

LEGISLATIVE COUNCIL

Thursday, 24 March 2016

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 11:01 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 and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Recommittal

In committee.

(Continued from 23 March 2016.)

New schedule 7.

The Hon. K.J. MAHER: In relation to schedule 7, which we are now speaking about, firstly, I would like to put on the record that schedule 7 was originally filed by the Minister for Employment in set 1 on 1 December 2015. It was refiled without changes as amendment No. 97 of the minister's consolidated set 4 of amendments on 9 February 2016. The only change in the schedule that the government seeks to insert by this current amendment is the same as those previously filed, save for the addition of the sunset clause in schedule 7, subclause (3).

I also note that all rural living areas were identified on the map of the EFPA lodged with the General Registry Office on 1 December 2015. The purpose of schedule 7 is to ensure that any landholder who currently holds land that falls within a rural living zoned area who has the existing rights as at 1 December 2015 to further divide that land into further allotments with separate title down to a size allowed for that under the relevant rural living zone, but has not yet elected to do so, will continue to have that right under this bill for two years from the time this clause commences.

For example, a person may presently have land that is 50 hectares in size. These 50 hectares may be within an area that is already zoned rural living. The relevant rural living policy may provide for minimum allotment sizes of, say, 10 hectares. Accordingly, as of today, that person could, if they wanted to, elect to subdivide their single, 50-hectare allotments into five separately titled allotments to the size of 10 hectares, but they have simply not elected to do so.

Schedule 7 says to this person that, from the commencement of schedule 7, they will have two years to elect to exercise their rights existing as at 1 December 2015 to subdivide, as allowed per their current rural living policy; however, after two years, their right to do so will no longer exist. In the government's opinion, this schedule is only fair to such persons as described to have an existing right as at 1 December 2015 to subdivide but who have not yet elected to do so. Two years is more than adequate time for a person to consider whether to use such rights before they are extinguished.

If the opposition is seeking to oppose schedule 7, thereby entirely eliminating a person's existing rights as of 1 December 2015 to subdivide within two years from the commencement of this schedule, it is entirely a matter for the opposition to do so. However, in doing so, the opposition must

clearly understand that the government has merely sought to introduce schedule 7 to give a person with existing rights as of 1 December 2015 a reasonable opportunity to elect to use such a right.

The schedule is not critical to the function of the EFPAs, so the government will not be prepared to revisit the schedule if the opposition chooses to vote down schedule 7 and thereby take away a person's existing rights in doing so. Further, to be absolutely clear, schedule 7 does not in any way relate to the ability or inability to realign boundaries of such allotments. As has been stated previously, the realignment of boundaries is a matter of policy and will be subject to the policy that formed the planning and design code.

The Leader of the Opposition asked for more details about the number of rural living zones and exact areas of the EFPA. A more detailed map of the EFPA is being prepared for the Hon. David Ridgway. The department has confirmed that there are 35 areas currently zoned as rural living or equivalent within existing development plans.

The Hon. D.W. Ridgway: It was 25 last night.

The Hon. K.J. MAHER: I said 'approximately' and that we would come back with an answer, and that is what I am trying to do—to be helpful. The department has confirmed that there are 35 areas currently zoned as rural living. These zones have different land with individual requirements that vary from zone to zone and council to council.

I will hand over to the Hon. David Ridgway very detailed maps of these zones because that was one of his questions. It has taken officers working very hard for many hours to extract these maps. I will hand them over to the Hon. David Ridgway in a moment for his benefit. I can confirm that they thought there were approximately 25 last night. The advice is that there are in fact 35, and I have very detailed maps of those zones.

The CHAIR: Do you want to seek leave to table them?

The Hon. D.W. Ridgway: He doesn't want to table them; he just wants to give them to me. You would lose them.

The Hon. K.J. MAHER: Yes, I have indicated that I am happy to give them to the Hon. David Ridgway. With that, I am happy to answer any further questions, as I think are foreshadowed.

The Hon. R.I. LUCAS: The 35 rural living areas that the minister is talking about now, he says that someone who has a 50-acre block can divide it up into—

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: Yes, five lots of 10. As I understand it, one of the advisers told the Leader of the Opposition 10 lots of five, and I guess it varies. My question is: in these rural living zones, is there a minimum size? For example, do these rural living zones always have to have a minimum of one acre, five acres or 10 acres? They might vary above that number, but what is the minimum number you are able to subdivide a rural living zone into?

Whilst we wait for that answer, I want to put on the record that I thank the minister for his explanation that has now been provided. I think it provides some greater clarity, but I have a comment and/or question. The comment, firstly, is that for those of us in the chamber who are non-planning lawyers (which I guess is most of us) we read in schedule 7(1)(b)(i):

...within the rural living area that would create 1 or more additional allotments to be used for residential development...

Some of us took the layperson's interpretation of that to mean that 'residential development' means you can subdivide into quarter-acre blocks or whatever it might happen to be. That is not an unreasonable interpretation. When the minister's adviser comes back, my next question will be: I am assuming the government's advice is the term 'residential development' does not mean that? In the case of a rural living area, if it says you can only have a five-acre block minimum size, residential development can still relate to that particular issue. Perhaps we will get the response to the first question first.

The Hon. K.J. MAHER: In relation to the honourable member's first question, the minimum size would be dependent on that particular development plan rural living policy as of 1 December 2015. I am advised that it is not the case that these are statewide things; each rural living plan has its own minimum. The second question—

The Hon. R.I. LUCAS: On that first question, I understand that it depends on the plan. I am asking, through the minister, the government's advice. They must know; they have had a look at 35 rural living plans, and some of these people are expert in the area. What is the rough rule of thumb? Can you get down to quarter-acre blocks? Can you get down to a quarter-acre block, for example, in a rural living area?

The example that has been given on the record today is, in essence, a 10-acre block or living area. The Hon. Mr Ridgway was told last night potentially five. Can you get down to a quarter-acre block in a rural living area, or is it the fact that you have to have some minimum level? Clearly, you do not have to have a minimum level because that is what the minister has just indicated, but I am assuming there is a policy standard with the 35, where you have some indication as to what the rule of thumb has been in terms of the government's policies.

The Hon. K.J. MAHER: Without a very detailed analysis of every one of the 35, the advice off the top of the head of the advisers is that it would be a substantial-size block and not your small courtyard block. We will certainly get that so that we can inform the honourable member. I guess the question is: what is the smallest?

The Hon. R.I. Lucas: Five acres, is that what you are talking about?

The Hon. K.J. MAHER: We do not have the detail of all of them, what is the smallest. We will certainly get that, and if we do not have that today I undertake to bring it back to inform the honourable member.

The Hon. R.I. LUCAS: I do not propose, from my viewpoint anyway, to delay the final consideration of this schedule on the basis of that. I would be interested—if there are 35, then there must be at least 35 decisions that are there—to get some indication as to what the current practice is. The minister says 'substantial' or 'significant' (I cannot remember the word); it is unlikely to be a quarter-acre block, but it is something bigger. It would be worthwhile knowing, ultimately, what it is that we are talking about. That question has been taken on notice and the minister has undertaken to provide us with an answer.

Let's assume it is a five-acre minimum; it might not be, but let's assume it is a five-acre minimum. My question to the government is: I am assuming when the government in this bill uses the term 'more additional allotments to be used for residential development', I interpret 'residential development' to mean quarter-acre blocks and subdivisions. Clearly, I am assuming the government, when it says 'residential development', means that that is consistent with this: if the minimum is a five-acre block, they can divide their 50 acres up into 10 five-acre blocks and they have to have a proposal to put a house on each of those five-acre blocks. That is what the government means by 'allotments to be used for residential development'.

The Hon. K.J. MAHER: I am pretty sure I understand the question—the fact that (1)(b)(i) talks about 'allotments to be used for residential development' and, in the ordinary, plain English common use of 'residential development', one might take that to mean a residential development, say, at Mawson Lakes or that sort of style of residential development. This schedule applies to 'rural living areas', and in subclause (1) it quite clearly indicates, 'The following provisions will apply in relation to a rural living area place.' So, it has to be read down; it defines it as in relation to a 'rural living area'. It does say 'residential development', but that 'residential development' needs to be read down in relation to what the schedule is about, which is a rural living area. Therefore, all the applicable codes for allotment size apply there.

The Hon. R.I. LUCAS: I thank the minister for that. To clarify, someone would have to come up with a development proposal for their 10 five-acre blocks for residential development, so each of those five-acre blocks would have to have a proposal to build a house or residence on that particular block. You could not be selling them off for five-acre market gardens, or whatever else it happens to

be, because this is making it clear that it is only for residential development: it is not for a commercial or business development.

The Hon. K.J. MAHER: My advice is that it is entirely dependent on what that zoning and that policy allow. If it allowed that subdivision to occur for purposes where you did not have a house on it then, yes, you could do it.

The Hon. R.I. LUCAS: I understand that answer, but it does not make much sense to me. If that is the case, why would this provision be drafted as 'to be used for residential development'? If it is said to be used for the purposes of the zone (or whatever the technical term might be), that is fine.

The Hon. K.J. MAHER: I think the correct answer is that it is when you read it in conjunction with the EFPA. The EFPA seeks to restrict subdivision for residential purposes. When you read this in conjunction with the EFPA, which this schedule seeks to talk about, that talks about restricting residential purposes, which is why residential development is mentioned here. The EFPA is not restricting some of those other uses I think you are talking about.

The Hon. M.C. PARNELL: To try to assist my understanding of how this will work, I went to amendment No. 9, the proposed new schedule 7, and I looked at the definition of 'rural living area' and plucked out of that list one of the areas I had never heard of before so that I could explore what it might mean. I must admit that I had heard about people who have houses that back onto golf courses because they play golf, and people who have houses with stables that back onto horse racing tracks, but I had never heard about aircraft enthusiasts who have houses with a little aircraft hangar in the backyard that backs onto an airstrip.

One of the areas listed in this schedule is in the Alexandrina Council area and it talks about the residential air park policy area No. 2 in an airport zone. So, I had a look in the development plan for that area, and I discovered that about 2½ kilometres south of the town of Currency Creek you have this thing called the air park, which is divided up into different policy areas, including a residential policy area. It says in the development plan:

The policy area accommodates large residential allotments, generally of between 2,000 square metres and 3,500 square metres in area.

The Hon. Rob Lucas asked (and this has been taken on notice): how big are they? Well, they vary in size. These they say are two hectares, maybe 3½ hectares. The development plan goes on to say:

The allotments are to be developed with a single detached dwelling fronting the internal private roadway with their associated hangars positioned generally to the rear of the sites, suitably set back from taxiways and runways for operational safety purposes, but proximate for convenient access.

That is really describing a form of development. My understanding, looking at the map, was that there was one parcel of land. It looked to be maybe five or six hectares in size, and therefore the planning policy envisages that you might get, say, two or three allotments. My reading of this particular provision is that there is no minimum lot size. It says what they envisage it might be, but I could not see a minimum anywhere.

However, leaving that to one side, my understanding of the purpose of schedule 7 is that the owners of, say, a five-hectare allotment have two years to effectively get in there and lodge their subdivision application to divide it into two or three lots. If they do not do that within the next two years, then they will actually lose the right to do it, which I think would actually undermine the purpose of this zone. Leaving that to one side, they have two years to do it. I am asking the minister whether I have understood this properly.

They have two years to divide it up. They then do not have to apply to build any houses on the allotments, they do not even have to sell the allotments. All they have to do in the next two years is get their subdivision application, get some separate titles issued for these two-hectare blocks, and then they can sit on them. If they decide never to do anything with those blocks they can just enjoy the large property they have, or if they decide to sell their blocks—say in 10 years' time—they will be able to sell the two-hectare blocks they have created.

My question is: can the minister guarantee that people who buy those two-hectare blocks will be able to put a house on them (or a house and a hangar, because it backs onto the airport strip)? That is my little case study, my example of how I think this might work. Can the minister tell me whether I have that right?

The Hon. K.J. MAHER: In terms of putting a house on it—

The Hon. M.C. PARNELL: My point is that the prohibition on subdividing the environment and food production area is actually about subdividing it for housing. However, if you have taken this window of opportunity of two years, you have your subdivision application lodged, you are the proud owner of three certificates of title when you used to have just one, I just want to make sure that when, in 10 years' time, you do sell off one of those blocks that backs onto the airport runway, the person who buys the block off you will be able to build their house on that lot.

The Hon. K.J. MAHER: The very simple answer is, yes, that is correct. You are reading that correctly; that is how that could work.

The Hon. M.C. PARNELL: The Hon. Dennis Hood has corrected my mathematics and I might have to look at this again.

The Hon. K.J. MAHER: What, hectares—

The Hon. M.C. PARNELL: Yes. The map I was looking at indicated an area that was 100 metres wide and, say, 600 metres deep. So 100 by 600 is 60,000; that is six hectares. Okay, so that is right.

Finally, in relation this, the question has been asked: what is the minimum? In the current plan for this area it says that the allotments are 'generally of between 2,000 square metres and 3,500 square metres in area'. However, I cannot see anywhere where it says that is a hard and fast minimum. It may be that those words are somewhere else and I just have not found them—

An honourable member interjecting:

The Hon. M.C. PARNELL: That is right; 2,000 is half an acre. So in fact—

The Hon. R.I. Lucas: It is a half-acre block.

The Hon. M.C. PARNELL: The Hon. Rob Lucas is interjecting. I had suggested that this big parcel of land could be divided into two or three, but it sounds like it can be divided into 20 or 30, that is really what we are getting at. So you would be holding more than just two or three certificates of title, you would be holding a whole lot of them.

The Hon. K.J. MAHER: I think there will be different minimums with the zoning for a particular area. The one at Goolwa—I have not read it, but obviously the honourable member has—will vary quite significantly, depending, I am pretty sure, on the purpose of it. If the purpose is to allow it to back onto an airport, I am sure it will be very different from a rural living area north of Gawler or near the Barossa.

The Hon. D.W. RIDGWAY: I recall from my early days on the ERD Committee with the Hon. Mark Parnell that once land has been zoned you cannot unzone it. You can, but no-one ever does it. What I am asking is, that with this change with the two years, you are not changing the zoning, you are taking away the right of people to subdivide within that zone. So the zoning is not changing, it will still be a rural living area. So you are not unzoning it effectively, but you are taking away the right.

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Why have you chosen to do that and why have you allowed two years? Given that we have just heard the Hon. Mark Parnell discussing the Goolwa example—it may be half an acre, 2,000 square metres, and he talked about an allotment of 60,000 square metres, so effectively that could be 30 new titles—does the department, the local council, the system, have the capacity in the next two years for every possible subdivision that may be contemplated to be processed in that two years?

The Hon. K.J. MAHER: There are a couple of questions. Firstly, why the two years? I am advised that that was to give a reasonable amount of time for someone to decide if they wanted to take that action. Two years is quite a reasonable amount of time and there is always going to be a cut-off time when you make these times and that was chosen for a reasonable amount of time for someone to take action should they so choose.

In relation to the next question, which I think was, 'Does the department and LTO and everyone else who needs to have the adequate resources to have processed all of these within two years?'—and the Hon. Mark Parnell, planning expert as he is, helpfully interjected that it is the lodgement of the application within the two years—my advice is that, if it goes beyond two years, it is the lodgement of the application within the two years that is relevant.

The Hon. D.W. RIDGWAY: Does the minister envisage that either minister Rau or the relevant council will advise all these landowners that they have two years to exercise this right or it will be extinguished? I think we are talking about transparency and making sure that people are not taken by surprise.

The Hon. K.J. MAHER: The intention is to make sure that these landowners who will have their rights affected after two years are advised to give them a chance to consider what they want to do.

The Hon. D.W. RIDGWAY: I want to revert back to the issue we discussed last night about the alignment of boundaries, and I have had some discussions overnight with the Hon. John Darley. You have said it will be dealt with as a matter of policy, that farmers who have multiple allotments will be able to realign their boundaries. The Hon. John Darley has had discussions with the minister and various other government officials in relation to his view of how this should operate to give those farmers some comfort that they will be able to realign their boundaries.

Let's be hypothetical again. You have an allotment, and let's say you have 10 titles, you cluster nine of them together, either in a little block, along the main road, along the creek or somewhere in an area that is nice to live—maybe nine one-hectare properties. You will subdivide and sell them, probably for a very good price, and that will give the farmer some opportunity either to realise his superannuation or buy another property somewhere else and enlarge his farming operation.

What I want to know is exactly how that will be dealt with, and is it envisaged that this policy will cover all of the environment and food production area or just the specific cases that the Hon. John Darley has been raising with the minister? In my view, because what is good for the goose should be good for the gander, it should apply to every property in the environment and food production areas.

The Hon. K.J. MAHER: I can inform the honourable member that I have been advised, and I think as we talked about last night, that this applies to everywhere within the EFPA. I think the example was used that if you have a large farm with 10 titles in the farm, in the future you can realign those but you are subject to whatever code is in force at the time which may specify the minimum size of allotment. You can realign your boundaries but you are still bound by whatever code is in place at the time you want to do that.

The Hon. D.W. RIDGWAY: I will keep using the Hon. John Darley's example because he is the one who has been negotiating. He has negotiated with the government for this opportunity, but we are talking about a policy in which we have no idea about what the minimum allotment might be. It could well be in two years' time or three years' time, after the next election. I enjoy the Hon. John Darley's company but he may well have retired from this place when finally the policy is gazetted, and it is not—

Members interjecting:

The Hon. D.W. RIDGWAY: He might never retire. It might bear no resemblance to the agreements and the intention that the minister maybe in good faith has given the Hon. John Darley. It might be a different minister, it might be a new government, it might be a different member of parliament. What I am trying to understand is how do these landowners, who believe they have some

comfort from what the Hon. John Darley has negotiated, ever actually have any certainty that this will be delivered?

The Hon. K.J. MAHER: I thank the honourable member for his question. As I said before, it will be subject to the code as it stands at the time, and I guess you could crystal ball gaze. It is possible that in five or 10 years' time there might be a completely different parliament and they could change this act. There is certainty that is there but it is subject to parliamentary change in the future as well. You cannot guarantee that even this act will not be changed by a future parliament in 10 or 20 years' time.

The Hon. D.W. RIDGWAY: But as you have said, minister, it was subject to the minimum allotment sizes, the new code, the new policy that you will develop—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: Whatever the code is, the minimum allotment size will prevail. There are certain parts of the Barossa Valley, for example, where the minimum allotment size is 60 hectares, and I think 40 hectares is another one, which is 100 acres in the old measure. It is hard to envisage what you are going to have.

I am struggling with the concept that minister Rau and the government want to stop urban sprawl and they believe in the urban growth boundary and that the environment and food production areas zone is the way to do it. I cannot believe that he would ever countenance having five or six or eight or 10 five or four-hectare allotments along a road or somewhere that a farmer can sell. I will be blunt: I think the Hon. John Darley has been given an undertaking by the minister that the minister will actually have no capacity or willingness to ever deliver.

The Hon. K.J. MAHER: I am not sure what more I can add to it. I think that is more of a comment than a question, but the codes will be developed based on existing development plans and will of course be subject to consultation and, as we have talked a lot about in this chamber, subject to parliamentary scrutiny as well.

The Hon. D.W. RIDGWAY: You have probably just hit the nail on the head, minister, when you said they will be based on existing development plans. In the area we are talking about—the Barossa Council—the minimum allotment size I think is 40 hectares, not 60. It is 100 acres, I think, so, if that is the current development plan, that is probably what the code is going to reflect. I suspect you might find, sadly, the Hon. John Darley, that, for the people we have all been trying to give some comfort to, it will never happen.

The Hon. J.A. DARLEY: One of the main principles of this bill, as I understand it, is to protect the rural properties in the food production area. If the minister of the day does not exercise common sense on this realignment of allotment boundaries with sensible minimum allotment sizes on which you can build a house, all he is going to do is destroy the food production area.

New schedule inserted.

Title passed.

Bill reported with amendment.

Third Reading

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) (11:41): I move:

That this bill be now read a third time.

The Hon. A.L. McLACHLAN (11:41): I thought I would make a contribution at the third reading, so I rise to speak on the Planning, Development and Infrastructure Bill at the third reading. I have listened carefully to the debate at the second reading and committee stages and participated on those issues that have been of interest to me. I acknowledge the diligence of my colleagues, especially the leader of the Liberal Party in the chamber, and the crossbenchers. We do not have the benefit of a coterie of advisers and staffers to hold our hands.

My reflection on this bill's progression through the Legislative Council is that the government has never provided the members of this chamber with a complete working model of its new planning regime for us to understand its practical effect and test the same through debate. I am not naive. The government has sought to walk a well-trodden path. They have attempted to create an artificial sense of urgency, and attempted to force the bill through the chamber at an unseemly pace.

The extant planning regime continues to function in an acceptable fashion and has done so for some time. There is no urgency. This time-honoured tactic has been employed with reckless indifference to the personal impact on those handling the bill who do not reside on the government benches.

The bill is seeking to legislate a new planning code, legislation that covers the field of planning. If the government had respect for this chamber and the community it represents, the legislation would have been presented along with a draft of, at the very least, the charter for community engagement, the planning code and the regulations.

On my calculation, there are up to 46 different areas in the bill that will require regulations to be created. Again, this is an old tactic: show the chamber nothing of the ancillary documentation where the operational detail is hidden, and force the chamber only to debate the overarching legislation. In other words, focus attention on the legislation, not the practical implications contained in regulation and other ancillary documentation.

This chamber has had to endure much criticism of its role in the democratic life of South Australia from the Minister for Planning. He does not see our value, yet this bill was amended over 200 times in the parliament by the government itself. Many of the additional amendments by my party and the crossbenchers of this chamber were accepted by the government.

The progression of this bill through our chamber should serve as an instruction to the minister and those who are like-minded that the Legislative Council is a necessary and vital part of the state's democratic fabric. We have sought to repair the faults of the bill and ensure that all of the voices of our citizens were taken into account when considering the bill. If this chamber did not exist, then none of the improvements to the bill would have been identified or implemented.

The debate on this bill and the philosophy that underpins the bill brings to mind the experience of the city of Paris in the 1800s, for the bill seeks to take away the local and democratic engagement in planning decisions and centralise them and employ bureaucrats to exercise their judgement and make decisions.

The Labor Party is applying its socialist values to centralise decision-making in the hands of a few and impose its view on the majority. As a Liberal, I believe that people should participate in the decision-making that impacts their community. Napoleon III sought to rebuild Paris in accordance with his vision for the city, which at that time consisted of narrow and congested streets. He employed the bureaucrat Haussmann, who lacked vision but was a competent administrator. Together they reshaped Paris as we see it today.

However, the principles that governed the development of Paris, as recorded by historians, were despotic. The financial and real estate dealings were unethical, and the result was that entire neighbourhoods of great character were destroyed. It can be argued that Paris gained much from the development, but it also lost its medieval quarters. In essence, no-one assessed the cost of the development or examined too closely its execution. The development of Paris should serve as a lesson to us.

The essence of the bill before us should be to ensure that the development satiates the broader needs of the community; in other words, that the trade-off and compromises associated with a development are well understood and debated within the impacted community. The process of gaining community consent should be open and transparent. I am not even sure at this stage of the debate, not having had the opportunity to see a draft planning code or the regulations, that we have achieved the right balance between the need to develop our natural resources and the necessity to ensure an equitable and sustainable future for our state.

If we are to centralise our planning decisions, greater scrutiny is required on appointments to those bodies that make the key decisions. As a parliament, we need to understand more than ever

before the qualifications and heuristics of those who purport to make decisions on our behalf. Why should we entrust the architectural integrity of the city to an unknown and unelected few? We see daily their handiwork on government commissions, such as the Convention Centre extension and the ANZAC walk, both projects, in my view, lacking architectural or aesthetic merit. One cannot help think that we are handing over the shaping of our city to a chosen few who I suspect lack the classical skills to make our capital city truly great, inspiring and beautiful.

At the All-Union Congress of 1946, Joseph Stalin was called 'the father and friend of all Soviet architects'. He commissioned the construction of eight skyscrapers as a symbol of Soviet power. The architectural detail of each tower varies, ranging from the Gothic to the baroque. The architects tried to anticipate the desires and changing tastes of Stalin. Is this our future under the yoke of this bill when it becomes law? After Stalin came Khrushchev, who demanded a change in the aesthetic and opted for functional understatement.

One with a passing interest in history can see the parallels between the aims of this bill and the tenants of socialist planning and ideological theories of urban planning. However, instead of the Politburo or the Presidium, we have the planning elites appointed but not elected. Instead of the Soviet congress we have the developers and their associations or their paid lobbyists. Gone are the local councils and their intimate democratic relationship with the people they serve.

I also have a residual fear that this bill will be used to facilitate the desecration of our Parklands and our heritage buildings and suburbs. I wish to express my solidarity with the public statements of the members for Heysen and Davenport regarding their concerns on the proposed redevelopment of the old Royal Adelaide Hospital site.

There should be no contemplation of private residences on the Parklands. This is inconsistent with the sacred trust that each generation of citizen in this city must respect—that the Parklands are for all, not a few. The Parklands are for every generation, not just today's residents.

During the debate on this bill, one line of argument stood high above all the other noise in this chamber, and that was from the Hon. Mark Parnell. The honourable member argued that it should not be easy to develop in the Parklands: it should be hard because we should endeavour to leave the city in better condition for those who come after us. I endorse this view.

Similarly, I am concerned that this bill when enacted will provide for the devastation of our heritage areas. I know that preserving heritage is not consistent with protecting and underwriting the margins of developers. Yet the priorities of this city seem to always be subordinated to the altar of profit for the few. I look forward to the day when the city seeks its own path for development for the benefit all, not for the enrichment of a few. As a parliament, our duty is to the state, which means that we are duty-bound to seek to protect those who come after us as much as we seek to look after our people today.

I fear that this bill when enacted will result in the devastation of our heritage and the degrading of our Parklands, as I have said. I support the passing of the bill only because it has been subject to proper scrutiny by our chamber. I emphasise again that what has not been released in the draft are the regulations and the code. We must therefore remain vigilant to ensure that the elites and their development companions do not squander our inheritance and the legacy we are duty-bound to ensure is placed in the hands of the next generation.

The Hon. M.C. PARNELL (11:50): I rise very briefly to speak to the third reading. I want to reflect on the process we have gone through, the outcome we have reached and where we go from here. At the outset, I will share with you that earlier this morning I presented my new junior trainee with a pile of red-covered *Hansards* and asked her if she could add up how much time we have spent on the committee stage of the Planning, Development and Infrastructure Bill. The result came back: 32 hours and 50 minutes in terms of the first pass through, and then when we add the recommittal we have it up to about 41 hours at present.

Members interjecting:

The Hon. M.C. PARNELL: There are unruly interjections from the government benches that the figure must be larger. The point I am making is that this is clearly the longest debate we have had, certainly in my 10 years in this place. It is longer than the WorkCover debate, longer than the

Olympic Dam expansion debate, and in fact possibly orders of magnitude larger than those. I say that to make the point that we have been here for some little time. The process—

The Hon. J.S.L. Dawkins: It was also going through that last week before Christmas.

The Hon. M.C. PARNELL: I did, I gave her the before Christmas one—but I am going to stick with 41 hours.

The Hon. K.J. Maher: You need to be accurate. Don't mislead the parliament.

The Hon. M.C. PARNELL: I don't want to have to come back and make a personal explanation if I have the figure wrong. I will use the minister's words: 'I am advised' that we have spent about 41 hours on this bill. In terms of the process, I acknowledge the contribution of the Hon. Andrew McLachlan. He has pointed out that the start of this process was truly appalling. It was belligerent. I described it to one person who asked me as equivalent to dogs marking their territory by urinating on lampposts. That was how it worked in that week or so before Christmas.

Certainly, the start of the problem was that the minister was late in delivering the bill. He promised it before the winter break. We did not get it before the winter break: we got it afterwards. Yet the time frame of passing the bill before Christmas was apparently not negotiable. It was the job of the Legislative Council to pick up the slack that was left with the failure of the department and the minister to deliver the bill according to his time frame.

Members will recall that we were told that we were going to sit every day and night until Christmas if necessary to pass the bill. I think the Legislative Council did well not to be intimidated, to stand strong. We proceeded with the bill as we always do—methodically and clause by clause, asking appropriate questions. There was not a great deal of repetition. I think we did the job that people have elected us to do.

Also in relation to the process I would like to put on the record my appreciation for the role that the poor ministers with carriage of this bill have played: the Hon. Gail Gago and the Hon. Kyam Maher. We know that it is not their portfolio area, yet I think both of them conducted themselves well in terms of briefing themselves on the meaning of the various clauses and doing their best to answer the hundreds of questions we put to them. That part of the process I have no criticism of.

In fact, time precludes me from actually launching into a discussion on whether there is a better way for a Westminster democracy to deal with bills. Absolutely, there is. Bring on a scrutiny of bills committee. We should not have done this process in the way we did. I know it is the way we have always done it, but I would like to have seen a committee process outside of the Committee of the Whole, where we could have got the various stakeholders into the room and quizzed them directly; we could have got the responsible minister before us and quizzed him directly. I think we really do need to look at alternative ways of managing massive complex pieces of legislation like this.

It is one thing for all of us to read out the submissions of stakeholders, read out the latest email that we have from the Urban Development Institute, the Housing Industry Association, the Conservation Council or Environmental Defenders Office. Would it not have been better if we could have, in a parallel process, got those people into the room and asked them questions directly? I think it would have made the process of debate in the Committee of the Whole far more efficient.

In terms of the outcome, what do we now have? Do we have the camel—the horse designed by a committee—or do we have, in fact, the best possible framework for town planning and regional planning for the next generation because, as we know, this is a once-in-a-generation opportunity? My view, and I will take some days to reflect on the final outcome, is that I think we have the curate's egg: parts of it are excellent, parts of it are rotten. Maybe that is always the outcome with legislation.

Overall, I think that we have a replacement framework that is different, but not so different. I have heard a political slogan, recently—something along those lines—that it is different but the same; something I think I might have heard Mr Turnbull say.

The Hon. K.J. Maher: 'Continuity with change.'

The Hon. M.C. PARNELL: 'Continuity with change.' We have continuity, in that the basics of the planning system have not changed. We still have a regime for setting planning policy, we still have a regime for determining individual development applications, but the background paperwork will, largely, change. Again, as the Hon. Andrew McLachlan says, we have not seen that.

The ultimate assessment about whether we have ended up with a better system we are not going to know for some time. Until these subsidiary documents have been prepared, we will not know whether the system, overall, is better or worse. I know the bits of it that are worse. The bits that relate to the ability of citizens to engage meaningfully in the planning process are worse. It has been going downhill for 10 years; it is now worse than ever. Other aspects, I think, have been improved.

In terms of the future, this chamber has now read the bill for a third time. It took us two pass throughs in committee, but we have the bill as good as we can get it, given the various views in the chamber. My suspicion is that the minister will not accept the verdict of what is the more democratic of the two chambers and he will come back for another go at some of his big-ticket items. My suspicion is that he will not accept that even a single, local councillor on panels is a good outcome. Apparently, these people are so dastardly and so political that having even one is going to be the end of Western civilisation as we know it.

I urge the minister: accept the verdict of the Legislative Council—do not bring back the panel member issue. You have a fair chunk of what you wanted. There are going to be fewer elected members than there were. Please accept that. I also suspect that the minister might bring back some changes because he will not be prepared to accept the decision of this chamber regarding the concept of early commencement, or what is known as interim operation, which has been abused over the years. He will not accept that we are putting some constraints on his use of that power. As we have said in the debate, it is a very valid tool, a useful tool, but do not misuse it.

This council has passed amendments to prevent the minister misusing those powers. I suspect he will not accept that verdict and we might see that back. Again, I urge him: accept the verdict of the Legislative Council. There are two things that I think would be useful to have come back from the other place when they have considered our amendments. In terms of the Hon. Dennis Hood's amendments, I think we might see the heritage one back again, and, as I have said in debate, the government needs to get back on top of heritage. There is going to be a separate regime we have been promised, but I expect we might see that amendment come back.

Also, I invited the government to bring back an amendment to deal with the high schools on the Parklands. I think we can make sure that we do not unnecessarily impede the ability of the government to develop those sites for schools. They happen to be in the parkland zone; I am happy to facilitate making life easier for the development of those schools on their existing footprint. I am not interested in expanding them into the Parklands too much, but on their existing footprint I think we can live with that. I would hope only two matters would come back to us from the lower house. My suspicion is that there will be more.

We now have a number of weeks, I think, where we will continue to talk with government representatives and with the minister. I put on the record now my appreciation of the willingness of the minister's staff and departmental staff to talk through these issues. We very often do not agree on the policy background behind the various amendments, but my interactions with them have been courteous and they have in a timely manner delivered the documents we need.

I also thank the Clerk of the Legislative Council for providing us with an early-bird edition of the amendments as passed, and that was an important document to help us navigate what is a complex piece of legislation. That is not an official document and it will not appear, I do not think, in the formal record of this parliament, but it made life easier for us to at least have a list of the amendments that had passed. Similarly, officers of the department prepared the colour-coded track changes version of the bill so that we could see at the end of the committee stage which amendments had got up. They were colour coded so we knew whose they were, and it enabled us to be more efficient as we went through the recommittal stage.

With those words, I say that I am glad we have got to the end of this bill. Some people have said that a huge dose of relevance deprivation syndrome might now descend upon me personally.

There are plenty of other things on the *Notice Paper* that the Greens care about passionately and will be getting involved in, but I look forward to the final passage of this bill.

My final message to the government is that we will be scrutinising the preparation of these subsidiary documents. We want to make sure that we get the best planning system possible. We know this bill is only a framework, and we want to make sure that the final package of measures delivers the best results for the people of South Australia.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (12:02): I know that the Hon. Mark Parnell said he would be brief and he was about 10 minutes being brief—it was brief for the Greens. I will be much briefer than that. I will make a couple of quick comments. The Hon. Andrew McLachlan and the Hon. Mark Parnell have said a lot of things I would have said. Certainly from the Liberal opposition's viewpoint, we have a new framework, and time will tell how this serves this great state.

The two important points we have now are an infrastructure levy—the basic infrastructure and the essential infrastructure. Time will tell whether they actually operate and deliver the benefits the government claims they will deliver. And, we have an urban growth boundary or an environment and food production area, and likewise we will see what that gives. I guess it depends on where you are coming from as to what benefit you are looking for.

It was interesting: I was at the Bill Evans Westpac senior economist's breakfast on Tuesday morning and it became clear that the indicators are that we need population growth, jobs growth and exports growth. I am not convinced that the framework we have debated for some 40-odd hours (as the Hon. Mark Parnell had his hardworking new trainee adding up) will deliver support for population growth, jobs growth and exports growth, but time will tell.

I expect we will get a message back from the House of Assembly. Interestingly, I have had a media inquiry—whether the minister has spoken to them or whether they are just assuming that we will get a message back, maybe not before lunch but straight after question time—and I can assure the minister here and now that the opposition will be adjourning that message today. As to anything contained in that, I put on the record, there is no expectation that we will deal with that today. There will be some matters we will have to take back to the opposition's party room to see whether we insist on our amendments or whether we are prepared to negotiate.

I do not know whether the media was assuming that that might happen or whether minister Rau has been a little bold and his media advisers have been trying to prime the pump and build an expectation so that we would get the blame for not progressing it. I do not speak for the crossbenches, but I can see some head nodding going on, so I suspect we will have the numbers to adjourn that.

Some thank yous, as well. It has been a complex piece of legislation and I suspect that the Hon. Mark Parnell, having had many years as a planning lawyer, is the one who understands it the best. We have had the Hon. Gail Gago and the Hon. Kyam Maher; they do not understand planning jargon, the lingo, so it is often a bit difficult for them to give an answer that actually makes sense, and I say that in the nicest possible way. They are trying to interpret what they are being told to tell us, and I think it is a little complicated to try to get some interpretations.

So I certainly thank the staff who supported them, and I concur with the Hon. Mark Parnell that the minister's staff have been available to keep us briefed on amendments and changes, and updates on what has gone on. I do appreciate that.

There is one staff member, in particular, I would like to thank, and that is my longest serving staff member Cecilia Schutz. Today is the last day she will be here; she is leaving to have her second child and going on 12 months' or so maternity leave. When she had her first child it was halfway through the Barossa and McLaren Vale protection zone bills, and she was somewhat disappointed that she left halfway through. I think we are all quite happy that this bill will pass the third reading, but she is very happy that she can go on maternity leave knowing all the support and work she has put in for me.

I am very grateful for that support and work, because Cecilia is probably second only to the Hon. Mark Parnell in understanding the Development Act and the planning system. I had six or seven years as the planning shadow and she was my right-hand person there, helping me all the way

through, and she still does a great job. So it is timely that she can go off and enjoy this part of her life knowing that we have completed this task. With those few words, I put on the record that I thank her and really appreciate the support she has given me. The opposition supports the third reading of the bill.

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) (12:06): I will be very brief—and when I say that I think, unlike the last two speakers, I probably mean it. I would like to thank all members for their contributions. It has been a difficult and lengthy process but I think, for the most part, people have taken it very seriously and—certainly since I have been handling it—diligently, to pass this bill.

I would like to thank the advisers and everyone else who gave a lot of advice on this bill. I certainly now know far more about the planning system than, frankly, I ever wanted to, and that is great credit to the people who provided advice on this. I would particularly like to thank the many, many representatives of organisations who have contributed feedback on this bill. I have a lengthy list of organisations from a whole range of interests and of varying views on this matter; I will not read them all out but they know who they are. I commend the third reading to the chamber.

The Hon. K.L. VINCENT (12:07): Just briefly, in addition to what has already been said I would like to put on the record my thanks and appreciation on behalf of Dignity for Disability to all the staff, lobby groups, activists and so on and so forth who have advised us during this debate, and who have helped us make it the far better bill that I think it now is. The debate has been productive and it has been constant in the last six weeks (I think I am right in saying six weeks).

Despite what may have been said about the upper house—not for the first time nor for the last time, I am sure—by certain people, the debate has been very productive and constant. There certainly has not been any unnecessary stalling from where I stand, and that debate has led us to having a far better bill. So I am very grateful to all members, staff and supporters for their advice and work on this.

I would particularly like to put on record a few words of thanks to all members for supporting Dignity for Disability's amendments around universal design principles. I am confident they will result in better planning in the immediate future and far into the distant future as well. Of course as I am sure we are all aware, because I have said this so many times before, the amendments do not go as far as one would have liked or hoped. They are certainly compromise amendments and do not actually mandate universal design principles, but at the very least we now have, for the first time in this country, mention of universal design principles in a planning act.

I am hopeful that will be a good starting point for having some further conversation and getting new standards around how we actually build public buildings and spaces that respond to the needs of, and respect, all people. I will certainly keep working on that, but for now I would just like to thank everyone for a productive debate. That certainly includes my own staff, particularly Anna and Ian, who have put a lot of work into helping me make sure that I know where I am up to in my own brain, which is always appreciated. Thank you to everyone for this productive debate, and I look forward to working on this to achieve even better results in the future.

The PRESIDENT: Thank you. I remind members that once the minister has spoken, that is the end of the debate, but we value your contribution very much, the Hon. Ms Vincent.

Bill read a third time and passed.

LOCAL NUISANCE AND LITTER CONTROL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2016.)

The Hon. T.T. NGO (12:11): I rise to indicate my support for this bill. This is an important bill not only because it establishes much-needed clarity and consistency regarding responsibility for

dealing with littering and local nuisance but also because it highlights the importance of thorough consultation and cooperation.

As a former member of Port Adelaide Enfield council, I am familiar with complaints from constituents with regard to noise, illegal dumping, dust and smoke, and I am sure many honourable members are also familiar with these types of complaints. Such environmental nuisances are common occurrences in all cities, and it is therefore essential that clear guidelines exist for dealing with complaints so that residents are receiving the same service regardless of where they live.

South Australia is currently the only state in Australia in which local government responsibility in this area is not legislated to some extent. Whilst provisions do exist in the Environment Protection Act 1993 for councils to manage nuisance, these are currently non-mandatory and there is no consistency in their use across councils, which generates confusion.

There is no doubt that local councils with their strong local connections and understanding have an important role to play in the management of environmental nuisance issues. The purpose of this bill, therefore, is to improve the management of nuisances and littering across the state. It will clearly define the scope of local government's responsibility for managing nuisance in the community, while more serious offences will continue to be referred to the EPA.

Importantly, the bill will ensure consistency of service to the community across council boundaries and better regulatory tools for enforcement, and it will deal more effectively with vexatious complaints. It is vital that local and state governments work effectively together to ensure that all parties understand the division of responsibility. It is therefore commendable that the development of this bill has involved such extensive consultation resulting in a much more focused bill.

The development of the Local Nuisance and Litter Control Bill 2015 has been underway since late 2012. A discussion paper was released in March 2013 and formal consultation of the draft bill commenced in July 2015. The consultation process was extensive and included six regional public meetings across the state in Wudinna, Victor Harbor, Karoonda, Port Pirie, Naracoorte and Adelaide. Direct contact and discussions were also undertaken with stakeholders. In addition to this activity, a ministerial working group consisting of representatives from the EPA, LGA, Department for Health and Ageing, SA Police, KESAB, and the Office of Local Government was established to guide the drafting of the legislation and provide governance for the project.

The LGA also established a reference group to assist with the development and review of the details of the drafting instructions that met regularly over an 18-month period. In total, 49 submissions were received during the consultation period. Many councils provided support for the intent of the bill, and feedback in regional areas was generally positive towards the bill.

I understand that feedback from members of the public received by the EPA has been unanimously supportive of the bill. The concerns that were raised resulted in constructive and valuable suggestions to improve the operation and scope of the bill and to limit the resource implications for council. I am told that the EPA has taken the majority of these suggestions on board and the bill has since been revised to address these concerns.

Specifically, the EPA has allocated four full-time staff to reduce the burden on councils and to assist them with the administration of the legislation. One staff member will likely be located within the LGA to assist with delivery of implementation and transition activities such as training and delivery of information sessions, with the remaining staff to be allocated to groups of councils.

These staff have significant expertise in responding to nuisance complaints and will provide general mentoring to councils and support roles in addressing difficult complaints. In addition, a number of guidelines will be developed by the EPA to support councils in administering the legislation. With the extensive consultation and high level of cooperation and assistance, I am confident the transition to these new arrangements will be smooth and beneficial.

When dealing with matters that cross jurisdictions, it is imperative that a clear and transparent demarcation of responsibilities is in place. This bill does just that and brings South Australia in line with other states across the country. Importantly, the bill will ensure that all South Australians, regardless of where they live, can rely on a consistent service and assistance when it comes to local nuisances. Therefore, I strongly commend this bill to members.

The Hon. R.L. BROKENSHIRE (12:18): Family First rises to generally support the Local Nuisance and Litter Control Bill; however, during committee, we may still reserve our right to put up an amendment based on answers that we get from the minister. Whilst I know the minister, as is always the case, is keen to push this through, I flag to the minister that given that it has been on the go since 2013, if it is delayed for one more sitting day to get an amendment—

The Hon. I.K. Hunter interjecting:

The Hon. R.L. BROKENSHIRE: Because I do not have 35 staff working under me like the minister does and the two of us have to handle half the legislation. We also sometimes get late input from interested groups and they need to be considered, and that is democracy. You may satisfy me when we get to clause 1 with a couple of your dynamic answers, minister. As a result of that, it may flow through. It is an important bill and, as I often do, even though you do not appreciate it, I commend you for bringing in the bill, but it has been a while in the making.

When it comes to nuisance and litter control, they are both important areas. Litter, in particular, I think it is fair to say from some anecdotal evidence and some survey work that I have seen, is becoming more of a problem, and we need to get on top of it because one of the issues around litter in recent history has been that successive governments have been very keen to reduce the litter stream.

It was Labor that brought in the container deposit legislation, and that has worked well in this state but, counter to that, we also have a situation now where our dumping costs are so high, and that waste levy collection money sits in a part of the balance sheet of the state that helps the bottom line of the Treasurer's books but does not necessarily help local government and others who need that money to further implement initiatives to reduce the amount of waste that we are now seeing deposited, particularly in country areas close to the city and even outlying country areas because people cannot afford to spend the \$45 per trailer load and the significant amounts of money it costs trucks and semitrailers to dump hard waste.

In fact, just in the building industry on that, I would like the minister and his department to investigate what can be done to stop illegal dumping into the mini skips on building sites. This is becoming quite an issue. Talking to the building industry, where they used to work on approximately 2.5 skips per home that they built, they are now having to put up to six skips on a building site over the period of the building because of people using those skips to dump hard waste.

At least they are not dumping it on the road verge, which the minister would not want and which I get furious about when I drive around the back of our farm and see incredible amounts of hard waste being dumped. My point is that at least those people, whilst unfortunately it is not technically illegal because it is on a private site, I am advised, are putting it in a skip, but the cost to the building industry and ultimately to those people who are actually building those homes is very high.

In fact, one of the largest builders in this state, I am advised, is now spending several hundreds of thousands of dollars a year on additional skip bins and waste disposal. I have even had building supervisors trying to set up CCTV to catch these offenders, but I am also advised at the moment that there is nothing that can be done legally by councils, or indeed even police, because it is on private property.

However, if the builder were frustrated enough to pull all that hard waste out and dump it on the road verge, the builder would then be prosecuted for dumping illegally. So, I would ask the minister, in amongst his busy workload, perhaps to get some officers to have a look at that because it could be a good initiative to possibly look at a change to the legislation or to look at other initiatives to prevent this illegal dumping and help stimulate the housing industry.

To give some background on the Local Nuisance and Litter Control Bill, 'nuisance' includes littering and noises, smoke and dust pollution or local nuisance. The government claims that councils are better placed to respond quickly and effectively to local nuisance issues due to their local presence. I do not have an argument with that. I think the EPA are underresourced and overworked as it is, and it would be good to see a situation where local government can take a bit of pressure off

EPA inspectors who, under the current law, have to go out on frivolous complaints as well and investigate those, using a lot of resource and a lot of cost.

In 2012, SARC recommended that legislative reform is needed to clearly define the responsibilities of both the EPA and local government in regard to dealing with local nuisance issues, and Family First are pleased to see those recommendations. In 2013, the LGA's expert panel recommended that the responsibility for investigating and resolving matters of local environmental nuisance be a function of councils with support from the EPA in the form of both expertise and relevant equipment.

At the moment, the level of nuisance regulation greatly varies between local councils. I certainly know through complaints from constituents and dealing with different councils that they approach situations in a very ad hoc manner. Hopefully, the minister will be successful in streamlining that. I understand that the Charles Sturt council is still not satisfied with this bill. If the minister concurs, I would like to know specifically why the Charles Sturt council does not want to be a player in this. I am sure that my colleague and friend the Hon. Mr Tung Ngo would also be interested in what is going on down at Charles Sturt.

The bill is aimed at providing consistency and clearly defining the obligations imposed on all councils regarding the management of local nuisance. It is intended that local councils only deal with low-level or domestic nuisance, while the EPA will still manage all serious environmental issues and all nuisances, whether minor or serious, on EPA licensed sites. I think that is important and paramount and we are happy with that decision.

Councils will be provided with training and resources from the EPA. When summing up or during the committee stage, I would like the minister to advise just how much money and how many resources the EPA intends to provide councils to assist them with implementing the bill. There is not a lot of point in bringing the bill in if we end up with a situation where we do not have the training and resources to make the bill workable.

Clearly, the bill aims to outline the responsibilities for managing nuisances and littering across South Australia and provide some consistency. It does aim to reduce litter along roadsides, and I say: hear, hear to that! The bill talks about tourism and shopping precincts. If you look at Yorke Peninsula and some of the litter there, we need to get on top of it. Non-government organisations have bins in shopping precincts to collect non-required assets from people which they can then turn into benefits for other people and raise money. You see dumping occurring there, which costs St Vinnies and those sorts of organisations a lot of money. I hope we can see some positive improvement once this legislation is passed into law.

Yorke Peninsula is a great tourism area. I often read stories in the *Yorke Peninsula Country Times* about illegal dumping, even—

The Hon. J.S.L. Dawkins: Are you going to tell us who the editor is?

The Hon. R.L. BROKENSHIRE: The editor is a very talented, excellent, attractive young mother—well known to me, as her father. But I do read that paper regularly and there is often—

The Hon. T.A. Franks: Like a seven or eight, or a nine? How attractive?

The Hon. R.L. BROKENSHIRE: The editor? To their fathers, every daughter is attractive, I am sure, and mine is no exception. Yorke Peninsula is an important tourism area, and it is having a lot of problems with dumping, so hopefully the bill will address some of that.

This bill seeks to improve the usability of surveillance evidence gathered in a case of illegal dumping. Whilst we did recently see a repeat offender finally prosecuted and given a suspended sentence for dumping, that is the only case I can recall when we have actually seen the powerful opportunities currently in place put through the courts. I would hope that, if other offenders are prosecuted and it is reported in the media, that will be a significant deterrent. The bill also establishes a public litter-reporting scheme.

I commend the minister and the government for what I think has been, on this occasion, some pretty good consultation with local councils, the public and key stakeholders, including the LGA, the EPA, the Department of Health, SAPOL, KESAB and the Office of Local Government. The

key elements of the bill contain a clear definition of local nuisance that can change through prescribing nuisances under schedule 1 by regulation. It establishes three classes of litter: general litter, class B hazardous litter and class A hazardous litter, a category mainly limited to asbestos.

What does worry and concern me is the intent the minister has, or does not have, to include KESAB in this as well as councils. Having worked with KESAB for over two decades in this parliament, I know that it is an organisation that is very focused. I am sure the minister would agree with that. It is an organisation that is highly respected by the South Australian community for the efforts it has made as a non-government, not-for-profit organisation to reduce the litter stream.

I would ask the minister—and this is where I may foreshadow an amendment or two, depending on the minister's answers, which I am sure the minister can give us in clause 1 of the committee stage, if he does not already have the information—to outline, over and above local government, what he intends to do in assisting KESAB to be a key player in reducing this litter stream and whether or not he is prepared to give them equivalent powers to local government officers when it comes to expiation notices and enforcement.

Secondly, I ask whether the minister intends to make money available for KESAB to be involved in proactive media campaigns and other relevant campaigns to assist with the reduction of the litter stream. I believe that with everything else that has been going on we probably have not been doing enough in marketing and reminders to the community generally in South Australia about the importance of not littering and the benefits of a clean environment when it comes to litter and, hopefully, a target of zero in the litter stream. I wonder whether the minister is prepared to look at some funding for KESAB and whether he is prepared to have that committed in legislation.

They are the two key things I am looking for responses from the minister on; whether I get a basic amendment or two tabled late into the debate will depend on those responses. With those words—and seriously meaning this—I commend the minister on this occasion for his endeavours to reduce the litter stream and the nuisance issues that we have discussed. In general principle, Family First supports the second reading of the bill.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (12:32): I believe that everyone who wishes to speak on this legislation has had the opportunity to do so. I would like to thank honourable members who have contributed for their very thoughtful contributions to the second reading. I would especially like to focus on the Hon. Mr Brokenshire for his very generous acknowledgement of the government's hard work to bring this legislation forward for the consideration of the council.

This bill has been developed, as I think some honourable members have said, in a very collaborative manner with local government over the last several years. It contains numerous important reforms that will work, I think, to improve services to the community regarding local nuisance and will also work to reduce the prevalence of litter and illegal dumping across the state as it starts to take hold and the different agencies involved start to use the powers that will be available to them.

I think there is currently considerable confusion in the community about the delineation between state and local government roles and responsibilities related to local nuisance issues. Communities certainly have a high expectation that local government will assist them in resolving these issues of minor local nuisance. This has been evidenced through some research by McGregor Tan over a number of years on behalf of the Local Government Association which they have shared with us. It indicates that 53 per cent, 72 per cent and 66 per cent of respondents over a number of surveys consider that local government is best positioned to deal with such matters; that is their expectation.

This is not surprising, as indeed councils are clearly at the coalface in local communities. They are closer to individuals, particularly in rural and regional areas, and they are usually the first port of call for a complaint. Also, I think it may have been you, Mr Acting President, who reflected that in every other state there is legislation that clearly outlines, at least to some extent, this function being allocated to local government.

This bill will limit the responsibility of local governments to those nuisance type issues. More serious offences will continue to be referred to the EPA. Effectively, what we are putting into the legislation is what happens now. I guess that is largely why local government is so broadly supportive of this legislation.

This delineation of responsibilities is supported by a recommendation of the Statutory Authorities Review Committee, as the Hon. Mr Brokenshire mentioned in his contribution. It is also supported by the local government Local Excellence Expert Panel that was established by the LGA to consider future reforms for local government in South Australia.

The bill proposes a raft of reforms to litter regulations in this state. These include provisions that support the establishment of a public litter reporting system in South Australia and improvements in the use of surveillance or evidence gathering in the case of illegal dumping. Going to the Hon. Mr Brokenshire's question about KESAB officers, it also allows non-government organisations to undertake compliance activities subject to appropriate training and approval.

These reforms will work to significantly increase deterrence for littering and illegal dumping, and result in a reduced clean-up cost to local government and improved amenities for the community. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: In response to questions I was asked during the second reading, particularly from the Hon. Mr Brokenshire, I can say a few things, and some of them may satisfy him, some may not.

In terms of the City of Charles Sturt, I understand they have had an in-principle motion on their books since the mid-2000s to oppose this sort of legislation, and they have not changed their position since then. The advice I have is that this really shows up the inconsistency between how different councils operate because, if you look at the adjoining council of West Torrens, it deals with 100 per cent local nuisance issues. If you live across the road in the council of Charles Sturt, its view is that it should be the role of the EPA.

This is a problem, certainly for the community and for ratepayers who do not have the consistency to enable them to understand who they should call if there are issues that they need to address in terms of minor nuisance. This is what the legislation is trying to do: to say to councils, 'This is your responsibility; over this line, it is the EPA's responsibility.' Clearly, we cannot stand a situation where two adjoining councils have a totally different view about what is their business and what is not, and this is what the legislation is there to address.

In terms of resources for councils, it may have been you, Mr Acting Chairman (I cannot remember), in your contribution who indicated that there will be four full-time equivalent staff allocated to work with councils on these issues and the transition through legislation; one of them, I understand, will be outsourced into the LGA's offices to be the direct interface between the LGA and the councils.

They will contribute their time and resources to work with councils to take them through any difficulties they may have with the legislation. I envision that the councils that will use them most will be the smaller rural and regional councils which do not have a lot of resources of their own to do this work and which probably have never really addressed the issues of local nuisance at all. I expect that they will be the ones who will take most advantage of these officers who will be available.

In terms of KESAB, I have already outlined in my final contribution that it is envisioned, much as we do probably with the RSPCA, that their staff are authorised under legislation to do certain acts. We will be working with KESAB, which has already indicated an interest in doing this with us, but of course there will have to be appropriate training, it will have to be authorised, and the provisions of the act they can be active in will be limited. My understanding is that the bill currently now provides

that, should that happen, they will keep, for example, the fees associated with expiation, so that will be a funding mechanism for them and will help them.

Additionally, as separate, it may be useful to understand that KESAB will be working with Green Industry South Australia (GISA) in terms of the local littering app that will be developed and in terms of developing a website, and those two agencies will be working very closely together on that resourcing. KESAB is a very valued player for us and a very valued partner; we work with them very closely, and I fully envision that we will be doing so even more closely into the future.

The Hon. R.L. BROKENSHIRE: I thank the minister for answering those questions. I will home in on the KESAB questions before asking a question about what funding, as well as training, the minister is thinking of providing to local government and also what he would do with a dissident council like Charles Sturt if the others are playing the game and Charles Sturt decides still not to play the game.

On KESAB, I note and thank the minister for indicating that KESAB would have a role, but would the minister be agreeable to KESAB being one of the authorised bodies regarding enforcement?

The Hon. I.K. HUNTER: I make absolutely clear that, for them to be authorised officers, they would have to be one of the authorised bodies, and that is certainly the intention.

The Hon. R.L. BROKENSHIRE: I thank the minister for that. Is the minister prepared to be the conduit between the EPA and KESAB to look at whether or not there is any value in a trial period between KESAB and the EPA after this legislation is passed regarding the branding and marketing, if I can put it that way, of the act? What will we do to ensure that people understand these changes and that we get real results and cooperation from the community generally?

The Hon. I.K. HUNTER: I thank the honourable member for his invitation, but it is unnecessary. I understand that the EPA has met with the KESAB board on several occasions, and certainly in terms of this legislation as well. Their relationship is already quite solid and they are working together very well.

The Hon. R.L. BROKENSHIRE: Based on those answers and, as I often do, taking the minister's word as gospel, as well as the fact that we have this on the public record, I most likely do not intend to bring any amendments. However, to get to the other questions, given that you are awash with money when it comes to the massive accumulation of dumping fees for waste, what financial resources, what money, how many dollars, do you intend to put into campaigns and the like, as well as training?

The Hon. I.K. HUNTER: There will not be any cash grants given to the LGA, but I understand our contribution will be in the order of something over \$1.2 million in terms of full-time equivalents. In addition, we will be producing guidelines, fact sheets and some of the materials that councils will be using in their communities. So our contribution will essentially be in-kind but it will certainly be substantial, and over \$1 million over three years.

The Hon. R.L. BROKENSHIRE: My final question to the minister is: the minister indicated that Charles Sturt has been consistent in its opposition to this type of concept since, I think he said, the mid-2000s, so for several years now. If it does not come on board as a proactive player like the rest of the councils, what is the stick that the minister will apply to the council?

The Hon. I.K. HUNTER: My advice, and my hope, is that we will not need to use a stick. We think that Charles Sturt council is standing on a principled position and has done so for some time, but should this legislation pass the houses of parliament it will reconsider its position. We expect, and I certainly think their community will expect, that it acts in accordance with the legislation that this parliament will have passed.

Charles Sturt council does, of course, have responsibilities under the Local Government Act to, if you like, be a good and law-abiding citizen, and the minister with responsibility for that act will certainly be interested in having discussions with the council about how they can become a model citizen in relation to local nuisance.

Clause passed.

Remaining clauses (2 to 51) passed, schedules and title passed.

Bill reported without 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) (12:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:49 to 14:16.

Parliamentary Procedure

BAGOT, MR S. AND MS J.

The PRESIDENT (14:16): Before I start today, I want to send out a cheerio from this chamber to Stuart and Jan Bagot who work for Hansard. They have worked there for many years, they are a part of a very efficient team that provides us with a great service. I hope that Stuart and Jan—you are up there I am sure—

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

The PRESIDENT: Yes, I was saying, I hope you are up there, Stuart. I wish you the best for your retirement and have a happy, long and exciting retirement with your wife, Jan. Thanks very much.

The Hon. R.I. Lucas: He's about to drop something on your head!

The PRESIDENT: Yes, I know. I am a bit worried about that!

PAPERS

The following papers were laid on the table:

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

Reports, 2014-15—

Adelaide and Mount Lofty Ranges Natural Resources Management Board

Alinytjara Wilurara Natural Resources Management Board

Eyre Peninsula Natural Resources Management Board

Kangaroo Island Natural Resources Management Board

Northern and Yorke Natural Resources Management Board

South Australian Arid Lands Natural Resources Management Board

South Australian Murray Darling Basin Natural Resources Management Board

South East Natural Resources Management Board

Regulations under National Schemes—Education and Care Services National Law—

Education and Care Services National Amendment Regulations 2015

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

Response from the South Australian Government for the Social Development Committee's Recommendations into the Inquiry into Comorbidity, dated 8 February 2016

Members

LENSINK, HON. J.M.A.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): Mr President, can I do a shout-out, too, in the spirit of yours, to the Hon. Michelle Lensink, who I am advised listens to our question time through some streaming thing that happens in some cloud somewhere.

The Hon. D.W. Ridgway: She is trying to put her baby to sleep.

The Hon. I.K. HUNTER: Yes, the Hon. Mr Ridgway corrects me and says that she uses this to put her child, Mitchell, to sleep. Hello Michelle and hi Mitchell.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

EMPLOYMENT FIGURES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to give a brief explanation before asking the Minister for Employment a question about jobs.

Leave granted.

The Hon. D.W. RIDGWAY: Given today's ABS figures on the regional labour force conditions outlined significant increases in unemployment rates—for example, in Adelaide's south, up from 7.1 per cent to 8.4 per cent; the Barossa, Yorke and Mid North, I think that is even worse, up from 3.2 per cent to 7.8 per cent; and the South-East region, the minister's home patch, up from 6.5 per cent to 7.1 per cent—can the minister please outline specific job creation initiatives the government has implemented in these regions to address the jobs crisis these regions are facing? Please can he not give us the same diatribe about factors affecting world commodity prices and job losses that have not yet happened?

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) (14:20): I thank the honourable member for his question and note the figures that are used that I think are the raw data, I assume. Is he nodding? Is this the adjusted data supplied by the ABS?

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: So, these are the data from a very small sample size often when it is broken down into the different demographics into the different areas. I assume the Hon. David Ridgway, in extracting this information, read some of the warnings that come with using data from these cells from the ABS data—for example, the warnings from many of these cells, because it gets to such a small sample size when you aggregate it to various regions and segments in those regions—which state, 'Many cells in this data release for these individual regions, and even more so for subsets of these regions, use very small sample size and often include the warnings "estimate is subject to sampling variability too high for most practical purposes".'

I am sure the honourable member will let us know if he has used these figures and which of those figures are subject to a sampling size too high for most practical purposes. I am sure he is aware of the figures that he is using here, so I am sure he will inform the chamber of those. There is no doubt that we are facing very significant challenges. We have talked about these in this place a number of times, not just in metropolitan Adelaide but right across South Australia.

There are different challenges that different regions are facing, but much of South Australia is facing a variety of challenges, and the honourable member is quite right in pointing out that some of those challenges have factors that are beyond any government's control, such as world commodity prices. Some of the factors can be helped and influenced by government. I note that there is a \$15 million a year Regional Development Fund that minister Brock administers. I do not have all the details on those but I will get more information on the numerous companies and the numerous industries that have been helped out by this fund.

The honourable member talked about the VTT yesterday or the day before that is administered by the Minister for Forests that has provided a lot of funding to companies in the South-East in terms of the timber industry. I have visited a number of times NF McDonnell & Sons and have

seen the very good use that funding has gone towards to improve the work that is happening there. They are significantly increasing the workforce at NF McDonnell and putting on extra shifts. The government will look to support those industries that have the capacity to grow and create jobs, as we have done and as we will continue to do.

Another fantastic example is the support for Sundrop Farms which we have talked about here—significant government funding to support an industry that has the potential to grow, a new innovative industry, using solar thermal technology to power the operations of what will be 20 hectares of growing tomatoes and also supplying desalinated water. Where there are opportunities to support industry, we will do that and we will do what we can to help such industries grow and to support job growth.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (14:23): My questions are to the minister representing the Premier:

1. On what date did Ms Anastasia Tavlaridis leave the job as the manager of the Premier's ministerial office?
2. What new position did Ms Tavlaridis move to within the Department of Planning, Transport and Infrastructure?
3. Was that position advertised prior to her taking the position and, if not, why not?
4. What is the salary level of this new position?

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) (14:24): I will refer those questions to another minister and see if there is a reply that can be brought back, but I also might take the opportunity to reflect on the manner and the way some members of this chamber choose to conduct themselves. I think all of us here are and will be judged not just on what we achieve but on how we conduct ourselves in doing it.

Nearly all of us act with the dignity and respect, I think, which most of the public expect from their elected representatives. Certainly, I know my apprenticeship before coming to parliament, working for the Hon. Terry Roberts, was a good example of how to conduct yourself and how to gain the respect of others.

Sure, in the rough and tumble of the day-to-day of politics, certainly the views will be put in a forthright way. I probably don't always live up to the example the late Terry Roberts set in doing that; however, I object regularly to the way the Hon. Rob Lucas uses parliamentary privilege in this place—a privilege that we all enjoy. Regularly, his contributions, and particularly his contribution late last night, would almost certainly see him on the wrong end of a defamation suit.

I am sure all of us, when we finish here in this chamber, will look back on our political career at what we have done and how we have done it. People will consider the Hon. Rob Lucas's legacy. Many on our side will consider the sale of ETSA and the closure of schools and not look favourably upon it, but I am sure many on his side will take it very, very differently.

One thing that I am sure most people will remember Rob Lucas for is being a coward—an absolute coward—regularly singling out and naming individuals who can't defend themselves, often on the basis of made-up rumours or, as he did last night, on the basis of, 'I don't know if it's true or not, so I am going to say it on the record.' What I would do is challenge the Hon. Rob Lucas. Why don't you go and ask your colleagues, honestly ask them: 'Tell me, give me honest feedback, I won't hold it against you, do you think and do you believe I am a liability and an embarrassment to this party?'

When our careers are finished and we look back on what we have done, there is no doubt the Hon. Rob Lucas's political epitaph will start with 'was a political coward'. I think you need to have a good hard look at yourself and think: is this really what you want to be doing for so long, Rob?

MEMBER'S REMARKS

The Hon. R.I. LUCAS (14:27): A supplementary question arising out of the minister's answer.

The PRESIDENT: The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Anything that I have just said I am happy to go out on the steps of Parliament House and repeat again.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am happy to.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Anything that I have just put in the question to the minister I am very happy to go out on the steps of Parliament House and put—very happy to.

Members interjecting:

The PRESIDENT: Order! You have got a supplementary question; that's a statement. If you have got a question, ask the minister.

The Hon. R.I. LUCAS: A supplementary question: I would refer the minister, given his response, to the contribution made by the Hon. Terry Roberts in relation to the federal candidate Alan Irving, and then come back to the house and make the same comments.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, the Leader of the Government! The Hon. Mr Stephens is on his feet.

ABORIGINAL ARTEFACTS

The Hon. T.J. STEPHENS (14:28): Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about damage to Aboriginal artefacts at the South Australian Museum.

Leave granted.

The Hon. T.J. STEPHENS: The minister should be aware that concerns have been raised publicly by Mr David Rathman, Chairman of the Museum's Aboriginal Advisory Committee, that priceless artefacts have been damaged by vermin and eight separate flooding events in recent times, most recently after the sprinkler system was set off after a fire alarm. My question to the minister is: what steps will the government take to ensure that our Museum's priceless collection of 60,000 irreplaceable Aboriginal cultural artefacts will be protected in adequate storage conditions?

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) (14:28): I thank the honourable member for his question and his continuing interest in these matters. I was, in our dinner break last night, at the SA Museum, opening their shields exhibition, putting on display some of their very, very significant collection. I think, as the honourable member has outlined, there are an estimated 30,000 objects in the Aboriginal culture collection at the SA Museum.

I haven't read the full transcript, but I understand that it was earlier this week on ABC radio that David Rathman made some comments. I will read that full transcript. I understand that it is the Minister for The Arts who is responsible for the Museum, so I will undertake to read that full transcript and pass on our concerns to the minister responsible.

ABORIGINAL ARTEFACTS

The Hon. T.J. STEPHENS (14:29): I have a supplementary question. I thank the minister for his answer. Given the significance, though, and your interest in Aboriginal affairs and culture—these are priceless articles, we can't just have this go on and on—will you make this an urgent project?

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. As I said, I am not completely sure of the exact nature of how these are stored. It's not in my portfolio area, but I will undertake to seek some answers and do what I can do to make sure that Aboriginal heritage in South Australia is preserved as best it can.

COUNTRY CABINET

The Hon. G.E. GAGO (14:30): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister advise the council of his recent meeting and engagement with Aboriginal South Australians in the north of South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:30): I thank the honourable member for her question and her interest in these areas. As members would be aware, country cabinet recently sat in some of the northern areas of the state. The cabinet meeting itself, I think as has been previously outlined in this chamber, was in Quorn. As part of country cabinet I undertook a number of meetings and community visits in the Aboriginal affairs portfolio areas. In Port Augusta I was very appreciative of the Port Augusta community engagement group making time to meet me on a Sunday morning. It is not always the best time to meet groups, but I was very grateful that people met me on a Sunday morning.

The Hon. J.S.L. Dawkins: Did you go to church first?

The Hon. K.J. MAHER: The Hon. John Dawkins asked did I go to church first? No, I didn't have time to go to church; I was too busy meeting groups, I'm afraid. The Port Augusta community engagement group was established in 2011 as part of the Urban and Regional Service Delivery Strategy, a COAG-led initiative as part of the Closing the Gap initiative. This group is a community nominated group that represents the Aboriginal community in and around the Port Augusta region.

I previously met with that group on previous meetings to Port Augusta, and I think the last time before this that I met them was in the council chambers with the local member, Dan van Holst Pellekaan, and I was appreciative of the time that he took for both of us to meet with the group previously. It is an indication, I think, that certainly in the area of Aboriginal affairs, most of us regard it as a bipartisan area where we try to look for common ground and solutions.

During the most recent meeting in Port Augusta, we discussed a number of commonwealth and state government initiatives, and I was able to provide the group with an update on the Aboriginal Regional Authority Policy. Again, I extend a very warm thank you for meeting me on a Sunday morning.

Also while in Port Augusta, I had the opportunity to meet with Malcolm McKenzie, better known to the community and most of his friends and colleagues as Tiger. It was good to catch up again with Tiger McKenzie at Davenport, as I have often done. Tiger discussed with me the community views and the consultations that are going on about a potential partial dry zone for the community. That idea will be going to a vote, as I understand it from discussions with Tiger, in the near future.

Tiger McKenzie is a passionate advocate for his Davenport community. During our meeting we discussed things like employment opportunities for Aboriginal people with new and expanding industries such as the ones we have mentioned here today already, like Sundrop Farms. I commend Tiger's leadership and commitment to his community, and I look forward to catching up with him again soon while I am in Port Augusta.

Following the cabinet meeting, a number of specific forums were held in Leigh Creek with organisation and business leaders, including a tourism forum. At that forum, tourism leaders discussed the increasing potential of tourism opportunities in and around the Leigh Creek region. Tourism operators raised the opportunities that increased tourism could have in the region, particularly showcasing the South Australian outback. Also, a lot of people talked about the opportunities for showcasing some of the world's oldest living culture to international and Australian visitors alike.

The Flinders Ranges are the traditional home of the Adnyamathanha people. Their lands, running east from the edge of Lake Torrens through the northern Flinders and approaching the South Australian border with New South Wales, are home to some absolutely exquisite scenery, particularly the northern Flinders and Gammon Ranges area. There is little doubt that there are great tourism opportunities for Aboriginal businesses in the region to showcase their land and their culture and provide economic opportunities for Aboriginal people. These issues were raised as part of the tourism forum held at the country cabinet's visit.

I also had the opportunity again to visit Iga Warta, the place of the native orange. It is an Aboriginal business that invites tourists to experience Adnyamathanha culture with Adnyamathanha people on Adnyamathanha land. Iga Warta's backdrop is among the mountains of the northern Flinders Ranges and it is owned, managed and staffed by Aboriginal people. While in the region and at Iga Warta, I had the opportunity to meet again with Terrence Coulthard, who attended the Leigh Creek tourism forum. He also provided a moving welcome to country at the community luncheon as part of the country cabinet. I enjoyed his hosting me when I stayed overnight at Iga Warta.

Iga Warta is just one example of the many current and future opportunities the region has for Aboriginal people, particularly in the tourism area, to really mark South Australia as a destination of choice for interstate, intrastate and international visitors looking for a real outback experience and a deeper understanding of the oldest living culture on the planet. I must particularly thank the Coulthards for their hospitality and the delicious kangaroo lasagne then quandong ice cream that we had for dinner that night.

Leaders from areas like Copley and Marree talked to me about opportunities that are possibly there. I was very pleased to also spend time at the Nepabunna community to talk about issues that are affecting the Nepabunna community and just to hear some of the stories I had not heard. For example, I heard that almost 100 years ago a young missionary worker visited the Nepabunna community and learnt and honed his skills in making boots from one piece of leather.

A very young R.M. Williams started plying his trade at the Nepabunna community before moving sometime later to Percy Street, Prospect. There were photographs around from those early mission days when R.M. Williams was in that Aboriginal community that he originally came up to do mission work at. There are some very interesting stories and some very real opportunities for Indigenous tourism in that area. I thank all those who took the time to meet with me.

CHILD DISCIPLINE

The Hon. D.G.E. HOOD (14:37): I seek leave to make a brief explanation before asking the minister representing the Attorney-General a question regarding the physical discipline of children.

Leave granted.

The Hon. D.G.E. HOOD: Earlier this week, the Supreme Court quashed a conviction of aggravated assault imposed on a parent for disciplining, or in layman's terms smacking, their child. This is an outcome that Family First has been on the record as supporting for some time. The Supreme Court stated:

It is very important that parental conduct which is not considered unreasonable in the Australian community should not be stigmatised as criminal offending in a criminal court.

My question is simply: what is their view of the court's decision on behalf of the government?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38): I thank the honourable

member for his important question. Let me just say at the outset that this has been a widely commented on decision by the Supreme Court because it is of substantial public interest. Obviously, the appropriate person to respond to this question is the Attorney-General as the chief law spokesperson on behalf of the government. I am more than happy to seek the government's official response to the honourable member's question and come back to him in due course.

CRIME STATISTICS

The Hon. J.S. LEE (14:38): I seek leave to make a brief explanation before asking the Minister for Police a question about crime statistics.

Leave granted.

The Hon. J.S. LEE: A number of constituents have raised safety concerns with me recently. Research conducted on the SAPOL website found that offences reported or becoming known to police have increased over the last 12 months. For example, the variance between 2014 and 2015 for total offences against the person increased by 5 per cent, which is equivalent to 1,091 cases, and total offences against property increased by 6 per cent, which is equivalent to 3,096 cases.

The ABS analysis 'Recorded crime—offenders 2014-15, South Australia', highlighted that between the 2013-14 and 2014-15 figures there were three key movements of principal offences in South Australia that called for attention. For example, acts intended to cause injury were up 24 per cent; sexual assault and related offences, up 20 per cent; and abduction and harassment were up 31 per cent.

Less than a year after eight police stations were closed in metropolitan Adelaide, the police commissioner, Grant Stevens, has flagged further reductions in opening hours at various police stations throughout the state. My questions are:

1. With South Australia's crime statistics outlining a total increase of offences against persons and property, can the minister explain how South Australia is delivering an efficient and productive policing sector?
2. How does the minister intend to combat the increasing offences with the closure and limiting of opening hours of metropolitan police stations?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40): I thank the honourable member for her important question. Let me state from the outset that this government is incredibly proud of its record when it comes to criminal justice. We are incredibly proud of the hard work that this government has done by investing very large sums of money and a lot of policy thought into ensuring that community safety remains at the absolute core of this government's priorities.

Under this government's stewardship, in conjunction with the incredible hard work by SAPOL, my advice is that victim-reported crime has dropped during the course of this government's tenure by more than 40 per cent—more than 40 per cent. Let me just say that again: my advice is that under this government's watch victim-reported crime has dropped by more than 40 per cent. So, to have a question that implies that somehow this government has been neglectful in the criminal justice area completely defies the obvious statistics. I am further advised that ABS statistics also highlighted—

Members interjecting:

The Hon. P. MALINAUSKAS: ABS statistics—these are from the Australian Bureau of Statistics, a widely regarded source of information across the nation—also highlighted that while nationally the number of offenders went up by 2 per cent, in South Australia a 4 per cent drop has been experienced. So, I'm not sure exactly what statistics the honourable member is referring to when she tries to create a climate of fear within the community, but they completely defy the broader, higher level ABS statistics that people refer to.

This government has never seen that it is in the interests of community safety to unnecessarily cause fear within a community, but it strikes me that the line of questioning that the opposition seems to be coming up with seems to be wanting to create a level of fear within the

community, that somehow SAPOL has dropped the ball, when clearly the evidence suggests otherwise.

In respect to the second part of the honourable member's question regarding what is this government doing about improving SAPOL's capacity, again I refer to the fact that this government has dramatically increased SAPOL's resources since the time we've come into office, on average, by 9 per cent.

The Hon. D.W. Ridgway interjecting:

The Hon. P. MALINAUSKAS: I am flattered that the honourable Leader of the Opposition has been listening to my statistics—the fact that he can recite them. Maybe he will take the time to inform his backbench colleagues of the fact that we have indeed been increasing SAPOL's budget by an average of 9 per cent per annum because, had the honourable member been aware of that statistic herself and taken advice from the Leader of the Opposition in this place, she would know that this government remains utterly committed to increasing the resources that SAPOL has available to them.

On top of increasing SAPOL's resources, of course, what this government is also doing is backing our police commissioner. We are backing our police commissioner to be able to make the right decisions to ensure that where we have an environment of increasing resources we also have an environment where SAPOL is ensuring that those increased resources are reflected in additional and more efficient services on the front line, which of course means we are backing our police commissioner in his internal review to make sure that we don't have officers sitting around doing things where they could otherwise be doing activities on the front line to actively reduce policing.

I took the time last week to read the Marshall 36 plan (it took me about 30 seconds), and I read through their plan, which is really just a bunch of motherhood statements. But, something did jump out at me. He said, 'We believe'—they believe a lot of things—'resources need to be used in an efficient manner to provide services'—'resources need to be used in an efficient manner'. It then goes on to say, 'How we will achieve this together...reducing criminal behaviour through efficient, effective policing'—'reducing criminal behaviour through efficient, effective policing'.

Imitation is the greatest form of flattery, because those words in the Marshall plan are a complete endorsement in respect of this government's approach about what we need to be doing to back our police commissioner in to make decisions about what is efficient, what is productive. So, I take the Marshall plan as an endorsement of this government's strategy about backing our police commissioner into making efficient decisions. But we of course go further than does the opposition. The opposition comes up with motherhood statements, the opposition also endorses this government's strategy of backing in the police commissioner, but more than that this government is going to continue to increase the resources available to SAPOL.

I have seen nothing in the Marshall plan that talks about additional resources for police. By inference that may mean of course that part of the Marshall plan is to actually cut. I see no statements from the opposition about commitment to increasing resources. However, the government stands in stark contrast to the opposition. We are going to continue to increase resources available to SAPOL, including increasing the number of officers on the ground, but on top of that we will not rest on our laurels just by increasing resources.

We will also back the police commissioner in to make sure that, with increasing resources, we are also addressing productivity and efficiency. It is an appropriate stance, it delivers dividends and the ABS statistics reflect that result. But no amount of success, when it comes to community safety, will ever be enough for this government; we will continue to strive for continuous improvement, regardless of the opposition trying to create a climate of fear.

SOUTH AUSTRALIA POLICE

The Hon. R.L. BROKENSHIRE (14:46): Supplementary question to the minister's answer: given that there has been some reduction in crime, as the minister has stated, due to the very successful LSA model, why is the minister now allowing the police to go down a Western Australian model to get rid of the LSAs? They are taking on the same model as Western Australia where there

has been a significant increase in crime. Why is the minister allowing them to demolish the LSA model that reduced crime?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:47): Let us just start with a few facts, shall we? Shall we start with the fact that SAPOL has not made any announcement about abolition of the LSA model? Let us just start with that. What SAPOL is doing is what any substantial leader of a bureaucracy or an agency should be doing—reviewing themselves. Despite enormous success, despite substantial increases in resources now available to SAPOL, we are not resting on our laurels, and we actively support the police commissioner in getting on with the job of making sure they are striving for continuous improvement, which means that it is not okay just to stay the same.

Stagnation is not something that this Labor government, which is committed to renewal, committed to continuous improvement, will allow to occur. Furthermore, whatever comes out of the operational review that SAPOL is conducting internally, we will not be subjected to unnecessary or inappropriate intervention by me as the police minister, which is what I understand the Hon. Mr Brokenshire is yet again advocating. He is yet again advocating that somehow the government or the police minister would do a better job of being the police commissioner than indeed does the police commissioner himself.

I know that in the Hon. Mr Brokenshire's heart of hearts he does not genuinely believe that I would be better at being police commissioner than would the police commissioner himself. I know he does not genuinely in his heart of hearts believe that. He may genuinely believe that he would be a better police commissioner than is the police commissioner. I do not take that view. I believe that our current police commissioner is doing a good job. I think that, by and large, he enjoys the support of members of this chamber, and, dare I say it, I hope he would enjoy the support of the Hon. Mr Brokenshire.

The Hon. R.L. Brokenshire: They all had my support.

The Hon. P. MALINAUSKAS: Well, they've all had his support. I admire that position of the Hon. Mr Brokenshire, and I would encourage him to retain his policy in regard to that, and wait and see what comes out of the operational review that SAPOL is conducting. Then he should make an analysis, as all members of our community and interested stakeholders in community safety should do. They will conduct a rational analysis of what SAPOL is recommending, have a look at it in the cold light of day, have a look at it in the context of the increasing resources that this government is providing, and then the Hon. Mr Brokenshire, along with everybody else, should formulate a rational view.

I am confident that upon looking at it holistically, when they look at the reforms that SAPOL is undertaking, they will enjoy widespread community support, because at the heart of it will be the—

The Hon. R.L. Brokenshire: I will be out in the media with my report.

The Hon. P. MALINAUSKAS: I am sure the honourable member will be out in the media with his report. I am sure that the police commissioner has community safety at heart, and I look forward to seeing the outcomes of that review once it is complete.

SOUTH AUSTRALIA POLICE

The Hon. J.S. LEE (14:50): I have a supplementary arising out of the minister's answer. Can the minister confirm that he thinks the SAPOL website, with the statistical reporting about increased offences over the last 12 months, is incorrect? Does he agree that the SAPOL website is incorrect? Does he agree that the ABS analysis reports, saying that acts intended to cause injury are up 24 per cent and that sexual assault is up 20 per cent, are incorrect?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:51): I stand by, absolutely, what I stated earlier, and what I stated earlier (if the honourable member had heard) is that under this government's watch victim-reported crime, according to the ABS, dropped by approximately 40 per cent. I repeat: I am advised that under this government's watch victim-reported crime has dropped by more than 40 per cent. That is an outstanding result. I think SAPOL should be commended for those efforts and I think this government should be commended for those efforts,

and I think the community, more broadly, would be very proud of those efforts. It is a record we stand by.

SALISBURY POLICE STATION

The Hon. J.S.L. DAWKINS (14:51): A supplementary: does the minister consider that the significantly reduced opening hours of the Salisbury Police Station meet the community safety priorities he talks about for South Australia's second largest local government area?

The Hon. K.J. Maher: He wants to be the commissioner.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): Mr President, the Hon. Mr Dawkins is another candidate to be police commissioner. I encourage him to apply.

Let us just be clear about this. There is no reduction in the hours of the Salisbury Police Station as yet; I am advised that it is still operating as was, as is. There is just a review being undertaken of the operations, and we should remember who is conducting that review. The review is not being conducted by commissioner Dawkins or commissioner Brokenshire, it is being conducted by the police commissioner himself, and no-one is better placed—not me, not the Hon. Mr Dawkins, not the Hon. Mr Brokenshire—than the police commissioner himself to be conducting that review, as is appropriate.

We should contemplate the fact that maybe, just maybe, it is not a good idea to have people sitting behind a desk at 3 o'clock in the morning when they should be out on the beat at 3 o'clock in the morning arresting would-be assailants. The police commissioner and I have talked about the fact that you cannot arrest anyone when you are sitting behind a desk—

The Hon. J.S.L. Dawkins: No, you can't.

The Hon. P. MALINAUSKAS: No, you can't. What we should do is have a good, thorough look to make sure that the current model best services community expectations. Yes, crime stats are going down, but we want them to go down more, which is why we will not be shying away from a review being conducted by the police commissioner to make sure that the crime stats continue to go down.

PARKS WEEK

The Hon. G.A. KANDELAARS (14:53): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister inform the chamber about the range of events organised to celebrate Parks Week 2016, and how the South Australian government is ensuring that South Australians can make the most of the fantastic parks throughout this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:54): What a fantastic and thrilling question from the honourable member who, as we all know, enjoys getting out into nature from time to time. Parks Week 2016 ran from Saturday 5 March to Sunday 13 March, and presented a fantastic opportunity to get more South Australians outside enjoying and exploring the great range of activities available in our parks. We are indeed very blessed in South Australia, where living in a metropolitan area does not mean forgoing a connection with nature. We have 50 national parks and reserves, I am advised, within 50 kilometres of the CBD, covering a total combined area of over 13,000 hectares of land and offering people a wonderful day out.

Parks Week is an annual celebration of the important role that our parks play in contributing to the health of our communities. The state government uses Parks Week to promote our parks, to increase visitation and to promote awareness of our new online booking system. In total, South Australians could take advantage of over 30 activities, I am advised, including the launch of celebrations to mark the 125th anniversary of Belair National Park; guided snorkelling tours of our marine sanctuaries at Second Valley in the Encounter Marine Park, that I understand were fully booked out prior to Parks Week; junior ranger activities at Para Wirra Recreation Park; Clean Up Australia Day activities; the opportunity for people to access half-price camping for the month of August for those who book online during Parks Week; and free vehicle casual day entry on Sunday 13 March across the state.

I am advised that, in total, around 2,500 people took part in these and many other activities across the state, helping us encourage more people to enjoy the many benefits of spending time outdoors. The state government has an outstanding track record on increasing our network of parks and reserves, Mr President, as you well know. South Australia has over 300 parks, showcasing a diverse range of natural attractions including Seal Bay, Flinders Ranges, Cleland, Kangaroo Island Wilderness Trail and Naracoorte Caves. Since coming to office, we have systematically added to this network of parks and reserves by proclaiming 69 new parks and adding land to 76 existing parks.

South Australia now has the largest percentage of both public and private protected land of any Australian mainland jurisdiction—approximately 27,675,000 hectares; that is equivalent to the size of the State of Victoria. We have also worked hard to ensure that our parks and reserves offer visitors a great experience, investing \$10.4 million to improve the facilities and infrastructure of metropolitan Adelaide's parks and reserves. These improvements include internationally recognised mountain bike trails, upgraded and better connected walking and cycling trails, new lookouts and fantastic nature play areas and selected parks to help children explore and connect with nature.

All of this will help us in our efforts to promote and implement the state government's newly released nature-based tourism strategy. That aims to activate South Australia's nature-based tourism sector. In having the market advantage as a nature-based tourism destination that we do, this strategy will build on that advantage to inject \$350 million per annum, it is estimated, into the state's economy and create 1,000 new jobs by 2020. That is the advice that has been provided to us about how we can actually activate these areas around the state, particularly the perimetropolitan parks that are so easy to access.

Parks Week offered South Australians plenty of opportunities to visit the state's parks, connect with nature, and learn more about our unique landscapes, plants and animals. I would like to commend the staff in the Department of Environment, Water and Natural Resources for their efforts in putting together such a great program this year and for all of our help and volunteers through Nature Play who every week encourage more young people to go out and enjoy nature and play.

DUCK HUNTING SEASON

The Hon. M.C. PARNELL (14:58): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation about the 2016 duck hunting season in South Australia.

Leave granted.

The Hon. M.C. PARNELL: I have recently been provided with a copy of a decision-making matrix of ecological criteria, which I understand is prepared by the Department of Environment, Water and Natural Resources to inform their recommendations to the minister regarding the duck hunting season. The matrix lists six ecological criteria:

- South Australian waterfowl abundance;
- SA wetland status;
- SA River Murray inflows;
- total waterfowl abundance as measured by the Eastern Australian Waterbird Survey, which is one of the largest wildlife surveys in Australia, and it surveys major wetland sites in the Murray-Darling Basin;
- the number of all waterbird species that are breeding; and
- the breeding index of all species.

The data against each of these six criteria informs whether the open season for ducks should be full, restricted or no season.

The 2015 data that informs the decision-making for the 2016 season shows that only one waterbird species was breeding—and that was black swans which were breeding at a single location. The breeding index of all species was zero. In addition, the total waterfowl abundance from the

Eastern Australian Waterbird Survey, which covers almost half of Australia, is the second lowest on record.

The assessment of these three criteria on the government's own decision-making matrix shows that there should be no duck hunting season in 2016. Furthermore, the department's announcement of the 2016 duck and quail open seasons states, 'Seasonal conditions in 2015 have been below average to well below average at a local South Australian scale and, at a broader eastern Australian scale, conditions are very poor.' My questions are:

1. Given the department's own advice as per their decision-making matrix that three of the six ecological criteria indicate a need for no season, why has the minister decided to allow a duck hunting season this year?

2. When will this Labor government grasp the nettle and join other states, including Western Australia, Queensland and New South Wales, in banning the barbaric practice of hunting ducks and quail for recreation?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:01): Can I say thank you to the gallery for their interesting side remarks and, as I said, the Hon. Mr Brokenshire wants to shoot as many ducks as possible. That is not our intention.

The Hon. R.I. Lucas interjecting:

The Hon. I.K. HUNTER: I do not even think he wants to eat them, the Hon. Mr Lucas; I think he just wants to shoot them. The Hon. Mr Stephens might offer to take a few off his hands perhaps. In considering any open duck and quail hunting season, I always seek to ensure that the season will not impact upon healthy populations of game birds and that their welfare is maximised.

I advise that the South Australian government only makes a decision on the duck and quail open season after a consultative process has been completed. During that consultative process a range of information, views and advice is considered, with particular attention to appropriate environmental conditions. I understand the Hon. Mr Parnell, in a rush of blood to the head with all these nominations for police commissioner echoing around the chamber today, would like to see himself installed as the commissioner for duck hunting and wants to interpret the environmental and the ecological data, as if he was a technical expert himself.

I have to say he is putting himself right up there on the podium, even above where I would put myself because I do not make the decision based on that technical advice and data and interpret it myself. I have an expert panel advise me on that data. I get them to advise me on that data. I do not interpret it and I am not quite sure the Hon. Mr Parnell is also qualified to make those determinations however he might portray himself in here. I do not think the job of duck hunting commissioner is available for Mr Parnell.

The Department of Environment, Water and Natural Resources (DEWNR) provides these recommendations on the hunting season based on the season's environmental conditions. DEWNR seeks advice from the Duck and Quail Stakeholder Reference Group, which is made up of conservation representatives and hunting and wildlife organisations. I am advised that for the 2016 open season, DEWNR discussed a number of topics with the reference group, including a detailed analysis of climatic conditions, an assessment of wetland conditions, and it looked at waterfowl numbers at both the state and national level.

This includes surveys of waterfowl numbers in South Australian estuaries and wetlands, as well as surveys conducted across the east coast of Australia, I am advised, which can also have an effect on South Australian populations because they migrate across the border. In December 2015, in recognition of the significantly dry environmental conditions, lower bird numbers and the possible impact of hunting on bird populations, I announced that the 2016 duck and quail hunting season would be restricted.

As a result, the duck hunting season started five weeks later than open seasons in past years. The 2016 duck hunting season commenced on Saturday 19 March 2016 and will conclude on Sunday 26 June 2016. The 2016 quail hunting open season commenced on Saturday 13 February and will conclude on Sunday 31 July 2016. Based on the expert scientific advice and the outcomes of engagement, the government has reduced the season's length and also the bag limits. This means that hunters will only be able to hunt five ducks per hunter per day, along with a restriction of hunting of the species of blue-winged shoveler and hardhead ducks. The bag limit is reduced from the restricted bag limit of 10 ducks in 2014 and 2015, I am advised.

For quail hunting, the hunters will be able to take 20 birds per hunter, per day. This is reduced from 25 birds in 2015. It responds to a less favourable habitat for quail this season, which has been my advice. Hunters are also being reminded that only stubble quail can be taken during the quail open season, so presumably there are other species of quail that are sometimes hunted. There will also be no hunting in the Bool Lagoon Game Reserve or the Bucks Lake Game Reserve due to the environmental conditions that have been reported to me.

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

DUCK HUNTING SEASON

The Hon. M.C. PARNELL (15:05): I have a supplementary arising from the answer where the minister mentioned the stakeholder reference group. My supplementary question is: what was the advice of the stakeholder reference group to you, and will you release that advice?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I can't advise the chamber of what that advice would be at the minute and, until I review that advice, I can't respond to the honourable member's answer.

DUCK HUNTING SEASON

The Hon. R.L. BROKENSHERE (15:05): A supplementary to the minister, based on the minister's answers: I ask the minister whether he will seek advice from his department as to whether wood duck should be excluded from seasonal duck shooting and be able to be taken out at any time of the year. Would he please investigate and see what the department has done to address the massive amount of wood ducks that are working against the economy of agriculturalists in many parts of this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): It really surprises me that the honourable member, who works so very closely with nature in his second job, who should have a very good and strong appreciation of the way the natural environment works together in balance, would seek to ask the minister to allow him, and presumably others, to have an open season on some species of duck without, I expect, any reflection on the impacts that might have on, for example, insect species or even other weed species.

The honourable member comes in here with simplistic questions. He doesn't understand the web of life and how everything in nature is interconnected. The honourable member wants to completely take out one species in an environmental chain with his six-gauge. He wants to wipe them out completely and is saying, 'Take them off the restricted list.' He doesn't understand how interconnected everything is in his local ecological community.

It may well be he should go back and look at *The Web of Life*, the year 12 biology textbook which would have been around in schools in his day. He might have a better understanding of how everything is connected. Focusing on taking out one species, as we have learnt, I think, to our chagrin in this country, doesn't work. You need to work with a balance in the ecological community.

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

DUCK HUNTING SEASON

The Hon. T.J. STEPHENS (15:07): A supplementary question arising out of the answer: minister, given that Mr Brokenshere wasn't talking about wiping out wood ducks, how difficult would

it be for the Hon. Mr Brokenshire to get a pest destruction permit to reduce the problems that he is having with wood ducks attacking his valuable lucerne?

The Hon. R.L. Brokenshire: And my chicory.

The Hon. T.J. STEPHENS: And his chicory?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): I don't have an appreciation of the Hon. Mr Brokenshire's particular circumstances and whether in fact he would be seen as a fit and proper person to hold a firearms licence.

Members interjecting:

The Hon. I.K. HUNTER: I don't know, but certainly he can apply to his natural resource centre and work through those processes. I have got to say, if the species of duck that he wishes to target is in fact a protected species, then he is going to have some difficulties with that, but if he can show that it's having a detrimental impact on his economic income at his second job—

An honourable member: First job.

The Hon. I.K. HUNTER: —at his first job, perhaps, then he might have a chance of persuading those very sympathetic staff at the natural resource centre of his plight. They may be able to work with him, in the first instance, in some nondestructive methods that might be able to solve his problems.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. A.L. McLACHLAN (15:09): My question is to the Minister for Manufacturing and Innovation and Automotive Transformation. Can the minister advise the chamber how many workers have participated in the Automotive Workers in Transition Program to date, and what percentage of participants in the program have been successful in gaining alternative employment?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:09): I thank the honourable member for his question. The South Australian government through Our Jobs Plan is providing \$7.3 million to assist workers affected by the closure of automotive manufacturing industries throughout South Australia. Holden are providing, as they should, a range of assistance to their workers—the 1,200 or so who are still at Holden—in relation to career guidance, skills recognition and training programs. The state government is providing similar assistance to the automotive supply chain industry, with the \$7.3 million Automotive Workers in Transition Program.

The program was originally launched in December 2013 and is operated through the Automotive Transformation Taskforce. I will get updated exact figures in terms of the number of people who have accessed the program. Off the top of my head—and I know that many information sessions have been held—I think it is somewhere between 1,000 and 2,000 people who have attended information sessions, but I will get for the honourable member the exact number of people. The question is: how many have formally—

The Hon. A.L. McLachlan: Participated and the percentage that have been successfully employed.

The Hon. K.J. MAHER: The number that have participated in the program and the percentage who have been successful. I certainly will get further information about that. One thing I can say is that I know one thing that we are determined to do is to make sure that the programs change to meet the changing needs as we get closer to the closure of Holden at the end of 2017.

The state government recently approved changes to the Automotive Supplier Diversification Program, the program that provides grants to supply chain companies that are looking to diversify and do something different outside the auto industry, including things like food manufacturing, medical devices, transport and logistics. The state government has recently approved changes also to the Automotive Workers in Transition Program to make sure that it is meeting the needs of changing circumstances.

I outlined to the chamber in recent weeks that spouses and partners of registered workers will now be able to register for the program to access career advice and mentoring and how to access training and other support services. The government has also expanded eligible expenses so that automotive supply chain workers will be able to access funding for vocational licences or for travel to get to a new workplace or a training location. The state government has also extended the time frame workers have to access the support package. A fixed date of 30 June has been set for eligible participants to register for the program.

Also, for the first time, eligible labour hire personnel in automotive manufacturing supply chain companies may now be eligible to register for the program. It is certainly a program that a number of people have been interested in. I know from my experience attending quite a range of automotive supply chain companies over the last 12 months, from some of the big multinational companies to some of the smaller ones, like ZF Lemforder, Hirotech, Futuris and others, that a lot of individuals working in automotive supply chain companies haven't necessarily turned their mind to what happens at the end of 2017, but I know that more are now. So certainly we are increasing our efforts and also increasing how we capture people and make sure they are involved. But as to the exact numbers, I will seek a reply and bring back an answer.

EMERGENCY SERVICES VOLUNTEER RECRUITMENT

The Hon. T.T. NGO (15:13): I have a question for the Minister for Emergency Services. Minister, motherhood statements are always easy when you are in the opposition, but can you tell the council what the government is doing in terms of driving emergency services volunteer recruitment?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:13): A good question and good preamble. I wholeheartedly agree with the honourable member. First of all, I think it is safe to say that all members in this house recognise the extraordinary work that volunteers do. I think all members across all parties are very grateful for all the hard work that people who volunteer in our emergency services conduct on behalf of their fellow community members across our great state.

We certainly do not have to look very far back to recall the stellar work of our CFS and SES volunteers in recent examples such as the Sampson Flat and Pinery fires. It is undoubtedly a strong volunteer force and one that we hope to continue to strengthen by bringing new recruits to an even larger service. As such, I am pleased to inform members that the government will be recommencing targeted volunteer recruitment and retention commercials, both on regional television and online.

The target for this recruitment drive is people who have not traditionally volunteered for the CFS or SES in the past. This includes young people, women, and people from culturally and linguistically diverse backgrounds. Not only centred on front-line operational roles, this campaign aims to raise the profile of emergency services volunteering and directs people to the 1300 Volunteer Now phone number.

In meeting the challenge to create a more diverse emergency services volunteer force, and in response to the recommendation provided in the Holloway review into the Fire and Emergency Services Act 2005, we are not only reflecting upon the rich tapestry that weaves our modern-day society but we are also recognising the direct benefits this aim brings with it. This is not just about diversity for its own sake. Throughout the world, diversity brings the benefit of fresh perspectives, new knowledge, the strengthening of communities and increased productivity—benefits I am sure we all welcome across the sector.

These advertisements, four for the CFS and three for the SES, originally aired in September last year, and I am pleased to be advised that they will be running again in April and June this year, ahead of this year's bushfire season. I call on all members to support the government's efforts to increase volunteer participation in this state. As such, I also encourage members to help spread the word to their constituents by directing them to the CFS and SES YouTube and Facebook pages, or the 1300 Volunteer Now telephone number, which is 1300 364 587.

EMERGENCY SERVICES VOLUNTEER RECRUITMENT

The Hon. R.L. BROKENSHIRE (15:16): I have a supplementary question. On notice, or now, can the minister advise the house of the numbers of CFS and SES volunteers in the last two financial years to date?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): I am in a position to be able to provide some statistics which I think answer the honourable member's question. As of 1 July last year, the CFS had 14,004 volunteers; of those, 10,848 were firefighters, 2,326 were operational support and 830 cadets. I will just repeat: I am advised that there were 14,004 volunteers in the CFS as at 1 July. With respect to the SES, I am advised that there were 1,638 volunteers, and that is a more recent figure, as at 4 February 2016.

EMERGENCY SERVICES VOLUNTEER RECRUITMENT

The Hon. T.A. FRANKS (15:18): I have a supplementary question. What support, including funding, is the government providing for those former CFS volunteers who have dropped out of their volunteering because they have moved from the rural and regional areas of our state to the peri-urban and metropolitan areas and yet would like to continue to be CFS volunteers, having moved from their local communities?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:18): Where volunteers move around our communities, which of course occurs from time to time, the government does seek to encourage those persons to remain within volunteer organisations. We want people volunteering across peri-urban areas and regional areas and, of course, where people move from regional areas, particularly younger people moving from a regional area to a peri-urban area for instance, it is in everybody's interest that that person remain volunteering.

I am happy to take on notice if there is any specific funding allocated towards that specific task. What I would say, generally speaking, though, is that our volunteer numbers have remained pretty good, particularly within the CFS. We would hope that those numbers continue to grow.

One of the consequences of unfortunate incidents like Pinery and Sampson Flat is that it does elevate the consciousness of the public's mind towards the importance of volunteering and the incredibly hard work that they do. That does often reflect itself in an increase in the number of people putting up hands to become volunteers. But I am more than happy to inquire as to whether or not there is a specific program or funds that are allocated towards ensuring people who do transfer locations stay trained up.

I would say, though, in regard to peri-urban areas, there is always going to be a retained demand for people who are working in those areas. I think lots of people make the mistake of just assuming the CFS operates out in the regions, and sometimes people aren't necessarily aware of the fact that there are CFS stations in what could otherwise be categorised as metropolitan locations—and often they are incredibly active.

The Hon. J.S.L. Dawkins: There's one in Salisbury.

The Hon. P. MALINAUSKAS: Indeed—and in Burnside. There are many very, very active brigades, and we thank them for their work. Often, of course, those brigades that are operating in these sorts of areas have also other levels of training as well. We want to retain those skills. There are costs attached to bringing volunteers up to speed and having them trained up, so where there is migration of volunteers throughout the state it is very much in this government's interest to retain their services as best as we possibly can.

Finally, in respect of the Hon. Ms Franks' question, this government is going to continue to do everything we can to retain those volunteers. This advertising campaign, I think, seeks to do the right thing by attracting a more diverse mix of volunteers into the community. We are very grateful for those people, particularly those people who have been long servants of emergency services over many years, for all their hard work.

It is important that we have an eye to the future; to make sure we are recruiting younger people; that we are recruiting people outside of a demographic that might otherwise be represented by middle-aged men. We do want to be attracting women; we do want to be attracting people who come from different ethnicities. We want to make sure that our emergency services appeal to all members within our community, but do it in such a way that also honours the incredible service of those people who have been doing the work for a very long time.

Bills

EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:22): I move:

That this bill be now read a second time.

I seek leave to insert the second reading and explanation of clauses into *Hansard* without my reading it.

Leave granted.

Recent local and world events, whether within the context of natural disaster or terrorism, remind us of the need to maintain effective emergency management arrangements.

This Government is committed to ensuring that South Australia's emergency management and protective security measures to prepare for, prevent (where possible), respond to, and recover from emergency situations, continue to be appropriate in the interest of community safety.

The State Emergency Management Committee (SEMC) initiated a review of the *Emergency Management Act 2004* to enable consideration of lessons learned from previous events in the interest of ensuring our emergency management arrangements continue to be relevant and effective.

This Bill is a result of the Review and will:

- clarify the authority of the State Emergency Management Plan (SEMP)
- enable the efficient operations of the State Emergency Management Committee (SEMC)
- ensure the emergency management arrangements are clearly defined
- provide Objects and Principles to address clarity on role and function
- clarify powers that may be exercised in relation to disconnection of water and drainage
- clarify various emergency management definitions.

The *Emergency Management Act 2004* (the Act) provides the legislative framework for the management of emergencies in South Australia.

The Act establishes the strategies and systems to enable effective response and recovery from a disaster event, as well as appropriate planning and preparedness to mitigate disasters. In short, the Act ensures that South Australia has the capability to properly manage any emergency, whether it is a natural event, a pandemic or a terrorist act, by making sure that the key elements of the state emergency management arrangements, including roles and responsibilities, are clearly articulated.

This Bill is based on an extensive review of the legislative framework, overseen by the SEMC. The review took into account lessons learned from activations of the state's emergency management arrangements since implementation of the Act, as well as from the experience of disasters elsewhere, to ensure that best practice emergency management arrangements are supported and contemporary practices reflected.

The changes proposed as a result of the review are intended to strengthen the arrangements that support emergency prevention and preparation activity. These changes will ensure the state is aware of potential risk, and is prepared to mitigate or respond accordingly. Clarifying the roles and responsibilities of all government stakeholders will improve the state's ability to respond effectively to an emergency event.

The Government believes that the Act and arrangements are substantially sound, but that a number of amendments to improve the clarity, certainty and operation of the Act are required to support best practice emergency management arrangements. These include more comprehensive definitions of emergency management arrangements and a clearer outline of roles and responsibilities.

The importance of clear arrangements and roles and responsibilities is of particular interest to the Government given the importance accorded to these matters during the Victorian Bushfires Royal Commission and the Queensland Floods Inquiry.

The recommendations to update and strengthen South Australia's emergency management arrangements align with the South Australian Government strategic priority 'Safe communities, healthy neighbourhoods'. The process will reassure the community that South Australia's emergency management arrangements are being updated to ensure best practice, and encourage community resilience through coordinated planning and disaster preparedness activities.

The updated Act will contribute to the South Australia's Strategic Plan vision 'We are safe in our homes, community and at work' which makes specific reference to the potential impact of natural disasters and notes that everyone has a role to play to be prepared for such events.

The Bill proposes to clarify the authority of the State Emergency Management Plan (the SEMP).

The SEMP is prepared by the SEMC to provide strategies for the prevention of emergencies in the state, and management of events that do occur. The SEMP is the primary mechanism for defining the roles of government agencies during an emergency. It forms the basis of actions taken by all agencies in response to an emergency incident in South Australia and therefore has far reaching impacts upon individual agency operations.

During the course of the review a number of submissions were made seeking clarification of the legal status of the SEMP and the agencies and community groups it is intended to apply to. Legal opinion obtained during the review confirmed that the current role, function and authority of the SEMP is consistent with the Act and that its application to all sectors of the community is consistent with the intention of Parliament when the Act was passed.

Nevertheless, in the interests of ensuring the status and scope of the SEMP is clear, the Bill contains an amendment to specify that the SEMP applies to all levels of government, business, and the non-government sector.

The Bill seeks to improve upon the efficient operations of the SEMC.

The SEMC is established under section 6 of the Act and currently consists of eighteen members. Following the review, an opportunity was identified to simplify the SEMC appointment process and to make it easier to have appropriate membership in place at all times. This has been achieved through the *Statutes Amendment (Boards and Committees-Abolition and Reform) Act 2015* as an outcome of the Review of South Australian Government Boards and Committees.

Section 9 of the Act specifies the various functions of the SEMC including its role in emergency management planning, the preparation of the SEMP and the need to undertake risk-assessments.

Specifically, the Act allows SEMC to monitor and evaluate the implementation of the SEMP and the response and recovery operations taken during or following an emergency if it is declared under the Act. There have been only three declared events in the last ten years, but there have been many other non-declared events from which we can learn more about emergency management.

The Bill will widen the strategic management functions of SEMC to allow it to focus on any emergency, not just one that is a declared event, including interstate and international events. The Bill will allow the SEMC to determine and target, within a set of guidelines, appropriate incidents for examination and review. This will allow the Government to expand on lessons learnt, improve its knowledge base and identify improvements to state arrangements.

The Act currently states that the SEMC must, as soon as practicable after the commencement of this Act, establish an Advisory Group to advise SEMC in relation to recovery operations. This was specifically inserted to ensure that the recovery element of emergencies was adequately addressed during a time when recovery was not clearly understood or appropriately considered.

The State Recovery Committee was established under the Act as the advisory group to advise SEMC in relation to recovery operations. It is therefore proposed that this section be removed as the establishment of the State Recovery Committee renders the clause redundant. The Committee will continue to operate under the general advisory group provisions of the Act. It is chaired by the Chief Executive of the Department for Communities and Social Inclusion (DCSI).

Ensuring emergency management arrangements are clearly defined is another purpose of the Bill.

Recent reviews commissioned by state governments in response to natural disasters elsewhere in Australia have highlighted the importance of clear roles and responsibilities within emergency management arrangements. While the roles associated with response and recovery activities in this South Australia are considered sound, there is less clarity around those roles associated with planning and preparedness.

To improve the clarity of key roles, functions and responsibilities within the South Australian emergency management arrangements the Bill formalises the role of Hazard Leaders and Zone Emergency Management Committees.

Hazard Leaders provide a leadership role in planning emergency management activities across the prevention, preparedness, response and recovery spectrum for a specific hazard. This role was established in 2005

to support a fundamental shift in emergency management beyond response and reaction, to anticipation and mitigation.

In developing Hazard Plans, the State Mitigation Advisory Group (SMAG) and Hazard Leaders found that a lack of recognition of the role of Hazard Leaders has been a significant impediment when requesting action by State and Local Government, non-government and private sector stakeholders.

To ensure that the hazard mitigation role of a Hazard Leader is clearly articulated within the hierarchy of planning, control and management processes, and to give appropriate status and focus to the planning and prevention aspects of our emergency management arrangements, it is appropriate to include the Hazard Leader role within the Act.

The Government acknowledges that the practice of emergency management requires cooperation between and across all levels of government and with the community. Our Zone Emergency Management Committees are the glue of local communities when it comes to emergency management arrangements.

The state is divided into Emergency Management Zones which are aligned to the government regional boundaries. The SEMP specifies that each zone will have a Zone Emergency Management Committee (ZEMC), responsible for emergency risk management at a zone level, including the development of Zone Emergency Management Plans which support the SEMP.

The Bill appropriately reflects the important role of the ZEMC in the structure of the South Australian emergency management arrangements.

So too, the role of local governments with respect to emergency management, whilst critical, is not clearly defined. Principal emergency management legislation in other states refer specifically to the role of local governments thus providing greater clarity regarding arrangements.

The Bill will include the high level role of local government in relation to emergency management and will reflect the emergency management functions of a Council as described in the *Local Government Act 1999*.

The inclusion of the role statement will be consistent with the incorporation of Objects into the Act that, among other things, recognise that effective arrangements require a coordinated approach from the community, local government and the State Government to build community resilience, reduce vulnerability to emergency events and ensure a seamless transition to recovery after an emergency.

Local government has a particularly important role to play in mitigating risks, and supporting emergency service agencies in response to an emergency as well as during community recovery processes.

The inclusion of a high level local government role statement in the Act, implies that a level of responsibility is assumed by local government within the spectrum of their own emergency management activities. However, it is reasonable for councils to have limited protection from liability when individual workers are directed by an authorised officer of the Crown in an emergency response situation.

During the review, local government identified concerns about council liability if a worker is injured after being directed by an authorised officer of the Crown in an emergency response situation. The government has commenced work on a number of initiatives to address this concern including the provision of appropriate training and equipment to workers, and an initiative to address the specific issue of workers compensation.

The Government believes that the South Australian arrangements would be better formed and explained if the Act contained aims and objectives in a similar manner to the *Public Sector Act 2009*.

The Objects and Emergency Management Principles address a number of the issues that were raised during the review where clarity on role and function was sought, but where formal legislative change was not deemed necessary or appropriate. The objects also address various agreements reached at national levels to ensure a nationally consistent approach to emergency management.

The Bill contains the following Objects and Emergency Management Principles:

The objects are as follows:

- to establish a state emergency management framework;
- to promote prompt and effective decision making;
- to promote comprehensive and integrated planning; and
- to build community resilience and reduce vulnerability to emergency events.

The emergency management principles are:

- Comprehensive coverage
- Integrated arrangements
- Community resilience

- Risk-driven approaches

In addition, the Bill proposes a number of other legislative amendments aimed at improving the functioning of the Act, including:

- Amending Section 25 to allow disconnection and reconnection of water and drainage so that it reflects the provisions of Section 26.
- Proposing standard national emergency management definitions.

South Australia is currently the only state not to include standard definitions within our emergency management legislation. The Bill proposes that definitions of prevention, preparedness, response and recovery are included, consistent with the approach of other jurisdictions.

The Government consulted with key stakeholders on the review and the draft Bill, including all members of the SEMC and the chairs of the SEMC Advisory Groups. The SEMC is chaired by the Chief Executive of the Department of the Premier and Cabinet and includes the Commissioner of Police, chief executives of South Australian Government departments, SA Water and the Local Government Association of South Australia, and Chief Officers of emergency response agencies.

The review, upon which the Bill is based, included extensive consultation with State and Local Government stakeholders. Sixteen written submissions were received, as well as numerous oral submissions during a targeted stakeholder interview process.

Changes specific to local government were arrived at following extensive consultation with the Local Government Association and with the agreement of the SEMC.

Key stakeholders were sent a copy of the exposure draft of the Bill on 21 December 2015 with a two week comment period. One agency provided a written response expressing concern that the language in the Bill was too vague and allowed potential for certain provisions to be ignored, and that the scope of Hazard Leaders was not clearly defined in terms of their state-level role.

The Government reflected on the comments and issues raised by the agency and, after meeting with that agency to discuss, determined that both matters would be resolved through amendments to the SEMP, a review of which is occurring concurrently with the passage of this Bill.

The Government believes that the proposed changes will update and strengthen South Australia's emergency management arrangements, providing reassurance to the community and encouraging community resilience through coordinated planning and disaster preparedness activities.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Emergency Management Act 2004*

4—Insertion of section 2

This clause inserts the proposed objects and guiding principles for the *Emergency Management Act 2004*.

5—Amendment of section 3—Interpretation

This clause inserts definitions consequential to the new objects and guiding principles inserted by clause 4 and also updates the definition of *recovery operations* and *response operations*.

6—Insertion of Part 1A

This clause inserts new Part 1A providing expanded provisions relating to the preparation, review and maintenance of the State Emergency Management Plan (*SEMP*).

7—Amendment of section 9—Functions and powers of SEMC

This clause updates references to the State Emergency Management Plan to 'SEMP' and also provides that the State Emergency Management Committee may determine to monitor and evaluate the implementation of the SEMP and the response and recovery operations taken during or following emergencies of any kind that it thinks fit. Currently this only applies to any identified major incident, major emergency or disaster declared under the Act.

8—Amendment of section 11—Establishment of advisory groups by SEMC

This clause deletes the requirement for the State Emergency Management Committee to establish an advisory group to advise SEMC in relation to recovery operations. This advisory group will be able to be established under section 11(1) of the *Emergency Management Act 2004*. Clause 2 in Schedule 1 operates to continue the advisory group in existence under section 11(2), after the commencement of this measure, as if it were an advisory group established under section 11(1) of the *Emergency Management Act 2004*.

9—Amendment of section 15—Functions and powers of State Co-ordinator

This clause updates references to the State Emergency Management Plan to 'SEMP'.

10—Amendment of section 19—Co-ordinating agency

This clause updates references to the State Emergency Management Plan to 'SEMP'.

11—Amendment of section 20—Control agency

This clause updates references to the State Emergency Management Plan to 'SEMP'.

12—Amendment of section 25—Powers of State Co-ordinator and authorised officers

This clause updates references to the State Emergency Management Plan to 'SEMP'. This clause also extends the powers of an authorised officer to shut off, or cut off, the supply of water or any drainage facility to connect, disconnect, reconnect, shut off or cut off such a facility.

13—Amendment of section 27—Recovery operations

This clause updates references to the State Emergency Management Plan to 'SEMP'.

Schedule 1—Transitional provisions

1—Continuation of State Emergency Management Plan

This clause provides that the State Emergency Management Plan in force under the *Emergency Management Act 2004* immediately before the commencement clause 6 of the measure continues after that commencement as the State Emergency Management Plan under section 5A of the *Emergency Management Act 2004*.

2—Recovery operations advisory group

This clause provides that the advisory group in existence under section 11(2) of the *Emergency Management Act 2004* will continue, after the commencement of this measure, as if it were an advisory group established under section 11(1) of the *Emergency Management Act 2004*.

Debate adjourned on motion of Hon. D.W. Ridgway.

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): I move:

That this bill be now read a second time.

I seek leave to insert the second reading and explanation of clauses into *Hansard* without my reading it.

Leave granted.

Currently, the *Legal Services Commission Act 1977* (the Act) establishes a ten member Commission comprising the following persons who are appointed by the Governor:

- a Chairman, who is a person holding judicial office or a legal practitioner of not less than five years standing nominated by the Attorney-General;
- one person who is, in my opinion, an appropriate person to represent the interests of assisted persons;
- three persons nominated by the Attorney-General;
- three persons nominated by the Law Society;
- one employee of the Commission on the nomination of the employees of the Commission; and
- the Director of the Commission.

The Commission is a representative rather than a skills-based board.

The Bill reduces the number of Commissioners that comprise the Commission from ten to five people, and make skills, knowledge and expertise the relevant factors when appointing a Commissioner.

The catalyst for this Bill can be traced back to February 2011 when a review of the provision of legal aid in State criminal cases by the Commission (the review) was announced.

The review was conducted by a committee (the Committee) of senior legal practitioners, comprising Mr Martin Hinton QC (the Chair), Mr Michael Abbott AO QC, Mr Ralph Bonig, his Honour Judge Muscat and Mr Mark Norman SC. The Committee released four reports.

Of particular relevance is its third report titled, *The Governance Structure of the Commission and a Public Defender's Office for South Australia* (the Third Report). The Committee recommended a change to the governance structure of the Commission.

The Committee was critical of the current composition of the Commission and stated:

'A very real question arises as to the benefit that the Commission as currently constituted brings to the contemplated operations of the organisation.'

'[T]he current composition of the Commission may exclude skills of benefit to the Commission. Members possessing skills in management, public administration and service delivery could benefit the Commission.'

After taking into consideration the size and compositions of the various Commissions around Australia, it was determined that the Bill would establish a five member Commission comprising:

- a Chair nominated by the Attorney-General who must be a person holding judicial office or a legal practitioner of not less than five years standing;
- the Director; and
- three other members nominated by the Attorney-General of whom:
 - at least one must have experience in financial management; and
 - at least one must be able to represent the interests of legally assisted persons.

The Bill addresses concerns that legal practitioners would not be sufficiently represented in the newly constituted Board in two ways.

First, the Attorney-General must consult with the Law Society and Bar Association before nominating a person for appointment to the Commission. I note that an exception is made for the nominee who has experience in financial management. The Attorney-General is not required to consult with the Law Society and Bar Association on that appointment. All appointments will continue to be made by the Governor in Executive Council.

Secondly, the Bill establishes the Legal Profession Reference Committee (the Reference Committee). The Reference Committee is given broad jurisdiction to advise the Commission in relation to any matter referred to it, or any of the Commission's functions under the Act. The Reference Committee comprises seven members. The Law Society and Bar Association will each be given the power to nominate two members to the Reference Committee.

The Reference Committee is based on the Queensland model. The Queensland Reference Committee meets three times a year to advise the Commission about fees paid to private practitioners, panels and grants of aid. One point of contrast with the Queensland model is that the South Australian Reference Committee will be established by legislation whereas the Queensland Reference Group is not.

One of the consequences of reducing the number of Commissioners is that there will only be four members eligible to hear appeals because the Director is excluded. Those four members will not be able to manage the appeals process if the legislation is to continue to require appeals to be heard by three Commission members. In 2015, the Commission met 22 times during the year and heard 146 appeals.

Accordingly, the Bill provides that appeals will continue to be heard by three people with at least one Commission member, and up to two people drawn from a panel of assessors. The Commission will establish a panel of assessors with suitably qualified persons to help hear the appeals.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Legal Services Commission Act 1977*

4—Amendment of section 5—Interpretation

This amendment inserts a 'pointer' definition for the Legal Profession Reference Committee and is consequential on the establishment of that Committee under proposed section 11A in clause 7 of this measure.

5—Amendment of section 6—Constitution of Legal Services Commission

This clause amends section 6 of the Act to reduce the number of members of the Commission from 10 members to 5. The amendment also changes the constitution of the Commission to be made up of—

- the Director of the Commission;
- the Chairperson who must be a person holding judicial office or a legal practitioner of 5 or more years standing. This person is to be appointed by the Governor on the nomination of the Attorney-General;
- 3 other persons, at least 1 of whom must have experience in financial management and 1 of whom must be an appropriate person to represent the interests of assisted persons. These members are to be appointed by the Governor on the nomination of the Attorney-General following consultation with the Law Society and the South Australian Bar Association in relation to the person representing the interests of assisted persons.

6—Amendment of section 8—Quorum etc

As a consequence of reducing the number of members of the Commission, this amendment reduces the number of members required to constitute a quorum of the Commission from 5 members to 3 members and deletes subsection (1a) which is no longer required.

7—Insertion of section 11A

This clause inserts a new section.

11A—Legal Profession Reference Committee

The proposed section provides for the Commission to establish the Legal Profession Reference Committee to advise the Commission in relation to matters it refers to it or that relate to any of the Commission's functions under the Act, or to perform any other functions assigned to it under the Act. The Reference Committee is to consist of 7 members including the Chairperson, the Director and an employee of the Commission, as well as 2 members nominated by the Law Society and 2 members nominated by the South Australian Bar Association.

8—Amendment of section 12—Advisory and other committees

This amendment is consequential on the amendment in clause 6 and the establishment of the Legal Profession Reference Committee.

9—Insertion of sections 12A and 12B

This clause inserts 2 new sections to provide for an appeal panel to hear appeals against decisions of the Director of the Commission under Part 4 of the Act and to provide for the inclusion of assessors on the panel. This is as a consequence of reducing the number of members of the Commission to ensure that there are a sufficient number of persons to hear the appeals.

12A—Appeals

The proposed section provides that appeals against decisions of the Director under Part 4 of the Act are to be heard by a panel of 3 persons of whom at least 1 must be a member of the Commission and, depending on the number of Commission members on the panel, may include up to 2 assessors selected from a panel of assessors established by the Commission under proposed section 12B. The clause also provides for who is to preside at a hearing.

12B—Panel of assessors

The proposed section provides for the establishment of a panel of persons by the Commission who may sit as assessors on an appeal panel. The panel of assessors is to consist of persons who, in the opinion of the Commission, have appropriate qualifications and experience. Members of the panel may be appointed for a term not exceeding 3 years, on conditions determined by the Commission. An assessor is precluded from participating in the hearing of a matter if the person has a personal, or a direct or indirect interest in the matter.

10—Amendment of section 13—Delegation

This amendment clarifies that the inclusion of assessors on a panel hearing an appeal of a decision of the Director is not precluded by the prohibition on the Commission to delegate the power to hear and determine appeals contained in section 13(2)(b) of the Act.

11—Amendment of section 18C—Director to determine scale of fees for professional legal work

This amendment provides that consultation under this section is with the Legal Profession Reference Committee rather than the Law Society.

12—Amendment of section 19—Determination and payment of legal assistance costs to legal practitioners (other than Commission practitioners)

This amendment provides that consultation under this section is with the Legal Profession Reference Committee rather than the Law Society.

13—Amendment of section 31A—Secrecy

This amendment ensures that the operation of section 31A of the Act (which deals with issues of confidentiality) extends to members of the Legal Profession Reference Committee and members of the panel of assessors.

14—Amendment of section 33A—Immunity

This amendment extends the operation of section 33A to provide for the same immunity to apply to members of the panel of assessors as applies to members of the Commission.

15—Amendment of section 34—Regulations

This amendment deletes subsection (2) and is consequential on the amendments relating to the changes to the constitution of the Commission. Nominations by employees of the Commission are no longer relevant.

Schedule 1—Transitional provision

1—Transitional provision

This provision provides for transitional arrangements in relation to the changes to the membership of the Commission effected by this measure.

Debate adjourned on motion of Hon. D.W. Ridgway.

MOTOR VEHICLES (TRIALS OF AUTOMOTIVE TECHNOLOGIES) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 22 March 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): I acknowledge all contributions members have made thus far, and I look forward to dealing with the bill at the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I move:

That this bill be now read a third time.

Bill read a third time and passed.

OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) REPEAL BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 10 March 2016.)

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:28): I thank all honourable members for their contributions thus far, and I look forward to dealing with the bill at the committee stage. I understand that there was one question from the Hon. Mr Lucas. We undertake to get an answer to that question back to the honourable member as quickly as possible.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:30): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 15:37 the council adjourned until Tuesday 12 April 2016 at 14:15.

*Answers to Questions***ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT FIRE MANAGEMENT**

In reply to **the Hon. J.S.L. DAWKINS** (28 October 2015).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Sustainability, Environment and Conservation has received this advice:

1. The original prescribed burn commenced on Friday 16 October, but was impacted by light rainfall which prevented the burn from being completed. Subsequent fire activity was observed within the fire boundary on Sunday 18 October, and Department of Environment, Water and Natural Resources (DEWNR) fire crew decided to complete the burn on Monday 19 October.

2. DEWNR collaborate with the Country Fire Service (CFS) when planning and implementing its prescribed burns program, and the CFS was advised of DEWNR's original intention to carry out the burn and the subsequent decision to burn remaining fuels.

3. CFS was not requested to assist with the prescribed burn.

4. Information about the burn was placed on the DEWNR website which ordinarily triggers information to be automatically transferred to the CFS website. It is not clear why the information did not transfer on this occasion and subsequent testing shows no fault in this system.