

LEGISLATIVE COUNCIL**Tuesday, 9 February 2016**

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:16 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 and their cultures and to the elders, both past and present.

*Bills***CONTROLLED SUBSTANCES (POPPY CULTIVATION) AMENDMENT BILL***Assent*

His Excellency the Governor assented to the bill.

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

TATTOOING INDUSTRY CONTROL BILL*Assent*

His Excellency the Governor assented to the bill.

COMMUNITY BASED SENTENCES (INTERSTATE TRANSFER) BILL*Assent*

His Excellency the Governor assented to the bill.

*Condolence***BANNON, HON. DR J.C.**

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:19): By leave, I move:

That the Legislative Council expresses its deep regret at the recent death of the Hon. Dr John Charles Bannon, a former Premier of South Australia, minister of the Crown and member of the House of Assembly, and places on record its appreciation of his distinguished public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

Those who reach the highest echelons of public service know that history can make mixed judgements as to the legacies of even great leaders. Those who accept the mantle of leadership must submit themselves to the judgement of the public—this is well understood. And so, to many people, it often comes across as shrill and sour when former political leaders protest that their good work was misunderstood or unfairly overshadowed by mistakes or misfortunes not of their own making. John Bannon never did this.

He was one, amongst former leaders, who endured more criticism than most, but endure it he did, and he bore everything that was thrown at him with patience, grace and integrity. It did not concern him whether the criticism was or was not fairly deserved. Among the South Australian Labor contingent of this time, it may well have been John Bannon himself who protested the least about how his government's legacy was perceived, and that speaks directly to John's character.

I will leave his character aside for a moment and spend a short while speaking of John Bannon's economic legacy, something that he never himself felt the need to do. A lot of what is South Australia today is because of the input of John Bannon as Premier and Treasurer of this state. Under his stewardship, the South Australian economy was modernised at a tremendous pace, and

he remained unfailingly committed to the economic and social development of this state throughout his almost decade of premiership.

He laid the foundations for many things that remain to this day crucial to the South Australian economic landscape. John Bannon's government won the right to build the submarines at Osborne and established the ASC, an institution of South Australian manufacturing, one of which John Bannon rightly remained proud throughout his life and of which many South Australians are rightly very proud. He brought the Riverbank Precinct to life with the development of the Convention Centre and the Adelaide Casino, beginning a project that is still ongoing today and continues to lift the tourism prospects and cultural life of Adelaide, carrying on John Bannon's proud work.

He was a key player in the development, as a member of SACA, of the new Adelaide Oval and footbridge, to which the Riverbank Precinct is closely defined. He lured the Formula One Grand Prix to Adelaide in 1985, which, as it became part of the Formula One World Championship that year, put Adelaide on the world map as an events destination. We continue to benefit from the international recognition that the Grand Prix gained us, and this government honours the work by continuing to expand upon that reputation.

He established the Entertainment Centre and sporting complex precinct at Hindmarsh, which are now fixtures in the cultural and social life of our city and our state. His administration saw the establishment of the Olympic Dam mine, which remains a giant of South Australia's resources landscape, even amidst the current global economic difficulties.

Everything John Bannon did as Premier he did to build a stronger and better South Australia. Everything he did as Premier he did with a keen and highly consistent focus on the future of our economy and our community. Everything he did as Premier he did in a manner consistent with his personal qualities. He served with profound humanity, with unfaltering decency and extraordinary strength of character.

I am sure everyone here knows that, after leaving parliament, John Bannon remained involved and connected in a quiet and unassuming way to South Australia and its people. In particular, he was always mentoring and guiding young people who were finding their way into the South Australian Labor Party. One such young person was myself. During his time as Premier I was too young and not particularly engaged with politics to understand what John Bannon and the Labor Party were doing at the time, but as I got older and my engagement with politics and the Labor Party deepened, I was fortunate to come to know John Bannon as a person and as a mentor.

In the late 1990s, John occasionally would attend the Adelaide sub-branch meeting of the Labor Party and thoughtfully and respectfully put forward his views. Fortunately, he never needed to defend his government's legacy at the Adelaide sub-branch because both Frank Blevins and Anne Levy were members of that branch and did that with great vigour. John also made a very significant contribution post politics to the cultural, sporting and educational life of this state. He served on the board of our national broadcaster, the ABC, and on the South Australian Cricket Board.

He was also the head of St Mark's College, one of the residential colleges in North Adelaide, from 2000 until 2007. It was during this time that I got to know John particularly well. St Mark's is not an institution that is well known for having an abundance of openly ALP-supporting individuals, so having a former Labor premier as the Master of the College was something a bit different.

As a recent-ish former uni student from the country, I lived at St Mark's College for most of the 1990s and was a member of the college's governing council for much of the time that John Bannon was Master. At St Mark's, he oversaw an ambitious program, significantly modernising the college not only physically but in terms of the attitudes of the institution. The way he worked cooperatively and respectfully to overcome obstacles and bring people on board was a valuable lesson.

Just over a decade ago, my wife (also a former St Mark's College resident) and I were married and the reception was held at St Mark's College. Instead of having many lengthy speeches, we had a debate, which was overseen by John Bannon. John was in exceptionally fine form the night he spoke at my wedding and thoroughly entertained the guests, many of whom had not seen that lighter, more mischievous side of John Bannon.

Over the last decade, I would regularly catch up with John for advice or a laugh and I greatly valued his views and thoughts, even though many of them were unsolicited. In everything John did, his most striking qualities were his openness, his accessibility, his kindness and the warmth that he brought to every human interaction. John Bannon offered the fruits of his friendship without seeking anything in return and without discrimination.

He was a profoundly and intensely decent human being who, throughout his life at a number of points, endured awful circumstances with unshakeable dignity and grace. He struggled with a long and difficult illness and to the very end was participating in the shared social life of the community, quietly and unassumingly but with the same enthusiasm and energy that he brought to his premiership.

In his own words, as Premier, John Bannon did the job 'as honestly and as competently' as he could. I do not know that anyone on any side of politics ever questioned John Bannon's honesty, and if you just look around you can easily see what he did and what he built. I think we have come a long way since the John Bannon era, not in spite of what he did but because of it.

His legacy is everywhere in this state both seen and unseen. His influence, his vision, his boldness and his gentleness are written into the South Australian DNA and will remain with us. We are in many ways living in the South Australia that John Bannon helped build and he will always be with us in that way.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I rise to endorse the remarks made by the Leader of the Government in relation to the life of the Hon. John Bannon. The Hon. John Bannon has been described as a fine servant of his party, his state and our country.

The Prime Minister spoke of John Bannon, as he had been involved up until recently with the expert advisory panel on the reform of commonwealth-state financial relations. Malcolm Turnbull commented that John Bannon spoke with the wisdom of experience and the clarity and enthusiasm of someone totally committed to the issues of today and the challenges of tomorrow.

He attended St Peter's College, having won a scholarship, and graduated top of the state in English, going on to complete arts and law degrees at Adelaide University. He was already very interested in politics and became president of the national union of Australian students in 1968 and also represented the state in debating.

The Canberra Times described that period of his life as the archetypal rocket burst of energy and talent that heralds a brilliant career. Sure enough, at the age of 25, he was almost preselected for the Senate. Things might have been very different if he had been preselected for the Senate. Instead, he spent the next few years learning the ropes of the union and the Labor Party from within the Australian Workers' Union. In the Whitlam years, he worked for Clyde Cameron before returning to the South Australian department of labour and industry, where he remained until his election in 1977.

Mr John Bannon, as we know, was Premier of South Australia through a particularly dark economic period, from 1982 to 1992. Mr Bannon's political legacy was overshadowed by the State Bank, but I will use this opportunity to comment on some of the more positive aspects of his time.

As the Leader of the Government mentioned, he is credited with the establishment of the Olympic Dam uranium and copper mine near Roxby Downs, but of course we do have to remember that it was the very hard work done by the previous Liberal government in getting the indenture through this parliament that allowed that to happen.

He also brought the Grand Prix, as the minister mentioned. I think that was a significant step, focusing some global attention on our city and proving that we could run big events. He did, indeed, open the Convention Centre and also the Casino when gambling was brought to South Australia, and the pokies are a legacy of the Hon. John Bannon's time as well.

Another thing that he is credited with is the O-Bahn which was built to the north-eastern suburbs and opened in 1986. While it was opened in 1986, again, it was off the back of a commitment from the Tonkin government to build a busway up that corridor. I think the Labor Party's policy was

some sort of light rail transit policy but, nonetheless, in a sign of good bipartisanship, it was Premier Bannon and his government who continued with the O-Bahn and then opened it in 1986. He handed back the radiation-tainted Maralinga lands to the traditional owners in 1984 and, as the minister and Leader of the Government mentioned, he lobbied for the submarine industry to be established in South Australia.

More so than his political achievements, our condolences should touch on the character of those paying tribute, and I respect that, other than his wife, Angela, some of his party colleagues probably knew him best.

I had an opportunity to meet the Hon. John Bannon in 1983. As members would know, I was involved in the Rural Youth Movement of South Australia and we had a fundraising bike-a-thon where we rode from all over the state to Adelaide. I rode from the South-East. It also included the West Coast and Yorke Peninsula. Interestingly, there were no bike helmets, lycra or one-metre rules but, nonetheless, we rode down the main highway to meet the Premier in Victoria Square. We were delighted that he saw fit to come and meet us and welcome us to the city. I cannot recall the charity we raised money for, but we raised several thousand dollars for that particular charity.

At his funeral, Mike Rann said of Mr Bannon that he did not know anyone in public life more deserving of the title 'honourable' and that the respect which many had for him was due to:

...his character, his conduct in good times and bad times, his innate decency, his grace under immense pressure, his self-effacing sense of duty and his abiding courage.

Undoubtedly, John Bannon tirelessly served as a member of parliament because he loved South Australia and was motivated by a desire to make the state a better place, and in many ways he did that.

After politics, Mr Bannon maintained a keen interest in the arts and sport, the Casino complex, and promoting the arts and tourism sectors. He leaves behind his wife, Angela Bannon, his daughter, Victoria, and their two stepsons, and I offer our condolences to them.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I also rise to pass on my condolences regarding the loss of Mr Bannon. I do not profess to have known Mr Bannon particularly well, certainly not as well as the Hon. Kyam Maher, but throughout the course of 2015 I did get the very gracious opportunity to have a couple of moments to spend with the Hon. Mr Bannon.

In 2015, I gave a speech which was attended by the President of the Australian Hotels Association, Mr Peter Hurley, who had a long-term and ongoing friendship with Mr Bannon. During my speech, I referred to Charles Kingston and Mr Hurley was very quick to point out to me that the ultimate authority on Charles Kingston was, of course, John Bannon and suggested that he and I catch up for a bite at some point and so we did; in fact, we did it twice during the course of 2015.

During those luncheon catch-ups what struck me was the depth of knowledge across a whole broad range of areas that Mr Bannon had. We spoke about a great range of issues, but at the centre of all our discussions were cricket and politics, obviously two passions that we both shared. It is fair to say that Mr Bannon could speak about both subjects with far more authority than I, he being an historian on both particular pastimes or passions.

But what really struck me about my time spent with John Bannon was his enormous humility and dignity. It was impossible to walk away from any interaction with him without really being struck by his humility and dignity, despite the fact that there was so much for him not to be humble about.

Fortuitously, the evening following the first time that we met over lunch was the celebration that the Australian Labor Party was putting on to celebrate the 50th anniversary of the election of the Walsh government. I was emceeing that event and, like all good Labor Party events, there were way too many speakers who thought it was a good idea to speak for way too long. I think there were five speakers that night in total. Each of them took the liberty to speak well beyond their welcome—of course, the Premier was not included in that list—but of all those speakers the one who really stole the show was John Bannon. He had everyone in that room in the palm of his hand. He spoke with authority, passion and a degree of intensity.

He was extraordinarily engaging, but the thing that really took me was that he was incredibly funny. Mr Bannon was able to recite stories from over a lengthy period—some of them not worth repeating here, or should not be repeated here—but they were very engaging and he was very, very funny. He had the crowd in the palm of his hand. Mr Bannon was truly a scholar and a gentleman, and he will be very much missed by all, particularly by his friends within the Australian Labor Party, and I very much hope that he rests in peace.

The Hon. R.I. LUCAS (14:35): I rise to support the comments that have been made by the Leader of the Government, the Leader of the Opposition and the Hon. Mr Malinauskas, and I do not intend to repeat the comments they have made.

I knew John Bannon over a significant period of time. I would have met him sometime in the late 1970s when I was working for the Liberal Party, but my coming to the state parliament was at the time when John Bannon was elected in 1982. As the Labor staffers on Twitter and Labor ministers like to remind me, my first extensive period in opposition was as an opposition member under the Bannon government of that period, from 1982 to the early 1990s.

I can only concur, as a political opponent, with the comments the Leader of the Government and the Hon. Mr Malinauskas have made in relation to John Bannon as a person. Whilst we clearly had significant political differences on a variety of issues, from my viewpoint today is not the time to explore any of those. John Bannon was unfailingly courteous in his dealings with not only members of his own party, I suspect, but also with members of the opposition and the crossbenches (and they were not as prolific in those days as they are now in terms of number) but he was also unfailingly courteous, and I think this is always a testament to a judgement you make about a person, with the staff around Parliament House.

You can find some people who are courteous to their members and colleagues, and even sometimes to their political opponents, but maybe not always as courteous in their dealings with the staff. I would be very surprised if any member who spoke to members of staff of the parliament who had any dealings with John Bannon as a person would find criticism from those staff members in terms of their dealings with him. Let me assure you that is not always true—whether it be of Labor members or indeed of Liberal members. Let me not be political about this: there are members on all sides of the political fence who do not always treat the staff with the dignified approach that John Bannon did and members should in terms of treating their staff.

I agree with the comments that have been made in relation to his sense of humour which belies the public perception of him as a person. What also might belie his public perception is that I had considerable dealing with John through the parliamentary cricket team, a member who was elected with a great passion for maintaining, at that stage, the tradition of the annual press versus parliament cricket game—something which, sadly, has died over the last four or five years.

During those early years, even though he was very busy, John Bannon's love of cricket came through. He could not always attend, but when he did we would sometimes have to squeeze him in for an hour here and there around the lunch break, when he would roll his arm over, have a bit of a bat and then disappear to get on with the business of the state.

John was a very tidy left arm orthodox bowler in those days. I notice that in one of the media commentary someone referred to him as a leg spin bowler. That may have been the case in his youth, but I can assure members that, during his more advanced years as a member of the parliament team that took on the press, he was a very tidy left arm orthodox spin bowler.

He bowled a good length and kept at bay people like Rex Jory, Chris Kenny and others who might have played for the press team (although that might have predated Chris a little bit I suspect). Again, he was courteous and gentle even with members of the media, who probably the other 364 days of the year were engaging in a blood sport of media versus politics; nevertheless, he put that aside in his dealings with the press gallery during that particular occasion.

The other recollection I want to make in relation to cricket, without going into detail, is that John Bannon and I had quite a bizarre mutual acquaintance in Rodney Cavalier who, as Labor Party members would know, was a famed headkicker from the New South Wales Labor Party. He, too,

shared a tremendous passion for cricket, and I think he wrote an article recently which reflected on that.

During January, I would occasionally run into Rodney wandering the streets of Adelaide before he headed down to the Adelaide Oval for the annual catch-up with John, and other friends as I read, and he would also reciprocate when John went to Sydney. There was one occasion when I was in Sydney as well, and I think when we were eventually in government at one stage, when I ran into Rodney and John at the Sydney Cricket Ground where Rodney was reciprocating.

Rod Cavalier, from a Labor Party colleague, would tell many a story; again, as the Hon. Mr Malinauskas has indicated, perhaps now is not the occasion to share many of the reflections. Rod Cavalier as a Labor friend and colleague would share very fondly private recollections of his time with John, his impersonations of various people, and the recollections and anecdotes that John was able to reel off at the drop of a hat.

With that, I want to join with the Leader of the Government, the Leader of the Opposition, and the Hon. Mr Malinauskas, in paying public tribute to the commitment from John Bannon not only to his party but to the State of South Australia and to the Parliament of South Australia, and then after that again to the community through the various good works that he undertook, in particular and most prominently through SACA and the work that went into the development of Adelaide Oval. My condolences go to his family and his friends.

The Hon. T.T. NGO (14:43): I also rise to support this motion. First of all, I would like to pass on my condolences and prayers to John Bannon's family: his wife, Angela; his daughter, Victoria, and his stepson, Dylan. May I talk about John from the Vietnamese community's perspective. I know that other honourable members have already spoken about his achievements. I did not know John Bannon during his time as a member of parliament or when he was Premier. When I was young, I did not pay much attention to politics.

I only met John a few times when he attended a number of functions organised by the Vietnamese community and I remember seeing him at a number of functions including the Children's Festival (the Full Moon Festival) and the Vietnamese New Year. When John Bannon was Premier, the Vietnamese community was an emerging community. In the last few days, I have spoken to a few people from the community who were involved in those days and they all spoke about the respect John showed to the Vietnamese community.

In those early days, the community was trying to integrate into the wider Australian community. We wanted to showcase our culture and art and also to say thanks to Australia. For John as Premier to attend those functions, it gave the Vietnamese community a sense that they were being accepted in this country. He may not be aware of it but his attendance gave a big morale boost to the organisers, and many people in the community felt a sense of belonging.

I have a personal story which I would like to share. At one of the functions that John attended my sister and her family took a photo with him and, when my sister was trying to sponsor my parents to come to Australia from Vietnam, I believe the application got rejected. The advice was to put further information towards the application, so we used the photo that we took with John as a backup, as a way of demonstrating that we were involved with the wider community. Surprisingly, the application got approved. However, my parents already were accepted into the US where there were nine other children, so they decided it was best that they go there rather than here where there were only three of us. That is my personal story from my family.

In Vietnam and in many parts of the world it is not always easy to get a member of parliament to attend one of your functions, let alone a premier. It was surprising to many people in those days to see the Premier and other MPs attending functions and to see how down to earth the Premier and other MPs were. It was very special to see politicians also joining the celebration. That is why now, as a member of parliament, I always make every attempt to attend as many of those ethnic functions as I can because I know it is very important to those migrant communities. Finally, on behalf of many early Vietnamese migrants who knew him, I thank him for the respect that he showed to the community. May he rest in peace.

The PRESIDENT (14:47): As there are no further speakers, I would like to say a few words. I had the pleasure of being a member of John Bannon's sub-branch in the early 1980s when he

became Premier and I was president of his sub-branch for a couple of those years. It was obvious by the Hon. Mr Bannon's contributions to the sub-branch that he was a man of great conviction. He knew where he wanted to take the state and he knew how he was going to get it there. It is amazing how we can forget the contribution of some of our previous premiers. When you read the contributions and what the Hon. Mr Bannon did, it is quite astounding the significant legacy that he left for this state. I send my deepest condolences to his wife, Angela, and his family. He is a person who will be very truly missed.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:50 to 15:05.

Petitions

DARDANELLES CENOTAPH

The Hon. A.L. McLACHLAN: Presented a petition signed by 18 residents of South Australia concerning the proposed relocation of the Dardanelles Cenotaph to the Kintore Avenue 'Memorial Walk'. The petitioners request that the council will reject the Government House Precinct Land Dedication Bill and preserve the community's Wattle Day Dardanelles Cenotaph in the South Park Lands, where it is now, as ever, the Empty Tomb of fallen ANZACs sacred to the memory of the Gallipoli landing and to ANZAC service and sacrifice, faithfully honouring our eternal debt of solemn remembrance.

Condolence

PLACE, MS BEVERLEY

The PRESIDENT (15:08): It is my sad duty to inform the Legislative Council that Ms Beverley Place, a Hansard reporter in this parliament for many years, passed away on Saturday 16 January 2016 after a short illness. Bev commenced as a Hansard sessional typist in 1982 and, with changes in technology, became a reporter and was a dedicated employee of the parliament. Bev always said she loved being a reporter, working at Parliament House with great people, doing the job she loved, and how happy she was to come to work each day.

Bev was held in very high regard by all her colleagues and by the staff here at parliament. She worked until mid-November 2015, when she commenced sick leave. She is sorely missed by her good friends and parliamentary colleagues, and we in the Legislative Council extend our sympathy to her sons, Todd and David, daughters-in-law, Anna and Abbie, and her family and friends.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of New Member's Interests, February 2016—Registrar's Statement

[Ordered to be published]

Reports, 2014-15—

Corporations—

Adelaide

Adelaide Hills

Burnside

Holdfast Bay

Norwood Payneham and St Peters

Port Adelaide Enfield

Prospect

Salisbury

Unley

District Councils—

Alexandrina

Barossa
Copper Coast
Gawler
Grant
Kimba
Lower Eyre Peninsula
Mid Murray
Port Pirie
Roxby
Southern Mallee
Tumby Bay
Wakefield
Yankalilla
Yorke Peninsula

By the Minister for Employment (Hon. K.J. Maher)—

Outback Communities Authority Annual Report 2013-14

District Council By-laws—

Mount Remarkable—

No. 1—Permits and Penalties

No. 2—Moveable Signs

No. 3—Roads

No. 4—Local Government Land

No. 5—Dogs

No. 6—Cats

Wudinna—

No. 2—Moveable Signs

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

Reports. 2014-15—

Adelaide Convention Centre

Pastoral Board

South Australia—Victorian Border Groundwaters Agreement Review Committee

South Eastern Water Conservation and Drainage Board

Vinehealth Australia

Regulations under the following Acts—

Children's Protection Act 1993—Miscellaneous

Major Events Act 2013—Santos Tour Down Under 2016

Primary Industry Funding Schemes Act 1998—Deer Industry Fund Amendment

Radiation Protection and Control Act 1982—Ionising Radiation Amendment

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

South Australian Water Corporation—Report. 2014-15

By the Minister for Police (Hon. P.B. Malinauskas)—

Reports. 2014-15—

Legal Practitioners Disciplinary Tribunal

Professional Standards Council

Riverbank Authority Financial Statement, 2014-15

Inquest into the Death-in-Custody of Jeremy Harding—Roots, pursuant to the Coroners Act 2003.

Dangerous Area Declaration under the Summary Offences Act 1953—Quarterly Report—
1 October 2015 to 31 December 2015.

- Road Blocks Declaration under the Summary Offences Act 1953—Quarterly Report—
1 October 2015 to 31 December 2015.
- Regulations under the following Acts—
- Electoral Act 1985—Miscellaneous Amendment
 - Heavy Vehicle National South (South Australia) Act 2013—
Expiation Fees Amendment
Miscellaneous
 - Liquor Licensing Act 1997—Definition of Liquor
 - Lottery and Gaming Act 1936—Poker
 - Motor Vehicles Act 1959—Definition of Emergency Worker
 - Road Traffic Act 1961—
Definition of Emergency Worker
Miscellaneous Amendment
 - Spent Convictions Act 2009—Definition of Justice Agency
 - Victims of Crime Act 2001—Levy
 - Supreme Court Act 1935—Probate Fees
- Regulations under National Schemes—
- Heavy Vehicle National Law—Amendment Regulation
- Rules of Court—
- Legal Practitioners Education and Admission Council—Legal Practitioners Act
1981—2004
Amendment No. 9
 - Magistrates Court—
Civil—Amendment No. 10
Criminal—Amendment No. 55
- Rules under Acts—
- Road Traffic Act 1961—Light Vehicle Standards
- Notices under Acts—
- Liquor Licensing Act 1997—Late Night Trading Code of Practice

By the Minister for Correctional Services (Hon. P.B. Malinauskas)—

Report of actions taken by Department of Correctional Services dated 1 December 2015
following the Inquest into the death of Mr. Mark William Payne

Report of actions taken by Department of Correctional Services dated 30 November 2015
following the Inquest into the death of Mr. Shane Rene Blunden

Parliamentary Committees

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (15:10): I lay upon the table the report of the Statutory Authorities Review Committee 2014-15.

Report received and ordered to be published.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:17): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. G.E. Gago be appointed to the committee in place of the Hon. G.A. Kandelaars (resigned).

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:17): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. J.M. Gazzola be appointed to the committee in place of the Hon. T.T. Ngo (resigned).

Motion carried.

STATUTORY OFFICERS COMMITTEE

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:18): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. G.E. Gago be appointed to the committee in place of the Hon. G.A. Kandelaars (resigned).

Motion carried.

Ministerial Statement

NUCLEAR FUEL CYCLE ROYAL COMMISSION

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:19): I table a copy of a ministerial statement just made by the Premier in another place today relating to the nuclear fuel royal commission.

Question Time

GOODS AND SERVICES TAX

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:19): My question is to the Leader of the Government and Minister for Employment: do you support the Premier's policy of increasing the GST rate to 15 per cent?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:19): I thank the honourable member for his question about the GST. The answer is that all issues of commonwealth-state relations are a matter for the Premier.

The Hon. D.W. Ridgway: Yes or no?

The Hon. K.J. MAHER: However, before I was so rudely interrupted by the ever eager Leader of the Opposition pro tem—

An honourable member interjecting:

The PRESIDENT: Order! Let the honourable minister answer the question.

The Hon. K.J. MAHER: As the Premier has quite rightly pointed out, we need a mature national conversation about taxation and about how the future of the health and education system of the country will be funded. I am 100 per cent behind the Premier's position.

The federal Liberal Party have made \$80 billion worth of cuts to schools and hospitals. This is the federal Liberal Party that went to the last federal election: 'No cuts to health, no cuts to education.' They could not have been clearer. In their first budget, they put it up there in writing. They were proud of it: \$80 billion worth of cuts to health and education.

The Premier has come up with one possible idea to make sure that there is sustainable funding for health and education into the future. I note that the Liberal Prime Minister, Malcolm Turnbull, has been in the media in the last few days suggesting it might be a good idea for state governments to look at increasing land tax and payroll tax. This is the Liberal federal Prime Minister. On 5 February this year, Prime Minister Turnbull said on FIVEaa:

[The states] have to be prepared, I believe, to go to their citizens and say, for example, we want to, we need to, raise money, more money to spend on our schools and hospitals and we are going to increase this state tax or that state tax.

He went on to say:

Well, you know, actually some of the most efficient tax bases in Australia are the [state based taxes] like land tax and payroll tax.

He then said on the *Insiders* program a couple of days later that states should look at increasing payroll tax and land tax. I'm sure that the Hon. David Ridgway and his geniuses on the other side will completely support their federal leader and come in behind and want to raise state taxes—land tax and payroll tax. They've got some questions to answer that I think they just won't be prepared to. That's why they will say nothing.

They will keep with their genius small target strategy of 'say nothing, do nothing', the Rob Lucas strategy that has been so successful in the last election and so successful at the Fisher by-election. There's only one person coming up with ideas—and that is Jay Weatherill, the Premier, compared to Steven Marshall, who will say nothing, not support anything and think he can sail into office. That's not what we're going to do. We understand that as a state government we need to put ideas forward. That's what people expect.

They are not even close to being an alternative government. By definition, 'alternative' means having another point of view or having some sort of different competing possibilities. They don't have them. They have nothing at all. They are not even close to being an alternative government. They don't have their own policies and it's not good enough.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

The Hon. T.J. Stephens: How long did you rehearse that for, because it was rubbish!

GOODS AND SERVICES TAX

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:22): He's been weeks at it.

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition has the floor.

The Hon. D.W. RIDGWAY: What modelling has the government and your agency done on the impact of the policy of an increase in the GST to 15 per cent on jobs and jobs growth in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:22): This was one possible idea that the Premier floated and it was an idea that was consistent with a share of the income tax coming back to the states to fund these things.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

GOODS AND SERVICES TAX

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:22): Minister, are you saying you have a policy with nothing to back it up, no substance that it is going to be good for our economy?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:23): I will say again: we're coming up with ideas, they're coming up with nothing.

GOODS AND SERVICES TAX

The Hon. T.A. FRANKS (15:23): Supplementary arising from the original answer that people expect this government to put ideas forward: did the member for Wakefield expect this government to put a 15 per cent GST forward?

The Hon. K.J. Maher interjecting:

The Hon. T.A. FRANKS: He has made it pretty clear that he is not impressed.

The PRESIDENT: The honourable minister, when you're answering a question, please do it on your feet.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:23): I absolutely support the Premier coming up with ideas, and we've seen the Premier fearless in his determination to stick up for this state, whether it be against a federal Liberal government, whether it be against a former Labor government in support of the River Murray when the Liberals wanted us to settle for their—what was it?—Mazda deal. This Premier has shown that he will stick up for the interests of South Australia no matter what the cost.

The PRESIDENT: Supplementary, the Hon. Mr Lucas.

GOODS AND SERVICES TAX

The Hon. R.I. LUCAS (15:23): Supplementary arising out of the minister's answer: given the minister's reference in his answer to claims of broken promises, can he confirm that the Premier, Jay Weatherill, actually promised prior to the last state election not to increase the GST?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:24): I thank the honourable member for his supplementary question. As a failed treasurer of the state and failed education minister, he has a lot of views on these things that he feels quite happy to share with us.

Members interjecting:

The Hon. K.J. MAHER: The Premier made that after; subsequent to any statement by the Premier—the federal Liberal government made \$80 billion worth of cuts to health and education. Everything changed.

GOODS AND SERVICES TAX

The Hon. R.I. LUCAS (15:24): Supplementary: is the minister confirming that the Premier promised prior to the election not to support an increase in the GST and he is now seeking to justify a broken promise?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:24): I am confirming that the federal Liberal government went to an election saying no cuts to health and no cuts to education and actually implemented exactly the opposite.

GOVERNMENT RADIO NETWORK

The Hon. R.I. LUCAS (15:24): My question is directed to the Minister for Police. Does the minister agree with the statement made by the state Treasurer, who said publicly, 'Mobile blackspots are not about emergency services response. They are two different issues.'?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): I thank the honourable member, Mr Lucas, for his question. I am not familiar with the Treasurer's specific remarks that are referred to, so I am more than happy to take that on notice.

What I will say is that blackspots is an area that directly contributes to the undermining of road safety in South Australia, and this government is very committed and remains committed to ensuring that we are putting funding in place, where appropriate to do so, to address where blackspots occur to ensure that we invest to make our roads safer. But I am more than happy to familiarise myself with the specific remarks referred to and provide an answer on notice.

GOVERNMENT RADIO NETWORK

The Hon. R.I. LUCAS (15:25): Supplementary: I understand the minister is a new minister, but I think he has the wrong blackspot. I am referring to mobile phone blackspots as opposed to road

safety blackspots. Given that I have referred to mobile blackspots, would the minister like to reflect on my question again; that is, the Treasurer has said publicly, 'Mobile blackspots are not about emergency services response. They are two different issues.'? Does the minister agree with that statement by the Treasurer?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:26): I thank the Hon. Mr Lucas for clarifying which blackspots he is referring to. Again, I am not familiar with the specific remarks that you refer to that the Treasurer has made. What I would say is that the principle source of communication that occurs for emergency services is via the radio government network.

The radio government network is one of a kind. It is a highly regarded piece of infrastructure, not just by our emergency services but by emergency services interstate. I am advised that ongoing upgrading of the radio government network to ensure that all the appropriate communications or facilities that are required by our emergency services is occurring and continues to occur, but again I am happy to familiarise myself with those specific remarks that you refer to and comment on notice.

GOVERNMENT RADIO NETWORK

The Hon. R.I. LUCAS (15:27): Supplementary arising out of the minister's answer: what guarantee can the minister give that the new MFS mobile phone-based Intergraph communication system will work when MFS crews are sent to major bushfires such as Pinery?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I thank the Hon. Mr Lucas again for his question and his interest in this important topic. Out of the Pinery bushfire, as is the case in any sort of significant event of this nature, the government does undertake a review to ensure that we are making or acquiring all the learnings that should appropriately take place as a result of a significant fire event.

Communications is one of the subjects that is being looked at as a consequence of the Pinery bushfire. I understand that the radio government network and how it performed during the Pinery bushfire is specifically being looked at. Again, I am not able to provide a comment right now specifically in respect of mobile phone towers, but I am more than happy to take that on notice and come back to the honourable member.

APY LANDS

The Hon. S.G. WADE (15:28): 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: On 8 December 2015, I asked the minister a series of questions in relation to the Amata swimming pool. On the APY lands, the swimming pool season lasts for six months, from the first week in October through to the last week of term 1's school holidays the following year. The Aboriginal affairs and reconciliation program of the Department of State Development provides around \$180,000 to meet the pool manager's salary and other operating costs.

Last year, at the time of my questions, the Amata pool had already been closed for the first two months of the 2015-16 swimming pool season. Two months later, I understand the pool remains closed. That means the pool has now been closed for over four months, including the entire Christmas/school holiday period. My questions to the minister are:

1. How much funding did the Aboriginal affairs and reconciliation program allocate to the Amata pool this year?
2. How much of this funding remains unspent?
3. Has any of the allocation been redirected for the purpose of providing alternative recreational opportunities for the children of Amata, particularly during the school holiday period?

4. Is it the minister's expectation that any of the allocation not spent by 30 June this year, including unspent wages, will be returned to the Aboriginal affairs and reconciliation program, or will it be returned to Treasury?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:29): I thank the honourable member for the question and his ongoing interest in matters concerning the APY lands. The operation of swimming pools, operationally, is run through the education department. In terms of what happens with funding that remains unspent, I don't have an answer in front of me that I am able to give the honourable member, but I am happy to take that on notice and bring back a reply about any unspent funding and what occurs to that and seek an answer from the department for education who operationally runs the pools.

APY LANDS

The Hon. S.G. WADE (15:30): Supplementary question: I also seek an undertaking in response to the other question. To be honest, I'm more concerned about the welfare of the children than the return of money to Treasury.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:30): I will take on notice the questions that you have asked in their totality and bring the replies back.

NORTHERN ECONOMIC PLAN

The Hon. G.E. GAGO (15:30): My question is to the Minister for Automotive Transformation. Can the minister please inform the chamber about the launch of the Northern Economic Plan?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:30): I thank the honourable member for her question and her many, many years of interest in South Australian jobs and in skills which the Northern Economic Plan goes a long way to talking about.

The Northern Economic Plan is a joint partnership between the state government, the City of Playford, the City of Port Adelaide Enfield, the City of Salisbury, businesses in northern Adelaide, industry, and community and social leaders. The Northern Economic Plan sets the direction for transforming northern Adelaide into a diverse and resilient economy. By working together with other tiers of government, the business community, the education research sector and the community sector, we are investing in growth sectors and looking at ways to make it easier for businesses to grow and create jobs.

On 28 January, the Premier officially launched the Northern Economic Plan at Bickford's in Salisbury South. The launch was attended by nearly 500 people and was held on the warehouse floor. While we were in a roped-off section, stock was moving in and out of the rest of the facility. In fact, throughout the event automated forklifts quietly moved around and up and down the row of stocks in an impressive display of cutting-edge automation.

I would like to thank the staff at Bickford's, who would have worked hard to accommodate the launch event occurring in a normally very busy workplace. In particular, I would like to thank Angelo Kotses, Managing Director, for the use of the Bickford's site and his great speech about how the Bickford's group is growing in northern Adelaide, across the state and across Australia.

Over 160 years since their founding, Bickford's remains a private Australian-owned and managed business. From a small chemist in 1839 known as the Adelaide Dispensary on North Terrace to its current world-class facilities at Salisbury South, Bickford's is truly a South Australian success story.

At the launch event, following a Kurna welcome to country by Jack Buckskin, the Premier formally launched the plan and signed the memorandum of understanding on behalf of the government with those three northern council mayors. Raymond Spencer, as the Chair of the

Economic Development Board exceeded the events and spoke about the need for businesses to take risks and importance of business innovation and practices. The assembled audience of business, community, council and state government representatives also heard from Professor Barbara Pocock, Director of the Centre for Work and Life at the University of South Australia.

The launch of the Northern Economic Plan was a culmination of a lot of hard work from the mayors of the three northern councils, and I would particularly like to thank Mayor Gary Johanson, Mayor Gillian Aldridge, and Mayor Glenn Docherty for the commitment and hard work in working together to bring this plan to a reality. The administrative sides of the councils have also worked very well together with the chief executives from the councils with state government officials. The plan has also benefited from the close involvement of business representatives including Erik Bosch, Simon Kennedy and Kelvin Trimpler, and throughout the plan's development I have been grateful for the dozens of businesses in the northern Adelaide regions who have taken the time to meet with me in the conversations with many more of the major employers who have been crucial in shaping this plan.

I have had the chance to visit companies like Scholle Industries, headed by Erik Bosch, or Smart Fabrication, headed by Simon Kennedy. Both of these companies are key employers in the region and their involvement on the Community Leaders Group has been a key to the plan having a good understanding of business focus. The Northern Economic Plan was characterised by a high level of consultation with business, but also with the community. Information was provided to more than 120,000 households, and the Premier and myself hosted a first of its kind tele town hall meeting that had almost 7,000 residents involved. The feedback we received from both businesses and the community was that they wanted all levels of government to work together to help create jobs.

A core part of the Northern Economic Plan is identifying ways in which the state government and local northern councils can work better together to give businesses a smoother ride when looking to grow and expand. We do not want to see potential job creating expansions and developments not go ahead because businesses cannot find the right way to do it, so I am grateful that those councils are working very closely together to support this.

Through the Northern Economic Plan, the state government, local governments, businesses and the community sector will work together on immediate projects and look at ways of finding jobs for those whose jobs will be lost as the automotive sector winds down with Holden closing down at the end of the end of 2017. Some of these projects will start immediately and others are long-term projects. Some of the projects have already been committed to, and the focus of the Northern Economic Plan will ensure that there is as much return to the local community as possible. This means maximising local jobs and contracts for residents in the north.

An important part of the launch event was the signing of a memorandum of understanding between the government and those three councils. As part of the launch of the Northern Economic Plan, the state government also committed \$24.65 million dollars in new funding for the North supporting growth industries in that area. This included a funding boost for northern Adelaide in a range of areas.

We have committed \$2 million to support an alliance of northern businesses to trial prototypes for electric/diesel hybrid buses and possible manufacturing in northern Adelaide. The Premier also announced as part of the Northern Economic Plan that \$7 million would be allocated to attract anchor tenants to be established in the Northern Adelaide Food Park in Parafield and also to promote the use of renewable energy and, importantly, energy storage solutions for the food park. This funding was on top of the \$2 million that was allocated for the food park in the 2015-16 state budget.

There will also be \$4 million of new money for a disability employment hub. We know that one of the biggest, if not the biggest, growth areas in northern Adelaide will be the health, ageing and disability sector, and the rollout of the National Disability Insurance Scheme will be a big part of this increase. As the NDIS is rolled out, the size of the disability sector workforce is expected to more than double. This increase has a forecast of 6,300 new jobs statewide and approximately 1,700 of them in Adelaide's northern suburbs.

The construction sector is a growing sector in Adelaide's north with a number of highly innovative companies. One innovative area is the modular construction area. This process and some of the innovative methods used have provided local companies with a strong competitive edge. The government will support this sector and has allocated \$500,000 to establish an Advanced Modular Construction Industry Alliance.

We have also allocated \$100,000 to develop a live music activation strategy in northern Adelaide. This funding will look to replicate some of the success that has been achieved in the CBD and also some of the success that has been achieved with initiatives like the Northern Sound System. An allocation of \$50,000 for a youth resilience and empowerment program will work with disengaged students, and this program will be delivered by Power Community Limited, the community development arm of the Port Adelaide Football Club.

The final funding announcement as part of the Northern Economic Plan was a \$10 million fund to support small business. Northern Adelaide has something like 16,700 small businesses, many of which have the capacity to employ more people relatively easily. The Small Business Development Fund will help small businesses with small matched grants that will provide growth and jobs. I look forward to providing the parliament in the coming months with more details of these new programs in the future.

NORTHERN ECONOMIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:38): Supplementary, Mr President: the \$7 million the minister mentioned for, I think it was the food park, for renewable energy, is that an admission that the government is unable to attract tenants because of the high cost of electricity in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:38): No, not at all. It is an admission that we think this is going to be critically important. We know that for 17 years, year on year, food and beverage manufacturing has grown in this state. All of our feedback and all the forecast estimates look at this as being an area of future growth and future employment, and it is recognition that as a government we are looking to support those areas that have the capacity to grow and the capacity to provide jobs.

NORTHERN ECONOMIC PLAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:39): Further supplementary: so the renewable energy components of the funding package are not because you cannot attract the tenants because of the high cost of electricity?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:39): No.

NORTHERN ECONOMIC PLAN

The Hon. K.L. VINCENT (15:39): A supplementary arising from the original answer: can the minister elaborate on what the government imagines will happen in this rather obscurely named disability employment hub? Is it training people to become disability support workers? Is it training people to manufacture disability aids? Is it, heaven forbid, helping people with disabilities to find jobs? What does the government envisage will happen in the hub?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:39): I thank the honourable member for her question. A major component of it will be providing training for people to work in the disability sector. We know there is a massive increase as the NDIS is rolled out for the need for people to work in that sector, so a major focus will be training. It is not finalised, and I would be happy to take into account the honourable member's views as the disability hub is finalised. I do not have all the details of it. The actual implementation of it rests with the Minister for Disabilities, but I will make sure that much more information is provided.

NORTHERN ECONOMIC PLAN

The Hon. J.A. DARLEY (15:40): Are there milestones for the various aspects of the northern Adelaide plan? Can the minister indicate when the first milestone is due for completion and describe what the plan entails?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:40): I thank the honourable member for his question. I do not have all of them in front of me, but there are a wide range of projects that the Northern Economic Plan Leaders Group will be looking at and that includes things that are already planned like the Northern Connector. The leaders group will be looking to make sure that as much as possible is leveraged for the local community in terms of jobs and in terms of supplying those contracts.

There will be regular reviews of all the projects that come under the auspices of the Northern Economic Plan, and I will be happy to update the honourable member as we go through those projects and they are updated. I thank the honourable member for, even in the last couple of weeks, bringing to me a number of suggestions for numbers of ways we could help a number of projects that constituents have talked to him about.

NORTHERN ADELAIDE FOOD PARK

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:41): A further supplementary: does the Food Park in the minister's answer have B-double or road train access, but particularly B-double access?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:41): I thank the honourable member for his question. I know that there is detailed planning underway about the logistical needs in and out of the Food Park and the needs of infrastructure and logistics within the Food Park. In relation to the specifics of a particular mode of transport, I do not have that information, but I am more than happy to talk to the Minister for Transport about these things.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has the floor.

COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

The Hon. T.A. FRANKS (15:42): When you are ready.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has the floor.

The Hon. T.A. FRANKS: Thank you, Mr President. I seek leave to make a brief explanation before addressing a question without notice to the Leader of the Government in the Legislative Council in that role, and also in his role representing the Premier in this place, about the Weatherill government's promises and priorities given to the debate of legislation to effect those promises that were made in the 2014 state election, namely the pledge to create a children's commissioner.

Leave granted.

The Hon. T.A. FRANKS: To our shame, South Australia is currently the only mainland state in Australia not to have a children's commissioner; that is despite it being first recommended by the Layton Report in 2003. This sad state of affairs is not for want of trying by non-government parliamentarians.

A private member's bill to establish a children's commissioner passed in this council in August 2014 with the sponsorship of the opposition and supported by the crossbenches. It was later defeated by the government's numbers in the other place some two months afterwards in October 2014—a curious position given the Labor Party's election platform document, 'Let's keep building

South Australia', which states on page 73 under the heading 'Commissioner for Children and Young People':

Labor will establish a Commissioner for Children and Young People to be an accessible and effective advocate to champion the rights of children and young people around South Australia.

Yet, I note that this election promise seems to have fallen into the realm of non-core promises, as in the statement made infamously by a former PM.

Government members in the other place failed to even offer amendments to that bill to reflect their own preferred model, simply voting it down. Since then, the Weatherill government's own bill for a children's commissioner has seemingly also fallen into a category not just of being a non-core promise but systematically non-prioritised.

In 15 priority letters in the 2015 sitting calendar received by us by the Leader of Government Business, the children's commissioner bill, known as the Child Development and Welfare Bill, only twice featured as in any way a government priority and none of those times as proceeding to a third vote. In fact, since April 2015 in this place that bill for a children's commissioner has not once been in the government's priority letter—not a single time since April last year.

It came as no surprise to me then, last week, to receive your priority letter as the new Leader of Government Business in this place and notice that of the 13 current pieces of legislation that have been prioritised with this government, the child commissioner's bill does not feature. My question to the minister is: when will the Weatherill government prioritise progress on their own bill for a children's commissioner in this place?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:45): I thank the honourable member for her question. This is not my portfolio area, but I will refer it to the Minister for Education and Child Development in the other place and bring back a reply about the bill's progress and where this matter is up to.

COUNTRY FIRE SERVICE

The Hon. A.L. McLACHLAN (15:45): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding the Country Fire Service.

Leave granted.

The Hon. A.L. McLACHLAN: The recent Sampson Flat and Pinery bushfires highlighted the extreme danger CFS volunteers face, particularly when volunteers become trapped in a burnover. My question to the minister is: having regard to the dangers, will the minister be accelerating the replacement of older model open-backed CFS appliances with four-door, crew-cab trucks to ensure that volunteers are no longer forced to take refuge on open-backed trucks during life-threatening burnovers?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:46): I thank the honourable member for his question. From the outset, let me say that the safety of our volunteers who are out on the front line fighting fires is a responsibility that this government takes incredibly seriously. We have over 14,000 volunteers who participate within the CFS, and of those more than 10,000 are active firefighters. I can assure the honourable member that every time one of those volunteers goes out and attempts to fight a fire their safety is paramount in all the decisions that are made by the CFS leadership.

Of course, as technology evolves so too does the number of opportunities that are made available to the government to ensure that volunteers who are fighting fires on the ground can be afforded the best available resources in a way that prioritises their safety. I can assure the honourable member that I am aware of advances in technologies around burnover protection, and I am aware of the fact that not all CFS appliances currently have burnover protection.

I am advised that those CFS trucks that do not have burnover protection in the same format as others do are going through a process of upgrade; there are works in progress to do that.

Something that is under active consideration by myself and, in due course, the government is whether or not there are means available to accelerate the process of providing burnover technology.

For those members who may not be as familiar with what I refer to as the honourable member who asked the question, in essence burnover technology ensures, as best as possible, that where firefighters are faced with an oncoming fire front that is unable to be fought by traditional means, they are able to get into a CFS appliance or vehicle with a degree of confidence that that vehicle will be able to withstand a burnover and protect those who are inside it.

So I thank the honourable member for his question. It is something the government is paying a lot of attention to. As I mentioned before, I am advised that there are some appliances that do not have this technology, but the government is actively considering whether or not we can accelerate the process of bringing those remaining trucks up to speed with the current technology.

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT FIRE MANAGEMENT

The Hon. G.A. KANDELAARS (15:48): My question is to the Minister for Sustainability, Environment and Conservation. Could the minister outline how the Department of Environment, Water and Natural Resources delivers its prescribed burning program, and some of the important outcomes that have been achieved?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:48): I thank the honourable member for his most excellent question. Every year, the Department of Environment, Water and Natural Resources conducts a program of prescribed burning as part of a broader five-year rolling program, and we do this because we know that prescribed burning has been recognised as the most effective and economical way of reducing bushfire fuels on a landscape scale.

This was reinforced for us after the Sampson Flat bushfire early in 2015, where fire intensity mapping has shown that prescribed burns played a pivotal role in modifying bushfire behaviour and the spread of fire. It was again, I think, shown in January 2016 when a lightning strike on private land bordering the Seal Bay Conservation Park started a potentially dangerous blaze. Thanks in part to a prescribed burn that was conducted at the edge of Seal Bay Conservation Park in 2013, the impact of the fire was minimised, saving land, wildlife and community assets.

The Country Fire Service and DEWNR estimate that, because of the reduction in fuels from that prescribed burn, the fire was contained to just 10 hectares on the park boundary. I will be seeking leave in a minute to table a photograph to give to honourable members so that they can get a sense of how important the prescribed burning was in this case. It makes it very clear from an aerial perspective just what strategic burning can do, just to buy time for our firefighters and to reduce the intensity of the fire that they are combating.

The CFS state coordinator, Ms Yvette Dowling, has said, 'I am advised that this was an excellent example of how well-planned and strategic fuel reduction from prescribed burning can help reduce the intensity of a bushfire and give firefighters a tactical advantage for containing bushfire when conditions permit.' That is a crucial statement—'when conditions permit'. The CFS understands, as does DEWNR, that prescribed burns can only take place when weather conditions are deemed suitable for the planned activity to be conducted safely. We only do prescribed burnings when we consider that action to be safe to our communities.

This does not appear, however, to get through to some people. Every single year, a scare campaign is mounted about the number of prescribed burns that were carried out as opposed to the number that were planned for. Every year, I have to intervene in the media to explain to people that it is a five-year rolling plan, that if we don't get to the planned burn in autumn we will try to do it in the next spring and that we actually plan ahead over a long period of time.

Some people seem to enjoy creating fear and concern about our fire safety management in the eyes of the public, and I think that is a great shame. The opposite is actually true. We are putting in place secure firefighting mechanisms to reduce the intensity of fire and allow our firefighters time to regroup, to analyse the fire and to make some strategic decisions, without having the huge intensity of the fire bearing down on them because they know that strategic burns have been put in place in the previous years.

As the program is, as I have said, part of a rolling season, the burns not conducted in this spring we will carry out in the following season, if conditions permit. In recognition of the importance of prescribed burning, this government has, of course, invested significantly in the program. In 2002-03, the fire management operating budget was approximately \$390,000: now the budget for 2015-16 is \$10.3 million. This increase reflects the state government's commitment not only to prescribed burning but also to the training and development of our firefighters. Within this time, the government has doubled DEWNR's budget for trained firefighters and almost doubled the number of DEWNR brigade members.

There is no doubt that DEWNR staff involved in the planning and conducting of prescribed burns take their role incredibly seriously. They pride themselves on their expertise and the work that they do. The program is carried out by highly trained professionals with fire management experience and skills. Burns are meticulously planned, including a thorough assessment of the environment and any associated risk factors, such as wind and temperature, the dryness of vegetation, the geography of the site, and the last time there was a burn there. I would like to take this opportunity to thank the CFS and DEWNR staff, who work tirelessly throughout our prescribed burning season.

Bushfires have always been a feature of our environment. We know that; they always will be. Fuels are the only physical aspect of bushfires that we can realistically influence. Prescribed burning does not stop bushfires from occurring; of course, it doesn't. But, as we have seen from our experience, it does provide firefighters with a tactical advantage, earlier containment options and a safer working environment. It is vital that we work together in a constructive way to ensure the safety of everyone involved.

I table a photograph of the fire that burnt through the Seal Bay Conservation Park in January 2016. The aerial photograph shows the fire as well as the land that was subject to the prescribed burns program in 2013 and highlights the way in which prescribed burning can help to reduce intensity during bushfires.

Finally, while I have the opportunity, I would like to warmly congratulate my new Leader of the Government. I was very pleased that he was prepared to step up and take on this important and onerous position.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I look forward to his continued leadership for the remainder of this term and, most importantly from a strategic point of view, his position here as Leader of the Government after the next election.

I also want to thank my previous leader, the Hon. Gail Gago—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —who has led this government in this place with great distinction. She has always been warm and inclusive as a leader, but when needed she had a backbone of steel. Of course, in this place she sometimes needed that backbone of steel, enduring ceaseless attacks from a threatened opposition with grace and a certain insouciance. A great role model for women in politics, she shows all of us that women in leadership positions are now the norm and that the position is no longer the sole purview of male honourable members. That is why she was such a threat to those opposite. I thank her for her outstanding service to this house and to my party.

Ministerial Statement

CHEMOTHERAPY TREATMENT ERROR

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:55): I table a ministerial statement made by the Minister of Health in the other place on incorrect dosage of Cytarabine.

*Question Time***ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT FIRE MANAGEMENT**

The Hon. J.S.L. DAWKINS (15:55): By way of supplementary question, has the minister any updated information on the fire near Williamstown which resulted from the prescribed burn by DEWNR at the Warren Conservation Park, as raised in this house by me last year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:56): As I advised the honourable member the last time he asked this question, I have taken that question on notice: it does require some cross-portfolio work by agencies, and I will bring it back at the earliest opportunity for him.

DISABILITY EQUIPMENT

The Hon. K.L. VINCENT (15:56): I seek leave to make a brief explanation before asking questions of the relevant minister—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. K.L. VINCENT: —if it's alright by you, Mr Ridgway—about the transportation of disability equipment for patients of SA Health hospitals.

Leave granted.

The Hon. K.L. VINCENT: Following a call to my office from a constituent just today, Dignity for Disability has some concerns about the transportation of personal disability equipment by SA Health, particularly when patients are coming to Adelaide from regional areas for treatment. Our constituent, who has given his permission to be talked about today, is a bilateral amputee and permanent wheelchair user. He was airlifted from Whyalla to the Royal Adelaide Hospital by the Royal Flying Doctor Service on Wednesday night, 3 February, and has been in the RAH since that day. I understand he will be discharged tomorrow, Wednesday 10 February.

While he was admitted to the Royal Adelaide last Wednesday, it took until yesterday for his manual wheelchair to arrive at the hospital; that is, it took 4 ½ days. Our constituent is very concerned that when he is discharged tomorrow and transported back to Whyalla, again by the Royal Flying Doctor Service airbus, it could take another three to four days for his wheelchair to arrive back in Whyalla at home with him, leaving him stranded without his mobility aid in the meantime.

Our constituent has been told that it is at the pilot's discretion as to whether or not they will transport his wheelchair. On our constituent's previous two stays at the Royal Adelaide Hospital in 2012, on both occasions it took between four and five days for his wheelchair to arrive with him in Adelaide. While then the Royal Adelaide provided him with a wheelchair, after three days in hospital he had to take the initiative to request it. Our constituent has investigated having his wheelchair transported via Rex Airlines, but I am told that there will be a personal cost of upwards of \$100. My questions are:

1. Can the minister reassure our constituent that his wheelchair will be transported with him on the return journey to Whyalla and that this will happen on consequent trips if he needs to come back to Adelaide for treatment?
2. Does the minister agree that it is unacceptable that a patient should be forced to go without their essential aid for a number of days in modern-day Australia?
3. What is exactly the SA Health procedure for the transportation of essential equipment, including equipment required for mobility, particularly with transportation from rural and regional South Australia to Adelaide hospitals?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:59): I thank the honourable member for her most important question. Particularly, I can understand the difficulty faced by patients from rural and regional South Australia who have particular equipment designed

specifically for them and which cannot be readily replaced with standby equipment in town. I understand that completely and I am sure the minister does as well. I undertake to take that question to the minister in another place and seek a response on her behalf.

NORTHERN ECONOMIC PLAN

The Hon. J.S. LEE (15:59): I seek leave to make a brief explanation before asking the Minister for Employment a question about unemployment in Adelaide's northern suburbs.

Leave granted.

The Hon. J.S. LEE: The WorkReady labour market information in December 2015 reported that the unemployment rate was 8.6 per cent in Adelaide's northern suburbs and that youth unemployment was 16.2 per cent and is still rising. Earlier, the minister spoke about the Northern Economic Plan, which actually promised to create 15,000 jobs by 2025. The plan, however, was being met with scepticism by leading economists and the business sector.

SA Centre for Economic Studies Executive Director, Michael O'Neil, dismissed much of the plan as 'cobbled together things they've talked about before' with 'not much in it'. Professor O'Neil said the plan failed to chart a new path for the region, despite months of bureaucratic lip service paid to the concerns about the region's future when Holden closes in 2017.

The biggest item is a \$10 million small business development fund. However, the only supporting detail in the government's 68-page Look North plan is one sentence stating that the grants will 'encourage small businesses to grow and create sustainable jobs'. My questions to the minister are:

1. How does the government propose to deliver the jobs target for the north when it has not delivered the jobs that were promised in the last two elections?
2. With industry and businesses raising concerns about the lack of detail of the terms and conditions in the plan, and with many honourable members asking the minister today about the details which he can't provide, can the minister indicate a date when those conditions and terms will be ready?
3. As the sixth employment minister since 2009, can the minister provide reassurance to the public about how he will personally be responsible and address the serious unemployment issues in the north?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:02): I thank the honourable member for her questions and her interest in this matter. As I outlined in an answer to a question earlier, the Northern Economic Plan addresses a number of areas where there is opportunity for growth, like food manufacturing, construction and the disability and ageing services sector. We know there will be further job losses as automotive manufacturing winds down towards the end of 2017 and that is why we are putting programs in place in areas that have the potential to grow.

In terms of some of the details on some of the programs, I think if we rushed out and said, 'This is exactly what's going to happen,' without any consultation with that sector, we would have the Hon. Jing Lee up here criticising us for not consulting and not getting the programs to meet specifically the needs of those communities and we're not going to do that. No matter what the Hon. Jing Lee wants us to do, we are going to consult with, for instance, the small business sector. We are going to consult with them about exactly how these programs will look.

The Hon. J.S. Lee interjecting:

The Hon. K.J. MAHER: It doesn't matter if she wants us to rush in without consultation—we are going to consult. It is disappointing to hear some of the reaction from some of the members opposite about this. I had reason to be quite impressed by a quote I saw in the *Northern Messenger*, where a Liberal local government councillor was quoted as saying:

I would hope the opposition would get on board and be part of the debate rather than framing a negative picture of the Northern Economic Plan which is probably the most comprehensive regional economic masterplan in

the state's history. I hope now that the plan has been released, the opposition will work hand-in-hand with the government to create jobs.

So this is a Liberal Party member in a council in that area hoping that the opposition will get on board and be part of the debate, and I hope they will in the future too.

The PRESIDENT: Supplementary, the Hon. Ms Lee.

NORTHERN ECONOMIC PLAN

The Hon. J.S. LEE (16:04): My supplementary question to the minister is: if it is such a comprehensive plan, and you stated that further consultation will be done, then where are the details?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:04): The details are set out in seven specific areas funding commitments for specific programs, and we make no apologies for consulting with the industry and the groups they will go to. There is \$10 million for a small business development program and we will consult with the small business representative bodies about the very best way to do that to make sure that we get the biggest bang for the buck. I think that is what the voters, particularly the voters in northern Adelaide, expect us to do.

CORRECTIONAL SERVICES OFFICERS

The Hon. T.T. NGO (16:04): My question is to the Minister for Correctional Services. I take this opportunity to congratulate the minister for being promoted recently. Can the minister tell us about the recent training correctional officer graduation ceremony he attended?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:05): I would like to thank the honourable member, Tung Ngo, for his question. On 20 January, I was incredibly privileged to attend my first official function as the Minister for Correctional Services in welcoming 26 new correctional services officers to the Department for Correctional Services.

It was a delight to see the smiling faces of family, friends and their fellow colleagues at the SAPOL Academy as training course 183 graduated. At the ceremony I reflected on the privilege of service, as well as the great sense of anticipation that accompanies commencing a new career. The 26 new corrections officers come from a wide variety of backgrounds and each will have their own stories to share and the impact they have on prisoners will stand the test of time as they have a positive impact on their lives.

I think there is a broad appeal in a career in Corrections. Corrections has traditionally been a field dominated by men, but I think it is important to create an environment that attracts women and men equally, and I was delighted to see that, out of the 26 graduates present there in January, 10 of them were women.

One noticeable element commented on at the ceremony was a strong sense of pride and professionalism held by all officers and the diversity of the group, not just diversity amongst gender, but also diversity across a broad range of ages of those people there and also a broad range of ethnicities represented amongst those who were graduating.

The graduates are in a position of enormous responsibility because ultimately it is due to their service and power that they will be able to keep our community safe, not just by keeping prisoners in a separated environment from the community at large but also, and I think more importantly, being able to affect behavioural change while promoting community safety.

From the moment an offender enters into custody, it is the expectation of this government that those officers, as part of the system, will do all in their power to stop an offender from reoffending upon their release. It is their duty to show them different pathways. It is their duty to be their role model to demonstrate good behaviour and appropriate conduct. It is their duty to show them a different way of thinking, whether it be through therapeutic programs, literacy and numeracy, vocational training or a combination of all of the above.

The 26 new officers have already joined their colleagues throughout the state. In fact, last week when I was out at Yatala paying a visit, I noticed a gentleman by the name of Darren who had only graduated a couple of weeks earlier and took the opportunity to go over and compare notes on how we were going in our respective new careers. I am sure Darren, amongst all of those graduates who were part of course 183, will make an outstanding contribution to the state, but more importantly an outstanding contribution to the rehabilitation of those who come into the government's custody.

PAYROLL TAX

The Hon. D.G.E. HOOD (16:08): I seek leave to make a brief explanation before asking the Minister for Employment questions about payroll tax in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: South Australian businesses have long identified payroll tax as an impediment to business and economic growth in this state. When one compares South Australia's rate of payroll tax to other states, it is not difficult to see why many businesses oppose this ongoing impost. The highest payroll tax threshold in the country is found in the ACT and it is \$1.85 million and yet in South Australia the rate at which companies or small businesses actually are required to pay payroll tax is only \$600,000. The rate in the ACT is some three times the level in South Australia.

This is a problem that has been reported to me by a number of small businesses which have suggested that a change in the threshold at which the payroll tax level cuts in in South Australia would be a substantial boost to their business. I've even had one constituent inform me that he has decided to maintain the hours worked by employees of his business at a level which therefore keeps his payroll under the \$600,000 threshold so that he doesn't have to pay payroll tax. He was quite explicit, and he said that if the threshold was higher he would provide more hours for his employees. My questions to the minister are:

1. Will the government commit to reintroducing payroll tax exemptions for wages paid to apprentices and trainees to bolster the flailing number of apprenticeships in South Australia?
2. Will the government commit to increase the threshold for which payroll tax becomes due, in keeping with other states and territories? As I have said, it is some three times higher in the Australian Capital Territory.
3. In light of the current jobs or unemployment situation in South Australia, will the government commit to extend the small business payroll rebate beyond 2015-16, when it is due to end?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:10): I thank the honourable member for his question. Yes, these are matters that fall within the Treasurer's portfolio in terms of state taxation, and I will be happy to take all of those questions on notice and seek a reply from the Treasurer. I do note the Hon. David Ridgway previously interjecting, 'It's not all about Malcolm Turnbull,' and he's right: it's not all about Malcolm Turnbull. It is largely—there is a large part about Malcolm Turnbull.

The only person at the moment talking about payroll tax is Malcolm Turnbull, about suggesting putting it up. I do know that there have been significant tax concessions in last year's budget in terms of particularly non-residential stamp duty that will help businesses, and other stamp duty relief for businesses, and I do note that once these are implemented it will take South Australia to the lowest tax burden jurisdiction in the whole country of any state.

WHYALLA STEELWORKS

The Hon. T.J. STEPHENS (16:11): I seek leave to make a brief explanation before asking the Minister for Employment, Manufacturing and Innovation questions about the future of the City of Whyalla.

Leave granted.

The Hon. T.J. STEPHENS: Recently, we have heard of downsizing at the Whyalla steelworks leading to speculation about its future. Anyone who knows anything about the City of Whyalla knows that the steelworks are the backbone of the town, and any risk to its future is a risk to the future of the Whyalla community. My questions are:

1. What is the minister's understanding of the health of the Whyalla steelworks?
2. Can the minister update the council on the future prospects of employment in Whyalla?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:12): I thank the honourable member for his question and his very significant interest in these areas. I think it was last year or the year before that we both attended the 50th anniversary of the steelworks, which was quite an interesting function and dinner.

The steelworks, as the honourable member has pointed out, are critical to Whyalla and that area. I know that there is a high-level steel industry task force that was put together by minister Koutsantonis, the Minister for Mining and Energy. I will inquire as to exactly where that is up to and I will bring back an answer for the honourable member. I also thank him for passing on to me concerns he has when parliament is not sitting about the area and about particular companies that I know the Department of State Development is following up.

ABORIGINAL LAND RIGHTS

The Hon. J.M. GAZZOLA (16:12): My question is to the Minister for Aboriginal Affairs and Reconciliation. Minister, will you inform the Legislative Council how the state government continues to recognise Aboriginal South Australians as native title holders in areas of our state?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:13): I thank the honourable member for his question and his interest in these matters. I am very proud to stand up in this place and update members about some of the historic events that took place just prior to Christmas, on 16 December last year. In the very far north-east of the state, about 15 kilometres from Innamincka, Aboriginal people from all over the country met on the waters of the Cullyamurra Waterhole on Cooper Creek on a very warm morning to witness an achievement that was literally decades in the making.

Firstly, I would like to acknowledge the Yandruwandha Yawarrawarrka peoples for their warm welcome to all the visitors to that country. The Yandruwandha Yawarrawarrka peoples have been engaged in native title processes for more than 20 years, establishing their connection to their lands and waters of some 40,000 square kilometres, almost right up to the South Australian/Queensland border.

On the banks of that waterhole, and under a marquee supplied by Santos, hundreds of people sat through a special sitting of the Federal Court. At that bush sitting of the court, the native title application lodged by the Yandruwandha Yawarrawarrka peoples in 1998 was finally decided. Federal Court Justice John Mansfield held that the 40,000 square kilometres of lands and waters around Coongie Lakes National Park, Innamincka Regional Reserve and the Strzelecki Regional Reserve were part of the Yandruwandha Yawarrawarrka peoples native title claim and awarded native title.

There were some very emotional speakers at the Federal Court sitting, including South Australian Native Title Services, who spoke about the importance of the recognition for the Yandruwandha Yawarrawarrka people, and others might know it as the YY native title claim. There was roaring applause from the crowd after each representative from the interested parties, including the Crown and pastoral and mining lease holders in the area, and Justice Mansfield himself noted the decision was really recognition of what everybody there already knew: it always had been and always will be Aboriginal land.

Following the formalities of the Federal Court decision, Ms Theresa Bottrell and Anita Paterson delivered powerful speeches to a mass of people shedding many happy tears for the moment that they, their parents and many of their ancestors had long been waiting for. It was a privilege as Minister for Aboriginal Affairs to provide a short speech to those who were gathered by the Cooper Creek.

As I said in attendance on the day, it was an honour to participate and to be part of what was quite a special ceremony for many people. It was the culmination of hard work and dedication, particularly on behalf of many of the Yandruwandha Yawarrawarrka Traditional Land Owners (Aboriginal Corporation) members who were there that day. For well over a decade—and, in some cases, many years more—since 1998, they have worked very hard and waited a long time for this decision to be delivered, and I commend their commitment and determination.

Where someone fits in, where they have come from, and their land, is so important to the identity of so many people in Australia and it is absolutely important to Aboriginal people. This native title determination was a very important step in that recognition. I commend all of those who have worked so long, so diligently and so patiently in the years leading up to the determination.

CYCLING LAWS

The Hon. M.C. PARNELL (16:16): My question is for the Minister for Road Safety. Is the minister able to inform the council about the impact on cyclists of the new cycle safety laws; in particular, has he heard from cyclists as to whether motorists are treating them with more respect on the road by allowing a safer passing distance following the introduction of these new laws?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:17): I thank the honourable member for his question. The honourable member refers to the cycling laws introduced by this government. I haven't received any specific reports up until this point in time as to the cultural impact of those laws having been put in place, but I am happy to inform the honourable member and this chamber that the moratorium that the police put in place on those laws was lifted earlier this year, in the month of January.

I am waiting to receive reports from SAPOL as to the number of people who have been issued expiation notices since the moratorium was lifted. As yet, I am not aware of any evidence to suggest that immediate cultural change has taken place, but it is this government's firm view that these laws are necessary and will go a long way to ensuring that cyclists not only can be confident that they are safe on our roads but also feel safe on our roads which, of course, we very much hope will result in more cyclists taking to the roads as a form of transportation in and around South Australia. I thank the honourable member for his question and I am happy to report back as more information comes my way in due course.

The Hon. J.A. DARLEY: Supplementary.

The PRESIDENT: Supplementary, Mr Darley.

CYCLING LAWS

The Hon. J.A. DARLEY (16:18): I understand the police on radio this morning gave details of expiations and fines that had been issued to motorists and bike riders during the Tour Down Under. When the minister comes back with the other details, can he also provide more up-to-date detail from after the Tour Down Under until now?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:18): Of course. I would like to thank the honourable member for his question. It is an eminently reasonable request and, as I get that information, I am more than happy to make it available to the honourable member.

NORTHERN ADELAIDE FOOD PARK

The Hon. J.S.L. DAWKINS (16:19): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question regarding duplication of Elder Smith Drive at Mawson Lakes following the release of the Northern Economic Plan, entitled Look North.

Leave granted.

The Hon. J.S.L. DAWKINS: Recently, the Premier and the minister released the long-awaited and overdue Northern Economic Plan, which allocated \$7 million to the development of the previously announced northern Adelaide food hub at Parafield Airport. I note that the plan made absolutely no mention of or commitment to the desperately needed duplication and extension of Elder Smith Drive to provide freight access in and out of the Food Park from major roads such as Port Wakefield Road, Main North Road, Salisbury Highway and the soon-to-be-constructed Northern Connector.

Without such a commitment, the earliest the people of Mawson Lakes and potential businesses that will call the Northern Adelaide Food Park home will see any progress on Elder Smith Drive, according to the state government's own Integrated Transport and Land Use Plan, is between five and 15-plus years from now. This is despite traffic volumes on Elder Smith Drive increasing by over 300 per cent since its construction in 2006 and the road operating at saturation levels during peak hour. This is all before you add any traffic associated with the development of the Northern Adelaide Food Park.

The City of Salisbury has long identified and lobbied for the duplication and extension of Elder Smith Drive as a priority. This has been brought up with the government prior to the 2014 state election in response to the government's Northern Economic Plan's directions paper and most recently in correspondence with various ministers, local members of parliament and the Department of Planning, Transport and Infrastructure. Indeed, I raised it in this chamber on 29 October last year. However, these efforts to date have been to no avail, and since the release of Look North it appears the severe traffic problems identified by council are going to get a lot worse before they get any better.

My question is: will the minister commit to the urgently needed duplication and extension of Elder Smith Drive as a key piece of infrastructure in the rollout of the Northern Economic Plan and the development of the Northern Adelaide Food Park as an immediate priority?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:21): I thank the honourable member for his question and his quite genuine interest in these areas as someone who is very concerned about the economic development and progress of the north. If it had been another member asking the question, one who was not so genuinely committed to these things, I would have pointed out that it was being asked by the party that gave us the one-way expressway, but I know the member is very genuine about it, so I will resist that temptation.

I know that work is going on about the planning and other things that will be needed, not just around the Northern Adelaide Food Park but around a whole range of initiatives in northern Adelaide. I will take that question on notice and bring back a reply from, I think, the Minister for Planning or Transport about where we are up to on a whole of issues related to the Northern Adelaide Food Park.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Committee Stage

In committee.

(Continued from 10 December 2015.)

Clause 54.

The CHAIR: Last time we met on this bill we had got up to clause 54, which was being opposed.

The Hon. M.C. PARNELL: Thank you, Chair. You are correct in that we had, I think, probably put most of the arguments in relation to this clause on the record, and I am certainly not going to revisit all of them. However, at the outset what I want to do is acknowledge that we have a

new minister leading the debate for the government on this bill and also acknowledge the contribution made by the Hon. Gail Gago.

This was a difficult bill in the last couple of weeks of last year, and she managed to make substantial inroads into it with good humour and kept us more civil than many of us expected would be the case, given the contentious nature of the bill. So I want to put on the record my thanks to the Hon. Gail Gago for how she handled this, and I look forward to working with the new minister on it.

I think one of the reasons we reported progress at clause 54, and my strong recollection, is that the opposition was about to support my amendment, and the government therefore thought that might be good time to bail. We did have a fairly extensive debate on it; removing the clause is effectively removing the prohibition on the use of the Freedom of Information Act to obtain documents.

The point I made was that we already have provisions in the Freedom of Information Act which effectively say that if you can get information somewhere else then the FOI act does not apply. The government is saying that the information will be on the portal, so my position was that while, hopefully, the Freedom of Information Act will have very little work to do, there are circumstances where the government makes a conscious choice not to put information on the portal. In those circumstances I think the community should be able to use the Freedom of Information Act.

As I say, I hope that the use of the Freedom of Information Act is rare; I hope we do not need to use it because I hope that the government will be true to its word and will put all the relevant documentation up on the planning portal. In a nutshell, that is reason I moved to delete this clause.

The Hon. K.J. MAHER: I thank the member for his contribution. I might just make some general remarks before getting onto some specifics on clause 54. As the honourable member has commented, this was a difficult process as we wound down in December last year to the end of parliamentary sitting, and I indicate that to facilitate the committee's deliberations on this and future clauses the government will continue to treat certain amendments as test votes for wider propositions. I will explain each of those as we go through that process.

In respect of the time frame, members will know that the government is keen to get this legislation passed as soon as possible. That has been the case for some time, and the bill has been supported by various groups within the public domain for some time now. I will not repeat all the reasons outlined in former minister Gago's second reading closing, but I do reiterate that the sooner we get this bill through the sooner we can start on its implementation tasks and its benefits can be delivered to South Australians. Its elements are supported by many different groups.

As foreshadowed last year, the government has been closely engaged with groups over the Christmas break and since we met last year, with particular focus on clauses relating to the proposed infrastructure delivery schemes, and I will detail some of those later on. I am pleased to say that due largely to the willingness of these groups to engage in dialogue, and the willingness of the government to address outstanding matters via negotiation on further proposed amendments to the infrastructure scheme provisions in this bill, we have now reached an outcome satisfactory to both the Property Council of Australia and the Urban Development Institute of Australia, and I would like to put on record the government's thanks to those organisations as well as to the Master Builders Association for their participation and consultations.

By way of housekeeping, and for members' benefit, I might explain that the government's amendments have been filed this morning. This set 4 of the government's amendments is a consolidated set. It comprises, and in some cases revises and adds to, the remaining amendments in sets 1 and 3 of the government amendments that were before the house last year. Minister Gago's amendments from sets 1 and 3 are now obsolete as a result, and therefore the remaining set 1 and 3 amendments will not be moved but will be considered only in set 4.

I should make it clear to members that set 4 does not comprise 97 new amendments, that is new amendments since last December. Indeed, most of set 4 is old, comprising amendments from sets 1 and 3 to clauses in the bill that were not reached by the committee last year. We look forward to discussing these largely existing or revised amendments that after consultation we feel will improve the bill, and addressing matters that have been raised during the consultation.

Also, I note there are a number of government amendments, amendments moved by the opposition and amendments moved by crossbenchers, and I indicate that we wish to facilitate the committee's deliberations. As I said, the government will continue to treat certain amendments as test votes for wider propositions, but again, as I said, I will explain those when we get to them.

In relation to the honourable member's comments on clause 54, the reasons for including this clause are well documented in the second reading summation and in the detailed committee deliberations in the other place. As the honourable member has stated previously during debate on this clause, it merely restates what is already the existing law under the Development Act and under the Freedom of Information Act, whereby the regime of FOIs is effectively displaced from the planning system already.

Clause 54 will clarify for practitioners, councils and system users that information held and published on the portal is not subject to FOI as would already be the case under sections 20B and 20C of the FOI Act. Providing this in express terms is aimed at preventing the above parties from wasting time and resources on unnecessary FOI applications when the material requested—that is, policy documents, legislative instruments and the register of applications and decisions—is already publicly available online through the portal.

The exclusion only applies to materials held on the portal, so would not apply to things like individual plans showing where bank vaults would be situated and other sensitive information. Such information would be protected by the equivalent to the current development regulation 34 for exemption, so as not to jeopardise the current or future security of the building. In short, this is a no change clause in reality.

The Hon. M.C. PARNELL: I thank the minister for his answer. He has gone to the heart of where we disagree. The wording of this clause says that the Freedom of Information Act does not apply to, or in relation to, a document within the meaning of that act that is received, created or held under this division. The division referred to is division 2, online planning services and information. That includes the planning website, the planning database, the portal, if you like. What the government is saying is that the only thing we are precluding from freedom of information are documents that are going to be online anyway.

I think the way this clause 54 is worded—'documents that are received, created or held'—if the government makes a conscious choice not to include a particular document on the portal, I do not think it is caught within that definition. What I want to make sure of is that if a document that should be on the portal is not on the portal there is an avenue of redress.

There is no avenue for redress under the bill; there is no information commissioner under the planning commission that you can go to and say, 'Hang on, the government should have put this information on the portal and they didn't do it.' The only avenue for redress is to use the Freedom of Information Act to potentially go to the Ombudsman and say, 'This document was legitimately something that should have been on the web or on the portal and therefore we want a ruling that we can get it under freedom of information.' The blanket prohibition I think is unnecessary.

I know it may well be that we are in the realms of semantics, and my interpretation might be different from the government's interpretation, but I fall back on the position that if there is no harm in removing this clause, if there is no harm in keeping the Freedom of Information Act potentially as the vehicle to be used in rare cases, then let's keep that door open. I do not think there will be a lot of time wasting where people put in unnecessary applications, because once the portal is up and running everyone will know that that is the place you go to get information. It is only information that should but is not included on that portal that I think will be subject to FOI applications.

The Hon. D.W. RIDGWAY: I want to clarify our position that we will be supporting the Hon. Mark Parnell's amendment to basically refuse this prohibition on FOI, as mentioned in clause 54. We raised some questions, and my colleague the Hon. Rob Lucas raised a number of questions towards the end of the debate last year, to which direct questions I do not believe we got an answer, but nonetheless I suspect we may go close to having the numbers to defeat this clause in any case. With those few words, I indicate that we will be supporting the Hon. Mark Parnell.

The Hon. D.G.E. HOOD: We are also inclined to support the amendment. I think the Hon. Mr Parnell said that it may come back to semantics. I suspect, frankly, that it does. As we have discussed, the various provisions of the FOI legislation probably already deal with these matters, given that it would not apply to publicly available information, because such information would be on the portal anyway. That said, the Hon. Mr Parnell's reasoning is logical, that is, that if it does no harm it is good to have it as a fall-back or safety position, so we will support the amendment.

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

The Hon. R.I. LUCAS: I indicate that when we last discussed it, I made an invitation to the government that, if the government could convince us during the intervening period between the end of debate last year and this year as to why the existing confidentiality provisions of the FOI Act were not sufficient, the opposition members were prepared to receive that evidence or submissions from the minister and the government. As the Hon. Mr Ridgway has indicated, in the intervening two months we have received nothing from minister Rau (or his officers who have represented him) to indicate why the existing arrangements were not sufficiently robust to protect the confidentiality of documents, if that was what was required. On that basis, I obviously support the position the Hon. Mr Ridgway has put.

Clause negated.

The Hon. R.I. LUCAS: Given that the minister has made some general comments, with your concurrence and the concurrence of the committee I plead indulgence. For those members who are following this debate but who are not actually leading the debate for their respective parties and therefore have advisers, it is possible for the members to indicate which of the amendments currently on file are still active?

The Hon. D.G.E. Hood: Hear, hear!

The Hon. R.I. LUCAS: The Hon. Mr Hood says 'Hear, hear!' I think a number of us would be interested in hearing. As I understand the government's position, we are now to ignore everything that has been previously filed, that is, [Emp-1], [Emp-2] and [Emp-3], and we should only be working off [Emp-4]?

The Hon. K.J. MAHER: Yes, that is correct, just set 4 and, as I am advised, set 4 incorporates those things we still want in there, which were largely from sets 1 and 3. I am getting lots of nods.

The Hon. R.I. LUCAS: Thank you. And I guess if I could just direct the question to my leader and then to the Hon. Mr Parnell. The Hon. Mr Ridgway has I think six separate sets of amendments (from 1 through to 6, obviously). I am just wondering whether all six are still operational and whether we as members of the committee need to have them all ready as we go through. Similarly, whilst he thinks about that, the Hon. Mr Parnell has amendments filed 1 and 2, I think, but I have for some strange reason two versions of [Parnell-1].

One was prepared by parliamentary counsel at 9.49am on 3 December and one was prepared by parliamentary counsel at 5.29pm on 2 December, the day before. That appears to be the one I was using during the debate because I have ticks and crosses on it. I am just wondering whether the new set that parliamentary counsel prepared—[Parnell-1] dated 3 December 9.49am—supersedes the one prepared the day before?

The Hon. M.C. PARNELL: I do not recall exactly how things turned out, but I am working on the one that was prepared at 9.49am on the third. I am hoping that they are exactly the same as the ones from the evening before. They are fairly close in time. I imagine that they are identical.

While I am on my feet, there are 95 amendments in that set [Parnell-1], and I have tabled [Parnell-2] which has 12 amendments. Both of them are live; neither replaces the other. They are interleaved, if you like, so we are dealing with both of those.

Given that we had the minister's commitment last year that we will of necessity have to recommit certain clauses, I expect that as we proceed there will be some revisiting and probably some redrafting of earlier amendments—ones that failed, people might want to have another go at them and we can redraft them. I have not provided any amendments that take us backwards. All the

amendments I have take us from clause 54 onwards, but I am just letting people know that I expect we will be revisiting some earlier clauses later.

The Hon. R.I. LUCAS: Can I clarify that the Hon. Mr Parnell is working from the one dated 3 December 9.49am, rather than the one from the previous night. He said that there were 95 amendments, but there are actually 96 amendments on this particular one.

The Hon. M.C. PARNELL: Yes, it is 96, sorry.

The Hon. R.I. LUCAS: My question then is: I assume we are still working off the ones that were previously tabled in relation to the Hon. Mr Hood and the Hon. Mr Darley? Ms Vincent has two sets of amendments, labelled 1 and 2. Are they still going to be considered by the committee?

The Hon. K.L. VINCENT: We only have one of mine left to do, which is the one at clause 58; [Vincent-2] 4 is the only one of ours left. The rest have passed.

The Hon. D.G.E. HOOD: Could we just have some clarity from the Hon. Mr Ridgway as well. He has six sets of amendments; what is happening with those?

The Hon. D.W. RIDGWAY: Looking through the amendments, as members would be aware the shadow minister in the other place has been negotiating with some of the industry sectors. I am struggling to find my set No. 3.

The Hon. M.C. Parnell: Set 3 starts at clause 156.

The Hon. D.W. RIDGWAY: That is why I am struggling to find it. All the amendments, to my understanding, that were filed in my name have not been grouped together. They are still in sequential order. Obviously, prior to our getting up at the end of last year, the urban growth boundary was supported, the removal of that, and we are working our way through. We did the adaptive re-use ones, and we are still to deal with elected councillors on panels and some others in relation to powers of the commission.

As far as I understand it—and I will clarify if there is any change—we have not grouped them together, whereas the government has come back with a totally new set which encompasses ones that have already been on file and supersedes what they had before. My understanding is that I have not superseded anything. I may have to come back and correct that, but I will give members plenty of time if we have.

The Hon. M.C. PARNELL: While we are clarifying (and we will deal with it shortly), there is one typographical mistake in my amendments. In my amendment [Parnell-1] 33, the reference should be to clause 60 rather than to clause 56, but that is the only error I have found. If you actually have a look at the page number and the line number, you will see that it makes no sense for it to be clause 56. It is clearly clause 60. I guess people have picked that up, but we will get to that shortly.

The Hon. D.W. RIDGWAY: I am grateful for the shadow minister's list in his office. With all six sets there has been no amalgamation. They are all sequential for the issues that they deal with.

Clause 55.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Emp-4]—

Page 51, after line 32—Insert:

(3a) The Chief Executive must take reasonable steps to consult with the LGA before setting or varying a contribution to be paid by a council under subsection (2).

This amendment has been inserted after discussions with the Local Government Association. It ensures that the state government will consult with local government in the setting and variation of contributions to be paid by a council towards the cost of establishing or maintaining the SA planning portal, SA planning database, and any online atlas or search facility.

The Hon. D.W. RIDGWAY: I have a question for the minister. It says that they have taken reasonable steps to consult with the LGA. From an opposition point of view, costs and cost shifting

are always of interest. Maybe it is too early, but surely the minister or his advisers will have some idea of the actual costs or dollar value that we are talking about. Clause 55(4) states:

If a council fails to comply with a requirement under subsection (2), the contribution payable by the council will be recoverable by the Chief Executive as a debt.

It is obviously seen to be a reasonable amount of money, I assume. I have to say that the opposition is happy to support the government's amendment, but we think there needs to be some clarity. What are the fees and charges likely to be?

The Hon. K.J. MAHER: I thank the honourable member for his contribution. I can assure him that the government is not going to put councils in the position where they are suddenly hit with massive unbudgeted costs in the forthcoming year. This provision enables charges or contributions to be set on a differential basis and, although the practical details of exactly how this will work will be the subject of conversations with local government, I am advised that it is contemplated that this rate may be based on, for example, the number or volume of transactions. There is not an exact number, but the government will work with councils on this.

The Hon. D.W. RIDGWAY: I am just recalling some of our questions from late last year about the electronic planning system. I cannot remember the exact name of the e-planning. My recollection is that that will require quite a significant investment from government over a period of time to have that up and running. I cannot remember the exact time frame.

We know that all the regs and planning modules will have to be drafted to make them come into effect after we pass this legislation, but my understanding of the sort of e-planning process—for want of a better word and, minister, you may have the technical term to refresh my memory—is that it will have to be a figure put in the forward estimates over a period of time to make sure that, when all the regs are drafted and the bill is operational, you have the electronic infrastructure, the IT infrastructure, to support it.

I guess what I am concerned about is whether the costs we are looking at here, the fees and charges, are in some way going to be recovering costs that the government has incurred by way of imposing this bill and the new e-planning system on the community.

The Hon. K.J. MAHER: There are basically two components to the costs associated with the e-planning system: the first is the initial establishment, which is basically investment costs and, as such, a state budget issue; the second is the ongoing maintenance system once it is established and functioning.

The system, once it is ongoing, will be of great benefit to councils in terms of compliance and their costs. I do note that there is a minimum three-year implementation phase as we move towards this. The initial establishment investment costs are a state budget issue, but we will work with councils. We do not know yet what the exact costs will be, but we will work with councils on that.

The Hon. D.W. RIDGWAY: Over what time frame? You said that is an initial budget state government investment, so over what time frame? Surely you must have some idea of whether it is \$10 million, \$20 million, \$100 million? Surely there must be some indicative cost and over how many years? Is it three years or four years?

The Hon. K.J. MAHER: There are no detailed estimates yet, and to work out how those costs will be shared and apportioned is still work that is to be done, so that has not occurred yet.

The Hon. D.W. RIDGWAY: Minister, I think you are missing the point. I am talking about how they are going to be shared. It is actually the capital investment, the up-front state government one. I assume there are other systems operating somewhere else in the world or other states, or maybe we are going to invent one of our own. Nonetheless, I am sure Treasurer Koutsantonis and his team of bean counters will want to know, if this passes in the next few sitting days, what the expectation is for funding it over the next period of time—whether it is one year, three years, four years, and what that capital cost is.

The Hon. K.J. MAHER: I do not have that figure. I can go back and check if work has been done and bring back what potential up-front costs there might be. But no, we do not have that figure if it has, in fact, been completely worked out as yet.

The Hon. D.W. RIDGWAY: I would appreciate it if the minister could bring back some answers because I think minister Rau would describe this as probably one of the most important pieces of legislation in his parliamentary career, and I know industry sectors say this is the most important bit of legislation for this term.

I am a bit surprised that the minister is saying to me, 'Well, we actually don't know what it's going to cost; we are not sure over what time frame.' I am sure if Treasurer Koutsantonis is happy with that, it is no wonder the state's finances are in the state they are in that we do things but we have no idea what they are going to cost and over what time frame. Surely, the minister must be able to say, 'An estimate is \$20 million, \$50 million, \$100 million, \$30 million a year'. I do not know, and that is why I am asking the question. I will be staggered if the minister is not able to bring back an answer that gives us some indicative cost of what this system would cost us.

The Hon. M.C. PARNELL: The government amendment does, to a certain extent, satisfy some of the concerns of the Local Government Association because it requires the chief executive to take reasonable steps to consult with the LGA before setting or varying a contribution that has to be paid by the council. My amendment to this same clause is basically to delete the clause, but I appreciate that we are dealing with the government's amendment first. The reason I thought deleting the clause would make more sense was that my feeling about this planning portal and the website and the planning database was that it was a state government project and that the state government should pay for it, and I know local councils were concerned about cost shifting.

I take a little bit of comfort from what the minister said in the other place when he was asked questions along a similar line to what the Hon. David Ridgway is asking, and the minister in that place basically said that he expected the state government would pay the up-front establishment costs, but I think what he was nervous about was that there will be thousands upon thousands of development applications that will be lodged with local councils that will have to be uploaded in some way onto the portal and he wants councils to share the cost of that ongoing process.

My feeling in relation to why there was no danger in deleting the entire clause is that there is always the fallback of the regulation-making power and the ability to establish fees for any purpose necessary for the administration of the act; there is always that power. In fact, the bill itself acknowledges that power because it states in subclause (5):

Nothing in this section limits or derogates from the power to set or impose a fee or charge by regulation under this Act (and vice versa).

My thinking was: make them use the regulation-making power because if the government does exceed itself and pushes too hard, then at least the parliament can disallow it. So, I figured that deleting the whole of this section would be a start.

Now, I will not die in a ditch over this. If the opposition has already agreed that the consultation mechanism proposed in the government amendment is enough, then clearly that is where the numbers lie, but I thought I would at least get on the record for now that my preference was not to have formalised cost shifting in the act itself, but allow the government to use a regulation-making power and then we could have a look at it then.

As the Hon. David Ridgway says, we do not have the numbers yet, we could see the actual numbers when they come to us as a regulation. So my preferred option, is still to delete clause 55, but I would be interested in whether that course of action has the support of the rest of the council.

The Hon. K.J. MAHER: In response to the honourable member's speaking effectively to his clause, we will hear his deletion of clause 55. It is the case that almost certainly that an e-planning system will be cheaper for everyone, including councils, and cost less to run. As I said earlier, those establishment costs are a state government issue, and in terms of the ongoing cost, yes, we need and intend to negotiate a fair cost-sharing system model before developing and implementing the system. It is only fair that councils, government agencies and end users who will benefit—and councils will be a significant beneficiary in terms of efficiencies and lower costs once we move to an e-planning system—should contribute to the cost of running it and the service improvements they will gain out of it.

The government amendment does address the LGA's concerns that they might not be consulted with regard to those ongoing contributions to the system, and the government amendment will expressly require the government to consult as it works through the implementation issues closely with the LGA as a representative of the council on the matters.

The Hon. D.W. RIDGWAY: I have said we will be supporting the government's amendment.

The Hon. M.C. PARNELL: But you are not supporting mine?

The Hon. D.W. RIDGWAY: No, well, yours comes after theirs so we are not going to amend it, I suspect, and then delete it. I indicated that we have spoken to the LGA and that they are comfortable that they will have an opportunity to be consulted by the government in relation to these fees and charges. As I said earlier, I would like to have known—actually I would love to know the potential up-front costs of what we are passing in this legislation. I am aware that there will be ongoing costs and somebody has to pay for them and if they relate to a local council, I suspect with development applications, there will be a fee flow back to those who make those applications.

Hopefully, as the minister says, it will be cheaper, and with a cost saving it will be good for business, although not that we have seen anything in the last 14 years—and I will just add that today the Hon. John Gazzola, the Hon. Gail Gago, the Hon. Terry Stephens and myself celebrate 14 years in this chamber.

The Hon. K.J. Maher: Fourteen more long years on those benches.

The Hon. D.W. RIDGWAY: Well, a very arrogant interjection from the Leader of the Government, saying that we will have another 14 years on this side of the chamber. But, nonetheless, we take in good faith the LGA's good faith that the government will consult and we support the government's amendment; and we will not be supporting the Hon. Mark Parnell's amendment to delete the clause.

Amendment carried; clause as amended passed.

Clause 56.

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

Amendment No 32 [Parnell-1]—

Page 52, after line 14—Insert:

- (ca) rules should aim to achieve consistency while providing for local variations that reflect special or unique character at the local level;
- (cb) rules and standards must seek to protect the environment and the pursuit or ecologically sustainable development;

We have now reached the milestone in this bill. We are up to part 5—Statutory instruments. This is the part of the bill which sets out all of the different documents that go to making up, I guess, the library of our planning policy and planning laws, so a lot of the criticism about this legislation has been that people do not have the detail about what planning rules are going to look like. Well, I do not share all of those criticisms because that is a body of work to be done. Some of it will migrate over from the current system but a lot of it will need to be new.

Part 5 deals with statutory instruments. The first division deals with principles, the principles that have to be taken into account when these different planning documents are written. So this is the high-level principles. It is not talking about the detail; it is high level.

The government basically has three high-level principles: avoiding duplication, an emphasis on what they call performance outcomes, and rules and standards that are proportionate and suitable. What I am proposing in my amendment is the addition of two other high-level principles. The first of those principles goes to the fact that Adelaide is not a uniform environment. You have character that exists in some places that is different to other places.

Whilst the development industry has a lot to say about consistency and uniformity, they want exactly the same rules to apply in one part of Adelaide as another. There are very often local

variations that need to be taken into account. The first of my additional core principles is to insert a paragraph that provides:

rules should aim to achieve consistency while providing for local variations that reflect special or unique character at the local level;

I think that putting that in as a high-level principle does not directly inform any particular outcome but it does acknowledge that we are not aiming for a uniform city. We are not aiming for exactly the same outcomes in McLaren Vale as the Barossa, in Aldinga or in Gawler. We have to take into account local variations. The second high level principle that I seek to insert provides:

rules and standards must seek to protect the environment and the pursuit of ecologically sustainable development.

Basically, that is to try to redress one of the problems that has been identified in this bill in terms of the objects of the bill where the development and economic objectives are ranked much higher than environmental objectives.

In fact, this really is a continuation of a discussion that we have had already, and we have incorporated some new high level principles in terms of the act itself, but I wanted to reflect on the need to incorporate the environment as a high level objective here. I want to refer quickly to a letter we all got yesterday from the Property Council and UDIA. Whilst that letter primarily relates to infrastructure schemes, which I do not want to talk about now as no doubt we will do that in great detail later on. There was a quote from that letter which stuck in my craw a little bit. It states:

The over-arching objective of this legislation is to make South Australia the most attractive destination for investment of capital and make life easier for residents and businesses wanting to build or develop.

I take a bit of umbrage at that. That is an objective—absolutely, it is an objective to have an efficient planning system to encourage investment—but is it the overarching objective of planning legislation, attracting capital? No, it is not. It is about creating an environment where we live, where our kids grow up and play, where we work, where they go to school. It is about treading a bit more lightly on the environment. There is a whole range of factors. It is not just about attracting capital and about attracting investment.

I understand that that is certainly the angle that the Property Council and the Urban Development Institute take, and that is their right, but I think that at every opportunity we need to remind decision-makers under this legislation that the bill is more than just making money. It is about making communities and it is about protecting the environment. These two new high level principles, I think, go some of the way to redressing some of the balance and to make sure that documents that are prepared will take into account regional variations, and they will take into account the fact that we all depend on a healthy environment to sustain us into the future.

The Hon. K.J. MAHER: I thank the honourable member for his contribution. The government opposes this amendment. It is our view that this is not the location for the issues of ecological sustainability and ecologically sustainable development. The relevant place for that would be the objects of the act and when we canvass these much earlier in relation to this bill. In relation to issues such as local character, the government's view is that the amendment that the Hon. Mark Parnell has moved is better addressed in clause 63(4) of the bill. Things like content and planning and design code are best left to that particular provision. The government will not be supporting the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Greens' amendment. We do believe that we should aim to achieve some consistency while providing for local variations to reflect local character and local heritage. The minister says it might be better in clause 63(4), and we know that we have a big portion of this bill that will be recommitted, but we are happy to support it. We are indicating that we want that included in the bill; if it is more appropriate at 63(4)—and I will let the mover make that decision at some point in the future—we may look at that then. For today's debate we will be supporting this amendment.

The Hon. D.G.E. HOOD: Family First will not be supporting this one.

The Hon. J.A. DARLEY: I will not be supporting the Greens' amendment.

The Hon. K.L. VINCENT: For the record, Dignity for Disability will be supporting this amendment.

Amendment carried.

The Hon. D.W. RIDGWAY: Subclause (3), just from an explanation point of view, provides:

If an inconsistency exists between the planning rules and the building rules, the building rules prevail and the planning rules do not apply to the extent of the inconsistency.

It then goes on in subclause (4):

Subsection (3) does not apply—

- (a) in relation to a state heritage place or local heritage place; or
- (b) in relation to a matter excluded from the operation of that subsection by the regulations; or
- (c) in any case, so as to negate the need to obtain planning consent for a change of the use of land under the terms of the relevant provisions of the planning rules (insofar as may be required under the other provisions of this act).

Could the minister have his adviser explain that to me and the Hon. Mark Parnell, as a planning lawyer? I am not even a bush lawyer, and I would be grateful if you could explain it in more simple detail.

The Hon. K.J. MAHER: I am advised that if, in a particular local council in a particular area, there are things that go beyond the requirements of building rules that the planning rules purport to apply to, it will be the building rules that will prevail so that there are no additional costs and regulatory burdens to be borne because of particular planning provisions that go beyond the building rules.

The Hon. D.W. RIDGWAY: Could you give an example of the type of inconsistency that might exist?

The Hon. K.J. MAHER: For example, if a planning rule purports to have a requirement for something like a larger rainwater tank than the building rules require, it will be the building rules that will prevail.

The Hon. D.G.E. HOOD: My question is in respect to subclause (4) of clause 56. Paragraph (a) talks about 'local heritage place', and I just want to be clear about the language being used there. We have local heritage places, we have state heritage places, and we also have so-called heritage conservation zones. In this context does that include a heritage conservation zone or is it specific to an individual place?

The Hon. K.J. MAHER: Paragraph (a) refers to just the place. If it was more than just the place, it would say so.

The Hon. M.C. PARNELL: I was not going to ask a question, but the minister's answer to the Hon. David Ridgway's question has triggered one for me. He used the rainwater tank example. It strikes me that one of the reasons for not allowing urban development in certain locations is that they are not able to be serviced by water supply or sewerage. In fact, as people know, the original definition of the Hills Face Zone was actually that part of Adelaide which was too difficult for E&WS to service. It was never the scenic backdrop to Adelaide. That is how we regard it now, but originally it could not be serviced and so therefore, 'Don't build there.'

Now we have different technologies at work. I have seen a number of developers who have come along and said, 'I know that this area isn't serviced by mains water, but we are going to put in the biggest rainwater tanks you have ever seen for each house and therefore that will overcome the fact that there is no reticulated mains supply.'

That requirement would, I presume, be included in the planning scheme; that would be under the Planning Act. The building rules do not, I would have thought, speak at all to how big the rainwater tank should be. What you would not want is someone to be able to develop an area on the assumption that they were going to be self-sufficient with water and then find out that that provision is inconsistent with the building rules and gets knocked out and they put a tiny rainwater tank in. Maybe the minister can explain whether I have got that wrong.

The Hon. K.J. MAHER: I am advised that the building rules do cover that type of example given for rainwater tanks. This is about the regulatory burden, making sure that it is not a ridiculous burden that goes over the top of what building rules require. I do not think there is inconsistency between them.

Clause as amended passed.

Clause 57.

The Hon. K.J. MAHER: I move:

Amendment No 2 [Emp-4]—

Page 52, line 32—Delete 'Minister' and substitute 'Commission'

Amendment No 3 [Emp-4]—

Page 53, line 6—Delete 'Minister' and substitute 'Commission'

Amendment No 4 [Emp-4]—

Page 53, line 9—Delete 'Minister' and substitute 'Commission'

These amendments have been inserted after discussion with interested parties, including industry groups, during the break over Christmas, as well as in earlier conversations with the LGA and other interested parties.

The government is responding to requests to clarify its intent to empower the state planning commission role in decision-making and shaping planning policy in South Australia. If these amendments are passed, the outcome will be that the commission, rather than the minister, will prepare state planning policies to cover matters relevant to planning or development within the state and any other matters considered appropriate by the commission.

The Hon. D.W. RIDGWAY: I indicate that the opposition is very happy to support amendments that take the minister out of the equation and give more responsibility and powers to the planning commission. As members would recall, we did have, from an opposition perspective, a discussion three or four years ago about an independent planning commission similar to the Western Australian model. I think that Brian Hayes QC and his expert panel did look closely at that and recommended this independent planning commission.

We are happy to support any amendments that take the minister out of the equation and give more power, and hopefully more independence, to the commission to implement and prepare state planning. The government can set a policy around population growth and some of the other bigger, broader issues, but then the planning commission can actually do the work to make it happen, to implement government policy. We are very happy to support the three amendments to clause 51, those being amendments Nos 2, 3 and 4 of the minister's fourth group of amendments.

The Hon. R.I. LUCAS: My question is to the minister, given these amendments, which the opposition is supporting. If they are passed, what would then be the role, if any, for the minister and staff working for the minister in terms of a state planning policy?

The Hon. K.J. MAHER: Under clause 70, and also under clause 70(5), there is approval by the minister for the preparation amendment of plans. It is probably even more helpful to consider clause 70(9) for the role of the minister.

The Hon. R.I. LUCAS: If I could tease this out a little bit, whilst these amendments we are just about to pass say that the commission will prepare any new state planning policy, is the minister saying that under these provisions of clause 70 the power of the commission is restricted to the extent that under subclause (5) the minister has to give approval before the commission can approve a new state planning policy?

My question is that, given that the minister has pointed me to clause 70(5) as to the role of the minister, should we interpret that as meaning that, before the state planning commission can approve a new state planning policy, the minister under 70(5) actually has to approve whatever it is that the commission is going to release as a new state planning policy?

The Hon. K.J. MAHER: The answer is yes—but under (7a) there is a requirement of consultation and also under clause 71 is the requirement for parliamentary scrutiny.

The Hon. R.I. Lucas: When you say (7a), I do not have a (7a).

The Hon. K.J. MAHER: Sorry, that is the subject of government amendment No. 30 in that consolidated [Emp-4] tranche.

The Hon. R.I. Lucas: Amendment No. 30.

The Hon. K.J. MAHER: Yes.

The Hon. R.I. Lucas: If you can help us, we are struggling to keep up with this. There is a new (7a).

The Hon. K.J. MAHER: Preceding amendment No. 30, which creates a new (7a), if one goes back to subclause (6), that sets out the requirement for the consultation and (7a) talks about what is required after the consultation occurs, and in addition to that, the further layer is clause 71 which contemplates parliamentary scrutiny.

The Hon. R.I. LUCAS: Those of us who have not followed this closely were being led to believe that, under whatever amendment to clause 57 of the bill we are currently considering, instead of the minister preparing state planning policy, it is now going to be the commission, and this independent commission is going to prepare all these state planning policies. But under clause 70, both as proposed in the bill and also with the further amendment, what this minister appears to be saying is that the commission will be constrained in a number of ways.

Under subclause (5), the minister has to approve it and then he says 'but he has to follow subclause (7) and also subclause (9), which I think the minister is referring to. If you look at that, it seems to be saying that if the minister receives a report under subclause (7) and the minister thinks the matter is significant, the minister may consult with the commission.

That basically says that, if the minister is disagreeing with something the commission is just about to do, he can then consult with the commission and then under (c), (d) and (e), it seems to say that the minister may adopt a designated instrument or the amendment or make alterations to what is outlined in the report and then proceed to adopt the designated instrument.

Is it clear that what the government is proposing is that, whilst the commission is going to approve a new state planning policy, in essence, under clause 70, if the minister disagrees, the minister can, following these subclauses, eventually direct that a change to the state planning policy be approved and the minister's version of the state planning policy is what would eventually be released by the state planning commission as their state planning policy?

It would appear that what the minister is directing us to is that the minister has the power to amend a proposed state planning policy from the commission when one gets down to the bottom line. If you follow subclauses (5), (7), (9), etc., is the bottom line that eventually the minister can direct and amend a state planning policy and it would be the minister's state planning policy that ultimately is released by the independent commission and not the independent commission's position?

The Hon. K.J. MAHER: I am advised that there are some elements of the same responsibility as the minister has now, but there are increased checks and balances that clause 70 envisages and, further, that there is still referral to the ERD Committee in clause 71.

The Hon. R.I. LUCAS: It is a pretty simple question and I still do not believe the minister has responded to it and I think it is important for us to be aware. The minister has directed us to clause 70. It is a simple question. The independent state planning commission has this new whiz-bang state planning policy on—

The Hon. M.C. Parnell: Integrated planning or something.

The Hon. R.I. LUCAS: —integrated planning something, or whatever it is, or use or whatever it happens to be, but there is a new policy. The minister, through clause 70, just disagrees violently with certain provisions of that proposed planning policy from the commission. It appears under clause 70 that the minister can make changes and amendments etc. What I want to know is:

if the minister disagrees with the proposed state planning policy, it would appear that the final policy that is released by the commission is the minister's version of it rather than the commission's.

The Hon. K.J. MAHER: Who prevails basically.

The Hon. R.I. LUCAS: Yes, who wins the battle in the end. That is all I am trying to find out.

The Hon. K.J. MAHER: As it currently stands, and after all these checks and balances and the consultation and the publication requirements that go along with that, it is the minister who prevails under the Westminster system with the responsibility, but still there are those checks and balances with parliamentary scrutiny in clause 71.

The Hon. M.C. PARNELL: I thank the Hon. Rob Lucas for chasing that rabbit down that burrow because it is an important one. The clause that we are up to is in relation to state planning policy (clause 57) and then you have special types of state planning policies which follow, but these state planning policies are also known as designated instruments and that is the effect of clause 67 where it says:

designated instrument means—

- (a) a state planning policy;

And then there is another list of things and then you go through these common provisions in clause 70, which we have been discussing, which is how these state planning policies are prepared and effectively wherever the word 'minister' occurs it has sort of been crossed out and 'the Commission' has been written in. I think the minister is correct that when you get to the bottom of the process, the end of the line, the minister has the final decision to adopt it or to change it and there is that power under clause 70(9)(d) where the minister can make alterations and then proceed to adopt the designated instrument or the minister can split it into different parts and abandon some and proceed with others or the minister can abandon the whole lot.

I think the effect of these amendments the government is putting forward is to give, if you like, the drafting primacy to the commission, but at the end of the day the government has reserved for itself the ability to change anything that the commission comes up with and to, in effect, insert what the minister wanted in the first place and that, unless I am mistaken, is the effect of 70(9)(d).

To a certain extent, the minister can sit back and allow the commission to do whatever the commission wants to do and at the end of the day the minister can ride in on a white horse and impose his or her will over the commission and, in fact, gazette something that was entirely different to what the commission had come up with, and I would just invite the minister to tell me whether I am wrong.

The Hon. K.J. MAHER: Yes, the minister can make those decisions; however, what the minister does is transparent and open to scrutiny. What was originally envisaged by the commission will be published and it will be there for the world and electors to see any changes should a minister make them.

The Hon. D.W. RIDGWAY: In relation to that—and I do not want to harp on the Western Australian model for too long—my recollection of that independent commission was that if the minister changed a decision made by the Western Australian Planning Commission, they had to table their reasons for changing it in parliament. It was not just necessarily making public what the commission had decided and then the minister doing something else. The actual reasons for changing the commission's decision were tabled in parliament.

The minister says it will all be transparent, and I might have missed something in quickly reading clause 70, but the minister may be able to point us to where the minister makes public what he or she has done.

The Hon. K.J. MAHER: I thank the honourable member for his question. Clause 71(3) envisages:

- (3) A designated instrument referred under this section must be accompanied by a report prepared by the Commission...

That is the section on parliamentary scrutiny that sets out a number of matters, namely:

- (a) the reason for the designated instrument; and
- (b) information about the consultation that was undertaken in the preparation of the designated instrument; and
- (c) any other material considered relevant by the Commission;

In that report, those things can be considered and set out.

The Hon. D.W. RIDGWAY: This refers to actions taken by the commission. When the minister has something they want to change, what you have mentioned here is:

- (3) A designated instrument referred under this section must be accompanied by a report prepared by the Commission that sets out—
 - (a) the reason for the designated instrument; and
 - (b) information about the consultation that was undertaken in the preparation of the designated instrument; and
 - (c) any other material considered relevant by the Commission; and
 - (d) any other information or material prescribed by the regulations.

It does not mention what the minister's responsibility is if the minister chooses not to accept a recommendation made by the commission.

The Hon. K.J. MAHER: I think that is to a large extent addressed in the fact that the designated instrument must go to the ERD Committee, and the ERD Committee could, in their inquiry, ask questions as to how it was formulated and anything that the minister did or did not agree to.

Going back to clause 70, what originally came from the commission needs to be published. It will not just be the ERD Committee: it will be the committee as a whole that will see any differences between that and what is finally presented. It is not just transparent to members of parliament, as I think the WA model is that the Leader of the Opposition is talking about. It is transparent to everyone in the community who takes an interest in it, but there is that added layer in the ERD's deliberations where they could well seek further information about that.

The Hon. D.W. RIDGWAY: We are talking about the final action of a minister, and I think the Hon. Mark Parnell pointed that out. At the last step, in clause 70(9)(f), the minister can determine that a matter should not proceed, so I assume that that is the final, 'We are not going to do that.'

What I want to know about is if a minister determines that a matter should not proceed—and all the commission's information is published on the website. It might go to the ERD Committee, and I am sure the Hon. Mark Parnell, who is a lifelong member of the ERD Committee would love to have the minister there as a witness. I am sure that it is probably highly unlikely that the intention of the minister here is to say that the minister will be happy to appear as a witness at the ERD Committee.

It is really about that final transparency. If a minister makes a decision, 'Yes, I've made a decision,' and cabinet ratifies it, 'Bad luck, get lost. We're are not going to tell you any reasons why,' or are you going to give the reason? Subclause (9)(f) states that the minister may then determine that the matter should not proceed, so what process is there for the minister to report to the community why they have decided that that matter should not proceed?

The Hon. K.J. MAHER: I guess the simple answer is that it is like any decision that is made: if a minister makes a decision, they are responsible to the community and to the electors for that decision and for those reasons. They will be judged upon the satisfactory response as to why that decision was made.

The Hon. D.W. RIDGWAY: So there is no requirement in the bill for a minister to make a statement to the parliament—as in WA, where I think their reasons are tabled in parliament—for making a decision that a matter should not proceed? There is no formal mechanism envisaged in this bill that, if you like, forces the minister to report to the public, other than whatever they might choose as an individual minister to do so?

The Hon. K.J. MAHER: As the honourable member points out, there is no formal requirement under the bill to give reasons, so it relies on—like every other decision ministers or other

people make—being judged by the community on those actions. But, no, there is not a formal way under the bill for a requirement that for every action, the minister has to give reasons to parliament or elsewhere.

The Hon. D.G.E. HOOD: I would like to thank the Hon. Mr Parnell and the Hon. Mr Lucas for stimulating this discussion. It is interesting. Perhaps if I could continue with the Hon. Mr Parnell's analogy, I thank him for ferreting out the details here. If we go back to the amendments the minister is moving here, and it looks like they will be carried, amendments Nos 2, 3, 4, 5 and 6 really just change the word 'minister' to 'commission'. It is not changing in any way the powers necessarily that the minister may or may not have.

For instance, clause 57(1) would now read (should this amendment pass, of course), 'The Commission may prepare state planning policies,' rather than what it currently says, that is, 'The Minister may prepare state planning policies.' To some extent, the debate here is getting a little ahead of where we really are because it is dealing more with a different clause. I would like to say that our view on this issue (and we will support the amendment) is that it is ultimately appropriate, looking ahead to the subsequent clauses that the debate has now turned to (clause 70, I think it is) that the minister has the final say.

They will answer to the electorate. They will ultimately cop the heat, if I can put it that way, from the media and whoever else, should the planning decision ultimately not be in line with public expectations. I for one am very wary about giving too much direct power—certainly influence, certainly jurisdiction, certainly significant—input into final decisions. I for one am very cautious about giving too much final say or power, for want of a better word, to unelected bodies.

I think in the case of the commission that would be a risk. I am not saying that it is necessarily going to be the case but it is possible and I think it is entirely appropriate the minister has the final say on these very significant decisions. We are happy to support the amendment. I do not see it makes a lot of difference but we are happy to support the amendment. In our view, it is important that we understand the minister should have the final say.

The Hon. M.C. PARNELL: We will get to these amendments as we get to them, but the Greens will certainly be supporting the replacement of the word 'minister' with 'commission' in those various locations. To put this into perspective for people, often with a brand-new system with a new system of naming the hierarchy of documents, it can be tricky to work out where things are but these state planning policies, in my mind, are at the same level as what we currently call the Planning Strategy. It is a high level, effectively government, document. I am seeing some nods so I think that is right.

Most people have never heard of the Planning Strategy but they have heard of the 30-year plan because there was so much media around the 30-Year Plan, so what we are effectively talking about with these state planning policies is documents that sit at that level, that they have historically been a statement of the government of the day's intention in relation to planning—big picture planning, where should the housing areas be, which areas should we protect for farming, how many people should we encourage to go north or south, how much infill should we have? It is that high level government policy, which is why it is quite interesting now that the minister said early on in this debate that he was going to back away from having as much control and the commission would be leading the charge.

These amendments lend some support to that. The commission will be in the driving seat in terms of drawing up documents like a 30-Year Plan for Adelaide but the point that has been made—the Hon. Dennis Hood just made it—is that at the end of the day the buck stops with the minister and the minister is going to decide whether any of this stuff gets through or not and, if the minister is struggling with the planning commission that is not coming up with the right sorts of documents, then I think it is, 'Bye-bye planning commission,' and we should appoint some new people who will make the sorts of decisions and write the sorts of documents that the government wants to see.

I guess it is really stating the obvious that at the end of the day the minister will make the final decision, and a lot of what we are doing here now is we are incorporating the checks and balances. We will get up very soon to clause 71 which is on parliamentary scrutiny. We will have to

consider whether the parliament is a rubber stamp, or is it going to be genuine scrutiny? That is really where this debate is going.

In terms of moving on and in terms of the present clause, yes, giving the commission a greater role makes sense, but I just think people should realise that these are high level documents. The lower level ones will need to be consistent with it. The way it currently works is the top level is the Planning Strategy and, below that, are individual development plans. It says in the current act they have to be consistent with the top level document. It is pretty much the same philosophy here. You are going to have lower level documents which have to be consistent with the overall vision, and this is the overall vision clause that we are considering now.

Amendments carried; clause as amended passed.

Clause 58.

The Hon. K.J. MAHER: I move:

Page 53, line 15—Delete 'Minister' and substitute: Commission

This amendment has been newly inserted by the government in response to requests to clarify its intent to empower the state planning commission in decision-making and shaping the state policy. The amendment, if passed, will place responsibility for the development of a state-designed quality policy with the commission rather than the minister in the first instance and to specify design policies and principles to be applied in other planning instruments including the Planning and Design Code.

Amendment carried.

The Hon. K.L. VINCENT: I move:

Amendment No. 4 [Vincent-2]—

Page 53, after line 17—Insert:

- (2) The design quality policy must include specific policies and principles with respect to the universal design of buildings and places to promote best practice in access and inclusion planning.

Given that Dignity for Disability's previous three amendments, also to do with universal design, have already successfully passed through this committee—and we certainly thank honourable members for that—we are more or less inclined to see this amendment as consequential.

Again, this amendment is purely about giving increased consideration to the importance of universal design in allowing increased access to buildings and public places for people with disabilities, but not only people with disabilities but also people with any condition or experience that may mean they need easy access to buildings including, once again, elderly people and people with prams and so on. This is really about wanting increased consideration of the benefits of inclusive design, and the fact that we should see this as a matter of quality when designing buildings that will last and meet our needs far into the future.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Kelly Vincent's amendment.

The Hon. M.C. PARNELL: The Greens will also be supporting the amendment. I think it is consequential and I think the honourable member has done well to get this set of amendments up.

The Hon. K.J. MAHER: The government supports the amendment, which will encourage best practice.

Amendment carried; clause as amended passed.

Clause 59.

The Hon. K.J. MAHER: I move:

Amendment No. 6 (Emp-4)—

Page 53, line 19—Delete 'Minister' and substitute: Commission

This amendment is also inserted in response to a request to clarify the intent and power of the State Planning Commission, which will place responsibility for the development of a state-integrated planning policy with the commission rather than the minister to specify policies and principles to be applied with respect to integrated land use, transport and infrastructure planning.

The Hon. D.W. RIDGWAY: As you are aware, Chair, the opposition is happy to support this amendment. I have indicated that we will be supporting all the government's amendments where they are removing the word 'minister' and inserting the word 'commission'.

Amendment carried; clause as amended passed.

New clause 59A.

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

Amendment No 1 [Ridgway-2]—

New clause, page 53, after line 21—Insert:

59A—Adaptive re-use

The Minister must ensure that there is a specific state planning policy (to be called the adaptive re-use policy) that specifies policies and principles that are to be applied to encourage and support the adaptive re-use of buildings and places.

The reason I am moving this amendment is that dozens of buildings in the city—and you could probably find 100 or so—and other parts of the state, although especially in Adelaide in the CBD, are lying idle and not being activated because of constraints around heritage or access or some other inhibiting or limiting issues when it comes to reactivating those buildings. The opposition believes if we have a policy called an adaptive re-use policy that, again, specifies policies and principles that are to be applied to encourage and support the adaptive reuse of buildings and places, we might see some activation of those older buildings.

Certainly, the government has gone down this path of a vibrant city, trying to activate the laneways and some of the little bars and things, which I think has met with some success, but there are still parts of the city that just lie idle because of the problems around reactivating those buildings. I would urge members to support the opposition's intention to at least try to activate those buildings with this new amendment.

The Hon. K.J. MAHER: This is the first of several amendments proposed by the opposition that will strengthen the legislation for building to deal with adaptive re-use issues. On behalf of the government, I indicate that we will be supporting these changes and thank the opposition for raising them. I also make the point, as the minister did in the other place, that a significant impediment to adaptive re-use lies in the jurisdiction of some of the national building code laws, but they are federal issues and not for us to consider here. Certainly, the government has raised these issues at COAG and standing ministerial councils. I thank the member for the amendments here and indicate that we will be supporting them.

The Hon. D.G.E. HOOD: I do not normally speak when the government and the opposition agree on an amendment—or disagree, for that matter—but I would like to place on record that we do support this amendment. I think it is a good initiative, a very good initiative, and could be quite exciting. Who knows what could become of it. We support it strongly.

The Hon. M.C. PARNELL: I also add my congratulations to the government for supporting this sensible amendment. We know that sometimes the bulldozer is the best treatment, but very often adaptively re-using existing built form is good at a social level; it is certainly good environmentally, with the embedded carbon, for example, that is often in large structures, where it can be incredibly wasteful to simply bulldoze and build something else. If we can re-use the built fabric that we have—add to it, extend it if we need to, but not waste it—then that sits very comfortably with the Greens' philosophy.

New clause inserted.

New clause 59B.

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

Amendment No 1 [Parnell-2]—

Page 53, after line 21—Insert:

59B—Climate change policy

The Minister must ensure that there is a specific state planning policy (to be called the *climate change policy*) that specifies policies and principles that are to be applied with respect to minimising adverse effects of decisions made under the Act on the climate and promoting development that is resilient to climate change.

Just to make it clear for members, what we are doing in the amendment that has just passed and the amendment that I am putting forward now is identifying some particularly important issues that we think the planning commission needs to have front and centre in a state planning policy.

We have the design quality policy, which the Hon. Kelly Vincent amended. That is a good policy, but there is also a thing called an integrated planning policy, which I will come to in a second. Then we have the policy that I am seeking to incorporate through my amendment, which is a climate change policy. I know that we are fortunate to have the Minister for Climate Change in our chamber, and I know he is keen to see that his portfolio is incorporated into government policy documents at the very highest level. Well, this is a high level.

This amendment proposes that the climate change policy will specify policies and principles that are to be applied with respect to minimising the adverse effects of decisions made under this act on the climate and promoting development that is resilient to climate change. It is pretty much ho-hum business as usual in terms of government climate change policies. We need measures to try to prevent climate change becoming worse, but we need to recognise that it is happening and we need to deal with it. This, I think, is a core part of government business.

In anticipation, if there was any objection, the government may have said, 'Hang on, we don't need this, because we actually have an integrated planning policy.' But if you go back to the debate in the other place and look at what the minister said in relation to the integrated planning policy, he did as I expected most of us would have thought and referred to an existing government policy called the Integrated Transport and Land Use Policy. That document came out in 2013.

If you look at that document and do a bit of a global word search for things like 'climate change' or 'greenhouse gases', or whatever, there is almost nothing in it. In fact, the document is 150 pages long and it has one vague reference to climate change on page 86, which basically refers to the land use planning system needing to be more resilient to climate change, which I think means you do not build roads on the beach (I think that is what that means). That whole policy does ignore the elephant in the room, which is that decisions made in the planning system can have an impact on climate change. The classic example would be that, if you allow urban development in areas where there are no services and where everybody has to have two or three cars and has to drive absolutely everywhere, that has a climate change impact.

My amendment seeks to add to the portfolio of state planning policies a particular policy dealing with climate change. I do it deliberately, knowing that the existing suite of policies is not adequate. The government has made a lot over the last several years about the importance of climate change; this is a really good test of how serious is the government because incorporating it at this high level as a state planning policy would give a great indication to the people of South Australia that the government is serious about climate change.

The Hon. K.J. MAHER: I indicate that the government supports the amendment proposed by the honourable member.

The Hon. D.W. RIDGWAY: I indicate that the opposition thinks that maybe this is almost a duplication, and is inclined not to support it. We have a whole range of acceptance around energy ratings, building codes and building design to deal with the variables we have in climate, the expectations now of rainwater and rainwater tanks and a whole range of new things people do in their own environments to mitigate against a range of impacts that we see as extreme weather conditions we have potentially. Maybe it is something that has come from climate change.

The opposition sees that this probably is not the right place to put this in, but at the end of the day if the government supports the Greens and the Greens get enough support we will not make

a song and dance about it, but we think it is probably catered for already in a lot of the things we do in relation to state planning, but we are not inclined to support it today.

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

New clause inserted.

Progress reported; committee to sit again.

**HEALTH AND COMMUNITY SERVICES COMPLAINTS (BUDGET REPORT) AMENDMENT
BILL**

Introduction and First Reading

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

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The House of Assembly appointed Mrs Digance to the committee in place of Mr Picton.

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The House of Assembly appointed Mr Piccolo to the committee in place of Mr Picton.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The House of Assembly appointed Mrs Digance as an alternate delegate to the Hon. T.R. Kenyon on the committee.

At 18:00 the council adjourned until Wednesday 10 February 2016 at 11:00.