportunity may now be lost given what may now occur via the Bill and its associated Map, which well 'set' these boundaries even more rigidly.

There are a few more paragraphs but I think that is the substance of the letter from the council. I make those comments again to reiterate the flawed process that has been gone through in relation to the formation of the environment and food production areas.

The Hon. M.C. PARNELL: In terms of process, I want to check what we are up to here because there are elements of clause 5 that survive the Liberal amendments. I am just checking the Hon. David Ridgway's amendments 2 and 3—

The Hon. D.W. Ridgway: Amendments 2 and 3 I have moved.

The Hon. M.C. PARNELL: You have moved. Yes, I have 2 and 3, but you have not yet moved 4.

The Hon. G.E. GAGO: The government opposes these amendments and we have already indicated our reasons for that.

The Hon. D.G.E. HOOD: Family First supports them and we have indicated our reasons why.

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

The Hon. M.C. PARNELL: Because it is the same issue that we have agitated because we support the urban growth boundary, we will be opposing these amendments.

Amendments carried.

The Hon. M.C. PARNELL: I move:

Amendment No 6 [Parnell–1]—

Page 22, after line 35—Insert:

(4a) The Minister must seek advice from the Commission under subsection (4)(a) before proceeding to give notice to a council under subsection (4)(b) and, in giving that notice, must furnish to the council a copy of the Commission's advice.

This amendment is still of value despite the amendments that have been moved.

The Hon. R.I. Lucas: When you say it is of value, you mean it has work to do.

The Hon. M.C. PARNELL: No, I think when the opposition hears a little bit about this amendment, they will realise that it is just eminently sensible, and I would be surprised if the government does not even support it. We have to remember that clause 5 deals with planning regions and Greater Adelaide. Greater Adelaide is now off the table, but the ability for the Governor to proclaim other planning regions is still alive. The question then becomes one of process about how the government goes about creating planning regions, and in particular who they need to talk to and who they need to consult.

The Local Government Association was keen to make sure that its key stakeholders were consulted about the proposed creation of planning regions before the proposal was passed. They have asked, and I have implemented their request through a recommendation, through an amendment, that the minister has to seek advice from the commission before proceeding to give notice to a council, and that when giving that notice they have to furnish the council with a copy of the commission's advice.

It is really a simple procedural matter to make sure that the local council has a copy of the commission's advice before the commencement of the consultation period. As I say, despite the fact that there will not be any consultation on the planning region known as Greater Adelaide, because that has now gone, there will be other planning regions, and it makes eminent sense to me that local councils that are directly affected should be consulted and that they should be provided with a copy of the planning commission's advice.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Mark Parnell's amendment. We do not see any reason why the minister should not ensure that local councils are given the commission's advice on these matters.

The Hon. G.E. GAGO: The government rises to oppose the amendment. We believe that it creates an unnecessarily convoluted process. It is sufficient that consultation is required with both the commission and the relevant councils for the minister to make a decision.

The Hon. D.G.E. HOOD: Yes, we also oppose.

The Hon. J.A. DARLEY: I will be supporting the Hon. Mark Parnell's amendment.

Amendment carried.

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

Amendment No 4 [Ridgway–1]—

Page 23, lines 8 and 9—Delete '(either for the purposes of constituting a planning region or Greater Adelaide)'

The Hon. G.E. Gago: It's consequential.

The Hon. D.W. RIDGWAY: It probably is but I am just moving it and we can make that judgement in a moment. It is part of the suite of amendments we have proposed to remove the urban growth boundary, environment and food production areas from the bill. I urge all members to support it.

Amendment carried; clause as amended passed.

Clause 6.

The Hon. M.C. PARNELL: I move:

Amendment No 7 [Parnell–1]—

Page 23, lines 19 and 20—Delete subclause (3) and substitute:

(3) The Minister must, before a notice is published under this section—

(a) seek the advice of the Commission; and

(b) give any council that will be directly affected notice of the Minister's proposed course of action and give consideration to any submission made by a council within a period (being at least 28 days) specified in the notice,

and the Minister may consult in relation to a proposed notice with any other person or body as the Minister thinks fit.

(3a) The Minister must seek the advice of the Commission under subsection (3)(a) before proceeding to give notice to a council under subsection (3)(b) and, in giving that notice, must furnish to the council a copy of the Commission's advice.

The Hon. D.G.E. HOOD: I thank the Hon. Mr Parnell for allowing me to speak prior to his explanation of his amendment. I have a question for the minister on clause 6(3), which reads:

The Minister must, before a notice is published under this section, seek the advice of the Commission.

My simple question to the minister is: what if they disagree? What if the commission and the minister have a point of disagreement on something as significant as this? What is the process? What happens next?

The Hon. G.E. GAGO: It is really the same with any advisory board or body, the board can give advice and then it is at the minister's will or discretion as to what they do with that advice. The fact that it is publicly available—not necessarily.

The Hon. D.G.E. Hood: Yes, because it has to be published.

The Hon. G.E. GAGO: Published. Anyway, that does not alter the answer to the question. It is the same governance arrangements as with any advisory board, or most other advisory boards, it is at the discretion of the minister to do with that advice as they see fit. Often the advice given is not the only piece of information that a minister might use to proceed to make a formal response to that.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Mark Parnell's amendment, for the same reasons that we supported the previous amendment: it makes sense to make that advice available to the council so that it can be fully informed. So, we support the amendment.

The Hon. G.E. GAGO: The government opposes this amendment; it is basically consequential. We will not be calling a division.

The Hon. M.C. PARNELL: I do not need to speak to this amendment at any length. It really is the same amendment as the one the committee has just supported in relation to the creation of planning regions, but it applies the same logic to the creation of planning subregions and says that local councils should be consulted and need to receive the advice from the commission. I am pleased that the previous amendment passed, and I expect this one to have the same result.

Amendment carried; clause as amended passed.

Clause 7.

The Hon. G.E. GAGO: I have been advised that it would make more sense and flow better if we dealt with the opposition's amendment No. 5 first. I am advised that this next series of government amendments is really consequential to the last decision made that we lost, so there really is no point my moving them.

The Hon. M.C. PARNELL: I also had an amendment to clause 7, but certainly I understand what the minister is saying, that if the urban growth boundary is gone then tinkering with clause 7 probably does not achieve a great deal to tidy it up and then throw out the whole thing. I understand the logic.

I want to make a couple of observations on this. One of the problems with some of the generic discussion around the urban growth boundary is that people are assuming that it is a line beyond which nothing can happen, and that is not what the urban growth boundary was designed to do. Whilst this clause might not survive this committee at this time, I expect that it is something we can come back and revisit between the houses, next year or whenever.

I make the point that the main work this clause does in relation to restricting future development in the environment and food production areas is in relation to subdivisions. The operative provisions are in subclause (3), which basically says that you cannot divide land and create additional allotments. The general word we use for that is 'subdivisions'—taking a block of land and carving it up into smaller blocks of land.

The minister made the point some time ago (I think in response to a question the Hon. Dennis Hood asked) that often these farming properties are on multiple titles and that the ability to build extra dwellings on these separate titles is not constrained. What you cannot do is divide those titles into smaller and smaller blocks. If we come back to reconsider it, we need to keep in perspective that it is not a line beyond which nothing can happen but a line beyond which housing subdivisions cannot occur.

Another point that I think, again, the Hon. Dennis Hood made, and it is a very reasonable point, goes to the way farming families often operate; that is, it might be a couple, for example, who farm, and they get older and they want to pass the farm on to their kids and want to live on the property still, so I guess the idea of the farmer granny flat comes into it. My understanding is that I do not think it is necessarily easy, but it is not impossible, to create extra dwellings on a single allotment. As long as you do not subdivide the allotment, you can often put that extra dwelling on it, but it stays on the same certificate of title.

The other point I make is that the planning system deals with the use of land; it does not dictate who at any point in time can occupy land. It might seem, in the Hon. Dennis Hood's words, a very reasonable thing to do, to allow a portion to be carved off and for ageing parents to live on it, but ageing parents eventually die and eventually the land gets sold off to unrelated parties. Whilst it is not a broadacre subdivision along the lines of Senator Bob Day's enterprise—it might just be the creation of a single extra allotment—it does not guarantee that it stays in the family. You can have slow subdivision by stealth if you allow separate allotments to be created on these farms.

I make that point, and I appreciate that the numbers are not here today for this to survive, but I do expect it will come back. Part of my criticism of the government proceeding with the bill in the haste that it has is that it may well have had a different outcome if we had had a bit longer to consider it. It may have been that some form of urban growth boundary might have survived in a modified form, but again we will wait and see until February whether it lives to fight another day.

The Hon. J.A. DARLEY: Could I ask the minister to clarify a point she made in answer to a question from the Hon. Dennis Hood in respect of farms consisting of allotments, sections and titles and there being no problem in being able to put a house on one of those allotments. My understanding is that there is a problem there, particularly if the allotment does not conform to the minimum allotment size stipulated by the council.

The Hon. G.E. GAGO: I think the honourable member is referring to the question asked previously by the Hon. Dennis Hood in relation to building more than one dwelling on a parcel of land that is used for agricultural purposes. My response was that, technically, that is absolutely right: you can only build one dwelling for one lot, roughly. There is some variation between councils, but that is probably a general rule of thumb.

I was saying that, for many farmers at least, those who have been planning to build more than one dwelling are people who generally have more than one allotment. Their parcel of land consists of more than one lot; therefore, they are generally able to build more than one dwelling. That is not always the case, but it is generally the case, and there is also considerable variation from council zone to zone.

The Hon. J.A. DARLEY: With respect, my understanding is that, unless the allotment conforms to the minimum allotment size stipulated by the council, you cannot build a house on it. In the Barossa, I think the figure is either 66 hectares or 100 hectares.

The Hon. G.E. Gago: Yes, that's true.

Clause negatived.

Clauses 8 to 10 passed.

Clause 11.

The Hon. M.C. PARNELL: I move:

Amendment No 9 [Parnell—1]

Page 26, after line 15—Insert:

(iia) the *Adelaide Park Lands Act 2005*;

Clause 11 of the bill deals with the recognition of special legislative schemes, and special legislative schemes are defined as one of six things. First, we have got character preservation laws. Basically, I think there are two of those, Barossa Valley and McLaren Vale, as I understand it. Then there are four acts that are named—the River Murray Act, the Adelaide Dolphin Sanctuary Act, the Marine Parks Act and the Arkaroola Protection Act. The clause then goes on to say that additional special legislative schemes can arise from any other act that is declared by that act to be a special legislative scheme or declared by regulations to be a special legislative scheme.

It might seem to people that this is not terribly consequential but it is actually quite fundamental to the future of development in the Adelaide Parklands, and I just need to explain why that is because my amendment is to add an additional act of parliament as a special legislative scheme, that act being the Adelaide Park Lands Act 2005. The 2005 act, as members might recall, was basically designed to set up a regime for making decisions about how the Adelaide Parklands are managed and the way development is to be controlled within the Adelaide Parklands.

I actually spoke about this during a matter of interest speech on 29 July this year. That was a speech that I made concerning the Park Lands Zone development plan amendment, which members might recall covered a range of potential issues, not the least of which was the O-Bahn extension as it touches on the Parklands. I made the point in opposing that development plan amendment that it was a cynical and sneaky method of undermining the intent of the 2005 act. I was not Robinson Crusoe in that regard, because 168 persons and organisations took the trouble to write submissions to the Development Policy Advisory Committee and every one of them was against the government's proposed Park Lands Zone development plan amendment.

One of the common objections to that DPA was that it undermined the Adelaide Park Lands Act. It did that in a couple of ways, but one of the things the DPA allowed was for infrastructure projects to be approved in the Parklands without going through public consultation. I said that that

was against the intent of the 2005 act. The 2005 act included two very important provisions that amended the Development Act, and those two provisions, if we are going to be true to the 2005 act, should really be incorporated into this current bill, and I will just explain what the two provisions are.

First, in 2005, this parliament agreed that major project status should not apply to any developments in the Parklands. It is called major projects or major development status, which is used for a whole range of projects. It does not exist in this act under that name. It is not called major developments or major projects anymore. It is now called impact assessed development. The parliament back in 2005 said that, because major project status can be used to by-pass community opposition and was unappealable and unchallengeable in the courts, this parliament was not prepared to allow that fast-tracking or shortcutting method to apply to any development in the Parklands. They wrote that into the 2005 act. The 2005 act amended the Development Act, so that provision, which precludes that tool being used, should now find its way into this bill but it is not here. It is not in section 124. In fact, it is nowhere to be seen.

The second thing that the 2005 act did is that it said, 'There is another sneaky tool available to government that we are not going to allow to be used in the Parklands,' and that is—and I have referred to it before—the crown development stream, that stream for development assessment that applies to government projects, largely infrastructure projects. The parliament in 2005 said, 'We do not want this crown development process to be used in the Parklands because that, too, removes the rights for citizens to have their say and it provides for no meaningful public consultation.' The final decision is made by the minister, for goodness sake, not by any other planning authority.

These two important protections were built into the 1993 Development Act as a consequence of the 2005 Adelaide Park Lands Act. There are two approaches that we could take here: one is that we could amend clause 102 in relation to 'impact assessed development'; and clause 124 'essential infrastructure' which is the old crown development provision. So they are the two clauses—102 and 124. Ideally we would amend those clauses and we would insert a reference to the Adelaide Park Lands Act.

But there is another way of doing it and that is the way that I have proposed in this amendment, and that is, if we add the Adelaide Park Lands Act 2005 to the list of special legislative schemes, then it triggers another clause in this bill. It triggers clause 60 of the bill which requires the planning commission to prepare a state planning policy to give effect to the provisions of the act. In other words, it is a roundabout way of amending this current bill before us to make sure that the government puts in place measures—in this case, a state planning policy—that prevent future governments from using these fast-track methods to allow development in the Parklands.

I have done my best to try to explain why it is important. If you want a colloquial example, anyone who has expressed concerns about the O-Bahn project, for example, and the fact that the government is developing in the Parklands without going through proper consultation under the Development Act, if you think that that is a bad outcome, it is worse under this bill if you do not support my amendment. Anyone who has ever raised criticisms about projects and developments that the government wants to build in the Parklands—and when we discussed that DPA it included things like, I think, sewage works; I think a nuclear power plant, if it was legal in South Australia, which it is not, could be built in the Parklands under that DPA, and all manner of public infrastructure without going through proper consultation.

If you think the Parklands are worth protecting and you want to stop the government using fast-track sneaky methods to build on the Parklands, then you need to support this amendment. If you want to be doubly sure, then we could move additional amendments to clauses 102 and 124 when we get to them and that would put it beyond doubt. To make it really clear, legislative protection for the Parklands that exists in the current 1993 Development Act is removed in this bill. My amendment is an attempt to reinstate that protection for the Parklands.

The Hon. G.E. GAGO: The government rises to oppose this amendment. We believe that these matters are much better dealt with by regulation.

The Hon. D.G.E. HOOD: I think one of the great things about being an MP is that we used to be able to travel and see the world, and now of course we do not have a travel allowance, so that those things have changed. Members who have had the opportunity to travel—

The Hon. D.W. Ridgway: Stick to the bill, Mr Hood.

The Hon. D.G.E. HOOD: I am sort of incorporating another crucial issue, Mr Chairman. Members who have had the opportunity to travel would have been to places like New York presumably, and Paris, and some of the great cities of the world, and what I have noticed in the great parks they have in these wonderful cities is that they are full of development. They are full of cafes, restaurants and, in some cases, ice skating rinks. They are full of terrific things that attract families and people.

An honourable member interjecting:

The Hon. D.G.E. HOOD: Amenities, that is right; toilets even. I understand there is passion about this and I respect that there are different views but this is my view; this is our party's view. There is an opportunity to do wonderful things in the Parklands. I think the original vision for Adelaide was a truly wonderful vision. Colonel Light's vision of having a city surrounded by parks I think today, all these years later—approaching 200 years later—stands up as one of the great planning decisions that has almost ever been. It really is a wonderful thing.

Certainly I do not think anyone is going to argue for a nuclear waste dump in the Parklands. If you did that it would be stupidity in my view, but what is wrong with having cafes and restaurants, etc., in the Parklands? I say, 'Nothing.' Again, I appreciate that there will be different views on that, but that is very much our view.

I make the other point, and I think this is particularly relevant, that if I was arguing for self-interest here I would probably argue against having development in the Parklands. As members know, I live in North Adelaide and there is only one suburb in Adelaide that is surrounded by the Parklands and that is North Adelaide. As a result of that, they are closest to people who live in the area that I live just by geographical fact. For my self-interest I would argue against any development there, but I think it is in the interests of our state and in the interests of our city to develop what are these wonderful great open spaces that people can really enjoy.

Unfortunately, my experience in the Parklands, when I go there, is that there is nothing there. There is basically nothing there and I think because of that they are underutilised. I am not saying to overdevelop them but certainly I think there is an opportunity to make the most of them, and that is very much our view.

The Hon. M.C. PARNELL: I thank the Hon. Dennis Hood for his response. I agree with most of what he said. I think there are great things that we can do in the Parklands to make them more attractive for people. However, what I am going to insist upon, I have to say, as a citizen, is that the government follows the processes set out in the legislation—and I include in that the legislation from 2005, which does not say that nothing can happen in the Parklands; it says that it has to go through a proper process, including public consultation, and that these developments cannot be fast-tracked in a way that no-one can really object or challenge them.

I think the Parklands are so important that, even if the Hon. Dennis Hood and I agree that certain infrastructure development might be a great idea, I want to insist on the public having a say. If that includes running the gamut of public comment and debate and challenge or whatever, so be it. If it is a meritorious project then it should get up. What I am not prepared to countenance is the fact that the government can use sneaky, backdoor methods to approve development in the Parklands which, the way the government is currently approaching it, they are category 1 which means no consultation, no right to lodge a comment and no right to challenge.

I do not have to be that far apart from the Hon. Dennis Hood—we want to see the Parklands developed in a way that benefits all South Australians, but I do not think we need to endorse sneaky, backdoor methods of doing it. The protections put in place in 2005 were put in place for a reason: they amended the Development Act and I would like them to amend this act as well.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition will be supporting the Hon. Mark Parnell's amendment for the very similar reasons that have been outlined. My recollection of the 2005 debate was that we supported aspects of it and that we have also seen development. The O-Bahn tunnel is a classic one where we have seen various iterations of the O-Bahn proposal to save just a handful of minutes coming right through the Parklands when there have been other

options suggested by members of the public. I am on a select committee that is looking into that and we have asked for advice and asked what other alternative routes has the government looked at, and it has not yet been able to give us an answer.

Like the Hon. Dennis Hood and the Hon. Mark Parnell, I think the Parklands should have some more development but it is everybody's park and it does need to go through a process of proper consultation, especially with things like cafes and some of the smaller amenities that may be excluded when they will be there for everybody's benefit. Some mornings I walk to work and I very much enjoy my wander through the Parklands. Some mornings I wish there were a couple more toilets in the Parklands, a little closer than where they are, and also disabled or wheelchair access toilets for the Hon. Kelly Vincent. Nonetheless, the Liberal Party has resolved to support the Hon. Mark Parnell's amendments and we do so this evening.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Hon. Mark Parnell's amendment.

The Hon. R.I. LUCAS: Can I just clarify with the government: what was the government's position in relation to 2005 and the Adelaide Parklands protection legislation? I am just not clear. What is the government's current position, given that they are opposing these amendments, in terms of the protection of the Parklands?

The Hon. G.E. GAGO: I will need to check the details of 2005. We believe our position was supported, but we will have to check the detail.

The Hon. D.W. Ridgway: It was an election commitment from premier Rann.

The Hon. G.E. GAGO: Yes, but I just cannot remember the level of integrity of what ended up going through and how close it was to what we supported. I would have to take that on notice. In terms of what our position is in relation to the Parklands, the current Parklands legislation remains unchanged and in place. These are planning issues that we think are quite separate to that, but we are not proposing any changes to the Parklands legislation.

The Hon. M.C. PARNELL: I take the minister's point that the Parklands act of 2005 will remain, but those provisions that amended the Development Act disappear when the Development Act disappears. My point is that I want to try to reinstate them. If the Parklands were worth protecting in 2005, they are certainly worth protecting in 2015.

I am not suggesting that somehow this repeals the Parklands act: it does not do that. What it does is effectively extinguishes two of the most important provisions which were those protection measures that I put in. They were consequential amendments to the Development Act included in the 2005 Adelaide Park Lands Act. The act will remain but these provisions will effectively become redundant because the act that they amend is going to be repealed by this bill.

The Hon. R.I. LUCAS: The Hon. Mr Parnell has raised the O-Bahn but what about the permanent facility in the Victoria Park racecourse—the grandstand—and developments at the existing Royal Adelaide site and the Festival Plaza or the Walker Corporation site? Clearly Victoria Park is Parklands, I assume, and therefore would be subject to the sort of amendments the Hon. Mr Parnell is talking about, but are the issues that relate to developments at the existing Royal Adelaide site and the Walker Corporation and the Riverbank Precinct impacted by the amendments of the Hon. Mr Parnell?

The Hon. M.C. PARNELL: Certainly something like Victoria Park is pretty clear. If this bill had been in place when the Hon. Kevin Foley was trying to build his grandstand, I do not think he would have been able to be stymied the way he was. I think he would have got that through because the protections would have disappeared.

The Riverbank Precinct and the footbridge, for example, were under a slightly different regime because, having had these two fast-track backdoor methods taken away from them, the government has actually found a third one. They have found another way of doing it, and they are doing it through development plan amendments. They are changing the planning rules to bypass the act.

My memory is that it might have been the Hon. Michelle Lensink who originally, in relation to the footbridge, tried to move to disallow regulations. The government came back with a development plan amendment that we cannot disallow. We will come back to that conversation later, because I am very keen for this parliament to be able to directly disallow the new versions of DPAs. I think the Riverbank is slightly different because the government found another backdoor method of dealing with that.

The Hon. R.I. Lucas: And that includes the Walker Corporation building?

The Hon. M.C. PARNELL: Sorry, the Walker Corporation—I am just trying to think. I cannot recall the exact boundaries of the Riverbank Precinct DPA. It certainly covered the footbridge, and I think it covered some of the Festival Centre redevelopment, because it had a reference to offices in there. A few of us raised concerns about whether that meant office towers, and the government assured us that it just meant offices in the Festival Centre that I think needed to be relocated as result of the redevelopment.

I do not have the full detail in front of me as to whether this impacts directly on the Walker Corporation plan; it may well. However, from a generic point of view what I am saying is that those two fast-track techniques should be removed, and this is my best effort to do it, apart from amending those two clauses to which I referred before. That would be the cleanest and clearest way of doing it but—

The Hon. R.I. Lucas: And the existing Royal Adelaide site?

The Hon. M.C. PARNELL: The existing Royal Adelaide site is technically Parklands, from memory. I think it is in the institutional zone. I do not have an answer about whether major project status or crown development status would apply to that land; I would have to check that out.

The Hon. R.I. LUCAS: There appears to be some chance that these amendments will survive the debate this week, and I accept the fact that the Hon. Mr Parnell cannot be the fount of all wisdom in relation to all these planning issues during the committee stage this evening, but I would be interested to know the impact of his amendments, should they survive the parliamentary debate on development such as the existing Royal Adelaide site and the Walker Corporation development, for example, in relation to this particular site. As the honourable member concedes, there is that argument that these are all parts of the Parklands, although many of us would see the Parklands as being different to the Riverbank site around here, for example.

However, they are technical descriptions of what the Parklands are, and I guess not all of us are fully aware of exactly what is included within the Parklands when we get into the more built-up areas, as I will refer to them, such as the Festival Centre, behind the Casino here, and the Royal Adelaide site, as opposed to the areas that the Hon. Mr Parnell is talking about and the Victoria Park Racecourse, which everyone concedes are clearly Adelaide Parklands. So, as I said, whilst it is likely to survive the debate this week, if the debate is sensibly adjourned until February next year I think it would be useful to clarify the impact of the Hon. Mr Parnell's amendments on some of those issues.

The Hon. G.E. GAGO: I might be able to shine some light on this. In relation to the Adelaide site, and it also includes the Royal Adelaide—

The Hon. D.W. Ridgway: The old one or the new one?

The Hon. G.E. GAGO: I think both, and including the Casino but obviously not Adelaide Oval, they are all zoned as institutional zoning, and the advice I have received is that major developments and crown developments can be declared for those areas that are zoned institutional.

The Hon. K.L. VINCENT: I sort of feel that the moment has passed, but I indicate that Dignity for Disability will also be supporting the Hon. Mr Parnell's amendment. As he said, this is clearly about trying to strike a balance. I do not think he is trying to suggest that no development whatsoever can happen in the Parklands but, given that it is an area of Adelaide steeped in a lot of tradition and has various interest groups looking after it, so to speak, it makes sense to ask the public what should happen to it.

I also take some umbrage with the Hon. Mr Ridgway's suggestion that my key interest would be to see more accessible toilets in the Parklands. Of course I would welcome that suggestion, but I

take umbrage with it for two reasons: first, he seems to be suggesting that I am a sort of oracle of all disability, the only user of these toilets; and secondly, that they are my only interest. I for one would also like to see more cafes.

Thinking about my other interests—it might surprise the Hon. Mr Ridgway that I do have more—perhaps we could even put some temporary staging in the Parklands to allow for public performances and things like that. I think there are many areas where the Parklands could be more utilised, but I think it has to be done in a way that is respectful both to the heritage of the area and to the opinion of the general populace.

I think we have to strike a balance given that on the one hand we want to activate these spaces and make them vibrant—to borrow those words from the Adelaide City Council—but, on the other hand, we are also learning more and more about the need to balance time and nature, so we need to strike an elegant balance. Call me crazy, but I think the right way to do that is by asking the people of South Australia what they think; so we will support the amendment.

The Hon. G.E. GAGO: I want to just clarify the record. My trusty adviser has double-checked, triple-checked, so I will need to correct the record. In relation to Parklands, no major developments can be declared in any Parklands, including institutional zones. It is crown developments that can be declared in institutional zones.

The Hon. D.W. RIDGWAY: I want to offer an apology to the Hon. Kelly Vincent. I was speaking about the times when I am walking through the Parkland and wishing there were more toilets, and I heard you make a comment so I just assumed that you were adding to the idea. I did not mean to suggest that that was the only interest you had, but that was the way I heard some brief comment in my ear. So I do apologise if I have caused you any offence, unintentionally. I do have a question for the minister, just for my own clarification, about the institutional zone. My recollection is that it is from the western end of the Botanic Gardens. Where does it end? Does it end at the old police barracks, running right through past the new Royal Adelaide Hospital, and does it run down to the water's edge of the Torrens?

The Hon. G.E. GAGO: Can we just take that on notice and we will get the exact details. It is Government House, Riverbank, the old hospital site and the uni.

The Hon. D.W. RIDGWAY: What about the Library, the Museum and all that stuff? That is all part of it?

The Hon. G.E. GAGO: We will get you a map. We will get you a nice big coloured map.

The Hon. P. MALINAUSKAS: I just want to ask a question of the Hon. Mr Parnell. Notwithstanding your remark that the objective of your amendment is to permanently preclude any development on the Parklands, I would simply like to know: if your amendment was successful, would it make it more or less likely for governments in the future to be able to put developments on the Parklands?

The Hon. M.C. PARNELL: I thank the honourable member for weighing into the debate on this bill. My intention is not to promote or discourage any particular form of development on the Parklands. I have said that I am up for appropriate development of the Parklands that adds to their character as a—

The Hon. G.E. Gago: This doesn't include anything.

The Hon. M.C. PARNELL: Well, no, what—

The Hon. G.E. Gago: Nothing meets your criteria, that's the problem. It's a complete no-go zone. Nothing happens.

The Hon. M.C. PARNELL: No; I think people are over-egging the pudding here big time. We have to remember that the 2005 act did lots of good things. It created a management authority. It created the mechanism for how the Parklands would be managed and decisions would be made. Does my amendment mean that there will be more or less development in the Parklands? Does it make it easier or harder?

I do not think, with all respect, that that is the question because my amendment only relates to the process that needs to be gone through in relation to whether a development can be approved or not. You can still put applications in for cafes. You could still put applications in for power stations or whatever else, but under the 2005 act they have to go through the normal planning process. Most of those big developments are noncomplying. Small cafes, toilets blocks and things like that are not. They can just go through. There is no great drama over those, but certainly everything that is big has to go through a proper process, including public consultation.

My point is that the government has wound back the protection already and they are proposing to wind it back even more in this bill. My bill does no more than attempt to reinstate some of the protections. In fact, it is not even that, to be honest, because all I am doing is adding to that list of special legislative schemes this act, which requires the state government to prepare a state planning strategy to give effect to it.

When they do that job, when they start writing that state planning strategy, they will see that there are certain minimum processes that have to be gone through before development can be approved in the Parklands. They will then construct the planning and design code accordingly. If the government still wants to do a shifty, they can, even with my amendment. I am just trying to make it harder for them to make really bad decisions in the future.

The Hon. G.E. Gago: Make it harder for government to govern.

The Hon. M.C. PARNELL: No, making it harder for the government to undermine the intention of this parliament as reflected in the 2005 act. If this parliament, in its wisdom, decides that the Parklands no longer need any level of protection and they are happy to have open slather, any development being put forward by the government with no public consultation and no right of comment, then you are welcome to do that.

You will have people out in the streets. The Parklands are important and people expect proper process to be followed, including consultation rights. That is what the government has been removing. I am making an attempt to try to claw back some of that protection. Members have spoken; I think this amendment seems to have the support of the council and I would love that to be reflected in a vote shortly.

The Hon. D.G.E. HOOD: I have a question for the minister, if I may. Just a point of clarity—I don't want to prolong this debate, because as the Hon. Mark Parnell has indicated, we have been talking about it for a little while now and it is probably time to wind it up. First of all, for the record, it seems that two government members here have expressed some interest in developing a cafe or something of that nature in the Parklands.

The Hon. G.E. Gago: I want the loos fixed!

The Hon. D.G.E. HOOD: Hear, hear to that. I would certainly agree with that, minister.

The Hon. G.E. Gago: And a cup of tea.

The Hon. D.G.E. HOOD: And a cup of tea—I would agree to that as well, minister. I just say on the record that if the government is looking at some sort of appropriate cafe, restaurant type thing in the Parklands, you would certainly have Family First support. But, that issue aside, I wonder if the minister would just for the record please, and for my understanding I must confess, outline the difference between—we have heard these terms thrown around a lot—the so-called institutional zones and crown zones. What precisely is the difference? That I think is critical in this debate.

The Hon. G.E. GAGO: It is really a three-gear approach to assessment pathways. One is through the traditional planning process—first gear. Second gear is major projects, which is faster tracking than the ordinary planning process, where the government declares a particular project to be a major project of some sort of reasonable significance and it bypasses the council planning processes but is required to have an EIS. Crown projects are third gear; they do not require an EIS. It is usually used for government's own infrastructure, but does not have to be, and it is an even faster and simpler process again.

The Hon. D.G.E. HOOD: Thank you, minister. Why don't you give an example of perhaps a recent crown development? It has been suggested to me that the footbridge might have been one. I am not sure, but—

The Hon. G.E. Gago: No.

The Hon. D.G.E. HOOD: No? Okay.

The Hon. G.E. Gago: They are fairly rare, but one will come to mind and I will share that with you as soon as I can.

The Hon. D.W. RIDGWAY: Hon. Mr Chair, I do not want to be pedantic but the minister should be addressing this on her feet, I assume, rather than just chatting from her seat.

The Hon. G.E. GAGO: I will take it on notice and bring back a response.

The Hon. R.I. LUCAS: I want to clarify the minister's answers to my earlier questions and some of the other members' earlier questions. The minister outlined earlier in response to some questions about the institutional zone and what applied within the institutional zone which covered the existing Royal Adelaide Hospital site and the Walker Corporation site here. Is the minister suggesting that the Hon. Mr Parnell's amendments would impact in any way on those? I understood what the minister was saying was because it was institutional it was unaffected or not likely to be impacted by the Hon. Mr Parnell's amendments. Is that a correct interpretation?

The Hon. G.E. GAGO: Yes, that is my understanding.

Amendment carried; clause as amended passed.

Clause 12.

The Hon. K.L. VINCENT: Firstly I apologise to members that they only got this version of my amendments relatively recently but my office has been in negotiations with the government about the particulars of these amendments for a couple of days now and I have only just been able to reach a compromise in recent hours.

As members would be keenly aware, I would hope from my second reading to this bill, Dignity for Disability is quite concerned about the lack of consideration of universal design currently in this bill and sees this as a great opportunity to insert consideration of universal design and thus make future building projects accessible for the lifecycle of a venue, whatever it may be, be it a house or an oval or another public venue, for example.

We would like to move forward with these amendments. I will briefly explain the difference between these amendments and the ones that I had filed previously. They are in some regard quite technical and minor differences in the context of things. I understand that the advice of the planning minister in the other place was that the wording of my previous iteration of these amendments was too forceful, I suppose you could say, and he was getting some lobbying from particular bodies to say that incorporating universal design would be too expensive.

I will deal with that assertion in just a moment. For now, I do not think the previous wording of our amendment was particularly forceful at all. From memory it talked about the fact that government should—and I emphasise that word 'should'—implement universal design in planning, but nonetheless we have had to reach this compromise which the government is willing to accept, and I thank them for that.

Can I say, though, that I am disappointed to see the planning minister and the government cower to lobbying, the idea that our previous amendments would have resulted in too much expense. I touched on this at length in my second reading but I will do so again shortly. Can I touch on the fact that we have fought very hard to keep at least two mentions of the wording 'universal design' in the amendments.

Some you will notice like the first one which talks about 'liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations and reflect the diversity of the state's communities,' that is incorporating people with disabilities, older people, people with

temporary injuries and so on without necessarily talking about universal design as terminology. However, later amendments talk about universal design including [Vincent-2] 2:

, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities.

And on it goes. I want to touch for a minute on why Dignity for Disability believes it is very important to always keep a couple of mentions of the specific terminology of universal design in the bill. Rather than rely on my old noggin to explain why, I thought I would quote some research. I found a very useful universal design fact sheet from the Victorian government department of sport and recreation, and I would like to quote from this passage:

How is this—

'this' being universal design—

different to accessible design?

'Access' and 'accessibility' is largely concerned with fulfilling a set of measurable requirements (technical notes and specifications) as prescribed in legislative requirements such as the Building Code of Australia and other relevant standards. This often results in 'accessible' features being incorporated as afterthoughts, and commonly relies on specialised features to fulfil legislative requirements such as lifts and ramps. Mechanical features such as lifts can break down, and a dependence on these can render an entire building inaccessible to sections of the community.

Universal Design separates itself from accessible design by focusing on user-centred design from the earliest stages of a project, rather than just at the end stage. This results in the seamless integration of inclusive features that are in many cases invisible and does not stigmatise or separate users, and ensures that the experience of a building is shared by as many people as possible.

To put it in a nutshell, 'accessible' is the things we do afterwards. They are the tangible things that we can measure—for example, somebody has put a ramp over step—whereas universal design is about the fact that there was never a step there in the first place: the entrance was flat and the door was wide so that anyone with a disability or an elderly person, or anyone less mobile due to any kind of impairment, would have been able to use it from the get-go rather than having to fight for access as an afterthought. That is where the idea of accessibility differs from universal design and why Dignity for Disability thinks that universal design is the standard that we as a parliament and we as a community should be aiming for.

I will touch, though, on the fact that the planning minister in the other place and, I believe, some other members as well have indicated that they have been lobbied by particular organisations suggesting that universal design will cost too much. I made a significant contribution about this issue in my second reading speech to the bill and tried to debunk that myth and encourage the parliament to look at the life cycle and the lifetime of the building and to look at universal design as an investment in that lifetime.

The more accessible or the more universally designed a building is, the more likely it is to be used for longer periods of time because it can be used by greater numbers of people. This is particularly important as the population ages, which we know is happening at at least three times the rate at which the population is growing. Again, I would like to quote from this very handy fact sheet from the Victorian government.

I must say, as an aside, that quite often, and more often than not, when I am looking for these kinds of facts on health and disability-related matters, the Victorian government is always the first government to pop up on my Google. It would be great to see the South Australian government investing in more of this research, but perhaps that is neither here nor there for the moment. I will return to quoting this fact sheet. The heading is, 'How much will universal design add to the cost of my project?' The fact sheet continues:

In most cases Universal Design will not add any additional costs to a project. In fact, applying Universal Design principles can often save costs, particularly in the long run, by lessening the dependence on mechanical features that require maintenance such as lifts, or retrofitting features to comply with legislation.

In addition, Universal Design can often increase revenue and financial viability at a facility by catering for a broader cross-section of the community, thereby increasing patronage.

Which is exactly what I talked about at some length in my second reading contribution, that if you make venues accessible then people with those needs will come to that venue and spend their money.

I also want to quote from another report. I have a few more quotes. I hope members will bear with me, but I think it is important to get this issue about cost on the record, seeing as particular lobby bodies seem to have gotten in the ear of some members. This one is from the Australian Network for Universal Housing Design. The report is called, 'Universal Design: A lifecycle approach to sustainable housing design'. The report mentions the experience of several countries which have embraced the use of universal design, or at least embraced it a lot more than we have in dear old South Australia. Just bear with me while I find the appropriate page. I am working off several reports. This particular paragraph talks about the experience of the United Kingdom. It states:

> United Kingdom: A proactive approach to 'Lifetime' homes.
>
> In England, the recent 1999 revision of Part M of the Building Regulations, introduced a mandatory requirement for all housing to incorporate basic 'visitability' requirements to improve the lifecycle sustainability of traditional housing.
>
> The universal housing provisions called up in Part M seek to ensure new dwellings are sensitive to the needs of all potential homeowners. The Part M provisions are designed to support home owners to:
>
> 1. approach and gain access into a home dwelling
> 2. achieve circulation within the entrance storey of the development
> 3. easily access switches and socket outlets in the dwelling
> 4. have access to passenger lifts and common stairs in blocks of flats
> 5. have access to a visitable WC in the entrance storey of the dwelling.
>
> A recent review of the impact of Part M in housing indicates that while industry opposed the original 'visitability' requirements, overall the design changes have enhanced the market appeal of housing developments. Builders and developers concede that whilst there was an increase in costs to develop housing to the Part M criteria, overall the market appeal offset costs.

That quote, I think, clearly illustrates that even when there is an additional cost due to universal design, it is an investment that is far outweighed by the benefits, the increased useability and, therefore, the increased lifetime of the venue. Of course, the provisions in this particular bill will not apply to private dwellings. I would love to see more people considering applying universal principles to their private dwellings, but I think the same, as shown in that report, would be easily applicable to the public realm.

Finally, I would like to read to members one other very brief section from a report which I already quoted in part during my second reading contribution to the bill; that is, the report from the Department of Foreign Affairs and Trade (DFAT), the Accessibility Design Guide. I read some of this in my second reading contribution, as I said, but given that we are still having an argument about cost I think it is important to get these issues on the record again and get some new points on the record as well. This quote is from section 3.5 of the Accessibility Design Guide. Section 3.5 is entitled, 'The cost of incorporating universal design'. It states:

> Universal design is not as costly as many might think, especially when accessibility is addressed during planning and construction. Some developers and owners assume costs are larger than they are. This can be due to lack of knowledge and experience. Others rely on inaccurate construction cost estimates.
>
> Some studies conclude that costs for accommodating accessibility regulations are small in relation to gross domestic product (as low as 0.01 per cent).

I will repeat that for emphasis, 'as low as 0.01 per cent'. It continues:

> A study commissioned by the GTZ—

which is a German institute (the name of which I cannot pronounce, but I am happy to give to Hansard later)—

The Hon. S.G. Wade interjecting:

The Hon. K.L. VINCENT: The Hon. Mr Wade will be happy to know that I am working on my German, having now adopted a German grandmother from my partner Nick, but I have not quite got to the point where I can pronounce this five-word name, so forgive me, but I will refer to it as the GTZ. It states:

> A study commissioned by [the GTZ] outlines some cost estimates for incorporating universal design. Providing fully accessible facilities increases building costs by as little as 0.5% to1%, if planned, designed and implemented from the outset. Handicap International estimates that this is the case for new buildings or facilities, and that additional costs are as little as 1% to 2% for public buildings. Even refurbishment costs can be significantly reduced when adaptations are properly planned and managed. The cost of retrofitting for accessibility after building completion is far greater.
>
> Another misconception relating to the cost of incorporating universal design is how much extra space is required. In many cases, it may only require rearranging and plan within existing space. This was demonstrated in an AusAID-funded project in Port Moresby, Papua New Guinea. At the Elementary Teachers Training College the wheelchair accessible toilet and shower room doubled as a night bathroom in the dormitory blocks, saving people having to go outside the main dormitory building at night.

I will briefly read from a couple of other sections:

> 3.6 Cost of not incorporating universal design
>
> The cost of not implementing universal design can be significant. Inaccessible environments limit economic, education, health, social and other opportunities for people with disabilities and make them more dependent on others.

I read that as 'make them more expensive because they could then rely on funded support to access community and venues that they would otherwise been able to access independently'. The quote goes on:

> It is important to consider the following three components when working with universal design. Each component can affect the economic viability of family units and contribute to a cycle of poverty:
>
> - direct costs for people with disability, including access to services such as travel;
> - indirect costs to support persons and/or family members of people with disability;
> - opportunity costs of foregone income for people with disability.

I will leave those quotes there for now, but I hope I have clearly demonstrated that Dignity for Disability simply does not accept that the cost of implementing universal design should be a reason not to proceed with it now or at any other point, and that is why we have been disappointed that the government has not supported our original set of amendments, but we are at least in some way pleased to see a compromise, to see at least some mention of universal design that is to allow for serious consideration. A further quote states:

> Improving access to the public realms through the design of inclusive and accessible public buildings for people with differing needs and capabilities (including through the serious consideration of universal design practices).

I do not believe that our original set of amendments was particularly forceful—it used words like 'the government should' consider universal design—but I accept that we have this compromise now and am pleased to have at least some mention of universal design in this bill. I thank those members who have indicated their support.

Quite frankly, what I have said just now and what I said in my second reading speech on the bill, given that we have between 18 and 20 per cent of people with disabilities currently in our population and a growing ageing population, we cannot afford not to do this. I am disappointed that the government and some other members have bowed down to some pressure and not taken the opportunity to be a true leader on this issue and invest in the future of this state, but I thank members who have shown their support for our compromise amendments.

The Hon. G.E. GAGO: The government rises, I am very pleased to say, to support these amendments. We support these amendments because they are very good amendments. We congratulate the Hon. Kelly Vincent for putting these amendments forward and thank her for her cooperation in reaching a position that the government was able to endorse. We very much appreciate her efforts and hard work in working with us to land on this. Just so that we know where we are going, the government supports these amendments. It will not be supporting the similar sorts of amendments that the Hon. Mark Parnell will be moving. We think they go too far.

I also just put on the record that I appreciate some of the comments made by the Hon. Kelly Vincent and the frustrations that she has expressed in terms of the lack of progress in incorporating these guidelines, but I want to just point out very quickly that both Renewal SA and the Housing Trust, particularly Renewal SA in its public realm guidelines and the Housing Trust in its guidelines, do incorporate universal design in their guidelines. Although, obviously, we still have a long way to go, we have made a start and we are pleased to be supporting these amendments to be incorporated into this planning bill.

The Hon. D.G.E. HOOD: Just very briefly, I think the Hon. Ms Vincent has made a compelling case, and Family First will also support the amendments.

The Hon. D.W. RIDGWAY: I just rise to indicate that the opposition will also be supporting the Hon. Kelly Vincent's amendments. In doing so, I would like to ask the minister a question. Members would know that both the minister and I have some amendments on file—although I did receive an email from one of the minister's advisers that some amendments had been superseded—around adaptive re-use of buildings. The principles that the Hon. Kelly Vincent is referring to, I think, we all support, but I am just wondering whether the minister and her adviser have had any opportunity to discuss the interaction between the principles and the intention of what the Hon. Kelly Vincent is trying to do and also the amendments that either one of us will move on adaptive re-use of older buildings.

The Hon. J.A. DARLEY: I will be supporting the Hon. Kelly Vincent's amendments.

The Hon. G.E. GAGO: I have been advised that the adaptive re-use amendments are complementary to the Hon. Kelly Vincent's amendments. While I am on my feet, I will also just put on the record that an example of a Crown project was the modification to a wharf in Ardrossan, and an example of a major report was a deep sea port at Cape Hardy by Iron Road Limited.

The Hon. M.C. PARNELL: The Greens, too, will be supporting the Hon. Kelly Vincent's amendments. As I told her previously, we would have supported her earlier amendments as well. They went a little bit further; nevertheless, a bird in the hand is worth two in the bush, apparently, so we have got something here.

The Hon. Kelly Vincent referred to how much more expensive it is to try to retrofit existing buildings to make them accessible compared to building those features in from the outset. I suppose that is stating the obvious, but I just wanted to reflect on an article that was in *The Advertiser* some time ago where they listed the most profligate politicians and their spending. The two targets that the journalists love to pick on are travel and office refurbishment—they are the two.

My wife, then senator Penny Wright, was horrified to find herself on the list. *The Advertiser*, of course, does not necessarily dig very deeply to find out why. The reason she was on the list is there is now a CBD building that is accessible that was not before. The office refurbishment consisted of making 27 Leigh Street (which I think is next door to what used to be Liberal Party headquarters, above Rigoni's restaurant) an accessible building in the city with a ramp where there used to be stairs; and the office on the third floor now has an accessible toilet, which it did not have before, and an accessible shower, which it did not have before.

Building by building, step by step, we are slowly making Adelaide accessible. But I take the honourable member's point: it is a slow old process and, if all we are really doing is sticking with public buildings and office and commercial buildings rather than houses, it is going to be a very long process. I am pleased to support the amendment.

When we get to my amendment, I will have a few words to say about why the minister considers it is going too far when all I have done is copy the provisions from the existing act and incorporated them. I am pleased that the Hon. Kelly Vincent has, in her amendment, succeeded in incorporating the concept of ecologically sustainable development because that is what my amendment seeks to do as well. So, regardless of the fate of mine, hers will survive. I still will be agitating my amendment—it is one of the top amendments that I am keen to get through—but I will wait until we get to that before I talk further on it. For now, I am very pleased to support both of the Hon. Kelly Vincent's amendments to clause 12.

The Hon. S.G. WADE: I would like to join in this discussion, too, and, as my leader has said, support these amendments. I also identify myself with my leader's remarks that to understand the implications of these amendments will take a lot more consultation with both the private sector and the community.

I would like to unpack that by to trying to unpack the phrase 'universal design'. The principle of 'universal design', 'universal accessibility' or 'accessibility for all', I think it is important to appreciate, is more than just a physical accessibility. The Hon. Kelly Vincent has quite rightly distinguished between accessible design and universal design as it applies to physical facilities but, as I know the Hon. Kelly Vincent has reminded us time and time again, accessibility is not just about the physical accessibility of places.

Universal design, as I will quote the United Nations convention in a minute, does include programs, services, facilities, whatever it takes. In that regard, the Liberals are strongly committed to equality of opportunity: that is a fundamental tenet of a just society. We do not see that merely as a formal openness to being able to access, but that people should have a fair chance to attain it. One could specify this idea by saying that a fair go is saying that those who have the same level of talent and ability, the same willingness to use their gifts, should have the same prospect of success regardless of their class or origin or circumstance.

For example, education is seen specifically by Liberals as an important element of opportunity. It is not just a matter of making sure that schools are free, but universal design would say it means you need to make sure that a person with mobility issues can access the facility perhaps through ramps, wider doors and so forth. But, also, within the education environment it may mean that a child with a disability needs to have a specially designed behaviour regime. Universal design is not just about facilities. In that regard, let me quote the United Nations Convention on the Rights of Persons with Disabilities. It defines universal design as:

> …the design of products, environments, programmes and services to be useable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

The National Disability Strategy, to which South Australia is a signatory, specifically refers to universal design. The first of six key outcomes under the strategy is inclusive and accessible communities. The outcome sought is that people with disability live in accessible and well-designed communities with opportunity for full inclusion in social, economic, sporting and cultural life.

In policy direction 2 within that outcome, it specifically deals with planning, so it validates the Hon. Kelly Vincent trying to have universal design recognised within the planning legislation, where policy direction 2 says:

> Improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community.

Let me stress again that the UN convention talks not just about physical environments; it talks about products, it talks about programs, it talks about services. Let's think about how that plays out in our community at the moment, for example, in accessible public transport where of course it is important that we have 80 per cent of the Adelaide Metro bus fleet with low floors and with wheelchair allocated spaces. It also means we need to have policies which allow people to access a bus with an accredited assistance animal; and if they cannot use a Metro card, they can use a mobility card.

Another example of universal design in public spaces is the work that the honourable member for Bright in the other place is doing in bringing a beach mat to his community. He is partnering with Surf Life Saving SA and the Seacliff Surf Life Saving Club to trial a beach access mat at Seacliff beach. In the first instance they hope that the mat will be rolled out for surf lifesaving patrols to direct users towards the safest part of the beach.

We had another example of universal design in services this year when, through the work of the Hon. Kelly Vincent and other members of this place, we introduced emergency warnings to be signed. I was interested to note that Alzheimer's SA has produced a publication called 'Dementia-Friendly Communities' and they specifically reference this clause in the Universal Declaration of Human Rights. They talk about universal access, and they do not just talk about paths that are, if you like, not just about the physical access; they talk about the physical environment which enables

people to get around safely, but they also talk about training health and banking staff to identify and support people, and provide respect and empathy for people with dementia.

What I am trying to stress in these remarks is that, whilst the Liberal Party fully supports universal design and we appreciate the moves by the Hon. Kelly Vincent to identify this in the legislation, it is a lot more than the physical environment, and the Hon. Kelly Vincent reaffirms that in some of the words that she has in her amendments. For example in amendment No. 3 it says that 'the public realm should be designed to be inclusive and accessible'. In other words, it is not just about the physical, it is about, if you like, the network of—to quote the UN declaration—the programs, the services, the environment, whatever it takes, to make sure our communities are inclusive and accessible.

In amendment 4, it again talks about 'to promote best practice in access and inclusion planning.' I like the words 'inclusion planning' because it is something that will evolve over time. The Alzheimer's guide has an eight-stage, very clear strategy that it encourages communities to go through to make sure that their community is working in accord with universal design and is accessible.

The Hon. Kelly Vincent has quite rightly highlighted that access is not just for people with disabilities, which reminds me that you are getting old when you start quoting your own speeches, but on 13 March 2007, I was speaking on an affordable housing bill and I made this comment:

> Just as the community has grown to demand energy efficiency, I hope that one day the community will demand universal housing design. Everyone will be a winner. People with disabilities will be able to access the homes of friends and relatives; more people will be able to age in place; more people will be able to function at home during periods of illness and injury; and, of course, people with disabilities will be able to acquire suitable housing. Housing—affordable, accessible supported housing—is vital to the full participation of South Australians with a disability.

So I think these amendments are fully worthy of support. There's a lot more work to be done in understanding their implications and in that regard we, as a Liberal Party, are keen to unpack them with the private sector. I think it would be better to do the unpacking before they are adopted. My concern in that regard is supported by the fact that I do not have much confidence in the government's support of these amendments. I fear that they will be yet more hollow words. Let me explain why.

In October 2011, Monsignor Cappo's Strong Voices report called for:

> …all State Government agencies, local councils, statutory authorities and State Government contractors to develop and implement an annual Access and Inclusion Plan.

And also specifically stated it must:

> …prioritise universal access design principles in planning, design and contracting for the renewal of existing built environments and public space.

So here we are, four years later, and the Hon. Kelly Vincent is putting in legislation. I do not have any great confidence that the government will take any more notice of these changes in this legislation than it did in relation to Monsignor Cappo's report. After all, in response to that report, the Labor government stated:

> Universal design principles will be adopted across Government, including at the Local Government level for all new projects. This will promote greater access to community facilities and public spaces for people with a disability.

As I said, I have already noted that the Hon. Kelly Vincent's amendment talks about inclusion planning. I note also that the Labor government's response to its own Monsignor Cappo's Strong Voices report stated:

> …all State Government agencies and some statutory authorities will be required to produce Access and Inclusion plans to be lodged annually with the Minister's Disability Advisory Council.

In some ways I think that the government's support for these amendments is actually less than what they said in 2011. Personally, I cannot remember the last time I saw in legislation that we should give serious thought to something. In 2011 the government said it was going to prioritise universal access design principles in planning, and in 2015, 'We are going to give serious consideration to universal design principles.'

I think the people with disabilities and others who have problems accessing and inclusion in our community require a government that actually responds to their needs and is consistent in a thoroughgoing way and includes access and includes inclusion planning—but I think the government's record in this area is poor. I commend the honourable member for raising this issue before the parliament yet again but I fear this parliament would need to be dogged in its advocacy for people with disability because progress has been all too slow.

The Hon. K.L. VINCENT: Just before I formally move the amendment—because I think I am right in saying that I got a bit carried away and I have not actually done that yet, as is my wont—I might give a little bit of feedback as to what the Hon. Mr Wade has said. First, I certainly do not think that I disagree with anything that he has said. I think that universal accessibility does have to go beyond the built environment to the kind of things that he talking about.

I am not wanting to make a cop-out by saying this but I suppose we are here debating the planning and infrastructure legislation and so the built realm is really all that I can deal with in terms of the context of this bill. Certainly I would love to see things expanding towards increased acceptance of assistance animals and the things that the Hon. Mr Wade touched on, but I suppose we can only deal with issues of planning and infrastructure because that is the bill that we are talking about.

Secondly, the Hon. Mr Wade gave an example—and I think I am correct in saying this—about the need for something like increased policies to allow assistance animals on public transport or something like that.

The Hon. S.G. Wade: Just using an example of a mix of services and physical access.

The Hon. K.L. VINCENT: Right, as an example of a mixture of services and physical access and the kind of supports that go along with accessing the built environment, I suppose, is what Mr Wade was getting at. With respect, though, to Mr Wade, we already have that policy that allows assistance animals on buses: it is the federal Disability Discrimination Act 1992. It could always be enforced more often but, certainly, we do have policy around that.

Thirdly, with regard to his cynicism about whether the government will actually implement these measures and these amendments, I say that, to some extent, that is a cynicism and a concern we share. That is why we were disappointed to see the government not support our original set of amendments, even though, as I said, they were not even as forceful as I would have liked them to be, but I suppose every step along the path gets us a little further. I think the more measures we have in legislation and the more discussion we have in this parliament and in the community the further along we get to actually getting this understanding that results in that holistic and lasting change.

I think, though, just to put a slightly different angle on that, Dignity for Disability would like to investigate the feasibility of universal disability access audits for buildings in the public realm. In the same way that we have fire safety audits and health inspectors, why can we not have access audits? Quite frankly, even though we could go much further with universal design, if more people and more businesses and more venues in the public realm actually complied holistically and completely with existing law around accessibility, then things would not actually be half as bad as they are currently.

We could go further with universal design, but I would certainly like to see more enforcement of existing policy and, of course, increased enforcement of any policy that we implement in future, including universal design. I would certainly like the government to consider the idea of access audits and that is something I am sure we can talk about—perhaps at a reasonable hour—in more detail. With those few comments, I thank all those who indicated support for the amendments, particularly the Hon. Mr Wade for what was a very comprehensive and passionate contribution. I move:

Amendment No 1 [Vincent–2]—

Page 26, line 27—Delete 'prosperity' and substitute:

> liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities

Amendment No 2 [Vincent–2]—

Page 27, line 12—After 'practices' insert:

, including by providing for policies and principles that support or promote universal design for the benefit of people with differing needs and capabilities

The ACTING CHAIR (Hon. G.A. Kandelaars): Just to clarify, you do not intend to proceed with [Vincent-1].

The Hon. K.L. VINCENT: No; my understanding is that we have withdrawn the original set.

The Hon. G.E. GAGO: I just wanted to add to the contributions supporting these amendments that the government, in the implementation of this bill, will seek to work with those who have the knowledge and expertise in universal design to help us develop the new planning and design rules.

The Hon. K.L. VINCENT: May I ask the minister for some further clarification as to who those people with that expertise in universal design might be, what kind of qualifications and experience they might have and whether the government will also be seeking feedback from people with a variety of disabilities, including physical and sensory, and perhaps even older people, for example?

The Hon. G.E. GAGO: We are happy to have industry disability groups advise us on that as we go forward.

Amendments carried.

The Hon. D.G.E. HOOD: I have a question on clause 12. This is a relatively minor point, but I would like to make the comment, and if the minister would like to make comment in turn I would appreciate it. She may not because, as I said, it is quite a minor point.

Clause 12 talks about the objects of the act, and section 2(d) provides 'promote high standards for the built environment through an emphasis on design quality in policies, processes and practices'. I do not mean to be pedantic, but I always get a little sceptical when I see terms like 'quality', subjective terms, if you like, being used in legislation. I note that term is subjective; what is quality to me may be different to someone else and may be different to someone else again. I wonder if the minister would just make a comment on that, although I accept that she may choose not to comment because it is a minor point.

The Hon. G.E. GAGO: The issue around providing some guideline around what constitutes quality is elaborated in two sections. One is clause 14, that looks at the principles around what is quality design, and the other one is in clause 58, where there is a separate design quality policy that helps elaborate around that as well.

The Hon. M.C. PARNELL: I move:

Amendment No 10 [Parnell–1]—

Page 27, after line 15—Insert:

(ea) facilitate sustainable development and the protection of the environment; and

(eb) encourage the management of the natural and built environment in an ecologically sustainable manner; and

This very simple amendment seeks to put the environment back into the objects of the act. Being a generous soul this time of night, I think the minister may have misspoken before when she suggested that the amendment went too far, and I will tell members why I think she may have misspoken. The words I am proposing to put into the objects are identical to the words in the current objects, so what the minister is saying is that the current objectives of the act, in daring to mention the environment, go too far, and putting them back into this bill is something the government will oppose.

I find that remarkable, but I need to explain the context and how this objects clause works. The starting point for me is that one of the most common criticisms of this bill in stakeholder communications from community groups and from local councils, in particular, is that there is no mention of the environment in the objects of the act. If one looks at clause 12 there is no mention of

it—although that is not quite true, because we have just passed an amendment of the Hon. Kelly Vincent to put the words—

An honourable member interjecting:

The Hon. M.C. PARNELL: She snuck that in. The words 'ecologically sustainable' have found their way into clause 12, and I commend the honourable member for achieving that feat. The commentary from the community sector and the conservation sector, in particular, is that the objects of this bill are all about promoting development, and there is no attempt to balance economic, social and environmental considerations.

This concept of triple bottom line has been around forever yet it is the most telling provision, in some ways, in this bill, that even the vaguest mention of the environment, that has been in the bill for 22 years—poorly enforced and poorly implemented for 22 years—is somehow now improper to put back in.

The other thing I would note is that there are two sections of this bill where, if you like, objectives are to be found. The first one is clause 12, titled 'Objects of Act'. The other one is clause 14, titled 'Principles of good planning'. The environment does get a minor guernsey in clause 14, 'Principles of good planning', but there is a clear pecking order in this bill and the pecking order is to put clause 12 ahead of clause 14. If people do not believe me and they think these clauses are of equal importance, they are not. The reason there is a pecking order is if you look at clause 13 it says:

> A person or body involved in the administration of this Act must have regard to, and seek to further, the objects established by this section.

In other words, clause 13 makes furthering the objects in clause 12 mandatory. It says that persons 'must have regard to, and seek to further, the objects established by this section'. It is a mandatory provision. The environment gets a minor guernsey in the 'Principles of good planning' in clause 14 and the obligation of decision-makers in relation to clause 14 is much more muted. What it says is:

> In seeking to further the objects of this Act, regard should be given to the following principles that relate to the planning system...

So, regard should be given as opposed to 'must have regard to, and seek to further, the objects'. It might seem like a minor drafting difference but, honestly, there is a pecking order. Clause 12 is more important than clause 14. The environment is relegated to clause 14. My amendment seeks to reinstate the environment, but just to make it really clear as to why this is not a radical move, the words that I have proposed in my proposed new paragraphs (ea) and (eb) are identical to the words in the current objects clause of the Development Act. The Development Act's objects section is section 3 and it uses exactly the same words:

> (ii) to facilitate sustainable development and the protection of the environment; and
>
> (iia) to encourage the management of the natural and constructed environment in an ecologically sustainable manner...

These are exactly the same words in the current act that I am seeking to incorporate in this bill. It is about as modest as I can get because, really, if we were serious we would have rewritten this objects clause in the same way that the Labor government in Queensland is proposing to rewrite their objects clause. Queensland is going through the same process. They are rewriting their planning laws; they have a planning bill, which is described. Compared to our long title, which is just a list of acts being amended really, the long title of the Queensland bill is:

> A Bill for an Act to facilitate ecologically sustainable development by providing for an efficient, effective, transparent, integrated and accountable system of land use planning and development assessment.

So they have ecologically sustainable development in the title of their bill and then you go to the objects clause of the Queensland bill, clause 3:

> The purpose of this act is to facilitate ecologically sustainable development that balances—
>
> (a) the protection of ecological processes and natural systems at local, regional, State, and wider levels; and
>
> (b) economic growth; and
>
> (c) the maintenance of cultural, economic, physical and social wellbeing of people and communities.

The Queenslanders have got it. They recognise triple bottom line. They recognise that this bill is about economic, social and environmental considerations and they have put it upfront in the objects clause. This government has taken the environment out of the objects clause. I am astounded by the fact that the minister, who I generously suggested may have misspoken, apparently did not and apparently thinks that the current Development Act is too radical and goes too far in recognition of the environment. I think that is an appalling position for this government to take.

This is one of my top amendments, and it is one I dearly hope the committee will support, but if the committee does not support it I will certainly be dividing because I am sure that community groups out there are interested to know whether this bill is a step forward or a step backwards. Removing the environment from the objects clause is a step backwards, and they are going to want to know which members and parties thought that the environment is less important in 2015 than it was in 1993.

The Hon. G.E. GAGO: The government rises to oppose this amendment. We certainly do agree with the Hon. Mark Parnell that this bill should be underpinned by the triple bottom line approach—social, environment and economic. We believe that it is and that the amendment of the Hon. Mark Parnell is not necessary. We believe that the current bill addresses environmental concerns.

If you look at clause 14, the long-term focus principles talk about intergenerational equity and focus on long-term trends and cumulative impacts. They also talk of the need for policies to be ecologically sound. There are also sustainability principles, which touch on issues such as resources, re-use and renewal and minimising impacts on our natural systems.

The sustainability principles also particularly single out the need to address climate change and promote energy-efficient built environments, and of course the bill itself has a major focus on urban renewal and reducing urban sprawl, practical ways that sustainability can be achieved. It is for those reasons that the government does not support this amendment but clearly does support a triple bottom line approach to planning.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition will also not be supporting the Hon. Mark Parnell's amendment, but I guess it is again one of those where the government has wanted to rush things through this week. It is a party room decision that we have made not to support it. I dare say that there will be opportunities to have a further look at a whole range of amendments as we work our way through things.

Certainly, the minister has indicated that it is the government's intention to have the triple bottom line approach. That certainly has been our approach to a whole range of policy initiatives, although I always like to think that we put 'economic' at the top of the list. It is hard to provide the social and environmental support if you do not have a strong economy to fund all that. The minister might put her triple bottom line in a different order, but certainly, from the opposition's point of view, we will not be supporting this amendment this evening.

The committee divided on the amendment:

Ayes 3
Noes 13
Majority 10

AYES

Franks, T.A.	Parnell, M.C. (teller)	Vincent, K.L.

NOES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Gago, G.E. (teller)	Gazzola, J.M.	Hood, D.G.E.
Kandelaars, G.A.	Lucas, R.I.	Maher, K.J.
Malinauskas, P.	McLachlan, A.L.	Ridgway, D.W.
Wade, S.G.		

Amendment thus negatived; clause as amended passed.

Clause 13 passed.

Clause 14.

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

Amendment No 11 [EmpHESkills–1]—

Page 27, lines 32 and 33—Delete 'responsive to emerging challenges, changing trends' and substitute 'able to respond to emerging challenges'

This amendment addresses the comments in the other place seeking clarification of subclause 14(a)(ii) and we have reworded the provision accordingly.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the government's amendment. As the minister indicated, it was one that needed clarification from the debate in the House of Assembly, so we are happy to support it.

Amendment carried.

The Hon. K.L. VINCENT: I move:

Amendment No 3 [Vincent–2]—

Page 28, after line 13—Insert:

(iiia) built form and the public realm should be designed to be inclusive and accessible to people with differing needs and capabilities (including through the serious consideration of universal design practices);

Given that I have spoken on these issues at length, I am happy to see this as consequential.

Amendment carried; clause as amended passed.

Clauses 15 and 16 passed.

Clause 17.

The Hon. M.C. PARNELL: I move:

Amendment No 11 [Parnell–1]—

Page 30, lines 24 to 27—Delete subclause (6)

We are racing through. Certainly in the other place there were questions on every clause. We are far more efficient here. We are skipping over clauses that we do not need to debate. My amendment relates to clause 17, and clause 17 is one of the big ticket items in this bill. It is the establishment of the state planning commission, and the Greens support the establishment of the state planning commission. We have no problem with that.

The state planning commission was always pitched as being an independent body. In fact, the words 'independent' and 'state planning commission' usually go hand in hand, just as the government always refers to the Environment Protection Authority as the 'independent EPA'. Whether these bodies are independent in fact or in fiction depends on the legislation. This clause 17, which establishes the state planning commission, says in subclause (4):

The Commission is subject to the general control and direction of the Minister.

So the first thing to say is that it is not independent. Subclause (5) then goes on to list the areas where the minister may not give a direction. In other words, it sets out those areas where the state planning commission is at arm's length from government. On that list in subclause (5) are some obvious candidates. For example, if the commission is required to make a recommendation to the minister, then there is not much point in being under the control of the minister. The minister is not going to tell them what recommendation he or she wants the commission to make; they are independent.

Secondly, it is the same with advice for the minister; they are independent. If the commission has to give effect to an order of the court, then it is independent. But the important one is paragraph (d) of subclause (5), where it says:

> …the Minister may not give a direction where—
>
> (d) the Commission has a discretion in relation to the granting of a development authorisation.

That is an important provision, because if it was not there, you would have the minister saying to the planning commission, 'Give my mate an approval.' He would be directing the commission which developments to approve and which ones to reject. That would be outrageous; that would be corrupt, and I am glad that provision is in the bill to prevent that from happening, but it is undermined, I think, to a large extent by the next subclause, which is subclause (6). My amendment seeks to delete subclause (6). Subclause (6) says:

> The Commission must, in the performance of its functions, take into account—
>
> (a) a particular government policy; or
>
> (b) a particular principle or matter,
>
> specified by the Minister (subject to any relevant principle of law).

In other words, what this provision does is it directs the planning commission to take into account a particular government policy—we do not know what; or a particular principle or matter—we do not know what. We need to explore this, because my first question of the minister is: what sort of areas is the government intending to cover in these particular government policies or particular principles or matters? What type of areas does the government have in mind? What are the topics that are under consideration for these policies, principles and matters that the bill obliges the state planning commission to take into account when performing its functions? I remind members that those functions include development assessment.

The Hon. G.E. GAGO: A good example is that the government has a carbon neutral policy target or ambition for our CBD, and that might be something that we might ask the commissioner to take into consideration.

The Hon. M.C. PARNELL: I thank the minister. That is a good example and certainly one that I would support, but it could equally be another government policy, maybe. We have talked about the conflict between cafes and restaurants, and bricks and mortar and food trucks. I mean, if the government had a policy that was supportive of a certain type of industry, is it conceivable that the government could attempt to influence the development assessment decisions made by the state planning commission by developing policies around things such as bricks and mortar cafés versus food trucks? Am I completely out of left field or is there some limit to the types of policies or matters that the government can direct the planning commission on?

The Hon. G.E. Gago interjecting:

The Hon. M.C. PARNELL: I am trying to work out what the—

The Hon. G.E. Gago interjecting:

The Hon. M.C. PARNELL: No, it is a fair call. What are the boundaries? I mentioned food trucks; probably farmers markets might be a better one. If the government had a policy for or against farmers markets, could it basically then give that policy to the state planning commission and say, 'You people, take this into account when you're making your decisions.' In other words, when it comes to development assessment decisions, the normal process is you have planning policies that are set out. They are on the portal. Everyone can see them. They go to a parliamentary committee. There is no secrecy; there is no doubt what they are. But that is not what this bill says. The bill says that the minister can identify particular policies, principles or matters and direct the planning commission to take them into account.

The Hon. G.E. GAGO: Firstly, part 3, division 1, subclause (6) talks about what 'The Commission must, in the performance of its functions, take into account' and the last point states 'specified by the Minister (subject to any relevant principle of law).' So, that is certainly an overriding element. This provision only allows for the commission to take into consideration; it is not a direction.

The minister cannot direct the commission, other than to consider. The commission is likely to use a range of information to make its final decision. All this is saying is one of the things that they must consider is—it could be, for instance, the policies the government has in place.

So, it allows for the minister of the day to require the commission to take into account specified government policies and/or any other relevant principles. It is clear, in how this provision is drafted, that the effect of this clause does not transgress upon the commission's independent discretionary powers. It does not bind or direct the commission to incorporate these policies in its decision, it just says the commission must put its mind to these in its considerations.

The Hon. M.C. PARNELL: I thank the minister for that answer. I am not satisfied because this introduces a level of uncertainty and randomness that is not in the current system, and I will explain that. At present, if you are a decision-maker who is making a decision about a development application, the act makes it very clear what you are allowed to take into account, what you are required to take into account. You are supposed to take into account planning policy set out in the development plan. Your obligation is to not make any decision seriously at variance with that policy.

There is nothing in the current Development Act which says the government may, out of left field, throw a whole bunch of policies and principles to a decision-maker and oblige them to take them into account. I agree with the minister, it does not say, 'You must follow this government policy; you have no discretion.' Sure, they have discretion, but if the government is throwing a whole bunch of government policies at them and saying, 'Take this into account. Take this into account,' it is, in fact, interfering with the way the planning system has run for the last several decades.

So, maybe to tease this out a bit more. I am saying it is unaccountable. The minister might be able to clarify this. About these two things in paragraphs (a) and (b), particular government policies or particular principles or matters, will the minister keep a list, will the list be published, will it be published on the planning portal and, an overriding question, why on earth does not the government use the existing mechanism, which is to incorporate government policy, government principles, into a state planning policy? That is using the framework of the bill—the state planning policy framework.

Why on earth do we need to have this extra provision, which looks to be completely unaccountable? To start off with accountability: will we see the list, will we be able to comment on them, will it be in the citizen charter to be able to comment on these government policies, principles or matters, or will they simply be randomly at the whim of the minister of the day?

The Hon. G.E. GAGO: The advice I have received is that in relation to this particular clause it really is just an expansion or clarification of clause 4: 'The commission is subject to the general control and direction of the minister'. This starts to describe the elements to that, so really that is all this section seeks to do. In terms of the details about how this might be done, I do not believe that level of detail is available yet.

The Hon. R.I. LUCAS: I gather what the minister is saying is that the government has not yet addressed itself to this. The questions the Hon. Mr Parnell has raised are not unreasonable at least in one respect, and that is that, if this particular provision is to stay in the bill, then what is the accountability for that; that is, how does anyone in the public know what the minister has specified, what is the particular policy or principle? Surely the government must have addressed the issue that, if they are going to say that you must follow this policy or this principle, I assume it will be by way of written direction to the commission. There is no provision there for a written direction, as in some other pieces of legislation, for that to be either included in an annual report or tabled in parliament within a certain number of days, but at least in some way to be publicly available does not seem to be an unreasonable position.

Is the government's response at this stage that they have not really addressed that? Given that there will be at least another two days this week, is it an issue the government might like to reflect on? Certainly, irrespective of what happens to this particular amendment either tonight or tomorrow morning, I think it is not an unreasonable position to address.

The other issue that appertains to this is whether it is the government's intention that the State Planning Commission, which is to be a body corporate, will be a public corporation for the purposes of the Public Corporations Act.

The Hon. G.E. GAGO: While we are checking the second part of the question, in relation to the accountability, typically the types of matters that the minister might want the commission to consider would be put in correspondence to the commission, and obviously the public accountability for that can be made publicly available through FOI, for instance. More importantly, no doubt the commission would include that in any report that it might write or make available, that is, they would outline those matters that the minister has asked them to include in their consideration. We are confident that there are a number of ways that these matters would be made publicly available.

What we were trying to do was avoid being overly prescriptive and bureaucratic, but I take your point, and I am happy to take those questions on notice to the minister and see if he might want to give some further thought to that or whether he has already put more detailed thinking to this particular matter. I am happy to take that on notice.

The Hon. R.I. Lucas: Public corporation?

The Hon. G.E. GAGO: I am advised that it will not be a public corporation. Typically, public corporations apply when significant assets are held, and it is unlikely that that is applicable to the commission. It has an advisory capacity and needs corporation status to fulfil its functions—to sue and be sued, for instance, and to enter into contracts—but it is unlikely they would be holding significant assets.

The Hon. D.W. RIDGWAY: I have quite a large number of questions I would like to ask. Time will not permit this evening to cover them all in relation to the planning commission itself but, certainly in relation to the Hon. Mark Parnell's proposed amendment, there is one particular government policy that I think the Hon. Mark Parnell was quite in love with, so he probably did not want to use it as an example.

We saw the ministerial DPA for wind farms, where it was clearly government policy to make sure that wind farm developments were to be given a fast track or a green light for a period. The current interim positions for a DPA were used in a strange way. It is probably not the right time now to talk about, with the new proposals, what form the interim DPAs, as we know them now, will take under this new bill. Nonetheless, if you have a government policy that we are going to have and, for the current terms, I will use a ministerial DPA, to, if you like, set in stone a set of rules around wind farms, how would the planning commission address that in relation to the amendment the Hon. Mr Parnell is moving?

The Hon. G.E. GAGO: I am advised that, in relation to interim DPAs or interim control issues, they are dealt with in clause 74, so we can deal with that in detail then. In terms of this clause, really all it does is say that we can ask the commission to be aware and to consider, for instance, our wind farm policy and to take that into consideration before giving advice, so that is all this clause is doing.

The Hon. D.W. RIDGWAY: A further question. It is probably a bit awkward because I do not want to explore the interim DPA issue tonight. It is too late to go to the interim DPAs. I am still a bit confused that, if it is a government policy that we are going to have 20 per cent or 40 per cent of our electricity from a renewable source and we are going to have an interim DPA to make sure those developments are not hindered by the current planning laws, I would assume, 'The commission must in its performance and functions take into account particular government policy' would mean the commission would be obliged to adhere to the policy of the government of the day, in this case in relation to wind farms.

The Hon. G.E. GAGO: Again, this provision does not require the commission to adhere to government policies and principles. What it requires them to do is consider those policies and principles in their decision, or in the advice that they are giving. The commission will no doubt consider a wide range of information from different sources. All this is doing is making sure that the commission is connected, the decisions and advice are connected, to government policies and principles, and it directs the commission to consider those particular matters in its advice. The commission could consider it and dismiss it, for a range of reasons, given other information and advice. It is not requiring them to adhere: it is requiring them to consider, to put their mind to it.

The Hon. D.W. RIDGWAY: It is interesting that it says, and I will read it, 'The commission must in the performance of its functions take into account.' The minister is interpreting the 'take into account' as, 'We can have a look at it but we are not going to bother with it.' They take it into account, or they are not obliged to consider it is what you are saying, but where is the level of discretion for the commission to make that judgement to say, 'We are going to take it into account but then reject it,' if it is government policy?

I will hark back to the wind farm policy. That was clearly a policy designed to facilitate the development, or approvals, of wind farms. None of them have been built, I might add: they did not get development approval in that time frame. I am confused. If they must do it, where is the level of discretion for them to reject it?

The Hon. G.E. GAGO: I do not think I can elaborate much further. I cannot give an example. We cannot come up with an example this evening but we will put our mind to it overnight. I can only reiterate what I have already said.

It is similar with a wide range of other advisory bodies. There are different rules around various committees and boards, and what have you, but the advice I have received is that this is not requiring them to adhere to: it is requiring the commission to consider, and to consider along with, no doubt, a wide range of other advice and considerations, and for them to then provide the advice that they are able to support after considering all that advice. I can only reiterate what I have already said.

The Hon. D.W. RIDGWAY: Given that the time is some 15 seconds to 11pm and it was the view of the crossbenchers and the opposition that we would sit from 10.15am to 11pm, I move:

That progress be reported.

The committee divided on the motion:

Ayes 11
Noes..... 4
Majority..... 7

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lucas, R.I.
McLachlan, A.L.	Parnell, M.C.	Ridgway, D.W. (teller)
Vincent, K.L.	Wade, S.G.	

NOES

Gago, G.E. (teller)	Kandelaars, G.A.	Maher, K.J.
Malinauskas, P.		

PAIRS

Lee, J.S.	Hunter, I.K.	Lensink, J.M.A.
Gazzola, J.M.	Stephens, T.J.	Ngo, T.T.

Motion thus carried.

Progress reported; committee to sit again.

Bills

STATUTES AMENDMENT (YOUTH COURT) BILL

Final Stages

The House of Assembly has disagreed to amendments Nos 1 to 5 and made alternative amendments in lieu thereof as indicated in the following schedule:

No.1 Clause 4, page 3, line 14 [clause 4, inserted section 9(1)(a)]—

Delete 'Judge' and substitute 'Senior Magistrate'

No.2 Clause 4, page 3, line 15 [clause 4, inserted section 9(1)(b)]—

Before 'magistrates' first occurring insert 'Other'

No.3 Clause 4, page 4, line 3 [clause 4, inserted section 10(1)]—

Delete 'Judge' and substitute 'Senior Magistrate'

No.4 Clause 4, page 4, lines 4 to 7 (inclusive) [clause 4, inserted section 10(2)]—

Delete subsection (2) and substitute:

(2) The Senior Magistrate of the Court is a magistrate designated by proclamation as the Senior Magistrate of the Court.

No.5 Clause 4, page 4, lines 8 to 10 (inclusive) [clause 4, inserted section 10(3)]—

Delete subsection (3) and substitute:

(3) A proclamation designating a person as the Senior Magistrate of the Court must—

(a) state a term (not exceeding 5 years) for which he or she is to be the Senior Magistrate; and

(b) classify the Senior Magistrate as a member of the Court's principal judiciary (being a member who is to be occupied predominantly in the Court).

No.6 Clause 4, page 4, lines 11 to 13 [clause 4, inserted section 10(4)]—

Delete subsection (4) and substitute:

(4) At the expiration of a term of office, a person—

(a) may be designated by subsequent proclamation as the Senior Magistrate of the Court for a further term (not exceeding 5 years) stated in the proclamation; and

(b) if so designated, must be classified in the proclamation as a member of the Court's principal judiciary.

No.7 Clause 4, page 4, lines 16 and 17 [clause 4, inserted section 10(6)]—

Delete 'Judge' wherever occurring and substitute in each case 'Senior Magistrate'

No.8 Clause 4, page 4, line 20 [clause 4, inserted section 10(7)]—

Delete 'Judge' and substitute 'Senior Magistrate'

No.9 Clause 4, page 4, lines 22 to 25 (inclusive) [clause 4, inserted section 10(8)]—

Delete subsection (8) and substitute:

(8) In the absence of the Senior Magistrate of the Court from official duties as the principal judicial officer of the Court, responsibility for administration of the Court devolves on the most senior of the magistrates of the Court who is a member of the Court's principal judiciary and is available to assume that responsibility.

No.10 Clause 4, page 4, lines 26 to 29 [clause 4, inserted section 10(9)]—Delete subsection (9)

No.11 Clause 4, page 4, line 30 [clause 4, inserted section 10(10)]—

Delete 'Judge of the Court may (if he or she is not the Chief Magistrate)' and substitute 'Senior Magistrate of the Court may'

No.12 Clause 4, page 4, lines 33 to 41 [clause 4, inserted section 10(11)]—

Delete subsection (11) and substitute:

(11) The Remuneration Tribunal may determine that the Senior Magistrate of the Court's salary or allowances as a magistrate will have an additional component on account of holding office under this Act.

(12) Any salary or allowances payable as an additional component of remuneration under subsection (11) cannot be reduced during the person's term of office as Senior Magistrate of the Court.

No.13 Clause 5, page 5, line 3—Delete 'Judge' and substitute 'Senior Magistrate'

No.14 Clause 6, page 5, line 6—Delete 'Judge' and substitute 'Senior Magistrate'

No.15 Clause 7, page 5, line 9 [clause 7(1)]—

Delete 'Judge of the Court or a' and substitute 'Senior Magistrate of the Court or another'

No.16 Clause 7, page 5, lines 13 and 14 [clause 7(2)]—

Delete 'Judge of the Court nor a' and substitute 'Senior Magistrate of the Court nor another'

No.17 Clause 7, page 5, line 22 [clause 7(4)]—Delete 'the Judge of the Court or'

No.18 Clause 8, page 5, line 25—Delete 'Judge' and substitute 'Senior Magistrate'

No.19 Clause 9, page 5, lines 30 to page 6, line 9 [clause 9(2), inserted subsection (2)]—

Delete subsection (2) and substitute:

(2) The appeal lies—

(a) if the judgment is given by the Senior Magistrate of the Court or any other magistrate—

(i) in the case of an action relating to a major indictable offence—to the Full Court of the Supreme Court; or

(ii) in the case of any other judgment (including an interlocutory judgment)—to the Supreme Court constituted of a single Judge; or

(b) if the judgment (including an interlocutory judgement) is given by a special justice—to the Supreme Court constituted of a single Judge.

No.20 Clause 9, page 6, line 11 [clause 9(3)]—Delete '(2)(b)(ii)' and substitute '(2)(a)(i)'

No.21 Clause 10, page 6, line 14—Delete 'Judge' and substitute 'Senior Magistrate'

No.22 Clause 13, page 6, line 38 [clause 13(1)]—Delete 'Judge' and substitute 'Senior Magistrate'

No.23 Clause 13, page 7, line 2 [clause 13(2)]—Delete 'Judge' and substitute 'Senior Magistrate'

No.24 Clause 14, page 7, line 6—Delete 'the Judge of the Court or'

No.25 Clause 15, page 7, line 10—Delete 'Judge' and substitute 'Senior Magistrate'

No.26 Clause 17, page 7, line 24 [clause 17(3)]—Delete 'the Judge of the Court or'

No.27 Clause 19, page 7, line 36 [clause 19(1)]—Delete 'the Judge of the Court or'

No.28 Clause 21, page 8, line 7—Delete 'the Judge of the Court or'

No.29 Clause 22, page 8, line 9—Delete all words in line 9 and substitute:

Section 29(1)—delete 'Judge' and substitute 'Magistrate'

No.30 New Part, page 8, after line 9—After Part 5 insert:

Part 5A—Amendment of *Cross-border Justice Act 2009*

22A—Amendment of section 7—Interpretation

Section 7(1), definition of *prescribed court*, (a)(ii)—delete 'other than when constituted by or so as to include a judge'

No.31 Clause 23, page 8, line 13—Delete 'the Judge of the Court or'

No.32 Clause 24, page 8, line 17—Delete 'the Judge of the Court or'

No.33 Clause 25, page 8, line 20—Delete 'the Judge of the Court or'

VICTIMS OF CRIME (COMPENSATION) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (23:04): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill fulfils the Government's election commitment to double the maximum compensation payment to victims of crime to $100,000 and to extend eligibility for grief payments to the children of homicide victims.

The compensation payment for grief will double to $20,000 and payments for funeral expenses will double to $14,000.

Increases to payments for legal practitioners representing victims of crime will be addressed in the *Victims of Crime (Statutory Compensation) Variation Regulations 2015*.

This Bill also provides for the indexation of payments annually. This will ensure that compensation and other payments to victims of crime remain relevant over time.

In South Australia victims of crime are compensated in accordance with the provisions of the *Victims of Crime Act 2001*. The objects of the *Victims of Crime Act 2001* are:

- to give statutory recognition to victims of crime and the harm that they suffer from criminal offending;
- to establish principles governing how victims of crime are to be treated by public agencies and officials;
- to help victims of crime recover from the effects of criminal offending and to advance their welfare in other ways; and
- to provide from public funds limited monetary compensation to victims most directly affected by criminal offending.

The maximum payment that can currently be received by a victim of crime under the *Victims of Crime Act 2001* is capped at $50,000. This cap covers compensation for both economic and non-economic loss.

Compensation for non-economic loss (pain and suffering) is awarded in accordance with section 20 of the *Victims of Crime Act 2001*. The non-financial loss is assigned a numerical value on a scale of 0-50 reflecting the extent of the loss and the value is then multiplied by $1,000 (the multiplier) to arrive at the appropriate compensation figure. To be compensable, the non-financial loss must be assigned a numerical value in excess of two on a scale of 50.

Schedule 1 of the Bill contains an amended scale of compensation that employs numerical values of 0-60 rather than 0-50. This brings the scale into line with the scale of compensation used in the Civil Liability Act 1936.

The maximum amount of compensation payable to victims of crime has been doubled to $100,000 and the compensation amounts assigned to the other numerical values on the scale have also been increased in a weighted distribution to ensure that victims who have suffered greater loss are more generously compensated. This is similar to the way in which the compensation scale in the *Civil Liability Act 1936* is designed.

Adopting the *Civil Liability Act 1936* scale of 0-60 will lead to a general increase in the numerical value assigned to each claim for non-economic loss. For instance, it is estimated that a claimant receiving $12,000 (12 points under the current 50 point scale) would receive 18 points (out of 60 points) or $19,000 in compensation under the new scale.

The Government has also committed to grief payments to $20,000 and payments for funeral expenses to $14,000.

The Government is also extending the eligibility for grief payments. The Bill provides that a child of a homicide victim, under the age of 18, will now be eligible for a grief payment. Previously payments were restricted to the adult children of homicide victims.

Payments made under the *Victims of Crime Act 2001* will now be indexed in accordance with the consumer price index to ensure that their value does not decline as a result of inflation. This includes compensation payments awarded under the scale as well as the grief payment and funeral expenses payment.

The payments made to legal representative of victims of crime will also be increased. This commitment will be fulfilled through the *Victims of Crime (Statutory Compensation) Variation Regulations 2015*.

The courts, when sentencing or convicting a defendant under the age of 18, will be able to release the defendant from having to pay the levy in relation to that offence.

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 *Victims of Crime Act 2001*

4—Amendment of section 3—Objects

This clause makes a minor change to the statement of objects to make it clear that the compensation provided under the statutory scheme is an acknowledgement of the harm that victims suffer from criminal offending.

5—Amendment of section 4—Interpretation

This clause amends the definition section to allow for CPI increases of monetary amounts in the Act.

6—Amendment of section 17—Eligibility to make claim

This clause allows a minor child of a homicide victim to claim statutory compensation for grief suffered in consequence of the commission of the homicide and makes amendments of a statute law revision nature (to update the existing references to the *Workers Rehabilitation and Compensation Act 1986*).

7—Amendment of section 20—Orders for compensation

This clause increases the maximum amounts of statutory compensation that may be ordered under section 20 (and allows for indexing of those maximum amounts). In addition the court is, under subsection (3) now to assign a numerical value on a scale of 0 to 60 when determining non-financial loss (rather than the current 0 to 50 scale).

8—Amendment of section 25—Legal costs and disbursements

This clause amends the current provision regulating legal costs and provides that regulations may make provision in relation to the costs of proceedings under this Act and recovery of disbursements.

9—Amendment of section 27—Payment of compensation etc. by Attorney-General

This clause allows for indexing of the $10,000 minimum amount prescribed in section 27(3)(c).

10—Amendment of section 28—Right of Attorney-General to recover money paid out from offender etc.

This clause makes it clear that the Attorney-General may apply for summary judgment in favour of the Crown (and against the offender) of an amount that is less than the aggregate of the amounts paid by the Attorney-General as statutory compensation and costs.

11—Amendment of section 29—Recovery from claimant

This clause inserts a new offence into the Act requiring a claimant who receives compensation or damages from another source to notify the Attorney-General within 30 days. The maximum penalty for the offence is $1,250.

12—Amendment of section 32—Imposition of levy

This clause amends section 32 to provide that a court may, at the time of convicting or sentencing a person under the age of 18 years for an offence, exonerate the defendant from liability to pay the levy in relation to that offence.

13—Insertion of section 34A

This clause inserts a new provision allowing the Crown Solicitor to disclose to a victim information relating to the whereabouts of an offender or any means of contacting an offender (to facilitate the service of documents on the offender by or on behalf of the victim).

14—Amendment of section 37—Regulations

This clause amends the regulation making power consequentially to clause 8.

15—Insertion of Schedule a1

This clause inserts the table of compensation amounts corresponding to the various numerical values (now to be on a scale of 0 to 60) that may be assigned by a court determining a claim for statutory compensation for non-financial loss pursuant to section 20(3)(a).

Debate adjourned on motion of Hon. D.W. Ridgway.

FIREARMS BILL

Final Stages

The House of Assembly agreed to amendments Nos 3 to 6, 8, and 10 to 18 made by the Legislative Council without any amendment; disagreed to amendments Nos 1, 2 and 7; and disagreed to amendment No. 9 and made an alternative amendment as indicated in the following schedule in lieu thereof:

No. 9 Clause 75, page 78, lines 8 to 35 and page 79, lines 1 to 3 [clause 75(2) and (3)]—

Delete subclauses (2) and (3) and substitute:

(2) This section does not apply in relation to a person who is charged with an offence under any of the following provisions:

(a) section 9;

(b) section 19;

(c) section 22;

(d) section 37;

(e) section 45.

At 23:06 the council adjourned until Wednesday 9 December 2015 at 10:15.

Answers to Questions

APY LANDS, ROAD INFRASTRUCTURE

In reply to **the Hon. T.J. STEPHENS** (3 June 2015).

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):

Construction works on the Pukatja Airstrip Access Road commenced on 22 June 2015, and were completed in late August 2015.

The section of works, from Stuart Highway to Indulkana commenced on 19 September 2015 and is expected to be completed in December 2015, weather permitting. Construction on the 43 kilometre section, from Pukatja to Umuwa is planned to commence in early 2016.

Under the National Partnership agreement with the commonwealth, the project completion date is scheduled for the 2018-19 financial year.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (16 June 2015).

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):

I can advise that an answer to this question is available in the Hansard of 17 June 2015.

MICRO FINANCE FUND

In reply to **the Hon. A.L. McLACHLAN** (2 July 2015).

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): I am advised:

The independent experts are drawn from a range of entrepreneurial people with substantial experience with start-up businesses across a range of industries. Typically, they will either be running their own businesses or working with start-ups and in the entrepreneurial community as mentors, advisors, consultants, or educators. This strengthens the assessment process as the panel can match an appropriate expert with an applicants' industry sector.

The Department of State Development advises it does not publicly name the external industry experts to protect their independence and to prevent any lobbying or undue influence by applicants to the program or the individual member being contacted to obtain feedback on specific applications.

There is no remuneration paid; external members provide their services on a voluntary basis.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

In reply to **the Hon. A.L. McLACHLAN** (9 September 2015).

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):

I am advised that one of the recommendations of this review was to develop their airtip proposal.