LEGISLATIVE COUNCIL

Wednesday, 23 March 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:00 and read prayers.

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, statements on matters of interest, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

Bills

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 22 March 2016.)

Clause 1 passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 5, line 27 [clause 5(8), inserted definition of *desex*]—Delete 'castrate or spay an animal so as to permanently render the' and substitute 'permanently render an'

This amendment is on advice of the Australian Veterinary Association, and I draw members' attention to the letter received by my office and circulated to other members of parliament from Graham Pratt, who is the executive officer of the SA/NT divisions of the AVA South Australia, which states:

While the vast majority of dog and cat desexings occurring are via spay and castration procedures, these are not the only permanent desexing procedures available to veterinarians. Further, just as in human medicine, the field of veterinary medicine is continuously developing. As new and effective desexing methods are developed, it is important that veterinarians are able to develop expertise in new techniques and to offer them to clients where they are in the best interests of the health and welfare of the animal.

It has been ten years since the last significant review of the Dog and Cat Management Act. The inclusion of a prescriptive definition in the Act will mean that it is likely in place for at least another decade (if not longer). By broadening the definition in the legislation it allows space for the natural development of veterinary practice.

The letter goes on to say:

NB: the government's opposition to the amendment is based on the perceived behavioural benefits of desexing. Spay in females and castration in males will result in changes in hormone production in the animal and there is evidence that desexing will have some effect on the animal's behaviour. Other methods of desexing, while they will prevent reproduction, may not have the same hormonal effect. However, having said that, behaviour is a very complex thing and there are many factors involved. The AVA doesn't consider that the 'behavioural benefit' will be as large as the government is expecting.

That is the section of the correspondence received from the AVA of South Australia. On advice and in a briefing from the AVA of South Australia the vets raised with both myself and other members of parliament from the opposition and the crossbenches their concern about the prescriptive language

of 'spay' and 'castration' being in the act. So, to give the act more flexibility, the Greens have moved this motion simply to ensure that desexing is more broadly defined.

With those few words, I certainly commend the amendment to the committee, but I understand that we do not have the numbers, and I will not be seeking to divide in this particular amendment unless it is not clear what the numbers are.

The Hon. I.K. HUNTER: I thank the honourable member for speaking to her amendment and, really, for her foresight—I can only commend that. I think it is useful to have a view about when the legislation might be amended into the future. If it were only just about prospective changes, we might be able to agree, but I understand that the amendment moved by the Hon. Ms Franks has been put in place following discussions with the Australian Veterinary Association. The bill states that desexing means to castrate or spay an animal, and these procedures, I am advised, prevent reproduction as well as prevent the secretion of hormones that influence behaviour such as wandering and aggression—and that is the nub of the matter, really, from our perspective.

I am advised that the AVA has confirmed that the definition proposed in this amendment allows for desexing procedures that prevent reproduction but would not reduce hormone-driven behaviour, and that would work to the detriment of one of our aims. We aim to reduce the wandering and impoundment of dogs and cats, reduce cat overpopulation and the recruitment of unwanted cats to the feral population, and reduce dog attacks. This amendment, I argue, would weaken the effectiveness of the bill in achieving these aims.

I am further advised that the *Journal of Feline Medicine and Surgery*—which is not a scientific journal that I actually browse frequently, but I am sure it is very worthy—states that new veterinary procedures that impact on fertility and behaviour are at least 10 years away and, accordingly, a broader definition of 'desexing' is not required at this time.

I restate that putting some foresight into our acts is a good thing, but in this instance we are not just talking about preventing reproduction; we also want to prevent hormonal-induced behaviours, such as wandering and aggression, and that is why I think we should keep with the amendment that is present in the act.

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

The Hon. T.A. FRANKS: I had asked the AVA for additional rationale in support, and I have just received that documentation, so I would like to make it known for the record. As I said, I will not be seeking to divide unless we do have an indication of the numbers; at the moment, I will be seeking to divide on this amendment.

The AVA has written to me just today, noting:

The Government proposed definition restricts the procedure to castration or spay.

While this is currently the most common surgical procedure used at the moment, there are others that are currently used to permanently prevent reproduction without removing the testicles or ovaries. These include:

- Hysterectomy in female dogs and cats—removal of the uterus while leaving the ovaries.
- Tubal ligation in female dogs and cats.
- Vasectomy in male dogs—a surgical procedure in which the tube used to carry sperm into the pelvis is removed.

There are also hormone-modifying implants (similar to those used in human health) currently in use that prevent reproduction. While these are currently temporary in effect (1-3 years), there is significant potential that permanent alternatives may be developed within the next decade.

Such permanent implants could offer significantly cheaper desexing alternatives and benefits to the health and welfare of animals.

Under the Government's proposed definition, these procedures would not be available for South Australian veterinarians to use with companion animals.

The Greens amendment to the Bill broadens the definition of desexing to allow for the use of existing permanent alternatives and the potential for the adoption of new techniques as they become available.

The information provided to me today by the AVA of South Australia goes on to give a description of castration and spay procedures, which I am sure all members will be intrigued to hear:

> Spay procedure—first the patient is given a general anaesthetic, connected to an anaesthetic machine and monitoring and then given appropriate pain relief. Then the area for surgical approach is clipped and prepped for surgery. Most spays in Australia are done through the midline of the abdomen although some are done by a flank procedure (the side of the abdomen). The veterinary surgeon then makes a 5-10cm incision in the skin, connective tissue and then the ligament that holds the abdominal muscles together. Through this hole the surgeon then identifies the uterus and gently brings it to the surface of the hole. In dogs and cats the uterus is shaped like a Y with two ovaries, two uterine horns which join to become the uterine body. The uterus is connected to the vagina by a cervix. Once the uterus is identified and exteriorised, clamps and then suture ties are placed on the blood supply to each of the ovaries, the connective tissue attached to the uterine horns is removed and the whole body of the uterus is slowly brought out of the abdomen until the surgeon gets to where the uterus meets the cervix. Another clamp is placed here and then the body of the uterus and blood supplies are tied off. Both ovaries and all of the uterus is removed. The wound can then be closed, the muscle, connective tissue and skin layers are all stitched up separately. The dog is then woken up from its anaesthetic, given more pain relief and is normally ready to go home in a few hours.
>
> Castration procedure—first the patient is given a general anaesthetic, connected to an anaesthetic machine and monitoring and then given appropriate pain relief. Then the area for surgical approach is clipped and prepped for surgery. The surgical approach for a castration is 2-3 cm in front of the scrotum, a single incision is made through the skin and the connective tissue layer under this. One by one the testicles are pushed forward and gently brought out of the body, this allows the surgeon access to the blood supply and spermatic tube. The blood supply and spermatic tube are both clamped and then tied off and each testicle is removed. The wound is closed with stitches and the dog is woken up from its anaesthetic, given more pain relief and is normally ready to go home in a few hours.

I state this because the AVA will be responsible. Their members will be responsible for much of the carriage of this legislation. They have raised this as a concern. They are the experts in their own practice.

While the government has in its responses referred to particular journals, it certainly has not successfully sought the support of the AVA for a good portion of some of the portions of this bill. Indeed, the AVA have great concerns about the fact that they will be policing a system that will mean, as they have indicated in their briefing to us, that they will somehow be seen as the police as well as the practitioner, and they fear that people will not bring their animals to them as a result of some of the heavy-handedness of this legislation.

They have pointed out that, in their practice, they would like a broader definition for desexing undertaken in this state. I think they are the experts in their practice and should be respected, not just by the government but by all members of this council.

The Hon. I.K. HUNTER: There are currently available procedures for desexing in addition to castration and spaying. Our advice is that desexing procedures that additionally impact on hormone-driven behaviour—and that is what the honourable member is ignoring in her contribution—are at least a decade away. We can trade information across the chamber, and that is a useful thing to do and I might do that in a minute, but the process that we are trying to put into the act addresses not only the issues of reproduction but the issues of aggression and wandering.

What the Hon. Tammy Franks wants to allow through her amendment is for procedures that will not address those ancillary issues of aggression and wandering. We think our proposal does that. The amendments offered by the Hon. Tammy Franks, I think, weaken that part of the legislation. I am advised that research undertaken by Dr Katina D'Onise, a public health physician, formerly of the Dog and Cat Management Board, concluded:

> In summary, both the epidemiology literature and animal behaviour studies indicate that dog attacks are less likely among neutered dogs, and there is a suggestion that desexing dogs will reduce the most severe attacks on humans. Borrowing from what has been consistently proven to be the case in injury control, interventions that modify the environmental risk factors are more likely to be successful. In dog management, interventions that encourage the desexing of dogs are likely to directly reduce the risk of dog attacks.

This is affecting the hormonal aspects of dogs, not just aspects of medical intervention to change the reproductive ability, but also the hormonal aspects which require desexing or spaying. The Australian Veterinary Association states that aggression itself is not inherited; however, propensities to be reactive and aggressive are transmitted. A propensity to be reactive is also greater in entire male dogs and entire female dogs about the time of oestrus.

The Australian Institute of Animal Management supports desexing, as research evidence supports the hypothesis that intact male dogs are, on the whole, more aggressive than neutered male dogs and intact male dogs are the most common group of dogs displaying dominance aggression. Evidence from both epidemiology and animal behaviour research also demonstrates a direct correlation between desexing dogs and a reduced risk of dog attacks.

I put that on the record to try to convince the chamber that, in fact, if you are trying to have a multi-impact here, not just on the reproductive behaviour of animals but also on their propensity to wander and, indeed, their propensity towards aggressive behaviour, you need to actually remove the hormonal impulses that drive that sort of behaviour. The Hon. Tammy Franks's amendment will weaken that, I submit to the chamber, and I ask that you oppose her amendment.

The committee divided on the amendment:

Ayes 10
Noes..... 7
Majority..... 3

AYES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A. (teller)
Lee, J.S.	Lucas, R.I.	McLachlan, A.L.
Parnell, M.C.	Stephens, T.J.	Vincent, K.L.
Wade, S.G.		

NOES

Gago, G.E.	Hood, D.G.E.	Hunter, I.K. (teller)
Kandelaars, G.A.	Maher, K.J.	Malinauskas, P.
Ngo, T.T.		

PAIRS

Lensink, J.M.A.	Brokenshire, R.L.	Ridgway, D.W.
Gazzola, J.M.		

Amendment thus carried.

The CHAIR: The next amendment is amendment [Brokenshire-2] 1, clause 5, page 5, after line 32. Is the Hon. Mr Brokenshire here?

The Hon. D.G.E. HOOD: Mr Brokenshire is paired, so I suspect that will not be moved.

The Hon. S.G. WADE: I move:

Amendment No 1 [Wade–1]—

Page 6, after line 14—Insert:

(17) Section 4—after definition of *wandering at large* insert:

working dog means a dog—

(a) usually kept, proposed to be kept or worked on rural land by a person who is—

(i) a primary producer; or

(ii) engaged or employed by a primary producer; and

(b) kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

The select committee of 2012 made the distinction between companion animals and working dogs, and members of the committee were of the understanding that working dogs would not be captured by such a regime. My understanding is that that is the government's intention under this bill also. My

understanding is that the government would prefer the definition to be in regulation rather than in legislation. The opposition differs from the government in that we would prefer the definition to be in the legislation, but we do not differ from the definition itself.

We understand the Dog and Cat Management Board developed the definition following consultation with a range of relevant bodies, and we understand that this definition is used in both Queensland and New South Wales, and I think the minister might have said yesterday even in Tasmania. Anyway, it is not, shall we say, an invention.

If I understand it, the government's argument is that we need to allow for the evolution of working dogs' roles. With all due respect, we think working dogs is not an area that is likely to be subject to significant evolution in the short term, and in that sense we think it is appropriate to be in the legislation and would provide reassurance to the working dog community and their owners.

The Hon. I.K. HUNTER: As I said or expressed previously in this place, it is not an issue I will die in a ditch over, but it is something that I think is probably bad legislation to do this, and I will explain why. We oppose this amendment and subsequent amendments from the honourable member relating to working dogs, but we certainly recognise his intent for farm dogs to be exempt from certain provisions of the act. The government supports that.

We support specific exemptions for these dogs, but propose that these be set out in regulations. This is because the government considers that the definition needs to be specific enough to set out clearly current requirements, yet have the flexibility to be revised so that any changes in sector practices can be administered in a timely way without having to come back to parliament to effect changes in the act.

The honourable member's proposed definition of working dogs captures dogs other than working livestock dogs, which is the government's intention. This may result in dogs such as guard dogs used to protect property being perceived to be exempt from the provisions in the act. The Working Kelpie Council, the South Australian Working Sheepdog Association, the South Australian Yard Dogs Association and Livestock SA all support a definition that better recognises the role of working dogs across primary industries. I understand this definition is also used in legislative schemes in Queensland and New Zealand.

The government intends to include the industry-preferred definition of 'working livestock dog' in draft regulations and then consult further, as is appropriate. However, as I said, we will not die in a ditch; we can live with it. We would prefer the term 'working livestock dog', but we think better public policy is to set this definition in regulations rather than the act.

The Hon. S.G. WADE: I seek clarification from the minister: I may have misunderstood, but my understanding was that our definition was the government's definition, but it is not?

The Hon. I.K. Hunter: No.

The Hon. S.G. WADE: You can confirm that? In what sense does it differ? Reading 'working dog' in my amendment I cannot see how it could bring in a guard dog, for example, because a guard dog would not come under paragraph (a), it would not be related to a primary producer and it would not be engaged or employed by a primary producer.

The Hon. T.A. FRANKS: The Greens will not be supporting the Liberal amendment with regard to the definition. While we understand the intent, and we do not wish those who legitimately have working dogs to be adversely affected by this legislation, we are very keen to ensure that this legislation does have the effect of clamping down on people who unethically breed dogs and cats in our state. We are comfortable with the government's delegated legislation approach because we want to get this right.

We have seen a blunter instrument used in Victoria, and we have seen people able to continue to unethically breed animals in that state, even though they have worked towards clamping down on that in the legislation. There are holes in that legislation and I do not want to see those same mistakes made here in South Australia. So we will hold the government to its commitment on this to properly consult with the relevant stakeholders, but we will support the delegated legislation in this instance.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Hon. Stephen Wade's amendment.

The Hon. S.G. WADE: I indicate that the opposition is not seeking to be reckless in terms of the potential—

The Hon. T.A. Franks interjecting:

The Hon. S.G. WADE: I am sorry, I was not meaning that in a pejorative sense, but just let me address your issue. We certainly would not want any legislated exemption for working dogs to be an opportunity, if you like, to undermine the regime. However, I draw honourable members' attention to paragraph (b), that a working dog means a dog kept primarily for the purpose of herding, droving, etc. So if someone had a working dog on rural land which was actually a puppy farm it would not come under (b); it would not be primarily kept for breeding.

The Hon. I.K. HUNTER: I just want to make it clear what my objections are. They are not, in fact, that the Hon. Mr Wade's terms are unworkable; it is just that they are not ideal. Our preferred definition is to align ourselves as closely as possible with the definitions used by our stakeholder associations. The definition we seek to use will closely align us with the preferred industry definition currently being discussed with relevant stakeholders.

As I said, the Hon. Mr Wade's definition is acceptable, but it is not ideal. If it is in the legislation it is even less ideal because we will not be able to change it, should those stakeholders change their definition, without going back to this chamber and opening up the act again. Again, and as I said a couple of sitting weeks ago, I am not overly fussed about it. I think it is probably poor legislation to do it that way and the better way is to put it into regulations.

The even better way is to use language that our major stakeholder associations use as well, to avoid any ambiguity, and also to use language that is used in other legislation in other jurisdictions. I think that is the best way forward but, as I say, I am not going to die in a ditch over this. We believe the Hon. Mr Wade's definition will work; it is just not the best definition.

The Hon. S.G. WADE: Could I clarify that it is not the opposition's intention to have a different definition from the government. The opposition by this amendment is simply trying to suggest that it would be more important to have it in the legislation. I appreciate that the government's view is that it actually makes the legislation worse. In our view, it makes it better because it provides more assurance and more clarity. In terms of the definition, my understanding of my party's position is that if I had the government definition I would put it in there, because that is not the point.

In that regard, I would be suggesting to the government that in seeking support from the council—and I appreciate the government will not be giving us support—we would be indicating that we will not be insisting on any alternative amendments on the basis of the definition if it is actually what I would call the shared definition across other jurisdictions. Our point is simply where it lives. I would say to honourable members that, if you were to support the opposition amendment, we will be taking that as an indication of your support for it in the legislated form rather than the subdelegated form, and we can clarify what in fact is the shared definition.

The Hon. I.K. HUNTER: Again, I think I read into *Hansard* at some stage the definition we propose, that is:

> A working livestock dog means a dog usually kept or proposed to be kept and/or worked on rural land and/or by an owner, breeder or lessee who is a primary producer, a person engaged or employed by a primary producer, and primarily for the purpose of herding, droving, protecting, tending or working stock.

As I say, we can live with the Hon. Mr Wade's amendment, but I do not think it is ideal. It is inflexible, it does not align ourselves as well as I think the government's approach to regulation will with the legislation in other jurisdictions and, indeed, with the definition used by major stakeholders. Nonetheless, it is not something I want to waste the chamber's time on particularly.

The Hon. D.G.E. HOOD: I indicate that Family First supports the Liberal amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 25 passed.

Clause 26.

The CHAIR: The next amendment is the Hon. Mr Brokenshire's amendment.

The Hon. R.L. BROKENSHIRE: I will not be moving it.

The Hon. S.G. WADE: I move:

Amendment No 2 [Wade–1]—

Page 17, after line 13 [clause 26, inserted Part 4B]—Insert:

42CA—Application of Part

This Part does not apply in relation to working dogs.

I suggest that this amendment is consequential to [Wade-1] 1.

Amendment carried.

The CHAIR: The Hon. Mr Brokenshire is not proceeding with [Brokenshire-2] 3.

Clause as amended carried.

Clauses 27 to 50 passed.

Clause 51.

The Hon. S.G. WADE: I move:

Amendment No 3 [Wade–1]—

Page 37, after line 4 [clause 51, inserted section 70]—Insert:

(3a) However, subsection (2) does not apply in relation to working dogs.

(2) The Minister must cause a report of each review to be prepared and must, within 6 sitting days after receiving a report, cause a copy of the report to be laid before both Houses of Parliament.

I suggest that this amendment is consequential to [Wade-1] 1.

Amendment carried; clause as amended passed.

New clause 51A.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–1]—

Page 38, after line 31—Insert:

51A—Insertion of Part 7B

After section 80 insert:

Part 7B—Reporting and other transparency measures

80AA—Interpretation

For the purposes of this Part, a reference to euthanasia, or to euthanasing a dog or cat, will be taken to be a reference to the lawful killing of a dog or cat (however described) in this State under this Act or any other Act or law.

80AB—Persons who euthanase dogs or cats to provide report

(1) A person who euthanases a dog or cat must provide a report to the Board in accordance with this section.

Maximum penalty: $5,000.

(2) A report under subsection (1)—

(a) must be made in a manner and form determined by the Board; and

(b) must be made not later than the date fixed by the Board for the purposes of this paragraph; and

(c) must set out—

(i) the date on which the dog or cat was euthanased; and

(ii) the location where the dog or cat was euthanased; and

(iii) the method by which the dog or cat was euthanased; and

(iv) the reason why the dog or cat was euthanased; and

(v) any other information reasonably required by the Board; and

(d) may be combined with reports relating to the euthanasia of 1 or more other dogs or cats during a specified period (whether or not the other dogs or cats were euthanased by the same person); and

(e) must comply with any other requirements set out in the regulations for the purposes of this subsection.

(3) In proceedings for an offence against subsection (1), it is a defence for the defendant to prove that he or she believed on reasonable grounds that a report relating to the euthanasia of the dog or cat had been provided to the Board by another person.

80AC—Greyhound Racing SA to provide report on euthanasia of greyhounds

(1) Greyhound Racing SA must, on or before 30 September in every year, provide to the Board a report on the euthanasia of greyhounds in the greyhound racing industry in this State during the preceding financial year.

Maximum penalty: $10,000.

(2) A report under subsection (1)—

(a) must be made in a manner and form determined by the Board; and

(b) must set out—

(i) the approximate number of greyhounds euthanased in this State; and

(ii) any other information reasonably required by the Board; and

(c) must comply with any other requirements set out in the regulations for the purposes of this subsection.

80AD—Board to report annually on euthanasia of dogs and cats

(1) The Board must, on or before 30 November in every year, forward to the Minister a report on the euthanasia of dogs and cats in this State during the preceding financial year.

(2) The report must contain—

(a) a summary of the information provided to the Board under this Part; and

(b) a report on the adequacy or otherwise of practices (including short and longer term trends) relating to the euthanasia of dogs and cats in this State; and

(c) any other information required by or under the provisions of this Act or any other Act.

(3) The Minister must, within 6 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

I note that this amendment is designed to increase reporting and other transparency measures. As I outlined in my second reading speech, and explored yesterday in clause 1, this bill was announced with both media and a second reading speech that bemoaned the 10,000-plus dogs and cats euthanased in this state each year. Given that the express intent of the bill was to address this issue, the Greens' amendment simply seeks to measure the rates of euthanasia of dogs and cats in our state.

This amendment requires people who euthanase dogs or cats to provide a report and for that report to include information about the date, the location, the method and the reason why that dog or cat was euthanased and any other information reasonably required by the board. It also goes on specifically to address the issue of greyhound wastage in our state to ensure that there is more transparency around those greyhounds that are needlessly euthanased, to require that information

also to be provided to the board, and for the board to report annually on the euthanasia of dogs and cats.

I drafted these amendments with a number of stakeholders, most specifically in conversation with both the Animal Welfare League and the RSPCA of South Australia. The RSPCA of South Australia has for some time provided these statistics in a transparent and public way. The Animal Welfare League (AWL) does provide these statistics to the board and was certainly supportive not only of the continuation of that but also of broadening those requirements for other professionals who are engaged in the euthanasia of cats and dogs.

If we do not count something, we risk that it will not count. I will admit that while I have been in conversation, particularly with those two groups, other stakeholders and certainly a range of other bodies including the AVA, there were some wording issues with the amendment as it stands. Certainly, the definition of 'location' was something that the Veterinary Association raised as a concern, as to how prescriptive that would be in terms of whether an individual veterinary clinic could be identified through this.

To isolate individual veterinary clinics is not the intent of what I am doing here. I want to put that on the record and note that I think that a further way to progress this would be, in fact, to have the reporting perhaps by council location. Given the discussion and debate yesterday, it seems reasonably clear that this amendment will not get the support of the committee, but I did want these issues put on the record.

I note that, in fact, the board has the power to do this without this amendment and, given the words of the minister yesterday encouraging me to bring forward further pieces of legislation should I require a debate on the wastage rates of greyhound racing, I certainly indicate that I will be bringing forward a private member's bill around this area and note that the RSPCA (and I imagine this would be supported by other groups) has today raised with me that they would like rehoming rates also reported on. There are ways and methods of doing this.

This amendment, in the format that it is, while it has been consulted on is not yet in a perfect state, so it will take some further time, which I understand we do not have, given the government's priority to progress this bill. I urge the government to give consideration to ensuring that we are actually counting the euthanasia rates of dogs and cats in this state because, as I say, if we do not count it, it will not count into the future. I will certainly also be progressing my amendment for a review of this act, and one of the yardsticks by which the success of this bill that we debate today is measured should be that we do indeed reduce the needless euthanasia rates of cats and dogs which are currently unacceptably high.

The Hon. S.G. WADE: As the Hon. Tammy Franks said, this discussion in committee continues a discussion we were having last night. In the context of what has been a substantially bipartisan progression of this bill, I want to affirm the point that was made yesterday which is, as I understand it, all members of this council share an objective to reduce unnecessary euthanasia of dogs and cats.

The Liberal Party, though, has concerns with the particular model for improving accountability put forward by the Hon. Tammy Franks and the Greens. As I said yesterday, we particularly want to make sure that the board is getting information to assess its own performance in terms of delivering on its statutory functions. I think it is a conversation worth having. The Liberal Party has been an active participant in the development of this legislation over time, and we are happy to be part of that conversation going forward.

The Hon. I.K. HUNTER: The government also will be opposing this legislation, and I just want to take a moment to let people know why. I heartily concur with the Hon. Mr Wade and, indeed, the Hon. Ms Franks in the shared objectives that we are trying to put into this legislation. I do not think we differ too much on that. It is just a question of getting the best outcome. The Hon. Ms Franks, the real nub of the problem is, I think, at clause 80AA—Interpretation, which provides:

> For the purposes of this Part, a reference to euthanasia, or to euthanasing a dog or cat, will be taken to be a reference to the lawful killing of a dog or cat (however described)…

That has to be broadest possible of statements which, I think, causes us terrible problems. This amendment proposes a significant reporting regime relating to euthanasia practices. After briefly consulting with relevant stakeholders, the government believes it will be inappropriate to impose this additional level of red tape and regulation on these organisations which could include, of course, government departments but also statutory authorities, local government, private businesses, individuals and not-for-profit community organisations. We are talking about vets, we are talking about park rangers and we are talking about landholders who are doing some feral pest eradication on their land.

The amendment, I think, aims to impose reporting requirements on animal welfare shelters, and will impact each of the 68 councils and Outback Communities Authority that lawfully seize, detain and destroy dogs and cats under the Dog and Cat Management Act. It would also place unprecedented reporting requirements on veterinarians, police, emergency services officers, wardens under the National Parks and Wildlife Act and the Wilderness Protection Act, and rangers under the Crown Land Management Act. I am not sure that there has been much consultation with any of those affected parties.

The government understands the honourable member's intention, as I said, but we think this probably will not do that. In fact, what will probably happen is there will be a great level of noncooperation, and we would not want to see that enshrined in legislation. Also, I understand I have had some information provided to me from other jurisdictions. Not that I tend to base our achievements on what other jurisdictions do, but I understand that no other jurisdiction has a requirement to report euthanasia in legislation. Instead, as we have, it is either the responsibility of their equivalent of the Dog and Management Board or some code of practice has that in place, but it does not exist, as far as I can tell, in the ACT, New South Wales, Northern Territory, Queensland, Tasmania, Victoria or WA.

As I say, notwithstanding the fact, it does not mean that we cannot do it better, but I do not believe this amendment will do that for us. I think it will impose greater regulation on a vast number of organisations and individuals, and the problem with that is I think there will be a large degree of noncompliance, and that is not good legislation.

New clause negatived.

Clauses 52 to 60 passed.

The Hon. S.G. WADE: The opposition is more attracted to the Hon. Tammy Franks' amendment, so I will not be moving mine.

New clause 60A.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–1]—

Page 41, after line 6—Insert:

60A—Insertion of section 90A

After section 90 insert:

90A—Review of Act

(1) The Minister must cause a review of the operation of this Act (as amended by the *Dog and Cat Management (Miscellaneous) Amendment Act 2016*) to be conducted within 6 months after the 5th anniversary of the commencement of this section.

(2) The Minister must cause a report of the review under subsection (1) to be prepared and must, within 6 sitting days after receiving a report, cause a copy of the report to be laid before both Houses of Parliament.

The Hon. T.A. FRANKS: This inserts Review of Act and that the minister must cause a review of the operation of this act to be conducted within six months after the fifth anniversary of the commencement of this section, and then that the minister must cause a report of the review to be prepared and must, within six sitting days after receiving a report, cause a copy of the report to be laid before both houses of parliament. Simply put, it is an opportunity to ensure that we are heading

in the right direction and to ensure that the parliament continues to keep these very important issues in the forefront of our minds into the future.

The Hon. I.K. HUNTER: The government will be supporting this amendment although, as I said earlier, it probably is not necessary because it is an ongoing function of the Dog and Cat Management Board to keep the act under continuous review and make recommendations to the minister with respect to the act and regulations; nonetheless, we are very happy to support this.

My speaking notes say that in accordance with the proposed provision 'I' will request that the Dog and Cat Management Board conducts a review of the operations of this act within six months after the fifth anniversary of the commencement of the bill, and 'I' undertake to table a review in both houses of parliament—that is rather presumptuous, I think, on my part for doing so. Perhaps I should just note that should this clause be supported the minister of the day will be required to do those things.

New clause inserted.

Remaining clause (61), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (11:47): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Recommittal

In committee.

(Continued from 22 March 2016.)

Clause 1.

The Hon. M.C. PARNELL: While we get ready to get underway, as a matter of housekeeping can we check the amendments so that we are all on the same page and we know what we have? I have government amendment sets Nos 5, 6, 7 and 8. I have an opposition set (No. 9) and I have a Darley set (No. 2), which I think has been supplanted by the government amendment. I just want to check that there are no other amendments that I might have missed. So, four sets from the government, one set from the opposition and the Hon. John Darley is not moving his set.

The CHAIR: We do not have Darley amendments.

The Hon. M.C. PARNELL: I have just clarified that it was a foreshadowed amendment that was not being moved. There is no Darley amendment. There are four government sets and one opposition set; if I could just get the minister's clarification that that is what we are working on.

The Hon. K.J. MAHER: That is right. Four government and one opposition is right; no Darley.

Clause passed.

Clause 2 passed.

Clause 3.

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

Amendment No 1 [Ridgway–9]—

Page 16, line 35—Delete the definition of *Greater Adelaide*

This amendment, which was part of our original package, is to remove the growth boundary, the environment and food protection area. Given that the government has a whole range of amendments to reinstate that, I certainly do not expect to delay things for very long and I expect that my amendment will not be supported. However, I reaffirm that the opposition does not support an urban growth boundary. There is a whole range of reasons why we do not, and I will elaborate on those when we come to the government amendments.

The Hon. D.G.E. HOOD: For the record, I indicate Family First's opposition to an urban growth boundary as well and, therefore, support for the Hon. Mr Ridgway's amendment.

The Hon. M.C. PARNELL: If we are talking at 'big principle' level, the Greens supported the original urban growth boundary proposal and we look forward to hearing about the modified version that comes before us but, because we are sympathetic to urban growth boundaries, including statutory urban growth boundaries, we will not be supporting the amendment.

The Hon. J.A. DARLEY: I indicate that I will not be supporting the amendment.

The Hon. K.L. VINCENT: Just to reiterate, given that Dignity for Disability did support the original concept for an urban growth boundary, we are inclined to support this amendment.

The CHAIR: You are supporting the amendment?

The Hon. K.L. VINCENT: Yes, sir.

The Hon. K.J. MAHER: I will take time because I know there is a series of amendments on this issue and this is one of the big issues that we dealt with when the bill originally came before us, so I will speak reasonably broadly. There are strong environmental, economic and public integrity reasons to support the introduction of the environment and food production areas (EFPAs). The strong environmental reasons include the fact that the Greater Adelaide region contains some of the world's best food and wine production areas.

We need to protect these farmlands, environmental areas and character landscapes from the encroachment of urban sprawl. Once developed for residential development, those lands are lost forever. The consequences are being played out now in New South Wales and Victoria. The Institute for Sustainable Futures at the University of Technology Sydney estimates that by 2031, Sydney, which lacks an EFPA, stands to lose approximately 60 per cent of its total food production capacity. Similarly, Deakin University predicts that in Melbourne, also without an EFPA, local production of the city's fresh produce, currently at 41 per cent, will fall to 18 per cent by 2050.

The strong environmental reasons for the introduction of the environment and food production areas are about recognising the significant job opportunities and industry diversification in terms of food production and tourism that flow from our Greater Adelaide regions. If we reduce or downgrade our food bowl, we will lose the significant local job opportunities and benefits that flow to our economy from labour-intensive agriculture and food processing. The agribusiness sector is one of South Australia's largest industries. South Australia is one of the world's most competitive areas for agriculture, with one of the world's most sustainable growing environments, a Mediterranean climate and low start-up costs of business.

According to the National Farmers' Federation, each Australian farmer produces enough food to feed 600 people—150 at home and 450 overseas. There are about 134,000 farm businesses in Australia, 99 per cent of which are family owned and which produce about 93 per cent of the domestic food supply. I am also advised that, currently, on rough estimates, in the north we have approximately 1,700 jobs across 3,600 hectares which is a bit over half a job per hectare.

The security that comes from the EFPA with the possibility of a northern irrigation scheme is expected to increase this, in rough terms, to an estimated 5,000 jobs or approximately 1.4 jobs per hectare in the area. When these factors are considered in the context of Sydney and Melbourne's likely food bowl concerns, the growing international demand for quality foods and the tourism opportunities that our pristine regions attract, it makes strong economic sense to support these local industries by ensuring those industries can continue to grow.

Thirdly, from a public integrity perspective, we need the EFPA to enshrine good governance and transparent decision-making. The EFPA in this bill will bring significantly more rigour and

transparency to current arrangements under which boundaries set by policy may be established or amended by a minister through a stroke of a pen without any real external review or scrutiny. Transparency, consultation and public debate about such important decisions are necessary and responsible.

The EFPA will encourage building of new homes in our inner and middle ring suburbs, which market research shows is, in fact, where more and more people want to live. Such infill development, compared with greenfield developments, generates more jobs, costs less to service and provides more affordable living options.

Our ageing population and shifts in the way we work and live brought about by technology are reflected in a move towards apartments, semi-detached homes, townhouses, units and retirement villages in middle and inner ring locations. Development at the fringes is costly to all South Australians in terms of the costs attached to servicing such development with roads, infrastructure, public transport and other essential services. These are the hidden costs paid by current and future taxpayers.

I remind members that the EFPA will provide a 15-year supply of land for urban growth within Greater Adelaide. The government is committed to ensuring that as part of the review of the EFPA, which is at least on a five-yearly basis, the commission will ensure that future land supplies are evenly spread across Greater Adelaide, as is practically possible. In undertaking this review, the commission will consider the following matters:

- identify available residentially zoned allotments, as well as broadacre land owned by Renewal SA that is suitable for subdivision;
- assess private landholdings that can be subdivided based on the expertise of land subdivided from broadacre holdings in the preceding two years; and
- the potential for subdivisible allotments, some of which could be acquired by Renewal SA.

I would like to thank in particular the Hon. John Darley for working with the government on amendments to the EFPA to introduce a more prominent role for the commission in proposing to vary or amend an EFPA and ensure timely sharing with the parliament of the commission report as to its reasons for proposing variations or amendments to the EFPA. The EFPA is a vitally important part of good, long-term planning policy and a very important public integrity measure. I commend this plan to members and look forward to the support of the EFPA in this bill.

The Hon. J.A. DARLEY: I may have missed part of that as I was on the phone, but in the definition of the 15-year land supply does that mean that with an application for rezoning, say in the north, the commission would look at the total available land supply for greater metropolitan Adelaide, or would they look more particularly locationally in the general location of their application?

The Hon. K.J. MAHER: The words I used (and I think this answers your question; if not, I am happy to give further information) were that the government is committed to ensuring that, as part of the review of the EFPA, which is at least on a five-yearly basis, the commission ensures that future land supplies are evenly spread across the Greater Adelaide region as practically as possible.

The Hon. J.A. DARLEY: I am not too concerned about the five-yearly review, but an owner of land in the food production area could make application to the commission within the five-year period, and the question I am asking is: would the commission look at the availability of land in that general location?

The Hon. K.J. MAHER: I am advised that, as you have suggested, they would do both: they would look at the local needs in the area and the supply across Greater Adelaide.

The Hon. D.W. RIDGWAY: I have moved an amendment that is about our position and about not having an urban growth boundary. There is a suite of amendments to come from the government around reinstating the environment and food protection area. If we want to go down the path of having two hours of questions on my amendment, fine, but it is not really relevant, so I think we should vote on mine, move on from that and then actually deal with the amendments and the questions, as I have a large number of questions for the minister.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: But I mean for other members. The Hon. John Darley is asking questions about something that has nothing to do with this amendment because—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: I think we will be asking them again shortly. I suggest we should deal with this amendment and move on.

The committee divided on the amendment:

Ayes 8
Noes..... 9
Majority..... 1

AYES

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

NOES

Darley, J.A.	Franks, T.A.	Gago, G.E.
Hunter, I.K.	Kandelaars, G.A.	Maher, K.J. (teller)
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.

PAIRS

Brokenshire, R.L.	Malinauskas, P.	Lensink, J.M.A.
Gazzola, J.M.		

Amendment thus negatived.

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

Amendment No 1 [Emp-5]—

Page 20, lines 7 and 8—Delete 'is within the ambit of subsection (1b)' and substitute:

is excluded by regulation from the ambit of this definition

Amendment No 2 [Emp-5]—

Page 20, after line 10—Delete inserted subclauses (1a) and (1b)

These two amendments seek to overturn amendments moved by the Hon. Mark Parnell and passed during the committee stages in relation to regulated trees. The amendments seek to reinstate the current provisions as they relate to the removal of trees in urban areas. These provisions were key parts of changes introduced in 2011 by the Hon. Dennis Hood in response to many concerns raised with members of parliament that the tree controls were not working as intended.

Specifically, amendment No. 1 moved in my name allows the regulations to list those circumstances where tree removal is excluded from the definition of development at present, allowing for trees to be removed without the requirement that a development application be granted where regulated trees are within 10 metres of dwelling or an in-ground pool, except for a eucalypt, willow or myrtle, or if a tree is one of 22 species known to be both common and problematic in urban locations.

Amendment No. 2 I move in my name reverses the Hon. Mark Parnell's amendment that would prevent the regulation from excluding either specific trees or specific circumstances from the operation of tree controls. Government amendment No. 2 also removes the inserted (1b) as listing matters which constitute maintenance pruning, as it is best left to regulators.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the government's amendments. These were amendments we dealt with before Christmas last year, when we were given a great wad of amendments the day before we started debating the bill. It was one those we were uncertain of at the time. We supported it, but it was probably one of the first clauses where we realised at the time that we would have to start to recommit the bill, and that is where we are here today. We will be supporting the government's amendments.

The Hon. M.C. PARNELL: The Greens are opposing the government amendments, but we realise where the numbers lie, so we will not be dividing on this. I am certainly not going to reagitate all the arguments in favour of reforming the significant and protected tree regime. I would make the point that this issue will not go away anytime soon. Ever since the significant tree rules first came in, there has been controversy around them—have they gone too far, do they not go far enough?

I have to say that ultimately, in the battle in the burbs between big trees and the built environment, the built environment is winning, and it is winning hands down. Large trees are being knocked down at an incredible rate, and the rate of replacement, by virtue of the laws of nature, is slow. I am disappointed that the original Greens' amendments will not be supported.

I accept what the minister is saying, that many of the additional protections I seek can be done by regulation. My point is that they have not been done by regulation. The bill is before us and it was an opportunity to reagitate these issues. I am disappointed that my amendments will be struck from the bill today but, as I have said, in the interests of progressing the debate I will not be dividing on it.

The Hon. D.G.E. HOOD: I indicate that Family First will be supporting the minister's amendment. It has been our position all along that the existing law with respect to significant trees is about right. I think the Hon. Mr Parnell is quite right, that there is always argy-bargy about these issues, and people have very strongly held views on both sides. Our view is that the law is about right and the minister's amendments seek to take it back to the current situation, so we support them.

The Hon. J.A. DARLEY: I indicate that I will be supporting the government's amendments.

Amendments carried; clause as amended passed.

Clause 4 passed.

Clause 5.

The Hon. K.J. MAHER: I propose to move government amendments Nos 1 to 5, clause 5, as a block, unless anyone has objections to that. I move:

Amendment No 1 [Emp–6]—

Page 22, lines 8 and 9—Insert:

(b) define 1 of the planning regions as constituting Greater Adelaide for the purposes of this Act.

Amendment No 2 [Emp–6]—

Page 22, after line 9—Insert:

(1a) The first proclamation that constitutes Greater Adelaide for the purposes of this Act must be consistent with *Greater Adelaide* as defined by the plan deposited in the General Registry Office at Adelaide and numbered G16/2015 (being the plan as it existed on 1 December 2015).

Amendment No 3 [Emp–6]—

Page 22, line 14—Insert:

(ii) Greater Adelaide; or

Amendment No 4 [Emp–6]—

Page 22, lines 15 and 16—After 'occur)' insert ', other than Greater Adelaide'

Amendment No 5 [Emp–6]—

Page 23, lines 8 and 9—After 'area' insert:

(either for the purposes of constituting a planning region or Greater Adelaide)

The government amendments are to reinstate the planning region of Greater Adelaide that was deleted from the bill consequential to the defeat of the government's environmental and food production area during the previous committee stage.

The Hon. D.W. RIDGWAY: I have a range of questions in the more general sense around the environment and food protection areas. Early in the public discussions, the minister made some comments that were would be no disadvantage, so anybody who had existing—

The Hon. K.J. Maher: The planning minister.

The Hon. D.W. RIDGWAY: Beg your pardon? The planning minister, not minister Maher. Minister Rau made some comments that there would be no disadvantage so, wherever the boundary was drawn, there would be no disadvantage to any landowner because of the location of that boundary.

Our recollection is from the Barossa Valley Protection Zone where I think Eden Valley was the town that was quite upset because it wanted some room to expand. I do not know the number of townships inside that boundary, but it is substantial. Some are little hamlets with only a handful of allotments, but some are a lot bigger. Has every landowner in this zone whose property is going to be interfaced with the outer boundary of their property been advised, since the government deposited the plan at the general registry office on 1 December 2015, that there is a boundary that will have some impact on their properties?

The Hon. K.J. MAHER: The boundary that is being proposed does not affect any existing right. If it is zoned for residential development, no existing rights are disturbed so, in that sense, there is no landholder who will have any existing rights changed by this boundary. I think the question is: is the government informing people that their zoning is going to change? The answer is no because their zoning is not going to change. No existing right is going to be disturbed.

The Hon. D.W. RIDGWAY: The minister misunderstands my question. There is a boundary proposed that has an outer boundary and every township has a boundary around it, so if you own an allotment in a township—let's say you back onto that new boundary outside of the town limits—that means that for you to be able to develop your back paddock, if you ever wanted to do it, it is now no longer in an area that can be developed. My question is about every landowner who will be impacted by the fact that we have a boundary that was deposited back in December.

The issue we had in the Barossa and McLaren Vale areas is you have actually changed the rules for everybody. You are now seeking to change the rules. Is everybody aware that the rules are going to change?

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: It is not about changing the zonings, but what you are doing, minister Maher, is saying to people that the town's boundaries will now be enshrined in legislation, so the only way to change them will be to go to the planning commission, under this model, for the planning commissioner to recommend to the minister that a township boundary has changed and then, under the proposal we are looking at, the minister will table that in parliament and it can be disallowed. Have all of those landowners who now will have to go through that process been advised?

The Hon. K.J. MAHER: The answer is no. Not everyone who owns land there has individually been informed about something that may or may not happen in the future. In the example given though, if you have land that is zoned to allow you to do something, if you have approval to do it but even if it is zoned to allow you to do something, that will not be disturbed. None of your existing rights will change, based on your current zoning. None of those will be disturbed.

To inform everyone of what they may or may not want to do in the future would be a difficult and exceptionally speculative thing to do. We do not know what people want to do with their land right across South Australia. I think the important thing is that no existing rights are disturbed. If it is zoned for something, it will remain zoned for something. If you have approval to do something, that

does not disturb this at all. A government trying to speculate as to what might be in someone's head and whether they want to change zoning in the future is not something we can do.

The Hon. D.W. RIDGWAY: Minister, the question is not about what they might speculate about. You mentioned, and it will be a word I will use, transparency. If this legislation passes this week, there will be a statutory boundary in place. Have the landowners who abut that boundary been advised? You are saying they have not been, so you do not know whether everybody is happy with those boundaries.

What level of consultation has there been on that boundary? That is the point I make. We had anomalies in the Barossa and McLaren Vale zones, so it is not about future speculative action or subdivision: it is about just letting people know that 'By the way, Mr Smith, the urban growth boundary now is your back fence,' just to bring a bit of transparency.

The Hon. K.J. MAHER: I thank the honourable member for pursuing his thoughts on this, but the fact is no current zoning is going to be disturbed.

The Hon. D.W. RIDGWAY: It is not about zoning.

The Hon. K.J. MAHER: I know we have different views on this, but no current zoning is going to be disturbed. If someone is able to do something under their current zoning, that will not change under this.

The Hon. D.W. RIDGWAY: Again, I do not want to keep going on, but it is about just letting people know that the boundary of their property now is either in or out of the urban growth boundary or the environment and food production areas. It is very simple. I guess, you have not advised them. My next question is: does the government know how many properties are impacted just by having the boundary, and what level of consultation has there been? We do not support this but, if we are going to have it, and I expect the numbers are that we will get it, I want to know: have the people who could be impacted by it been advised? It is a very simple thing.

The Hon. K.J. MAHER: If no rights are being disturbed then, no, people have not been advised. As I said earlier, we have not advised everyone across the state that in the future something may change. If there are no rights being disturbed then, no, people have not been informed or written to saying, 'Something is happening and, by the way, none of your rights, none of your zoning is going to be disturbed.' No, we have not done that. If anyone impacted would like to change it, they can make submissions; they can always write to the commissioner who can review the boundary.

The Hon. D.W. RIDGWAY: Once parliament potentially imposes this boundary, is it the intention to write to landowners to say, 'You are now inside the urban growth boundary or the environment free protection, or you are outside of it. If you choose any change of land use when it comes to housing you will have to apply to the planning commission'?

The Hon. K.J. MAHER: I am advised that we are happy to undertake to let the councils know but it is not the intention to write to every single landowner and say, 'Look, by the way, nothing has changed; your current zoning remains.'

The Hon. D.W. RIDGWAY: Have you advised councils of the consultation? I think you gave councils a map not too long before we debated it in December. Have you received any feedback from councils in relation to the boundaries that the councils would have seen?

The Hon. K.J. MAHER: I am advised that there have been discussions with the councils concerned and their views have been taken into account.

The Hon. D.W. RIDGWAY: So, some councils have made submissions around the location of the boundary. Have they made submissions and, if so, has the boundary been altered at all as a result of those submissions?

The Hon. K.J. MAHER: I am advised that there have been discussions between government and councils and councils' views have been taken into account.

The Hon. D.W. RIDGWAY: Does that mean that the boundary has been changed because the one you deposited on 1 December is going to be enshrined in legislation. You have just said the councils' discussions have been taken into consideration.

The Hon. K.J. MAHER: I am advised that discussions with councils have occurred to make sure that the current zoning is correctly reflected at either side of the boundary.

The Hon. D.W. RIDGWAY: Have any individual landowners who have become aware via media or other sources made any representations to the government around the boundary? What have those discussions delivered to us?

Parliamentary Procedure

VISITORS

The PRESIDENT: Welcome to all those in the gallery from the West Lakes Current Affairs Group. Hopefully you will see our members on their best behaviour.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Recommittal

Debate resumed.

The Hon. K.J. MAHER: I am advised that there have been some views put forward by some individuals, not just on this but on various aspects of the bill, and they certainly have been taken into account.

The Hon. D.W. RIDGWAY: Just let me get this clear. You deposited a plan on 1 December, you have spoken to councils and there have been discussions, and you said that their views have been taken into account. You have had discussions with landowners on a whole range of issues and I assume some include this, and you have just said that their views have been taken into account. Clearly, if we are legislating to enshrine a map that was deposited on 1 December, you have taken nothing into account when it comes to the actual boundary itself.

The Hon. K.J. MAHER: I am not sure that there is an answer beyond what we have been talking about. I think that is more of a comment than a question.

The Hon. D.W. RIDGWAY: It may have been a comment, but in your inability to say, 'Yes, we've taken it into account and we've tweaked the boundary in these particular locations,' the answer is: you deposited a plan on 1 December, people have talked to you, but you have had no interest in changing the boundary. The boundary deposited on 1 December is still the boundary that we are legislating today. Is that the minister's answer? Is it yes or no?

The Hon. K.J. MAHER: I am advised that there has been a great deal of checking to make sure that the boundary reflects the existing zoning.

The Hon. D.W. RIDGWAY: So none of the discussions you had resulted in any change to the boundary?

The Hon. K.J. MAHER: Since 1 December, the lines on the map have not changed.

The Hon. D.W. RIDGWAY: What does the government think the impact on the price of land will be as a result of this boundary change? Interstate, evidence shows that when you constrain land supply by putting in a boundary you put the price of land up.

The Hon. K.J. MAHER: Is the question: will land that you can build on go up and there will not be a change outside? Is that the suggestion?

The Hon. D.W. RIDGWAY: My question is: can the minister guarantee that this will not have a negative impact on housing affordability, by putting land prices up by constraining supply?

The Hon. K.J. MAHER: There are many, many factors that impact on prices of all sorts of things, so I am not going to guarantee any such thing. What I can say is: no current zoning will be disturbed. So, if you are looking at a price based on current zoning, it will not be disturbed and the price will reflect that current zoning.

The Hon. D.W. RIDGWAY: Minister, you talked earlier about transparency and you paid tribute to the Hon. John Darley for helping to negotiate with the government in relation to this

particular component, or these few pages of amendments. In the interest of transparency, are you prepared to detail to the chamber those discussions and what deals or negotiations have been done to arrive at this set of amendments?

The Hon. K.J. MAHER: There have been many discussions. I know that the planning minister in another place is very open to having discussions and very accessible to members to discuss their concerns, and he will continue to do so on a whole range of bills. I do not purport to represent everything he discusses with everyone. I think the honourable member would be very disappointed if I was asked to do that when he has discussions with someone about any given matter. So no, I will not.

The Hon. D.W. RIDGWAY: The reason I ask that question is that during the second reading debate the Hon. John Darley—and he came in here as Nick Xenophon's running partner, I think No. 3 on the ticket originally. I do not think he really ever thought that he would end up having a career in parliament; nonetheless, he has done so—was quite concerned about this environmental and food protection area and the negative impact it would have on land values. I quote:

> Experience from major cities around the world has seen an increase in land prices whenever an urban growth boundary is put in place. This decreases housing affordability and penalises those who are already struggling to gain a foothold in the housing market. Normal supply and demand principles should apply, however. They will not if supply is limited.

The point I am trying to make is that, clearly, the Hon. John Darley is now part of the Nick Xenophon Team—a political party that will run candidates in a whole range of electorates in the next federal election, at least—and, clearly, there have been some negotiations behind the scenes that have resulted in a significant change in position for the Hon. John Darley and the Nick Xenophon Team, who say, 'Well, back in December we were opposed to this and now we're in favour of it.'

I want to know whether there have been any other arrangements. We talk about transparency and we talk about this being a democratic process. After the first amendment, the minister talked about transparency. It is a significant shift for an individual or a political party to shift from being opposed to it to now being in favour of it. I think this chamber needs to know if there are amendments or any other arrangements that are tied up in this particular deal when we are talking about transparency.

The Hon. K.J. MAHER: Again, I do not think there is a single question in there, so we will take it as a statement rather than a question. The Hon. David Ridgway has come in here previously and said that there is not enough consultation and that people are not talking to each other enough, and then he comes in and says exactly the opposite and criticises when the planning minister in the other place is open and is able to talk to people about what it means and talk to them about this scheme and how the bill works.

He tries to have it both ways when it suits him. When it suits him to say that it is difficult to negotiate or to look at different ways to do things, he will criticise, but when it is abundantly clear that the planning minister is open for discussions with members about how this scheme works, he criticises that as well. I just do not accept his comment. There was no question in there, but I think it is important to put on the record that he just cannot have it both ways on this.

The Hon. D.W. RIDGWAY: My question to you is: are there any other landowners in South Australia who will get an opportunity or a benefit as a result of the negotiations of the Hon. John Darley with the Minister for Planning?

The Hon. K.J. MAHER: I quite genuinely do not understand his question whatsoever.

The Hon. D.W. RIDGWAY: I do not know how plain I have to be. There are a couple of landowners who have had some arrangements who have been quite frustrated with their being landlocked. My understanding is that part of the arrangement that the Hon. John Darley has is to effect some sort of solution to their problem that the minister is happy to look at as a result of the Hon. John Darley's support for this amendment. I think the chamber needs to know if that is the case and what the nature of that is.

The Hon. K.J. MAHER: My advice is no, in response to that question. My response is no, but I would ask the honourable Leader of the Opposition to respond as to what discussions he or his

party have had with developers who would be looking to use greenfield sites and how their views on this might have been influenced by that. The answer to his question is no, and I invite him to put on the record what discussions have been had and what influence his party's view has had from developers.

The Hon. D.W. RIDGWAY: I will respond to that. It has been known from day one that we have never, ever supported an urban growth boundary, not in this context or at any time in the future.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: I'm answering. We have supported an urban growth boundary that we have had since the Hon. Diana Laidlaw in this place put one in place. There has been 14 years of this government, so it was in the late 1990s that she put that in place. We support having an urban growth boundary that is not legislated and enshrined in legislation. What I want to know—

The Hon. K.J. Maher: You're not answering my questions.

The CHAIR: We could be here all day on this.

The Hon. D.W. RIDGWAY: At the end of the day, I asked a simple question: are there any other landowners whose properties have been involved in the negotiations between the Hon. John Darley and the Hon. John Rau?

The Hon. K.J. MAHER: My advice is no and, again, I would invite the honourable Leader of the Opposition to put on the record whether he or his colleague in another place have had discussions with developers in relation to this bill and this particular part of this bill. It is up to him whether he wants to.

Amendments carried; clause as amended passed.

Clause 6 passed.

New clause 7.

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

Amendment No 6 [Emp–6]—

Page 23, line 24 to page 25, line 30—Insert:

7—Environment and food production areas—Greater Adelaide

(1) On the commencement of this section, the *environment and food production areas* as defined by the plan deposited in the General Registry Office at Adelaide and numbered G17/2015 (being the plan as it existed on 1 December 2015) are established within Greater Adelaide.

(2) The Minister must ensure that a copy of the plan referred to in subsection (1) is published on the SA planning portal.

(3) In making any decision under this section (following the establishment of the initial environment and food production areas under subsection (1)), the Commission must ensure that areas of rural, landscape, environmental or food production significance within Greater Adelaide are protected from urban encroachment and the Commission may only vary an environment and food production area if the Commission is satisfied—

(a) that—

(i) an area or areas within Greater Adelaide outside environment and food production areas are unable to support the principle of urban renewal and consolidation of existing urban areas; and

(ii) adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period); or

(b) that the variation is trivial in nature and will address a recognised anomaly.

(4) If an area of land that is, or is included in, a character preservation area under a character preservation law ceases to be, or to be included in, a character preservation area, the

area of land will, at the time of the cessation, by force of this subsection, be taken to be an environment and food production area established under this section.

(5) The following provisions will apply in relation to a proposed development in an environment and food production area that involves a division of land that would create 1 or more additional allotments:

(a) a relevant authority, other than the Commission or the Minister, must not grant development authorisation to the development unless the Commission concurs in the granting of the authorisation;

(b) if the Commission is the relevant authority, the Commission must not grant development authorisation to the development unless the council for the area where the proposed development is situated concurs in the granting of the authorisation;

(c) no appeal lies against a refusal by a relevant authority to grant development authorisation to the development or a refusal by the Commission or a council to concur in the granting of such an authorisation;

(d) if the proposed development will create additional allotments to be used for residential development, the relevant authority must refuse to grant development authorisation in relation to the proposed development;

(e) a development authorisation granted in relation to the proposed development will be taken to be subject to the condition that the additional allotments created will not be used for residential development.

(6) In acting under subsection (5)(a), the Commission must take into account the objective that areas of rural, landscape, environmental or food production significance within Greater Adelaide should be protected from urban encroachment.

(7) For the avoidance of doubt, the establishment of 1 or more environment and food production areas does not affect the operation of this Act, a Mining Act or any other Act, except as provided in subsection (5).

(8) Subject to this section, the Commission may, from time to time, by notice published in the Gazette and on the SA planning portal, vary an environment and food production area (including an environment and food production area established (or taken to be established) under this section).

(9) The Commission may only act under subsection (8) if—

(a) the Commission has conducted an inquiry into the matter and furnished a report on the outcome of the inquiry to the Minister; or

(b) the Commission has conducted a review in accordance with subsection (10) and furnished a report on the outcome of the review to the Minister.

(10) The Commission must conduct a review under subsection (9)(b) on a 5 yearly basis.

(11) The purpose of a review under subsection (9)(b) is to assess the matters set out in subsection (3)(a).

(12) If the Commission publishes a notice under subsection (8), the Minister must, within 6 sitting days after publication of the notice, cause a copy of—

(a) the notice; and

(b) (at the same time as the notice is laid before Parliament) the report of the Commission under subsection (9)(a) or (b) (as the case requires),

to be laid before both Houses of Parliament.

(13) If either House of Parliament, acting in pursuance of a notice of motion, passes a resolution disallowing a notice laid before it under subsection (12) the notice cannot take effect.

(14) A resolution is not effective for the purposes of subsection (13) unless the resolution is passed within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the notice was laid before the House.

(15) If a resolution is passed under subsection (13), notice of that resolution must immediately be published in the Gazette.

(16) If or when a notice laid before both Houses of Parliament under subsection (12) can take effect after taking into account the operation of subsection (13) and (14), the Commission may, by notice published on the SA planning portal, fix a day on which the notice will come into operation.

(17) A notice under this section may define an area by a plan deposited in the General Registry Office (as it exists at a specified date), or in some other way as the Commission thinks fit.

(18) In this section—

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

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

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

The government has recommitted clause 7 largely as drafted in the original bill with key changes to increase the role of the commission to tighten review requirements and ensure that relevant reports of the commission are tabled in parliament at the same time as it tables a notice proposing to vary or amend the EFPA.

The Hon. D.W. RIDGWAY: I indicate that the opposition will oppose this amendment, but I have some questions. Can the minister explain the process? My understanding of how a motion of disallowance works now is that it is a regulation, somebody gives notice, they move it and it stops the clock. It has to be done 14 days after the regulation is tabled; that stops the clock and you have forever and a day to come back and debate it and this house either support it or not support it. I want to know how the new process will work.

It seems a strange process if there is a change to the urban growth boundary and it is tabled, anybody could move disallowance and it stops the clock. The community that wants the change, whether it is an individual or a council, how long do they have to wait? You talk about trying to get the economy moving and getting rid of red tape, and now you are saying that we will have a period of time. In my discussions with the minister yesterday, he was uncertain of the number of days, and I think that the Hon. John Darley did not know what were the number of days. Can the minister explain how the process will work?

The Hon. K.J. MAHER: My advice is that, once notice of disallowance has been tabled, there are 14 sitting days to have the disallowance motion passed. I think the question was around stopping the clock. My advice is that the clock is not stopped, but there are 14 days for the disallowance motion to be passed once it has been tabled. My advice is that, once the change of boundary has been tabled, there are 14 sitting days in which to lodge a motion to disallow, and after that time the boundaries come into effect.

The Hon. D.W. RIDGWAY: And that is consistent with the current regulation of 14 sitting days once it is gazetted to move for a disallowance. What I want to know is: once you have moved for disallowance, when is the chamber required to deal with it? I do not think you are giving us the right answer: you go back and get the right answer.

The Hon. K.J. MAHER: My advice is that the 14 sitting days apply not just in relation to introducing a disallowance motion but to having it passed. The 14 sitting days is to have the disallowance motion passed.

The Hon. M.C. PARNELL: I will continue the same theme of questioning. To make it abundantly clear—because I think it is important to clarify this—there is a note in the *Government Gazette*, published by the commission, which says, 'We are going to change the environment and food production area.' That is the first step, a note in the *Gazette*. The government then has six sitting days, I think it is, to table that in parliament, and members of parliament then have 14 days to actually deal with it—and 'deal with it' does not just mean introduce a notice of motion of an intention to disallow, it actually has to be resolved. So it is effectively 20 sitting days altogether.

The parallel has been drawn with regulations. The big difference with regulations is that they come into operation on the date they are gazetted and they are effective until or unless they are disallowed by parliament. I think it is important to make it crystal clear that the changes to the urban

growth boundary do not come into operation until this process has been completed. It is not as if there is a sneaky couple-of-week period when people can take advantage of the changes; they do not come into operation until the disallowance period.

Let us say that the government sat on its hands for the full six days and then parliament sat on its hands for the full 14 days—

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: Twenty altogether. So it does not come into operation until it is finally resolved in parliament and, if parliament has not resolved it, it is resolved in the affirmative. In other words, if you have not dealt with it in 14 days it comes into effect. Can the minister put on the record that that is the way it works?

The Hon. K.J. MAHER: I can inform the Hon. Mark Parnell that my advice is that it is as he has described it, that is the way it works. Fourteen sitting days is a relatively reasonable period of time, given that we meet three days a week and not regularly two weeks in a row.

The Hon. D.W. RIDGWAY: I think I do understand it. It comes into effect at the end of that 20-day period—

The Hon. K.J. MAHER: Yes, 20 sitting days.

The Hon. D.W. RIDGWAY: Effectively, you could have a change that is gazetted and tabled, the government has six days to table it, and you could have a six-month period—I think we are now in our 13th day dealing with planning since Christmas; it is now 23 March—you could see something tabled in December and it still being uncertain for the proponents who are wishing to change until, say, the end of March. We are talking about four months being the potential delay.

The Hon. K.J. MAHER: In relation to the previous comments from the Hon. Mark Parnell—and I appreciate the abundance of clarity we are seeking on these things—and the date on which it comes into effect, you have that 20-day period running out, but then it is not automatic that it comes into effect. I think subsection (16) says fix a day on which the notice will come into operation, so that 20 days runs out and then the date is fixed for when it comes into effect. It does not automatically, when the 20 days are up, come immediately into effect.

In relation to the Hon. David Ridgway's question, yes, that period of the six sitting days to table and then the 14 days would depend, at any given time of the year, on the parliamentary sitting calendar.

The Hon. M.C. PARNELL: I will pursue the Hon. David Ridgway's question a bit further, because he talks about how there will be a period of uncertainty. I think that is absolutely right; there will be a period when people will not know whether certain land is going to be within or without the urban growth boundary. The point I make is that urban growth boundaries in theory can move in two directions. You could actually shrink it or you could expand it. In other words, in theory you could take land that would currently be available for subdivision for housing and you could decide to include that in the food production area.

My feeling would be that the pressure is all going to be in the other direction. The pressure will be on land that is currently protected from subdivision and there will be pressure to open it up for subdivision. Yes, I think there will be uncertainty as to what the result might be, because people have to wait, but I would expect that the only uncertainty would be property owners on the fringe, who will not know for a period of time whether they are going to be able to subdivide or not. At present, they cannot, and they will know in a few weeks or a few months whether they can.

I do not see any disadvantage to those people in that period of delay, but absolutely, it would be a period of uncertainty. I would be very surprised if, having established the urban growth boundary, the commission then gazettes a change to it, to actually incorporate into the environment and food-growing area land that currently is not. I expect the pressure will be all in one direction.

The Hon. R.I. LUCAS: Can the minister outline what would happen in the circumstances under this new provision where one house of parliament does disallow this notice; the process has been followed, notice is given and within the four sitting days one of the houses of parliament

disallows the notice. What in this provision prevents the government of the day from reintroducing the same provision and seeking a revote on an issue?

The Hon. K.J. MAHER: Nothing prevents the reintroduction. I guess it is the case that unless something has changed you will get the same result again, though.

The Hon. R.I. LUCAS: So if the government lost or had a notice that was defeated, would the government in the circumstances that it had, let's say, worked over a member of parliament, done a deal with a member of parliament and changed his or her vote, have to go back through the process with the commission again, conducting an inquiry and gazetting?

Under subsection (9), where the commission has conducted the review and provided the advice, etc., the reactivation of another vote in the parliament would only be generated by the minister following the process from subclause (12) onwards, that is within six sitting days after the publication of the notice. How could that be achieved without another notice having been given by the planning commission, because the six sitting days provision under subclause (12) would have expired?

The Hon. K.J. MAHER: My advice is that if there is a disallowance, then the process starts again. I think that is your question.

The Hon. R.I. LUCAS: It was, but that is different to the answer you gave me to the question earlier. That is, you said nothing would stop the minister from just reintroducing the motion.

The Hon. K.J. MAHER: I took that as meaning if—

The CHAIR: Let the honourable member finish his question.

The Hon. R.I. LUCAS: Let me explain the question. All I am saying is that that most recent answer is different to the first answer. The first answer that the minister gave was, 'If you lost the vote, you could just reintroduce straightaway, but why would you if you lost the vote?' Well, you might lose the vote one time, but you might do a deal with a member, and the member might say, 'I'm prepared to change my vote now if you reintroduce the motion.'

As I said, my reading was that it would lead me to suggest that you might have to go back through the whole process again. That is what I am seeking to clarify and that appears to be now what the minister is saying. If that is the case, by 'the whole process again' are we saying that the planning commission would have to undertake its work again, conduct another inquiry, furnish another report and then go through the whole process again?

The Hon. K.J. MAHER: That is right. The whole process would have to start again, as was described at the very end of your question, but if a very similar boundary was proposed, then, of course, it could be revoted on again after that whole process has happened. I do not think it is right to characterise it as a different answer. I think what you are saying is correct that it could be a similar boundary that is come up with, but only after the whole process has been gone through again and then, of course, it would be subject to the same disallowance provisions once more.

The Hon. D.W. RIDGWAY: The concern I have, now that the minister has explained this, is that we could have a set of circumstances where the commission does its work, it tables its notice and—one member of parliament in this chamber is probably a good example—one member of parliament can decide whether a development or a change to the boundary takes place. We often have votes in here that are either won by one vote or lost by one vote so that disallowance could be one person.

The Hon. K.J. Maher: You could win a vote by one.

The Hon. D.W. RIDGWAY: You could win it by one, you could lose it by one. The point I am making, and it is more of a comment than a question, is that this whole process is then opened up to a deal done about something totally different from this particular boundary to get that one member of parliament's support or opposition to a change on something that has nothing to do with actually changing the environment and food protection area. Again, I highlight the point that this process is now becoming super political when we wanted to have an independent planning commission and take the minister out of it. It becomes super political when you have one member of parliament who may have no interest in the boundary, but have interest in another bit of legislation they want to do a deal on.

The Hon. K.J. MAHER: Again, I guess that is a comment. The comment is that one member of the parliament can influence a decision and of course they can. To be convincing enough and win over the support of this council on something is how it has always operated. I am not sure if the honourable member is suggesting that the democratic process is not a good process and is going to put forward another one or the abolition of the Legislative Council. I am not sure where he is going with this, but it seems a very odd statement.

The Hon. M.C. PARNELL: I will pursue this same line of questioning. I thank the Hon. David Ridgway for drawing it to the committee's attention. What is at stake in changing the boundary is potential massive profits from those who own land in the vicinity of the urban growth boundary. I expect that there will be great incentive on people who are the wrong side of the line—if I can use that phrase—to influence members of parliament to support the line being shifted in their favour. So my question is: given the potential that exists for undue influence to be brought on members of parliament, will the government now consider banning political donations from property developers as occurs in New South Wales?

The Hon. K.J. MAHER: I am sure that the honourable member can agitate his views on these things, electoral matters, changes to the Parliamentary Committees Act and all the other things that he has brought up during the course of this process with the relevant minister and see if he can convince them of the merit of a whole lot of suggestions. I know he has deeply held views about a whole range of areas and I appreciate those. I am sure he will continue to agitate for the things that he believes in and talk to the relevant ministers about them in the future.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:17.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:17): I bring up the 21st report of the committee.

Report received.

Question Time

GOVERNMENT CONSULTANTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before the Minister for Manufacturing and Innovation a question about the VTT cellulose fibre chain value study.

Leave granted.

The Hon. D.W. RIDGWAY: Yesterday, the hardworking minister tabled an answer to a question without notice that I asked in 2014—a couple of years ago; nonetheless, we are very happy to have the answer. One of the questions I asked back at that particular time was:

> 3. Can the minister bring back to the house what the selection process was that saw VTT chosen for the fibre chain value study, did it go to tender and who were the unsuccessful bidders…?

The response was:

> The fibre chain value study was considered a highly specialised area with limited market. An exemption was given by the Accredited Purchasing Unit for the department to undertake a select tender approach. VTT was considered to have a unique global expertise in research and industry application of cellulose fibre technology and provide connection to global networks, including commercial market opportunities for South Australian industries.

My question is: given that South Australian taxpayers spent $1.13 million on South Australia's cellulose fibre chain value study three years ago—completed in 2013—and the importance of the timber industry to the honourable member's home town and of the timber products to the community of the South-East, can the minister detail exactly what outcomes have been achieved for the people of the South-East, or the Limestone Coast, and the state of South Australia as a whole?

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): I thank the honourable member for his question and his interest in areas where he has a common interest—as once upon a time he was from down that way, not quite the rich, fertile land of the Lower South-East but—

The Hon. D.W. Ridgway: But we had to really work hard for a living.

The Hon. K.J. MAHER: —the Upper South-East. Whereas the member claims he had to work hard for a living, it is a claim that not everyone would support given the work that he—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Can the honourable member keep to his answer, please.

Members interjecting:

The PRESIDENT: That's right, and you also, the Leader of the Opposition.

The Hon. K.J. MAHER: The ministerial responsibility for the VVT scheme currently rests with the forestry minister in another place. I'm very happy to take those questions on notice, refer them to the minister responsible for the scheme and bring back a reply for the very interested honourable member.

ABORIGINAL HERITAGE ACT

The Hon. S.G. WADE (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs and Reconciliation about Aboriginal heritage.

Leave granted.

The Hon. S.G. WADE: On Monday 21 March, the President of the Law Society, Mr David Caruso, wrote to the minister to express the society's concerns in relation to the Aboriginal Heritage (Miscellaneous) Amendment Bill 2016 and to seek clarification on certain matters. The letter states in part:

> The Society is concerned about the reported lack of consultation with the Aboriginal community in the drafting of the Bill. The Society also notes the absence of consultation with us on the Bill as presented to the Legislative Council.

At the end of the letter Mr Caruso refers to a particular matter, to a decision of the Full Court of the Supreme Court in Starkey & Ors v State of South Australia, and it concludes with the following statements:

> We seek clarification as to the impact of the Bill on the order of mandamus directed to the Minister made in *Starkey*.
>
> The transitional provisions of the Bill (Schedule, 1 clause 1) render a request for delegation void where a delegation has not been made. So the issues [stet] to which we refer is not addressed.

The bill passed the parliament yesterday. My question is: can the minister advise whether the government continues to have any existing and unfulfilled obligations arising from the 2011 decision of the Full Court of the Supreme Court of South Australia in the case of Starkey & Ors v State of South Australia and, if so, what effect the transitional provisions contained in the recent bill to amend the Aboriginal Heritage Act might have on those obligations?

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) (14:22): I thank the honourable member for his question in relation to a bill that passed this chamber in the last few weeks. I note that the honourable member is interested in these matters, and I thank him for his contribution and some of the suggestions he made when debating that bill that I have taken up.

In particular, one of the suggestions from the honourable member was to meet with the Aboriginal Legal Rights Movement as the bill progressed from this place to another place—which I did take up; it was a very sensible suggestion. I met with the Aboriginal Legal Rights Movement last week before the bill was debated in the other chamber, and I have given a commitment to the Aboriginal Legal Rights Movement that I will continue to consult with them as we develop guidelines

and regulations under the bill. I thank the honourable member for that very good suggestion in relation to that.

In terms of the matters that need a very specific legal answer, I will take them on notice. In terms of the absolute specific effect on a particular case, I do not want to give an answer that is not as complete as it should be. I will take that on notice, but if I can come back even before we meet again I undertake to inform the honourable member of the answer to that question. It is one that I suspect I know what the answer might be; however, in a matter that has a very specific legal answer I do not want to give an answer that may be incorrect. As soon as I am able I will come back either to this chamber or to the honourable member with an answer to that.

I note in the Starkey matter (and I do not have the quote in front of me) that this has been an ongoing piece of litigation over many years. The court has said a number of things but I do not have the particular quote—I think it was from Justice Sulan at one stage in the matter—in front of me. It was about the difficulties in the interpretation of section 6(2) and the commentary in effect suggesting that it is a matter for parliament to consider the wording in that section.

I think the words were 'because it is almost impossible to interpret what the parliament meant when it passed that'. I think section 6(2) was inserted as an amendment when the bill originally passed in 1988. That might be the reason why, in practical terms, it has been so difficult to work. With regard to the specific legal point of the interplay between the passing of that bill and that very specific case, I will find out the technical legal answer and bring it back to the honourable member.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:24): I seek leave to make an explanation prior to directing a question to the Leader of the Government on the minister's embarrassing answers to questions in relation to the Northern Economic Plan.

Leave granted.

The Hon. R.I. LUCAS: The minister has been asked a series of questions over a number of weeks now about the Northern Economic Plan. He made a statement in his original response. He said in relation to the origin of the 15,000 job target in the Northern Economic Plan, and I quote, 'This was an aim that has been put forward by the local mayors and myself.'

As previously outlined to this house, through the hard work of a journalist from the *Northern Messenger*, who actually interviewed the three mayors who significantly disputed the claim from the minister, it is clear from those responses from the mayors and other information that the minister just came into this house and made up that particular story in response to the original questions.

Just two weeks ago, following that embarrassing answer from the minister in relation to the origin of the 15,000 jobs, he was asked a further question in relation to the minister's estimate of 15,000 jobs, and that was whether the minister accepted that if 15,000 new jobs were created in the north over the next 10 years this would be consistent with a significant increase in the already high 9 per cent unemployment rate in the north. Part of that explanation outlined that the Northern Economic Plan assumed an average annual population growth of 1.7 per cent per year over the last 10 years in the north and whether or not this job growth would be sufficient to reduce the unemployment rate.

The minister on that particular occasion—this is two weeks ago—indicated that he wanted to take the question on notice and bring back a reply. Given that it has now been two weeks, I will ask the minister again whether he has now been briefed on the question put to him two weeks ago. I put it again to him now, whether he is prepared to respond to the question: does the minister accept that if 15,000 new jobs are created in the north over the next 10 years, as outlined in his Northern Economic Plan, that would be consistent with a significant increase in the already high 9 per cent unemployment rate 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) (14:27): I thank the honourable member for his question, which is exactly the same question that he has asked previously. I note

that he likes to ask exactly the same questions. Yesterday, he asked exactly the same question as his leader two questions later. The answer is, no, I haven't had a chance. When I do, I will come back and inform the chamber. We will have a look at the different parameters that might be used, some of the assumptions underlying what the Hon. Rob Lucas has done. I do note that we do have a plan. It's something we—

Members interjecting:

The PRESIDENT: Order!

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

The PRESIDENT: Order! The Hon. Mr Dawkins, you should know better, being the Opposition Whip. There should be a certain amount of decorum. Continue with your answer, in silence.

Members interjecting:

The PRESIDENT: He has every right to have silence while he continues with his answer.

The Hon. K.J. MAHER: Mr President, I can understand—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: Mr President, I can understand why this makes the Hon. Rob Lucas so angry, so furious: we actually have a plan, a plan that actually sets out actions—

Members interjecting:

The Hon. K.J. MAHER: We have a plan that sets out actions, and the Hon. Rob Lucas, without a hint of irony, flashes up the Marshall 2036 plan. I think he is mocking his leader. He is clearly mocking his leader. This is another demonstration of the Legislative Council's Liberal Party asserting its independence over the lower house, and he is mocking their leader. He is flashing up the plan that he knows has nothing in it—absolutely nothing in it. The Marshall plan that talks about things like cutting red tape, it doesn't identify one single thing to do that. The Marshall plan that talks about investing in export capacity—no ideas on how to do that. Motherhood statements! It's like saying, 'Exports are good.' Yes, they are, but it doesn't have one single way to suggest how they're going to do it—not one!—unlike this state government.

For instance, in the area of export plans my very good friend and good egg, minister Hamilton-Smith, has done a lot of things to increase our export capacity, such as the investment attraction agency—administering a $5 million new investment fund which already in the short time it has been going has created partnerships creating up to 300 jobs—and trade missions to various countries. These are actual things that the government is doing, things that we have to plan for, so I can understand the Hon. Rob Lucas being so dismayed, so angry, so upset and mocking his leader in another place by flashing around the Marshall plan that he is obviously so terribly ashamed of.

The PRESIDENT: Supplementary.

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (14:30): Is there any chance the minister might go anywhere near the question that was asked of him—that is, the 15,000 jobs and whether or not it is consistent with an increase in the unemployment rate in the north from its already high level of 9 per cent, or is he just going to ignore the struggling workers and the unemployed in the northern suburbs, as he continues to do?

The Hon. I.K. Hunter: That's rich from you!

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

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) (14:30): I thank the honourable member for his question about the Northern Economic Plan—the Northern Economic Plan that committed more than $24 million of new funding to programs to create industry and to create jobs, as opposed to the sum total of their ambition, knowledge and aspiration contained in their 2036 plan.

I invite the campaign genius, the Hon. Rob Lucas—the architect of their Fisher by-election campaign—to come and show us how many times the northern suburbs or even the automotive industry are mentioned in their plan. I invite him to come and tell us how many times they are mentioned in their plan, and I can understand why he is so shocked and ashamed of what has been put out by his leader.

ABORIGINAL EMPLOYMENT INDUSTRY CLUSTERS PROGRAM

The Hon. T.T. NGO (14:31): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the council about ways the government is supporting employment outcomes for South Australian Aboriginal jobseekers?

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) (14:32): I thank the honourable member for his question, his interest in this area, his passion for programs that help Aboriginal South Australians overcome disadvantage and the role he has played as Chair of the Aboriginal Lands Parliamentary Standing Committee. Many dedicated members of this chamber have sat, and currently sit, on that committee. I know this is a matter of deep interest to him that the honourable member speaks to me about regularly, and I thank him for that.

Economic participation is crucially important to improving the lives of Aboriginal people. We know that there are so many Aboriginal South Australians facing disadvantage across a range of social and economic areas and, quite frankly, it is a stain on our nation that we still have such levels of disadvantage faced in this country by our First Australians. Economic development and employment are crucial in addressing many of these areas of disadvantage. We know good jobs can change lives. That is true for people right across our whole community, whether you live in the Adelaide central region or in the APY lands. Historically, Aboriginal people have often had significant and unfair difficulty in accessing good and sustainable jobs.

Promoting and supporting Aboriginal education and employment is one of the strongest ways in which we as a government, as individuals and as a community, can demonstrate our commitment to improving outcomes for Aboriginal South Australians. The state government is working in a number of ways to support Aboriginal employment, including a new procurement strategy that will identify opportunities for increasing Aboriginal participation in government procurement and boost the capacity of Aboriginal businesses. This will mean that Aboriginal businesses that are in a position to supply goods or services to the government will be assisted to build their capacity, so they can better access opportunities to act as suppliers or subcontractors to government.

Last week, I attended an event with the Governor of South Australia to recognise 15 new ambassadors under the Governor's Aboriginal Employment Industry Clusters Program. This initiative was established in 2010 as a joint initiative between the state government department and the commonwealth Department of the Prime Minister and Cabinet. The program, I am advised, is now solely led by the South Australian Department of State Development. In 2014, His Excellency the Governor, Hieu Van Le, accepted the chief ambassador role for this program, and I take this opportunity to thank him for his strong interest in this program and initiatives affecting South Australians.

This program is employer led and aims to increase employment opportunities for Aboriginal people. The industry-led program works to build the capacity of employers to increase and sustain the employment of Aboriginal people. It also works with Aboriginal people to build their abilities to gain and maintain employment. Importantly, this program connects Aboriginal jobseekers with specific employment opportunities, and the program is delivering some excellent results.

The finance cluster, led by Mr Kim Cheater, partner at PricewaterhouseCoopers, works with companies such as Deloitte, Ernst & Young and the Institute of Chartered Accountants. I am also pleased that this program continues to grow and is providing real employment opportunities for Aboriginal South Australians. Most recently, I am advised that seven Aboriginal university students have taken up paid cadetships with cluster employers over the last six months.

Transitioning young Aboriginal people from school and further education, whether it be by university or the vocational education and training sector, is a key priority for this program. The program has established strong partnerships across the public, Catholic and independent school sector. That is in recognition of the fact that, in order to achieve long-term, systematic change, we need collaboration to work together—government, industry, business leaders and educators and the community sector—to increase the number of Aboriginal students completing their schooling and having the chance to secure meaningful jobs and careers.

We are seeing good work done in relation to the education area, particularly in Aboriginal student retention rates in our public schools. For year 10 to 12 students, we have improved our apparent retention rates more than 18 per cent, from 73 per cent of students going through to finish their schooling to now having 91.9 per cent of students completing year 12. The gap between Aboriginal students and all students is also decreasing. In 2006, there was a difference of around 33 per cent between those Aboriginal and Torres Strait students compared with all other students, and in the last 10 years that gap has narrowed to now only around 11 per cent.

The next challenge is to work together to take those improved educational outcomes for Aboriginal students and unlock the jobs that we know are being created. I was pleased to join the Governor last week in announcing the 15 new ambassadors and to acknowledge the contribution of the chairs and former chairs of the program. We are committed to providing ongoing support for the Governor's Aboriginal Employment Clusters Program. For 2016, the 15 new ambassadors will:

- raise the profile of cluster activity and achievements;
- increase their role as change agents within their industries by identifying barriers to employment and the retention of Aboriginal people in these areas;
- increase the program's activity in priority regions;
- promote non-traditional industries to Aboriginal people through the recently developed Aboriginal employment promotional videos;
- support and promoting aboriginalemploymentsa.com.au to employers and Aboriginal jobseekers;
- increase the cultural competence of the industry clusters through the rollout of training for the recently developed cultural respect program for supervisors and managers of Aboriginal people;
- working with cluster chairs and members to update and establish the rollout action plans for each cluster;
- through the Aboriginal student engagement transition initiative promote cluster industries to Aboriginal high school students;
- strengthen already developed relationships with all three universities to ensure that Aboriginal students are exposed to our employment clusters; and
- maintain a database of Aboriginal university students to facilitate cadetships between cluster members, employees and students.

I thank all the ambassadors. The ambassadors present at the event last week were: Mr Mark Butcher, Chairman SA/NT, Minter Ellison; Ms Carol Hampton, Manager, Land and Property, City of Marion; Mr Lew Owens, Chairman, SA Water; Mr Simon Hockridge, General Manager Human Services, Adelaide Venue Management; Mr Andrew Downs, Group Managing Director, SAGE Automation; Mr Warren McCann, Principal, Public Sector Solutions; Ms Khatija Thomas, former commissioner for Aboriginal engagement; Mr Kim Cheater, partner, PwC; Reverend Peter Sandeman, CEO, Anglicare;

Mr David Syme, Manager of People and Culture, SA Power Networks; Ms Erma Ranieri, Commissioner for Public Sector Employment; Mr Frank Lampard, current Commissioner for Aboriginal Engagement; Mr David Cruikshanks-Boyd, Regional Director, Parsons Brinkerhoff; Mr Adam Bannister, Managing Partner, Minter Ellison; and Mr Simon Brewer, the Mayor of Campbelltown City Council.

I thank those 15 new ambassadors for the program and look forward to the results it will have on increasing employment opportunities for Aboriginal South Australians.

ABORIGINAL EMPLOYMENT INDUSTRY CLUSTERS PROGRAM

The Hon. A.L. McLACHLAN (14:39): Will the minister advise the chamber how he is going to measure the success of the program? For example, are we tracking how long they stay once they have gained employment? What are the dropout rates?

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) (14:40): It is the Governor's program, but I am happy to talk to him about any measures that might be put in place. I do not have the figures with me, but I was impressed with the figures in terms of Aboriginal students, particularly, who had spent longer in tertiary institutions and had got jobs at the end.

I will pass that on as an idea, to look at what measures could be put in place. I will let you know and also come back and have a chat with you about the significant work that has been done. Certainly, if the honourable member has any suggestions about other people in the South Australian business community who might want to be involved that would be most welcome.

ARTS FUNDING

The Hon. T.A. FRANKS (14:40): I seek leave to make a brief explanation before addressing a question to the Minister for Sustainability, Environment and Conservation representing the Minister for Tourism on the subject of arts cuts.

Leave granted.

The Hon. T.A. FRANKS: This council would be well aware that South Australia is the Festival State; indeed, the City of Adelaide's strategic plan for 2016-2020 boasts of the vibrant city goals of the capital city of our Festival State, Adelaide. I note that Adelaide has long been recognised as one of the world's greatest festival cities—the Adelaide Festival being a jewel in that crown—and that the 10 major festivals inject some $75 million into the local economy as of the 2014-15 calendar year. Yet that festival and the arts sector are facing quite significant cuts.

Most recently, it has been reported that the Adelaide Festival of 2017 will be receiving a $949,000 cut and, more broadly, the arts sector in South Australia will lose $8.5 million over the next three years. Of course there have been some in the arts community who have been quite critical of that. Mr Rainer Jozeps, who headed the ASO for six years, told the *Sunday Mail* that this figure hardly touches the sides in respect of the state's budget, yet the impact on the agencies affected would be crippling. He went on to say:

> Arts organisations are afraid to speak out against proposed funding cuts, no-one wants to bite the hand that feeds them. The savings benefit (for the Festival of Arts) is wildly disproportionate to the damage it will do to the event.

My questions to the Minister for Tourism are:

1. What economic modelling has been done on the impact of these savage cuts to the Adelaide Festival of Arts on our tourism into the future?

2. How will his department interact with the arts minister to ensure these savage cuts do not have a significant damaging impact on tourism money coming into this state in the coming years?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:43): I thank the honourable member for her most important question about arts funding and our state's outstanding support for the arts sector, particularly our support for the festivals. I undertake to take those

questions to the Minister for the Arts in another place and seek a response on the honourable member's behalf.

COUNTRY FIRE SERVICE

The Hon. A.L. McLACHLAN (14:43): I seek leave to make a brief explanation before asking the Minister for Emergency Services a question regarding the Sampson Flat and Pinery bushfires.

Leave granted.

The Hon. A.L. McLACHLAN: Aerial firefighting is a vital part of bushfire suppression strategy, and approximately over three million litres of fire suppressant were dropped by the CFS water bombers over the Sampson Flat fires, with a similar amount also dropped over the more recent Pinery fires. My question is: how much, if any, of the South Australian-manufactured fire suppressant Blaze Tamer 380 was used on the Sampson Flat and Pinery fires during the aerial bombings?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:44): I thank the honourable member for his important question. I had the great pleasure on the weekend of being shown around the Sampson Flat fireground and meeting firsthand with some of the people who were serving so effectively on the front line, putting out the Sampson Flat bushfire. I had the great pleasure of being shown around by a gentleman by the name of Roger, who was on the scene from the very moment that the first brigades were called to the front line of the Sampson Flat bushfire.

As we were shown around the Sampson Flat fireground, CFS representatives were able to explain to me exactly what it was that our front-line volunteers were confronting on that day. As part of that process, they were able to explain to me the extraordinary role that those people who fly aircraft that fulfil a critical role during a bushfire were able to perform, and just how critically useful their services were in respect of the Sampson Flat bushfire. Of course, that message has been repeated since then, with the Pinery response.

I am happy to take on notice the specific question that you ask about the retardant that is used by those various aircraft. I understand that there are complexities attached to the issue that you refer to. Of course, different people within our community will always have different views about the appropriateness of a particular piece of equipment or technology.

Of course, what we want to see in the CFS in South Australia is the CFS leadership, ably led by Greg Nettleton, using exactly what is appropriate in the context of all the variables that the CFS volunteers and professionals have to face on the front line with the unique circumstances of South Australian fires. We want them to be making appropriate decisions that are based primarily on the community safety of those people who are receiving the services of the CFS.

I am happy to take on notice the specific nature of your question, but this government remains absolutely committed to making sure that those people who are serving on the front line on the ground within the CFS, those volunteers, are ably assisted by professionals with quick response times with respect to aircraft. This is a government that has continued to increase the resources available to the CFS when it comes to aircraft serving on the front line, but I am happy to take the specific nature of your question on notice.

COUNTRY FIRE SERVICE

The Hon. R.L. BROKENSHIRE (14:47): I have a supplementary question. Given the minister is taking this on notice, I ask that he also investigate whether there are personality clashes that are interfering with the South Australian product being used by CFS, based on the fact that it is internationally certified now and being used in the USA. I am told that there are personality clashes working against the interests of the business in South Australia.

CLIMATE CHANGE

The Hon. G.E. GAGO (14:47): My question is to the Minister for Climate Change. Could the minister inform the chamber about the significance of the CSIRO's climate data and how it is being used to help South Australian businesses and the community prepare for the impacts of global warming?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): I thank the honourable member for her most important question. Today, 23 March, is World Meteorological Day, and this provides us with an opportunity to stop and reflect on the fact that each of the past several decades has been significantly warmer than the previous one. The period 2011 to 2015 was the hottest on record, and the year 2015 was the hottest since modern observations began in the late 1800s. This is from the World Meteorological Organization's website. The year 2016 is shaping up to break even more records, unfortunately, with the maximum temperature for the first four days of March at least 4º Celsius above average and 8º to 12º above average for most of south-eastern Australia, as reported in the *Canberra Times* this month.

Having access to up-to-date and reliable climate data is imperative if we are to meet the challenges and opportunities for our changing climate. The Commonwealth Scientific and Industrial Research Organisation (CSIRO) undertakes vital research to help us understand how climate is changing and the risk this poses, specifically for our country and our agricultural and industrial sectors, but also for health sectors too. It provides world-class expertise in many areas of climate science, including climate modelling and climate projections, sea level rise and ocean acidification, extreme weather events and the regional climate impacts on agriculture and certainly water.

This data is highly applicable in very real situations and is regularly used to inform investment decisions in this country. For example, the latest CSIRO sea level science was used to design the new runway at Brisbane airport which is located, I am advised, on low-lying sites near Moreton Bay. In South Australia, we apply this data to a range of areas like coastal monitoring, water allocation planning, NRM planning, and fire and hazard management, and CSIRO data has been vital in developing our internationally recognised regional adaptation plans and sector agreements that are helping the regions identify sustainable industries and infrastructure into the future.

SA Water uses CSIRO data to help plan water storage solutions for coming years and health services look to the CSIRO and the Bureau of Meteorology when planning how to respond to the impacts of increased heatwaves on the more vulnerable people in our community. Access to detailed forecast information is fundamental to the state's fire operations during the fire danger season and the prescribed burning season in particular.

These are some of our most essential services and they are better able to serve the South Australian public thanks to this CSIRO data, but it may soon become much harder for us to do this. The federal government has made $110 million cuts to the CSIRO. This is the prime minister who is spending how many millions of dollars putting posters up on bus stops telling us that as a nation we need to innovate and here he is sacking the innovators. How short-sighted is that?

Following the federal government's $110 million cuts to the CSIRO, its chief executive officer has announced massive cuts to the organisation's climate research capacity. Through Senate hearings—and I am not a big fan of some of these Senate hearings—we have learnt that, under the Turnbull government, these highly skilled Australian jobs are going to be shipped off to the United Kingdom. They are going to outsource jobs that were done by Australian scientists in the CSIRO to the Bureau of Meteorology in Great Britain.

That is the Turnbull government's idea of innovation—ship our jobs offshore for our key pivotal climate scientists and buy in those services instead from Great Britain. It is a lovely country and I am sure they have great scientists, but where is the foresight in sacking Australian scientists so you can spend money buying the same services from the Bureau of Meteorology in the United Kingdom? That is the Liberal plan for innovation. That is their great idea of how you actually address issues of climate science—you sack your scientists. That is the Turnbull government's plan for addressing climate change—sack the scientists.

As I say, these Senate hearings have also unveiled, as detailed in *The Sydney Morning Herald*, that:

> One of the CSIRO's main climate science units planned to slash four out of five researchers, all but eliminating its monitoring and climate modelling research, a new document reveals.

That is a quote from today's *Sydney Morning Herald*. Four out of five researchers are planned to be sacked.

The cuts are contained in an analysis for the Oceans & Atmosphere division, dated January 25, 2016. CSIRO handed over the document to the Senate committee investigating plans to slash 350 staff overall, and it has been made public on the Senate's website.

These figures are from internal CSIRO documents that were produced from the Senate. The *Sydney Morning Herald* article goes on further:

The new document, though, highlights the extent of the original cuts being considered by the CSIRO before pressure—including from thousands of international scientists—prompted a scaling back of the job losses.

The Earth System Assessment Unit—which includes the climate models used by the Bureau of Meteorology and the team analysing greenhouse and other gases at Tasmania's Cape Grim research station—was to have its 81-strong staff slashed to 16, the analysis shows.

The remaining tally included as many as six post-doctoral researchers, and would have left just the aerosols and air-quality teams, Fairfax Media has been told.

The Oceans & Climate Dynamics unit, which includes sea-level research and ocean observations, was to lose 31 of its 71 staff, the document shows.

We are an island country, we are an island continent, and the Turnbull government is going to sack 31 of the 71 staff in the area of ocean observations and sea level research. Where is the scientific innovation there? Where is the Turnbull government's plan for innovation? Sack your scientists—that's all they can do.

If these cuts go ahead, it will be an enormous blow to Australia's ability to understand, respond to and plan for a changing climate and make wise investment decisions in light of these changes. Governments, farmers and businesses all rely on this information to make very important decisions about the work that they do, and this is well illustrated in an article published in the *Guardian* on 9 February, in which a dairy farmer explained how essential CSIRO data was in preparing for an extended dry period.

This particular farmer was able to survive because the data allowed them to make some tactical decisions such as early spring planting to make use of existing moisture in the soil, and budgeting for extra food to see them through the predicted dry summer. The farmer states in this article, 'We knew we were stuffed early enough to do something about it, thanks to the CSIRO.' But for farmers and businesses around the country, the very serious question they face now is this: how common will this type of season be into the future, and how will they be able to adequately plan, let alone survive, if the cuts to the CSIRO's climate and land and water divisions go ahead?

These cuts to the CSIRO will not only have significant implications for the global climate research communities. In a very practical sense, they will diminish the ability of Australian farmers, our businesses and our communities to understand and prepare for the future and make wise investment decisions. To put it another way, as the article from the *Sydney Morning Herald* says:

'It's a pretty bad deal—you cut about 110 staff all together and you recover almost nothing,' one senior scientist told Fairfax Media. 'You also ruin the reputation [of CSIRO]…

The Hon. J.S.L. DAWKINS: Point of order: the minister has been on his feet on this question for over eight minutes, and I would ask you to call him to conclude his answer.

Members interjecting:

The PRESIDENT: Order! Minister, can you—

Members interjecting:

The PRESIDENT: Order! Leader of the Government, I expect more from you and also from the Leader of the Opposition. Minister, continue your answer, but—

Members interjecting:

The PRESIDENT: Yes. Minister, sit down. Can you get through your answer as quickly as possible?

The Hon. I.K. HUNTER: Mr President, I was going to, but the honourable member, through his interjection, invites me to put some more on the record and I will. Dr Marshall, of course, is

expected to be grilled on the document when he fronts the Senate committee now planned for 7 April. As we move into what is likely to be another record-breaking hot year—

Members interjecting:

The PRESIDENT: Order! If you are all silent, the minister will get through his answer much quicker, so you can only blame yourselves if it takes time. Minister, continue on.

The Hon. I.K. HUNTER: As we move into what is likely to be another record-breaking hot year, this makes a total mockery of Prime Minister Turnbull's so-called 'innovation agenda'. I just refer to another article quickly, in the *Sydney Morning Herald* again, 8 March:

CSIRO looks to Britain to outsource climate research

CSIRO is considering outsourcing climate modelling work to Britain—a step a senior executive conceded would reduce Australia's strengths in the field.

Grilled by Labor—

I have to say it—

and Greens senators at a Senate inquiry in Hobart over cuts to up to half its climate research workforce, CSIRO executive Alex Wonhas said the organisation was considering contracting some work to counterparts in the British Met Office.

'I don't think that I can credibly claim that everything [we are doing now] will continue,' Dr Wonhas said. 'There will be a reduction in our activity.'

It is understood CSIRO executives hope signing a contract with leaders in international climate change research at the Met Office will blunt international criticism of its climate research cuts.

How clever do you have to be to put aside some of the international criticism about you sacking scientists and think they may be placated by the fact you are actually going to buy some scientists from the UK? Sack Australian scientists, buy it in from the UK—that's the Liberal plan for job creation in Australia. No wonder they will soon be out of office!

The PRESIDENT: A supplementary, the Hon. Mr Brokenshire.

CLIMATE CHANGE

The Hon. R.L. BROKENSHIRE (14:59): It's a relevant supplementary. Does the minister agree with the chief of the CSIRO, when he made the decision to do this, that they had already established that climate change was an issue and they were resourcing now how to address the issue going forward? That's the real reason.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:59): The honourable member believes his own propaganda, I'm afraid, and doesn't believe the correspondence from thousands of scientists right around the world—but what a stupid process this is. If the honourable member wants to believe his own propaganda, that's his right. Of course, no-one else agrees with him. Scientists around the world say that Australia hangs its head in shame by actually sacking the scientists—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —who are giving us that important information for dairy farmers. How on earth is the Hon. Mr Brokenshire going to plan his dairy practices into the future without that important advice from the CSIRO? He will be outsourcing it to the Bureau of Meteorology in Britain. That's what he will be doing—and paying more for it.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome students in the gallery from MacKillop College. Hopefully the members' bad behaviour has not upset you at all, but we welcome you all here.

Question Time

ANGLICARE FOSTER CARE

The Hon. K.L. VINCENT (15:00): I seek leave to make a brief and very polite explanation before asking the minister representing the Minister for Education and Child Development a question about a current Anglicare advertising campaign.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention, and I am sure the attention of some other members, that Anglicare has recently started a new advertising campaign to find new foster carers. That ad campaign features Spiderman and uses the catchcry, 'Anyone can be a hero to a child.' As you may be aware, Mr President, I am sure, Spiderman is a fictional superhero appearing in American comic books.

The Hon. I.K. Hunter: He's fictional?

The Hon. K.L. VINCENT: I was shocked too. I was so disappointed. That was my career plan blown up right there. As you may be aware—or may not, apparently—he is fictional and he features in *Marvel Comics*, and is also known as Peter Parker. Peter Parker is an orphaned young man raised by his Aunt May and Uncle Ben. As a teenager, he has to deal with the normal struggles of adolescence in addition to those of a costumed crime fighter. He has superhuman strength and the ability to climb most surfaces, as well as shoot baddies with his web-shooters and sense evil using his famous spider sense, which I am sure the Hon. Mr Hunter shares with him. I have also received some interesting feedback about his recent appearance in this ad for new foster carers. My questions are:

1. Is the minister aware of the current Anglicare campaign recruiting foster carers featuring Spiderman?

2. Does the minister consider the current advertising campaign used by Anglicare to recruit foster carers to be an appropriate one?

3. Given the high publicity of photos of three-year-old missing child William Tyrell, often featuring him in a Spiderman outfit, does the minister believe that the use of Spiderman in these advertising campaigns is appropriate?

4. What processes are in place to monitor and/or approve the advertising used to recruit foster carers of vulnerable and at-risk children in particular?

5. In recruiting people to become foster carers, would the minister consider that a person in a Spiderman costume is an appropriate role model?

6. Is the minister aware that the term 'rock spider' is often used to describe a paedophile?

7. Is it appropriate that Anglicare seeks 'superheroes', or should they be looking for strong community-minded men and women who can provide appropriate support for children and young people?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): I thank the honourable member for her most intriguing questions. I will ensure that the Hon. Susan Close in another place gets her questions and I will seek a response on her behalf.

Can I just say that in terms of fictional stories (and I am heartbroken to hear that it is a fictional story), it might be best directed to the Hon. Robert Brokenshire, who believes in these fairy stories and does not like to take the advice of scientists. In passing, I might say that I think Tobey Maguire made the best Spiderman ever and that if he were doing the advocacy for foster carers I think he would do a very good job.

WASTE MANAGEMENT

The Hon. J.S.L. DAWKINS (15:03): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about unspent waste levy funds.

Leave granted.

The Hon. J.S.L. DAWKINS: An *Advertiser* article by Lauren Novak on Monday of this week, entitled Unspent Levy Wastes Away, claimed:

> More than $65 million collected from a levy on waste disposal is sitting in government coffers prompting calls for authorities to fast track projects and spark job creation.

Those calls come from peak bodies, such as the Local Government Association, the Waste Management Association and the Conservation Council, who are estimating that the money could be used to generate up to 4,000 jobs over the next decade rather than be consumed by Treasury in general revenue.

The state government's own state Waste Strategy 2015-20 talks about using the fund to build more waste collection, sorting and weighing infrastructure, providing more drop-off facilities for households, developing new waste technologies, increasing food waste collection and helping business to develop a market for recycled products. However, Mid Murray Mayor and President of the LGA, Mr Dave Burgess, is quoted in the article:

> The Waste Strategy talks about $200 million to $350 million of investment opportunities over 10 to 15 years, yet we can't get a cent out of the state to fund a project…imagine what more we could achieve if the government actually spent the money where it is supposed to be spent.

My questions are:

1. Why has the government allowed $65 million to build up in the fund and rejected any attempt by local government to access funding for projects in line with the government's own Waste Strategy?

2. Will the minister commit to spending the $65 million that is sitting idle in the fund on projects that will generate employment now in line with the calls from the LGA and industry bodies?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I thank the Hon. John Dawkins for his excellent question. It's great to have a question on the subject from such a reasonable member who understands the area very well and actually can join in a discussion on these issues, as he does. I thank him for that. I think it is very important that we have reasoned questions and answers and discussions in this place, rather than hysterical ones based on not science but fictional stories instead and listening to senators over there who really haven't got a clue what they are talking about.

The state government recognises that growth in the $1 billion waste and resource recovery sector—that's $1 billion worth of growth of industrial activity in this state—requires working very closely with industry, especially if we are to achieve our goal of increasing the number of jobs in the sector beyond the current figure, which is approximately 5,000, or slightly under 5,000 at the moment.

In March of last year I convened a Waste Summit attended by the state's leading industry figures. This summit led to a consultation paper that was released in the second half of last year. The thrust of the paper was asking industry and the community what, if any, regulatory changes are going to be required by industry to drive further growth in this very important industry.

The industry and the community actively engaged throughout this consultation process. I certainly understand from reports that I saw in the media that there have been calls from the waste and resource recovery sector for an increase in the waste levy, and these media reports cited industry modelling that indicated that if the waste levy was to be increased to the levels in New South Wales, for example, it could generate almost 600 jobs in the state, ongoing full-time jobs. That's important, but we need to understand that, if that's to be the case, what are the trade-offs, who will benefit and what communities will be participating in that process? Of course, local government would be a very important part of that. They are a key part of this process.

We have as a state established ourselves as a leader in the waste management and resource recovery sector—

The Hon. S.G. Wade: Certainly in waste.

The Hon. I.K. HUNTER: This government's waste policies and strategies and programs—well, the Liberals over there are snivelling about waste. They don't understand what an important part of our industrial sector it is in this state and how many South Australians are employed by the waste sector. They don't care about that. They want to make cheap remarks across the chamber, unlike the Hon. Mr Dawkins, who has a deeper understanding and appreciation of this very important policy area.

The Hon. J.S.L. Dawkins: Tell me about the $65 million.

The Hon. I.K. HUNTER: All in good time, Mr Dawkins. This government's waste policies and strategies and programs over the past decade have driven major positive changes in the way that waste is managed in this state. We have a recycling rate among the world's best and the industry contributes more, as I said—well, it's worth $1 billion but it contributes about $500 million to gross state product and sustains about 5,000 full-time jobs, or just under that.

Our iconic container deposit legislation continues to result in a container return rate of around 80 per cent. In fact, I understand that New South Wales is currently having a debate about how to actually emulate South Australia and it is the Northern Territory's and, indeed, the ACT's intention, to introduce their own container deposit legislation over there in the east. In 2014-15 alone, about 583 million containers, representing about 43,000 tonnes, were returned for recycling and potentially diverted from landfill. In addition, the Environment Protection (Waste to Resources) Policy bans certain waste, such as whitegoods and e-waste, from being disposed of directly into landfill, resulting in the recycling of valuable finite resources.

As I said, I convened that waste summit last year and we talked about government, industry, local government and the community sectors and how we can improve and drive that industry to further heights. Feedback has indicated that they want us to address things such as static and growing stockpiles; waste that has a potential to pose environmental risk; potential re-usable fill materials ending up at landfills due to development pressures; difficulties dealing with certain problematic waste; and, of course, the perennial illegal dumping.

The state government and industry together see opportunities for growth in the sector and more competition in the marketplace. Opportunities also exist to respond to increasing interest and energy from waste schemes and further development of safe resource recovery activity. All these things cost money and in all these things, industry seeks some government involvement and that is where the levy fund comes in. It is very important that the state's regulatory framework is adaptive and in a position to manage the next phase of growth in the industry.

I released a discussion paper in August of last year on reforming the waste management sector in our state and asking for feedback about the current state of the industry and reform options to expand that sector and create more jobs for South Australians. The discussion paper entitled 'Reforming waste management—creating certainty for industry to grow' looks at opportunities to achieve a better and more equitable industry while reducing environmental risk and harm in a cost-effective way and further promotes safe resource recovery through innovative change ideas. The paper outlines the aim to create certainty for industry, address current challenges, unlock growth opportunities in the waste and resources recovery sector and ensure that the more unscrupulous operators of the sector—and I am sure there are only a very few of them—do not undermine the viability and innovation of the majority.

Some of the reform options that we're looking at include mass balance reporting and up-front levy liability; better managing waste soils and fill; improving stockpiling controls and site monitoring; recovering illegally obtained economic benefit arising from contraventions of the act; more effective tools to combat illegal dumping; innovative change ideas such as banning microplastics and polystyrene packing; 'save as you throw' waste pricing; and mandatory food waste recycling in the Adelaide CBD. These were all initiatives that were raised with us by the community and the industry and these are things we will be doing some further work on.

It is important that we understand how to move forward to create these jobs in this increased growth industry and that it is done in a cost-effective way and doesn't add negative impost on the community or industry without having that big return in either job creation or some other benefit for the community. It is anticipated that improved regulatory certainty and a more level playing field from these reforms will promote innovation and underpin investment.

My understanding—and this is from memory; I don't have this in the notes in front of me—is that, from the waste levy resources fund, we've allocated about $89 million since its inception. That was to co-invest with local governments and industry in infrastructure development to further drive growth in this sector. That fund is vitally important, but we don't just release those funds on the say-so of local government or the LGA. There must be a solid business case presented, that business case must stand up to scrutiny and it must also meet the requirements of the sector, which are to drive growth and drive job creation for South Australians.

ROAD SAFETY

The Hon. G.A. KANDELAARS (15:13): My question is to the Minister for Road Safety. With Easter fast approaching, can the minister update the chamber on the government's road safety message for the upcoming Easter weekend?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:14): I thank the honourable member for their important question and, as it turns out, it is an incredibly timely question. As we approach this long weekend, the road safety message this government is spreading is that a ride to the Royal Adelaide Hospital in the MAC helicopter is the flight that you do not want to take this Easter. No-one wants to see a family member taking a ride in the MAC helicopter as we approach this long weekend.

This government continues to take road safety incredibly seriously. As members are aware, long weekends come with an increase in traffic, particularly with holiday goers looking to enjoy time with their family, friends and loved ones, particularly in our state's regions. A figure that puts this message into focus is that, over the last five years, 70 per cent of fatalities and serious crash injuries during the Easter long weekends have occurred in rural South Australia.

It is undeniable that any death on our roads is a tragedy, and while we find ourselves glancing at numerical figures which form the state's road toll the lasting impacts these incidents can have on families are often forgotten. For every death that occurs on our roads we can also not forget the continuing pain and burden individuals and families may endure as a result of serious injuries sustained on our roads. I urge all road users to reflect on this year's Easter road safety message and consider the potential consequences of their own behaviour: consequences we can avoid by taking our time to arrive home safely, by taking a break during long journeys, by being mindful of our speed and the road conditions and by avoiding distractions whilst driving.

Police, of course, will be out in force this long weekend, but it is on each and every one of us to ensure we do the right thing and arrive home safely, because it is not just about ourselves but also about our families, friends and loved ones. Of course it is also about our fellow road users. I extend this message to all members and ask them to support the government in delivering this timely and vital message to our state as we approach the Easter long weekend. I ask them to reinforce the message that every single one of us has the ability to make our roads safer, because behaviour continues to be one of the major contributors to death and injury on our roads.

So, simple actions, like sticking to the speed limit, taking the opportunity for a 15-minute break every two hours of driving, and remaining patient on our roads will help ensure we keep this Easter fatality free. The 2014 Easter long weekend showed us that we can have a fatality free Easter long weekend, but this requires us to all be alert and mindful of our behaviour. I do not want to see another fatality on our roads this long weekend, and I am certain this sentiment is broadly shared in this house. Together, let us make the 2016 Easter a zero fatality long weekend so that we can all be free to relax and enjoy our time off and return next week with fond memories instead of a tragic and traumatic experience.

This morning at a media event I had the great pleasure of being able to meet and talk to many of those people who serve our community on the front line when there is a tragedy on our roads. I had the opportunity to chat to Dr Bill Griggs, a well-known South Australian and someone who is widely regarded throughout the medical fraternity. I asked him how he handles doing the work he does. He explained to me that he has been serving our state, often in the MAC rescue helicopter, attending road traumas ever since he was a graduate from university.

I expected him to respond by saying that, as time has gone and he had seen it all in various versions hundreds of times, it had therefore become water off a duck's back, but he explained that, when as a doctor he treats patients, it is still an incredibly personal experience. He has had to personally endure the experience of talking to loved ones who have lost a family member as a result of a road trauma accident, and that has taken a toll. He says that it never gets easier, no matter how many times he has had to endure that experience—speaking to a loved one who has so dramatically had their world turned upside down—it is an incredibly difficult experience. No matter how many times it has occurred, it never gets easier.

I also had the pleasure this morning of chatting to members of SAPOL, who of course will be out in force this long weekend, doing everything they can to ensure people obey the law and keep our roads safe. Members of SAPOL also shared their experiences with me of having to address families in need and to pass on tragic messages to loved ones, and all too often many of these instances can be avoided. I read a statistic recently that in approximately 25 per cent, a whole quarter, of all road traffic accidents that occur where a life is lost speed is involved.

Speed continues to be a major contributing factor to incidents where lives are lost. I understand that people want to get to their holiday destination in a rush to get on with their holidays, but if people simply slowed down, obeyed the speed limit and took their time they would dramatically decrease the likelihood of a tragedy occurring, they would dramatically decrease the likelihood of a family member having their world turned upside down by seeing a car accident occur.

So slow down, and, of course, please make sure that we do not drink and drive. Another critical message that we were getting out this morning was to take the time to have a break. If people are driving for over two hours—and I know that many members opposite travel long distances, on occasions, to get home—they should be taking a break of approximately 15 minutes every two hours to make sure they stay alert. Then they too can drive safely and ensure that everyone in our community remains safe this Easter long weekend. Let us shoot for zero fatalities this weekend. We have achieved that in the past and, as road safety minister, I very much hope we can achieve it again this Easter.

Matters of Interest

DISABILITY HOUSING

The Hon. K.L. VINCENT (15:21): It has come to the attention of Dignity for Disability that the corrections system in this state continues to be used as a stopgap accommodation measure for people with disability, particularly for people with intellectual disability acquired by an injury, mental illness, foetal alcohol spectrum disorder and other types of health conditions. A fortnight ago I became aware that a man with an intellectual disability had been 'housed' in a South Australian prison for about a month. Frankly, I cannot believe—or cannot believe that I have to believe—that a man who has an intellectual disability has been put in prison for the simple reason that there is nowhere else for him to go.

I am furious, as I believe we all should be, that no-one has taken real responsibility to ensure that he had a safe place to permanently stay, a safe home as opposed to a cell. Where is the human decency and the legality and the compassion within agencies like Disability SA, SAPOL, Corrections and Housing SA staff if a situation like this can still arise? What kind of bureaucratic madness has occurred here and continues to occur?

I am the first to admit that I perhaps do not have all the details about this case, all the information, but really it is not about this case but about the systemic issues. The background I have been able to trace suggests an unfortunate chain of events leading to this man's incarceration. This is a gross violation of human rights, and there must be some questions asked about who ultimately

allowed this to happen. I understand that this man was previously working in a supported employment position, but his housing circumstances must have changed.

For goodness sake, in 2016 how can this man have been sent to prison for want of a fixed address? Prison is not a safe place for many people, particularly not adults who may be vulnerable or susceptible to particular experiences because of their disability. We need a statewide strategy that includes options for homelessness support, particularly for people with disabilities.

While my office also understands that this man has since been found a suitable home, I urge the South Australian government to ensure that this breach of human rights does not happen again—in this state or anywhere else in the world. It is also essential that advocacy and support are provided, particularly to people who may have disabilities or other issues such as low literacy, to ensure that they are aware of their rights and how to assert them in a situation such as this.

I also urge the state government to look at the evidence currently being collected by the Senate Community Affairs References Committee inquiry looking into the indefinite detention of people with cognitive and psychiatric impairment in Australia. The terms of reference include (and this is by no means an exhaustive list, due to time restrictions):

- the prevalence of imprisonment and indefinite detention of individuals with cognitive and psychiatric impairment in Australia;
- the experiences of individuals with cognitive and psychiatric impairment who are imprisoned and detained indefinitely;
- the differing needs of individuals with various types of cognitive and psychiatric impairment, such as foetal alcohol syndrome, intellectual disability or acquired brain injury and mental health disorders;
- compliance with Australia's human rights obligations—because let's not forget that indefinite detention without proof of committing a crime is against our human rights obligations;
- the capacity for various commonwealth, state and territory systems, including assessment and early intervention, appropriate accommodation, treatment evaluation, training and personnel and specialist support and programs;
- the interface between disability services, support systems, the courts and corrections systems in relation to the management and support of cognitive and psychiatric impairment;
- access to justice for people with cognitive and psychiatric impairment, including the availability of assistance and advocacy support for defendants.

I am very proud, as I think all in this chamber should be, of the work that South Australia has done on projects like the Disability Justice Plan, but it is clear that we still have so much work to be done when in 2016 a man who is not serving time for crime, but is in prison because of a lack of appropriate funded accommodation or housing in the community, can be sent indefinitely to prison until a house is found. This is not a situation that any other person would expect, and I am sick and tired of people with disabilities being expected to expect different standards because of their disability status. We would not accept this for anyone else; we should not accept it in the circumstance. I look forward to working with all members to ensure that everyone has a home over their heads rather than a prison cell.

SOUTHERN REDBACKS

The Hon. T.J. STEPHENS (15:26): I rise today to congratulate the South Australian first XI, commonly known as the Redbacks, on reaching the final of the Sheffield Shield this season. The Redbacks qualified for the final after outright victories in their last two matches against Western Australia and Tasmania, and were assisted by Western Australia beating Queensland outright in Brisbane in the final round. I congratulate the Marsh family for their assistance in that.

South Australia's victory by an innings and 78 runs over Tasmania in the final round within two days set up a dramatic final two days in Alice Springs, when Victoria and New South Wales were then fighting it out for a place in the decider. A New South Wales outright victory would have meant qualification and a home final for the Blues, whereas Victoria needed only a draw to qualify, but an outright win would mean a home final for the Bushrangers.

Needing 269 to win in the second innings, Victoria started day 4 of the four-day match in a poor position at 3-20. New South Wales remained on top until Scott Boland came to the crease at 7- 153, with former Victorian captain Cameron White unbeaten on 56. With a Victorian win almost impossible, these two dug in and fought for the draw. White ended up on 97 and tailender Scott Boland on 34 when the New South Wales captain conceded the draw. With this, South Australia finished on top by only half a point, which was enough to secure a home final.

South Australia has not featured in a Shield final for 20 years since the Jamie Siddons captained side won the competition with a draw against Western Australia in March/April 1996, after finishing atop the ladder that season, a very similar situation to 2016. I congratulate new captain Travis Head on a great 2015-16 season and on finishing top in his first full season as captain. It is an amazing feat considering how much South Australia has struggled at first-class level in recent years. He has led by example, topping the South Australian batting statistics with 699 runs at an average of 38.83, which included three 100s and a highest score of 192.

Two other young and promising batsmen, Jake Lehmann and Alex Ross, also had good years, showing good signs for South Australia's future. Lehmann, the son of the great Darren, was not far behind, with 609 runs, an average of 50.75, including three 100s and a highest score of 205, his maiden first-class century. Alex Ross, with 499 runs at an average of 31.18, could not quite manage a 100 this year, with a highest score of 92 not out, but his quality was recognised by the cricketing fraternity with the Bradman Young Cricketer of the year award on Allan Border Medal night.

Of course, we cannot forget the bowlers, who more often than not win you matches. Clearly, our bowlers were the difference this season, with our three strike bowlers in the top 10 Shield wicket takers this season. Joe Mennie was way out in front with an outstanding 48 wickets, an average of 19.68. Dan Worrall came in equal third on the table with 37 wickets, an average of 26.86, and finally Chadd Sayers took sixth position with 32 wickets, an average of 25.87 and best figures of 7-46. Sayers was rewarded for his consistent performance over the past few years with a call-up to the test squad that toured New Zealand last month. Let's hope the selectors show faith in him very soon.

I also hope that this is the beginning of a real revival of South Australian cricket. We have an extremely proud cricketing tradition in this state, but this has been tarnished somewhat by recent performances and policies. It seems that the changes the South Australian Cricket Association has been making recently are bearing fruit, and I wish them all the best with the implementation of the recommendations of the Zadow report. It will continue to be a difficult transition for many involved in top-level cricket in this state.

Due to the beginning of the AFL season, the final will be played at Glenelg Oval over five days, beginning this Saturday at 10.30am. I encourage everyone to attend. You should be treated to high-quality cricket, and the magnificent surroundings of Glenelg Oval are a great place to watch cricket, even more so since its recent upgrade. Tickets are only $10 for adults, $5 for concession card holders and children under 16 are free, as are members, and I am sure there are many in this place. What a wonderful way to spend Easter this year.

With that, I wish Travis Head and all the boys the best of luck. Let's hope that South Australia returns to its rightful place as the champions of Australian cricket.

DEFENCE SHIPBUILDING

The Hon. T.T. NGO (15:30): We are learning more and more about our hapless Prime Minister, Malcolm Turnbull. I have already spoken about how Mr Abbott's previous announcement of a continuous build of defence projects for South Australia is now in turmoil due to Mr Turnbull's lack of commitment to build the offshore patrol vessels in South Australia.

Recently, the Turnbull government announced shipbuilder Navantia as the preferred tenderer to construct two of our Navy's newest supply ships worth up to $2 billion. These ships

provide logistics support during combat by supplying oil and replenishments to Australia's naval vessels. Mr Turnbull's defence minister, Marise Payne, defended the Liberal's position by saying:

> …the Common User Facility in Adelaide, which supports your ASC, our ASC, was not capable of accommodating the large supply ships as the current ship lift would require to be significantly lengthened in order to carry vessels the size of the replacement supply ships.

In 2014, the Liberal government announced that only two companies—Navantia, from Spain, and DSME, from South Korea—were allowed to participate in the tender process. The Liberal government excluded Australian shipbuilding companies from the tender. The then Liberal defence senator, Senator Johnston, blamed the poor performance of Australian yards on the AWD project as one of the reasons to exclude Australian companies. He said:

> No responsible government could consider providing further work to an industry that is performing so poorly… This is not a blank cheque.

However, in late 2013 ASC put in a formal proposal for a plan to build three supply ships for the price of two in partnership with South Korean company DSME, which is, incidentally, one of the two companies allowed to participate in the tender. The CEO of ASC, Steve Ludlam, said that the project was the only one that would benefit shipbuilders nationwide, with work to be allocated to several different shipyards, including Williamstown, Newcastle and Osborne.

The ASC's proposal was to build the first two ships at the world-class facilities in Korea with DSME. Since 1973, it has built and delivered over 1,000 ships on schedule without exception. ASC proposed to build the third ship in Australia once we had picked up the necessary capability and skills from Korea. ASC said:

> Building the third warship will preserve our skilled engineering and production workforce after we complete the Air Warfare Destroyer project and prepare to compete to build the Future Submarine.

This sounds like such a sensible proposal to me and to many ordinary Australians. Any logical government should be looking at this model to build and maintain its workforce.

If the Liberal government does not like the Korean company, then why can we not engage in partnership with Navantia so that our workers receive the knowledge they need to build this type of ship? The Turnbull government has no interest in building up the capability of our workforce. They are happy to raise the white flag on our defence industry.

It is the very issue of workforce attrition, lack of ongoing training and development that contributes to the massive set-up and decommissioning costs that the Liberals are using to stop Australian companies from participating. The Liberals continually argue that Australia does not have the capability and skills to build these large ships. How can the Australian shipbuilding industry build its capability and skills if there are no long-term plans and commitments for their industry?

To add salt to the wound, the Turnbull government has only locked in 5 per cent of the contract's procurement outlay for our local industry. This is a paltry $100 million from a $2 billion contract. Many Australian workers in the shipbuilding industries have lost their job, and many are worried whether they will have one tomorrow. Spain is not only celebrating 3,000 new jobs courtesy of the Turnbull Liberal government, they are also bragging about other future shipbuilding projects from Australia.

ROTARY DISTRICT 9500

The Hon. J.S.L. DAWKINS (15:36): I rise today to speak about the Rotary District 9500 conference which was held in the latter part of last week and last weekend. This conference was held at the Barossa Arts and Convention Centre, which is part of the Faith Lutheran College at Tanunda.

District 9500 in Rotary International consists of around about 50 Rotary clubs and some Rotaract clubs as well. It basically takes up the area of Adelaide north of the Torrens River as well as the north and western regional areas of South Australia and Kangaroo Island, and also the southern region of the Northern Territory.

I was not able to attend the mayoral reception in Tanunda on 17 March, but I understand that Mayor Bob Sloane put on a very good reception there at the Barossa Regional Gallery, and the

feature of that event was the playing of the wonderful, restored Hill & Son organ, which originally came from the Adelaide Town Hall, by the renowned organist Mr Steven Kaesler.

On Friday, I was pleased to be at the conference to witness the welcome to the conference by District Governor Doug Layng. Following that, the conference was officially opened by His Excellency Hieu Van Le AO, the Governor of South Australia. The Governor spoke very well about the role of service organisations, including Rotary, within the community.

Other features of the conference included a very interesting presentation by Maggie Beer AM on the topic of creating an appetite for life. The representative of the Rotary International president, past district governor Connie Beltran from the Philippines, presented on three occasions at the conference, but certainly on that first afternoon gave a very interesting presentation.

On Saturday, the highlights included a presentation by Keith Conlon OAM which was around this year's Rotary theme of 'a gift to the world'. His presentation was about the Barossa being a gift to the world, and he delivered some terrific history, particularly about the German heritage and the names, many of which were changed during World War I, etc. I was very interested in a presentation by Bridgett Leopold, who came from Wirrabara and went on a Rotary exchange in 1999, about how Rotary changed her life path, and in a fascinating presentation by Glenn Cooper AM about the 153- year history of Coopers, South Australia's family brewery icon.

Another feature of the conference included the focus on the work Rotary does in its youth leadership programs with the development of Rotaract clubs for younger people; its renowned exchange student programs, of which my daughter Leah was a participant some 21 years ago; and also of course the group study exchange program, which has been very successful over many years.

There were a number of visiting professionals who were at the conference from overseas and who were passing on their messages, particularly about the horticultural industry in the Northern Hemisphere as it related to the Barossa Valley. I congratulate all involved with the conference, particularly District Governor Doug Layng and Mr Arch Boonen, who was the chairman of the conference committee.

MOUNT COMPASS LIONS CLUB

The Hon. R.L. BROKENSHIRE (15:41): I rise in this matter of interest to, like my colleague the Hon. John Dawkins, talk about service clubs; however, I will be talking about Lions in this instance. Whether it is Rotary, Lions or Apex, these service clubs do magnificent work for the community. I particularly want to commend the Mount Compass Lions, in my own home town. Prior to coming into parliament, I was a member of the Lions Mount Compass charter with some of my friends and associates.

Unfortunately, for a period of time Lions did not continue in Mount Compass, but in recent years, thanks to the initiative of some very hardworking Lions who now live in our district, long-term Lions and also the facilitation by the Lions in the Willunga Lions Club, we now have a Lions club active again in Mount Compass. Those who have some time available to commit to Lions will not only have a great time with the comradeship of the members of the Mount Compass Lions but they will also be able to deliver some fantastic projects.

This week, I met with Mr Bill Coomans, one of the Mount Compass Lions to discuss where the projects, plans and strategy for the future of the Mount Compass Lions Club were. This came on the back of my family receiving a *Mount Compass & Surrounds Community & Business Directory 2016*, and I have one here in my hand in parliament now. When we had the *Entre Nous* in our town, we always had a directory associated with that once a year. As the *Entre Nous* was no longer being printed, there was a gap, and this shows just one of the excellent opportunities that Lions can provide to the community. I commend them for this very comprehensive, professional and well-published community and business directory that shows the local community where community organisations are and also the local businesses that are available to serve them in the community.

We also talked about some of the other projects, such as the old Roadman's Reserve not far from our family farm, which was the reserve where the roadman used to live with his family. He only had a wheelbarrow, a pick and a shovel back in the days when it was a very long trip to Victor Harbor from Adelaide and they used to have roadmen along the way who were responsible for maintaining

those roads. The reserve has now become a very good picnic spot and somewhere to take a break when driving from Adelaide to Victor Harbor and the Greater Fleurieu Peninsula.

It has needed some care and attention. From memory, it was the original Lions Club that did a lot of the driving in of a lot of the posts and rails, creating parking areas and the like. I think I was involved myself way back. But it is this new Mount Compass Lions Club that has taken another project on to upgrade that particular reserve, which will provide a lot of pleasure and a safety haven for thousands of people who commute through the town who need a rest after travelling.

In recent years we have also had a wetland, and I commend the council for developing that. As part of the Fleurieu and Adelaide Hills, we also have special rock sculptures, some of which are displayed at the wetland. The Lions Club has another initiative that it is putting in there, which is a directional board allowing tourists and visitors to identify distances and the direction to take when they want to go from Mount Compass central to other spots on the Fleurieu Peninsula.

It is hard for people to dedicate time to their families, their work life and community these days, but service clubs are certainly doing a great job. Whilst at this point in time the Mount Compass Lions Club is still a small club, there is very positive growth. I was told of another new member joining, and I would encourage people who want to serve their community and have a few spare hours a week to contact the Mount Compass Lions Club and to support it and the great work it is doing for our community.

BICKFORD'S RENMARK REDEVELOPMENT

The Hon. G.A. KANDELAARS (15:46): I recently visited Bickford's Renmark site, where a significant redevelopment of the site is underway. I met with Bickford's Operations Manager, George Kotses, along with Marcus Woods, Operations Manager—Regional Sites, and Graham Buller, distillery manager, who took me over the site and gave me a briefing of the company's plans for the future of the site.

The redevelopment by South Australian beverage company Bickford's Australia will see the establishment of a new spirit distillery, visitor centre and cellar door in the Riverland. The redevelopment is sited at the old Renmano winery and distillery site which Bickford's purchased from Accolade Wines in 2013. Bickford's had previously purchased the Black Bottle and XO brandy labels from Accolade in 2011 and these have been added to their Vok range of products. Bickford's has a clear view of the redevelopment of the old Renmano site. They already have their bond store operational, where distilled product is maturing. This required installation of a positive ventilation system to the existing sheds on the site. Bickford's initial wish is to have their state-of-the-art distillery operational by mid this year, with a visitor centre and cellar door opening in the second half of this year.

Part of Bickford's redevelopment is being funded through a $2.36 million South Australian government grant from the Riverland Sustainable Futures Fund. The project is providing significant economic activity in the Riverland. It is a project that will provide significant benefits to the region in relation to tourism, the food industry and employment. There is also the potential to export products produced at the site. Bickford's is working hard to retain some of the heritage of the site by retaining the facade of the original distillery and refurbishing the iconic glass-covered distilling tower, which is being re-glazed. They will also bring back to life three large classic copper pot stills which were originally located at Accolade's Reynella site and were transferred to Accolade's Berri site.

Bickford's has a clear vision for the site, which includes establishing a function centre in the future and potentially processing pomegranate juice from their Wanbi property. It is expected that the distillery will create a new market for Riverland grain and grapes, with their purchases from local growers leading to additional economic growth in these regional communities. Apart from providing local jobs, the project will see key spirit brands, such as Black Bottle Brandy, continue to be distilled, matured and bottled in South Australia, as well as replacing Bickford's need to import significant volumes of distillate for its other key trademark products.

The Bickford's Renmark project was the recipient of the final grant delivered through the four-year $20 million Riverland Sustainable Futures Fund. The fund successfully delivered what the government promised as part of its 2010 election commitment. I have had the pleasure of visiting a

number of recipients of grants from the Riverland Sustainable Futures Fund and I have been impressed by the recipients' desire to expand and innovate in building their businesses.

The futures fund has brought significant new business and development and has boosted tourism and economic diversity in the Riverland region. All told, projects funded through the Riverland Sustainable Futures Fund are expected to create around 235 jobs and generate up to $48 million in investment in the Riverland region. The fund has also allowed the state government to leverage additional significant extra funding from the federal government, by withholding the release of the final portion of the fund.

The Riverland Sustainable Futures Fund has provided the Riverland region with a significant economic boost, particularly during a period when the region was struggling during the millennium drought. I thank Bickford's management for taking the time to show me their vision for the Bickford's Renmark site. They have a clear plan for the development of the site, which I am sure will add significantly to the Riverland local economy.

SAFE SCHOOLS PROGRAM

The Hon. T.A. FRANKS (15:51): I rise today to talk about bullying and the Safe Schools program. I note that in recent days in this place both the opposition and the government have indicated their concerns that the office of a senator—Senator Cory Bernardi—was damaged and occupied and that his staff were put under duress. I concur with the comments of both the opposition and the government in standing against that behaviour and standing up against bullying. However, I want to talk today about the leadership we need on the Safe Schools program to stand up against bullying, not just when it occurs in a senator's office but when it occurs in our schools.

All members would have heard of the Safe Schools program by now and the review that was undertaken and reported on by William Louden on 11 March 2016. That, I believe, was a fair review and a most informative view for any members who are receiving the emails that I am certainly receiving, claiming such things as the Safe Schools program encourages chest binding or penis tucking or is all about unisex toilets. None of that is actually part of the Safe Schools program and, as I say, I encourage all members to read the review of the Safe Schools Coalition Australia Program Resources.

What I would say in response to those emails, which also bemoan the lack of attention to the three Rs, is that they were riddled with spelling and grammatical errors as well as factual errors, so I asked them to go and do some homework and also read that report. I draw attention to a very well-written piece that is currently doing the rounds of social media: an open letter to the PM of Australia written by Mike Cullen, whose website and blog is at writinginshadows.com. Mr Cullen, in his open letter to our current Prime Minister, begins with a range of pleas to the Prime Minister. I will read a truncated version of his pleas:

> Dear Prime Minister
>
> …When I read about your government's decision to not only make substantial changes to the Safe Schools programme, but to cease its funding I was initially enraged. I wasn't very coherent, but then again neither were a lot of people who took to social media in shock at the Government's decision.

Further on in his document, he states:

> I struggled last night to think how I could put this in words. I wanted to be clear, but not rude. I decided to sleep on it. It seems to have been a good idea. Last night I was choking with rage, about all I was good for was inventing new swear words and that wouldn't have done anyone any good.

He notes that the pain in his life when he was a young boy who was different and the pain that he experienced growing up now as a 42-year-old man have manifested in ways he did not anticipate.

He outlines his story about when he was a child that he was told when he was younger that bullies will never win, that ultimately people see them for what they are—scared, lonely little people who need to tear others down to feel any form of their own power. He says to the Prime Minister:

> Yesterday your government handed the bullies, both in your government and outside of it, the win that they've been craving, and the public recognition that hate is something to be nurtured.
>
> The story I want to tell you begins in late January 1979; I was five years old and just starting kindergarten. I can still remember my family telling me how exciting it was to be a big boy, that going to school was going to be a

great adventure. It was also the year I learnt my family tells lies. School was not a great adventure. It began as it ended, a tortuous place where a small boy was victimised and bullied daily.

As an only child I was very lucky–had family and cousins by the truckload, but in my family I was the only child my parents could have. The years before school were filled with fun and games and lots of love. Going to school I was told would be the same.

However, he goes on to say, the very first day he was called a fairy was the second day of kindergarten. He did not know when it meant at that time but, as he says, so it began: fairy became pansy, pansy became poofter, poofter become faggot, faggot became AIDS carrier. By that stage it was the early 1980s and HIV was all over the news. AIDS carrier became dirty faggot, dirty faggot became—well, it became many things, but of course that young five-year old boy, now 42, is calling on our Prime Minister to stand up against the bullies. I welcome anyone of any side of politics who stands up against bullies, whether they are in our schools or in our Senate offices.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: HILLGROVE RESOURCE GROUP MINE AND KANMANTOO QUARRY

The Hon. G.A. KANDELAARS (15:56): I move:

That the report of the committee on the site visit to Hillgrove Resource Group copper mine and Kanmantoo quarry be noted.

In October last year the committee undertook its second of three regional visits, this time to visit the Kanmantoo area, where we were privileged to visit Hillgrove Resources Group copper mine and the Kanmantoo bluestone quarry.

Kanmantoo is the small community just outside Callington, situated within the local government area of Mount Barker. It has a rich heritage, where some of the state's earliest pioneers settled. The Aboriginal Peramangk tribe, who inhabited the area long before white settlers, called the place Kunga Tuka. The committee's field trip to Kanmantoo mine and quarry was precipitated when the Mining and Quarrying Occupational Health and Safety Committee, commonly referred to as MAQOHSC, gave the committee evidence in relation to an inquiry into work-related mental health and suicide prevention.

MAQOHSC informed the committee that evidence-based research found that mental health issues and suicide are a significant risk in the mining and construction sectors, which are both an important part of the South Australian economy. The dangerous nature of mining and construction are closely related because people often move between those two industries for work. If one is experiencing a downturn, then people move across to work in the other industry.

There are a number of factors that make these two industries high risk for mental health and suicide: they are both male-dominated industries; most men are not as socially engaged as women; and, they often find it more difficult to talk about their problems. This often results in men ruminating about their problems, leading to anxiety and depression. Both industries include shiftwork and long hours. Shiftwork means that people are away from their families for longer and often at critical times, such as kids sports days or birthdays.

The long hours and weekend work have an impact on family life. Workers in both industries are usually subjected to precarious employment, and the precarious nature of that employment places stress and strain on individuals and families who need to pay their mortgages or rent, put food on the table and ensure that their children's needs are met.

The resources sector often involves work in remote areas, and working remotely often involves fly-in fly-out (FIFO) or drive-in drive-out (DIDO) workplaces where workers are isolated from their families and their local community. As I said, they miss out on family events such as birthdays and other celebrations and are not able to contribute to the life of the community, such as coaching sport or assisting with working bees and the like. They are not able to help their partners, who may be struggling with teenagers or other family matters. Isolation from family and friends can place stress on relationships and can result in the misuse of alcohol or drugs.

Some fabulous work is being done in the construction industry by MATES In Construction, while Dr Jennifer Bowers, who established the Australasian Centre for Rural and Remote Mental Health nine years ago, has been working within the mining and agricultural areas. MAQOHSC funded a pilot program on suicide prevention for South Australian mining and quarrying in conjunction with Wesley LifeForce and Mining Family Matters. The program, called Rock Solid Suicide Prevention, is a lead program in the South Australian mining and quarrying industry.

The committee visit to the Kanmantoo mines began with a site visit to Hillgrove's copper mine, a publicly listed company located about 55 kilometres south-east of the Adelaide CBD. The copper mine is an open-cut mine which produces about 100,000 dry metric tons of copper concentrate per annum. Hillgrove is a drive-in drive-out facility employing about 192 people from the local area and an additional 70 contractors. Most people live within 10 kilometres of the mine while the remainder live in the adjacent Adelaide Hills.

The mine is very engaged with the community and works to enhance the community wherever possible. The Kanmantoo Callington Community Consultative Committee discusses a range of issues, such as dust, noise, lighting and environmental rehabilitation issues, and is a forum to engage the community in mine decisions that may affect them. Hillgrove has also assisted the local CFS with firefighting equipment and resources.

Hillgrove is a large commercial operation and as such it has strict safety procedures in place, including drug testing for all workers, traffic management systems, staff training and a significant focus on fatigue management as well as early reporting of hazards. We were given strict instructions about footwear and clothing before our visit, and on arrival we were all breath tested and provided with personal protective equipment. The visit was well supervised by the mine manager, Lachlan Wallace, who explained the history of the mine and its achievements in providing sustainable employment as well as its investment and risk management strategies.

The committee also visited the Kanmantoo Bluestone quarry, which is a family-owned business of considerable historical significance to the local community. Bluestone is a natural durable product and can be found in many homesteads in the surrounding area. The Kanmantoo Bluestone quarry also produces aggregates such as dolomite and crushed rock for road bases. The quarry sits high on the hillside with little protection afforded from the elements, and the work of cutting the bluestone is very labour intensive indeed.

The mine's owner, Bernard Clifford, explained the quarry's operation and escorted the committee and SafeWork and MAQOHSC (Mining and Quarrying Occupational Health and Safety Committee) officials on the tour of the quarry. He advised that after many years of working in the quarry he had decided to sell it and to enjoy his retirement—and I wish him well in that. The bluestone quarry is quite a different operation to that of Hillgrove Resources, as one would expect. The family-owned business in the mining and quarry industry often needs support and advice to address safety needs for workers and visitors, and this is a role that MAQOHSC fulfils extremely well.

MAQOHSC was established in 1941 under the Workers Compensation (Silicosis) Scheme. It has investments that are now used to fund MAQOHSC's initiatives to minimise injury and disease and promote improved occupational health and safety in the South Australian mining and quarry industries. Large employers, such as the Hillgrove Resources copper mine, are able to employ people to develop and implement safety management plans, to monitor and audit those plans and to deliver improvement strategies. Smaller businesses, such as Kanmantoo Bluestone quarries, are less likely to have the same ability.

There are many small mines and quarries throughout South Australia which are committed to the safety and wellbeing of their employees, but they need support and assistance in managing the process. This is the role that MAQOHSC plays, and it plays it very well. If they find employers who are not doing the right thing or who resist assistance, they are able to refer those businesses to the inspectorate, but their primary focus is working with mining and quarrying industries to achieve good outcomes for industry and those who depend on it for their livelihoods.

The committee's visit to both these businesses provided an opportunity for the committee to learn the differences in operation and understand the importance to the South Australian economy and the challenges they face. The differences between the large commercial outfits such as the

Hillgrove Resources copper mine and the Kanmantoo Bluestone quarry were significant, but it was reassuring to understand that they were both supported to achieve compliance and improved business outcomes. The visit also highlighted the risks associated with the dangerous work that is mining and quarrying and how business support is provided to minimise those risks, particularly in relation to mental health and the wellbeing of workers.

There are many people that the committee would like to thank for making this field visit possible: firstly, the staff and board of the Mining and Quarrying Occupational Health and Safety Committee (MAQOHSC), who arranged the field trip, and the executive director and key staff of SafeWork SA, who contributed to the committee's learning experience.

It was a privilege to be able to visit the Hillgrove Resources copper mine and the Kanmantoo Bluestone quarry, and it was only made possible by the generosity of management and staff of those businesses, who gave of their time to ensure that the committee had ample opportunity to learn from their experiences and to see at firsthand their operational activities. Our thanks must also go to the committee's executive officer, Ms Susan Sedivy, for helping to organise this valuable field trip.

The Hon. J.S.L. DAWKINS (16:08): I rise to support this motion. I think I can also put on the record that the Hon. John Darley adds his support for this motion, but he did not wish to delay the chamber. I hope not to do that for very long either. I support the comments made by the Hon. Mr Kandelaars and particularly note the great contrast that we saw on that visit.

Obviously, the Hillgrove Resources copper mine is an example of a significant modern mine, and its great difference from many of those significant modern mines I have visited is its close proximity to a major metropolitan city. I think that provides advantages, in that many of the staff certainly can be located very closely, but it also has some issues in that there are a lot of other residents of the area who live in close proximity to the mine. It was a fascinating visit, and I add my thanks to all those who made it possible.

During the Kanmantoo Bluestone quarry visit in the afternoon, we saw two contrasts in that one site. As the Hon. Mr Kandelaars said, the actual mining and processing, if you could call it that, of the bluestone itself is a very old-fashioned labour intensive industry, but it is obviously one that is very much in demand. The other side of it, of course, is the processing of the aggregate, which is something that I think most of us in society take for granted. A former employee of mine, Mr Todd Hacking, is now a very senior officer in the cement, concrete and aggregate peak body for Australia. Aggregate is essential to many levels of construction and, of course, to road building around the country.

I want to place on the record my appreciation of the role in the visit, and also their strong interest in this area, of the Mining and Quarrying Occupational Health and Safety Committee which, as the Hon. Mr Kandelaars has said, is well noted as MAQOHSC. I think their work, along with that of SafeWork SA, not only in these two contrasting industries but also across the industry, is significant and something we took great note of.

I would also like to particularly pay tribute to the role of MATES in Construction. MATES in Construction is an organisation that I have had a lot to do with for several years. They are one of the best organisations that I have worked with in relation to suicide prevention. They do fabulous work in the construction industry, particularly around training those who work in that area.

It is certainly an industry that has had high rates of suicide, attempted suicide and related mental health issues, and I give great credit to the South Australian CEO, Michelle Caston, and her team, and their interstate colleagues I have met, who are taking these messages into an industry where not that many years ago these messages would have been completely unwanted and not listened to. I think it is a great tribute to them and to many other groups working in the suicide prevention and mental health areas that those messages are being delivered in those settings and being listened to much more readily, and we really need to support people who do that work. With those words, I am very pleased to support this motion.

Motion carried.

Motions

CHEMOTHERAPY TREATMENT ERROR

Adjourned debate on motion of Hon. J.A. Darley:

1. That a select committee of the Legislative Council be established to inquire into and report on the chemotherapy dosing errors at the Royal Adelaide Hospital and Flinders Medical Centre in 2014 and 2015, with a focus on—

   (a) the extent, if any, to which the culture, governance and management of the relevant hospital departments and their associated statewide services contributed to the risk of errors and the risk of similar errors in the future;

   (b) SA Health's and the government's response to the errors, including the inquiry led by Professor Marshall and the interaction with the inquiry;

   (c) the impact of risk management, including management of legal risks, on the support of victims and the transparency of the health system, in particular the use of confidential agreements in this context; and

   (d) any other related matter.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 24 February 2016.)

The Hon. T.T. NGO (16:16): The government opposes this motion. As the Minister for Health has previously stated in the middle of last year, the government became aware that, over a period of six months during 2014 to 2015, five patients at the Royal Adelaide Hospital and five patients at the Flinders Medical Centre were given an incorrect dosage of the chemotherapy drug cytarabine, receiving one dose a day instead of two during their treatment.

As a result of this, an independent panel of experts was commissioned in August 2015, led by Professor Villis Marshall, to review the events and decisions that led to the underdosing. Professor Marshall is the chair of the Australian Commission on Safety and Quality in Health Care—a government agency that leads and coordinates national improvements in safety and quality in health care across Australia. He also has an extensive background as both a clinician and manager. The panel included members with expert knowledge, skills and experience in a number of key areas, all of whom are highly respected in their fields. The panel included:

- Professor Robert Lindeman, Consultant Haematologist, Prince of Wales Hospital, New South Wales;
- Ms Elizabeth Newman, Senior Nurse Practitioner Haematology, Concord Repatriation General Hospital, New South Wales;
- Dr Christine Carrington, Senior Consultant Pharmacist—Cancer Services, Princess Alexandra Hospital, Queensland;
- Ms Ellen Kerrins, Health Consumers Alliance, South Australia; and
- Ms Julie Marker, Cancer Voices SA.

The review undertaken by the panel was extensive and their report, which is publicly available on the SA Health website, was damning. The panel found that the underdosing was caused by a series of significant clinical governance failures at the Royal Adelaide Hospital haematology unit. Among them was the failure to follow routine clinical processes and procedures and not advising patients that the chemotherapy protocol was a non-standard protocol that required approval from the relevant committee and informed patient consent.

In addition, the panel found that certain clinical staff did not comply with SA Health incident management and open disclosure policies, including not conducting timely and appropriate open disclosure with patients. The panel made four recommendations, all of which have been accepted by SA Health.

Following this review's recommendations, I have been advised that eight clinicians have been referred to the Australian Health Practitioner Regulation Agency (AHPRA). AHPRA has sweeping powers embedded in legislation to investigate concerns about health practitioners' conduct and practice on behalf of national boards, including the Medical Board of Australia. AHPRA has the authority to make recommendations to the Medical Board of Australia, including deregistration of medical practitioners.

Taking into account the findings of the review, SA Health is also conducting a further internal investigation into this issue. This serious high-level inquiry is focusing on all relevant material and documents to provide a comprehensive insight into this complex case. As in any similar investigation, should adverse conduct be discovered a range of actions, including disciplinary measures, will be available.

While in principle the government would support a parliamentary inquiry into this matter given its gravity, such an inquiry should be deferred until, in particular, AHPRA has concluded its investigation. It is important that ongoing investigations, including any disciplinary proceedings, are not compromised in any way. A parliamentary inquiry would not be run in parallel to either a police investigation or a trial. As an investigation by AHPRA is a serious investigation embedded in legislation the same principles should be applied.

As the review led by Professor Marshall stated, this has been a serious failure in clinical governance. Patients need to feel safe when they are being treated in our health system, and the fact that the systems put in place to protect patients have not been followed is unacceptable. The referral of clinicians to AHPRA is a significant and serious outcome and this investigation must be allowed to run its course; therefore, the government at this stage opposes this motion.

The Hon. S.G. WADE (16:22): I appreciate that the Hon. Tung Ngo is speaking on behalf of the government, so this is a comment against the government's response rather than holding Mr Ngo accountable personally, but I think the victims of the chemotherapy dosing bungle will be very disappointed with that speech. They had been led to believe by the minster himself that the government was going to support this inquiry. I will refer the honourable member and the government to the minister's comments in the House of Assembly on 25 February 2016. The minister said:

> I have met with Mr Knox, and my office in fact has been in constant contact with Mr Knox since that meeting to check on his welfare and his general satisfaction with the actions we are taking…Now, there is no doubt that Mr Knox has a particular view with regard to…the parliament undertaking a review. I have said to him, as I have said publicly, I'm quite comfortable with a parliamentary inquiry into this matter; it is of sufficient seriousness to warrant a parliamentary inquiry. However, I do caution members opposite, and members in the other place: they shouldn't take any action which in any way compromises either the investigations currently underway within SA Health, the disciplinary processes in place within SA Health or, more importantly, the AHPRA investigations.

Clearly in that statement on 25 February the minister was fully accepting that a parliamentary inquiry could be undertaken on the terms of reference that the Hon. John Darley had already filed. The caveat was as long as the inquiry was conducted in a way which was respectful of other investigations.

I think that the minister was right on 25 February when he implied that it was possible to conduct a parliamentary investigation in an orderly fashion without compromising those—and let me explain some of the reasons why I think the minister on 25 February was right and the government today is wrong. A lot of the material in the Villis Marshall report has nothing to do with individuals. The Hon. Tung Ngo's comments particularly focused on the disciplinary procedures against eight individual practitioners as a result of the Villis Marshall report. The Villis Marshall report is extremely strong in highlighting cultural issues. I will quote one clause:

> The review panel found the underlying cause that led to the incorrect protocol being used was a failure of the RAH Haematology Unit to have appropriate governance systems in place and the lack of adequate processes and procedures for the development, review and publication of their chemotherapy protocols.

No individual practitioner would ever be sent to AHPRA for something like that. It is an issue of culture, governance, and that is why I think the Hon. John Darley is very wise to put in subparagraph (a), which provides:

The extent, if any, to which the culture, governance and management of the relevant hospital departments and their associated statewide services contributed to the risk of errors and the risk of similar errors in the future;

The importance of organisational reviews and system reviews is highlighted in SA Health's own procedures in relation to incident reviews. One of the review mechanisms available to SA Health is root cause analysis. One of the reasons why that is confidential is because of the importance that the system places on the system itself learning from incidents. If you like, it stands in counterpoint to the more adversarial charging of individuals and identifying the individual at fault.

It is the system, if you like, learning from itself. I think paragraph 1 is an opportunity to look at organisational and cultural issues. It has nothing to do with AHPRA and nothing to do with interfering with current investigations. The second paragraph in the Hon. John Darley's motion talks about SA Health's and the government's response to the errors, including the inquiry led by Villis Marshall and the interaction with the inquiry. I think one of the issues here which is extremely important is the way the system, as soon as an error occurred, seemed to almost distance itself from the people who, up until now, it had been caring for.

Mr Andrew Knox, one of the victims, talks about repeated promises of what I would call pastoral care that just were not fulfilled. It is almost as though the institution became self protective and turned from being a caring, clinical agency into a distant, cold agency. Certainly Mr Knox speaks positively about the interactions with a number of individuals, but I think it would be fair to say that he regards the local health network that he was dealing with as not providing the support they promised. That has nothing to do with AHPRA. That has nothing to do with the eight individuals who are being reported as a result of the Villis Marshall review.

Subparagraph (c), which I would also suggest to the Hon. Tung Ngo and to the government can proceed without any inhibitions, is the actual subparagraph that the Hon. John Darley first raised in the context of a matter that required investigation. Significantly, this was, as I understand it, before Mr Knox raised his concerns publicly. Public concerns were raised in relation to the McRae family, I believe, in relation to a gag on victims in relation to confidentiality agreements.

The Hon. John Darley rightly expressed outrage that people who are subject to adverse outcomes in our health system can be drawn in to a legalistic process whereby they are gagged and not able to express their concerns. After all, not only do they have the right, within bounds, to freedom of speech but also the public has a right to know. We saw the government admit recently that there have been 21 patient record breaches in the last year, none of which the public had been made aware of. The first 13 cases were as a response to a media revelation and then another eight in response to the minister making a ministerial statement in the other place.

My point here is that we need to balance the right of the victims themselves to speak freely with the right of the public to know and hold its own health system accountable for the quality of care that it provides. At this point, I will move the amendment standing in my name, because I would like to speak to that as another example of how this inquiry can proceed without in any way breaching the caveat. I move:

After paragraph (b) add new paragraph (ba)—

'(ba) the suitability of SA Health's incident management processes in terms of patient safety, transparency and institutional risk management;'

This amendment comes out of more recent events. The Villis Marshall report does highlight on page 16 the issue of failure to use the SA Health incident reporting system. Again, it highlights that there are significant issues in SA Health that have nothing to do with the eight individuals in relation to AHPRA. Let me read paragraph 84 of the review panel report:

The SA Health Incident Management Policy requires an incident of this type be reported in the SLS and managed in a timely manner.

My understanding is that SLS is the Safety Learning System. Paragraph 85 says:

> This policy was not followed by the RAH staff who became aware of the incidents on 19 January 2015, but did not finish reporting the incidents into the SLS until 17 February 2015.

To be fair, up until that point, that is probably an AHPRA matter. In terms of those particular incidents, the committee should be careful looking at those, so that it would not prejudice an investigation. The review panel report goes on:

> The review panel formed the opinion that this was not a one off occurrence of non-compliance as the panel was informed that medical staff the RAH did not frequently lodge incidents in the SLS and were slow to respond, if at all, when asked to review an incident that had been lodged by someone else.

The government might want to avoid an investigation by saying, 'Well, it's only eight people and they've been referred to AHPRA.' What the review panel found is that we have systematic noncompliance with the incident reporting system at our major hospital. I, for one, think that is worth looking at. I would suggest to members that this term of reference join a worthy bundle of issues worth looking at that have already been put on the record in the Hon. John Darley's motion.

In closing, I will mention that this term of reference, I believe, would also give the committee an opportunity to consider the concerns raised by the State Coroner in relation to the operation of the root cause analysis process in SA Health. Root cause analyses do get a mention in the Villis Marshall report. They get a mention only because it did not happen. Paragraph 88 of the Villis Marshall report states:

> It appears to the review panel that when the error was discovered, the RAH considered the underlying cause to be that of a transcription error which required no stringent investigation. They did not undertake the level of investigation required by the SA Health Incident Management Policy and did not conduct a root cause analysis investigation as requested by the South Australian Department for Health and Ageing.

I find that statement concerning because, if the Department for Health thought a root cause analysis was important enough to be conducted in this case and they requested that specifically, why did it not happen? Presumably, the local health network had a reason not to comply with that request, but there is nothing there as to what led to the root cause analysis not being proceeded with. That said, it is a non-use of the root cause analysis process, but the State Coroner recently raised his concerns publicly about the potential for SA Health's incident management process, and particularly root cause analyses, in actually depriving other mechanisms for review, such as the state coronial processes.

My understanding is that the State Coroner, not in relation to a public hospital but in relation to a private hospital, understood that there is a case where there is evidence that a reportable death was not reported to the Coroner in accordance with the Coroners Act. I do not know the details, but on the face of it that is a very concerning situation. The whole point of the Coroners Act existing is to make sure that we maintain safe processes in a whole range of contexts so that future deaths can be avoided.

I bring my remarks to a close by saying that I am very disappointed that the government, contrary to the commitments the minister gave in the House of Assembly, has chosen not to support this committee. I believe that there are a number of important matters on which a parliamentary inquiry can shed light. I am disappointed that the minister and the government have not acceded to the request, particularly of Mr Andrew Knox, and convened a judicial inquiry, but in the absence of the government's willingness to facilitate that I think parliament needs to step up and do what it can.

The Hon. J.A. DARLEY (16:36): I thank honourable members for their contributions and for the opposition's support on this motion. I would also like to thank Mr Andrew Knox, who has been tireless in his efforts in getting to the bottom of this matter. As mentioned when I introduced this motion, Mr Knox was one of the 10 people who were affected by this bungle. He had been very vocal in wanting to find out who was responsible and he believes that a parliamentary inquiry is integral to that.

The Minister for Health has publicly stated that, whilst he is supportive of a parliamentary inquiry, his preference would be to wait for an outcome from the Australian Health Practitioner Regulation Agency's inquiry. AHPRA is conducting an investigation as a result of complaints they received against eight practitioners who were allegedly involved in the matter. However, Mr Knox has been advised that AHPRA's investigation may take more than a year. Notwithstanding that the terms of reference for this inquiry differ quite significantly from what AHPRA will be looking at, some

people affected by the underdosing simply do not have 12 months up their sleeve. They face the very real possibility of not being here in a year's time, and I believe they deserve all the answers they can get.

Allegations have been made that the culture amongst staff at SA Health allowed for this matter to be covered up, even when the mistake was uncovered. If this is true, this is absolutely disgusting and needs to be exposed immediately. More importantly, if such a culture exists, it needs to be urgently addressed and rectified. Those affected by the underdosing deserve this.

The issue of confidentiality clauses which attempted to gag affected patients is also concerning, as a matter of this magnitude would clearly have great public interest and, frankly, the people of South Australia have a right to know about these things. They should not be dealt with in a cloak-and-dagger way, and further investigation of risk management procedures is warranted. Not only do those affected by the underdosing deserve this, but the people of South Australia deserve this.

I have previously stated my dismay at the government's reaction to this matter, especially when compared with its response to privacy breaches within SA Health. I understand that two SA Health employees have been dismissed for the unauthorised access of patient records, and SA Health's chief executive, Mr David Swan, has stated that anyone else who has been found to be accessing records without authority will be dismissed immediately.

The minister has also made a statement that SA Health would publish details of SA Health staff who had been disciplined for inappropriately accessing patient records. It astounds me that he is not equally outraged about the underdosing of 10 patients, which may cost them their lives. I am also dumbfounded that the minister waited over two months to refer complaints about the eight practitioners to AHPRA, given that this was a key recommendation in the report by Professor Marshall. The government's response to this serious matter needs further investigation. Having a parliamentary inquiry is the least that those who have been affected by the underdosing deserve. With that, I urge honourable members to support this motion.

Amendment carried; motion as amended carried.

The Hon. J.A. DARLEY (16:40): I move:

That the select committee consist of the Hon. John Dawkins, the Hon. Andrew McLachlan, the Hon. Gail Gago and the mover.

Motion carried.

The Hon. J.A. DARLEY: I move:

That the select committee have power to send for persons, papers and records and to adjourn from place to place and to report on 6 July 2016.

Motion carried.

CORONIAL INQUEST

Adjourned debate on motion of Hon. J.A. Darley:

That this council calls on the Attorney-General to order, pursuant to section 21(1)(b) of the Coroners Act, a coronial inquest into the circumstances surrounding the death of Stefan Woodward and provide appropriate and adequate resources as required by the Coroner to carry out the inquest.

(Continued from 9 December 2015.)

The Hon. M.C. PARNELL (16:42): I rise to support the motion of the Hon. John Darley. Deaths at electronic music festivals are not just an Australian phenomenon; they are a global phenomenon. A quick look at the international music press shows that young people are dying all over the country, and people are legitimately asking why. In Australia, we have had six deaths in recent time and, apart from those who have died, there have also been countless overdoses. One journalist from the music publication *Tone Deaf* asked why Australia's music festival culture has turned deadly.

I do not have the answer to that question; in fact, I think very few of us would. It is a multifaceted problem that will require a range of solutions. Of course, the traditional responses have

just been get tougher, with more police, longer gaol terms, more sniffer dogs at venues, but even when those tactics have been employed we have still seen overdoses and we have still seen deaths. As other members have commented on before in this place, we have even seen situations of people taking dangerous quantities of drugs because they see the sniffer dogs up ahead and they do not want to get into trouble. They swallow their supply, and the consequences that flow from that can be death or serious injury, or at least the consequences of an overdose.

I do not have answers to this question, which is why I think we should take every opportunity to invite those who do have investigatory powers, such as the Coroner, to have a look at what has gone wrong, to have a look at why this person in particular died and to have a look at what we might have been able to do as a community to prevent those deaths. Whilst I appreciate that this is a symbolic statement from the Legislative Council—we are asking the Attorney-General to take action which he has been reluctant to do—I think it is an important motion for us to pass, and on behalf of the Greens I am certainly happy to be supporting it.

Debate adjourned on motion of Hon. T.T. Ngo.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Recommittal

In committee (resumed on motion).

New clause 7.

The Hon. D.W. RIDGWAY: I have a couple more questions in relation to amendment No. 6, which is the sort of parliamentary scrutiny part of the plan. I just noticed towards the end of that clause, subclause (18) states:

> In this section—
>
> residential development means development primarily for residential purposes but does not include—
>
> (a) the use of land for the purposes of a hotel or motel or to provide any other form of temporary residential accommodation for valuable consideration; or
>
> (b) a dwelling for residential purposes on land used primarily for primary production purposes.

I want to know why a hotel or a motel is not considered to be part of the residential development.

The Hon. K.J. MAHER: The intent of this part of the scheme is to limit residential development in these areas, but to allow things to occur. Things like a hotel or motel are consistent with the previous character preservation laws both houses have passed for other areas in South Australia, so it would allow for things like a hotel or motel, but for those it would still need council and commission permission to do so.

The Hon. D.W. RIDGWAY: So a hotel or a motel or, I assume, a convention centre or tourism facility can be built anywhere provided the commission and the council agree. Is that what the minister is saying?

The Hon. K.J. MAHER: My advice is that something like an ecotourism venture or a convention centre with residential elements would not necessarily be precluded, but it would require all of the usual requirements both from council and the commission.

The Hon. D.W. RIDGWAY: I recall a conversation I had with minister Rau. If you had an industry—I cannot think of one off the top of my head—that wanted to build a factory somewhere in this particular area under this legislation, how would the construction of a factory—

The Hon. K.J. Maher: Like a wine-bottling plant?

The Hon. D.W. RIDGWAY: It could be a wine-bottling plant, it could be meat processing or it could be a warehouse facility for produce. I just wonder how this legislation interacts with that given that we are trying to create employment and grow the economy.

The Hon. K.J. MAHER: My advice is that it would not be precluded. It would need the relevant approvals from council and the commission. I think subclause (18), which is being discussed at the moment, makes it clear that residential development means development primarily for residential purposes, but does not include hotels or motels. Something like a warehouse, an abattoir or a wine-bottling facility would not be residential development, as proposed in this scheme, so it could be possible but would require the relevant approvals from the council and from the commission.

The Hon. D.W. RIDGWAY: So, what you are saying, minister, is it would not require a change of the environment and food protection area boundary. It could happen in the area, but will not require a change.

The Hon. K.J. MAHER: No, my advice is, if it was appropriately zoned within that area, then yes, that could go ahead.

The Hon. D.W. RIDGWAY: Subparagraph (b) provides:

a dwelling for residential purposes on land used primarily for primary production purposes.

Is the minister meaning there that it is a farmhouse on a farm? I notice later on in the amendments a new schedule 7—Rural living areas. Maybe the minister could refresh me by being refreshed by his adviser as to what the definition is of land used primarily for primary production. Of course, you can put a one-hectare greenhouse on your two-hectare property, have a house and be absolutely a primary producer producing tomatoes, capsicums or something.

The Hon. K.J. MAHER: Gladiolus.

The Hon. D.W. RIDGWAY: Or gladioli. No, you need a bit more than two hectares to make a living out of that; nonetheless, there are things you could do. I just want to know what the actual definition is. Rural living is later in the debate, but I want to know whether this paragraph (b) is just purely about a farmhouse, and are there any size limits or allotment limits in relation to that point?

The Hon. K.J. MAHER: My advice is there are no size or allotment limits, but what this proposed amendment contemplates is, exactly as the honourable member is pointing out, a farmhouse on a farm.

The Hon. D.W. RIDGWAY: So, if it does not contemplate any size limits, could it be possible, where a landowner might have multiple titles, for them to actually shift those titles and have, let's say, half a dozen sites where you could put a greenhouse on four or five hectares, and then have them on a property so that you could sell them, go into some greenhouse development but still have the remainder of the property, and effectively then be able to build your four or five houses and be there because they are primarily for primary production because the intention is to grow tomatoes?

The Hon. K.J. MAHER: I will look to the advisers to nod or shake their heads as usual as I am going through the answer. My advice is that historically plans have allowed for dwellings on farms and have specified sizes. The act does not give a definition of a size; however, the code, as it is developed, may do that and may specify a size, which would answer your question about what size, essentially, a farm has to be and dwellings per hectare or however the code might work it out. Certainly, the legislation does not define that but, as has been in the past, it is contemplated that the code could do that.

The Hon. D.W. RIDGWAY: With the discussion we had around McLaren Vale and Barossa, there were minimum allotment sizes in those council areas. I am wondering how it is envisaged that the new code would interact with current council development policies around allotment sizes. Are they going to be at odds with each other? Is one going to override the other? Are there going to be special provisions where case by case it will be managed differently?

The Hon. K.J. MAHER: My advice is that as the codes develop there will be consultation and what are currently in the plans will form the basis of what goes into the code. In due course, as the code is developed, what is in the plans will become part of the code. There will not be a plan and a code that could be at odds with each other; what is in the plans will help inform what is in the code.

The Hon. D.W. RIDGWAY: I am just trying to explore the concept of a landowner who has multiple allotments or titles and their ability to change those boundaries so that they can, if you like, create some allotments, sell them maybe for rural living or maybe for primary production. Will that be

able to occur anywhere in this particular Greater Adelaide region and in what circumstances could it occur?

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Yes, let's say you have 1,000 acres with 10 titles and 100 acres: can you realign it to one of 900 acres or, let's say, nine of 11 acres each

The Hon. K.J. MAHER: Not the changes of title but realign the—

The Hon. D.W. RIDGWAY: Realign the boundaries, yes, and how that would take place.

The Hon. K.J. MAHER: The capacity would remain to realign the boundaries. If you have 10 titles you can realign those boundaries within those 10 titles. The size and ability and whether you can put a dwelling on them will depend upon the code that is there, so the ability will remain to realign boundaries within the number of titles you have over that given area.

The Hon. D.W. RIDGWAY: The size will be determined by the code—how many hectares. Let's say you are going to put a one-hectare greenhouse on it, at what point will a decision be made on what is primary production, and what is residential and it cannot be used for primary production? We have examples all over the state where there were small farms, hobby farms, market garden areas where they are not viable now and they are, if you like, in no-man's-land. You have houses on 10 acres, they cannot subdivide them any further, there is no economic productivity with them, but they are too big to look after but not big enough to do anything with. I am interested in exploring that a little further.

The Hon. K.J. MAHER: I am advised that in the example that we are talking about, although you can realign your boundaries if you have a number of titles—and we have established that—you cannot create additional titles. The phrase that was used was 'no-man's-land', where it is too small for an efficient and effective primary production at 10 or 20 acres (too small to sell for primary production), but it is not big enough to be an efficient farm.

Although you cannot divide any further into new titles, you could always amalgamate titles and make it bigger. So that is stuck in the middle: you cannot go down but you can certainly go up in terms of combining titles into new much bigger titles to make it a valuable primary production concern with much more land involved.

The Hon. D.W. RIDGWAY: In those examples that you used, minister, where you could perhaps amalgamate titles or properties to make them bigger—we have examples north of the city, landowners effectively jammed between Gawler and the Barossa. I cannot remember the exact location of their properties. Government has said, 'Go into intensive animal husbandry.' It might be chickens or pigs but, of course, they are close to a residential zone and the EPA says, 'Well, hang on, you can't do that because there's going to be a smell and there's going to be some issues.' So they are really caught in an awkward situation.

How will the new legislation allow those people some flexibility to exit farming? They have viable farming operations on the margin because of the scale. They would probably be happy to change their land use but they are not allowed to because of EPA and other restrictions, so they are really caught between a rock and a hard place, if you like, caught between Gawler and the Barossa. There is really nowhere for them to go. I know some efforts have been made to try to come up with some solutions for those people, but how do we deal with those sorts of situations?

The Hon. K.J. MAHER: I appreciate the points that have been raised. Certainly these are issues that I have heard firsthand. Before becoming a minister, I spent 12 months as the parliamentary secretary to the agriculture minister and spent quite a lot of time in particularly the north of the state and in areas of Yorke Peninsula, particularly with the agricultural advisory bureau, where these sorts of issues were raised.

The problem being described—the size of the farm not being big enough in today's primary production world to be as efficient as it needs to be—is a very important issue. All the issues that the honourable member has just raised are not contemplated to be solved by this legislation. There are further important policy issues to be dealt with. What this does, though, is give some certainty over

the use of the land in the areas that we are talking about, that the land will continue to be used for primary production.

It will give certainty where there might not have been certainty before in terms of what that future use of the land will be. The new scheme will define what the land is to be used for. It is to be used for primary production. Certainly some of those issues are important issues that I am sure we will continue to discuss and look for solutions, but not all of those issues are directly to do with the planning system.

The Hon. D.W. RIDGWAY: This has been a very unusual bill. I might just ask a couple of questions in relation to amendment No. 9 to give your advisers a chance to get this information. Looking at schedule 7—Rural living areas, subclause (2) provides:

> (2) In this clause—
>
> Rural living area means—
>
> (a) an area that is defined as a *rural living zone* by a Development Plan under the *Development Act 1993* on 1 December 2015; or
>
> (b) an area that is defined as an animal husbandry zone by the Development Plan for The District Council of Mallala

I would like to know where those animal husbandry zones are. I am not quite sure what paragraph (b) under subclause (2) means. Also, the following paragraph provides:

> (c) any of the following areas or zones defined by the Development Plan for Alexandrina Council under the *Development Act 1993* on 1 December 2015:
>
> (i) *Residential Airpark Policy Area 2 in an airport zone*;
>
> (ii) *Precinct 11 Hindmarsh Island North in a primary production zone*;
>
> (iii) *a coastal settlement zone*.

To perhaps expedite things after dinner, I also mention that it says:

> (3) This Schedule expires 2 years after the day on which it comes into operation.

I am interested to know why that is. I do not expect an answer now. If I ask a question without notice on those matters, your advisers will not have that information to hand, I would think, so I would be interested to have those answers when we get to schedule 7—Rural living areas.

The Hon. J.A. DARLEY: Minister, the bill talks about land used for primary production but it does not talk about land used for the business of primary production. Would you agree that, if one of the farmers realigned one of their titles to, say, four hectares or 10 acres, they could run four sheep, 10 chickens and perhaps two cows and that would qualify?

The Hon. K.J. MAHER: I thank the honourable member for the question. I am advised that the issue of 'primarily for primary production' has certainly been agitated over many years in many different areas of legislation, both state and federal. This bill does not seek to change any of those balances and those sorts of definitions that already exist.

The Hon. J.A. DARLEY: The land tax act talks about land used for primary production and their definition is as broad as what I have just suggested. As long as it is used, it does not have to be used for the business of primary production.

The Hon. K.J. MAHER: I thank the member for his question. Paragraph (b) talks about a dwelling for residential purposes on land used primarily for primarily production. I think the honourable member would understand the points he is making when it talks about just 'primary production'. This does qualify it by talking about 'primarily for primary production'. I have 13 chooks at home. I do not think anyone would argue that my house is used primarily for primary production, even though we get a lot of eggs. I think the term 'primarily for primary production' indicates that that is the primary use of that land.

The Hon. D.W. RIDGWAY: Of course, minister, your property that you are talking about is in a residential area in the city. I have some tomatoes in my backyard, but I am not a market gardener, so—

The Hon. K.J. Maher: I've got pomegranates.

The Hon. D.W. RIDGWAY: Well, you understand. The ATO, the tax office, has a definition, I think, that you actually have to earn more than a certain percentage of your income from primary production to be designated a primary producer for taxation reasons and write off your tractor and your ute and your telephone and all that stuff.

The Hon. K.J. Maher: Your BMW four-wheel drive.

The Hon. D.W. RIDGWAY: Whatever—obviously, you know some friends who have done that. You are not saying that the definition of 'primarily for primary production purposes' will be the same as the ATO's measure: it is just some definition that is envisaged or contemplated by this act.

The Hon. K.J. MAHER: I advise that it is the ordinary plain language meaning of 'primarily for primary production'.

The Hon. D.W. RIDGWAY: It means that, if it is rural land, it does not have to be profitable. You can have a couple of sheep or an alpaca and it is primary production. You do not have to make a profit out of it. There is no minimum size, so you can actually do basically whatever you want, provided it is in a primary production zone.

The Hon. K.J. MAHER: It is about on the land that is used, so it is about the use of the land and not how successful or otherwise you are at doing it, but if the land is used primarily for primary production.

The Hon. D.W. RIDGWAY: What the Hon. Mr Darley is saying is that you could have someone realign a boundary. As I mentioned, you have no interest in what size that is, so you could have—

The Hon. K.J. Maher: The code.

The Hon. D.W. RIDGWAY: The code would specify that, but it will be consistent with the local council or it could be a new size? We are aware that there are people all over this area who will have multiple titles and will say, 'Here's an opportunity for us to realign our titles,' and basically put large allotments along a road somewhere and sell them off because they can say that they are primarily used for primary production because this is a farm. Under what circumstances will they be able to do that?

The Hon. K.J. MAHER: The purpose of this scheme is to stop this land in this area, in the circumstance we are talking about at the moment, that is used for primary production being wholesale split up into small allotments for the sole purpose of residential housing. As the plans are now that will inform the code, and that will dictate what are the requirements in terms of land that is used, but it still comes back to the land being used primarily for primary production.

The Hon. R.I. LUCAS: I want to better understand how this provision will operate in a couple of areas. If one looks at subclause (8), the commission having done certain things can issue a notice, and under subclause (9) the commission may only act under subclause (8) if the commission has conducted an inquiry and then furnishes a report to the minister or, under paragraph (b), conducts one of these five-year reviews. I am assuming that someone asks the commission, under the provisions of subclause (9)(a), to vary the boundary, the commission then conducts an inquiry and furnishes a report on the outcome of the inquiry to the minister. The commission cannot issue a notice under subclause (8) until the commission has done the inquiry and furnished a report to the minister.

Does the minister have the power to direct a change in terms of the report that the commission has given to the minister? All that subclause (9) requires is that an inquiry is conducted and a report is submitted, and then a notice can be issued under subclause (8). What prevents the minister from directing the commission, subsequent to receiving the report?

The Hon. K.J. MAHER: My advice is that that would require an ability under the act for a specific direction, which he does not have the power to do. In the circumstance you have given, I am advised that the steps you have set out are in fact the steps as these provisions contemplate, but for

the minister to be able to give that direction my advice is that it would require a provision in here saying so, and there is not that provision, so the minister does not have the power to do that.

The Hon. R.I. LUCAS: Would the minister indicate whereabouts in the act the minister is prevented from issuing a direction in relation to this area? In a number of early discussions we talked about the commission providing advice to the minister, etc., but ultimately decisions were left to the minister and the cabinet, so what provision in the bill actually says that the minister cannot?

The Hon. K.J. MAHER: My advice is that in subclause (8) that we are talking about, the notice referred to is the commission's notice; it is the notice of the commission. In subclause (12) the minister must cause a copy of 'the notice' within six days; it talks again about 'the notice'. My advice is that the drafting of it refers to 'the notice' and it is the commission's notice. It specifically does not contemplate the minister having a power of direction in what is 'the notice', being the commission's notice.

The Hon. R.I. LUCAS: But when one looks at subclause (9), all that happens is that the commission has conducted an inquiry and furnishes a report. It certainly does not indicate a notice. It just says that someone has asked for a change in the boundary and the commission has an inquiry and furnishes a report on the outcome of the inquiry. Then under subclause (8) it provides, 'The commission may, from time to time, by notice published in the *Gazette.*'

The process that is outlined here is that the commission has an inquiry and it furnishes a report; it does not actually say that the notice or the proposed notice shall be forwarded to the minister. The commission just conducts an inquiry and reports on the outcome of that to the minister. One would assume the commission is going to say, 'Hey, someone wants to change the boundary in this particular way. We agree (or we don't agree) in relation to this boundary change.' It does not actually require that in terms of subclause (9), it just says must furnish 'a report on the outcome of inquiry to the minister,' but let us assume that is what has occurred.

There is nothing in subclauses (8) or (9) that actually says that the minister cannot direct a change. I assume that if we are saying that the minister cannot change there is another provision in the bill which talks about the powers of the minister and the powers of the commission, and which says that the minister cannot direct the commission in relation to certain issues. There is certainly nothing in this new provision which says that the minister cannot direct the commission, so I assume there is another section somewhere else in the bill which says that the minister cannot direct the commission in relation to these particular issue.

The Hon. K.J. MAHER: My advice from those who draft legislation is that the commission has to be satisfied on matters referred to in clause 7(3)(a) in order to vary a boundary, the things the commission has to be satisfied of in order to vary a boundary. We were referring to subclauses (12) and (13), so if you go back to subclauses (8) and (9) that we were talking about—

The Hon. R.I. Lucas: It is in the amendment?

The Hon. K.J. MAHER: Yes. The commission has to be satisfied of these matters in order to vary its boundary. My advice is that, given there are specific things that the commission has to take into account in doing it, a minister cannot give a direction to undermine those specific requirements. In any general provision, anywhere that the minister may have to do anything like give a direction, given that there are specific things that have to be taken into account, any minister's direction cannot override those specifics.

The Hon. R.I. LUCAS: It may well be that the minister believes that those particular provisions are complied with; that is, the minister takes advice from the planning department and says, 'My decision complies with the requirements of clause 7(3)(a); it just happens to be different to the position of the commission.' I just assume there must have been some other provision in the bill which says the minister cannot direct the commission.

The Hon. K.J. MAHER: It is in the act under section 3 that the commission must ensure, not that the minister must ensure. It is very specific that the commission must ensure these things are taken into account, not that the minister may at some later stage take these things into account himself or herself. It specifically says the commission is the one who must ensure that, not the

minister, not the commissioner or the minister, or that the minister may do it, but the commission must do it.

The Hon. R.I. LUCAS: I want to come back to that section in a moment anyway, but in relation to what the minister is therefore saying, if the commission, having conducted this inquiry, then furnishes a report which says, 'We want to make some changes,' is the minister also saying that the minister cannot at that stage say that because the commission has made the decision there should be a boundary change, 'No, I reject that; I am not going to agree to and direct you not to proceed?' The minister is not—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: Yes, that is right—going to say that there is not going to be any further action, 'I direct you not to put a notice in the *Gazette* and I won't be tabling the notice on the floor of the parliament.'

The Hon. K.J. MAHER: My advice is that the way it is drafted, the minister has no discretion. If a notice is given it must be tabled under the provisions. I think the honourable member outlined when he started this line of inquiry that there is not a discretion not to table anything if a—

The Hon. R.I. LUCAS: I understand that. I understand that if a notice is issued in the *Gazette*, then he or she has to table it in the house within six sitting days. What I am saying is that if the minister receives a recommendation from the commission for a change—and that is before a notice is issued in the *Gazette*, because that only happens after the minister has received a report—the minister is advising this committee that the minister has no power to direct that no action be taken.

The Hon. K.J. MAHER: No, the minister does not have the power to do that. The commission publishes the notice. It is not something the minister has any discretion or power over, and once that happens these are in train. I understand the question: is there any way for the minister to frustrate the process by not publishing or not going through the procedures that are contained here? My advice is no, there is not. It is the commission that does this, not the minister. In the circumstance outlined, there is not the wriggle room to do that.

In relation to earlier questions too, in terms of whether it is a minister or commission in terms of changing it, subclause (3) does not just say the commission must ensure these things, but also goes on to say only if the commission is satisfied of these things. It is the commission, not the minister.

The Hon. R.I. LUCAS: If, as the minister has advised the committee, that is the situation, why is it that the government has incorporated subclause (9)(a), that is, that the commission cannot issue the notice until they actually give a report on the outcome of the inquiry to the minister? If what the minister says is correct, that the minister has no influence at all, why is it not that the commission does not just under subclause (8)—a different subclause (8)—issue the notice and at the same time provide the advice to the minister that they have made the decision and here is the gazettal notice. The way it is drafted, it says the commission, before it can actually publish a notice in the *Gazette*, has to furnish this report to the minister.

The Hon. K.J. MAHER: My advice is that it is quite simple: the commission does not have the power to table this report in parliament.

The Hon. R.I. Lucas: No, I'm not talking about tabling, I'm talking about—

The Hon. K.J. MAHER: No, but it must go to the minister to be tabled. That is why the report must be furnished to the minister. The commission cannot table it in parliament. The commission must give it to the minister because the minister is the only one capable of tabling it. Just to finish that, the minister has no discretion not to table it. It has to be furnished to him. The minister is the only one who can table it, so he does not have the discretion to say, 'I've got this now. I'm not going to table it.' That is not the case. The minister has no discretion not to table it and the commission cannot table it in parliament. That is why it has to be furnished to the minister.

The Hon. R.I. LUCAS: I certainly understand that particular provision, but that is not really the question I was putting. If, as the minister has outlined, the minister has no influence at all in

relation to this issue, my question was: why is the commission prevented from, in essence, going ahead with a process of ensuring the gazettal automatically, whereas under the provisions of the draft the commission cannot go ahead with whatever decision it is that it wants by notice to publish in the *Gazette* on this particular issue until it has actually furnished a report on the outcome of the inquiry to the minister?

It seems to lead some of us to interpret that that it is providing a report of the inquiry to the minister, giving the opportunity for the minister either to comment or not comment in relation to the issue and only then under subclause (8) can it go ahead and publish a notice in the *Gazette*.

The Hon. K.J. MAHER: I can say what I said before: the advice is that there is no discretion on the minister's part to influence a report. It goes to him because the minister, under the Westminster system, is the one who has to table it in parliament. I understand the member's question but, if there is a conspiracy or something sinister he is looking for, there is not some plot to allow the minister to have any influence in this. It is not a discretion the minister has—to stop, change or vary these things.

The Hon. M.C. PARNELL: To add my two cents' worth, I have carefully looked at the same provisions that the Hon. Rob Lucas has looked at and perhaps it is an unfortunate way that it has been drafted. Effectively, what it says is that the commission cannot put a notice in the *Government Gazette*. The commission cannot put it onto the portal unless it has first had an inquiry—and that makes sense because that is the process. It also goes on to say 'and furnish a report on the outcome of the review to the Minister'. One way of interpreting it is the way the Hon. Rob Lucas has suggested it could be interpreted, which is given to the minister with a view to getting them to change it before it goes on the portal. That is one interpretation.

The Hon. K.J. Maher: He's got no power to do that, none at all.

The Hon. M.C. PARNELL: Well, I can see where he has come from. The other interpretation, and the one I think I prefer or the way I read it, was that the minister should not find out about a change to the urban growth boundary by reading it on the portal. That sort of disrespect is for the rest of us; that is not for the minister. The minister should not find out by reading it on the portal and have a journalist ring up and say, 'Minister, the urban growth boundary has changed, has it?' and the minister say, 'I haven't got my morning portal yet.' That is the way I would have interpreted it.

The answer the minister has given is that the planning minister will not be able to influence the commission. The commission has done the inquiry. The commission has worked out what the changes are going to be, but they are required to give all that to the minister before they put it on the portal and in the *Government Gazette*. That is the way I read it working, but I think the Hon. Rob Lucas' interpretation was entirely legitimate. I think it comes down to drafting, but I think the minister has clarified that the intention is for no political interference.

The Hon. K.J. MAHER: I thank the Hon. Mark Parnell for his assistance once again in these matters, and I can confirm that his reading is how it is drafted and how the clause is intended to operate. It in no way gives a minister any discretion to do anything other than follow through with the procedures that are outlined in there. The Hon. Mark Parnell, I think, has interpreted it, as drafted, correctly.

The Hon. R.I. LUCAS: Can I assure the minister that, at least in relation to this particular subclause, I am not suspicious of or inferring any particular conspiracy, but I guess my experience in this parliament, particularly in relation to issues of dollars and cents and developments, is it does not matter what your intention might be, it is actually what the law says. Clever lawyers who practise in the planning jurisdiction will look at what is actually passed, and clever ministerial advisers, or legal advisers to governments, will look at what is actually passed, sometimes many years after the legislation has passed, so it might not be the current ministers and the current advisers.

There are many examples of that where the legal advice provided to ministers and governments in 10 years' time is different from the legal advice provided to ministers at this particular point in time. I will not pursue that issue any further other than to say I am assuming, on the basis of what the minister is saying, that the furnished report to the minister will, if one takes the alternative interpretation the Hon. Mr Parnell has outlined, actually include a copy of the proposed notice to be published in the *Gazette*.

It does not actually say that, it does not actually require that, but a reasonable interpretation would be that that is what is there, and then the minister has indicated that, if that is the case, the minister has no power to direct a change and equally has no power to indicate to the commission that no action be taken in relation to a recommendation or a decision that the commission might have taken, which the minister might be implacably opposed to in relation to a change to the boundary.

I just want to go back, as part of this, to subclause (3)(a). I am asking if the minister, on advice, could just explain to me, if someone within this new boundary that is to be established by this legislation actually wanted to argue to the commission, I guess, 'We want to subdivide this land and, under the legislation, we are going to be prevented from doing so,' for that particular property owner or developer, what the process is that that person has to go through to at least argue the case and have the commission hear it. If someone is within the boundary and wants to develop it, what do they have to convince the commission of under this proposed amendment?

The Hon. K.J. MAHER: To start an inquiry?

The Hon. R.I. LUCAS: Yes.

The Hon. K.J. MAHER: I can advise the honourable member that my advice is it is a matter for the commission to decide. If a person or a group of people wrote to the commission wanting them to relook at these issues, it is a matter for the commission to decide whether to have an inquiry about that matter then or wait for the five-yearly review to do that. These are matters for the commission.

I think the honourable member corrected himself as he went along. It is not the government, and the whole point of this system is it is taking the government out of this. I know the honourable member talked about the dollars and cents involved, and that is the point of this: it is taking it out of the government's hands. The government has nothing to do with it. It does not make a decision about whether to hold the inquiry, and it certainly does not make the decision about the outcomes of it.

The point of these changes is that it is up to the commission. Those on the commission are the ones who decide whether to hold an inquiry into that boundary matter then or whether to do it at the regular five-yearly reviews. These are matters for the commission. They have nothing to do with government, and it is up to the commission to decide that. The government is not going to influence the commission or set parameters about what the commission should and should not do. These are matters that we very strongly believe are best left to the commission to decide.

The Hon. R.I. LUCAS: That is not my question in relation to this. What I want to know is: once this bill is passed with this boundary that the government will have outlined, and someone is within that boundary and prevented from development and they want to argue the case—

The Hon. K.J. MAHER: They can do what they can currently do. Their current zoning might change under this.

The Hon. R.I. LUCAS: Yes, but I want to know under this new arrangement about someone who wants to actually subdivide and develop a piece of land and who under this bill will be prevented from doing so. As I read it, the commission must ensure that areas of rural landscape and environmental food production significance within Greater Adelaide are protected from urban encroachment. So, on the surface of it, if someone is prevented from development, that says if you want to develop it you are going to be prevented from doing so. Then I assume, and the bit I am leading to states:

> The commission may only vary an environmental food production area if the commission is satisfied that—

So my question is: what does the government envisage in the legislation that the commission would have to satisfy themselves in terms of a developer? That is, what does the developer or the property owner have to convince the commission of that would allow them, in essence, to change the boundary, given that the lead-in to subclause (3) essentially says 'must ensure that any areas are protected from urban encroachment'?

Basically, it says that 'you cannot develop these areas except', and I just want to know what is the hurdle the government is outlining to the commission. I know the commission has to make the decision but what is the hurdle that the developer has to get over?

The Hon. K.J. MAHER: The parameters for the commission to make that decision, which I think the Hon. Rob Lucas is asking about, are set out under subclause (3). There is paragraph (a) that requires in subparagraphs (i) and (ii) that areas 'within Greater Adelaide outside environmental food production areas are unable to support the principle of urban renewal consolidation of existing urban boundaries; and adequate provision cannot be made within Greater Adelaide', or that 'the variation is trivial in nature and will address a recognised anomaly'.

It is not going to be the government that dictates to the commission what the commission should do and what they can think. The question is: what is it that the commission will take into account and how does someone say, 'I want my block taken outside the boundary,' for them to try to get it rezoned to develop? I think that is what the question is getting at.

The first point is that nothing changes in terms of zoning when it is inside the boundary; nothing changes in terms of zoning and the current zoning still applies. Secondly, those factors are set out there to satisfy both subclause (3)(a)(i) and (ii) or paragraph (b). We are not going to be in the business of telling the commission, 'And you should take this into account,' or, 'You should take this into account instead.' I think that gets away from the principles of this, to get away from the problem that the Hon. Rob Lucas earlier identified: dollars and cents coming into government decision-making. It is being taken out of the government's hands.

The Hon. R.I. LUCAS: Perhaps to draw on a phrase that the Hon. Mr Parnell argued earlier because I am just seeking to understand subclause (3), he earlier said in relation to boundaries that there will be an argument about either extending the boundary or shrinking it. I cannot remember which one he said was more likely, but he said that one of those was more likely in his view. You have a boundary under this bill, and he outlined that there will be an argument to ask the commission either to extend the boundary—that is, to make it bigger—or to shrink it in some way.

To use Mr Parnell's descriptors, does paragraph (a)(i) relate to shrinking the boundary and paragraph (a)(ii) to extending it, or vice versa? Does paragraph (a)(i), for example, refer to either extending the boundary or shrinking it, or vice versa, and the same with paragraph (a)(ii)? Or in both of the Hon. Mr Parnell's examples—that is, either extending the boundary or shrinking it—does paragraph (a)(i) and paragraph (a)(ii) come into play?

The Hon. K.J. MAHER: I think we understand the honourable member's question. Certainly under paragraph (b) that could be used to increase the area, to move things that were outside the area. Paragraph (b) certainly could, but there is no reason that paragraph (b) could not increase the area. Paragraph (a) talks about areas to accommodate housing and employment growth over the longer term, so you would expect that that provision would be used for people to argue that areas that are in should go outside the area.

The Hon. R.I. LUCAS: Can you repeat that again? What do you say paragraph (a) is?

The Hon. K.J. MAHER: Under paragraph (a) you would expect that people would use that to argue that a property that is currently within the area should go outside the area, but certainly under paragraph (b) it could be used to extend or contract the area.

The Hon. R.I. LUCAS: So the minister's advice is that under paragraph (a) that would be—when you say an area that is within the—

The Hon. K.J. MAHER: A property that is within the area.

The Hon. R.I. LUCAS: A property within the area at the moment would go outside; that is, it would be available to be subdivided on that basis.

The Hon. K.J. MAHER: You would think that is the most likely and potential basis.

The Hon. R.I. LUCAS: So that is, in essence, shrinking the boundary, to use the Hon. Mr Parnell's example. Is the minister's advice that all of paragraph (a), that is paragraphs (a)(i) and (a)(ii), applies to that sort of shrinking the boundary example that the Hon. Mr Parnell has referred to?

The Hon. K.J. MAHER: In all likelihood, yes, that is what you would expect would happen, given the language there.

The Hon. R.I. LUCAS: If that is the case, the minister says paragraph (b) would be the one that covers the Hon. Mr Parnell's extending-the-boundary argument.

The Hon. M.C. Parnell: It will be trivial.

The Hon. R.I. LUCAS: Yes, that says 'trivial', but how is it to be managed? If there was to be a significant extension—not a trivial extension—of the boundary in the future, this bill does not envisage that happening at all. It is only talking about trivial changes addressing recognised anomalies.

The Hon. K.J. MAHER: My advice is that the intention of the scheme is to set these boundaries to create certainty. Certainly, if you wanted to massively and significantly enlarge the boundary in a non-attributable or an anomalous nature you could come back to parliament to vary it, and that is probably appropriate. That is what we are doing here, and I think that is the appropriate way to do it, given we are trying to create that certainty. You could, using the Hon. Mark Parnell's phrase, increase the area significantly, but you would have to come back to the parliament to convince the parliament of the merits of doing that and change the act.

The Hon. M.C. PARNELL: I will weigh in briefly. When I said earlier that the two scenarios were if we think of the city area and that the farming area could be enlarged or contracted, my practical understanding of how it would work is that the prospect of the farming area growing bigger is close to zero, and in fact the only circumstances are if it is trivial and addresses a recognised anomaly.

The sort of recognised anomalies that I have seen in the past include a friend who had the Hills Face boundary running through the middle of his lounge room. Sometimes when you draw lines on maps you get things wrong, you get unintended consequences. Certainly, as the Hon. Rob Lucas has pointed out, under paragraph (a) basically if we are going to use colloquial language, if it is determined that Adelaide has become full and the only way to advance the future of our city is to take some more farmland, then that is going to trigger the inquiry it is going to trigger the process but with the right to parliamentary disallowance.

The crude language that has been talked about with urban growth boundaries is that the line is drawn in texta colour rather than drawn with HB pencil because the pencil can be erased and texta colour is much harder to erase. That is the sort of colloquial way it has been looked at. I think ultimately members are probably on the safe side if they think of the boundary that was set on 1 December as pretty much it in terms of farming areas that are not likely to get any bigger under this regime; and there is a mechanism for the farming zone to shrink, but it is not likely in the short term I would think.

Honestly, if you take a 15-year land supply rule, metropolitan Adelaide is one of the biggest, most sparsely populated cities on the planet. There is plenty of space in the existing metropolitan boundary to accommodate two or three, four or five times Adelaide's population. That is not stuff that I have made up. There are plenty of studies that have looked at the footprint of cities, people per hectare. Adelaide is sparsely populated. Really, the big part of this debate I think is, as ministers have said previously, that we have to make a decision about whether we are going to keep growing out or whether we are going to 'densify' the existing urban environment, and that is a big part of this debate.

The Hon. R.I. LUCAS: I thank the minister for that clarification so that I can see how subclause (3)(a) is going to operate. On the basis of that, it is pretty clear that it would be well-nigh impossible to satisfy the provisions of paragraphs (a)(i) and (a)(ii), because someone with land within the proposed boundary is going to have to do two things because of paragraphs (a)(i) and (a)(ii). Firstly, they are going to have to convince the commission that an area or areas within the Greater Adelaide Plan outside food production areas are unable to support the principle of urban renewal and the consolidation of existing urban areas.

The developer would have to convince the commission that it was unable to support the principles of urban renewal and consolidation of existing urban areas and then also has to convince the commission that adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the

longer term, being at least a 15-year period. The person who might want to develop their property would have to convince the commission of both those hurdles.

These are hurdles being constructed by the government and the parliament; the parliament is going to construct these hurdles or not. What I am highlighting is that they are very significant hurdles and those who support a boundary will obviously be supportive of that. For those who see this as a flexible option where the boundary might change in the future—and the Hon. Mr Darley, I suspect, might be in this—my reading of the answers we have just received is that that is going to be virtually impossible, because the barriers in the drafting are so high and almost impossible to achieve that anyone who went to the commission is going to be unable to convince the commission of those particular arrangements.

To clarify that, can I ask the minister to confirm that there is nothing in the drafting of subclauses (3)(a)(i) and (ii) that refers to housing affordability in particular—that is, the commission, in making its decision, cannot take into account the affordability of the housing. It is just talking about whether or not you can have urban renewal and whether you can consolidate existing urban areas and talks about housing and employment growth. It does not talk at all about the affordability of the housing.

Whatever they are doing, the commission will make its decision. A developer cannot argue, 'Look, we're in the situation where housing prices are just skyrocketing because of the squeezing of the land supply in South Australia or in Adelaide. First-time buyers are unable to purchase a home because of a massive increase in housing affordability and land prices. We think you need to let loose.' My reading of this—and I seek a confirmation from the minister—is that the commission cannot take that into account.

The Hon. K.J. MAHER: I thank the honourable member for his question. I might just indicate that it is the intention after I give this answer to report progress and then we will come back afterwards. I think an argument some have put is that land supply drives housing affordability, and basic first-year economics will talk about supply and demand. What that presupposes, I gather from the arguments that have previously been put, is that for it to impact on housing affordability there has to be a land supply problem.

Subparagraph (ii) talks about 'to accommodate housing and employment growth over the longer term (being at least a 15 year period)'. If there is not the land supply, that triggers that and that goes to housing affordability. If you accept, as I have heard in arguments made by many people here, that the availability of land, or land supply, impacts on housing affordability, that is triggered there. There has to be the land supply or it can trigger that. I think that answers the question the honourable member has asked.

Sitting suspended from 17:58 to 19:46.

The Hon. D.W. RIDGWAY: I just want to go back to the issue of rural allotments, amalgamation and changing the size of allotments. Over the dinner break I found some comments the Hon. John Darley made in his second reading speech when we were here before Christmas. I want to quote it to members so I can refresh the memories of the minister and his advisers. He said:

> Farms are usually comprised of a number of lots, sections and titles, which can been placed seemingly randomly. Giving farmers the ability to realign the boundaries to create allotments which could be sold to another party, whilst still retaining the valuable farming land, would give much comfort to farmers who see their superannuation in the land they own. I understand this is currently allowed. However, many farmers face difficulties when submitting a development application, as allotments have unrealistic minimum allotment size requirements for the building of a house, as set out by council development plans.
>
> I had sought to draft an amendment addressing the issue. However, in discussion with the minister's office, I understand the minister is willing to consult on this and deal with this as a matter of policy. I would appreciate the minister putting on the record that he will do this in order to help our farmers.

My question to the minister is: what undertakings has minister Rau made? I do not recall anything being put on the record as to how they will deal with it. I may have missed it because we have been at this for a number of days now. I would like to know if minister Rau has put anything on the record—or you have, on his behalf, minister Maher—in relation to that issue because it is an issue that a number of us have been wrestling with and the Hon. Mr Darley may well have found some solution.

The Hon. K.J. MAHER: I can restate the undertaking that these things will be taken into consideration as the policy that surrounds this and the code are developed.

The Hon. D.W. RIDGWAY: Is that what minister Rau would put on the record? This is clearly a request from the Hon. Mr Darley in his second reading speech: 'I would appreciate the minister putting on the record that he will do this in order to help our farmers.' I would actually like to know what minister Rau's intention is, or does he have no intention and it is just a matter of policy and we will deal with it some time in the future?

The Hon. K.J. MAHER: As I said before, there is an undertaking to make sure these matters are addressed as the policy is developed. I can also inform the honourable member that there is a working group that includes PIRSA, councils, agribusiness and farmers working on land use interface and related issues outside of this bill.

The Hon. D.W. RIDGWAY: So what you are saying is that there is a working group that is doing some work, but there is no actual solution, which involves PIRSA and other entities, but there is actually nothing that the minister is able to put on the record in direct response to the Hon. Mr Darley's request?

The Hon. K.J. MAHER: Sorry?

The Hon. D.W. RIDGWAY: You have said there is a working group, and I am vaguely aware of that with PIRSA and some of the agribusiness people, but there is nothing officially on the record as a response from minister Rau in relation to the Hon. Mr Darley's request when he said, 'I would appreciate the minister putting on the record that he will do this in order to help our farmers'?

The Hon. K.J. MAHER: I have been advised that the minister in the other place, the planning minister, will be looking at these issues and certainly will be informed by the working group that contains PIRSA, councils and agribusiness.

The Hon. D.W. RIDGWAY: To get it clear, there is nothing that he has done already to address this issue, but it is something that he is prepared to look at in the future? I want this made very clear, because clearly this is an important issue. Not only has it been raised by the Hon. Mr Darley but also a number of us have been contacted by similar people in a similar predicament around this sort of interface between farming land and urban sprawl or urban development. I will read what the Hon. Mr Darley said again:

> I had sought to draft an amendment on this issue. However, in discussion with the minister's office, I understand the minister is willing to consult on this and deal with this as a matter of policy. I would appreciate the minister putting on the record that he will do this in order to help our farmers.

I just want a very clear indication of what the minister is prepared to do.

The Hon. K.J. MAHER: We can keep going but, as I have said, my advice is that the minister will do exactly what you have said: he will continue to consult on this, it will be taken into account and it will inform policy as it is developed. Certainly, there is that working group looking at these issues that will help inform that as well.

The Hon. R.I. LUCAS: Following on from that, can I clarify that there is nothing in the new amendments that we have that addresses the issues that the Hon. Mr Darley has raised; it is all, as you have outlined, future work?

The Hon. K.J. MAHER: This is quite rightly a matter for implementation and the policy that has developed. As I have said, there is a working group that is looking into these issues, and certainly I am advised that the planning minister in another place will take these into consideration.

The Hon. R.I. LUCAS: I understand all of that, so you do not have to repeat it again for the third time. I am just clarifying that there is nothing in the amendments that we are being asked to consider here which in any way addresses the issues that the Hon. Mr Darley has raised with the minister and the government.

The Hon. K.J. MAHER: No, there is not an amendment here, but these are certainly issues that will be taken into account as the policy is developed, and will be addressed in implementation.

The Hon. D.G.E. HOOD: I have just a couple of questions for the governments: the first follows on to some extent from the questions of the Hon. Mr Lucas before the dinner break. Has the government done any modelling or taken into consideration at any level the prospect of a change in housing affordability as a result of the introduction of an urban growth boundary (or whatever name we are calling it at this stage)? Has any work been done? Does the government expect there to be any impact from the introduction of the urban growth boundary, as has been argued to us by a number of industry bodies?

The Hon. K.J. MAHER: Certainly research has been done into the current level of supply. As we were looking at before, subclause (3)(a)(ii) talks about there needing to be at least a 15-year supply. In terms of housing affordability, certainly experience from places like Sydney and Melbourne shows that land supply can be one of the factors, but it is certainly not the only factor. A number of factors can influence housing affordability, and certainly that is where subclause (3)(a)(ii) comes in—if it is no longer able to accommodate housing employment growth over the longer term (being at least 15 years).

I think we agitated this before with the Hon. Rob Lucas's questions before the dinner break. Even if it was the case that land supply was the only factor that influenced housing affordability, then subclause (3)(a)(ii) contemplates that and can increase the supply if there is not the supply to accommodate housing employment growth over the longer term, being 15 years.

The Hon. D.G.E. HOOD: To follow on from that, and my final question on this issue: just to be clear, is that saying that the government does not believe that this introduction of the urban growth boundary will have an impact on housing affordability or have an impact on price even?

The Hon. K.J. MAHER: My advice is that given the indication of many years of housing, over 15 years available now, this of and in itself will not affect housing affordability.

The Hon. D.W. RIDGWAY: I will not do it, but from talking to my colleague the Hon. Rob Lucas (and this is why we have these amendments come last minute) and given this conversation around housing affordability, maybe we should have had an amendment to insert the words 'housing affordability' in this particular clause so that was another criterion that the planning commission could look at, but we have not and it is at the eleventh hour.

This is one of the threshold issues for the opposition, the urban growth boundary or the environment and food production areas. Everybody else has been very clear on their positions—the Greens, Family First, the government, the opposition—but in his comments in his second reading speech the Hon. Mr Darley said that he was opposed to an urban growth boundary, that it forced up prices and had an impact on affordability. I think he went on to say that the experience of major cities around the world has seen increases in land prices whenever an urban growth boundary is put in place, that it decreases housing affordability and penalises those who are struggling to gain a foothold in the housing market. Clearly the Hon. John Darley had a very strong view prior to Christmas.

It is a really important threshold issue for all of us. He has indicated that he has changed his view, and he may want to share with the chamber tonight—or perhaps tomorrow in the third reading contribution—why he thinks today that it is important to have an urban growth boundary when four months ago he indicated that he did not. As I said earlier in my contribution, the Hon. Mr Darley is now part of another political party called the Nick Xenophon Team; he is here as that political party's representative. I want to make sure that we understand the thought patterns and processes behind the Nick Xenophon Team not supporting housing affordability in this state.

The CHAIR: I would like to make a comment. The Hon. Mr Ridgway seems to be casting aspersions on a member of this parliament, that they have changed their mind because of political reasons.

The Hon. D.W. Ridgway: No, not at all.

The CHAIR: Well, that is how I get it. The fact is that I have seen a lot of people change their mind mid debate and I will probably see a lot more before I leave this place. I really think that if the Hon. Mr Ridgway wants to cast those aspersions he should do it outside on the front steps and be honest and open about it.

The Hon. D.W. RIDGWAY: Can I respond to that, Mr Chair?

The CHAIR: What would you like?

The Hon. D.W. RIDGWAY: The Hon. Mr Darley does not have to respond if he chooses not to.

The CHAIR: No, but you are casting aspersions and it is going in the *Hansard*.

The Hon. D.W. RIDGWAY: No; I am not. I am reading what is in the *Hansard*, Mr Chair.

The CHAIR: No, it is inappropriate. The Hon. Mr Darley.

The Hon. J.A. DARLEY: Thank you, Mr Chair. I am not too concerned about any aspersions cast in this place; I am well over 21, as you can see.

The Hon. D.W. Ridgway: Show us your ID.

The Hon. J.A. DARLEY: I will tell you when my birthday is, if you like; I will be 79. When I voted against this urban growth boundary I was voting not only against that but also against the manner in which the parliament was going to deal with it. My concern was that we could end up with a situation where it could be put on the table of the parliament and it could sit there for years and nothing happen. No boundary does anything in itself, and that is why I specifically asked the minister how he defines the 15-year supply. That is why I wanted to know what that meant.

We got down to the position where I said, 'Does 15 years' supply apply everywhere to all the land within the Greater Adelaide metropolitan area or, if an application is made to the commission, does the commission take into account the general location where the application is made?' I know from experience that people who are born in the south generally migrate around the south; they might move a bit further south. I was not going to put people in a position where, if there were an insufficient supply of land in the south, the government could say, 'Well, you can go to the north.'

I think the minister has explained exactly what the definition of 15 years' supply is. Effectively, if you have 15 years' supply of land, then the boundary does not matter too much. That was my thinking on the whole thing.

The Hon. R.I. LUCAS: Just to clarify that, could the Hon. Mr Darley indicate that the assurance the minister has given is that these amendments will not look at the whole area in relation to 15 years' supply? For instance, in the example he has used of people in the south it will look at only 15 years' supply in the south, or if they live in the north it would look at only 15 years' supply in the north. Is that the assurance that minister Rau has given the honourable member in relation to these amendments, that it will not be looking at the 15 years' supply over the whole area but will look at subregions, I guess, or parts of the total area that is covered by this map?

The Hon. J.A. DARLEY: Earlier today, the minister explained that, first of all, they would look at the amount of supply within the Adelaide metropolitan growth area. In addition, they would look at an application in terms of the available land supply there as well.

The Hon. R.I. LUCAS: In the south or in the north?

The Hon. J.A. DARLEY: Yes.

The Hon. M.C. PARNELL: I was not going to weigh into this, but given the direction it is heading, I will. One of the things I notice in this amendment that we are dealing with is that they have moved away from the old concept of X number of years vacant residential zoned land, which basically used to mean a quarter or sixth of an acre block on the fringe. You had to have a certain quantity of that type of land zoned residential, ready to go, and sufficient of it to last 15 or so years.

The wording in the amendment, the proposed new clause before us, talks about, 'adequate provision…to accommodate housing and employment growth'. It does not talk about residential zoned vacant land; it is about: how can you accommodate housing and employment growth? You can accommodate housing and employment growth through the redevelopment of sparsely developed areas. You can increase density, you can increase heights, you can do a whole lot of things.

I was a strong critic of having to have X number of years of vacant, fringe, greenfields land to accommodate urban sprawl for 15 years. The wording now is about accommodating housing, and that is a very different proposition. The point that I am making is that I could see very little argument over the next 100 years, or so, for this urban growth boundary to need to change because my understanding is that there is enough capacity for extra housing within the existing urban area.

The Hon. R.I. Lucas: It is high-rise.

The Hon. M.C. PARNELL: The Hon. Rob Lucas interjects that it is high-rise. You could probably more than quadruple the population of Adelaide and not go above three storeys. You think about it: the proportion of Adelaide suburbs are single story and very spread out—some of which, I think, should stay that way. I am no fan of retrofitting the entire city to be a city of flats. We do not need to do that, but through the selective redevelopment of certain key areas you can fit a lot more people in. I am just making that point, and I do not want to have another debate about housing affordability.

The one thing I said of Buckland Park all those years ago was: yes, there will be cheap house and land packages, but the price of the house and land package does not reflect the cost of living in that location. You would get young couples attracted by cheap house and land packages and then marooned by Geoffrey Blainey's tyranny of distance: they would be miles from jobs, miles from schools, and miles from services.

When you factor in the cost of living in some of these fringe areas, all of a sudden what appeared to be an affordable house and land package becomes a very expensive long-term proposition for living. You cannot live in some of these places without two cars, for example. The Hon. David Ridgway said the concept of housing affordability would have been nice to incorporate in here. I think we would then have to have a very big debate over: what does housing affordability mean? Is it the up-front cost of the bricks and mortar, or is it the cost of living in a place over the lifetime of a person? I just throw that into the mix.

The Hon. R.I. LUCAS: I think the Hon. Mr Parnell has confirmed the point that I was making earlier, although we come at this from different directions; that is, with the way this is drafted, as the Hon. Mr Parnell has said, there would be no earthly reason why you would need to change the boundaries, and it will be almost impossible for someone to argue to change the boundaries under the requirements of paragraphs (a)(i) and (a)(ii). You have to meet both (a)(i) and (a)(ii).

There is no issue of housing affordability, so long as you can have high-rise urban consolidation—whatever the cost of that might be to the first home owner. The Hon. Mr Parnell will argue, 'Well, it's better that they pay more money up-front for their first house as opposed to a lower amount of money first up because they then have to buy two cars, or they'll have to walk, or get on a bike,' something like that, but there is that argument.

The Hon. Mr Parnell approaches this housing affordability argument from a completely different direction, but I think in what he has said he absolutely confirms the point that was being made before: this boundary, this device that has been constructed, is a facade. It appears to give the capacity to say to people, 'You can go off and argue to the commission to do something,' in relation to making a change, but the hurdles that have been constructed cleverly by the people who have drafted this are very high. It is not an 'or' provision, it is an 'and' provision; you have to meet both of those requirements.

As the planning lawyer with decades of experience has just confirmed, he does not see that there will be the capacity or the need under these provisions to meet. He talked about a point that I did not pick up on: the different drafting in terms of housing and employment growth, as opposed to the other descriptors that were used previously in terms of available land for greenfield development. But that just confirms it, and I do not want to waste time tonight.

We have heard clearly from the Hon. Mr Darley (and I thank him) why he has changed his position from December to now; he has put that on the record. A key part of the reason why he has is that he has had this assurance from the government, and from minister Rau in particular, that the 15-year provision does not look at the total. In the example he has given, people who live in the south do not want to be told to move to the north.

Can the minister just explain which particular provision in these amendments that we are looking at actually meets that point that the minister has given by way of assurance to the Hon. Mr Darley? Where does it say that in this particular amendment? I cannot see it; it just talks about Greater Adelaide, it talks about environment and food production areas. I cannot see where this point is about: in the south, you look at whether or not there is available land. You cannot actually ask the commission just to look at the whole area, you have to look at the area in the south or the area in the north, for example.

The Hon. K.J. MAHER: I think that can be answered very simply. In (3)(a)(i) it is not just 'the whole area', it says 'an area or areas'. It is both of those.

The Hon. M.C. PARNELL: Just another very quick contribution, because I cannot let the Hon. Rob Lucas' assessment of what I said go without challenge. The point I was making was that if I was running the show, then the urban growth boundary would stay fixed and I would see very little need to move it. If the government of the day that was in power had policies of urban consolidation and infill rather than sprawl, then there would be no need for the boundary to change.

If hypothetically, one of these decades, the Liberals do come to power and if they come to power with a policy of low density development, they would then have the levers of planning policy. If they then zoned most of Adelaide as single-storey large blocks, these triggers would be met very quickly and you could say, 'There is no more room for people in the existing metro area because of the policies that are put in place, therefore you have to change the boundary.'

The point I am making is that I disagree with the Hon. Rob Lucas that of itself this is a formula for the boundary effectively being fixed and never changing. It will depend on the government of the day. If the government of the day decides that it does not want to go for urban renewal, it does not want to go for urban consolidation and it does not want to go for higher building heights, then these criteria would be met very quickly and they could put their hands on their hearts and say, 'There is no more room in Adelaide; we therefore have to go out into the farmland.' So, I do not accept that this mechanism before us will have no work to do. It could potentially have work to do, depending on the government of the day and its urban policies.

The Hon. R.I. LUCAS: I just want to return to the minister's response, where he refers to subclause (3)(a)(i), which states 'an area or areas'. In that particular provision, I draw the minister's attention to the fact that that refers to the principle of 'unable to support the principle of urban renewal and consolidation of existing urban areas'. The issue of the 15-year provision is actually not in that subclause; it is in subclause (3)(a)(ii), that is:

> (ii) adequate provision cannot be made within Greater Adelaide outside environment and food production areas to accommodate housing and employment growth over the longer term (being at least a 15 year period);

That is a separate subparagraph and the 'area or areas' provision he has referred to is in the earlier subparagraph referring to 'the principle of urban renewal and consolidation of existing urban areas'.

The Hon. K.J. MAHER: For the sake of completeness, and I thank the honourable member who is always very keen for things to be very complete, subparagraph (ii) talks about 'adequate provision'. It would not be 'adequate provision' if, as the Hon. John Darley said, you were being forced to move from Noarlunga up to Gawler. So subclause (3)(a)(i) talks about 'area or areas' and (a)(ii) talks about 'adequate provision'. I think they are the two operative parts of that that go to answer that question.

The Hon. R.I. LUCAS: With the greatest respect to the minister, I think that is a nonsense interpretation of paragraph (a)(ii) but we will just have to disagree. I notice that that was his response to the question. I think in any interpretation, leaving the interpretation of (a)(ii)—and time will tell, when this is judged—that paragraph (a)(ii) refers to 'adequate provision cannot be made within Greater Adelaide'. That is the whole area of Greater Adelaide; it does not talk about the south or the north. I do not believe it does address the issue that the Hon. Mr Darley has referred to, but I will not prosecute the case any further.

The Hon. D.G.E. HOOD: It is not a question, but I will just make the point that the risk, I guess, that we seem to be throwing around here in introducing an urban growth boundary is, of

course, that it is always going to be easier for governments to change the zoning within the zone than it is outside of the zone, or to expand the zone, if you like.

I suspect that the likely result of the introduction of this urban growth boundary is that the zoning inside—because it will be easier to change—will change and as a result of that we will see smaller and smaller blocks of land, particularly in these fringe areas, and I think that that is a shame, frankly. We already have the smallest average block size in Australia, which surprises people but it is true. The smallest average block of land newly released to the market in the last two years in Australia was here in Adelaide.

The Hon. D.W. Ridgway: And isn't our square metre price one of the highest as well?

The Hon. D.G.E. HOOD: And our square metre price is the highest of fringe land, that is, in Australia, which is quite surprising to people, but that is true. So the risk we run here, just for the record, is that by introducing this urban growth boundary the blocks will increasingly reduce in size, if that is not a contradiction—will continue to decrease in size is perhaps a better way of putting it, over time.

The Hon. D.W. Ridgway: Shrink.

The Hon. D.G.E. HOOD: That's right. So that is a concern to me. I would like to see people have at least a reasonable block of land if they so desire. They may not; they may want to live in an apartment or a unit or something like that and they are perfectly entitled to do that, but people should have that choice, and that is why our position has been firm on this since the beginning.

The Hon. D.W. RIDGWAY: I have one last question relating to this. I will make the point, just to comment on what the Hon. Dennis Hood said that a couple of staff up on the opposition floor thought that, due to the fact that we passed an earlier clause, the value of their properties had increased instantly because it was an urban growth boundary. So young couples in houses think straightaway that the value of their properties has gone up because of an urban growth boundary.

The Hon. M.C. Parnell: So what was their advice to you?

The Hon. D.W. RIDGWAY: They are not there to give advice; they are there to do research. But if it is about housing affordability, most of them are working two jobs to do what they are doing now and it will only get worse. I will just put a question that I want to ask into a quick context. I had the very good fortune that a daughter of mine won a scholarship to Bond University, and I had a tour of Bond University several times.

I have always had this bit of a pipe dream maybe, or a dream that we might be able to convince a benevolent person or somebody with a lot of money to come and build a private university in South Australia. How would a university or an education facility or an institution fit into this? Clearly you are not going to build it on residential land, and so how is that likely to be treated with this legislation? I suspect it would be located in the environment and food production areas.

The Hon. K.J. MAHER: My advice is this just talks to residential. This is not proposed to cover any other use.

The Hon. D.W. RIDGWAY: So, any other use—factory, warehouse, university—could be envisaged outside of a township boundary but in the environment and food production areas?

The Hon. K.J. MAHER: My advice is, depending on the policy of that particular area and the zoning of that particular area, then yes.

The committee divided on the new clause:

Ayes 8
Noes 7
Majority..... 1

AYES

Darley, J.A.	Franks, T.A.	Kandelaars, G.A.
Maher, K.J. (teller)	Malinauskas, P.	Ngo, T.T.

AYES

Parnell, M.C.	Vincent, K.L.

NOES

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

PAIRS

Gago, G.E.	Lensink, J.M.A.	Gazzola, J.M.
Wade, S.G.	Hunter, I.K.	Brokenshire, R.L.

New clause thus inserted.

Clauses 8 to 10 passed.

Clause 11.

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

Amendment No 3 [Emp–5]—

Page 26, after line 15—Delete inserted subparagraph (iia)

The government recommits this clause as originally drafted. There is no need to mandate that there must be a special legislative scheme, and thus a state planning policy, relating to the objects of the Adelaide Park Lands Act 2005. There are already comprehensive requirements relating to development in the Parklands.

The Hon. M.C. PARNELL: I oppose the government's amendment. I think that we do need to retain the Adelaide Park Lands Act 2005 as a special legislative scheme. I just remind members that it is not as if this has been plucked out of the air and is some standalone provision. It is in some good company, and the company that it is keeping is the River Murray Act, the Adelaide Dolphin Sanctuary Act, the Marine Parks Act, the Arkaroola Protection Act and also the special character areas in McLaren Vale and the Barossa Valley that are going to be special legislative schemes.

To make it clear, the fact of something being a special legislative scheme, the main thing it does is it triggers a requirement for a state planning policy on that topic. When we look at state planning policies, the Hon. Kelly Vincent secured a new state planning policy on accessible housing and we are going to have another state policy on climate change. There is a whole range of state planning policies.

The government says it is unnecessary and it will be additional red tape, but what I think you need to consider is that the state planning policy that is going to result from having the Adelaide Park Lands Act as a special legislative scheme is in all likelihood going to be the incorporation of the Adelaide Park Lands Management Plan into this legislation. In other words, we already have a group of people, half of them local council and half of them appointed by the state government. These people go to great lengths to draw up a management plan for the Adelaide Parklands, and the management plan deals with exactly the types of issues that the planning and design code, for example, or other planning instruments will have to deal with, so it is not a question of unnecessary additional red tape.

It really is a question about whether we should elevate existing management plans under existing legislation into a status that is incorporated into this planning legislation, so that is the reason for it. I am not proposing that there is going to be a whole lot of duplication or unnecessary work. If we are serious about protecting the Parklands, if we are serious about the 2005 Adelaide Park Lands Act meaning something, if we are serious about the management plan that the state government

writes along with the Adelaide City Council—if we are serious about that, then we need to incorporate that into the planning system and, again, it is not novel.

If the government writes a management plan for a national park, that is going to get incorporated into the planning system. It makes sense. It is a very similar exercise, and I just think it actually gives credit to those people who spend a lot of time working up appropriate management plans for the Parklands. It is not something that is completely under the control of the Adelaide City Council. The state government provides five members of the Adelaide Park Lands Management Authority, so I really think that the inserted clause that we agreed to in committee last time should remain in the bill, and I would urge people not to accept the government's amendment.

The Hon. D.W. RIDGWAY: I indicate the opposition will be supporting the government's amendment on this. There are some other amendments in relation to Parklands that I suspect the honourable member might get some more comfort from, but on this one we do not see any need to oppose the government's amendment, and we agree with the government that we think it will represent unnecessary additional red tape in addition to the requirements that are already there in place in the Parklands.

Amendment carried; clause as amended passed.

Clauses 12 to 17 passed.

Clause 18.

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

Amendment No 2 [Ridgway–9]—

Page 30, line 30—Delete 'Minister' and substitute 'Governor on the nomination of the Minister'

This is on the same theme we have had of trying to depoliticise the planning commission and take the minister further away. There are a number of amendments, although I do not believe they are consequential. I will just move the first one, which is to delete the word 'Minister' and substitute 'Governor on the nomination of the Minister'.

The Hon. K.J. MAHER: I thank the honourable member for his contribution on this amendment. In practice, this amendment will require that the cabinet approves the recommendations to the Governor on the appointment of commission members. While this at a very basic level represents some additional red tape, the government is prepared to support it.

Amendment carried.

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

Amendment No 7 [Emp–6]—

Page 30, line 31—Delete 'the Chief Executive' and substitute:

a public sector employee (other than the Chief Executive) who is responsible, under a Minister, for assisting in the administration of this Act, designated by the Minister by notice in the Gazette

This amendment is made in response to feedback received. It provides that a public sector official other than the chief executive of the Department of Planning, Transport and Infrastructure is to be appointed to the commission. It is to ensure that the commission may be better served, given that this role is expected to serve the commission's needs.

The Hon. D.W. RIDGWAY: The opposition is happy to support the government on this amendment. I think this addresses a concern the Hon. John Darley had about the head of DPTI being also the planning commissioner. Now the planning commissioner cannot be the head of DPTI, so we are very happy to support the amendment.

Amendment carried.

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

Amendment No 3 [Ridgway–9]—

Page 30, line 32 to page 31, line 9—Delete subclauses (2) and (3) and substitute:

(2) The Minister must, when nominating persons for appointment as members of the Commission, seek to ensure that, as far as is practicable, the members of the Commission collectively have qualifications, knowledge, expertise and experience in the following areas:

(a) economics, commerce or finance;

(b) planning, urban design or architecture;

(c) development or building construction;

(d) the provision of or management of infrastructure or transport systems;

(e) social or environmental policy or science;

(f) local government, public administration or law.

Effectively what this does is prescribe some more skills and expertise in the planning commission itself. We want to delete subclauses (2) and (3) which provide:

(2) A person appointed to the Commission must have such qualifications, knowledge, expertise or experience as are, in the Minister's opinion, relevant to the functions of the Commission.

(3) Without limiting subsection (2), the Minister must give consideration to appointing persons so as to provide a range of qualifications, knowledge, expertise and experience in the following areas:

(a) economics, commerce or finance;

(b) planning, urban design or architecture;

(c) development or building construction;

(d) the provision of or management of infrastructure or transport systems;

(e) social or environmental policy or science;

(f) local government, public administration or law.

This amendment says the minister must, when nominating the new persons for appointment as members of the planning commission, seek to ensure that as far as practicable the members of the commission collectively have qualifications, knowledge, expertise and experience in the following areas of economics, commerce or finance; planning, urban design or architecture; development or building construction; the provision of or management of infrastructure or transport systems; social or environmental policy or science; local government, public administration or law.

It is the opposition's view that the person appointed to the commission must have these statutory qualifications, knowledge, expertise and experience and that they are not in the 'minister's opinion' relevant to the commission's functions. So, the term 'minister's opinion' in our view leaves too much discretion and we think we would be much better to have the wording that we have suggested, that the minister must when nominating these persons take that into consideration.

The Hon. K.J. MAHER: The government will be supporting the opposition amendment.

Amendment carried.

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

Amendment No 4 [Ridgway–9]—

Page 31, line 12—Delete 'Minister may' and substitute 'Governor may, on the recommendation of the Minister,'

This amendment deletes the word 'minister' and substitutes 'Governor may, on the recommendation of the Minister'. Again, it is taking the minister further away from the planning commission.

The Hon. K.J. MAHER: It does represent some additional red tape, but we are not going to oppose it.

Amendment carried; clause as amended passed.

Clause 19 passed.

Clause 20.

The Hon. D.W. RIDGWAY: There are two amendments to clause 20. I suspect they will be consequential. We are on a bit of a roll. It seems like good common sense to delete the word 'Minister' and substitute the words 'Governor on the recommendation of the Minister', so I will move both amendments at the same time. I move:

Amendment No 5 [Ridgway–9]—

Page 31, line 36—Delete 'Minister' and substitute 'Governor on the recommendation of the Minister'

Amendment No 6 [Ridgway–9]—

Page 31, line 39—Delete 'Minister may' and substitute 'Governor may, on the recommendation of the Minister,'

Amendments carried; clause as amended passed.

Clause 21.

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

Amendment No 7 [Ridgway–9]—

Page 32, line 15—Delete 'Minister' and substitute 'Governor on the recommendation of the Minister'

This is the same as the two previous amendments to clause 20, so I look forward to the government's support.

Amendment carried; clause as amended passed.

Clauses 22 to 29 passed.

Clause 30.

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

Amendment No 8 [Ridgway–9]—

Page 37, lines 6 and 7—Delete paragraph (b)

Again, this is about depoliticising the commission. Paragraph (b) states:

> (b) must, if required by the Minister, be made to a committee of the Commission designated by the Minister;

The opposition sought some advice and we think removing that paragraph does not affect the bill, but it does take some of the activities of the minister out of the bill.

The Hon. K.J. MAHER: I rise to indicate that we are on a bit of a roll, but on this one the government will not be supporting this amendment. The amendment, as the honourable member said, would delete paragraph (b) of clause 30, and it is our view that it would unduly prevent the minister from establishing a subcommittee of the commission and the commission from delegating its powers and functions to the committee.

Paragraph (b) allows the minister to establish a subcommittee and to subdelegate the function and powers of the commission to the subcommittee, such as a building policy advisory committee to advise on specialist building matters, so the government will not be supporting this amendment.

The Hon. M.C. PARNELL: Because we are proceeding at such a rapid rate there are a number of documents to consult, and my version of the bill has paragraph (b) crossed out and the words 'LGA says' next to it. My question of the Hon. David Ridgway is: was this in fact one of the requests made by the Local Government Association?

The Hon. D.W. RIDGWAY: That is a very good question which I will have to take on notice and bring back a reply. This is one that went through our party room, but I do not have the party room notes in front of me. I am sure it was certainly part of the depoliticisation of the planning commission, and it may well have been from the LGA but I do not have those notes with me.

The Hon. M.C. PARNELL: The Hon. David Ridgway's 15-second contribution has given me time to find my spreadsheet, and I am looking at the Local Government Association advice to us. Their criticism of this provision is as follows:

> The ability of the minister to dictate that delegations be put in place may undermine the independence of the commission. It is highly unusual for legislation to provide for the dictation of delegations.

Their suggestion is to delete clause 30(2)(b). On that basis, I will be supporting the Liberal amendment to remove that paragraph.

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

The Hon. D.G.E. HOOD: Mr Chairman, I understand that is 11 votes. To be frank, I got these yesterday and I was interested in hearing the debate, but that is 11 votes.

Amendment carried; clause as amended passed.

Clauses 31 to 40 passed.

Clause 41.

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

Amendment No 9 [Ridgway–9]—

Page 42, lines 36 and 37—

Delete 'consult with the other parties to the relevant planning agreement' and substitute:

—

(a) consult with the other parties to the relevant planning agreement; and

(b) seek the advice of the Commission.

My understanding from reading this is that clause 41(1) provides that the minister may appoint an administrator of a joint planning board. The amendment gives us an opportunity for the commission to determine and direct it in this case rather than just the minister.

The Hon. K.J. MAHER: As with some of the other ones, we have put 'the Governor, on the advice of cabinet'. This one seeks to put in an additional layer. It is the government's view that this increases red tape, but the government will not oppose the amendment.

Amendment carried; clause as amended passed.

Clauses 42 and 43 passed.

Clause 44.

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

Amendment No 4 [Emp–5]—

Page 44, line 23—Delete 'Minister' and substitute 'Commission'

This amendment deletes 'Minister' and substitutes 'Commission'. I assume it will enjoy broad support. If people want me to speak further on it, I am happy to.

Amendment carried.

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

Amendment No 5 [Emp–5]—

Page 45, line 11—After 'Minister' insert ', acting on the advice of the Commission'

Like the last amendment, it adds something after 'Minister'. It inserts ', acting on the advice of the Commission'. I assume again that this amendment will enjoy broad support.

Amendment carried.

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

Amendment No 6 [Emp–5]—

Page 45, line 39—Delete 'unless the failure is under a provision that requires compliance with the charter for the purposes of consultation in relation to a particular matter'

This government amendment reinstates the clause as originally drafted. The effect of the government amendment is to retain an approach consistent with the existing practice under the Development Act, and not to open up the charter and policy documents developed in accordance with the charter to challenge this amendment will prevent potential delays and uncertainty in the system.

The Hon. M.C. PARNELL: Given that it is my amendment that is sought to be struck out, I might speak to this one. What the government is saying I do not think is quite correct, because we do not currently have a community engagement charter, but what we do have in the current legislation is a regime for public consultation some of which is mandatory. If it is mandatory, then citizens have a legitimate expectation that the government will comply with it, and that legitimate expectation will in fact be enforced by the courts.

I will give you a practical example. If it says in legislation that the government must give people five days' notice of something, and the government only gives two days' notice, then most courts, certainly the Environment, Resources and Development Court, would entertain something which says, 'They did not do it right. The law said they had to give five and they only gave two,' so the court would order the government to go back and do it again properly. When I talk about mandatory provisions, that is the sort of thing I am talking about.

The community engagement charter is overwhelmingly going to be a document that talks about a range of possible ways to best engage the community. It is going to have a lot of flexibility built into it, which I support. There is room for flexibility, but there are some instances where there is a line that can be drawn, and they include things like minimum periods of consultation, that you cannot short-change people.

If the community engagement charter has words such as 'the commission must give at least a week's notice before doing something', and if the commission then does not actually follow through with what it said, the question for us as legislators is: does anything result from that? Do we care if mandatory, obligatory provisions in relation to community consultation are ignored? If you say, 'Oh well, they tried. They might to have said they had to give a week and they only gave two days, but what the heck,' and if that is your view you need to support the government. If you think that mandatory provisions should be enforceable then you need to support my amendment. It may be that a result of my amendment is that the government does not write any mandatory provisions in the community engagement charter because they do not want to be held to account for anything.

The other thing I will say is that certainly when we drafted this we held out some hope that the community engagement charter would relate to people being involved in individual development applications as well as just planning policy. I think the need for strict time lines is more acute when it comes to individual development applications. For example, when you see an ad in the paper which says, 'You have to have your comments in by a certain date, and if you don't they will not be taken into account,' that is an example of a mandatory provision.

People might think, 'Well, when it comes to policy, we're not going to be so hung up on that level of detail.' I do not know; maybe we should be. If the community engagement charter sets a binding standard for community engagement I think we at least need the ability to hold people to it. Other than that, I agree with the government that we should allow them to be innovative, flexible and to engage in the community in a variety of interesting ways, but if there are mandatory provisions and we want them to count for something you have to give people the ability to enforce them, otherwise what is the point of putting them in?

The Hon. D.W. RIDGWAY: I indicate that the opposition will be opposing the government's amendment and supporting the Hon. Mark Parnell. I will not go over it again, but what I saw in Western Australia, with their independent planning commission and their dialogue with the city, which is effectively their community engagement charter, is a very good system, and I think it is important that we get that part of it right.

The Hon. D.G.E. HOOD: I also oppose the amendment and support the Greens' original amendment. I agree: what is the point in having requirements if they are not mandatory? And if they are mandatory then they need to be adhered to.

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

Amendment negatived.

The Hon. R.I. LUCAS: To assist me in my understanding of this, I am seeking some assistance from the Hon. Mr Parnell. As I read the community engagement charter, it is essentially a means, whether mandatory or not, of consulting. Ultimately, the decisions are taken by other beings, bodies, commissions, or whatever it might happen to be.

Is the Hon. Mr Parnell able to explain in relation to the decisions that are currently taken by whoever in relation to a suburb being a historic heritage zone or, in particular, in Norwood, for example, certain houses cannot be knocked down and the one next door to it can be? Someone has made that decision. I am not sure under the current arrangements who makes that decision. Under this new arrangement with the community engagement charter, and others, there is still no role for local people in making those sorts of decisions in the future. Will they be taken by the commission or various assessment panels under this new package we have before us tonight?

The Hon. M.C. PARNELL: It actually sounds a very simple question but it can be quite difficult. If we take, for example, the ability to knock down a house, there are two ways of looking at it; one is: is there planning policy which says this house is, say, local heritage and therefore protected and cannot be knocked down, in which case the community do have a say over policy and that is where the community engagement charter is going to set out how they are involved and what sort of say they have.

If a person lodges an application with their local council to knock down their house, that falls into the category of development assessment so, even though ultimately we are talking about the same issue, you can approach it from writing policy about what houses get protected and what can be knocked down and then you have individual applications to knock down individual houses where the community will have no say.

In relation to setting the policy, we have the new regime and the new planning commission but the government rules the roost and, whatever processes they have to go through of public engagement and agencies they have to talk to, ultimately, the minister will be signing off on policies. It may be that I have missed a few amendments that put the commission in there a bit higher up but I think, ultimately, the buck stops with the minister.

The Hon. R.I. LUCAS: Just to clarify, in both cases whether it is the minister or the commission is not particularly my question at the moment. In terms of this argument as to whether local people are involved or not, ultimately the local people or the community people will only be consulted under this arrangement. Someone else—the commission, the minister or a combination of both—is immaterial to the question that I have at the moment.

The decision to save a particular suburb—Norwood, for example, is going to be a historic zone, whatever that means, or these particular houses can been knocked down or cannot be knocked down—whilst the local people in Norwood or wherever it might happen to be can be consulted, ultimately, under this, the decision will be taken by the commission or a minister or someone else. They do not actually make the decision: they do not actually participate. They might put a point of view, they can be consulted and there might be all of these mandatory consultations, but ultimately they might all oppose it or support it but, if the minister or commission has a different view, having listened to all of that, that is the final decision.

The Hon. M.C. PARNELL: Yes, and in fact the Hon. Rob Lucas uses the example that some people might oppose it. I have been in situations, as the Hon. David Ridgway has, where 100 per cent of people opposed it, where 500 people or more have flocked into cinemas. Mount Barker springs to mind.

The Hon. D.W. Ridgway: They weren't all opposed.

The Hon. M.C. PARNELL: All the ones who spoke were opposed. Those who thought it was a good idea kept their own counsel. But the point the Hon. Rob Lucas is making is correct. Whatever methods of community engagement are put in, whether it is a trestle table of officials who nod sympathetically and then do their own thing, whether it is a minister receiving people in his or

her office and nodding sympathetically and then doing their own thing, ultimately, community engagement is only really an input into a final political decision. Whilst much of our debate here is about de-politicising this whole planning system, it is going to be as politicised as ever, with the buck stopping with the minister on just about every key, important decision.

Clause as amended passed.

Clause 45.

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

Amendment No 7 [Employment–5]—

Page 46, line 9—Delete paragraph (a)

Again, it is similar to ones that enjoyed broad support here moments ago in the chamber. It ensures that the commission has a central role in the preparation or amendment of the charter.

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

Amendment carried.

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

Amendment No 8 [Emp–5]—

Page 46, lines 10 and 11—Delete 'on behalf of the Minister (at the direction or with the approval of the Minister)' and substitute:

on its own initiative or at the request of the Minister

This amendment provides that the commission may act on its own initiative to amend the charter in addition to a ministerial request.

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

Amendment carried.

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

Amendment No 9 [Emp–5]—

Page 46, after line 15—Delete inserted subparagraph (ia)

This amendment will remove the requirement inserted in the committee stage to consult with the ERD Committee in proposing to prepare or amend the charter. This is unnecessary because anyone with an interest is able to comment on the proposal under clause 45(2)(c) when the proposal to prepare or amend the charter is published on the planning portal. In any case, the ERD Committee will have the ultimate power of scrutiny over the charter or amendments.

The Hon. D.W. RIDGWAY: We are supporting the government.

The Hon. M.C. PARNELL: I will speak then. I do not support the amendment. I have to say that there are a lot of inconsistencies in this bill. One of the big ticket items from the government, which came from the Brian Hayes review, was all about, 'Why don't we involve the parliament earlier in the process?' At present, the parliament gets involved late in the process. This community engagement charter document is one of the most important documents in the new system. I have moved an amendment to say, 'Why don't we involve the parliament earlier in the process rather than later?', and the minister's response is, 'We don't want to do that. We want to consult with them as late as possible.'

When you look at the regime for consulting over the community charter, they are going to talk to all and sundry—I take that point. There are a whole lot of stakeholders that they are going to consult with. My view is: why not send it to the ERD Committee of parliament, because if the ERD Committee is involved earlier it is on their radar and they can call witnesses if they want. If they want to get community groups and say, 'Look, the government has drafted this charter. What do you think about it?' Some groups might say, 'It's great,' and other groups might say, 'It's no good at all.'

I find it ludicrous that the big-ticket item for the government was the early involvement of parliament and here, when I try to get the early involvement of parliament, they try to take it out. I am

disappointed that that is the attitude and I am disappointed that it is not going to survive today. I just want to attach a little bit of shame to the government, because I think they are being incredibly inconsistent in this.

Amendment carried.

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

Amendment No 10 [Emp–5]—

Page 46, after line 16—Insert:

(iii) any other entity the Commission thinks fit; and

This amendment will allow the commission the flexibility to consult with any other entity if it believes it will be beneficial to consult regarding changes to the charter.

The Hon. D.W. RIDGWAY: We will be supporting the amendment.

Amendment carried.

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

Amendment No 11 [Emp–5]—

Page 46, line 35—Delete 'Minister' and substitute 'Commission'

Amendment No 12 [Emp–5]—

Page 46, line 39—Delete 'Minister' and substitute 'Commission'

Amendment No. 11 reflects the commission's central role in the charter, and amendment No. 12 is directly consequential on amendment No. 11.

The Hon. D.W. RIDGWAY: I indicate support.

Amendments carried; clause as amended passed.

Clauses 46 to 53 passed.

New clause 54.

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

Amendment No 13 [Emp–5]—

Page 51, lines 16 to 18—Insert:

54—Freedom of information

The *Freedom of Information Act 1991* 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.

This amendment reinserts the original clause 54. As we previously discussed, when this was discussed originally, the clause as drafted merely restates what is already the existing law under the Development Act and the Freedom of Information Act, whereby the regime of FOI is already effectively displaced from the planning system.

This is a matter of transparency. Clause 54, if reinserted as originally drafted, will clarify for practitioners, councils and system users that information held and published on the portal is not subject to FOI, as is already the case under sections 20B and 20C of the FOI Act. The exclusion only applies to materials held on the portal, so would not apply to things like individual plans showing where bank vaults are to be situated or other sensitive information. Sensitive information will be protected so as not to jeopardise the current or future security of a building. In short, this is a no change clause.

The Hon. M.C. PARNELL: I do not think we will need to reagitate the whole of this. This is the freedom of information clause. I recall the Hon. Rob Lucas had a lot to say about this when we dealt with it. The government is right to a very limited extent. If there is information that is on the portal—and we are hoping it will all be on the portal—the location of the bank vaults will not be on

the portal. There are existing protections that stop potential bank robbers finding out the location of the bank vault. That is not an issue.

We are hoping that most information will be on the portal. If it is on the portal, then the Freedom of Information Act does not apply because section 20, I think it was that the minister quoted, says that you cannot use freedom of information if the information is available somewhere else, like it is published. That is logical, but I put this scenario: if there is a document that should have been on the portal and the government refuses to put it on the portal, unless the Freedom of Information Act is still a last resort in here, you have nowhere to go, you have no umpire to go to.

You could lodge a freedom of information application, the government says, 'We're not going to show you that document,' and we are saying, 'Well, you should have put that on the portal, it's in a category of documents, it should have been on the portal.' The government says, 'We're not going to show it to you, you can go to the umpire, you can go to the Ombudsman and you can get a second opinion on whether you're entitled to access the document,' but really it is a second opinion on whether the government should have put it on the portal. At the end of the day, it does not matter, you will still get access to the document.

So, I think the Freedom of Information Act will have very little work to do, and that is good. It is a good thing: it will not have much work to do, but it will have no work to do if the government puts in a clause here that says that it does not apply to this act. I maintain that we need to remove the clause that says that the Freedom of Information Act does not apply, so I oppose the government's amendment.

The Hon. D.W. RIDGWAY: This was one of the amendments which, when we initially debated it, was in that period of uncertainty for the opposition and we had some sympathy with what the Hon. Mark Parnell was trying to do. The opposition has had some time to consider it post Christmas, we have now revised our position and we will not support the Hon. Mark Parnell but will support the government on this amendment.

New clause inserted.

Clauses 55 to 62 passed.

Clause 63.

The Hon. K.J. MAHER: There are a series of amendments, key provisions about the content of the code. If it is the will of the chamber, I propose to move amendments Nos 1 to 6 together. I move:

Amendment No 1 [Emp–8]—

Page 56, line 4—Delete 'or modification'

Amendment No 2 [Emp–8]—

Page 56, line 5—Delete ', including by permitting' and substitute:

to provide for necessary and appropriate local variations in specified circumstances, including by permitting in the Code

Amendment No 3 [Emp–8]—

Page 56, line 6—After 'technical' insert 'or numeric'

Amendment No 4 [Emp–8]—

Page 56, lines 6 and 7—Delete 'specified parameters' and substitute:

parameters specified in the Code

Amendment No 5 [Emp–8]—

Page 56, lines 8 and 9—Delete 'specified parameters' and substitute:

parameters specified in the Code

Amendment No 6 [Emp–8]—

Page 56, line 10—After 'development' insert ', specified in the Code,'

Amendment No. 1 would remove the words 'modification of' from the elements of which the code may provide. The government has listened to concerns raised by the Hon. Mark Parnell and others in relation to this clause and the need for clarification. This amendment will allow the code to be adapted to respond to local circumstances. However, any such adaptation will be required to be developed in consultation, as set out under the community engagement charter, before being set out in the code.

Amendment No. 2 makes clear that changes to the code can, where appropriate, be made to take account of local variations. Amendment No. 3 reinstates the ability of the council to, where appropriate, seek change to numeric provisions in the code to suit specific local circumstances. This will not enable modification on an application by application basis, but rather will permit inclusion in the code on a range of specialised parameters arrived at through consultation under the community engagement charter and applied over a defined area. Amendments Nos 4, 5 and 6 are all related and seek to clarify the parameters that can be varied that are to be identified in the code.

The Hon. M.C. PARNELL: I have had a number of discussions with ministerial and departmental staff, and I think it is probably fair to say that they accepted that the interpretation I had put on section 33 was arguable: that is, that it potentially left scope for decision-makers to make decisions outside the detail of the code. In other words, they could make stuff up. I think these amendments clarify that, in fact, the code will actually contain the planning rules to be applied and that there is not going to be an unreasonable level of wriggle room.

For example, when I talked about removing the word 'numeric', that was to deal with situations where I did not want to see a seven-storey building approved in a five-storey zone. However, if the planning rules said, 'This is a five-storey zone but you can go to seven storeys on these sites, these corner blocks,' or whatever, that is fine; that is what the code says. The government has clarified that it is looking at having provisions in the code; it is not trying to give unfettered wriggle room for decision-makers to make stuff up, or to invent their own version of the rules because they have decided that they do not like the number in the code and they are going to put in their own number.

I am satisfied with the amendments that have been drafted, and I thank the government for working with me to try to get a system that allows for both a degree of confidence in what the rules are but also allows enough flexibility that worthwhile projects will not be unnecessarily stymied.

The Hon. D.W. RIDGWAY: The opposition is also happy with the amendments that the minister has moved, so we will be supporting them. The minister has moved amendments Nos 1 to 6 as a block, and we will be supporting all of those.

Amendments carried; clause as amended passed.

Clause 64.

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

Amendment No 14 [Emp–5]—

Page 57, after line 3—Delete inserted subclauses (4) and (5)

This amendment seeks to reinstate local heritage notification processes as introduced in this place. As has been stated on numerous occasions, it is not the government's intention to disturb existing local heritage provisions at this point, rather it is proposed to conduct a more comprehensive review of the legislation governing such matters in due course. While the aim of the Hon. Mr Hood's amendment is well understood, and we appreciate and understand the positions he has put in relation to this, the government believes that any such changes should be considered in the context of heritage provisions as a whole.

The Hon. D.G.E. HOOD: I thought I would speak to this given that it is my amendment, that passed in this place, that this government amendment is seeking to remove, the amendment that was made previously—my amendment, that is. And I just remind members what my amendment does.

The amendment essentially says that any attempt by a council to designate a specific area as a heritage conservation zone will need to be supported by at least 51 per cent of the owners of

property in that specific area; so, it is a simple majority. That is, if a council decides that they want to put in a heritage zone in the suburb of Toorak Gardens, for example, as pretty much the whole suburb of Toorak Gardens is a heritage conservation zone, then they need to get the permission of at least 51 per cent of the people who will be directly affected. It is as simple as that.

It is a very important amendment because it says that the simple majority of people affected should determine what happens to their particular home; and not only their home, but the immediate surrounding area. I will give you an example: as we have discussed many times in this place when we dealt with this bill in preceding weeks, a heritage conservation zone has been introduced by the Prospect Council, and there was a very substantial objection by a substantial majority of residents who are directly affected by the introduction of that heritage conservation zone. It was in the order of 60-plus per cent, and it might have even been as high as 70 per cent of people who were directly affected and objected to it—but it went through anyway.

Their houses are now subject to this historic conservation zone, which essentially means that it is almost impossible to demolish them despite the fact that some of them are literally falling down. In fact, I have literally put my arm through the wall of one of those houses—

The Hon. M.C. Parnell: It's called a door.

The Hon. D.G.E. HOOD: It almost is a door, that is right. Yet, this property is protected under the historic conservation zone. It cannot be demolished except in exceptional circumstances, and the particular person who lives there cannot get this property demolished under the new rules that prevail despite the fact that at least 60 per cent—and it may have even been as high as 70—but at least 60 per cent of the people directly affected actually object to it.

In speaking to a real estate agent about this individual's property, he maintains that it has devalued her property by something in the order of $200,000 at least—according to his words—because of the imposition of this heritage conservation zone. So, I think this is a very important amendment. It goes to property rights; it goes to people having the opportunity, within reason, to have control over their own properties. To have a situation where a minority can tell the majority what to do is unacceptable to me.

I stand by this amendment and that is why I am opposing the government's amendment, because the government's amendment, of course, would remove my amendment which did pass in this place the last time we debated it, and I remind the opposition and the Hon. Mr Darley that they supported me. They may choose not to this time—that is entirely their right, of course. But I just remind them that they supported me last time, and I certainly hope they will support me again.

The Hon. M.C. PARNELL: The Hon. Dennis Hood's amendment in some ways goes to the heart of the planning system and why we have a planning system. When I have been invited to teach first-year students on how you would describe the planning system in one sentence, basically the way I describe it is that it is a set of public-interest principles that is designed to override the individual selfish desires of individual property owners. I do not want to make it sound terrible, but the point is that if we were all left to our own devices we would chop every significant tree, we would build as tall as we could to maximise the profit, and you would have chaos.

It also raises interesting questions about the level of public participation and citizens' democracy in the system, and I know that is what the Hon. Dennis Hood is working towards. When I wrote a substantial paper on this many, many moons ago, I referred to Arnstein's ladder of public participation, which has citizen democracy up one end—in other words, as in the Hon. Dennis Hood's model, the citizens will decide. That is at one end, and at the other end of the spectrum is mere tokenism, where the government tells you what is good for you and you had better just take it.

I am thinking that what we are aiming for is probably somewhere in between. I do not think a pure popularity context would work in planning that well, and this is coming from someone who has been advocating for greater rights of public participation, but should it be a 100 per cent popularity contest? Hands up who wants a funeral parlour in their neighbourhood? Hands up who wants a toxic waste dump at the end of their street? Hands up who wants a drug and alcohol rehab centre? A very essential public service—but who wants one in their street? Public opinion poll? It is just not going to happen.

Part of the role of the state is determining what is best for the community, but they need to bring the community along with them. Whether you allow an individual vote to say we are or we are not going to be heritage, we are going to be flats or we are going to be single storey, is a very interesting philosophical question, but we are opening a can of worms here that I think would ultimately see the collapse of the planning system.

The comfort that I do take—and the Hon. Dennis Hood knows this—is that the government has committed to going back and rewriting the heritage system. The heritage system is broken and it does need to be fixed. Some heritage advocates have actually been sitting in the gallery listening to our debate, and one of them said to me, 'Get rid of local heritage altogether; get it out of the planning system. Put it into a separate heritage act; make it a subset of state heritage.' I am not advocating that; I am just saying that that is something that people have put to me.

Whilst I can see that the Hon. Dennis Hood's amendments will not survive tonight, just as many of mine have not survived tonight, I take some comfort from the commitment of the government to revisit heritage. We can have a debate over the extent to which individuals can stop their properties being heritage listed, or can they be ridden roughshod over by the rest of society? These are important questions, but I think that for today the Greens are supporting the original clause; that is, we are not supporting the Family First amendments.

The Hon. J.A. DARLEY: I indicate that I will not be supporting the government's amendment and, in respect of Mr Hood's proposal, I would assume that when it came to working out the 51 per cent, there would only be one vote per property and so the number of owners does not complicate it.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the government's amendment tonight. It does raise a number of issues, but we were happy to support the Hon. Dennis Hood when we divided on this before, and we are still happy at this point in time to support him.

Amendment negatived; clause passed.

Clauses 65 to 67 passed.

Clause 68.

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

Amendment No 15 [Emp-5]—

Page 58, lines 20 and 21—Delete 'as in force at a specified time' and substitute:

either as in force at a specified time or as in force from time to time

The government moves this amendment to reverse the removal during the committee stage of the useful ability to refer to extraneous materials as updated from time to time, which we say would be unworkable if we do not. This would force an amendment process every time an extraneous document is altered, for example, ministerial specifications or Australian standards, which are currently called in development plans as amended from time to time.

The Hon. M.C. PARNELL: I do want to insist on my amendment remaining, so I am opposing the government's amendment. I will just say at the outset that incorporating external documents makes a lot of sense. I have mentioned a few tonight already, things like national parks management plans. They are incorporated into the planning system. What I am not keen on doing is having incorporated into the planning system documents where we do not yet know what they contain, where we have no control over their contents and which might be prepared in a very undemocratic way.

In fact, some of these documents might be documents that no-one has had any input into. In fact, it is so open-ended that if the government wanted to say that South Australia's planning laws incorporate the Institute of Public Affairs' planning policy as in existence from time to time, then every time that organisation changed its planning process so too would South Australian law. It is a pretty exaggerated example, but my point is that it is not as if there is a list of documents that the government is going to incorporate, but when you say that external documents—we do not know

which ones—that might be varied from time to time are automatically included without question into South Australian law, then I think that is a step too far.

If you limit it to named documents, then that is okay. Once that document changes, then, yes, it triggers provisions in this bill which include the ability for parliament to say, 'Whoa, we don't like this new updated document and we're not going to incorporate it into South Australia.' You would appreciate that, even when it comes to national standards, you have state variations. The state is not obliged to accept every part of a national standard. I think that it is a safer measure to reject the government amendment and to keep the Green amendment so that, yes, documents can be incorporated, but we are not having open-ended incorporation of documents where we have no idea what they contain or even what topics they cover.

The Hon. D.W. RIDGWAY: We initially supported the Hon. Mark Parnell on this particular amendment, but the feedback from the LGA said that they think this is an unnecessary regulatory burden and therefore we will support the government amendment.

Amendment carried; clause as amended passed.

Clause 69 passed.

Clause 70.

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

Amendment No 16 [Emp–5]—

Page 60, after line 2—Delete inserted paragraph (bb)

Clause 70 as amended by amendment [Parnell-1] 38 inserts consultation notification requirements to all landowners in an area for changes to the code as a fallback position, if the code does not specify consultation notification requirements for a particular change that will impact a specified piece of land. By enshrining this in law, this will become a default minimum rather than leaving notification consultation requirements to the charter that outlines the process.

This might be workable for local site-specific amendments; however, for changes of broader application, including statewide proposals, this would set an onerous and potentially very costly mandatory minimum that may not be justified in all circumstances. Such requirements should be left to the development of the charter, which is already subject to consultation and potential disallowance.

The Hon. M.C. PARNELL: I am opposing the government's amendment. I will remind the council that I have been very pleased that the Liberals on two separate occasions have supported the amendments that were agreed to last time. Basically, this paragraph prevents someone's land from being rezoned from under them without any attempt being made to notify them about what is proposed or what rights they have to comment.

If the community engagement charter provides for a level of consultation, then the amendment has no work to do. But if the charter does not require notification of affected property owners, then this amendment at least requires the designated entity, and here are the important words: to 'take reasonable steps to give notice in accordance with the regulations'. So the government gets to set the method of notification.

Notice that I have not said 'must send every property owner a registered letter in their name'. I have not said that. I have not said, 'An officer from the department must knock on each door and talk to every property owner.' I have not said that. I have given the government the ability to set the notification method, and they have to take reasonable steps to give notice, so that means that judicial challenge is extremely unlikely if the government follows its own rules.

The fundamental principle at stake here is one that the Hon. Dennis Hood has been talking about already. It is the right of property owners to be notified about things that affect them, but to be notified in a manner that does not involve them buying a newspaper and looking at the public notices; it does not involve them going to the *Government Gazette* and finding out what is going on.

My expectation is that we are probably talking about neighbourhood-wide letterbox drops, probably part of an existing council newsletter, telling people, 'Hey people, you know the government wants to rezone your land, and here is how you have your say.' I do not think it is unreasonable. I

think this might have even been a Liberal election policy before 2014. I will stand corrected if it is not but, certainly, it was something that the Liberals were very strong on. I have been very glad to have their support in the past, and I am sure they will do the right thing tonight.

The CHAIR: The Hon. Mr Ridgway.

The Hon. K.J. MAHER: He is telling you what to do.

The Hon. D.W. RIDGWAY: I can tell you one thing: the Hon. Mark Parnell does not tell me what to do.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Don't interject, you will slow the process down. I indicate that the opposition will be opposing the government's amendment and supporting the Hon. Mark Parnell's amendment. While we understand that the government says that including such a requirement undermines what they say are the fundamental principles underlying the bill of improved, tailored and flexible engagements with the charter, they go on to say it might be practically difficult to administer and opens up the risk of judicial challenge. I am not sure whether that is accurate so, at this point in time, we are very happy to continue to support the position put by the Hon. Mark Parnell, so we will oppose the government's amendment.

The Hon. D.G.E. HOOD: My recollection is that Family First supported the Hon. Mr Parnell's amendment on the previous occasion. For that reason, we will be opposing the government's amendment on this occasion. I think, fundamentally, in order to be consistent, this amendment goes to the sort of issue I just explained to the chamber with respect to my own amendment; that is, people have a right to know what is happening with their own property.

I think, as the Hon. Mr Parnell rightly explains, this is a very simple, low bar, if you like. All that needs to be done is to let people know, potentially by a council newsletter, as the Hon. Mr Parnell explained, or a letterbox drop or whatever it may be, and I really do not think that is asking too much. Whilst we are absolutely for flexibility, and absolutely for the planning process to be sped up and for results to occur, people still need to know what is happening.

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

Amendment negatived; clause passed.

Clauses 71 and 72 passed.

Clause 73.

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

Amendment No 8 [Emp–6]—

Page 63, lines 36 to 38—Insert:

(c) in order to provide consistency between the designated instrument and section 7(5) after a notice under section 7(8) has taken effect in accordance with that section; or

This is, in effect, consequential to our previous discussions on the environment and food production area. I will speak to that if the chamber wishes, but it is consequential to that, I think.

Amendment carried; clause as amended passed.

Clause 74.

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

Amendment No 17 [Emp–5]—

Page 64, lines 32 to 39—Delete inserted subclause (1) and substitute:

(1) If the Minister is of the opinion that it is necessary in the interests of the orderly and proper development of an area of the State that an amendment to a regional plan, the Planning and Design Code or a design standard should come into operation without delay, the Minister may, at the same time as, or at any time after, the amendment is released for public consultation under the Community Engagement Charter under this Part, and

without the need for any other consultation or process, by notice published in the Gazette, declare that the amendment will come into operation on an interim basis on a day specified in the notice.

Amendment No 18 [Emp–5]—

Page 64, after line 39—Delete inserted subclauses (1a) and (1b)

Amendment No 19 [Emp–5]—

Page 65, after line 18—Delete inserted subclause (7)

The government amendments seek to remove the three amendments to this clause moved by the Hon. Mark Parnell and passed during the committee stage, which would constrain the use of what is currently called 'interim operation'. The government opposes this constraint on existing practice that has been in place for decades, in line with the expert panel's finding in this regard.

Early commencement can be used to both enable appropriate development in specified circumstances and to provide environmental and heritage protections with immediate effect. The minister may only approve early commencement in the interests of orderly and proper development of the state and is answerable, at the end of the day, to the electorate on that basis.

The Hon. M.C. PARNELL: I am going to insist on the original amendments that I proposed, so I am opposed to the government amendment. We have not had too many divisions tonight, and I hope we will not have too many, but this is a die in the ditch issue for the Greens.

The abuse of interim operation, which is now called 'early commencement', is well known. It has been used to fast-track development applications so that approvals are granted even before public consultation has finished. Remember the Mayfield development? That is the textbook example. It was approved two weeks before the public consultation meeting, so it is the most outrageous case of interim operation that I have seen in some time.

My amendments ensure that the tool of early commencement is only used in appropriate circumstances, such as preserving heritage buildings or preventing a frenzy of subdivision, while public consultation on planning changes takes place. The Greens dispute that the amendment has the unintended consequences that the minister has claimed.

The minister used the words that early commencement can 'enable appropriate development'. As members know, the purpose of interim operation or early commencement was never to enable appropriate development. I have on a number of occasions tabled Planning Circular No. 20. Don Hopgood was the planning minister, and he wrote to ministers and local councils and everyone saying, 'Please do not expect me to use interim operations so you can get your favourite projects through. It's not what this is for.'

That was over 20 years ago and nothing has changed. The only thing that has changed is that the government has now realised it is a fast-track method. It is a way to get their zoning changes through before any public consultation has occurred. As members know, once you have gazetted that policy change, even if it is subsequently thrown out, it is still binding for the period that it is in operation. You can get a flurry of applications after early commencement and it completely undermines the ability of the public to be involved.

The LGA had some concerns because the mechanism I have put forward is designed to make sure that non-contentious developments are not blocked; in other words, if interim operation comes in and someone lodges a development application, if it was going to get approved under the old scheme and approved under the new scheme, it gets approved. That is simple. But if the answer is different under the different schemes, the cautious thing to do is to say, 'No, we are not going to let you do this under interim operation. You have to wait until the planning changes have finally come about.'

As I say, this is one of the enduring rorts of the planning system. It is a misused provision. It completely undermines the rights of the public and it is in that 'die in a ditch' category, so I will be opposing the government amendment and asking the committee to insist that the amendments that we agreed to last time remain.

The Hon. D.G.E. HOOD: I have some sympathy for the Hon. Mark Parnell's argument and his original amendments, but he has lost me on one point, and I will put this out there for him to respond to if he wishes.

The simple fact is that these interim operations can be used the other way as well. It is a two-sided coin. I go back to the Prospect example, where interim operation was applied immediately to introduce a heritage conservation zone. People who were looking to do something with their particular property were immediately stopped from doing so and had no notice of it whatsoever, so it does go both ways.

As the Hon. Mr Parnell will no doubt acknowledge, his amendment specifically excludes heritage, but not those wishing to develop their site. I would be more sympathetic to it if it did not specifically exclude heritage. If it were a blanket rule, if you like—that is, it applied to everything—Family First would be quite sympathetic to that amendment, but because it only essentially stops those wishing to develop we are unable to support his amendment and therefore support the government's amendment to this later version.

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

The Hon. K.J. MAHER: I might just point out—and the Hon. Mark Parnell may wish to comment on it—that he used the phrase 'enduring rort' in relation to these. Does he include, from 2005 to 2013, the 34 per cent of these that related to heritage matters, as the Hon. Dennis Hood talked about, the other way that they are used, the 14 per cent of these that are used for environmental protection and the fact that two-thirds of these are council initiated? Are these included in his description of 'enduring rorts'?

The Hon. M.C. PARNELL: I thank the minister for the chance to elaborate. If I were trying to pull the wool over people's eyes, I would have not mentioned heritage because it is—

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: I know I am not being accused of that, but the point is that there are a number of valid uses, but a key valid use of—

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: No, a key valid use in my view is to protect heritage so that it does not get knocked down while consultation is underway about the planning changes. That was the original purpose of the exercise, so I accept the Hon. Dennis Hood's point. Yes, interim operation prevents people from demolishing their house, for example—but not forever, only until the plan has been resolved.

It might be resolved that the heritage zone, for example, becomes permanent in which case they cannot knock down their house, but the thing is if you did not use interim operation in that situation, then as soon as people saw the ad in the newspaper or on the portal saying, 'We are thinking about heritage listing this area,' I tell you that you will not be able to rent a bulldozer for love nor money because everyone will be out there knocking everything down before it gets listed.

The Hon. D.G.E. Hood: Only those who wanted to do it anyway.

The Hon. M.C. PARNELL: The Hon. Dennis Hood says for those people who were inclined to do that, then it would be a huge incentive for them to rent a bulldozer and get their house down. I used the words 'enduring rort' and what I meant was that it is enduring from the past act, the current act into the present bill, but I am not suggesting that it is rorted in most cases or a majority of cases. It is used appropriately in most cases, but the point is that there are enough situations where it has been misused that I seek through my amendments to clarify its use so that this is a tool for good, so that it is not a tool to allow the government to fast-track their favourite developments.

That is what has drifted in over time, that is the trend that has been emerging: not to use this tool for the purpose for which it was intended but to use it to fast-track development at the expense of community consultation. What early commencement means is that the change to the law comes into effect immediately and then we will consult the community afterwards. It is the shoot first, ask questions later approach to town planning which is inappropriate for other than those situations such

as environmental or heritage protection to stop something bad happening during the period of consultation. Once the policy is finally settled, then good or bad things might happen depending on the result of that process. I thank the minister for the opportunity to clarify that.

The Hon. D.W. RIDGWAY: It is interesting to listen to the Hon. Mark Parnell. He always fails to mention in this particular part of the debate about interim operation. The reason the opposition will support the Hon. Mark Parnell's position is the wind farm DPA which was an abuse of the process. I spoke to the minister yesterday when we were discussing some of these matters and he raised this with me. I said, 'Minister, it was your government and your party that caused this issue. You have abused the process.'

I noticed in the gallery a little while ago the member for Stuart, Dan van Holst Pellekaan, and his wife with a couple of guests who were here with him for the evening. I was hoping to get a chance to speak to him but he has found something better to do with his time, and his guests' time, than sit and watch us here—I know nothing could be better! The member for Goyder, Steven Griffiths; the member for Schubert, Stephan Knoll; and the member for Hammond, Adrian Pederick, have all been impacted by development applications that were lodged during that interim operation period.

I said to the minister, 'You come up with a mechanism where it cannot be abused and it cannot be used in the way it was in that particular case.' After 12 months, the government reverted to a different set of rules in relation to wind farm developments, but of course all these development applications had been lodged and they are still causing angst in regional communities. It is a strange sort of relationship we have with the Hon. Mark Parnell.

The Hon. K.J. Maher: Unholy.

The Hon. D.W. RIDGWAY: I would not say unholy, but if the wind farm DPA were not such an abuse, we probably would be inclined to support the government's amendment, but we are going to oppose the government's three amendments, which are all consequential. I put the challenge out to the minister that, if he can come up with some wording or a mechanism where it cannot be abused and cannot be used to give groups of people an advantage in the way that it was with the wind farm DPA, then maybe that is one of those issues that we may be able to look at between the houses. At this point in time, we are very happy to support the Hon. Mark Parnell and oppose the government's amendment.

The Hon. M.C. PARNELL: Very quickly, I am glad the Hon. David Ridgway raised that example; it had slipped my mind. The point he would know is that the Greens are big fans of renewable energy. We are great supporters of the wind farm industry, but I voted against that DPA, not because I did not think it was meritorious but because I did not like the way they did it. So, I am acting consistently and I appreciate that the Liberals are acting consistently in supporting our position on this.

Amendments negatived; clause passed.

Clause 75 passed.

Clause 76.

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

Amendment No 10 [Ridgway–9]—

Page 66, after line 1—Insert:

(1a) In particular, the Minister must publish a Ministerial building standard under subsection (1) that relates to adaptive re-use of buildings constructed before 1 January 1980.

This is something that the Leader of the Opposition Steven Marshall indicated last week that we would like to do. It is in relation to adaptive re-use and relates to buildings constructed before 1 January 1980. It is about adaptive re-use; it is about trying to get the C and D grade buildings upgraded in the city. I think minister Rau, at a press conference in response to that, said that the government would of course be happy to support that, so I will not delay the chamber but I urge members to support this amendment. It is an extension of some of the heritage adaptive re-use that we talked about some weeks ago and this just brings it to buildings that were constructed before 1 January 1980.

The Hon. K.J. MAHER: I thank the honourable member for his amendment. The government supports the concept of a ministerial building standard applying to adaptive re-use. This existing power under the Development Act to vary, alter or override the Building Code of Australia has been replicated in the bill, clause 76(1)(b).

It must be made clear that in relation to access and facilities for people living with disabilities, the current arrangements apply the premises standards under the commonwealth Disability Discrimination Act. As members would be aware, valid federal laws prevail over inconsistent state legislation. The commonwealth legislation has its own concessions and processes for seeking exemptions, and the ability to upgrade a building over a number of years if the owner cannot find the initial capital.

I am also advised that the commonwealth is undertaking a review of the existing disability access provisions and in May of this year, when complete, will reconsider this aspect of the specification depending on its findings. Until this time it would be premature for the government to commit to any changes relating to disability access. For these reasons, the government does not believe that the amendment is necessary but will support it.

Amendment carried; clause as amended passed.

Clause 77 passed.

Clause 78.

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

Amendment No 11 [Ridgway–9]—

Page 67, line 3—After 'members' insert: , only 1 of which may be a member of a council,

Amendment No 12 [Ridgway–9]—

Page 67, lines 19 and 20—Insert:

(d) a person who is a member of the Parliament of the State is not eligible to be appointed as a member of an assessment panel;

Amendment No. 11 relates to development assessment panels and the issue that we have had some debate over, that is, the make-up of development assessment panels. It is the opposition's position that we should have up to one member of a development assessment panel who could be a member of a local council. Everybody understands the issues; I think they have been well debated before.

The Hon. K.J. MAHER: I will speak to the Ridgway amendments, but I will not speak at great length. This was canvassed a lot when we originally talked about it only a couple of weeks ago. I will say, though, that in line with the recommendations of the Expert Panel on Planning Reform the government considers the depoliticisation of assessment panels to be a key platform of the reforms proposed in this bill. The government aims to achieve this again in line with the expert panel's reports by making elected representatives of councils, and indeed the state government, ineligible for appointment to such panels. This change has been publicly supported by peak bodies in the development sector.

The government's position is that if panel members who possess the skills and the necessary experience to make active planning decisions are appointed, it is likely that better outcomes would result for all. It is important to see this change in the context of what the new the bill envisages, which is the need for compliance with the community-designed community engagement charter that is firmly enshrined in the legislation.

The Hon. M.C. PARNELL: I too will be brief because we have agitated these issues. I will say at the outset that we had four different models presented last time. The only thing we achieved was to remove the prohibition on local councillors being on panels, which as the government rightly points out means that, as the bill currently stands, every member could be a local councillor. That was not anyone's intention.

The position of the Greens is that we thought the status quo was just under half, in other words, two out of five. We are disappointed that that is not where it ended up but, politics being the

art of compromise, certainly the Local Government Association realised that, faced with the option of one or none, one is better than none.

I am happy to be supporting the Liberal amendment. It will ensure that local councillors will at least have a foot in the door. They will by no means control any of these panels—they will have one person—but it will keep that level of connection between a local council and the decisions that are being made effectively in their name by these development assessment panels. I think that that is a good outcome, and I hope that that is what succeeds tonight.

The Hon. J.A. DARLEY: My question is not directly related to this amendment, but I do not know where else to put it. I would be grateful if the minister could confirm whether all assessment panels, both regional and otherwise, whether appointed by joint planning boards, councils or the minister, are independent and required to make decisions based on the planning rules and not owned and directed by those who appointed them.

The Hon. K.J. MAHER: In response to the Hon. John Darley's question, I can confirm that all decisions are to be based on the planning rules and the relevant assessment pathways. The government's preference is that these be objectively applied by accredited professionals with the appropriate skills and qualifications.

The Hon. J.A. DARLEY: They are not owned by the people who appointed them?

The Hon. K.J. MAHER: I have been advised that that is correct.

The Hon. D.G.E. HOOD: I will just make one point, that no member seems to have made, although it is quite obvious; perhaps members have thought about it but have not enunciated it; that is, both the government and the opposition's amendment excludes a member of the state parliament. There is no mention of the federal parliament, that is, a South Australian member of the federal parliament.

The Hon. D.W. Ridgway: They wouldn't want to lower themselves to that.

The Hon. D.G.E. HOOD: That may well be true. The Hon. Mr Ridgway interjects that they would not want to lower themselves, and perhaps that is quite right, but it does seem to be an inconsistency in both amendments before us. I was intending to oppose one of the Hon. Mr Ridgway's amendments and support the other one, that is, to oppose amendment No. 9, which says that only one member may be a member of a council. We have been consistent in opposing any member being a member of a council.

The Hon. D.W. Ridgway: Amendment No. 11 of set 9.

The Hon. D.G.E. HOOD: Correct; sorry, No. 11 set 9—and to support No. 12 set 9, which also says that a member of the state parliament is not eligible, with the proviso, as I mentioned though, that it is interesting that none of us have included federal members of parliament. I think the government's amendment actually does that anyway. It says specifically:

a person who is a member of the Parliament of the State [or a member of the council] is not eligible to be appointed as a member of an assessment panel;

We agree with that position, and for that reason we will be supporting the government amendment.

Amendments carried; clause as amended passed.

Clauses 79 to 95 passed.

Clause 96.

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

Amendment No 7 [Emp–8]—

Page 77, lines 11 and 12—Delete 'the requirement that the development is assessed as being appropriate after taking into account'

This amendment removes the appropriateness test and simply requires that a development be assessed consistent with existing section 33(1) of the Development Act against the relevant provisions of the planning rules. The issue as to whether the development should be approved or

not is instead addressed depending on the type of development and the applicable assessment pathway. For example, in relation to 'deemed to satisfy' development, the relevant authority can only approve the application if it satisfies all of the requirements aside from only minor variations, and I refer to clause 100.

This issue is dealt with in government amendment 8 of set 8 to clause 101 that will provide that performance assessed development may only be approved if a relevant authority considers that it is not seriously at variance with the planning rules. This reintroduces the seriously at variance test, which is better suited to a performance-based system than the strict no variance rule imported by the amendments passed during the committee stage.

The Hon. M.C. PARNELL: I would like to thank the government for their willingness to negotiate on this. I am happy with the government's amendments. They reinstate the 'seriously at variance' test. The idea that the test be that the development is appropriate was far too loose. Part of the beauty, I think, with the 'seriously at variance' test is that there are 30 or so years of jurisprudence on it. It is what the courts deal with in almost every single case, because that is the question before them: is the proposed development seriously at variance with the planning scheme? I think it makes sense to go back to that so I am happy to support the amendment to clause 96 and a consequential amendment to clause 101. They are the same issue.

The Hon. D.W. RIDGWAY: I am happy to indicate the opposition also will be supporting the amendments proposed by the government.

Amendment carried; clause as amended passed.

Clauses 97 to 100 passed.

Clause 101.

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

Amendment No 8 [Emp–8]—

Page 80, after line 39—Delete inserted paragraph (c) and substitute:

and

(c) to the extent that paragraph (b) applies—the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).

I think, as the Hon. Mark Parnell indicated, this is consequential on the amendment that we most recently passed.

Amendment carried.

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

Amendment No 24 [Emp–5]—

Page 81, lines 26 and 27—Insert:

(6) The Planning and Design Code may exclude specified classes of development from the operation of subsections (3) and (4).

This government amendment reinserts the ability for the planning and design code to exclude specified classes of development from notification requirements. This will allow the code to ensure that notification is targeted to those forms of development where it is genuinely required. It is intended that only development that is common, inspected and appropriate within a particular zone is to be excluded from the notification requirements.

As this will be achieved via a provision of the code, exclusions will be subject to public consultation and potential disallowance. Schedule 9 of the development regulations currently excludes a range of applications from public notification such as houses in residential zones, factories in industrial zones and shops in a shopping centre zone which are category one developments and require no public notification.

The Hon. D.W. RIDGWAY: I indicate the opposition will be supporting the government's amendment. We have had advice from some of the industry stakeholders to say that it would almost render the performance assessed development process unworkable.

The Hon. M.C. PARNELL: I see where the numbers lie. I am not going to be supporting the government amendment. I remind honourable members that, if this amendment that the government is proposing goes through, the government could use the planning and design code to remove public consultation and representation rights for any kind—any kind—of performance assessed development, and that is a major diminution of public rights. The government is saying, 'But we will only use it in sensible circumstances where no-one could possibly doubt that it is envisaged development and therefore we don't need to publicly notify people.' I do not accept that and I do not want to trust the government with those powers.

I think the analogy to the current schedule 9 of the Development Regulations is a poor analogy. Whilst, yes, there is a list in that regulation, the government is not proposing to put it in regulations where it would be a disallowable instrument, they are proposing to put this list of things where you do not have to consult in the planning and design code, which are—

The Hon. K.J. Maher: 'The code,' it says.

The Hon. M.C. PARNELL: No, the code is theoretically disallowable, but it will not be disallowed because it has to go through the gatekeeper of a government-controlled committee. In the history of this regime, which is being replicated in this bill, these planning schemes have never been disallowed. Regulations get disallowed all the time, but the code will not be disallowed. I do not accept that parliamentary scrutiny is at all effective when it comes to this, but I see where the numbers lie. I will not be supporting the government amendment; I am disappointed, but I will not be dividing on it.

Amendment carried; clause as amended passed.

Clause 102.

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

Amendment No 25 [Emp–5]—

Page 82, after line 18—Delete inserted subclause (3a)

This government amendment would reverse the decision made during committee stage that the impact assessed pathway, the most rigorous pathway proposed in the bill, cannot apply to the Adelaide Parklands. The government believes that allowing impact assessment would have the potential to streamline developments in the Parklands, to improve them as an asset for the South Australian community.

The Hon. M.C. PARNELL: This is a die in a ditch issue for the Greens. I should say 'a die in the essential infrastructure' for the Greens, because of course ditches are part of the definition of essential infrastructure. The amendment that this council in its wisdom passed during the earlier part of this committee debate effectively replicated the protections for the Parklands that exist in the 2005 South Australia Adelaide Park Lands Act. The clause that we agreed to last time does no more or no less than replicate that level of protection, so I am disappointed that the government is having another go at the Parklands.

I trust that the Legislative Council will continue to regard the Parklands as a special case that requires not only rigorous forms of assessment but non-political decision-making because, ultimately, what we are talking about here is the minister being able to make the final decision. It does not matter how rigorous the process is, if the buck stops with the minister in terms of the decision then a political decision will be made, and I do not think that is what people want for the Parklands. They want applications to go through the normal process at arm's length from the minister.

The Hon. D.W. RIDGWAY: I indicate that the opposition will be supporting the Hon. Mark Parnell's position, and it is an interesting one. I have had quite a lot of feedback tonight from various stakeholders. In particular, I had feedback from the Lord Mayor. I hope he does not mind me mentioning that he had a meeting some two weeks ago with the minister, who said that they would not be recommitting this particular clause, so he was a little bit confused.

He is obviously a lord mayor who is very happy to work with the government on development in the city and growing our great city, so he is certainly disappointed that these amendments have been tabled. There are a number of amendments (I am not quite sure how many, three or four, I think) in relation to the Parklands. I indicate that we will be opposing all the government amendments that relate to the Parklands and we will be supporting the position that we supported the Hon. Mark Parnell on.

The Hon. J.A. DARLEY: I indicate that I will not support the government's amendment.

Amendment negatived; clause passed.

Clause 103 passed.

Clause 104.

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

Amendment No 26 [Emp–5]—

Page 84, lines 13 to 15—Insert:

(3) The Commission may dispense with any requirement under subsection (2)(a) if the Commission considers that the giving of a notice envisaged by that subsection is unnecessary in the circumstances of the particular case.

This government amendment seeks to reinsert the ability to dispense with notification for restricted development, removed on amendment in the committee stage. This would allow the code to address matters that may arise from time to time. There is a small subset of noncomplying matters now that may be unnecessarily hampered by notification requirements, such as minor alterations and additions to ancillary building or works that may be required to ensure compliance with other legislative requirements.

There are checks and balances on this proposed approach to ensure that it is not misused. It is ultimately a decision for the independent arms-length commission that will be trusted to use this power appropriately in accordance with clause 103 requirements for publishing practice directions for restricted development.

The Hon. M.C. PARNELL: The Greens will insist on the amendment that we passed earlier and oppose the reinsertion of this clause. I remind members that 'restricted development' is akin to the current category called 'noncomplying development', and it is the only category of development that attracts third-party appeal rights. Those third-party appeal rights are a function of notification, so if you remove notification then there will be categories of development that people will not be able to comment on and will not be able to challenge.

These are noncomplying developments; these are outside the envisaged range of developments in the planning rules. So, the Greens' position is that these rights of public notification should not be able to be thwarted at the whim of the commission, so we would urge members to stick with the version of the bill that we passed last time.

The Hon. D.W. RIDGWAY: I indicate that the opposition will, consistent with our position on the Parklands, oppose this amendment that has been moved by the government.

Amendment negatived; clause passed.

Clauses 105 to 124 passed.

Clause 125.

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

Amendment No 29 [Emp–5]—

Page 112, after line 17—Delete inserted subclauses (27) to (31) and substitute:

(27) Subject to subsection (28), this section does not apply to any development within the Adelaide Park Lands (and any such development must be assessed under Part 7).

(28) Subsection (27) does not apply—

(a) so as to exclude the Governor making a regulation under subsection (4) with respect to minor works of a prescribed kind; or

(b) so as to exclude from the operation of this section development within any part of the *Institutional District* of the City of Adelaide that has been identified by regulations made for the purposes of this paragraph by the Governor on the recommendation of the Minister; or

(c) without limiting paragraph (b), so as to exclude from the operation of this section designated development proposed to be undertaken by a State agency (other than a State agency within the ambit of paragraph (c) of the definition of *State agency* under subsection (1)) within any part of the Adelaide Park Lands.

(29) Before making a recommendation to the Governor to make a regulation identifying a part of the *Institutional District* of the City of Adelaide for the purposes of subsection (28)(b), the Minister must take reasonable steps to consult with the Adelaide Park Lands Authority.

(30) A regulation under subsection (28)(b) cannot apply with respect to any part of the *Institutional District* of the City of Adelaide that is under the care, control or management of The Corporation of the City of Adelaide.

(31) For the purposes of this section, the *Institutional District* of the City of Adelaide is constituted by those parts of the area of The Corporation of the City of Adelaide that are identified and defined as—

(a) the Riverbank Zone; and

(b) the Institutional (Government House) Zone; and

(c) the Institutional (University/Hospital) Zone,

by the Development Plan that relates to the area of that Council, as that Development Plan existed on 24 September 2015.

(32) In this section—

Adelaide Park Lands has the same meaning as in the *Adelaide Park Lands Act 2005*;

designated development means development—

(a) for the purposes of the provision of prescribed infrastructure or a Government school; or

(b) consisting of alterations to—

(i) prescribed infrastructure; or

(ii) a Government school,

in existence before the commencement of this subsection; or

(c) for the purposes of the provision of facilities for sporting or recreational purposes, including—

(i) the construction, alteration, repair or maintenance of buildings or structures; and

(ii) any other works or earthworks,

connected with the provision of such facilities;

Government school has the same meaning as in the Education and Early Childhood Services (Registration and Standards) Act 2011;

prescribed infrastructure means—

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

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

(c) bridges for use by pedestrians; or

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

This amendment is to do with the Parklands, but it is not as the other two that we have conceded are effectively consequential. This one we do not think falls into that category—it is not strictly consequential. The government proposes to recommit a revised clause 125 (it is not exactly the same) that would revise the amendment passed in committee. It enables limited use of the crown development pathway in the Parklands, but maintains the overall intent of the amendment that was passed.

In particular, this would enable works in the institutional and Riverbank zones and would also allow limited crown works carried out by state agencies in the Parklands zone for the purposes of government schools and prescribed infrastructure, such as sporting or recreational facilities and roads, bridges, culverts, etc.

The Hon. M.C. PARNELL: This is another Parklands provision, but I accept that the minister is right to raise it separately because I think it does lend itself to some more work between the houses. I think the approach for the committee now is to oppose the government amendment. The reason I say that there might be some work to do between the houses is that it was certainly never my intention not to allow crown development assessment pathways to be used for those existing built environments in the Parklands. In other words, you have the whole of North Terrace pretty much, you have the Riverbank zone and you have the institutional zone.

However, there are two situations that I think need a bit more work: one is the existing Adelaide High School, which is in the West Parklands, and the other is the proposed new CBD high school, which is in the old Reid Building down off Frome Road. By a glitch in the zoning, both the existing school and the proposed new school are in the Parklands zone, and therefore the crown development pathway would not apply. That does not mean they cannot do anything on it; of course they can, they just have to go through a different pathway.

So my commitment to the minister and his staff is to say that I am happy to look at excluding those schools from the operation of this Parklands protection. Unfortunately the amendment the government has drafted has mixed the schools in with a whole lot of other essential infrastructure. I do not think it is possible for us to do drafting on the run and fix this up now, but between the houses I am certainly happy to pursue making sure that the Adelaide High School tuck shop redevelopment project does not have to jump through more hoops than necessary. That has been my commitment, but I think for now the only thing we can do is reject the government's amendment and have a look at that narrow issue when we come back.

The Hon. D.W. RIDGWAY: I think the opposition is of a similar view. There are some parts of this amendment that do have merit. I had a brief discussion with the minister only a couple of hours ago outside in the lobby at the back of this chamber, and I said that maybe it was one of those things we can have further discussion about between the houses. I think the Hon. Mark Parnell is right that we need to oppose it now. I know the minister well enough; once he has it in he will not take it out. I think it is best that we oppose it now and then have that discussion between the houses.

The Hon. D.G.E. HOOD: For the record, Family First will support the amendment.

Amendment negatived; clause passed.

Clauses 126 to 155 passed.

New clauses 155A and 155B.

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

Amendment No 1 [Emp–7]—

Page 133, after line 31—Delete inserted clauses 155A and 155B and substitute:

Subdivision A1—Interpretation

155A—Interpretation

(1) In this Division—

basic infrastructure means—

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

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

(c) stormwater management infrastructure; or

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

(2) For the purposes of this Division, a *designated growth area* is an area which is to be developed in 1 or more of the following ways:

(a) by the division of land and the sale (or proposed future sale) of all or some of the resulting allotments;

(b) by rezoning to increase development potential;

(c) by undertaking urban in-fill, consolidation or renewal.

Subdivision A2—Establishment of schemes—basic infrastructure

155B—Initiation of scheme

(1) The Minister may initiate a scheme under this Subdivision in relation to the provision of basic infrastructure in, or in connection with, a designated growth area.

(2) A scheme under this Subdivision should be limited to—

(a) the provision of basic infrastructure; and

(b) funding arrangements for the provision of that basic infrastructure,

in 1 or more of the following situations:

(c) the basic infrastructure is reasonably necessary for the purposes of development that is proposed or to be undertaken within the designated growth area (including on account of rezoning that has occurred, or is expected to occur, in relation to the whole or a significant part of the development that is to occur within the designated growth area);

(d) the basic infrastructure will support, service or promote significant development that is proposed or to be undertaken within the designated growth area;

(e) it is reasonably necessary or efficient to co-ordinate the design, construction and funding of basic infrastructure under a scheme because of the scale of—

(i) development that is proposed or to be undertaken within the designated growth area; or

(ii) the basic infrastructure that is to be provided,

(or both).

(3) Subject to subsection (4), a proposal to proceed under this section may be initiated—

(a) on the Minister's own initiative; or

(b) at the request of another person or body interested in the provision or delivery of infrastructure.

(4) The Minister may only act under this section on the advice of the Commission.

(5) The Commission must, in providing advice under this section, take into account any relevant state planning policy and regional plan, and the relevant provisions of the Planning and Design Code (subject to any relevant amendments that might be made in connection with potential or proposed development that is to be undertaken within the designated growth area).

(6) The Minister will initiate a scheme by preparing a draft outline of the scheme that—

(a) provides detailed information about—

(i) the nature and intended scope of the basic infrastructure; and

(ii) any related development that is proposed to be undertaken as part of the scheme; and

(b) identifies the proposed designated growth area; and

(c) provides information about the proposed timing or staging of the various elements of the scheme; and

(d) assesses the costs and benefits of the scheme; and

(e) outlines a funding arrangement for the scheme, including whether it is proposed to impose a charge under Subdivision 2A; and

(f) provides information about the person or body that will be carrying out the work envisaged by the scheme (to the extent that is known); and

(g) identifies any basic infrastructure or other assets that might be expected to be transferred to another entity when the scheme has been completed; and

(h) provides such other information as the Minister thinks fit after consultation with the Commission.

(7) In giving consideration to the nature and intended scope of basic infrastructure under a scheme, the Minister must seek to facilitate the provision of infrastructure that is—

(a) fit for purpose; and

(b) capable of adaptation as standards or technology change over time (insofar as is reasonably practicable or appropriate in the circumstances); and

(c) capable of augmentation or extension to accommodate growth or changing circumstances over time (insofar as is reasonably practicable or appropriate in the circumstances); and

(d) where appropriate, designed to build capacity for the future, including by allowing for connections, extensions or augmentation by others who are able to leverage off the initial investment in the basic infrastructure; and

(e) designed and built to a standard that is appropriate taking into account the nature and extent of development that is proposed to be undertaken within the relevant designated growth area; and

(f) capable of being procured and delivered in a timely manner to facilitate and promote orderly and economic development.

(8) In giving consideration to the constitution of a designated growth area under subsection (6)(b), consideration must be given to—

(a) the area or areas which will benefit from any basic infrastructure to be provided under the proposed scheme; and

(b) the extent to which it is possible to establish an area that will provide fair and sufficient funds over time with respect to the provision of the basic infrastructure under the proposed scheme; and

(c) the extent to which the designated growth area may overlap with a contribution area under Subdivision 1.

(9) In giving consideration to whether or not to include a proposal for the imposition of a charge under Subdivision 2A, the Minister must take into account—

(a) the extent that it is reasonable that other sources of funding be used instead; and

(b) any schemes or arrangements (including with respect to the imposition of separate or other rates or charges) that are already in place, or already planned (and known to the Minister) with respect to the provision of basic infrastructure or the undertaking of works in the designated growth area (or in an adjacent or related area).

(10) The Minister, in preparing the draft outline, must—

(a) take reasonable steps to consult with—

(i) the owners of land within the proposed designated growth area; and

(ii) the person or persons who are intending to undertake any relevant development within the proposed designated growth area; and

(b) take reasonable steps to consult with the council within whose area the proposed designated growth area is situated,

and may consult with any other person or body as the Minister thinks fit.

(11) The Minister will then publish the draft outline—

(a) in the Gazette; and

(b) on the SA planning portal.

(12) In addition, the Minister must, as soon as is reasonably practicable after acting under this section on the advice of the Commission, publish the advice on the SA planning portal subject to any qualifications or redactions that are necessary to prevent the disclosure of confidential or commercially sensitive information provided by or relating to—

(a) an owner or occupier of land; or

(b) a proponent of development relating to the provision of infrastructure; or

(c) a provider of infrastructure.

(13) The Minister will then (at a time determined by the Minister) refer the proposed scheme to the Chief Executive for the appointment of a scheme coordinator.

I know we are being brief, and I think it has been working well tonight in terms of not pursuing things that are consequential and not dividing unnecessarily, but this was the subject of significant debate about the operation of such schemes and the potential impact on mums and dads buying houses, lifestyles, and so on so I might take a little bit of time to read it out. It will take a few minutes and I apologise for that.

The government has heard concerns that were raised in this chamber when we previously debated this, and from others outside this chamber, and has made three fundamental changes to the basic scheme. These include:

- the charge must be paid on either land division or acting on development approval—clause 58(1a)(c) and (1b);
- the charge cannot be spread over time; it is payable by the developer up-front—clause 161(2a); and
- checks to ensure land cannot be sold to a mum or a mum and dad if a charge is outstanding as registered on the title—clauses 161(2b) and 163C(1)(d)(ii).

I want to draw some comparisons to the system we have now and why the infrastructure schemes are an absolute must in the new system.

The basic scheme is the next generation of what occurs now. By way of example, the most significant rezoning in recent times included rezoning in Angle Vale, Virginia, and Playford North. In the absence of a statutory infrastructure charging mechanism, this process took 4½ years following an extensive structure planning process. It took this time to negotiate in excess of 250 deeds. This took significant state and local government resources and multiple rounds of negotiations.

The process was confusing to community and landowners alike, and at the end of this process we still have a growth area that looks like Swiss cheese, with unzoned allotments scattered amongst the zoned land. This is a poor policy outcome and not attractive to developers. The basic scheme will remove this 'Swiss cheese' zoning and provide certainty around costs, levels of service and when infrastructure is paid for and by whom.

Under the basic scheme, a boundary will be drawn around a growth area following appropriate strategic planning. Developers within the boundary will be charged an infrastructure fee at the point they benefit—either at the land division or acting on a development approval. This outcome is clearer to the community, as payment rests with the developer set to make the profit, rather than anyone else.

The basic scheme will be supported by infrastructure standards that cannot gold plate but are reflective of appropriate levels of service to a growth area. Whereas the general scheme provides a mechanism to upgrade the public realm, such a mechanism does not exist now. As we have previously discussed, this scheme requires 100 per cent of the beneficiaries to sign up to a jointly

funded public realm upgrade over a period of time. What typically occurs now is that a developer will fund improvements to the street immediately outside the development. This is where those improvements end, if they are done at all.

The general scheme allows for a developer to propose public realm enhancements beyond just their site, for example. It is not inconceivable that this mechanism could fund improvements to key our main streets well beyond a development site should other parties agree to contribute. Importantly, the scheme can only proceed if 100 per cent of the parties agree. To date, rolling out such an approach has relied on lengthy and often unsuccessful negotiations between the state, local government and the developer to split the costs. Such approaches are rarely seen due to the significant cost for one developer to bear and the taxpayer, should the local or state government agreed to jointly fund.

The general scheme provides greater opportunities to receive such improvements spread across multiple landowners. This spreads the cost across the beneficiaries, who will likely see a rise in their land value and patronage to their business. This is conceivable in a main street or a section of a main street in the city or suburbs, for instance. Place-making through enhanced public realm is a key ingredient in creating the places where people want to live, work and spend time in. Such environments will be appealing to the market.

Another benefit of the general scheme is the potential to attract commonwealth funding. We know that the federal government is looking at opportunities to partner in the delivery of city-making infrastructure with the state government and the private sector. States that have such mechanisms will likely have the front running in such decisions.

The Hon. D.W. RIDGWAY: On my understanding, the minister's set 7 is all to do with the tweaking of the infrastructure levies. I assume that the level of support is still there. I assume that the Greens, Kelly Vincent and the Hon. John Darley are still supporting infrastructure levies. We could go through all these amendments line by line, question the minister and spend several hours here, but I know that that is not going to achieve anything other than make us all tired and grumpy.

I indicate that the opposition does not support infrastructure schemes. We were somewhat disappointed that it took a couple of days to get the answers from the minister about whether it could be charged to mums and dads or whether it should be an up-front charge. We have some correspondence from the UDIA. I think they are reasonably comfortable with the amendments and, given that the government has the numbers, we will not be supporting any of these amendments but we will not, obviously, be opposing. We will oppose them, but not divide on them.

The Hon. M.C. PARNELL: I will be brief too. I put on the record that we will be supporting all the government's amendments in set 7 that relate to the infrastructure scheme. I do not think we need to agitate them. I acknowledge the forbearance of the Leader of the Opposition in this place because we could debate them all, but he has seen where the numbers lie on this one and I think it will be good to shortly see the end of the bill.

The Hon. J.A. DARLEY: I indicate that I also will be supporting all the government's amendments in set 7.

The ACTING CHAIR (Hon. G.A. Kandelaars): I firstly indicate that current clause 155A is the same as previously inserted, so there is no question that needs to be put on that; I just make that clear. The question is that the existing clause 155B, as proposed be struck out, stand part of the bill.

New clause 155B inserted.

Clause 156.

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

Amendment No 2 [Emp–7]—

Page 135, after line 27—Insert:

(8a) In addition, the Minister must, as soon as is reasonably practicable after acting under this section on the advice of the Commission, publish the advice on the SA planning portal subject to any qualifications or redactions that are necessary to prevent the disclosure of confidential or commercially sensitive information provided by or relating to—

(a) an owner or occupier of land; or

(b) a proponent of development relating to the provision of infrastructure; or

(c) a provider of infrastructure.

I am happy to speak to it at length if people want, but I suspect they do not.

Amendment carried; clause as amended passed.

Clause 157 passed.

Clause 158.

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

Amendment No 3 [Emp–7]—

Page 136, after line 15—Delete inserted subclause (1a) and substitute:

(1a) In addition to the other provisions of this Division, in developing a funding arrangement that includes a proposal for the imposition of a charge made under Subdivision 2A, the scheme coordinator should seek to act consistently with the following principles:

(a) the charge should be limited to recovering the reasonable capital costs of the basic infrastructure based only on infrastructure that is not excessive and that is not produced or delivered at a cost or price that is unreasonable in the circumstances;

(b) the charge should not have an excessively adverse impact on—

(i) the development of a designated growth area; or

(ii) housing or living affordability within a designated growth area; or

(iii) employment, investment or economic viability associated with a designated growth area; and

(c) the charge must be based on a scheme under which a payment or payments under the charge become payable (or commence to become payable) on a specified event or events; and

(d) funding under the scheme should recognise the need to provide value for money in connection with funding arrangements including, as appropriate, through contestable provision of basic infrastructure; and

(e) rebates for charges should be available in appropriate circumstances; and

(f) exemptions from the imposition of a charge should be considered depending on the circumstances of the case.

(1b) In connection with subsection (1a)(c), an event or events that trigger the requirement to make, or to begin to make, a payment under a charge must be related to when development is undertaken being—

(a) the depositing of a plan for the division of land under Part 19AB of the *Real Property Act 1886*; or

(b) undertaking of approved development.

(1c) In addition to subsection (1a)(f), exemptions from the imposition of a charge under Subdivision 2A will apply in any circumstances prescribed by the regulations.

Amendment carried.

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

Amendment No 4 [Emp–7]—

Page 137, after line 12—Insert:

(5) The Minister must publish a copy of a report furnished under subsection (4) on the SA planning portal as soon as is reasonably practicable after determining whether or not to proceed with the scheme to which the report relates, subject to any qualifications or redactions that are necessary to prevent the disclosure of confidential or commercially sensitive information provided by or relating to—

(a) an owner or occupier of land; or

(b) a proponent of development relating to the provision of infrastructure; or

(c) a provider of infrastructure.

Amendment carried; clause as amended passed.

Clauses 159 and 160 passed.

Clause 158.

The CHAIR: I have just been advised that amendment No. 4 [Maher-7] to clause 158, page 137, after line 12, should have been: 'Delete subclause (5) and insert new subclause (5).' We need it for the administration.

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

Page 137, after line 12—Delete subclause (5) and insert new subclause (5)

Amendment carried; clause as amended passed.

Clause 161.

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

Amendment No 5 [Emp–7]—

Page 139, after line 6—Insert:

(2a) Despite paragraph (aa) of subsection (2), ESCOSA, or another prescribed person or body acting in accordance with that paragraph, may not make a determination in relation to a scheme that provides for the imposition of a charge under Subdivision 2A that results in the charge being payable over a longer period of time than the period applying under the funding arrangement established by the scheme.

(2b) Despite the preceding subsections, a funding arrangement under a scheme that provides for the imposition of a charge under Subdivision 2A must provide that the liability to make a payment or payments under the charge after the occurrence of an event or events that trigger the requirement to make, or to begin to make, such payments cannot be transferred to a purchaser of any land or dwelling to which the scheme relates who intends to occupy the land or dwelling for residential purposes.

Amendment No 6 [Emp–7]—

Page 139, line 14—After 'Subdivision 3' insert 'or charge that is to be imposed under Subdivision 2A'

Amendment No 7 [Emp–7]—

Page 140, lines 4 to 10—Delete subclause (8) and substitute:

(8) If a report furnished to the ERD Committee under subsection (5) relates to the approval of a scheme for the collection of contributions under Subdivision 3 (a *contributions scheme*) or the approval or variation of a funding arrangement under a scheme that provides for the imposition of a charge under Subdivision 2A (a *charge scheme*), the ERD Committee must, after receiving the report—

(a) resolve that it does not object to the contributions scheme or charge scheme (as the case requires); or

(b) resolve to suggest amendments to the contributions scheme or charge scheme (as the case requires); or

(c) resolve to object to the contributions scheme or charge scheme (as the case requires).

Amendment No 8 [Emp–7]—

Page 140, line 14—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 9 [Emp–7]—

Page 140, line 34—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 10 [Emp–7]—

Page 140, line 35—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 11 [Emp–7]—

Page 140, line 36—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 12 [Emp–7]—

Page 140, line 39—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 13 [Emp–7]—

Page 140, lines 40 and 41—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendment No 14 [Emp–7]—

Page 141, lines 8 and 9—After 'contributions scheme' insert 'or charge scheme (as the case requires)'

Amendments carried; clause as amended passed.

Clauses 162 and 163 passed.

New clauses 163A to 163D.

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

Amendment No 15 [Emp–7]—

Page 141, after line 30—Delete inserted clauses 163A to 163D (inclusive) and substitute:

Subdivision 2A—Charges on land

163A—Application of Subdivision

This Subdivision applies with respect to charges for the purposes of a scheme initiated under Subdivision A2.

163B—Creation of charge

(1) The Minister may impose a charge under this Subdivision over land within a designated growth area.

(2) The Minister may impose a charge over land with or without the agreement of the owner of the land.

(3) For the purpose of the imposition of a charge, the Minister may deliver to the Registrar-General a notice, in a form determined by the Registrar-General—

(a) setting out or incorporating the terms of the charge; and

(b) setting out the real property over which it exists; and

(c) requesting the Registrar-General to note the charge against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land.

(4) The Registrar-General must, on receipt of a notice under subsection (3), in relation to the real property referred to in the notice, enter an appropriate notation in accordance with the notice.

(5) When an entry is made under subsection (4), a charge over the real property is created.

(6) The terms and conditions of the charge may be varied—

(a) by the Minister after consultation with the owner of the land to which the charge relates (and with or without the agreement of the owner of the land); or

(b) on account of a periodic review under section 161(2)(aa); or

(c) in circumstances prescribed by the regulations.

(7) A variation under subsection (6) will be effected in a manner determined by the Minister after consultation with the Registrar-General.

(8) The Minister must, when payments under a charge have been made and paid in full, by further notice to the Registrar-General under this section, cancel the charge.

163C—Ranking of charge

(1) While a charge exists over real property, the Registrar-General must not register an instrument affecting the property unless—

(a) the instrument was executed before the charge was created or relates to an instrument registered before the charge was created; or

(b) the instrument is an instrument of a prescribed class; or

(c) the Minister consents to the registration in writing; or

(d) the instrument—

(i) is expressed to be subject to the charge; and

(ii) is not a conveyance that relates to the transfer or sale of the real property to a purchaser who intends to occupy the real property for residential purposes; or

(e) the instrument is a duly stamped conveyance that relates to the transfer or sale of the real property under section 163D.

(2) An instrument registered under subsection (1)(a), (b), or (c) has effect, in relation to the charge, as if it had been registered before the charge was created.

(3) If an instrument is registered under subsection (1)(e), the charge will be taken to be cancelled and the Registrar-General must make the appropriate entries to give effect to the cancellation.

163D—Enforcement of charge

(1) If a person fails to comply with the terms and conditions of a charge, the charge may be enforced as follows:

(a) the Minister must, by notice in the Gazette, inform the person of the breach and give the person at least 1 month to remedy the breach; and

(b) if the person does not remedy the breach within the time allowed in a notice under paragraph (a), the Minister may proceed to have the land to which the charge relates sold.

(2) The sale will be by public auction (and the Minister may set a reserve price for the purposes of the sale).

(3) If, before the date of such an auction, the outstanding amount of the charge and the costs incurred by the Minister in proceeding under this section are paid to the Minister, the Minister must call off the auction.

(4) The requirement to sell at auction does not apply in any circumstances prescribed by the regulations.

(5) If—

(a) an auction fails; or

(b) an auction is not required under subsection (4),

the Minister may sell the land by private contract for the best price that the Minister may reasonably obtain.

(6) Any money required by the Minister in respect of the sale of land under this section will be applied as follows:

(a) firstly—in paying the costs of the sale and any other costs of a prescribed kind;

(b) secondly—in discharging any liabilities secured by instrument registered before the charge was created, or that is taken to have such effect by virtue of section 163C;

(c) thirdly—in discharging the amount or amounts secured by the charge;

(d) fourthly—in discharging any other liabilities secured by registered instruments;

(e) fifthly—in discharging any other liabilities that exist in relation to the land of which the Minister has notice;

(f) sixthly—in payment to the owner of the land.

(7) The title obtained under the sale of the land will be free of—

(a) any charge under this Subdivision; and

(b) all other liabilities discharged under subsection (6); and

(c) any other liability that may exist on account of any mortgage, charge or encumbrance.

(8) If land is sold, an instrument of transfer or conveyance in pursuance of the sale executed by the Minister will, on registration or enrolment, operate to vest title to the land in the person named in the transfer or conveyance.

(9) If it is not reasonably practicable to obtain the duplicate certificate of title to land that is sold in pursuance of this section (or other relevant instrument), the Registrar-General may register a transfer or conveyance despite the non-production of the duplicate (or instrument), but in that event will cancel the existing certificate of title for the land and issue a new certificate in the name of the transferee.

The CHAIR: New clauses 163A, 163B and 163D are the same; therefore, we are voting on new clause 163C.

New clause 163C inserted.

Clauses 164 to 232 passed.

New schedule 7.

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

Amendment No 9 [Emp–6]—

Page 217, after line 2—Insert:

Schedule 7—Rural living areas

1—Rural living areas

(1) The following provisions will apply in relation to a rural living area in place within an environment and food production area defined by the plan referred to in section 7(1):

(a) section 7(5)(d) and (e) will not apply in relation to the rural living area;

(b) if—

(i) after the commencement of this clause, an application for development authorisation is made that involves a division of land within the rural living area that would create 1 or more additional allotments to be used for residential development; and

(ii) the relevant policies or conditions relating to the minimum size of allotments or the division of land generally that were in force on 1 December 2015 (the *prescribed land division provisions)* provide for a larger minimum allotment size or involve more restrictive conditions on the division of land than the provisions that would otherwise apply in relation to the proposed development,

the prescribed land division provisions will apply in relation to the proposed development (despite any other relevant instrument and despite the other provisions of this Act).

(2) In this clause—

rural living area means—

(a) an area that is defined as a *rural living zone* by a Development Plan under the *Development Act 1993* on 1 December 2015; or

(b) an area that is defined as an *animal husbandry zone* by the Development Plan for The District Council of Mallala under the *Development Act 1993* on 1 December 2015;

(c) any of the following areas or zones defined by the Development Plan for Alexandrina Council under the *Development Act 1993* on 1 December 2015:

(i) *Residential Airpark Policy Area 2 in an airport zone*;

(ii) *Precinct 11 Hindmarsh Island North in a primary production zone*;

(iii) *a coastal settlement zone*.

(3) This Schedule expires 2 years after the day on which it comes into operation.

Fundamentally, the EFPA is about the protection of the environment and food bowl through encouraging increased infill with reduced reliance on fringe growth. This is good planning policy. However, there is recognition that people have use rights under existing zoning. This clause preserves those rights for two years after the commencement of the clause.

Schedule 7 ensures that areas in Greater Adelaide presently set aside for rural living, whatever their name under development plans, will not immediately be subject to any lesser entitlements to subdivision and residential development by virtue of inclusion in an environment and food production area. Rather, the policies applicable in that area or zone will be maintained, such that pre-existing entitlements or rights to land division for residential purposes will be retained, whether by virtue of minimum allotment size or other measure.

These are specifically in response to a number of questions the Hon. David Ridgway put forward. The Hon. Mr Ridgway asked what clauses 1(2)(b) and (c) of the rural living definition in schedule 7 mean. The areas Mr Ridgway queried have been included in the rural living areas definition in schedule 7 because they are treated the same as rural living zones by the existing development plan policy in order not to extinguish landowners' existing rights. The different names reflect the different names used in council development plans for the same thing (i.e. land that is used for what is generally understood in planning as rural living).

It is a matter of equity that similar entitlements should be preserved rather than treated differently just because of the naming convention in certain development plans. For example, in Mallala district council, an animal husbandry zone effectively looks to accommodate detached dwellings on large allotments in conjunction with intensive animal husbandry pursuits, including horse keeping and dog kennelling. Such developments will coexist with broader rural activities.

Alexandrina Council's Residential Airpark Policy Area 2 intends to provide low density residential development to accommodate persons with a close affiliation with the aviation industry and/or the activities of the Goolwa airport (i.e. houses with a hangar to park small planes).

The Hon. D.W. Ridgway: Which airport? Goolwa?

The Hon. K.J. MAHER: Goolwa.

The Hon. D.W. Ridgway: I thought you said Gawler.

The Hon. K.J. MAHER: No, Goolwa in Alexandrina Council. They do not have a lot to do with Gawler.

The Hon. D.W. Ridgway: I just never know.

The Hon. K.J. MAHER: I will speak more clearly so as to avoid confusion. Alexandrina Council Precinct 11 Hindmarsh Island North in a primary production zone allows limited residential development on existing small holdings, some associated with farm diversification and tourism opportunities. Alexandrina Council coastal settlement zones comprise distinct existing holiday house areas fronting the Goolwa and Mundoo channels with allotments created through lease or freehold arrangements (i.e. shack sites).

There was a question about what the sunset clause is for. Existing policy contemplates an allotment which is subject to an existing rural living development plan policy may be proposed to be subdivided in accord with the rules set out in that development plan. The sunset clause allows existing owners of such land, who have not chosen to subdivide and may never choose to do so, to have two years from the commencement of this clause to elect to exercise their right to subdivide under any relevant current development plan policy.

Two years is a more than adequate time within which a person, who currently may or may not seek to subdivide, may choose to do so. Otherwise, as may be the case after the two-year period, such land within the EFPA can no longer be subdivided, but will remain useful for any other purpose, save and except for residential development.

The Hon. D.W. RIDGWAY: Given all the other amendments have really been agitated by either debate in here or the other chamber or from industry or local government requests, I am wondering what was the genesis of this particular new schedule 7?

The Hon. K.J. MAHER: Schedule 7, except for the sunset clause, is pre-existing. That is my advice. It was originally introduced but was consequential on the EFPA clause which did not get up last time. As I understand it and as I am advised, this is what was in the bill as originally introduced but accepted, except for the sunset clause provision.

The Hon. D.W. RIDGWAY: So what you are saying, minister, is that this was in the bill and then, when we opposed the EFPA, this was a consequential deletion of that, but because it is not just reinserting you say it is a new schedule on page 217 after line 2. In what I have here, which was the original bill that we were working from—and this is not the marked up version, so it is the original one we were working from—there is no schedule 7, so I am just intrigued.

The Hon. K.J. MAHER: It was in the original government amendments but with the defeat of the EFPA last time, it was not moved. It was in the original government amendments but it was not moved because it was not successful in the body of the bill last time.

The Hon. D.W. RIDGWAY: I guess I just want to explore the issues that were contemplated in the discussion the Hon. John Darley had with the minister in relation to landowners and realigning their allotments. Does this new schedule 7 allow those landowners some way of rearranging those allotments some time in this two-year period?

The Hon. K.J. MAHER: It allows the right to rearrange your boundaries. I think we talked before dinner about how, subject to the relevant policy in terms of your ability to subdivide, if you have that current ability, you have two years to take up that ability to subdivide should you wish to do so.

The Hon. D.W. RIDGWAY: Yes, I understand that and that is the areas that are currently zoned as rural living.

The Hon. K.J. Maher: Or its equivalent.

The Hon. D.W. RIDGWAY: Yes, maybe in the Alexandrina Council it is slightly different. The area that a number of us have been approached by is up around Gawler and the Barossa. The landowners that I am aware of I think are somewhere wedged between the Light Regional Council and the Barossa Council in that area. I am just wondering whether this new schedule gives them an opportunity to address their issues.

The Hon. K.J. MAHER: I think I understand the question and I hope this answers it: if they have permission now to subdivide they have two years to do it; if they do not have permission to subdivide then they will not be able to do it—but they would not be able to do it now anyway so, to that effect, it does not change it.

The Hon. D.W. RIDGWAY: I have another question in relation to rural living. My recollection—and I am not sure, but I will say Cockatoo Valley from the Barossa zone—is that there was a pocket of rural living somewhere in and around that part of the Barossa. Is that because it is in the Barossa protection zone that it is not captured by this? Surely the Greater Adelaide area overlays everything. I know there are certain protections for McLaren Vale and the Barossa but do other rural living areas get the same benefit or is it only these three or four that have been mentioned in the schedule?

The Hon. K.J. MAHER: I thank the honourable member for his question. I am advised that any rural living zone in the EFPA will allow the provisions of being able to subdivide. The reason the four specifically mentioned in the schedule are mentioned is that they are, in effect, rural living but called something else. As 2(a) in the schedule says, it applies to an area that is defined as rural living zone by a development plan under the Development Act—and then it lists those four specific areas that are, in effect, rural living but are called something else.

The Hon. D.W. RIDGWAY: Maybe it is too late in the evening to ask for this, but perhaps we will do the third reading tomorrow or maybe we could report progress, but I am interested to know how many rural living zones there are inside the EFPA, and where they are.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: It may be approximate. We are not going to be back until 11.00 so we have 12 hours to find it.

The Hon. K.J. MAHER: I am advised that there are approximately 25, but I will give an undertaking to count them exactly and, if desired, report back at the third reading stage with that answer and put it on the record for the honourable member.

The Hon. D.W. RIDGWAY: I wonder if the minister could do more than count them and actually tell us where they are. I am sure it can be done. I see the minister's advisers doing that. I recall discussions well before the minister was here—maybe he was an adviser to the Hon. Terry Roberts—around the Kudla area, south of Gawler. I am not sure whether they were rural living but, again, there were issues there where they were 10-acre blocks and meant to be market gardens but were not viable, full of thistles, artichokes and tall grass.

The Hon. J.S.L. Dawkins: Some of them.

The Hon. D.W. RIDGWAY: That is why I would like to know exactly where they are. If they have the opportunity to subdivide then that is different because it is effectively an area outside of the township boundaries.

The Hon. K.J. MAHER: I thank the honourable member for his question. We will count them exactly and provide that and, if the honourable member desires even before the third reading speech tomorrow, a map that shows where those areas are.

The Hon. D.W. RIDGWAY: I do not know whether any other members have any questions tonight, but I wonder whether it might be appropriate to report progress. It will only take 10 minutes tomorrow morning. If in the end we have some issue with this schedule, if we pass it tonight, then it is passed. I do not really think that we will have, but for the sake of 10 minutes tomorrow morning, it will give us an opportunity to look at the maps, to get the list.

The Hon. K.J. MAHER: I have undertaken to give you those lists.

The Hon. D.W. RIDGWAY: The point I make, minister, is that if in the end we have some issue with the schedule and wish to vote against it we will not have any capacity to do so.

The Hon. K.J. MAHER: It is up to the will of the chamber. It would be our preference that we draw a line and get the bill done. We are happy to adjourn it at the third reading stage, but clearly it is up to the will of the chamber as to whether progress is reported now, so tantalisingly close to the end. It would be our preference to get this done, get it over with tonight. I have given an undertaking and I will make sure that we provide not just a number of those rural areas but a map of those for the honourable member before we start the third reading stage tomorrow, if hopefully we finish this tonight.

The Hon. D.W. RIDGWAY: Why don't I test it? I move:

That progress be reported.

The committee divided on the motion:

Ayes 7
Noes 8
Majority 1

AYES

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

NOES

Darley, J.A.	Franks, T.A.	Gago, G.E.
Maher, K.J. (teller)	Malinauskas, P.	Ngo, T.T.
Parnell, M.C.	Vincent, K.L.	

PAIRS

Brokenshire, R.L.	Kandelaars, G.A.	Lensink, J.M.A.
Gazzola, J.M.	Wade, S.G.	Hunter, I.K.

Motion thus negatived.

The CHAIR: Is there any further discussion on amendment No. 9, the schedule?

The Hon. D.W. RIDGWAY: I have a final question. Obviously, the minister has agreed to provide a list of all of the—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Tomorrow, or you are not now? You have given me a map, and it says down the bottom in fine print under this yellow bit 'for illustrative purposes only', so there obviously is some caveat that it is not 100 per cent accurate. It is interesting that you talk about existing development rights. Am I right to say that there will be a two-year period where people who own properties in rural living zones will be able to subdivide those properties?

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: That have existing rights or are they new rights?

The Hon. K.J. MAHER: I can inform the member that the advice is, as I think we have talked about just before, if you have existing rights to subdivide and if it is in accordance with the policy you maintain those rights to subdivide for two years from the date of the operation of the clause.

The Hon. D.W. RIDGWAY: So, there are no new rights. It is only the existing rights that owners have. After two years that is extinguished, and then what happens to their properties?

The Hon. K.J. MAHER: I thank the honourable member for his question. He describes it correctly: yes, you have two years to use those rights, and if you do not after two years use those rights to subdivide your property goes on as it has always been, and you cannot subdivide for residential purposes.

The Hon. J.A. DARLEY: Mr Chair, could I ask the minister to just clarify? None of these properties have the right to subdivide at all. They have existing titles. The problem is this: in some areas where it is zoned rural living, they can already realign the boundaries, but there are other areas within the food production zone where you cannot. So, my suggestion is that anywhere within the food production zone, where you have these rural properties with multiple titles, they have two years in which they can realign their boundaries.

The Hon. K.J. MAHER: The realignment of boundaries will, of course, be subject to the code. If you have existing rights to subdivide, they will be maintained for two years after the operation of the clause.

The Hon. R.I. LUCAS: The Hon. Mr Darley has just indicated he does not believe they will have subdivision rights and the minister said that they do. I refer to subclause (1)(b)(i) which says:

> after the commencement of this clause, an application for development authorisation is made that involves a division of land within the rural living area that would create 1 or more additional allotments to be used for residential development;

That sounds like subdivision rights to me. The Hon. Mr Darley has obviously been given some advice which is contrary to that. Let us be clear about this. When the government introduced their original bill, these provisions were not in there. They were in a package of amendments that the government subsequently was going to move but they were not in the original bill.

Under the original bill, these people would not have had the right to subdivide or develop and the government decided to give them the right to subdivide or develop through these amendments. I think that is contrary to what the Hon. Mr Darley has been led to believe in relation to these rural living provisions. Can I confirm from the minister that it is correct that, under the government's original bill, these people would not have had these development or subdivision rights?

The Hon. K.J. MAHER: These were amendments to our original bill. They would have appeared in the bill as we passed it last time had we passed the FPA earlier on.

The Hon. R.I. Lucas: So, it wasn't in the original bill?

The Hon. D.W. Ridgway: Not in the one that was tabled in the House of Assembly?

The Hon. K.J. MAHER: They were amendments that the government moved to the original bill and, had we passed the FPA last time, would have appeared in what we are debating now.

The Hon. R.I. LUCAS: The minister does not want to answer the question, but it is clear from that response that they were not in the original bill. They were in a package of amendments subsequently that the government wanted to move. It seems curious, this having been quite a cooperative session, that at the very last moment with this last provision the minister does not want this and wants to rush this through tonight. Is it correct that the Hon. Mr Piccolo has land in this particular area?

The Hon. K.J. MAHER: I do not know. I do not know exactly where he has land.

The Hon. R.I. Lucas: I don't know, either. I'm just asking the question It is just curious that you want this through tonight.

The Hon. K.J. MAHER: If there is any assertion that anybody is doing anything improper or inappropriate, I think that is an outrageous assertion. The Hon. Rob Lucas does this frequently. The answer is: I do not know.

The Hon. R.I. Lucas: Neither do I.

The Hon. K.J. MAHER: So, neither of us knows.

The Hon. R.I. LUCAS: I do not know the reason why. What was asked, which was a reasonable question, was whether or not this was the last provision and whether this could have been adjourned on motion or progress reported so that investigations or inquiries could have been made, without having to raise it in the house, to check what the facts were. But, because you are now forcing all of this to be done tonight, we are not in a position to check the facts. The only way we can find out is to ask the question. I have got no idea.

All I can see is a map over the Hon. Mr Ridgway's shoulder of the rural living areas. These people are being given rights which in the government's original bill they did not have; the minister has acknowledged that. There were going to be further amendments that the government was going to move, but they were not in the original bill. For some reason, the government has decided to give a group of people, unknown to me, development rights which other people are not going to have as a result of the decisions the parliament is taking.

I do not know how many people there are there. I do not know who is involved. If progress had been reported, then discreet inquiries could have been made without having to raise the issues in this house. The minister's actions, in forcing this to be debated tonight, have meant that the only way of asking the question is to put the questions to him tonight. He says he does not know and I will say I do not know.

I have no idea; that is why I am asking the questions in relation to what is actually involved because the minister has not explained. It was not in the original bill. Why has the government given certain development rights to a certain group of people which they were not going to give in the original bill. The original bill was developed after months or years, or however long it was, of consultation. The government decided it was not going to give certain rights to certain people, and then for whatever reason subsequently has decided to give development rights to certain people.

Only the government would know why that particular change was made. The minister is obviously not in a position to explain that tonight. That is the reason the question was raised, otherwise it would have been handled discreetly.

The CHAIR: I still think, the Hon. Mr Lucas, that you could have asked that question but not honed in on a particular member of parliament.

The Hon. R.I. Lucas: Mr Chairman, you can have whatever view you like, but it is not going to impact—

The CHAIR: Yes, well, that's right, but too often people use this chamber under parliamentary privilege to make assertions out of left field. I think you could have asked the same question without actually honing in on a particular member.

The Hon. K.J. MAHER: These thinly veiled accusations I am not going to dignify. I will say that this does not create any new rights; it preserves rights for two years if you already have them.

The Hon. R.I. LUCAS: Yes, but under the original bill they did not have them.

The CHAIR: Look, this is—

The Hon. D.W. RIDGWAY: I beg your pardon, Mr Chairman, I am trying to ask a question. A map that has been provided to me by the minister—

The Hon. P. Malinauskas: Glass jaws over there.

The Hon. D.W. RIDGWAY: You have been here for two minutes and you start interjecting. We are not meant to use props, so I am trying to explain it. The Hon. John Dawkins talks to me about the Lewiston area. If I look at the scale, it is maybe eight kilometres by four kilometres, or 10 kilometres by five kilometres, so somewhere between 30 and 50 square kilometres. The Hon. John Dawkins tells me it is the biggest rural living area in Australia.

The Hon. J.S.L. Dawkins: Well, animal husbandry, I think is the—

The Hon. D.W. RIDGWAY: Yes, whatever it is described as. As the Hon. Rob Lucas said, subclause (1)(b)(i) provides:

> after the commencement of this clause, an application for development authorisation is made that involves a division of land within the rural living area that would create 1 or more additional allotments to be used for residential development;

If it is the case that they are able to subdivide and get—

The Hon. K.J. Maher: Only pre-existing.

The Hon. D.W. RIDGWAY: But it does not talk about existing. It states:

> The following provisions will apply in relation to a rural living area in place within an environment and food production area defined by the plan…

It does not talk about existing. This is an area of 30 to 50 square kilometres that we are talking about that potentially has the right to subdivide. I would like to show this map to the Hon. Mark Parnell if he is familiar with where Lewiston is. It is a particularly large area that appears as though it can be subdivided. They are the questions we are asking, and we did want to report progress so we that could actually get some detailed information tomorrow, but the chamber chose not to so we are asking for details now.

The Hon. K.J. MAHER: I am advised that subparagraphs (b)(i) and (ii) need to be read together. It says 'and', so it is not either (i) or (ii), it is 'and'. Reading those both together makes it clear that pre-existing rights are maintained, not rights being enlarged for anything.

The Hon. D.W. RIDGWAY: Where is the 'and'?

The Hon. K.J. MAHER: At the end of subparagraph (b)(i), 'after the commencement of this clause…development; and', then subparagraph (ii). They are together. They are not separate things. It is not either of those: it is both of those.

The Hon. D.W. Ridgway: That still doesn't stop your subdivision.

The Hon. K.J. MAHER: If you've got pre-existing rights to do it, yes, you can for two years.

The Hon. R.I. LUCAS: The minister keeps saying 'existing rights', but the point I continue to make, which he will not acknowledge of course, is that when the government introduced the bill these existing rights, if he says they were existing rights, were going to be taken away by the

government. The government's original policy decision was that if they had existing rights they were to be taken away.

The government then had a package of amendments which were not moved in the House of Assembly but were going to be moved in the Legislative Council. For whatever reason, from the due consideration of the bill, when they were going to take away the existing rights of all of these people (I do not know how many people there are in this particular area), the government made a policy decision to say, 'No, we're now going to allow you to keep'—if they had existing rights, according to the minister—'the existing rights'.

So there is a conscious and significant policy decision change from the minister and the government. The reasons for that are still unexplained in relation to this. Contrary to the suggestions, from what the Hon. Mr Darley has said, that there is no subdivision or development rights in relation to this, the Hon. Mr Darley has been led to believe that this is just a realignment of titles, etc.

I fail to see how any reading of paragraph (b)(i), even with the inclusion of 'and' and (b)(ii), is consistent with what the Hon. Mr Darley has been told; that is, this is just a realignment of titles, it does not allow subdivision or development rights: it clearly does. You have to meet the provisions of subparagraphs (i) and (ii), I accept that, but it clearly in those circumstances allows subdivision or development rights. It is not, as the Hon. Mr Darley was led to believe, just a realignment of titles, which is what he indicated the government or its advisers had indicated to him. I move:

That progress be reported.

The committee divided on the motion:

Ayes.....8
Noes 7
Majority 1

AYES

Darley, J.A.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lucas, R.I.	McLachlan, A.L.
Ridgway, D.W. (teller)	Stephens, T.J.	

NOES

Franks, T.A.	Gago, G.E.	Kandelaars, G.A.
Maher, K.J. (teller)	Malinauskas, P.	Parnell, M.C.
Vincent, K.L.		

PAIRS

Brokenshire, R.L.	Ngo, T.T.	Lensink, J.M.A.
Gazzola, J.M.	Wade, S.G.	Hunter, I.K.

Progress thus reported; committee to sit again.

DOG FENCE (PAYMENTS AND RATES) AMENDMENT BILL

Introduction and First Reading

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

At 23:18 the council adjourned until Thursday 24 March 2016 at 11:00.