LEGISLATIVE COUNCIL

Tuesday 26 September 2006

The PRESIDENT (Hon. R.K. Sneath) took the chair at 2.16 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Police (Hon. P. Holloway)—

Legal Services Commission of South Australia—Report, 2004-05

Report relating to Suppression Orders for the year ended 30 June 2006—Section 71 of the Evidence Act 1929

Regulation under the following Act—

Professional Standards Act 2004—Membership Fees

By the Minister for Emergency Services (Hon. C. Zollo)—

Social Development Committee Report on the Impact of International Education Activities in SA, September 2006—Ministerial Response.

URANIUM EXPORTS

The Hon. P. HOLLOWAY (Minister for Police): I lay on the table a ministerial statement relating to uranium exports to India made today in another place by my colleague the Premier.

POLICE, ASSAULTS

The Hon. P. HOLLOWAY (Minister for Police): I seek leave to make a ministerial statement on the subject of assaults on police.

Leave granted.

The Hon. P. HOLLOWAY: There has been some recent media attention on the subject of assaults against police officers, a matter viewed very seriously by this government. There is a need, however, to add some facts and clarity to the debate. It is correct that there has been an increase in the number of assaults on police in 2005-06, with figures provided by SAPOL showing that assaults on police have risen to 764, an increase of 68 from 2004-05. However, this number of assaults is much lower than in 2002-03, when there were 1056 reported incidents. Since 2002-03 we have seen a 27 per cent decrease in the number of reported assaults on police. While the Rann government would like to see zero assaults on police, the sad fact is that there will always be people in our community who will target police.

Our police officers often work in very difficult and emotionally charged circumstances, with many of the assaults on officers often being alcohol and drug related. We need to send a clear message that attacking a police officer in the line of duty is completely unacceptable and, indeed, represents serious criminal behaviour. Current legislation in relation to assaulting police carries a maximum penalty of a $10 000 fine, or imprisonment for two years. If a person hinders police, or resists an officer in the line of his or her duty, the maximum penalty is a $2500 fine, or six months' imprisonment.

In an effort to reinforce the message that assaults on police are unacceptable, the government earlier this year proclaimed harsher penalties for violent assaults against officers, representing the biggest overhaul of South Australia's criminal law penalties for offences against people in 27 years. The new laws automatically increase the maximum penalty for crimes when aggravated factors are involved, including knowing the victim is vulnerable because of the nature of his or her employment. The upgraded penalties for aggravated offences include the following: intentional serious harm, 25 years' imprisonment; intentional harm, 13 years' imprisonment; reckless serious harm, 19 years' imprisonment; unlawful threats to kill or endanger life, 12 years' imprisonment; and unlawful stalking, 5 years' imprisonment.

In a further sign of support for our police officers, the Rann government has also introduced laws cracking down on people who try to evade police by making such actions a criminal offence. These new laws stipulate that a person who tries to escape pursuit by a police officer or causes a police officer or officers to engage in a dangerous vehicle pursuit is guilty of an offence. The maximum penalty is imprisonment for three years, aggravated to five years if the vehicle is stolen or is being used unlawfully. There is also a mandatory loss of driver's licence for two years on conviction.

It is also important to recognise that those involved in high-speed or dangerous police pursuits may also face a range of other criminal charges, depending on the circumstances of the case. Our police officers put their lives on the line every day to protect the community from harm. It is totally unacceptable that in a civilised society we have 764 incidents of assault on police in one financial year. These tough penalties should be a warning to criminals to think twice before targeting police. People who attack police officers deserve no sympathy, and the court should take note of these extended penalties. The government will continue to monitor penalties handed down by the courts to those who decide to assault, hinder or resist police and those who decide to engage police in dangerous vehicle pursuits.

QUESTION TIME

POLICE BUDGET

The Hon. R.I. LUCAS (Leader of the Opposition): My question is directed to the Leader of the Government. Prior to the election, did you promise that the police budget would be entirely quarantined of any efficiency dividend to be implemented by a Rann Labor government?

The Hon. P. HOLLOWAY (Minister for Police): Before the election, I answered a question that the Leader of the Opposition asked when he stated that under this government there would be a $20 million reduction in the police budget. I was able to tell him then that, in fact, there would be no such cut and, indeed, I expected the police budget to be increased—and, indeed, it has, very significantly.

The Hon. R.I. LUCAS: I have a supplementary question. Does the minister concede that the police budget is to require that a $14.5 million efficiency dividend and other savings be found from the police budget as a result of the introduction last Thursday?

The Hon. P. HOLLOWAY: As part of this budget measure, one would be well aware that a one-quarter per cent efficiency dividend has been introduced across government. However, in relation to the police budget, there have been extremely significant increases in the budget. I do not think it is unreasonable that this state, like many other states and, I think, the commonwealth, should have an efficiency dividend. However, going back to the Leader of the Opposi-

tion's question, what I said was that the police budget would be bigger at the end, and I am delighted indeed that there has been such a substantial increase to the police budget.

The Hon. R.I. LUCAS: I have a further supplementary question. Has the Commissioner of Police advised the minister of what service or facility cutbacks will be required as a result of the efficiency dividend and the broken promise instituted in the Rann government budget last Thursday?

The Hon. P. HOLLOWAY: How dare the Leader of the Opposition talk about broken promises. This is the man who said, back in 1997, that he would not sell ETSA—the granddaddy of all broken promises. I suspect that, if this parliament goes on for another 100 years, there will not be a promise broken as big as that one. I do acknowledge that, in terms of broken promises, the Leader of the Opposition is an expert and that he knows what he is talking about on that particular subject. However, there certainly have not been any promises broken.

In relation to the police—and, indeed, right across the board—we have honoured every single election promise made by this government. In relation to the efficiency dividend, we believe the one-quarter of one per cent, given the other significant contribution that has been made to the police budget, should be absorbed. After all, if one looks at the budget for last year, one will see that the surplus (in other words, the estimated actual over the budgeted amount for the police) was significantly less than a mere one-quarter of one per cent efficiency dividend that would be required this year.

The Hon. R.I. LUCAS: I have another supplementary question. Will the minister indicate whether or not he has been advised by the Police Commissioner of the nature of cuts that will have to be implemented?

The Hon. P. HOLLOWAY: As I have said, one-quarter of one per cent on the budget is significantly less this year than the difference between the actual police budget for 2005-06 and the overall budget. I think that something of that order in 2006-07—the quarter of a per cent—is a relatively modest amount. Our expectation would be that the Police Commissioner, like right across government, will be able to absorb that increase. Contrast that with what happened back in 2002, just before the election, when the Hon. Rob Lucas was treasurer. Just think about what he did with the health budget: we had the situation where each of the health agencies had blown out their budget—I think that, overall, it was something of the order of $50 million. What the then treasurer, the now Leader of the Opposition, said was, 'Oh, they can all pay it back over future years.'

Of course, when the Rann government came to office and we looked at it, we had the situation concerning this sort of budget fiddle that had been done by the Liberals, whereby all this debt that had been run up in health agencies would have to be paid back in the future. Of course, the Under Treasurer blew the whistle on that, and that is why the Leader of the Opposition, who appointed the Under Treasurer, has had a go at him during the course of the last government. The Leader of the Opposition has spent the past four years having a go at the Under Treasurer, whom he appointed, because the Under Treasurer blew the whistle on the former treasurer on this nonsense that, somehow or other, the health system would be able to cover the debts that had been run up in the health system. As I have said, the Leader of the Opposition is an expert in broken promises, but he is also an expert in budget fiddling.

Now, that sort of money is nothing like a quarter of a per cent efficiency dividend. As I said, a number of governments around this country—including, I think, the federal government—use that quarter of a per cent efficiency dividend, and if a chief executive of an office is not able to save a quarter of a per cent through efficiency then there is something wrong. However, this government has recognised the significant increases that the police will need and has acted on those areas.

BRANCHED BROOMRAPE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about branched broomrape.

Leave granted.

The Hon. D.W. RIDGWAY: I refer to the document signed by the Premier and, I assume, the Treasurer in relation to the compact—the dodgy deal done with the then member for Hammond by the government of which you, Mr President, and this minister were members. I refer to the first paragraph of page 1 of the requirements for the electorate of Hammond. It reads:

> To commit to a program of fumigation to eradicate branched broomrape wherever it is discovered in South Australia and thereby provide certainty to the release of the land from quarantine; and to fairly compensate the landholders who make their living from the land upon which the infestations occur.

I noticed in last week's budget papers that some $3.25 million is to be cut out of the branched broomrape program over the next four years. In light of that, will the minister give this chamber a commitment or a guarantee that the branched broomrape infestation has been eradicated from South Australia, and that this government has, therefore, fulfilled its obligation and the promise and commitment it made to South Australia when it formed government in 2002?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his important question—indeed, I think he refers to the very same compact that the Liberal Party also signed. I am only too pleased to have the opportunity to talk about our very important and very thorough branched broomrape management program. Targeted savings will be made by reallocating work within the existing seed destruction project of the branched broomrape program so that the reliance on more expensive fumigation techniques can be reduced. Savings will be effected by modifying the fumigation program with no further expansion of the use of methyl bromide, although it will continue to be used strategically on critical and very small sites totalling up to 4 per cent of the seed destruction budget.

The savings are to be made mainly through the reduction of the use of methyl bromide, not other eradication mechanisms, and also replacing the relatively expensive pine oil with the more cost effective Basamid in arable sites and implementing better application technology. The impact of these changes on the effectiveness of the program is absolutely minimal. The use of cheaper fumigants and better application technology will allow a similar area to be treated at lower overall cost. Not expanding the use of methyl bromide will also have other benefits. As we know—and I think the honourable member himself raised the issue in the chamber—methyl bromide is an ozone-depleting gas.

The branched broomrape program currently uses three different techniques to destroy the seed in the soil. Current

work allocation sees 4 per cent of the seed destruction budget allocated to methyl bromide, 50 per cent allocated to BioSeed pine oil, 30 per cent allocated to Basamid, and 16 per cent applied to the application of herbicides to prevent emergence on roadsides and in infested pastures.

Methyl bromide is a gas that is applied to an infested paddock under a layer of plastic that acts as a barrier to escaping gases. It is 100 per cent effective against broomrape seed in the soil but costs approximately $20 000 per hectare to apply. Also, as I have mentioned, methyl bromide is an ozone-depleting gas and it is also quite difficult in terms of its application. It is quite a finicky operation. It requires a certain level of moisture in the soil at any one time for the pellets to be effective.

Of course, the plastic has to be overlaid and, if the wind whips up in the wrong direction and lifts the tarpaulin of plastic, the effectiveness of the methyl bromide is significantly diminished. BioSeed pine oil, however, is an organic soil drench which is applied to the ground surface and which kills viable seed on contact. Pine oil is 60 per cent effective against broomrape seed in the soil and costs approximately $9 800 per hectare to apply. Pine oil can be applied to non-arable sites, native vegetation and sites which are close to residents. It can be used in those areas without fear of off-target damage. I think it smells incredibly pleasant, as well.

Basamid is a granular fumigant that is applied at a depth of approximately 100 millimetres. On contact with moist soil, Basamid reacts to form a gas that replicates the chemicals exuded by host plants for branched broomrape. This then stimulates suicidal germination of broomrape seed. Basamid can be applied only to arable sites, and it cannot be used within 500 metres of residents. At present, methyl bromide is applied to smaller sites where complete eradication is required after application, such as small satellite areas; Basamid is applied to larger arable sites; and pine oil is applied to larger sites which are both arable and non-arable. The program will take 12 years because that is how long it takes for the parasite to remain viable, even in a dormant state in the soil. Already we are two years into the program, so we will not know the full effectiveness of the eradication program for another 10 years. It is being monitored closely.

The Hon. D.W. RIDGWAY: I have a supplementary question. The minister suggested that methyl bromide requires moisture in the soil to work. Do the other two chemicals need moisture in the soil to work and, if so, how effective are they in seasons such as we have just had?

The Hon. G.E. GAGO: Basamid is a fumigant which does require a certain level of soil moisture to be effective. However, I am advised that the pine oil does not.

MENTAL HEALTH

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the Minister for Mental Health and Substance Abuse a question about COAG priorities.

Leave granted.

The Hon. J.M.A. LENSINK: On 14 July, as part of the publication of the COAG response from the states, the state government released a list of programs. The state priorities as directed by the commonwealth are: emergency and crisis services, hospital-based services, community-based services, corrections and supported accommodation. My question is: what programs is the minister proposing to provide to address those last two priorities, that is, corrections and supported accommodation?

The Hon. G.E. GAGO (Minister for Mental Health and Substance Abuse): The South Australian government has been very responsive in relation to its mental health services. On 14 July, the Prime Minister, the premiers and the chief ministers released a national action plan for mental health, which provides a strategic framework that emphasises coordination and collaboration between the government and private and non-government providers in order to deliver a more seamless and connected care system so that people with mental illness are able to participate in the community. The aims include a greater focus on promotion, prevention and early intervention; to provide stable accommodation and support; and to increase participation in recreational, social, employment and other activities.

The South Australian government has committed $116.2 million over four years towards our share of South Australia's response to the COAG agreement. That amount comprises $50.1 million in new additional recurrent funding, commencing in the 2006-07 financial year. That funding will support programs such as the Shared Care initiative, which we announced during the last election campaign, and also general practitioners and healthy young minds. The remainder includes new recurrent and one-off funds that previously have been announced. Funding was provided for initiatives such as beyondblue and psychosocial support packages, additional nurse practitioners for metropolitan and country regions, additional mental liaison nurses in emergency departments and child and adolescent workers.

We have committed to 60 new community rehabilitation accommodation beds: we will provide 20 new beds in the north, south and western areas. We have also obviously contributed significant amounts to supported accommodation packages for people once they leave hospital to support them in their local communities and to help them function in an independent way.

The Hon. J.M.A. LENSINK: Sir, I have a supplementary question arising from the minister's response. Of the programs she has listed, which have been announced since the initial COAG announcement by the Prime Minister on 5 April 2006?

The Hon. G.E. GAGO: All these initiatives are priorities for the South Australian government. They are all priority services that are needed by South Australians. This government has demonstrated how responsive it is to meet the mental health needs of South Australians, which was a sadly neglected service area. The previous Liberal government had left it almost destitute after its eight years in office. We have had to come from a long way behind. We have demonstrated our commitment to the delivery of mental health services in this state by appointing a minister with a designated portfolio for mental health, by setting up the Social Inclusion Board reference to look at the whole transformation of our mental health system, by the new initiatives we have announced and funded in our budget in terms of our shared care and healthy young minds initiatives, and also our significant capital commitment. This government has delivered important services to a very badly neglected area.

The Hon. J.M.A. LENSINK: Sir, I have a further supplementary question. Is the minister saying that the government is refusing to address those two priorities, as outlined in the COAG agreement?

The Hon. G.E. GAGO: I have already outlined a number of support services that we are providing, and I can continue to name them, in terms of psychiatric disability support packages, the integrated inner city service system, and the funds that go into SRFs and supported accommodation demonstration projects. We are currently funding and are committed to a large number of projects to provide supported accommodation for people with mental illness. What is important in any negotiations with the commonwealth is that South Australia sets its agenda in terms of meeting the priority needs of this state and is not dictated to by the whims and fancies of the federal government.

The Hon. J.M.A. LENSINK: Sir, I have a further supplementary question arising from the minister's answer. Is the minister saying that corrections and supported accommodation are not priorities of this government in terms of mental health?

The Hon. G.E. GAGO: I have given my response.

POLICE BUDGET

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Police a question about this year's state budget.

Leave granted.

An honourable member interjecting:

The Hon. J. GAZZOLA: Maybe this is the question you should have asked. There are number of very positive police initiatives in last week's state budget, all aimed at helping to make South Australia a safer place. Will the minister outline some of these initiatives that will benefit South Australians?

The Hon. P. HOLLOWAY (Minister for Police): Yes. We had the question from the Leader of the Opposition about a .25 per cent efficiency dividend, but let me now provide the answer about all the positive increases this government has made. Since coming to office the Rann government has taken a strong position on crime, and we make no apology for that. In the 2006 state budget the government once again delivers on its promises. The government's overriding goal is to make our state a safer place, where people do not just feel safe but objectively are safer, and we are doing this by providing police with the tools they need to do their job. We have significantly increased material resources, with this budget delivering record funding for South Australia Police. This is a far cry from the wildly ill informed claims that the Leader of the Opposition as the opposition's police spokesman made in a media release dated 3 May, when he stated that SAPOL would face a budget cut of up to $20 million. That was the usual fanciful nonsense we get from the Leader of the Opposition and is a further reason why South Australians simply do not believe him.

The Rann government continues to build a solid record of achievements, and this is just one of the many social dividends that have been drawn from the Treasurer's prudent management of the state's finances. This government has increased resources for law and order in every single budget since coming to office. Let me repeat that: in five Rann government budgets, resources for law and order have increased. This state budget has boosted SAPOL's spending budget by over $43 million. So, instead of the $20 million cut that the Leader of the Opposition was speculating on, it was actually a $43 million increase for the 2006-07 financial year—an 8.3 per cent real increase from 2005-06. Since 2002 we have recruited an additional 325 police officers, with a further 400 on the way at a cost of just over $109 million over the next four years. By 2010 there will be more than 4 400 police on the beat in South Australia. If anyone has not yet seen the budget overview and the table on page 14, I can state that it very starkly shows the number of full-time equivalent police officers since 1995, and it shows that by 2010 there will be 1 000 more police officers on the beat in South Australia compared with the appallingly low number of 3 410 officers in 1997.

Labor is increasing police numbers and will continue to get tougher on criminals. In the 2006 budget we have allocated $1.27 million in new funding for the setting up and operation of new shopfront police stations in suitable locations in the Hallett Cove, Campbelltown and Munno Para areas. These new stations will significantly boost the police presence in those suburbs. I think members should be reminded of the achievements of this government in this area. This is on top of the already completed new police stations at Berri, Port Lincoln, Mount Barker, Gawler and Victor Harbor and the soon to be completed police stations at Aldinga, Golden Grove and Para Hills. This is a massive new investment in appropriate facilities for our police officers, and soon we will see the commencement of a $4.3 million upgrade to the Christies Beach police station.

Let us not forget that when the Liberals were in government they closed the St Agnes patrol on top of allowing police numbers in this state to fall to seriously low levels. The modern challenges faced by our police officers highlight just how important it is that they are trained and equipped with the latest in investigative techniques and technologies. Some $8.5 million in new spending has been allocated for the redevelopment of the Fort Largs Police Academy. The redevelopment concept being considered by South Australia Police includes the retention of the academy's administration blocks, parade ground and weapons training facility and the construction of new classrooms and accommodation facilities, as well as a new auditorium, dining hall and gymnasium. Importantly, the academy will remain at its traditional Fort Largs location, with historic items such as the fort's former guns to be retained as part of the redevelopment.

The aim of the redevelopment is to provide an efficient and modern, whole of service training facility for police officers throughout their careers. Also, in the 2006 state budget, the government has allocated $4.6 million over four years for enhanced DNA testing services and $2.3 million over four years in additional support for the Paedophile Task Force. I think that was another claim that was made by the shadow minister in the other place, who was accusing us of cutting that.

Let us not forget that, not only have we put more police on the beat since 2002, we have given the police better resources by spending $8.1 million for the third state rescue helicopter, $4.7 million for a new police plane for rapid response, and $2.328 million for enhanced computing capabilities in police vehicles. It is very clear that more police on the beat, a better resourced police force, and tougher laws equals a safer South Australia.

The Hon. T.J. STEPHENS: Will the minister say whether the police plane he is boasting about is the same one that was supposed to be delivered this year?

The Hon. P. HOLLOWAY: The police plane, as I understand it, is now nearing completion. The money was allowed for in previous budgets. Yes, it has been ordered, it

is being constructed, and it is nearly completed. I am just reminding the council about that.

Members interjecting:

The Hon. P. HOLLOWAY: What did this lot do for our police? They let numbers fall to 3400. They let them fly around in an old plane. What did they do? We have six new police stations already, and we are opening new ones. They closed police stations. Yes, we are purchasing this new police plane which will enable more rapid response. Those members who have been up to the APY lands will know that the current plane, which is an old piston-driven aircraft, has to refuel at Coober Pedy on the way. The new aircraft will be able to go the Pit lands in one stop. It will be much quicker. This government is giving the police the resources that it needs to make South Australia a safer place. The record is there. The record of the previous Liberal government is in stark and barren contrast to what this government has achieved.

ENVIRONMENT AND CONSERVATION BUDGET

The Hon. M. PARNELL: I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about the environment and conservation portfolio budget.

Leave granted.

The Hon. M. PARNELL: Prior to the election and, in fact, prior to the budget being handed down, there was a great deal of speculation about a rumoured cut of approximately $20 million from the environment and conservation portfolio, and all post-budget analysis appears to confirm this figure. My questions to the minister are:

1. What is the exact figure that has been cut from existing programs, initiatives and projects in the environment and conservation portfolio budget in order to fund election promises and new budget commitments?

2. Could the minister please provide a list of all programs, initiatives and projects that have had a reduced level of funding from the 2005-06 to the 2006-07 year, including those that have been renamed?

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank the honourable member for his question. Indeed, the budget expenditure across the environment and conservation portfolio for 2006-07 is approximately $31 million more than in 2005-06, and I draw that to the chamber's attention. Across the four years of the forward estimates there are savings anticipated and new initiatives. We have been quite open and honest about our budget. We have listed all the savings that we have anticipated will be made and put dollar figures beside them.

We have not attempted to hide that it is a tough budget, that we have set priorities and worked very hard to achieve those, as well as, obviously, working on a strong financial management overall. We have been very open and honest about that. In the budget documents that have been circulated, all this information has been provided. I am happy to take some time to go through that. After the new initiatives are taken into account and the net savings across the portfolio are looked at, we find that, in fact, there is less than $0.5 million difference. It is approximately $20-odd million worth of savings; it is $20-odd million of new initiatives. The difference is about $500 000—hardly the multi-million dollars rumoured by others in the lead up to the budget.

Indeed, we can see that we have worked this budget very carefully to try to shift the savings burden across a wide number of initiatives rather than cease any particular program operation. Despite these measures, the environment and conservation portfolio agency's expenditure is still increasing for 2006-07. The government is using taxpayers' money wisely to deliver priority programs in all of our agencies. Like any organisation or business, government agencies constantly need to reassess priorities and ways of doing things to ensure that they meet the needs in time.

The savings initiatives that we have announced for the Department of Water, Land and Biodiversity Conservation include accommodation rationalisation—and the figures are all in the budget; I have already spoken about the branch broom rate program; there is a ¼ per cent efficiency dividend that has gone across all agencies; monitoring of water allocations; natural resource management cost recovery; the streamlining of water planning processes in the NRM Act; and the new initiatives involve the rainwater tank rebates, which are now going on to the Department for Environment and Heritage. The new initiatives that we are looking at there include 20 new rangers for national parks—$7.2 million; and the River Murray forest—$5.7 million. Savings that we have outlined also include departmental efficiencies, the efficiency dividend, the environmental information programs, koala management on Kangaroo Island, and nature conservation programs.

In relation to the Environmental Protection Authority, again, these are all things that we have listed openly and honestly in our budget; we have not tried to hide anything at all. For the EPA, it involves administrative savings, efficiency dividend and office rationalisation.

The Hon. D.W. RIDGWAY: I have a supplementary question. What is the unallocated water to be sold generating $126 million for the Department of Water, Land and Biodiversity Conservation? It is in your open and transparent budget paper.

The Hon. G.E. Gago: To what page are you referring?

The Hon. D.W. RIDGWAY: It is a very simple question. The minister was outlining a whole range of initiatives. The one about which I need some information is under the heading 'The Department of Water, Land and Biodiversity Conservation: sale of unallocated water—$1.6 million over the next three years'.

The Hon. G.E. GAGO: The sale of unallocated water was not, in fact, a savings initiative that I mentioned, so the question is, in fact, out of order, but that is, of course, for you to say, Mr President. It is, in fact, a revenue initiative generating revenue and new money, so it is not a saving. It involves the intergovernmental agreement on the national water initiative, and it requires South Australia to introduce a market-based process to ensure equitable access to unallocated water resources. This initiative relates to revenue associated with available water resources which either belong to the minister or are unallocated—for example, the minister's reserves in the South-East. A regulation is required to enable the sale or leasing of that water. The current arrangements basically involve just unallocated water; first in, best dressed. As I have said, under our national water initiative, we have agreed to introduce competitive marketing measures, and we are looking to introduce that as a revenue-generating measure.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Given all the claims of honesty and accountability, will the minister indicate how

many jobs will be cut from her portfolios over the coming four years?

The Hon. G.E. GAGO: I am very pleased to say that, again, in terms of the budget, we can see that in 2005-06, across the environment portfolio, there were 1 921 FTEs, and in 2006-07, we see that the figure is anticipated to be 1 946 FTEs which is, in fact, a 25 FTE increase.

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: If the honourable member goes to the same page in the budget document—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: Well, if the honourable member can refer me to that page. It then gives the same figures across all—

The Hon. R.I. Lucas interjecting:

The Hon. G.E. GAGO: Oh, yes, you're right; it doesn't. It gives it for only the one year. I beg your pardon. I will obtain the four-year figure. As members can see, there is a 25 FTE increase in the first year alone.

GOVERNMENT ADVERTISING

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Premier, questions in relation to the use of taxpayer-funded advertising.

Leave granted.

The Hon. NICK XENOPHON: The concerns of the Premier were well known, when he was leader of the opposition, in respect of the use of taxpayer funds to pay for government advertising perceived as party political. On 3 June 2001, I had a media conference with the Hon. Mike Rann, when he courageously supported a bill I was about to introduce to clamp down on government advertising that could be seen as being party political—we even shook hands at the media conference.

The bill was modelled very closely on a bill introduced in federal parliament by the Leader of the Opposition, Kim Beazley. The Hon. Mr Rann supported concerns over the Olsen government spending on advertising that featured the former premier. In the media release entitled 'Mike Rann backs advertising controls move,' the Hon. Mr Rann set out his strong support for these advertising controls. The final paragraph of his media release stated:

> Labor believes in different priorities. I am quite happy to take a knife to the spin doctors if it frees up more money for real doctors to cut the hospital waiting lists.

At the media conference on 3 June 2001, the Premier said:

> When you see a politician in an ad, then you know basically it is about politics.

In *Hansard* of 19 June 2001, the Hon. Mr Rann reiterated his concerns and said:

> We all know that, when we see a politician in a taxpayer funded ad, it is just a cheap way of doing the party ads.

My questions are:

1. How much has been allocated by the government on advertising this budget in press, radio and television advertisements, and any other means, and will the government provide a breakdown of such costs, including the cost of preparing and producing such advertisements? How does it compare with previous years of the government and, indeed, with the Olsen government? Has the advertising budget been subjected to the same sort of cost pressures the Public Service has been subjected to?

2. Given Mr Rann's strong and principled statements on 3 and 19 June 2001, will the Premier request that the Australian Labor Party repay the cost of the government's post-budget advertising campaign and, if not, why not?

3. Given the Premier's comments on 19 June 2001, will the Premier undertake that he and his ministers will not feature in future in any government TV, radio or print advertising campaigns, or will it be a case of more ads nauseam?

4. With respect to the promise to 'take a knife to the spin doctors', will the minister advise the amount spent on advertising that features the face and/or voice of ministers in the past financial year?

The Hon. P. HOLLOWAY (Minister for Police): This is the annual question from the Hon. Nick Xenophon. I think he has asked this question every year since our first budget, and he will get the same answer. That is, of course, that back in 2001 the government made it quite clear that it regarded advertising of the budget as a legitimate area for government activity. That was made clear at the time and I said so, I think, when I answered the question last year. I had the reference in *Hansard*, where I spoke on behalf of the then opposition in relation to the bill and made clear that we regarded the budget as an area concerning which it was legitimate to provide advertising in order to inform members of the public of budget changes. Every government in this country does it and has done so for many years, and it is entirely appropriate.

The budget amount that the government is spending is a very modest one—I think the amount was given in the paper last Friday and was, from memory, about the $140 000 mark. To put that in perspective, just contrast that amount with something like the $400 million spent nationally on the GST or with the sum of about $100 million that I think the commonwealth government spent to justify WorkChoices. On a population share that is about $8 million in this state, so I think that a little over $100 000 on advertising to inform people about the budget is in line with what we said we would do, even in opposition. It is extremely modest.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The Hon. Nick Xenophon is going for the cheap, easy headline but, in fact, the government is doing something that is in accord with what it has said, and it is an extremely modest expenditure. In relation to one of the honourable member's latter questions (and he asked a number of them), I think the Premier has already made it clear that the overall government budget on advertising would be reduced over the course of this government. However, the total budget this government would spend, over a four-year term, on all forms of advertising in this state would be less than the federal government's spending on one item such as WorkChoices. As I said, in that case our population share of $100 million would be about $8 million or $9 million, and our population share would have been four times that in relation to the GST. This government will inform the people of this state—

The Hon. D.W. Ridgway: It will do whatever it wants to do. What arrogance!

The Hon. P. HOLLOWAY: We will not do whatever we want to do, Mr President. We will be entirely responsible in what we do, and budget advertising to inform the public of what—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Where do you get $77 million from? Mr President, $140 000 is—

The PRESIDENT: Order! The minister should not be responding to interjections.

The Hon. P. HOLLOWAY: That advertising informs the people of this state about their entitlements and about the budget changes, and I am sure that many will benefit as a result of that. We have seen this in the past, when there have been budget changes—and a classic case was that involving the new electricity concession that this government introduced. After ETSA was privatised and people's electricity bills were absolutely belted, this government had to introduce electricity concessions, the first time in over a decade.

Members interjecting:

The Hon. P. HOLLOWAY: No wonder this lot is talking; they do not want to be reminded about this sort of stuff. We introduced a significant electricity concession but there were a number of people who, in spite of the publicity, still had not taken that up. So it is appropriate that when changes like that are made governments should advertise to ensure that the people they want to help are made aware of those changes and get the benefits of them. If there is anything further from the number of questions the honourable member asked, I will take them on notice.

Members interjecting:

The PRESIDENT: Order!

POLICE, MOBILE DATA TERMINALS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Police questions about the implementation of new mobile data terminals for use by South Australian police officers.

Leave granted.

The Hon. T.J. STEPHENS: The replacement of mobile computing devices for operational policing was due for completion in June 2006. I am sure that members will agree that our police need the latest technology to be made available to them for use in their day-to-day policing. However, it has been reported to me that this project has now been pushed out by a full year, with a completion date of perhaps June 2007. My questions are:

1. Why has this important project been pushed out by another 12 months?

2. Given the initial delay, will this government guarantee that the replacement of these devices will not be pushed out even further?

The Hon. P. HOLLOWAY (Minister for Police): I think it is worth pointing out that SAPOL, in terms of its IT and data terminals, is well ahead of most police forces in the world, including some of the larger forces which I visited last week. Many police forces in the world would like the level of facilities given to police in this state. In relation to those operational details, I will get the information from the police and bring back a reply.

DRUG DRIVING

The Hon. D.G.E. HOOD: I seek leave to make a brief explanation before asking the Minister for Road Safety a question about drug driving.

Leave granted.

The Hon. D.G.E. HOOD: Drug and Alcohol Services South Australia has recently released a report entitled 'Risk perception and drug driving among illicit drug users in Adelaide'—a survey of some 91 illicit drug users. It is a very interesting report—one which I encourage members to read. Some 40 per cent of the 91 people surveyed believe that using cannabis or methamphetamine actually improves their driving performance—and I note that they are the two drugs for which the government was testing before its recent change of heart on pure ecstasy; 58 per cent of the group surveyed considered it 'not at all dangerous' (in their own words) to drive under the influence of cannabis; and 40 per cent held the same view about methamphetamine.

However, alarmingly, 22 per cent of the survey group reported having had an accident or coming close to having an accident while driving under the influence of an illicit drug—20 of the 91 surveyed; so 20 incidents from a sample group of just 91 illicit drug users where they, their passengers and other road users were put at risk due to mixing illicit drugs and driving. National surveys quoted in the DASSA report indicate that after cannabis the most common drugs that people drug drive with are heroin, amphetamines, cocaine and other opiods. My questions are:

1. What investigations are the minister and officers in her department conducting to include other amphetamine variants—heroin, cocaine, opiods, benzodiazepines, ketamine, inhalants, fantasy and other illicit drugs—in the drug-driving testing regime?

2. When does the minister plan to include any such drugs in the drug-driving trials?

The Hon. CARMEL ZOLLO (Minister for Road Safety): The perceptions that the honourable member has mentioned are very unfortunate. As he is aware, this state is undertaking a drug trial for one year, which commenced on 1 July and will end in July next year. The two prescribed drugs, which were agreed initially in the parliament last year and which were debated on the floor of both houses, were cannabis and methylamphetamine. Since that time we have included pure ecstasy or MDMA. I am receiving results of those tests, not every month, but I have sought results until the end of September. I should have those results in October, and I am happy to provide those results to members. Thus far, to my knowledge, only cannabis and methylamphetamine have been detected. Nonetheless, we are also testing for pure ecstasy or MDMA.

The issue of whether we should add other drugs will be considered at the end of the trial. Some states have announced already that they will be testing for other drugs. Queensland has announced it will be looking at heroin, probably commencing at the same time as our drug trial ends. We will be taking advice from the police, as well as from other people in our community. We would welcome any advice or information people want to give to my office or the department. As I said, the reports will be tabled on the floor of both chambers, and the issue will be up for discussion and debate.

The Hon. A.M. BRESSINGTON: I have a supplementary question. Will the minister consider also testing for illicit drugs such as benzodiazepines and over-the-counter pain relief? They are a huge problem and people are not supposed to be driving a car after consuming those drugs. They are often used in conjunction with illicit drugs. I am referring to benzodiazepines, sedatives and those sorts of drugs. Will the government also consider testing for those drugs?

The Hon. CARMEL ZOLLO: I am aware that there has been a level of debate in our community as to whether we should also include prescription drugs as opposed to proscribed drugs. The view of many people is that we should all

act responsibly on our roads. We should be very much aware that we should not be driving and taking some drugs.

The Hon. P. Holloway interjecting:

The Hon. CARMEL ZOLLO: Yes, of course, anything that we test for comes at a cost. Nevertheless, some consideration has been given to conducting a stronger advertising campaign to make people more aware of what they should and should not be doing when they are driving a car, and the responsibility of driving a car. That also has been part of the debate.

The Hon. NICK XENOPHON: Sir, I have a supplementary question arising out of the answer. Does the minister have a view as to whether there should be a threshold amount of morphine, for instance, and other strong pain-killing medications, at which level medical practitioners ought to notify the department of motor vehicles with respect to licence conditions? That seems to be a not uncommon problem.

The Hon. CARMEL ZOLLO: Part of that debate was the difficulty of being able to test for it. Different people react differently to prescription drugs, depending on the dosage they are given and how their body deals with those drugs. Again, that issue and all that information will be part of the debate when we review the legislation.

The Hon. Nick Xenophon: What sort of timetable is envisaged?

The Hon. CARMEL ZOLLO: The legislation will be reviewed. A 12-month trial commenced on 1 July.

ROADS, BLACK SPOT FUNDING

The Hon. R.P. WORTLEY: I seek leave to ask the Minister for Road Safety a question about the State Black Spot program.

Leave granted.

The Hon. R.P. WORTLEY: What safety improvements on regional arterial roads will be undertaken in 2006-07 under the State Black Spot program, and how much funding has been allocated?

The Hon. CARMEL ZOLLO (Minister for Road Safety): I thank the honourable member for his very important question.

An honourable member: And ongoing interest.

The Hon. CARMEL ZOLLO: And ongoing interest; absolutely. This government remains committed to improving road safety in our state. The State Black Spot program was introduced in 2002-03 to improve safety at hazardous road locations where there is a history of casualty crashes. Since its introduction, $26.8 million has been spent on improving the state's hazardous black spot locations in both metropolitan and rural areas. In 2006-07, the State Black Spot program has an allocation of $7 million to fund 30 road projects and a $600 000 allocation for cycling improvements (I was looking for the Hon. Mr Parnell, but he is not here). An estimated $4.4 million of state funds is to be spent on road black spots in regional areas, including 12 projects on state arterial roads and nine projects on council maintained roads.

The Black Spot program is a vital tool in improving overall road safety and, by selecting locations with a history of road crashes, we are providing the best possible safety benefit for the community as a whole. A component of the State Black Spot program established by this government is the Safer Local Roads Program, a joint funding initiative with local government. Under this agreement, councils will contribute an additional $1.2 million in 2006-07, bringing total funding on local road black spots to $3.6 million.

Some $2.2 million of this total local roads funding is being spent on regional networks. This year, regional arterial black spot works include intersection improvements at the Cape Jervis and Myponga Beach Road intersection at Noarlunga and the Port Lincoln Western Access and New West Road junction at Port Lincoln. There will also be shoulder sealing and delineation improvements on the Gawler Road at Two Wells, the Victor Harbor Road at Yankalilla and on sections of the Riddoch Highway near the Padthaway, Naracoorte, Tarpeena and Desert Camp roads junction. A guard fence on Main North Road north of Wilmington will also be installed. Regional local black spot works include intersection improvements at:

- Worrolong Road and Mingbool Road, Mount Gambier;
- Range Road and Stone Road junction near Delamere on Fleurieu Peninsula; and
- Wellington Road and Lake Plains Road junction at Langhorne Creek.

There will also be horizontal alignment and upgrading of Ruskin Road from Dublin to Thompson Beach and improvements to three creek crossings in the APY lands. Statistics from the Department for Transport, Energy and Infrastructure show that approximately 60 per cent of fatalities occur on regional roads in this state. This government is endeavouring to improve road safety and reduce road trauma, and fixing black spots is a vital step in that process. The Black Spot program and Safer Local Roads program are terrific examples of how state and local governments can work together.

POLICE SECURITY SERVICES BRANCH

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Police a question relating to the proposed closure of the police protective security officers unit.

Leave granted.

The Hon. S.G. WADE: Last Wednesday, in asking a question of the Minister for Police, the Hon. Bernard Finnigan highlighted the risk of terrorism and the vulnerability of government infrastructure. In response, the Minister for Police advised that the government intends to bolster protection of South Australia's critical infrastructure and high risk assets by restructuring the existing Protective Security Service branch and ceasing commercial activities of that branch. I note that the National Counter-Terrorism Committee, of which the government of South Australia is a member, recognises that private national or international companies own much of Australia's critical infrastructure in areas as diverse as gas, petroleum, transport and health. My questions are:

1. Will the minister clarify whether his comments last Wednesday in relation to commercial activities mean that the protective security officers unit will cease providing security services to privately owned assets?

2. If so, is the minister of the view that the risk to the community from the disruption of government assets is fundamentally different from and greater than the risk faced by privately owned assets?

3. Given that the government asserts that security officers need additional training and additional powers to protect government assets, will the minister explain whether those

providing security services to privately owned critical infrastructure assets are required to have similar training and will be provided with similar powers?

The Hon. P. HOLLOWAY (Minister for Police): The honourable member raises an important question because, obviously, the protection of our infrastructure is highly important, and changes have resulted from reviews—and there have been national reviews on this as well—in relation to the vulnerability of our infrastructure. In relation to ceasing commercial activities by the Police Security Services Branch, the security branch did provide services on a cost per service basis, although my understanding was that most of that was within other government agencies, so in that sense my understanding is that it was largely done on a fee-for-service basis within government or other agencies.

Obviously, the private sector has many important infrastructure assets within its control. One has to think only of the natural gas infrastructure, the electricity generating infrastructure and so on to understand that those are private hands, but those agencies have always employed their own resources in relation to protecting that infrastructure. The changes that I outlined in answer to the Hon. Bernard Finnigan's question were to the effect that the security branch will now focus as an arm of government that will concentrate on providing services for key government assets and that, as a result, a high level of training will be provided for those security guards.

In relation to the private sector, a number of arrangements have been made. The study that was undertaken (I think it was the Wheeler review) was done at a commonwealth level. It looked at things such as aircraft, where there had already been changes. The South Australian police have provided, on loan, 24 officers in relation to the security at Adelaide Airport, and other airports will follow in relation to those particular assets. In that case the commonwealth has been the lead agency, but the South Australia Police, through the loan of those officers (for at least a 12-month period) will assist the commonwealth in providing security in those areas.

In relation to the other part of the honourable member's question (which was about training for security officers in the private sector), I think all of us would agree that the better trained those security officers are, whether in the public sector or the private sector, the more effective they are going to be and the more desirable that that will be.

The Hon. S.G. Wade: Training and powers.

The Hon. P. HOLLOWAY: The question of powers is a more complex one. At this stage the government is not proposing to change the powers in relation to the private sector. However, I will get some more details on the discussions that have been taking place. Obviously, the commonwealth takes the lead in this because it is the agency that has the greatest capacity to deal with terrorism issues and the greatest level of intelligence in relation to threats and so forth. But it is the state agencies, through the police, who will be the frontline in dealing with any terrorist threats.

I will get some details. The honourable member has asked a very serious question, and I think it deserves a serious answer. I will get some more information from the Police Commissioner as to just where discussions are with the commonwealth in relation to that matter. As I said, I am not aware of any proposals at this stage to increase powers for private security guards but, obviously, that is an issue that may well need to be considered at some stage in the future. I think rather than speculate about it I will get a report from the Police Commissioner on where those negotiations are and provide the honourable member with details.

DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

New clause 3A.

The Hon. M. PARNELL: I move:

Page 3, after line 9—Insert:

3A—Amendment of section 3—Objects

(1) Section 3(c)(ii)—after 'to facilitate' insert:
ecologically

(2) Section 3(c)(iia)—delete 'in an ecologically sustainable manner' and substitute:
in a manner that is consistent with principles of ecologically sustainable development

The first three amendments in my name relate to a similar theme and are, in fact, interdependent. These amendments go to the question of ecologically sustainable development and how it is best incorporated into the Development Act and thereby into planning schemes under the Development Act. One of the criticisms that was levelled at the previous incarnation of this legislation—the so-called sustainable development bills 2004 and 2005—is that, despite their name, those bills did not adequately address the principles of ecologically sustainable development in anything other than name. The purpose of these amendments is to include in the objects of the act a definition of 'ecologically sustainable development', or ESD. I have used the existing legislative definition contained in section 10 of the Environment Protection Act. From the minister's concluding remarks on the second reading debate, I understand that the government is disinclined to support defining the concept of ESD in the Development Act. However, I will proceed with my amendment.

I draw the committee's attention to one of the submissions that was received the last time this legislation came up—the sustainable development bill. It was a submission that was received from the Marion council. I remind members that, when we were debating the panels bill, one area of local government from where we did not get many submissions was Marion council because, in fact, in that bill we adopted Marion council's approach to the formulation of development assessment panels. I urge the committee to give Marion council further credit by noting the comments that it made. Its submission states:

> Council welcomes a greater emphasis on sustainable development, however, the proposed amendments within the bill do not reflect any significant changes that will progress greater sustainable development outcomes. The objects of the bill could be further improved to emphasise the principles of ESD as per the Environment Protection Act.

To show that great minds do think alike, I was not aware of this submission until after I had proposed my amendment which was, in fact, to include the EPA definitions of ESD in the act. Since proposing these amendments, the minister has kindly pointed out that the recent reincarnation of the Planning Strategy for Metropolitan Adelaide from August 2006 does in fact include a reasonably expansive definition of ESD, and it put ESD at the forefront of that document. The

minister's argument then goes on to state that, because development plans under the Development Act must be consistent with the planning strategy under the Development Act, that is therefore the link to get ESD incorporated into development plans.

I am not entirely convinced that that is the way to go. The first point is that the Planning Strategy is not a legislated document; certainly, it has its basis in legislation and the act requires such a document to be prepared, but the Planning Strategy is, in reality, a government policy document that can change as governments change. And that strategy itself can be amended over time, and there is no scope for the parliament to debate the contents of that document.

So, the first point that I would make is that, if we are serious about ESD, if we want to have those principles incorporated at the highest level, they need to be incorporated into the act itself. It is not a radical suggestion, because ESD is now being incorporated into almost every equivalent piece of legislation that deals with public land or environment protection. We have a Crown Lands Bill out for public discussion which incorporates ESD, and we have had natural resource management legislation. In fact, in terms of public environmental law, the hole in the donut is the Development Act. That is the only one of the modern, public, environmental statutes that does not have ESD incorporated as a key principle.

In relation to reliance on the planning strategies version of ESD, another thing is that the act itself basically precludes that document being taken into account for any practical purpose connected with the administration of the act, other than it is something councils should take into account. Sections 22(8), 22(9) and 22(10) of the act basically make it very clear that it is a non-judiciable document and that the planning strategy cannot be taken into account when it comes to assessing development. So, whilst I appreciate and acknowledge that the government has attempted to incorporate these principles into a high level document, they are not in the highest level document possible, and I would urge members to accept amendments Nos 1, 2 and 3 standing in my name. They write ESD into the document, where it is most required, that is, into the Development Act itself.

The Hon. P. HOLLOWAY: It is true that the honourable member's objectives do write ESD into the bill, but they do so in the objects; they do not do it in the guts of the bill, if I can use that term, as, indeed, the government has done through the statutory link the honourable member himself referred to.

The Hon. Mark Parnell's amendments together propose to increase the extended reference to ecologically sustainable development into the objects and to define ESD as that applying to the Environment Protection Act. However, the government cannot support these amendments. The government has a range of policies and targets to deliver on ecologically sustainable development. It is not a question of that. In 2006, given what we now know about climate change and other matters, how could one possibly not believe that ESD policies are central right across government?

We do not support the two amendments to change the objects of the act, because the planning strategy contains a detailed description of ecologically sustainable development and also associated policies and targets. For instance, the metropolitan volume of the planning strategy addresses ESD (page 9), as well as sustainability targets (page 13), environment, energy and waste policies (pages 17 and 18), as well as being incorporated in key areas (pages 27, 35, 39, 45 and 53). Similar policies are also contained in the outer metropolitan volume of the planning strategy, and ESD policies are also included in the regional volume of the planning strategy. It is considered more important for all of the ESD material to be included in the planning strategy, rather than some aspects in the act and some in the planning strategy. In addition, there is a statutory link between the planning strategy and the development plan, so the current arrangements, the government believes, are more effective.

We have had debates in this parliament in the past about what the objects do and what impact they have. I know there have been some suggestions in the past, where there have been legal challenges over what the objects actually mean in the act. I think it has been the experience of all governments in the past that it is much better that the substance of what parliament wishes to take place should be enacted in the substance of the bill, rather than to have rather vague statements—or, even if they are not vague, have statements—in the objects that could be open to a very wide interpretation by the court.

The government is obviously committed to ecologically sustainable development; it is addressed in great detail through the planning strategy. There is a link between the planning strategy and development plans, and we believe that that is the way to go, rather than potentially making grand pronouncements in the objects of the bill that could be subject to litigation without necessarily achieving any of the objectives we want to achieve in ESD.

The Hon. D.W. RIDGWAY: I rise on behalf of the Liberal opposition to indicate that we will not be supporting this amendment—or, in fact, any of the Hon. Mark Parnell's amendments. I thank the honourable member for giving the opposition some advance warning and advance drafts of those amendments—the Liberal Party appreciates that—which were circulated widely within our portfolio committee and also to a number of industry and stakeholder groups. These were discussed at length recently at a meeting of the party and a decision has been made not to support this amendment.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment. When we dealt with the sustainable development bill last year, I thought then that it was important enough to include a definition within the context of the act—and that remains my position. I do not think that speaking about a link back to the development plan is strong enough; you need something like this in there to ensure that governments do not slip and slide on the issue. I think that, without it being in the act in black and white, it allows the government to slip and slide on ecologically sustainable development. I am disappointed that the opposition is giving the government that sort of openness to allow it to do that.

The Hon. NICK XENOPHON: I indicate my support for the amendment. It is true that the amendment is more prescriptive than what is in the bill, but I do not think that that is a bad thing and, if the consequence of the amendment is to put a greater focus on the environmental impact of housing in terms of the good design of developments, that is a good thing. It is an amendment that is worthy of support.

The committee divided on the new clause:

AYES (3)

Kanck, S. M.	Parnell, M. (teller)
Xenophon, N.	

NOES (17)

Bressington, A. M.	Dawkins, J. S. L.
Evans, A. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.

NOES (cont.)

Hood, D. G. E.	Holloway, P. (teller)
Hunter, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Ridgway, D. W.	Stephens, T. J.
Wade, S. G.	Wortley, R.
Zollo, C.	

Majority of 14 for the noes.

New clause thus negatived.

Clause 4.

The Hon. NICK XENOPHON: I move:

Page 3, after line 10—Insert:

(1) Section 4(1)—after the definition of local heritage place insert:

'locality' includes a road, street or thoroughfare;

This amendment provides for the definition of 'locality' in order to make it clear that the term includes a road, street or thoroughfare, particularly in relation to the concept of amenity under the act. The amendment intends to ensure that, when considering a development plan, any desirable characteristics of an amenity include the locality of the amenity, as well. Section 4 of the Development Act defines amenity of a locality or building to mean any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. This amendment reinforces that the locality of the amenity is to include a road, street or thoroughfare.

I acknowledge the work I have done with groups such as The Friends of the City of Unley Society, which makes the point that if one is considering these factors one ought to look at the streetscape, as well. One cannot look at planning issues in isolation. The current definition of 'locality' is too narrow and this amendment seeks to expand it. It is not a radical amendment. It is simply to make it clearer in the context of the planning laws of this state.

The Hon. P. HOLLOWAY: The amendment adds a definition to the act to specify that 'locality' includes a road, street or thoroughfare. The Hon. Nick Xenophon is of the understanding that the term 'locality' only relates to buildings and structures in an area. The government does not believe that the amendment is necessary. Clause 9 of the bill promotes the inclusion of desired character policies in development plans in order to ensure that development enhances the desired character of localities. In working with councils on developing such policies, it is important that such policy statements focus on matters relating to development rather than just a nice word picture.

The desired character policies will need to address a full range of matters such as streetscape and design of development in the area. Therefore, we believe that the issue of the roads, streets or thoroughfares is already addressed in the amendment proposed by the government in clause 9. However, at the same time, we do not see any harm in the honourable member's amendment. So, while we do not believe it is necessary, we are not in the least bit fussed if it is accepted.

The Hon. D.G.E. HOOD: I rise to indicate the support of Family First for this amendment. I live in a historical suburb, and I am very keen to see the historical nature of the streetscape preserved in that and similar suburbs, particularly in the inner areas of Adelaide. I agree with the comments of the Hon. Mr Holloway that, to some extent, the bill as presented by the government covers the thrust of the Hon. Mr Xenophon's amendment, but we think it is an important issue and, for that reason, we will support the amendment.

The Hon. SANDRA KANCK: I indicate the support of the Democrats for the amendment. I think the more that we can get into an act—the more it clarifies—the better we are. Unlike the Hon. Mr Hood, I do not live in a historical area; at the time we bought a house I certainly could not afford it. However, I think the important thing about our built heritage is that it should be everyone's built heritage: it should not just be in the hands of those who can afford it. By including amendments such as this, I think we extend the possibility that houses that might be considered routine—not necessarily historical in their individual context—will be able to be kept and maintained within a larger context of what is historical in an area.

The Hon. M. PARNELL: The Greens support this amendment. Whilst I was not in this place when the previous version of this bill was introduced, certainly, many representations were received from residents of historic suburbs. As the Hon. Nick Xenophon mentioned, the Friends of the City of Unley Society were very vocal. It is a difficult matter when it comes to planning policy and determining the appropriate level of detail to have in a planning scheme as compared to having it in the legislation, and many of the concerns were not able to be addressed by legislation. However, I believe that this amendment adds a level of clarity to the types of values that many of the groups in these areas are trying to protect. I think it does no harm. I am not sure that it is completely useless, because it adds to clarity, and I think that is a good thing. The Greens are happy to support the amendment.

The Hon. D.W. RIDGWAY: I rise to indicate that, in discussions, the Liberal Party felt that, as both the Hon. Mr Holloway and the Hon. Mr Parnell indicated, this was probably an unnecessary amendment. We have always been very keen not to clutter up legislation with something that seems unnecessary. We thought that the concerns of the Hon. Nick Xenophon with respect to this amendment were dealt with elsewhere in the bill and, in particular, in the amendment that the Leader of the Government indicated he will be moving shortly. However, having said that, it was not something that, as the Hon. Caroline Schaefer often has said, we would die in a ditch over. We do not support the amendment, but we will not divide on it.

Amendment carried.

The Hon. M. PARNELL: I move:

Page 3, after line 11—

Insert:

(2) Section 4—after subsection (8) insert:

(9) For the purposes of this Act—

(a) ecologically sustainable development is development that promotes principles of ecologically sustainable development; and

(b) principles of ecologically sustainable development are the principles of ecologically sustainable development under section 10(1)(a) of the Environment Protection Act 1993.

This relates to the ESD principles. I do not propose to say any more on the amendment. I urge members to support it, but I do not propose to divide on it.

The Hon. P. HOLLOWAY: This is consequential on the earlier amendment that was defeated, so we oppose it.

Amendment negatived; clause as amended passed.

Clause 5.

The Hon. SANDRA KANCK: I move:

Page 4, after line 20—

Insert:

(7) The minister must ensure that a list established by the minister under this section is published on a website maintained by the minister or the minister's department.

This is an issue of accountability and accessibility of information. Clause 4 gets rid of the major developments panel—which is not a bad thing, I have to say—but that then puts the responsibility back to the Development Assessment Commission. I certainly recall that I have had cause from time to time to contact the department or the minister's office to find out who have been the members of the Major Developments Panel. Given that we are now going to give that responsibility to the Development Assessment Commission, I would like that information to be very easily available. That is what this amendment does: it requires that the minister put that information on a web site.

The Hon. P. HOLLOWAY: The government is happy to accept this amendment. It increases the level of certainty in the community and with applicants in regard to major development procedures. This will form part of the government's information and awareness program to increase the community's and applicants' understanding of the planning and development system.

The Hon. D.W. RIDGWAY: I indicate that the opposition supports the Hon. Sandra Kanck's amendment. As I said earlier, we do not see it as necessary to be cluttering up legislation, but we do not see this as something that clutters it up. It probably adds another level of certainty to allay the community's concerns about who is involved in these bodies.

The Hon. M. PARNELL: The Greens support this amendment. We are always happy to support legislative reform that increases the community's access to information, and this is one such reform.

The Hon. NICK XENOPHON: I support the amendment. It is commonsense and something that we should be doing more of to increase the community's access to information and processes. I therefore support it.

The Hon. D.G.E. HOOD: Family First supports the amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 8 passed.

Clause 9.

The Hon. M. PARNELL: My proposed amendment is consequential and relates to the incorporation of ESD into the Development Act, so I will not proceed with it.

The Hon. NICK XENOPHON: I move:

Page 5, after line 12—
Insert:

(1) Section 23(3)(a)(iv)—after 'heritage areas' insert:
(including the protection of the amenity of any locality or the desirable characteristics of any area)

Section 23(3) of the act provides that a development plan should seek to promote the provisions of the planning strategy and may set out or include planning or development objectives or principles relating to a number of factors including the management or conservation of land, buildings, heritage places and heritage areas. This amendment proposes to extend this provision to include the protection of the amenity of any locality or the desirable character of any area.

The Hon. P. HOLLOWAY: This amendment is not supported, as it is already addressed by other provisions in the bill. The bill introduces the promotion of desired character policies in the development plans via clause 9, which sets out the policies of how development is to protect and enhance the amenity of an area.

These policies will provide the design and land use certainty sought by the community and applicants. I have also indicated that I propose to introduce a local heritage bill in the future. The two bills (this bill and the proposed bill) will together clarify the difference between desired character and local heritage place and zone issues. The government is also working with a number of councils to reduce the confusion that exists in some areas between appropriate desired character policies and heritage matters. The government is taking positive steps in this important field and so we do not support the amendment because it is already addressed by the provisions of the bill.

The Hon. SANDRA KANCK: The Democrats support the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting this amendment. As the honourable minister indicated, these provisions are covered elsewhere in this bill, and I am also aware that we have a heritage bill as a component of a suite of bills being brought in to amend the Development Act. As I said earlier, the opposition is keen not to have legislation that leads to duplication and cluttering up but to have it as simple and concise as possible.

The Hon. M. PARNELL: The Greens support the amendment. We do not think that it undermines any other provisions of the legislation. It may not be strictly necessary, as the minister said. It may be covered elsewhere but, if it is not inconsistent and it adds clarity, we are happy to support it.

Amendment negatived.

The Hon. NICK XENOPHON: I move:

Page 5, after line 18: Insert—

(3b) A development plan must, in relation to the operation of subsection (3)(a), include specific provisions under which the adverse impact (including economic impact), if any, of an alteration to the amenity of any locality or to the characteristics of any area may be taken into account in the assessment of development under this act.

(3c) For the purposes of this section, economic issues may include issues relating to the value of land within the vicinity of any development.

This amendment is aimed at ensuring that, when assessing a development application, any adverse impact (including any economic impact) that such development may have is taken into consideration. Economic issues may include those relating to the value of the land owned by other residents within the vicinity of any proposed development. To put this in context, section 23(3a) of the Development Act 1993 already refers to economic issues in a very general sense, in the context of what development plans should seek to promote and include under subsection (3)(a)(ii), which refers to social or socioeconomic issues.

This amendment proposes to expand on this through an express provision which requires any adverse impact, including the economic impact regarding alterations to the amenity of a locality, or to the characteristics of any area, to be taken into account during the assessment stage of a development plan. For the purposes of this provision, economic issues may include those relating to the value of the land within the vicinity of any development. To put this in further context, I refer to the example of a federation villa that has been lovingly restored over many years with a lot of work being put into it by the owners who bought into that area because of that. With so-called urban consolidation, most of the houses in the street were demolished to put up duplexes, neo-Georgian or neo-Tuscan—the Hon. Sandra Kanck can

help me out on this—or a faux Tuscan or faux Georgian look. There is a real issue there as to whether that impacts on the value of that particular villa (which has been there for 120 or 130 years), and on the investment the family has made with respect to an area which, when they bought into it, was full of federation villas. Since then, because of urban consolidation, because of this mad rush to consolidate and to build houses with the neo-Georgian or neo-Tuscan look, it is actually impacting on their home, which had been there way before the newer developments.

The Hon. P. HOLLOWAY: The honourable member's amendment makes it mandatory for every development plan to include policies that require the impact of a proposed development on the amenity, and possibly land values, to be taken into account when applications are assessed. This amendment is not supported by the government. The bill already includes provision for desired character policies to ensure that a development complements or enhances the character of an area or locality.

This amendment would open up the prospect of people appealing against developments due to a loss of land value because an application proposes to develop affordable housing, even though the design and layout enhances the character of the area. It is not considered that the possible occupiers of a development should be a ground for arguing decreased land values. It also means that a person in a residential zone could appeal against a factory in an industrial zone, on the basis of a reduced land value in the vicinity of the factory.

There could also be instances where the applicant argues that the proposed use or design does not enhance the amenity of the area but will increase land values when people sell to make way for similar uses. This will not provide certainty in respect of this amendment. The proposed amendment is likely to lead to longer appeals with expert witnesses in the valuation field arguing whether a proposed development will have a positive or negative impact on the value of other properties in the vicinity, even though the proposal adds to the desired character of the area. This, the government believes, would lead to additional costs and delay without any planning merit.

While the intent of the Hon. Nick Xenophon (as he has outlined it) is commended, the government believes that the desired character policy requirements in this bill, the work being undertaken with councils, the better development plan project and the proposed local heritage bill better achieves the stated objectives of the honourable member. In short, I think this amendment of the honourable member does go into some dangerous territory and could have some unknown consequences that could really be quite undesirable.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the amendment. I am sure that the Hon. Nick Xenophon's intentions are honourable, although what he is trying to achieve is probably covered elsewhere in the bill. The opposition's major concerns with our current planning and assessment system are the delays and untimeliness of the whole process. As the minister indicated, the uncertainty of the outcome of this particular amendment could cause a whole range of delays, appeals and frustrations in the development process. I think South Australia has a world-class planning system and, as this amendment may frustrate it and slow it down even further, the opposition does not support it.

The Hon. M. PARNELL: I understand where the Hon. Nick Xenophon is coming from with this amendment. If there was one single statement made to me as an environmental lawyer working in the planning field, it was, 'Our property has been devalued by some development in the neighbourhood.' People were frustrated at seeing their property value halved and at being unable to do anything about it, except to say, 'We've lodged an appeal in the environment court.' I would have to say to them, 'Well, focus on planning grounds set out in the planning scheme, because you get no support from the law in relation to your property values, because it is not regarded as legitimate grounds of town planning to appeal against a development on the grounds that your property is devalued.' So, I understand entirely where the Hon. Nick Xenophon is coming from.

This would actually make happy many people in the community whose primary objection to a development is their own property value. It is academic now, having heard from both the government and the opposition, but I will just make another observation. It is swings and roundabouts, but it tends to be more swings than roundabouts. The swings are that you lose value; the roundabout may be that a lovely park or recreation area is developed next to your home, so that your home increases in value. There is never a call on people, for example, to say, 'Well your property has now doubled in value; that capital gain needs to go back to the state.'

Whilst I appreciate what the Hon. Nick Xenophon is getting at, that many people lose value as a result of inappropriate development, a smaller number of people gain value, and I think this amendment would be better rounded by having the roundabouts as well as the swings in there.

The Hon. D.G.E. HOOD: I rise to indicate Family First's support for this amendment. Our reason for doing so can be illustrated by telling a quick story of my own. I was brought up in the northern suburbs and, as people know, lived in Salisbury. My mum and dad fought long and hard for 30-odd years to pay off our home. They have just done that only recently. Midway through that, a shopping developer put up a huge shopping centre directly across the road with the entrance directly across from our house, which I am sure devalued the house quite significantly. For our particular family, that was a very significant impact on the very limited wealth of the family itself.

I am sure there are many hundreds and potentially thousands of families who face exactly the same situation. Economists call this occurrence externalities and, in our particular experience, it was a very bad externality in that it reduced the wealth of our family significantly. We believe that these issues should be addressed in legislation.

Amendment negatived; clause passed.

Clause 10 passed.

Clause 11.

The Hon. P. HOLLOWAY: I move:

Page 10—
Line 7—Delete 'within the ambit of' and substitute: subject to the
Line 10—Delete 'within the ambit of' and substitute: subject to the

These are technical amendments that have been suggested by the Local Government Association. The amendments refer to the land that is directly subject to the proposed DPA, rather than land directly 'within the ambit'. The amendments do not change the intent of the bill.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition will support the government's amendments. We

were also contacted by the Local Government Association, which raised a number of concerns with us, and we agreed to pursue them if the government did not pick up on them. Today, the government having picked up on these amendments, we support them.

Amendments carried.

The Hon. M. PARNELL: There are, in fact, a series of amendments in my name twice, and I would like to explain them before I formally move. There are amendments 4, 5, 6 and 7 in my name as Parnell (1), and there are also some amendments denoted as Parnell (2). Parnell (2) amendments are, in fact, amendments that I was asked to bring to this place by the Environment, Resources and Development Committee. There is a certain amount of overlap between these different amendments, and I will work through them with perhaps a little bit of guidance from parliamentary counsel when we get there.

The theme of these amendments is all the same: that is, parliamentary scrutiny over development plans. In my second reading speech, I explained why I thought the current system of parliamentary scrutiny was not ideal; in fact, largely a waste of time, I think were the words that I used. The reason for that is that the current process is for the minister or a local council to finalise a development plan to their satisfaction, having gone through the public consultation process. It is then gazetted and comes into operation. It is only at that time that it is formally referred to the ERD committee of parliament. That committee, under section 27, has the ability to agree to the PAR (now to be called a DPA). The committee can resolve to suggest changes, or the committee can resolve to object to the amendment.

However, the problem with the current system of parliamentary scrutiny is that the horse has well and truly bolted by the time the parliament gets to look at it. What that means is that the change to the planning scheme has been brought into operation, and anyone who desires to lodge a development application will have it judged against that planning scheme that was brought into operation through gazettal. If it turns out later that, as part of the process of parliamentary scrutiny, the development plan changes are rejected, that will have no bearing whatsoever on any applications that have been lodged in the interim. In other words, the effect of parliament disallowing the change to the planning scheme will amount to absolutely nothing.

Members might think, 'Well, we're used to that regime, because that's how it works with delegated legislation and regulations'—that is, they come into effect and parliament can choose to disallow them. However, it is not retrospective, so it does not invalidate anything that was done under those regulations. It is the same problem in one sense, but it is a very different problem in another sense, because the nature of planning schemes, and the nature of development applications lodged and approved under those schemes, is that those approvals last forever: you do not ever have to go back to get your planning approval renewal. It lasts forever; it lasts for as long as you stay on that location undertaking that activity. For example, if you are living in a house and the land is rezoned from underneath you from residential to industrial, no-one can make you leave your house: you have existing use rights; you can stay there. So, approvals are a once-off. The consequence of that regime for what we are looking at here is that the parliament is effectively denied the opportunity to prevent potentially irreversible outcomes. The parliament has no capacity to dismiss a development that was lodged under a gazetted PAR, even if the parliament was subsequently to agree with the ERD committee that the amendment was inappropriate.

The complexity that comes with these two sets of amendments in my name and in the name of the ERD committee is that there are a number of elements we might be able to divide up to test the will of the council. For example, one lot of amendments (the ones tabled in my name on behalf of the ERD committee) provide for, for example, time limits for ministerial response to a PAR, but they do not go to the heart of saying that the PAR does not come into operation; they simply provide a more timely mechanism for responding. We might be able to test those amendments because, really, they do not delay development because the development plan will have been in place and all it does is provide a level of accountability on the part of the minister that is now being expected on behalf of local councils that are going to have to negotiate time frames. There are amendments there that go to the question of why should the minister not be bound by some time frames as well.

In order to proceed, I will have to look at which amendment to put first. The identical amendments (Nos 4 and 5) standing in my name from Parnell (1) are the same as amendments 1 and 2 standing again in my name, but are ERD committee amendments. I will proceed with amendment No. 4 from the Parnell (1) set of amendments. That is a long way around it, but these are complicated and I want to get it right. I move:

Page 11, after line 18—Insert:

(8a) Section 25(18)—delete subsection (18) and substitute:

(18) An approval under subsection (15) will take effect subject to the operation of section 27.

The Hon. P. HOLLOWAY: These amendments delay an approved development plan amendment coming into operation until the ERD committee of parliament resolves that it does not object to that development plan amendment. The government does not support the amendments. The amendments really revert back to the pre-1994 days, where the development plan amendment procedures were extended to include the ERD committee hearing and consideration period. If these amendments were to come into effect, they would add time to the DPA process, even though no PAR (plan amendment report)— which is, of course, the predecessor to development plan amendments—has been disallowed since this act came into operation in 1994.

This means that there has not been one disallowance in 485 PARs since 1994. In fact, I understand that there has not been a PAR or, under the act previous to that, a supplementary development plan under the previous act disallowed since 1982. The ERD committee process has been working well, and this bill and a filed government amendment clarifies that the 28 days assigned to the ERD committee does not include the Christmas break or the state election period.

Both of these amendments have been introduced at the suggestion of members of the ERD committee. In other words, the government, through its amendments, is dealing with the issue of the ERD committee hearing or considering PARs just before an election or over the Christmas break. So, we have dealt with that problem. However, if we were to accept this amendment of the Hon. Mark Parnell, it would really just add further delay to the process, notwithstanding the fact that there has not been a PAR, or its equivalent, disallowed since 1982; that is why we oppose the amendment.

The Hon. SANDRA KANCK: I think I should say QED; what the Hon. Mark Parnell was saying was proved by what

the Hon. Mr Holloway said in his response. Of course there have been no disallowances, because there is no point when it has already come into operation. To suggest that we have a system that always works well is a little false. Having been a member of the ERD committee, I can remember a number of instances which showed me that the process of having the plans come into operation before the committee even began consideration of them was not necessarily a good thing.

As an example, we had one regarding the land, which had been gazetted, next to the River Torrens at Underdale. Had it not been gazetted we would not have had to go through such a complicated process; however, it had been gazetted (this was about 12 months ago, so I am really having to think about this) to become residential. There had then been a change of ownership, with the new owners wanting it to go back to being institutional, but, because the particular PAR had already been gazetted and had come into operation, the only way it could be changed was through some sort of debate in the ERD committee and a recommendation then being made to the minister for some sort of change. If these things were not gazetted immediately, we would not have had to go through what I thought was, basically, a charade.

Last November or early December we had a plan amendment report from the Adelaide City Council. Again, that was a particularly interesting one because we were looking at the issue of a panel beater's shop next door to the old Balfours' site. As a consequence of that particular PAR the panel beater faced a situation where, in order to comply with Development Act regulations, he was going to have to put a 20-storey high flue on his single storey panel beating shop so that emissions would be above the height of the planned residential development. Even more interesting in that particular case was that, when the committee was questioning people from the department about this, it was advised that the department had advised the minister that there were problems. Despite this, the minister signed off on it. Had a different regime been in place, such as the one being proposed by the Hon. Mr Parnell, we would not have had such a ridiculous situation. On the very last Wednesday of sitting of this parliament we moved disallowance of that plan but, of course, parliament did not resume in the new year. I am no longer a member of the ERD committee so I do not know what happened in that particular instance.

Another example I can give, from when I first went onto the ERD committee back at the beginning at 2003, is the aquaculture development regulations. At that stage the Hon. Mr Parnell, working as a solicitor from the Environmental Defenders Organisation, came along to give evidence against that particular set of regulations. The ERD committee responded by saying, 'Well, you know, if the government signed off on this it must be good, and therefore we are not going to do anything about it.' It wasted the time of the EDO to even come along to speak against that particular set of regulations.

I can think of numerous examples—there was one, I think, that Barossa residents came along to appeal—but none of them have made any difference, even though I think there were good reasons for them to be considered. The fact that they are already gazetted and have, effectively, become law means that members of the committee (certainly in the three years that I was on it) are loath to in any way reconsider them. So I think that what the Hon. Mr Parnell is suggesting is very sensible, and the Democrats will be supporting it.

The Hon. D.W. RIDGWAY: I rise to indicate that the opposition will not be supporting the Hon. Mark Parnell's amendment—or the ERD committee amendment, either.

The Hon. Sandra Kanck: Aren't you on the ERD committee?

The Hon. D.W. RIDGWAY: I am, but it is interesting that the ERD committee—and I was not going to put this on the record—resolved to have these amendments drafted when neither myself nor the Hon. Ivan Venning (I do not know whether Ivan Venning is honourable, but I will refer to him as such) were present at the meeting. While the meeting was still quorate, and ERD committee members are entitled to resolve to do a number of things in our absence, we were not there on that particular day. Rather than have a stoush with the ERD committee (we work well on a whole range of issues) we were happy for the amendments to be progressed and debated; however, the Liberal Party will not be supporting them.

I would like to take up the issue that the Hon. Sandra Kanck raised regarding the Balfours' site and the bus station redevelopment. My recollection of that matter was that we had a PAR in place and it was law, but to comply the panel beater (I think it was Sitters & Fisher) had to put this huge flume stack on its premises. It came to the ERD committee and we saw that it was crazy that it was being forced to do this, so we gave notice to disallow. I do not think we actually moved to disallow, but that was enough of a big stick to wield to get the Adelaide City Council and Sitters & Fisher to come back to the table to negotiate an outcome. It is my understanding that Sitters & Fisher is happy with that outcome and has sold its premises to be part of the development.

As I said to someone the other day, coming to this place from a farming and commonsense practical point of view, it makes sense to include that parcel of land in the whole development. If I bought an apartment in the new apartment complex, I would not like to look over a smoke stack or flume stack onto a crash repair business. The architectural design had been done so that there were no windows or balconies on that side; so, no-one could see this crash repairer. I think the ERD committee played an important part in the process because at the 11th hour it said, 'If you don't get your act together and do it properly, we will move to disallow.' I can remember a very heated conversation with a number of members of the Adelaide City Council on the telephone, but I think the ERD committee served its purpose well. For those reasons, the Liberal Party will not be supporting the amendment.

The Hon. NICK XENOPHON: I support the amendment. I believe it increases levels of accountability in the process. For that reason I support the amendment.

The Hon. M. PARNELL: As I am sure the Hon. David Ridgway knows, we did not wait for him not to be at that meeting. It came up in the ordinary course of business, and there was no intention there. I ask the minister to explain what value he sees in the current system of parliamentary scrutiny.

The Hon. P. HOLLOWAY: There have been a number of occasions when I have been the minister and the committee has suggested amendments to PARs. I think on every occasion I have accepted those suggestions.

The Hon. Sandra Kanck: Not many occasions.

The Hon. P. HOLLOWAY: One would hope that the system would get things right over 95 per cent of the time but, occasionally, certain things have gone through. I am trying to think of an example off hand, but the Hon. David

Ridgway gave the example of the City of Adelaide PAR. I think on that occasion the committee's intervention by holding up the final approval did lead to a desirable outcome. Later we have the amendment in relation to the Coromandel Valley PAR, which will put it back to the committee; and I am sure the honourable member would know the history of that matter. One would hope that its reconsideration by the ERD committee, if that clause passes, will help to resolve that issue, as well. There have been cases where the perusal of PARs (now to be DPAs) has been constructive.

The Hon. M. PARNELL: Is it of concern to the minister that some of the good ideas that come out of the ERD committee are of no effect if applications have been lodged during the period in which the plan is in operation?

The Hon. P. HOLLOWAY: The PARs (soon to be DPAs) will go through fairly quickly to the committee; and the committee will consider them in a timely way. There is the 28-day period. Unless an application has been lodged, that is the only situation where that might be the case. As we have just indicated in answer to some of the previous points, if a PAR is disallowed it will mean that the previous Development Plans policies will take place.

The 28-day period counts only as far as an application for development that is lodged immediately between the time that the PAR is signed by the minister and the ERD committee considers it—which is only a few days. It is a bit like regulations, in that regulations have a similar provision under section 10AA of the Subordinate Legislation Act. This parliament can disallow regulations, but regulations apply immediately because often there is a need for the government to act promptly in an emergency situation; so regulations apply straight away. Parliament ultimately can disallow them, in which case the position after that reverts to what previously applied. I think both the Hons Mark Parnell and Sandra Kanck have exaggerated the impact of the current provision.

The Hon. M. PARNELL: In response to the minister's answer, I do not think it is an exaggeration. The ERD committee recently heard evidence about a PAR from a local council. This PAR had been in operation for only a month or two. The committee posed the question: have applications been lodged and, if so, how many? The answer was 'lots'. Almost every area that had been rezoned by the PAR had been almost fully subscribed with applications. In other words, the changes the PAR was designed to bring into effect came into effect and applications were lodged straight away.

It has to be clear to people that it is not an exaggerated situation. For example, I talked about the Penola pulp mill at some length in my second reading contribution. The fact is that the development application was lodged the very next day after gazettal of the change to the planning scheme. It is not at all an uncommon occurrence for changes to planning schemes to be developer driven. Whether it is the interim operation provisions (which we will talk about next) or simply the lack of parliamentary scrutiny in relation to the ordinary gazettal of changes, the horse has well and truly bolted. The savvy developer will have lodged his or her applications long before it gets to the parliament.

The committee divided on the amendment:

AYES (3)

Kanck, S. M.	Parnell, M. (teller)
Xenophon, N.	

NOES (17)

Bressington, A.	Dawkins, J. S. L.
Evans, A. L.	Finnigan, B. V.
Gago, G. E.	Gazzola, J. M.

NOES (cont.)

Holloway, P. (teller)	Hood, D.
Hunter, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Ridgway, D. W.	Stephens, T. J.
Wade, S. G.	Wortley, R.
Zollo, C.	

Majority of 14 for the noes.

Amendment thus negatived; clause as amended passed.

Clause 12 passed.

Clause 13.

The Hon. M. PARNELL: I move:

Page 16, lines 5 to 17—

Delete subclauses (2) and (3) and substitute:

(2) Section 27(4)—delete '28 days' and substitute: the prescribed committee reporting period

(3) Section 27—after subsection (4) insert:

(4a) For the purposes of subsection (4), the prescribed committee reporting period, in relation to an amendment, is—

(a) subject to paragraph (b)—15 sitting days of parliament when both houses of parliament are sitting;

(b) if the committee resolves before the expiration of the period that applies under paragraph (a) with respect to the amendment that the committee requires a longer period of time to consider the matter—a period of sitting days exceeding the period that applies under paragraph (a), as determined by the resolution of the committee at the time that it resolves to provide for the extension of time but not so as to result in a total period exceeding 30 sitting days of parliament when both houses of parliament are sitting.

This is part of a set of amendments that relate to the prescribed committee reporting period, and it inserts a new subsection (4a) into section 27. The government has already dealt with one of the difficulties faced by the ERD committee, and that relates to parliament not sitting during a 28-day period during which a DPA is referred to that committee. The committee has asked me to bring forward this amendment, which provides for a change to two reporting periods. One is the period that the ERD committee has to report to the minister, which currently is a period of 28 days, and the proposal is to change that to 15 sitting days. The second amendment is to attach some limits to the time the minister has to report back to the committee.

Dealing first with the first time period, the prescribed committee reporting period, it makes a lot more sense when we are dealing with parliamentary scrutiny to phrase our time frames in the currency of the parliament, which is sitting days. Whilst the government might have dealt with a period of a prolonged absence of sitting, say, over the summer break, that is not going to cover every situation, and it will not cover, for example, extended periods when the ERD committee does not meet. Therefore, this amendment removes the reference to 28 days and substitutes 15 sitting days. Notwithstanding the absence of some honoured members of that committee, the committee agreed that it made more sense to use the currency of the parliament rather than an inflexible, statutory 28 days, so I urge members to support this amendment.

The Hon. P. HOLLOWAY: The government opposes the amendment. In this bill the government has recognised the difficulty that the ERD committee faces just prior to an election, and we have also allowed for the fact that MPs tend not to sit over the Christmas break. It is the one time of the

year when members of parliament do tend to get a break, so we allow for that. If this amendment were carried and this change were to take effect providing for the 15 sitting days, it could create an incredibly long delay. If those 15 days straddled a break, for example, it could be many months before the resolution of these new DPAs was finalised, and we believe that that is just too long. In the government's view, the amendments we have made accommodate the needs of the ERD committee adequately at the same time as the government emphasises the need for timeliness. The whole purpose of the government's development bills is to try to put more certainty and speed into the development approval process. If this amendment were carried it would just put further uncertainty and delay into the process.

The Hon. M. PARNELL: I do not understand where the objection comes from, because we have already agreed through earlier amendments that we will not give the ERD committee the right to hold up a change to a planning scheme. Therefore, the planning scheme will come into operation in the normal way, so it seems to me that it makes no difference to anyone whether the ERD committee took 28 days, 15 sitting days or two years. It would have zero impact on the ground, because the change to the planning scheme would already be in operation. It could have no practical adverse consequence to anyone. Have I misunderstood the situation, or is there some other difficulty which means that it is somehow necessary for the ERD committee to conclude its deliberations within 28 days?

The Hon. P. HOLLOWAY: I suppose the real issue here is the message that this sends both to councils and the public at large. We want councils to respond in a timely fashion to the whole development plan amendment process and, if we say that the whole business just shuts down while parliament is not sitting, I do not think that is the sort of message that we want to send.

The Hon. M. Parnell interjecting:

The Hon. P. HOLLOWAY: We are talking about development plan amendments; it is about the message we send to councils, essentially. Timeliness is important. That applies to the government in addressing these DPAs, to councils and to anyone else in the process. We think the message that is sent out is important.

The Hon. D.W. RIDGWAY: The opposition will not support this amendment. As a member of the ERD committee, I have made very clear at committee meetings that we are paid an extra allowance to be committee members, and that allowance carries on right through. It does not stop until you are not reappointed to the committee after an election. So, even though parliament is prorogued and parliament is not sitting, that does not impact on how often the committee can meet. I do not subscribe to the argument that because parliament is not sitting the committee should not or cannot meet: it just chooses not to.

The issue with the Adelaide City Council PAR and the citizen fishers last year was that parliament was getting up. It actually had to do with the fact that, for the ERD committee to disallow a PAR, we had to lay the matter before the parliament and have the debate here and in the other place. The problem was that parliament was not sitting, and that is why that matter had to be brought to a head. That is one of the reasons why this 28-day period is not as important as the fact that, if we are to move to disallow, it is actually a parliamentary process we have to undertake.

I agree with the minister about the 15 sitting days. The Hon. Sandra Kanck and a number of others have had some little pink reminders of how many sitting days we have left to debate the relationships bill. When the measure came in a couple of weeks ago we had 16 sitting days until the end of the year. So members can see that, even though we will have estimates committees and a Legislative Council-only sitting week and will be quite busy in the next three months, we will be sitting now, I think, for only 12 more days. We will obviously have January off and, I assume, parliament will resume some time in February, so it could be four or five months. I think the system we have works well. The ERD committee should be prepared to sit more regularly if there are pressing matters to attend to.

The Hon. SANDRA KANCK: I indicate Democrat support for the amendment. I disagree with some of what the Hon. David Ridgway said, having been a member of the ERD committee for three years, up until this last state election. That committee effectively represents us. We do not have development plan amendments coming to the parliament like we have regulations and, so, we are dependent on the committee being able to look at them. Just as we have 15 sitting days here in this chamber to disallow regulations, we should have a similar process for the ERD committee, which effectively represents us. We have chosen the people to go on to the committee because we all cannot be part of it. I think it is very important.

Being a member of that committee, I know that we met early in January and, although the Hon. David Ridgway says the committee can meet more frequently, the members of that committee said that from the end of January onwards none of them wanted to meet because they wanted to be out campaigning for their re-election.

It is all very well to say that they can meet more frequently, but I was the only one, I think, who indicated a willingness to continue to sit. As a consequence, there were a number of plans and regulations, and correspondence of all sorts, that came up during the period of mid-January through to effectively the beginning of May that really did not get any sort of oversight by the committee. Without having a requirement such as this in place things can slip through. I think that is my main concern.

The other part of the amendment that I will support is the provision that has a prescribed ministerial reporting period. I remember, again, one particular PAR (I think it was) for Onkaparinga where the committee made a recommendation in relation to that PAR when the Hon. Trish White was the minister for urban planning. By the time we got through to early January, which was the last time I sat in a meeting of the ERD committee, we still had not heard from the new minister for urban development (or should I call him the new-old minister for urban development, because he had been in that position for almost 12 months of that period). I think it is a reasonable thing to ask that the minister get back to the committee within a certain time frame. As the Hon. Mark Parnell said to me quietly, 'What's good for the goose is good for the gander.'

The Hon. NICK XENOPHON: I indicate that I cannot support this amendment. I am sympathetic to the idea of having a longer period for consideration by the committee, but I think 15 sitting days is dangerous, given that during this government and, indeed, the previous Liberal government (I have to be fair and bipartisan in my criticism) sitting days were not all that frequent. If we have a lull, whether it is for an election period or over a winter or summer break, 15 sitting days could stretch over six months. I do not think that is fair for developers, but I can see the intent of what the Hon.

Mr Parnell is trying to achieve. I would have thought that, if 28 days is not enough, perhaps we could have a longer defined period, rather than the sitting day period that he has proposed.

The Hon. P. HOLLOWAY: I move:

Page 16—
After line 7—Insert:
(4aa) Subject to subsection (4a), if the period of 28 days referred to in subsection (4) would, but for this subsection, expire in a particular case between 15 December in one year and 15 January in the next year (both days inclusive), the period applying for the purposes of subsection (4) will be extended on the basis that any days falling on or between those two dates will not be taken into account for the purposes of calculating the period that applies under subsection (4).
Line 11—Insert:
Delete 'of 28 days referred to in subsection (4)' and substitute:
applying under subsection (4), including by virtue of subsection (4aa),
Line 14—Delete 'applying for the purposes of subsection (4)'

These amendments specify that the 28-day period within which the ERD committee has to respond to a development plan amendment does not include the Christmas period from 15 December to 15 January, and I have already foreshadowed that. Thus the bill and this amendment still requires the ERD committee to respond to a DPA within 28 days, but Christmas and election periods are excluded from the time period. The original bill contained the 28 days, or dealt with the issue in relation to elections. As I have already foreshadowed, the amendment really deals with the situation between 15 December and 15 January. I move the three amendments to clause 13 to give effect to that.

The Hon. M. PARNELL: I support the government amendments. I am just anxious that the first half of my amendment may get lost, or is it the view that one party takes the other—

The CHAIRMAN: It will be a test.

The Hon. M. PARNELL: Right. The government amendment is a test, and if that gets up—

The CHAIRMAN: You want all the words in lines 5 and 7 deleted.

The Hon. M. PARNELL: Yes.

The Hon. Sandra Kanck: And so does the government.

The Hon. M. PARNELL: Yes, but I just want to make sure that I get the chance to talk to the second part of my amendment No. 3, which relates to prescribed ministerial importance.

The Hon. D.W. RIDGWAY: I indicate that the opposition will support the government's amendment.

The CHAIRMAN: What I intend to do, if there are no further contributions, is to put the question: that all words in lines 5 and 7 stand as printed.

Question carried; the Hon. P. Holloway's amendments carried.

The Hon. M. PARNELL: I move:

Page 16, after line—
(4) Section 27—after subsection (6) insert:
(6a)—If
(a)—
(i) the Environment, Resources and Development Committee resolved that it does not object to an amendment under subsection (3)(a) or (5)(b); or
(ii) the committee is taken not to object to an amendment under subsection (4); or
(iii) the minister proceeds under subsection (5)(a); and
(b) the amendment has not been brought into operation under section 28, the minister may then, by notice in the Gazette, fix a day on which the amendment, as approved by the minister under this act (and, if relevant, as amended), will come into operation (and the relevant development plan will then be taken, from that day, to be amended in the manner set out in the amendment).
(5) Section 27(8)—delete subsection (8) and substitute:
(8) If either house of parliament passes a resolution disallowing an amendment laid before it under subsection (7)—
(a) if the amendment has come into operation under section 28—the amendment ceases to have effect and the development plan will, from that time, apply if it had not been amended by that amendment;
(b) if the amendment has not come into operation—the amendment cannot take effect (unless the amendment becomes, in due course, the subject of a new process under section 25 or 26 (as the case may be) and the amendment then takes effect under this subdivision as it applies with respect to that amendment under that process).
(6) Section 27—after subsection (10) insert:
(11) If—
(a) an amendment is laid before both Houses of Parliament under this section, but—
(i) no motion for disallowance is given within the time prescribed by subsection (9); or
(ii) any notice or motion that may be relevant has been withdrawn or defeated, or has lapsed (as the case may be);and
(b) the amendment has not been brought into operation under section 28, the minister may then, by notice in the Gazette, fix a day on which the amendment, as approved by the minister under this act, will come into operation (and the relevant development plan will then be taken, from that day, to be amended in the manner set out in the amendment).

This relates to the prescribed ministerial reporting period. As the Hon. Sandra Kanck said, it is a 'what is good for the goose is good for the gander' type amendment. If there is one thing that categorises this bill, it is that it is designed to speed up the process for development plan changes. One of the main mechanisms is that it uses the timeliness, the negotiation of timeliness between Planning SA and councils. It is believed that, through that process, we will get a more timely amendment to the development plans.

The prescribed ministerial reporting period in my amendment simply relates to the period of time that the minister has to respond to suggested changes initiated by the Environment, Resources and Development Committee. As debate on these amendments has proceeded, we have already agreed that there is to be no ERD committee veto. We have not increased the length of time that the ERD committee has to consider amendments to planning schemes. But, we also have in the status quo an open-ended reporting period on the part of the minister getting back to the ERD committee.

Working from memory, I do not think that we have yet had a response from the minister in relation to important changes that we have suggested to him this year in respect of the ERD committee—I stand corrected if I am wrong. There is no time period set out in the legislation. This proposed amendment provides that, if the ERD committee thinks that it is worthwhile putting forward something to the minister, a suggested change, it is only fair that the minister be bound by some time period, and a period longer than the 28 days that the ERD committee has. It seems that is a reasonable period of time, and it means that the ERD committee agenda

is not dominated by a list of matters arising where the annotation reads 'awaiting the minister's reply', because that is the current situation.

I would have thought that this is an amendment that the government would jump on as one that is entirely consistent with the rest of the bill in that it goes to the timeliness. I accept that the will of the committee is that we do not want to give the ERD committee too long to think about it, but I can see no harm at all in requiring the minister to report back to the ERD committee within a reasonable time. There is an additional balance built into my amendment which basically provides that, if two months is not long enough, the minister should be able to ask for more time. I think that that is a reasonable way to proceed.

At present, everyone else in this regime will be subject to time limits. The councils will be subject to time limits as negotiated, and the ERD committee is subject to time limits. The only person not subject to any time limit is the minister in his or her reporting back to the ERD committee. I commend these amendments as sensible and consistent, and in no way do they slow down the process; in fact, the amendments replace the open-ended reporting period with one confined to two months, plus extensions. In fact, the process is speeded up, which is entirely consistent with the main rationale for this legislation. I urge support for this amendment.

The Hon. P. HOLLOWAY: The government does not support the amendment. The whole purpose of this bill is to speed up processing. Why would the government not want to come back and see the matter resolved as quickly as possible? However, let us consider what is happening here. There is a PAR—soon to be a DPA—that goes through all the processes; it might take a year or so. It comes from a council and the minister signs off on it, which, of course, means that Planning SA has had detailed perusal of the process. It then goes to the ERD committee. If the ERD committee, as a result of evidence, decides that there is an issue that should be raised with the minister, I would have thought that the committee would want detailed consideration of the matters it raises.

Certainly, in the cases where the ERD committee has raised issues with me, I have taken them very seriously, and I have ensured that those matters are properly addressed. That might mean—and there is even an allowance for this in the honourable member's amendment—that it needs to go back to the council to be revisited. Some of these DPAs can be a lot more complicated than others. If it is a simple suggestion, why would the minister not deal with it as soon as possible? That would certainly be my practice, and I would hope that other ministers would feel the same because, otherwise, there would be no point to this bill, given that its whole thrust is to try to improve the timeliness.

If the committee raises something which has come out of the blue and which is quite complex, and if the committee wants to seriously consider it, as I hope it would, it might be necessary for that matter to go back to the council for a quite detailed assessment on it. It would be easy enough, I suppose, for the minister to say, 'No, I don't agree with it,' but I would have thought that the committee would want a careful and detailed consideration of the matter. It is certainly not in the interests of either the minister or the government to delay it for any longer than absolutely necessary, and I certainly would not do so.

The Hon. Sandra Kanck interjecting:

The Hon. P. HOLLOWAY: Well, if you set the deadline, you are more likely to not have them properly considered, because the minister can just say no, and that would be the end of it, anyway. That is why I would have thought that this amendment does not achieve anything, other than add some additional bureaucratic complication, with more letters going back and forth. If it is necessary for the council to have some detailed reconsideration, as a result of the recommendations of the ERD committee, you have this bureaucracy to go through to extend the consideration. As I have said, there is absolutely no reason the government would want to delay finalising the PAR, unless it was a matter which the ERD committee had raised and which involved significant complication which needed a total revisiting.

The Hon. SANDRA KANCK: I indicate the Democrat's support for the amendment. If, as the member has said, the government is in a hurry to get these things through, I cannot see why having this particular amendment included would not be acceptable. Again, I go back to the example I gave when I was speaking to the Hon. Mr Parnell's earlier amendment about the Onkaparinga PAR where, months after the committee had made a decision and sent a letter off to the minister, there was simply no response, and it was just re-listed meeting after meeting. There was no indication that it was too difficult or anything; it seemed to have been something that slipped off the agenda.

I draw comparisons, perhaps, to our freedom of information legislation; we have time lines in there. If the department is not able to comply within the time lines, it has to get back to the member who has requested that amount of information to get some approval or agreement from them that they will allow for some sort of extension. I see no reason why this would not work. If the minister is doing his job properly, why would he automatically just say no to the ERD committee? I think that would be a very intemperate way to go.

The Hon. P. Holloway interjecting:

The Hon. SANDRA KANCK: I do recall now what the Onkaparinga council one was: it was a heritage one to deal with the Moana Roundhouse. I do not know why it was taking 10 months for the minister to get back to the ERD committee on the issue of the Moana Roundhouse and whether or not it should be included on a heritage list. The government and the Onkaparinga council have their own heritage people. They could have got together in the space of about four weeks and had a chat about it and, if they still could not resolve it, the minister could have come back and sought an extension. I cannot see any problem with this amendment. It is workable, and it is consistent with what the minister is saying: that is, that the government does not want to have these things delayed.

The Hon. NICK XENOPHON: I indicate my support for this amendment. I think there is something unreasonable about requiring time limits, in a sense, on the part of a ministerial response, and for that reason I support the amendment.

The Hon. D.W. RIDGWAY: I indicate that the opposition does not support the amendment. We canvassed the Hon. Mark Parnell's amendment quite widely within the community and the industry, and there was no support for it. The opposition discussed it at length yesterday, and it felt that it added another level of bureaucratic complexity, with letters going backwards and forwards. We do not support the amendment.

Amendment negatived; clause as amended passed.

Clause 14.

The Hon. M. PARNELL: I am back in my comfort zone now that we have settled the conflict between those two sets of amendments. I thank you, Mr Chairman, for your assistance in dealing with that. I move:

Page 16, after line 20—Insert:

(1a) Section 28(1a)—delete 'it is necessary in the interests of the orderly and proper development of an area of the state that an amendment to a development plan should come into operation without delay' and substitute ', in the interests of the orderly development of an area of the state, it is necessary to bring an amendment to a development plan into operation without delay in order to counter applications for undesirable development ahead of the outcome of the consideration of the amendment under this subdivision.

I regard this amendment as a very important one, because it goes to the heart of the interim operation provisions of the Development Act. As I said in my second reading speech, those provisions have a very useful and important role to play, but that role should not be the ability of the minister to fast track favoured developments in a proactive sort of way. To give emphasis to my interpretation of what I thought the interim operation provisions should be about, I referred to a 1988 planning circular, which was signed by the then minister for planning, Don Hopgood.

I will not read again what I have already read into *Hansard*, but the thrust of that planning practice circular was to say that interim operation should not be used simply to avoid the public consultation process and that it should be used only where there is a risk that the objectives of a PAR might not be met by opportunistic or similar types of applications. The minister, in his response at the conclusion of the second reading debate, made the observation that I had not referred to the current legislation and that I had, in fact, dug up this 1988 planning circular.

I did not say it at the time but I will say it now: the reason I did that is that the legislative provisions are virtually identical—in fact, I will take the committee to the words. If we look at section 43 of the 1982 Planning Act, this was the subject of minister Hopgood's declaration about inappropriate use of interim operations. Section 43 of the 1982 act states:

> Where the Governor is of the opinion that it is necessary in the interests of the orderly and proper development of an area or portion of the state that a supplementary development plan should come into operation without the delays attendant upon advertising for, receiving and considering public submissions, he may—

and it then goes on to say—

> bring the SDP in on an interim basis.

Those words are almost identical to the words in section 28 of the current Development Act, which provides:

> Where the Governor is of the opinion that it is necessary in the interests of the orderly and proper development of an area of the state. . .

Those key words are identical: 'orderly and proper development of an area of the state'. Section 28 continues:

> . . . that an amendment to a development plan should come into operation without delay. . .

The section then goes on to say that interim operation can be declared. Far from me being mischievous or, in fact, incorrect in citing a 1988 planning circular—

The Hon. Sandra Kanck: By a Labor environment and planning minister.

The Hon. M. PARNELL: As the Hon. Sandra Kanck says, by a Labor planning minister. In fact, that goes to show that the original intention of an interim operation provision was that it operate in the way that, through these amendments, I propose future interim operations should operate. In other words, through this amendment I am trying to provide some clarity for ministers, present and future, and give them some guidance as to the appropriate use of the interim operation provisions. The words I am proposing are basically designed to preclude the opportunistic and, I say, improper use of interim operation in a way that Don Hopgood would not have stood for under the 1982 act.

I again refer to the Penola pulp mill; it is the case study of the moment, having just been through. That was a case of interim operation when there was no suggestion that opportunistic development might apply if interim operation was not declared. That interim operation was purely to allow a favoured development to get their application in ahead of public scrutiny. So the circumstances that we saw a week or two ago with Penola are exactly the circumstances of which the former minister Don Hopgood, in his planning circular, said, 'I won't be approving interim operation under those circumstances.' It was exactly the type of situation that former minister Hopgood had in mind.

I also point out that in my second reading contribution I was perhaps guilty of using an extreme example, which the minister has jumped up on. I referred to category 2 developments, and I said, 'That is what you use for carports and rumpus rooms.' I know that from some experience, having built one of those two structures—and it was a category 2. However, I was confident when I said that carports were, in fact, category 2 developments in some circumstances and that is exactly the case, so I have found out. I refer the committee to schedule 9 of the development regulations part 2, which says that carports built closer to the street than the house or within a metre or so of the side boundaries are category 2. The point I was making was that category 2 was used to assess a $650 million development—the Penola pulp mill—and I say that on any reasonable assessment that should have been declared a major project.

The purpose of my amendment is not to deny the usefulness of interim operation, it is not designed to thwart the proper use of the interim operation provisions; it is simply to bring it back into line with what planning professionals tell me was always the purpose of that section, be it in the 1982 act or the 1993 act. I commend my amendment No. 8 to the committee.

The Hon. P. HOLLOWAY: The government opposes the amendment. These amendments provide additional restrictions on the use of the interim operation provisions of section 28 of the act, and the additional criteria refer to stopping undesirable development. Undesirable development is defined, in the Hon. Mark Parnell's amendments, as detracting from or negative to an object of the development plan amendment. The current act provides clear criteria, and refers to being:

> . . . necessary in the interests of the orderly and proper development of an area of the state that an amendment to a development plan should come into operation without delay.

This amendment creates further uncertainty as it involves a subjective test as to what forms of development are undesirable. In addition to the current act providing a clear criterion, the term 'undesirable development' is ambiguous and unworkable. I am happy, as were previous ministers, to justify actions under the act before parliament based on the current criteria. For those reasons we oppose the amendment.

The Hon. M. PARNELL: Just a question to the minister in relation to the subjective nature of an assessment regarding whether a form of development is undesirable. Can the

minister say why my proposed amendment No. 9 does not deal with that? It refers to undesirable amendments being those that would 'detract from, or negate, an object of the amendment' to the planning scheme. I would have thought that that was a fairly simple test to apply.

The Hon. P. HOLLOWAY: It is still a value judgment as to whether the development would detract from or negate the object of the amendment, and that is the point I was trying to make. If this amendment is carried it puts a subjective test into the criteria.

The Hon. SANDRA KANCK: I indicate Democrats' support for this amendment. I recall in the early 1990s when I was employed by the Conservation Council that a majority of plan amendment reports (SDPs, as they were then) did not automatically come into effect. When I got into parliament I did not deal with planning issues until Mike Elliott retired. In 2002, I was shocked to find that there had been a complete reversal, and, in fact, all the plan amendment reports were automatically coming into operation.

We have gone through the process of arguing about 15 days, and all sorts of other things, in the amendment which the Hon. Park Parnell moved and which was defeated. This is one of those things where we need to hasten slowly, and that is the effect of this amendment. For example, during my time on the ERD committee, one of the very last things that came up before the election was a PAR from the Onkaparinga council. It caused a great deal of consternation for Coromandel Valley residents, who believed they had been successful in lobbying to have Onkaparinga council have a plot ratio for properties in the Coromandel Valley section of Onkaparinga council similar to that of the Coromandel Valley section of Mitcham council, but, because of the process where PARs all come into operation in this way, they found out after the event that it had gone through in a form they did not want.

As a consequence of that, I was told by residents that the only way to proceed was for Onkaparinga council to do yet another PAR. If we had the process that existed in the 1980s and 1990s, where only those plans considered to be vital immediately came into operation, Onkaparinga council would have found a way out of this. Unless others can tell me something different about what was finally resolved on this question, it becomes a very expensive process. There may be a time delay for the government, but it allows for mistakes to be detected as a process of having more public consultation.

The Hon. NICK XENOPHON: I indicate support for the amendment. I see it as tightening up the act in that it is more prescriptive in the sense that it places an emphasis on avoiding encountering an application for an undesirable development. In that respect it is truer to the spirit of what is intended in the act. I think it is a more rigorous and appropriate definition, given what the government is intending in the overall scheme of this bill.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the amendment. The opposition's view is that the consultation process involved with the plan amendment report process or the development plan amendment report process engages the community a lot more. It is our view that this would add another potential delay to the whole process. All the people who are directly affected will be notified in writing. That is an indication of the range of extra consultation that will take place and, hopefully, we will not see mistakes, such as in the Coromandel Valley PAR. The opposition does not support the amendment.

The committee divided on the amendment:

AYES (4)

Bressington, A. M.	Kanck, S. M.
Parnell, M. (teller)	Xenophon, N.

NOES (16)

Dawkins, J. S. L.	Evans, A. L.
Finnigan, B. V.	Gago, G. E.
Gazzola, J. M.	Hood, D. G. E.
Holloway, P. (teller)	Hunter, I.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Ridgway, D. W.
Stephens, T. J.	Wade, S. G.
Wortley, R.	Zollo, C.

Majority of 12 for the noes.

Amendment thus negatived; clause passed.

Clause 15 passed.

Progress reported; committee to sit again.

MURRAY-DARLING BASIN (AMENDING AGREEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 633.)

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank honourable members for their contributions to this important debate with respect to amendments to the Murray-Darling Basin Agreement. These amendments are fundamental to the security of the flows to South Australia, particularly in times of drought, when a greater proportion of the flow of the River Murray is sourced from guaranteed releases from the Snowy scheme. The amendments emerged after years of intense negotiations between the owner governments of Snowy Hydro Limited and South Australia on the regulatory framework in which Snowy Hydro Limited would operate, including the legal codification of operations to secure an assured release of water from the Snowy to the Murray and the Murrumbidgee. We hope that the passage of the bill will enshrine these guaranteed releases from the Snowy scheme in legislation ratified by four parliaments and that this will be a significant improvement on historic arrangements.

In relation to the comments of the Hon. Stephen Wade, I certainly do not agree with his sentiments on privatisation, about which he took the liberty of waxing lyrical. However, I appreciate his support of the bill. If his party had been somewhat more circumspect in its rush to privatise, particularly in relation to ETSA, he may have found himself sitting on this side of the chamber. However, as I said, I appreciate his support of the bill. I agree with the sentiments of the Hon. Andrew Evans about not only the beauty of the Murray but also the importance of caring for it. He rightly pointed out that these amendments will assist in doing so. I understand that there is no opposition to this bill or the proposed amendments and, therefore, I look forward to its being dealt with expeditiously during the committee stage.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (ELECTRICITY AND GAS) BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 634.)

The Hon. G.E. GAGO (Minister for Environment and Conservation): I thank all honourable members for their valuable contribution to the debate on this important piece of legislation and look forward to its being moved through the committee stage expeditiously.

The Hon. T.J. STEPHENS: I have already indicated in my second reading speech the Liberal Party's support of this sensible bill, and we look forward to its speedy passage.

Bill read a second time and taken through its remaining stages.

EVIDENCE (USE OF AUDIO AND AUDIO VISUAL LINKS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 August. Page 573.)

The Hon. S.G. WADE: On behalf of the Liberal Party I indicate to the council that the opposition supports this bill. This bill brings together one of the most ancient elements of our culture with one of its most contemporary elements. As early as the 13th century, a law common to all of England was established by the Royal Courts of Justice at Westminster, and our law is based on this common law. In the past 30 years there has been an explosion of information and communication technology, and these technologies are unleashing our productivity and reinvigorating our culture. This bill serves to take advantage of these modern technologies to promote the efficiency and effectiveness of our ancient legal system.

Audio and audiovisual links are already used in South Australian courts in the case of evidence or submissions heard from outside South Australia, and they are used in other state jurisdictions. The Attorney-General advised in his second reading speech in another place that 90 per cent of court cases held in Western Australia use audio or audiovisual links. One of the key benefits of the use of audio and audiovisual links is the capacity to reduce prisoner transfers. These links enable the court to engage defendants from within the correctional facility without the need for them to be physically transferred to and from the court. This is a win-win situation. First, fewer prisoner transfers reduce the costs of administering justice. Secondly, fewer transfers reduce the mental stress on prisoners and disruption to prison employment and education. Thirdly, fewer prisoner transfers mean that we reduce the opportunities for prisoners to escape from custody.

For other parties, too, attending court to give evidence or to make a submission can be an onerous duty. This parliament should be ever mindful that we live in a large state and that we need to make it as easy as possible for people across the state to discharge their civic duties, including participating in court proceedings. However, we need to be alert to the limitations of technologies and their potential negative impact. There will be cases where the use of such links may not be appropriate or may not serve justice. Audio and audiovisual links restrict a court's observations of the reactions and disposition of participants. These technologies give participants a two-dimensional perspective of each other. Of course, much—even most—of human communication is non-verbal, yet audio links force participants in court proceedings to rely only on their capacity to analyse verbal communication and, even then, verbal communication that is to some extent dulled or distorted through electronic transmission.

Audiovisual technology may add a non-verbal element, but even it allows the court to assess only the verbal communication plus that part of the non-verbal communication which can be discerned from the two-dimensional image of the head and shoulders of a participant. We must not allow offenders or witnesses to hide behind a microphone or a television screen.

One recent example of this concern is the military inquiry into the death of Private Jake Kovco in Iraq. Both the parents and the widow of Private Kovco lodged objections to the use of video links to hear evidence from soldiers stationed in Iraq. Both parties expressed their concern that audiovisual links could result in reduced quality of the evidence being given. Colonel Young, appearing for Private Kovco's widow, stated:

> No-one would dispute the best evidence is having witnesses in this room, face-to-face, giving evidence.

He expressed concern that, for witnesses giving evidence via video links, their mind would not necessarily be on the evidence being given but, rather, it could very likely be on the duties they have just come from or are about to go to. These witnesses may be distracted by their other duties which, in turn, could relax their focus and result unintentionally in less accurate evidence being given.

Technical issues with the technology can also reduce the quality of the evidence given, further undermining justice. In the context of the limitations of the technology and the potential impacts on the quality of the evidence presented to the courts, the opposition particularly welcomes clause 6 of the bill, which allows parties to object to the use of audio or audiovisual links, where they have a concern that the use of audiovisual links will have a negative impact on the proceedings of the court.

However, the opposition does not think that the clause goes far enough, in that it ignores the victim. Certainly, the use of links could be of benefit to victims. For example, audio and audiovisual links can allow victims to participate in proceedings while avoiding the need to attend the court with the potential trauma of facing the perpetrator of the crime. But, on the other hand (as highlighted by Mr Xenophon's bill earlier this year), the victim may be keen to ensure the defendant is physically present to listen while they outline how the crime has impacted on them. In the committee stage I will move the amendment lodged in my name to ensure that victims are not left out; to ensure that they have the opportunity, through the prosecuting authority, to object to the use of a link.

In conclusion, I wish to again commend this bill to the council and express the opposition's support for the continued introduction of modern technologies into South Australian courts to improve and expedite the course of justice.

The Hon. SANDRA KANCK: I rise to indicate Democrat support for the bill. It makes sense for an accused on remand to give evidence by audiovisual links when there really is no need for them to be physically present in the court. These days we have privatised a lot of our transport of prisoners and I think a process such as this would ease what is a growing burden on our court system and on Treasury. Further, the interstate experience indicates that prisoners prefer it to the process of being transferred to court. In doing so it avoids an uncomfortable journey and hours spent waiting in holding cells at the courts. This is one of those rare

situations where it would appear that we are going to be better off. I heard what the Hon. Mr Wade said before, and certainly there might be instances where the victim may feel disadvantaged by that and, provided the legislation can take that into account, I see no reason for this bill not to go through in a timely fashion.

The Hon. NICK XENOPHON: I indicate my support for this bill. The reasons for it have been eloquently set out by the Hon. Stephen Wade and the Hon. Sandra Kanck. I can also indicate my support for the amendment of the Hon. Stephen Wade and commend him for that amendment. It is entirely consistent with the approach adopted in another bill that the opposition and crossbenchers supported which, unfortunately, the government in the other place has not seen fit to support, notwithstanding it is Labor Party policy.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: The Hon. Mr Wade has thought of this amendment first and I commend him for it. I will be indicating my wholehearted support for this. It is an amendment that will certainly improve the bill.

The Hon. G.E. GAGO (Minister for Environment and Conservation): I would like to thank all honourable members for their valuable contribution to the debate of this important bill. I look forward to it moving expeditiously through the committee stage.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Progress reported; committee to sit again.

CHILD SEX OFFENDERS REGISTRATION BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 703.)

The Hon. R.P. WORTLEY: They say that childhood is supposed to be the happiest time of one's life, but, sadly, it is not so for all children in our society. As a parent, you soon learn that the innocence of a child is what makes them so vulnerable to the dangers that they face in today's world. It concerns me greatly that the innocence of a child can be taken unknowingly from a victim through the act of trust. There are certain members in our community who we believe we can trust with the care of our children, ranging from teachers, bus drivers and church leaders. Unfortunately, over time, the victims of sexual abuse have proven that the ones we trust the most can often be the sexual perpetrators.

Our children are not resilient to sexual abuse, and this is why I support the bill, which seeks to establish a register of child sex offenders, and which prevents registered child sex offenders engaging in child-related work where children are most vulnerable. The bill also endeavours to make a related amendment to the Criminal Law (Sentencing) Act 1988. The focus of the bill is to ensure that sex offenders are held accountable through the establishment of a sex offenders' register. Sex offenders will be required to provide information such as their name, date of birth, nature of employment, and details of convictions. They must also provide personal descriptions of tattoos and other distinguishing marks.

Failure to provide and update certain personal information to the police upon either release from prison or conviction, if no custodial sentence is imposed, will be regarded as an offence. The penalties for not conforming to this legislation include imprisonment. The purpose of a child offenders' register is to assist police in monitoring the whereabouts and activities of the registrable offender, who, because of their previous convicted offences, may pose a sexual threat to children.

Labor will not follow in the footsteps of the UK and the USA in making the registrable offenders' list accessible to members of the public. Experience has shown that the public release of such information can result in public or personal revenge on the perpetrator. Access to the information on the register will be strictly controlled and monitored by the police and other law enforcement authorities.

An important aspect of this bill is to prevent a registrable person from applying for employment in a child-related work area for the period of the registration. Sex offenders such as the convicted paedophile magistrate, Mr Peter Michael Liddy, have taken the rights of so many innocent children and denied them a carefree childhood. Liddy was the state's longest serving magistrate, but today he is serving a 25-year jail term after being found guilty of molesting four boys in his care between 1983 and 1986. Liddy was a trusted coach of junior lifesavers at the Brighton Surf Lifesaving Club. The junior lifesavers who fell victim to Liddy's secret desires were aged between seven and 13. Liddy capitalised on his status as a magistrate, ensuring he gained the total trust and friendship of the parents of the boys he was to abuse.

He wrote to his victims' parents on court letterhead asking their permission to transport their children between home and training. I will list several of the sexual offences that Liddy allegedly committed to illustrate why preventing offenders from working with children is essential. As reported in *The Advertiser* of 15 August 2002, these offences ranged from touching to masturbation, oral sex, anal intercourse and anal rape. There are also allegations that Liddy showed the boys pornographic videos, took photographs of one naked boy and, on one occasion, encouraged sexual intercourse between two of the boys.

Liddy's actions robbed these young boys of their childhood, and at least one of the boys now requires psychiatric counselling and has attempted suicide by slitting his wrist at the age of 16, leaving him physically and mentally scarred for life. How does such a public figure inflict prolonged abuse on so many boys and remain undetected for almost two decades? The answer is, simply, trust. Unfortunately, like Liddy, there are many others who would abuse their work status. In 2002, an Anglican priest twice caught sexually interfering with teenage boys was jailed.

In May 2003, *The Advertiser* reported that 17 Anglican churchmen were suspected of being part of a paedophile network, which operated for almost 40 years. In 1998, 10 public school teachers were investigated over allegations of sexual abuse or other improper conduct towards students. In 2002, two teachers were dismissed from their positions after allegations of child sex abuse. These attacks on children have a devastating effect on victims for the rest of their lives. This legislation will prohibit registrable persons from paid or voluntary training which involves contact with children.

It is clear that the essence of this bill is to protect children from sexual abuse. Although there are many other important aspects to the bill, I firmly believe that the establishment of a child sex offender register is a vital piece of legislation required to limit the chance of a perpetrator re-offending.

[Sitting suspended from 5.58 to 7.48 p.m.]

The Hon. D.G.E. HOOD: I have a few comments to make in order to clear up the situation that occurred yesterday, and I refer to the Hon. Andrew Evans' second reading contribution late last week in which he set out the Family First position on this bill. He foreshadowed some amendments that we wanted to table this week. I am pleased to say that our office has had fruitful discussions with the government on whether sex offenders in some cases should be banned from using the internet. In particular, Family First thanks the Attorney-General's chief of staff Mr Peter Louca for the amount of time he has been consulting and negotiating this issue with Family First. We are grateful that the Attorney-General has indicated support for our proposal to ban or at least limit sex offenders from using the internet, and in particular in cases where the internet has played a part in the offending of that individual.

I have given notice today that tomorrow I will introduce a bill to amend the paedophile restraining order laws (specifically set out in section 99AA of the Summary Procedures Act) to give courts the power to make orders banning some or all internet use by convicted sex offenders. We understand that the government in principle will support this bill although the detail needs some working out. The government's indication of support alleviates many of our concerns regarding the bill before the council today. I might flag with members here tonight that a similar law has been adopted in the United Kingdom—which I will explain in more detail tomorrow when I introduce the bill. We accept that the government does not want to tinker with the bill. After all, this is a national initiative and tinkering with this bill may put us out of step with corresponding provisions in other states. Therefore, Family First intends to support the bill today without amendment.

This state introduced the paedophile restraining order regime more than 10 years ago. Those provisions are ready for review. Currently, paedophile restraining orders deal only with loitering around children. It is now the 21st century, of course, and some paedophiles groom children over the internet or ply their dirty trade online. Once paedophiles are prosecuted and found guilty of grooming or distributing child pornography and other internet-based offences, under the Family First plan a court, along with putting them on the child sex offender register, could issue a restraining order banning them from the relevant internet behaviour or banning their internet access altogether in some rare cases. I trust that after I table my bill tomorrow members will support Family First's proposal to give a very important 21st century update to child sex offender laws.

The Hon. J. GAZZOLA secured the adjournment of the debate.

WORKERS REHABILITATION AND COMPENSATION (TERRITORIAL APPLICATION OF ACT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 705.)

The Hon. NICK XENOPHON: I rise to indicate my support for this bill. I have been a plaintiff lawyer for many years and, whilst I am not able to practise because of my parliamentary commitments as I was able to do when I was a full-time practitioner, I can indicate that this bill deals with an anomaly with respect to the territorial application of this act. The minister in the second reading explanation quite fairly outlined the gaps in the current legislation with respect to the decisions in WorkCover v Smith and Selamis v WorkCover. It shows the sorts of anomalies that occur with respect to the current provisions of section 6 of the act. It did lead to injustice and some awful consequences for people, particularly the families of those killed in work accidents where there was a dispute with respect to territorial applications, and, in a sense, the victims and the victims' families were left in a legal no man's land.

This bill seeks to rectify that situation. I note that the opposition also supports the bill. I look forward to the bill's speedy passage: it is long overdue. However, there are many other aspects of the Workers Rehabilitation and Compensation Act which need reform—which need to be improved and updated—to give people who are injured in the workplace additional rights and to clear up some of the anomalies which occur with respect to our scheme. In that regard, I would like to think that the opposition would be sympathetic to further reform of this act. I know that some of us sorely miss the Hon. Angus Redford in terms of his contributions with respect to this and other acts, and in particular, workers compensation matters. I think this bill is indicative of a need for reform of the act. These reforms ought to be supported wholeheartedly, but this is also indicative of a need for broader reform of workers compensation laws in this state. I support this bill.

The Hon. P. HOLLOWAY (Minister for Police): I thank the various members opposite and the Independent members for their valuable contributions. I welcome the broad support for the bill, and appreciate that all parties have recognised the value in having a watertight national model for territorial coverage of the workers compensation schemes. The fact that the bill implements a national model is strong grounds, in my view, for passing the bill unchanged.

I again acknowledge that this bill has been a long time coming. Members in the other place have already indicated their disappointment at this, including the Minister for Industrial Relations, and I must concur. The government is confident that the retrospective provision in the bill will provide appropriate relief to those who have unfairly been denied coverage in the past.

I wish to answer some of the issues raised during the debate. The Hon. Mr Lawson inquired about when New South Wales and the Northern Territory were likely to have their corresponding bills passed so that the national model could fully come into force. My advice is that the New South Wales amendments have commenced. With respect to the Northern Territory, my latest advice is that its legislation has been drafted but not yet presented to parliament. The Hon. Mr Lawson last year raised the question of cost associated with the scheme, particularly net economic costs across different states. My advice is that WorkCover conducted detailed costing of the bill's impact on the South Australian scheme and found that the balance of workers being connected to one scheme or another would not substantially change due to the bill. As a result, the net cost is expected to be negligible. WorkCover's costing took into account both cases where the national model would make the worker connected to South Australia rather than another state and the opposite case, where the national model would make the worker connected to another state rather than South Australia.

The Hon. Mr Hood rounded off his speech with a question on WorkCover's collecting levies for workers over 65 years

of age. I welcome the member's question and confirm that the government is committed to reform with respect to entitlements for workers over 65 years of age. As the minister in the other place remarked in closing the second reading debate, the government is looking to progress this issue and will consult with industry and the opposition when it does so. I understand that the minister is expected to do so shortly. Again, I thank members for their contribution and I look forward to the speedy passage of this bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. R.D. LAWSON: Can the minister indicate when it is envisaged that this bill will be proclaimed and come into operation?

The Hon. P. HOLLOWAY: My advice is that the government is looking to bring this bill into effect in about two months, to allow time for consultation with stakeholders.

Clause passed.

Remaining clauses (2 to 11) passed.

Schedule.

The Hon. R.D. LAWSON: The transitional provisions contained within the schedule will provide for payment of compensation where disability has occurred before the commencement of this act. The retrospective operation of this legislation was mentioned in the second reading explanation, as well as WorkCover Corporation's estimate that that retrospective operation is likely to cost about $1.6 million. Can the minister indicate whether the plaintiffs in those cases mentioned—namely, the case of Smith and also Salemis—will, in fact, be compensated under this measure, or has some other accommodation been made for them?

The Hon. P. HOLLOWAY: My advice is that this bill merely provides an avenue by which those two persons can make a claim on the government. It does not, of course, guarantee that they will actually make the claim, but I am sure they would be aware of this legislation and one would expect they would do so.

Schedule passed.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

DEVELOPMENT (DEVELOPMENT PLANS) AMENDMENT BILL

In committee (resumed on motion).

(Continued from page 729.)

New clause 15A.

The Hon. M. PARNELL: I move:

Page 17, after line 8—Insert:

15A—Insertion sections 29A and 29B

After section 29 insert:

29A—Guidelines and criteria

(1) The minister must, in connection with the operation of sections 25 and 26, establish—

(a) guidelines (to be observed by councils and the minister) in order to promote the ability of members of the public who are interested in a proposal to amend a development plan—

(i) to have a reasonable chance to become aware of the release of the relevant DPA for public consultation in accordance with the regulations (for example, by specifying where notices to the public should appear in newspapers, font size for notices, and the form and extent of information to be included in notices); and

(ii) to have a reasonable opportunity to participate in the public consultation processes envisaged by this act and the regulations; and

(b) criteria in order to assist in determining whether a DPA should be subject to Process A, Process B or Process C under this subdivision.

(2) The minister may vary the guidelines or criteria from time to time as the minister thinks fit.

(3) The minister must ensure that a copy of the guidelines and the criteria is available—

(a) for inspection during ordinary office hours at the office of a government department determined by the minister; and

(b) for inspection on the internet.

29B—Access to meetings and information

(1) In this section—

'prescribed provision' means any of the following:

(a) section 25(11)(c);

(b) section 25(15)(a) or (b);

(c) section 26(5c)(c);

(d) section 26(5d);

(e) section 26(7);

'relevant body' means—

(a) a committee of a council under section 25(11)(c); or

(b) the Advisory Committee; or

(c) a committee of the Advisory Committee under section 26(5c)(c).

(2) A relevant body—

(a) must, in connection with holding a meeting for the purposes of a prescribed provision—

(i) conduct the meeting in a place open to the public, unless the relevant body considers that it must close the meeting on a ground prescribed by the regulations for the purposes of this provision; and

(ii) ensure that accurate minutes are kept of its proceedings; and

(iii) provide to members of the public reasonable access to the agenda for the meeting and to the minutes of the meeting; and

(b) must publish, in accordance with the regulations, any recommendation made by the relevant body under section 25 or 26 that arises from its deliberations in connection with the operation of a prescribed provision.

The standards of public consultation over development plan amendments vary widely from council to council. Some councils go to considerable lengths to engage with their communities but other councils simply do the bare minimum that the legislation requires. In practice, that often means obscure advertisements in very small print hidden away at the back of newspapers where they are not seen by most people. The notices go unnoticed and, as a consequence, in some cases very few people engage with the planning process because they do not have the information. When people do engage with the process they often find a system that is shrouded in secrecy, and this gives rise to a degree of mistrust and undermines the value of public participation.

There are two new sections proposed in my amendment. The first, proposed new section 29A, requires that the minister prepare guidelines to be observed by councils and also by the minister in relation to public participation over development plan amendments. The purpose of these guidelines is to clarify what is required. They would, for example, deal with things like font size and appropriate wording and locations of advertisements in newspapers. The amendment also requires the minister to prepare criteria to assist with the determination of whether processes A, B or C should be followed. Again, that is to assist councils in

determining the proper process and it also assists members of the public to understand what criteria will be followed in making that decision.

In relation to criteria the minister, in his concluding remarks on the second reading, correctly pointed out that the Development Act already enables regulations to be prepared to expand on the public consultation requirements along the lines suggested by my amendment. I would normally take some comfort from that and think, well, it is already there in the regulations, but the point of my amendment is that that regulation making power has been in place for 12 years, and we do not yet have guidelines for public participation.

Schedule 1 of the act, in relation to the regulation making power, does have a head of power for item 4—the giving of public notice and public consultation in relation to any prescribed class of matter; and head of power 5—the form, manner and mode of giving other forms of notice under the act. The sorts of things that I want to be included in the guidelines that my amendment requires the minister to prepare could be done under regulation, given this head of power. My point is that they have not been done 12 years into the act, so my amendment is effectively saying, 'Time's up; you have had 12 years under your ordinary regulation making power; now is the time to make sure that you do it.'

The legal guidelines that exist in the regulations and the act do not deal with the level of detail that is possible under that head of power, and simply require publication in a newspaper circulating generally in the district. It really is very vague, and the consequences are as I describe in terms of small ads and people not picking them up and paying them any attention. The minister went on to say that the government was proposing an information and awareness program which includes ways of increasing public involvement on policy issues. My questions to the minister at this stage are: first, what further information can he give about that program; secondly, when might it be implemented; and, thirdly, how will it be made binding on councils when it comes to them undertaking their public consultation?

The Hon. P. HOLLOWAY: As the Hon. Mark Parnell explained, the first part of this amendment makes it mandatory for the minister to establish guidelines for public consultation on draft development plan amendments prepared by the minister and the councils. In addition, the amendment also requires a minister to publish criteria for selecting the three development plan amendment paths. The government does not support the amendment. The bill, as has been indicated, already enables regulations to be made to expand the public consultation requirements along the lines suggested by the Hon. Mark Parnell. In addition, as the Hon. Mark Parnell just said, the government is proposing an information and awareness program which will include ways of improving public involvement in the policy process.

I can inform the honourable member that the Planning SA web site has been recently updated, and implementation of this particular measure will be undertaken as soon as this bill is passed now that we have the previous development bill relating to the DAP assessment process and now that we have the Development Plan Amendment Bill. Once that is passed, we will then be able to implement that information and awareness program.

The honourable member's amendment proposes that the mandatory guidelines refer to the font size and details for draft DPA public notices. The government is keen to promote more innovative options, and these mandatory provisions could, in fact, stifle these options. One example is that some councils are taking action which includes features in local papers in which the intent of the development plan amendment is explained in non technical terms with diagrams and pictures. There is a wide variety of options available, and a non statutory guide, we believe, would provide greater flexibility in promoting a range of options available for the 68 councils in the state.

The government considers it more appropriate for it to prepare such guidelines and criteria as part of the normal information and awareness program, rather than the act mandating one particular guideline and set of criteria. It is essentially for that reason that we oppose the amendment.

The Hon. M. PARNELL: I thank the minister for that answer. I try to give praise where it is due, and I have certainly been grateful to Planning SA for its web site and the steady improvements that it has made over time. One of those improvements, which happened a few years ago, in fact, leads me on to the next half of my amendment No. 11; that is, an attempt to open up the process of committees whose business has been hitherto fairly secret. In particular, my amendment looks to the council committees, or the Development Policy Advisory Committee, and the way that they operate.

The link with the web page is that one of the statutory bodies under the development act, the Development Assessment Commission, actually goes to some lengths to level the playing field by making sure that its agendas and its minutes are all recorded in a very timely fashion on the web site. But, other statutory bodies, such as the Development Policy Advisory Committee, are a completely closed shop. It is not possible for anyone to find out what is on its agenda. It is not possible for anyone to peruse its minutes, and it is certainly not possible for anyone to find out what advice it has given to the minister in relation to a development plan amendment.

I know this information because I was, for an all too short period, a member of the Development Policy Advisory Committee until, like Macbeth, I was untimely ripped, but it gave me enough time to understand how that committee operated. I attended enough public meetings to know—

The Hon. Sandra Kanck: A secret society.

The Hon. M. PARNELL: —that it was a secret society, as the Hon. Sandra Kanck says. It is terribly disappointing when hundreds of people turn up to a public meeting, wanting to have their say on planning in their local neighbourhood, only to find that they come up against this secretive Development Policy Advisory Committee and they can never find out what happened to their suggested changes, their objections, their support. They can never find out where it ended up, and that is because the line has always been, 'Well, this is a committee that advises the minister and that is a private thing and therefore there is no role for the public to know.' That is unsatisfactory, in my submission, because people, in good faith, engage in the process and lodge their written submissions but, yet, the wall of secrecy comes up as soon as it hits the Development Policy Advisory Committee.

The effect of the second batch of amendments, within amendment No. 11, is basically to require these statutory bodies to conduct their meetings in public, unless there is good reason to deliberate in private. That is not dissimilar to many other bodies. The default position is to meet in public; if there are good reasons you go private. Secondly, it is to ensure that accurate minutes are kept. I know they are kept, because I was on one of these committees, but keeping them and actually making them available to people to inspect is another thing altogether.

The third amendment is to provide that members of the public can have reasonable access to the agenda and to the minutes. Really, what this is proposing is that groups like the Development Policy Advisory Committee, who take submissions from members of the public on important planning issues, should deal with that in the same way that the Development Assessment Commission deals with the people that it engages with. As I say, it is on the Planning SA web site—a very good web site.

What I find is that people who are giving evidence to the DAC are very much on the same foot as the members of the commission. In other words, when considering a matter everyone has the same bits of paper in front of them, there are no secrets, and you are not taken by surprise. It is a very good thing that the Development Assessment Commission does, and I applaud it for that—and Planning SA—for putting it on the web site. This proposed amendment extends that to other statutory bodies. As well as the agenda and the minutes, the final publication requirement is that any recommendation or report that would normally go straight to the minister and be kept secret, should also be published as well.

The Hon. NICK XENOPHON: I indicate my support for this amendment. I see this as analogous to amendments that have been passed in this place with respect to requiring, in a certain form, council consultation on changes in rating policies. I know they are different concepts, but in a sense it is prescriptive to require certain guidelines in a certain form with respect to the level of consultation and with respect to any proposal to amend a development plan. The former Liberal government supported a bill that I put up a few years ago when the Hon. Dorothy Kotz was minister for local government (back in 2001, as I recollect), and that was about requiring uniform standards of consultation and the mode of consultation. I thought that was a good thing with respect to changes in rating policy which would affect ratepayers in local government areas, particularly in regional councils. I see the concept here, that the Hon. Mark Parnell has set out in this amendment, as being similar to that in a sense. I think it would encourage best practice and a standard best practice amongst councils with respect to development plans. That is why I support this amendment.

The Hon. SANDRA KANCK: I had a letter from the Conservation Council about this bill, and I think it sums up where we are, at the moment, with just this simple sentence:

> Public participation continues to be inadequately addressed within the act.

Quite clearly, the government does not want to have this public participation. I did listen to the response that the minister gave to the Hon. Mark Parnell which really did not seem to be a good reason to not go down this path. If you put something in place that says, 'Here is a minimum requirement,' it does not prevent you from doing something else on top of that minimum requirement. This is not an amendment that excludes other sorts of action, so I cannot see why the minister does not want it. Does the minister believe that DPAC minutes, for instance, should be widely and publicly available?

The Hon. P. HOLLOWAY: There seems to be some lack of understanding in respect of the role of DPAC and the role of the Development Assessment Commission. The Development Assessment Commission is a decision-making body. It makes decisions about whether a development proposal should be approved or not and, of course, those decisions and the reasons for them are publicly available. DPAC is an advisory body. It is an advisory committee to the minister, to provide the minister with advice. If this amendment were carried—

The Hon. Sandra Kanck: Should people know what that advice is?

The Hon. P. HOLLOWAY: Given that the minister is asking for advice from DPAC, if the minister thought the advice was not likely to be to his liking, why would he ask for it? It is there to provide advice without fear or favour. You may not take that advice, but it is—

An honourable member interjecting:

The Hon. P. HOLLOWAY: How does that help? At the end of the day the minister has to make the decision and DPAC is there to provide the advice. But, ultimately, the minister, rightly, is responsible for all decisions made under the act. The role of DPAC is to be the source of information for the minister, but the proposal to release DPAC advice before the minister has made a decision could actually lead to uncertainty, confusion and speculation. If the minister seeks the advice of DPAC and DPAC comes up with a particular recommendation which is made public, if anything that is going to, as I said, create uncertainty, confusion and speculation in relation to the decision.

So, rather than helping to make a decision, I would have thought that that would have the reverse impact. In particular, I bring to the attention of the committee that development plan amendments will involve the rezoning of land for future development and, hence, the premature release of matters before DPAC could lead to property speculation on the basis of early information, which may or may not be acted upon by the minister of the day.

In regard to ministerial development plan amendments, the hearing of submissions by DPAC takes place in public. However, as DPAC is only providing advice to its minister and is not making a decision on such submissions, it is more appropriate that my decision is made public and subject to scrutiny in parliament. Rather than having speculation and query on that, is it not better that the ultimate decision be the one which is made public and which is subject to that scrutiny? I think that built into this amendment is this understanding about what advisory committees should do.

The Hon. D.W. RIDGWAY: I am advised to indicate that the opposition will not support the amendment. I will deal with it in two parts. The first part, in relation to the guidelines, is that one of the issues was dealt with in a previous amendment to the act, with respect to the panels. Councils were disappointed, perhaps, that the government wanted to have totally independent panels. I think that to mandate the guidelines and compel councils to adhere to a set of guidelines takes away councils' flexibility to adopt whatever approach they deem appropriate. As the Hon. Sandra Kanck perhaps mentioned, you might have a minimum base level, and it does not preclude anyone from adopting whatever guidelines they might like. Once you have set a minimum standard, people then tend to conform to it, and I think it would give councils in particular the opportunity to develop their own guidelines.

In relation to the second part of the amendment, the opposition has spoken to a number of interested parties in the development industry and in the community and, while I have some sympathy for the Hon. Mark Parnell's amendment, we did not find overwhelming support. Therefore, we do not support the amendment.

The Hon. D.G.E. HOOD: I rise to indicate Family First support for the Hon. Mr Parnell's amendment, somewhat to his surprise, I am sure.

The Hon. M. Parnell interjecting:

The Hon. D.G.E. HOOD: I am pleased to hear that. Thank you. The reason for our support is that Family First believes in a fully open and transparent process. The Hon. Mr Parnell has raised some very good points with respect to the public disclosure of decisions and, importantly, the process by which these decisions are made. We see no reason why the public should not have access to this information and, furthermore, why the public should not be able to be an active participant in these sorts of decisions. For that reason, we support the amendment.

New clause negatived.

Clauses 16 to 18 passed.

Clause 19.

The Hon. M. PARNELL: I move:

Page 23, after line 9—Insert:

(1aa) If either House of Parliament resolves that a declaration should be made under subsection (1) with respect to a development or project specified in the relevant resolution, the minister must act in accordance with the terms of the resolution (and no further assessment need or should be made for the purposes of that subsection).

I have a few remarks to make, but I will start with a question of the minister, if I may. How many express undertakings has the minister given to applicants for development approval under section 46(2)(b)? Under the major projects section, the trigger is the minister forming an opinion that, for the proper assessment of a development of major environmental, social or economic importance, the minister can call it in as a major project. However, there is an exception to that principle, that is, that the minister can give notice in writing to the proponent and, in that notice, give an express undertaking that the major project provisions will not apply to that development. So, my question to the minister is: how many of those express undertakings have been given to proponents?

The Hon. P. HOLLOWAY: I certainly do not recall whether there have been others involving previous ministers; we will have to check the records. However, there are really not all that many major projects that have been declared; it is pretty well known what they are. There is Hanson Bay, Bradken—

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: No, that's not a major project; there has been an application for it. In 2006 to date, the only declared proposal is the Bradken foundry. In 2005, there were four, that is, the Mannum Marina, Olympic Dam, Hanson Bay and the Narnu Waterway on Hindmarsh Island. In 2004, there was the Brompton concrete storage facility. In 2003 there were five declared (and this is all before my time): the Hindmarsh Square apartments, the Kalbeeba landfill, the Beringer Blass project, the Cape Jaffa marina and the Ceduna Keys marina. That is a total of 11 in the last three years, so it is not as though there is a huge number. Just to put those 11 over three years in perspective, about 50 000 development applications are lodged every year, so not many are major developments.

The Hon. M. PARNELL: I need to explain myself a little better. I thank the minister for that list of major projects. The purpose of my amendment is to provide an additional trigger for major project declaration. At present, the only trigger is effectively unfettered ministerial discretion. The minister forms an opinion that a project is of sufficient economic, environmental or social significance to call it in as a major project, and we have had a list of those called in. My amendment proposes that either house of parliament can also make such a declaration. In other words, the minister can call in as a major project but so too can either house of parliament.

My question was aimed at the minister's second reading response where he expressed some surprise that I had filed an amendment which reduced the level of development assessment procedure certainty by enabling either house of parliament to require a major development declaration. The minister said:

> Imagine the uncertainty created by the community and applicants not knowing whether parliament would make such a requirement, even though the minister had made a decision [not to declare it].

He went on to say:

> This means that a declaration could be made. even after a council had made a development decision, or even after an appeal had been decided. Imagine trying to raise finance on a proposal with this level of uncertainty.

That got me thinking when I read it, because I thought, 'Isn't that the situation that currently applies?' That is the situation, because the only restriction on the minister's ability to call in a major project is where the minister has given a written undertaking that he or she will not declare it a major project. That is situation No. 1. Situation No. 2 is that they have started work. In those two situations it cannot be declared a major project. It seems to me that if the answer to my first question that the minister has never given, or is not aware of having given, the undertakings referred to in section 46(2)(b), it would seem that every developer in the state who has their development approved by a council and by the Development Assessment Commission faces the level of uncertainty that, if they do not have in their hand a written undertaking from the minister, it is open to the minister at any time to call in that project, even though they have their approval and even though it might even have been fought out in an Environment Court battle.

I make that point because giving the authority to the parliament to trigger major development status does not create any extra level of uncertainty other than that there are two potential bodies to trigger major development status. The minister or the parliament could trigger it at any time. I am not sure that it would be fair to say that giving the parliament the role to trigger major development status is the death knell for certainty. In fact, I would have thought that any developer in this state, having got their development approval from the Development Assessment Commission or their council, would have a level of nervousness that it may get called in later as a major project. I find it surprising that the minister is not routinely giving these undertakings, but I do not believe this amendment adds at all to the level of uncertainty.

The example I gave in my second reading speech that has me putting this amendment before the council is the Penola pulp mill, which is a $650 million development creating 7 per cent of the state's greenhouse gas emissions, according to the proponent's own web site, and which is listed on government investment web sites as a major project encouraging people to invest in it, yet the minister did not see fit to declare it a major project for the purposes of the Development Act. The importance of that decision—or lack of decision—is that the only trigger in this state for formal environmental impact assessment under the Development Act—in other words, the only trigger for an EIS, a PER or a development report—is major project status as declared by the minister.

I would say that in very many cases the minister gets it right; appropriate developments are selected and the minister says, 'Yes, that is a major project; I will declare it,' but every so often really big projects go through without a declaration. So, the solution proposed in my amendment is for either house of parliament to effectively review that non-decision of the minister to call in the project, and parliament can call it in as well. It does not add greatly to the level of uncertainty that already exists, because the minister already has the power to call in a major project after a decision has been reached by the council or the DAC.

The Hon. P. HOLLOWAY: The Hon. Mark Parnell has almost turned the debate on its head from what is conventional wisdom. It seems to me as Minister for Urban Development and Planning that we are often criticised for using major development powers to avoid the usual sort of scrutiny. Last year this council passed the parklands bill, which specifically excluded the use of such powers for developments in the parklands, the assumption being that developments will go through the normal processes and that therefore, I assume, there will be more scrutiny, particularly public scrutiny, than there would be if the major projects determination was used. That is why I find the honourable member's logic somewhat surprising, because generally the criticism is in reverse: the government would be using these powers to avoid the usual means of assessment.

Obviously, the honourable member has based this on one case, namely, the Penola mill. If the council as the original authority had asked for DAC to be the approval authority, then DAC in making the assessment would look at the reports from government agencies in relation to whether or not this proposal would meet proper environmental guidelines. There are alternatives within the Development Act, and I think our major project section has worked reasonably well. As I have just indicated with those earlier examples, there have not been a great number, but I believe those projects warranted it.

One could argue about whether or not other projects should have been incorporated. The alternative route is that if section 46 of the act is not used then any project will have to go through the normal methods. If it is a project of large consequences, as opposed to a section 46 major project, it will still have to go through all the scrutiny. One could argue about the quickest route. It is not just time but, rather, statutory procedures have to be gone through whatever route the development application takes, whether through section 46 or the normal development projects. Either way there must be a proper assessment by the proper authority in relation to that particular decision.

For that reason, the government does not support the amendment, which would enable a major development to be declared after the minister had decided it was not appropriate, or after a council or DAC had made a development plan consent decision, or even after an ERD court appeal had been determined. It is at odds with the whole principle of the Development Act. I do not believe there is any evidence that the use of the major development powers under section 46 has been inappropriate.

The Hon. M. PARNELL: It is not inconsistent to take the view that I have taken in these amendments, but the minister correctly points out that the criticism of government goes both ways. Often the government is criticised for declaring something a major project when it is seen as a way of undermining the normal process, and that is because the normal process it is usually trying to undermine is a category 3 development where third parties have appeal rights. In the case of Penola, that was already undone by the interim operation rezoning, which declared pulp mills in that area category 2. Therefore, the public participation rights through appeals to the Environment, Resources and Development Court were lost at that stage. There was nothing left for the residents who were objecting to that project to lose. Therefore, it was appropriate to go through the most thorough process of environmental assessment possible.

I accept what the minister is saying in that the criticism is usually coming from the other direction, but in this case the criticism is aimed at the minister's failure to declare a major project, rather than the misuse of the major project provisions. When all that is put into the mixing pot, my amendment is calling for appropriate use of appropriate powers. It is consistent with what I was saying about interim development, and it has been consistent with amendments I have put into other parts of the act. I urge members to support this change.

The Hon. D.W. RIDGWAY: I indicate that the opposition will not be supporting the Hon. Mark Parnell's amendment. I have been here for 4½ years. While I know that the vast majority of members consider everything on merit, there have been occasions in this place where people have cast their vote on the basis of who they may or may not like or be friendly with on a particular occasion. I think it is very dangerous to go down the path of allowing either house of parliament to make that declaration. On that basis the opposition will not be supporting the amendment.

The Hon. SANDRA KANCK: I find it a somewhat fatuous argument to refer to one member—and I think we all know who we are talking about—in the previous parliament who was inclined to be a little off the rails on occasion when it came to decision making and therefore categorise every other member in this chamber in the same way. In relation to the comment that the Hon. Mr Holloway made about how the Hon. Mr Parnell had turned things on their head, Mr Parnell did address that. I know there are occasions when the environment movement has welcomed the declaration of something as a major project because they know, particularly if it involves an EIS, there will be a major opportunity for them to have input. This is really what this is about: it is about input, which is something that keeps on being missed in this whole process.

I ask the minister to let us know in the time that he has been the minister for this portfolio, with the many thousands of projects that come through—the various applications approved by council, and so on—how he goes about determining which ones will be given consideration for major project status? We know it is the minister's decision. The act is fairly silent as to how he goes about that. As the minister is in this chamber, and we are dealing with what I think is a crucial section of the act, could the minister advise how he makes that decision? There has been one so far this year. How did the minister come to pick out that one from all the other applications that have been dealt with in this state—and, for that matter, the five or six last year? How did he come to pick those from all the various applications and approvals that were taking place in this state last year?

The Hon. P. HOLLOWAY: The first point to make is that several criteria apply in relation to the declaration of a major project. Let me read out the exact criteria, as follows:

The minister may—

so, it is 'may'—

if of the opinion that a declaration under this section is appropriate or necessary for the proper assessment of a development or a project of major environmental, social or economic importance. . . by notice in the *Gazette* declare that this section applies.

So, the tests are that, first, it has to be necessary for the proper assessment of the development or the project and, secondly, it must be of major environmental, social or economic importance. In relation to the one project we have at the moment, the Bradken project, it is pretty obvious that it has environmental consequences and it is also in the tens of millions of dollars. In making a decision, obviously, I will seek advice in relation to this matter. Often a request will be made. I receive requests from time to time from the developers or major proponents—and, indeed, councils—seeking that we carry out an assessment because it is beyond their capacity to do so due to the scale and size of the project. Obviously, some of the smaller rural councils would not always have the capacity to be able to assess a multimillion dollar project that had those major economic, environmental or social consequences. So, it is a matter of judgment.

Obviously, I would seek advice on it. Certainly, with respect to the cases I have had to date, the first thing is that there would be some request for it to happen, as I said, either from the proponents or the council. I would then use those criteria to consider the project on its merits. I have not used it in that way but I am aware that, in the past, section 46 has been used to give an early 'no' to a project. I can give an example, I think, in relation to the Mannum marina. In the original project it was suggested that the development should be below the 1956 flood level. I made it clear that that aspect would not be contemplated. So, there is the capacity in using major projects to provide an early 'no' or to indicate early in the piece what may not be permitted.

I answered a question in this parliament some time ago when I said that my personal view in relation to the operation of major projects is that I think it would be undesirable if one were to grant this process, which might involve many hundreds of thousands of dollars of expenditure in preparing a statement, if it was likely that, for whatever reason, the project may ultimately fold. Of course, if it is part of an assessment project and it turns out that something unexpected arises and, as a result of that assessment, the project should not proceed, so be it. That will not always happen. It is my view that, before major project status is granted, there should at least be some prima facie examination of the facts to see whether there is anything that is likely to be a show stopper (as I call them) or whether there is likely to be some significant factor that would prevent the project. I think that should be taken into account in any decision.

It is a subjective process but, obviously, in relation to that criteria, first, it is necessary that an assessment process be undertaken, and then it has to be of major economic, social or environmental significance. Although that is a subjective judgment, I think it is pretty easy to see. Those projects involve $100 million or more (and, in the case of Roxby Downs, it is obviously a lot more than that). They are multimillion dollar projects, so they are of significant economic importance to the state. If they are foundries and that sort of thing, clearly, environmental issues need to be looked at and also, of course, social factors. Again, section 46 states 'the minister may'. Even though a project might be large economically, if it is within the capacity of another body, such as the council or DAC, to be able to assess that project, the minister may determine that it is not necessary to call in those projects. I hope that gives the honourable member some idea as to the thinking in relation to the decisions that have been made with respect to major projects.

The Hon. R.D. LAWSON: I have not participated in this debate so far, but I agree with the minister's comment that this is rather a left field proposal from the honourable member. I agree with the sentiment of the minister that, so often, major project status is apparently accorded to projects for the purpose of fast-tracking them and getting around environmental and other considerations, notwithstanding the fact that there are statutory criteria for the granting of major project status.

Here it seems that a rather suspicious mind might think that the honourable member is seeking to insert a provision into the legislation which would enable major project status to be used not for the purpose of fast-tracking or getting around requirements, but for actually stopping a development or blocking it. How does the honourable member envisage this will work? The minister has outlined the statutory criteria he currently has to comply with when he (or she) makes a declaration. Is it envisaged that parliament will be subject to any criteria at all, or would it simply be put into the political cauldron? If something is opposed by some group in the community, motions can be brought into parliament and, on what might be termed purely political grounds without any particular criteria, the resolution is adopted.

I am mindful of the fact, for example, that when the Legislative Review Committee examines regulations and recommends disallowance there is, in the standing orders, a set of criteria adopted from time to time by the committee. So it is simply not an unprincipled position; there are criteria. I suppose I am really asking the mover to indicate what criteria he would envisage that parliament would act on in relation to the exercise of this power.

The Hon. M. PARNELL: I thank the honourable member for his important question and his deep and ongoing interest in this subject—and I have always wanted to say that! In response to the question, I do not think it is out of left field, although I take it that the Hon. Robert Lawson has been reading the Planning Education Foundation of South Australia's Working Paper No. 7, Issues of Planning Law (Mark Parnell and John Hodgson are published in this) and the paper by Mr Parnell entitled, Fast-tracking Development; Approval Methods and Justification.

In fact, I do refer to the use of major development status as a method of fast-tracking, but where I disagree with the honourable member is that normally we say we are trying to stop things being called in as a way of subverting public process. Here I am talking about adding an extra trigger to call something in. However, what we always have to remember is that major project status is not a method of blocking it, because the decision-maker is the Governor. It is effectively a political decision, there are no appeals against major projects, so it effectively remains a government decision. The only thing the parliament has done is that it has triggered the process—and, as I said before, the only process that can require a formal environmental impact assessment.

In terms of the criteria that would be taken into account, I anticipate that the parliament would take into account the same criteria as the minister would—major social, economic or environmental significance. In saying that, I was tempted to put forward the model used in other states—that is, not to have statutory criteria but, in fact, have a list of the types of development that will trigger major project status. That is how it works in other jurisdictions; you go to the back of a piece of legislation and there is a list—oil refineries, major

chemical works. It is a bit like the list that we have in the back of the Environment Protection Act for licensable activities.

I have not gone down that path because it is fraught with danger, because not necessarily everything that requires an EPA licence, for example, requires major project assessment; it does not always require an EIS. So, as the member may have picked up, it is born out of some frustration, and it is a sample size of one (as the minister mentioned) because that is the case study I used, an example of a project that was crying out for this level of assessment. It has nothing to do with whether or not you are for or against a particular project; it is all about getting the appropriate assessment right.

I have said lots of times that I am not for or against the Penola pulp mill. I do not know enough about it, and the reason I do not know enough about it—even though I have heard all the evidence from angry residents and have read all the reports of the Development Assessment Commission—is that an EIS was not required because it was not called in as a major project. So, not enough research was done in order to make an informed decision and that is why, in the second reading speech, I pointed out the questions that the agencies were asking: the dioxins in the chimneys, the groundwater-dependent ecosystems that have not been assessed—we do not know what impact it is going to have on local wetlands. My call was for major project status to allow those unaddressed issues to be addressed.

The response, as I have brought it to this committee, is to say that if the minister does not see fit to declare a major project where it is clearly crying out for the declaration, then I have a proposal that says the parliament can also make that declaration. I am conscious that there are dangers in that; you could certainly get a malicious or vindictive parliament, or one that was not very sensible and was declaring a whole lot of things inappropriately, but at the root of this is that the judgment call made so far is that the minister will always do better than the parliament. I am not convinced that that is the case in many areas, so I am adding an extra trigger for major project status, and that is a declaration of either house of parliament.

The Hon. P. HOLLOWAY: I want to make one quick point, and that is that with the previous bill that passed on development assessment panels we made the point that we wanted to go through the process of having independent people on panels to depoliticise the whole decision-making process so that it was as objective as possible. I think it is rather ironic here that the honourable member is, in effect, seeking to politicise major projects by making them parliamentary issues. Some of these projects will always have a political dimension and, appropriately, there will be issues raised in parliament—that ought to be the case.

The decision-making, I would argue, is best left at that level. I would have thought that the last thing that we would want—and it would be totally contrary to the philosophy that this parliament expressed in its previous Development Assessment Panels Bill—is to let these issues come up to parliament and to make it a political issue every time there is something that may or may not be a major project.

The Hon. SANDRA KANCK: I want to explore a little bit more the questions that I asked through you before, Mr Chair. Listening to the minister's response, if I am correct—and I am paraphrasing him, and he can correct me if I am wrong—he depends on councils contacting him or his department to say, 'This is too complex for us', and at that point, the minister knows that this is something that might need to be classified as a major development. Do I have that correct?

The Hon. P. HOLLOWAY: The council is only one avenue by which it might be triggered. As I said, for various reasons proponents sometimes request these, and some have been made public because they might feel that the matter will not be dealt with properly through council for political and other reasons. It could also be agencies, whether it is the EPA, the Department of Water, Land and Biodiversity Conservation or the Department of Transport. Something in the discussions involving a department may signal that there are issues with a project. It might well be that the advice I seek from the department could also be a trigger. So, there are a number of ways by which these projects could become eligible for judgment as a major project.

The Hon. M. PARNELL: Whilst I welcome the question of the Hon. Robert Lawson, it did sidetrack me from the question that I had for the minister, which is along similar lines to Sandra Kanck's. The minister has elaborated a little, saying that there is a range of triggers in his mind. If the proponent or the council asks for major project status, I would have thought that—

The Hon. P. Holloway interjecting:

The Hon. M. PARNELL: Sure. It seems that, in most cases, the proponent would not be welcoming major project status because it almost inevitably means that they have to employ consultants to do an EIS. A proponent would usually be reluctant except, for example—

The Hon. P. Holloway: Remember, there are three levels.

The Hon. M. PARNELL: Sure; but some form of major project assessment. The flip-side, I guess, is the example of a prominent wine maker in the hills who was crying out for major project status because he could not get his development through Mitcham council and was calling for political help. I can see that the proponent's views may or may not be helpful. Similarly, the council may or may not be in favour of a project. Certainly, if they are not capable of dealing with it with their resources, they might call in and say, 'Minister, we think you should call this a major project.' The minister also said that they get advice from agencies. My question is: is there some systematic program that you go through whereby every application being assessed by councils, or every application before the DAC, is somehow gone through by Planning SA staff to look for a potential trigger for a major project? I think that waiting for the proponent or the council would not necessarily give you the right answer.

The Hon. P. HOLLOWAY: As I said earlier, there are something like 50 000 development applications that go through every year, and I think it is something like 98 per cent, or the vast majority, that are handled through delegation, I think, by the council because they are relatively straightforward. There are not that many projects that would be either economically large enough or have an economic impact that would be significant enough to warrant being in these categories. That is why it would be pretty silly to have some sort of formal filter process for 50 000 applications when there was really only one in 2005 that came through, even if you could argue that there should have been half a dozen. Those projects that are large enough or have a big enough economic impact will stand out. I would suggest that it is not really all that hard to pick out which projects are around the mark as far as eligibility is concerned.

The Hon. M. PARNELL: I am almost done with this clause, Mr Chair. Given all of the factors that the minister has referred to as being triggers for major project status, includ-

ing economic, social and environmental, why did he not declare Penola pulp mill to be a major project?

The Hon. P. HOLLOWAY: I think I answered that in parliament on 1 June. I made a ministerial statement which set that out.

The Hon. M. PARNELL: The minister made a statement about the plan amendment report that he brought in under interim operation. He have never told this council why he did not declare the $650 million project to be a major project.

The Hon. P. HOLLOWAY: The fact that DAC ultimately made a decision, I think, reinforces the fact that that project was properly assessed. Again, I refer the honourable member to the answer I gave on 1 June, when I made that statement as to the process I chose in relation to that issue.

The Hon. SANDRA KANCK: Without having that statement in front of me, could I ask the minister whether at any stage the Development Assessment Commission indicated to him that it might be worthy of major project status?

The CHAIRMAN: That is fine, but I must remind the committee that the matter before the committee at the moment is the amendment moved by the Hon. Mr Parnell. There has been fair and reasonable discussions so far..

The Hon. P. HOLLOWAY: I think that referring to a specific project is really not appropriate at this stage. We have an amendment here and I have given the government's view on that. What this amendment is saying is that either house of parliament should be able to declare a project as a major development. I do not think what happens with the Penola Pulp Mill is really relevant to the merits or otherwise of that particular amendment.

The Hon. SANDRA KANCK: I am very disappointed to hear that response from the minister. We have an amendment before us which, as he says, is about parliament having the capacity to effectively call a project in. We have been teasing out how it is that the minister is able to make this decision; what are the factors and so on that cause him, from time to time, to call a project in and say that it needs to be declared a major project.

The Penola Pulp Mill is an example of one that was not given major project status. Here is an example of one where, if this amendment was part of the act, parliament might have said, 'The parliament thinks, even though the minister has not declared it a major project, it is going to have enough social, environmental and economic impact to be declared a major project.' To just dismiss it in the way the minister has done, I think is devaluing what this argument is all about. We are attempting to find out, given that the minister is the font of all wisdom when it comes to that decision, how he makes that decision, and why some things do not make it into that category. It is actually a very important discussion.

The Hon. P. HOLLOWAY: I will just make one last point on this issue and then I think we have probably done it to death. Again, I point out that, under the criteria the minister has, as well as the major environmental, economic or social importance, there is the proper assessment provision. The minister has to declare it on the basis that it is necessary for proper assessment. That would be the judgment to be made, presumably, if this amendment is carried by the parliament. I suggest that the minister would probably be in a much better position to be able to determine that than the parliament at large.

Amendment negatived; clause passed.

Clauses 20 to 24 passed.

Clause 25.

The Hon. M. PARNELL: I move:

Leave out this clause and substitute:

25—Repeal of section 48E

Section 48E—delete the section

I do not know whether I am different to other members who, when they are outside this place, have a favourite law or amendment, or something they would like to get through (in their dreams) if they ever were to be elected to this place. I can tell you, this is my clause. I have waited for over 10 years, ever since I met with members of the then shadow cabinet, including Ralph Clarke and Annette Hurley and various other Labor dignitaries, and they promised me that they would repeal section 48E if they got into power—and I am still waiting.

I am addressing all members of the committee, but I am especially addressing the lawyers. This issue goes to the heart of proper governance. What we are talking about is something that is at the heart of the balance between the executive, the legislature and the judiciary. Section 48E is what is known as a privative clause. What it does is preclude judicial scrutiny of absolutely anything done in the name of a major project.

I know I have spent the last little while looking at extra ways of getting things declared as major projects but, once something is declared a major project, section 48E of the Development Act says that there is no way of challenging any decision. In fact, I will read the words because they are almost unique in their scope in South Australian legislation. Section 48E provides:

> No proceeding for judicial review or for a declaration, injunction, writ, order, or other remedy may be brought to challenge or question (a) a decision or determination of the governor, the minister, the major developments panel; (b) proceedings or procedures under this division; (c) an act, omission, matter or thing incidental or relating to the operation of this division.

That is as broad as they come. That privative clause basically says that there is nothing the government, or any related party, can do in relation to a major project that is challengeable in any way in the courts of this land.

If you were to walk down Rundle Mall and ask ordinary people in the street, 'Should the government have to comply with the law?' they would universally say, 'Yes, of course. The laws bind everyone. The government should have to comply with the law.' If you were then to ask people, 'If the government didn't comply with the law, should there be any redress; should there be any remedy?' I think most people would say, 'Yes, there should.' In our system, that level of remedy or redress is to be able to go to the Supreme Court on a judicial review. It is not an appeal. You would not be appealing against a major project. What you would be doing is going to the Supreme Court and saying, 'Some part of this process has not been undertaken according to law and we want the court to force the government to comply with the law of the land.' That is the usual process for judicial review. It applies in almost every sphere of public administration, yet it has been excluded from major project decisions by virtue of this privative clause in section 48E.

The privative clause features very prominently in the well-thumbed Planning Education Foundation of South Australia, Working Paper No. 7, in relation to fast tracking. It is an almost unique provision. When I wrote my thesis on this topic, I could find no other jurisdiction that used a privative clause in the way in which it was used in South Australia to exclude scrutiny of government decisions over major projects. I am not aware of any other state that has brought

in a provision like this. I think New South Wales has brought in some fairly draconian provisions that allow some ministerial decisions to go through without challenge, but I am not familiar with a clause as broad in its scope as 48E.

When this clause was introduced 10 years ago, in 1996, certainly, it was opposed by the conservation movement; it was opposed in this place by the Australian Democrats; and it was opposed by the National Environmental Law Association. In fact, I remember that it was Mr Brian Hayes QC, probably this state's most prominent lawyer, who assisted conservation groups in trying to urge first the government and then the opposition not to go down this path of a section 48E privative clause.

When this matter was debated in parliament 10 years ago, various assurances were given by the government saying, 'Well, we know it says you can't challenge anything to do with a major project, but it doesn't really mean that.' The argument, as it went 10 years ago, was to say that, if the government does something really illegal, such as halving the period of public consultation, of course you would be able to go to the Supreme Court and challenge such a decision. When I explored the court precedents, I found that the High Court in particular—

The ACTING CHAIRMAN (Hon. J.S.L. Dawkins): Order! The Hon. Mr Parnell is competing against several conversations. Honourable members will please give him the respect he deserves.

The Hon. M. PARNELL: Thank you, Mr Acting Chairman. When I explored the legal precedents, I found that the Supreme Court and the High Court will often bend over backwards to read down a privative clause to find some scope for the judiciary to be able to review administrative decisions. Yet, when clauses similar to 48E have been before the courts—and they have been before the courts in relation to people trying to challenge royal commissions, or trying to challenge casino licences—they have failed on every occasion.

The Hon. Nick Xenophon would be aware of the High Court decision in Darling Casino Ltd and New South Wales Control Authority (High Court decision, 3 April 1997). It related to two rival gambling bodies, with one wanting to challenge a decision. There was a privative clause in that legislation, and they lost. The High Court said, 'Well, yes, we like to try to read these things down, but if it is clear as day that, if the privative clause says 'no judicial review, no writs, no challenge,' you just cannot do it. I did not accept the argument 10 years ago that the privative clause did not mean what it said, and I do not accept the privative clause now.

The minister, in his second reading response, indicated that the government will not support this amendment. It was suggested that the amendment would primarily provide lawyers with an avenue to employ delaying tactics by seeking a judicial review before the Supreme Court on each and every major project development. I have a very simple question of the minister: in the 30, 40 or 50 years before this privative clause came into effect, how many cases of judicial review were there in relation to major projects in South Australia?

The Hon. P. HOLLOWAY: One thing I can advise the honourable member is that, even with the current provision in the case of the Kelbeeba landfill, the lawyers sought to challenge that declaration. In his speech, the honourable member said that, if you asked the people whether they thought the government should abide by the law, they would say that, yes, of course they would. However, if you asked them whether they think our legal system is always effective, do they think it always produces justice, do they think that judges always get it right, and do they think the legal system is too often used by people to avoid justice, rather than obtain it, I think you might get some interesting answers from the public.

It is one thing to say that people expect people to abide by the law; it is another thing to say that people have great faith in the system that dispenses justice. Anyway, that is enough of the philosophical. The government does not support the deletion of section 48E. The major development assessment path is the highest level of assessment over an extended period, and it has additional public exhibition periods. Therefore, I would argue that it is inappropriate for there to be legal delaying tactics available when competitors or other parties wish to take legal action in the interests of delay, rather than timely decision making within the procedures set by the act.

In regard to declaration and administration processes associated with section 48E, I believe it is more appropriate for parliament to question the actions of the minister of the day, if that is deemed warranted. That is a much better way, rather than opening the potential for years of delay through the courts, which might be all about delaying action and avoiding action rather than seeking it. While pointing out that a lack of judicial review provides a major competitive advantage to South Australia, I would indicate that the major development assessment provisions in the act set out a rigorous investigation process, public comment and proponent response requirements and release of all the reports in order to ensure that the interests of the community are protected. Yes, it is a unique provision, and I think it is one that provides this state with a competitive advantage.

It does preclude those judicial processes which are used so often by competitors or others to prevent the decision being made. The offset to removing the judicial review is that there are these additional processes—these additional levels of public consultation—and, therefore, the major project process can actually be longer than other processes. If a project goes through a section 46 major review it will take longer than if the process were to go through the normal processes unless, of course, that result were ultimately to be challenged. That I guess is the whole point. A fundamental part of the major development provisions in this state is the fact that judicial review is prevented. There are very few projects in that category, and I am certainly happy for any scrutiny to be made of all those projects and to know the reason why decisions were taken in those cases.

The Hon. M. PARNELL: I am somewhat surprised by what the minister says. I think what we have here is the spectre of litigation, which haunts *Hansard* much more than it haunts the courtrooms. The fact is that these provisions were not needed 10 years ago when they were brought in. The minister has not been able to identify any case of judicial review prior to 1996 that warranted the exclusion of judicial review via this section. It was an unnecessary provision back then. I am not familiar with the rubbish dump case that the minister refers to post 1996, but I dare say it was unsuccessful because of the privative clause anyway. I do not know whether it would otherwise have had any merit.

The value of a privative clause has much to do with the message it sends to the community. Even if judicial review and power to hold governments accountable to comply with the law are seldom invoked in practice (and, in the case we have here, never invoked in practice that anyone has been able to point to me), it is one of those legal provisions that is

a silent sentinel. It is one of those provisions that sit there in the background, potentially able to be used to keep governments accountable, and we get rid of those sorts of provisions at our peril. Those silent sentinels keep governments accountable, and they make tyranny and the abuse of power much less likely.

I am not at all convinced that this debate should focus only on some mythical message to business people about whether or not South Australia is a good place to do business or we have difficult hurdles to overcome. I think it is all mythology and that what we have seen is an ill-conceived provision. Labor promised to me and several others in our delegation from the conservation community that when it got into government it would repeal this, so I am maintaining my amendment and I urge all members to support it.

The Hon. NICK XENOPHON: I indicate my support for this amendment. I note that the government and, I presume, also the opposition are concerned that this will unduly slow down development applications, particularly where a developer is behaving in a way that is frivolous or vexatious in order to slow down a rival's development plan. My view is that that could be remedied by adopting the same sorts of approaches as the courts use with respect to injunctions, where you give an undertaking to pay damages, particularly in the context of a frivolous or vexatious proceeding—or maybe a lesser standard than that.

It is important to support this amendment because, if an action can be brought by way of judicial review because there has been a fundamental defect in the process, then not to allow that to occur seems to be fundamentally unfair. I think the minister touched on this in one particular case. I ask the minister whether he is aware of two things. How many cases have there been in the years when there was not an opportunity to bring judicial review applications before the courts? Secondly, given what the Hon. Mr Parnell said about his understanding when he researched this a few years ago, do other states have provisions that allow judicial review in the sorts of circumstances, broadly speaking, that the Hon. Mr Parnell is foreshadowing? If the minister cannot provide that answer now I would be assured enough with an undertaking from the minister to provide it in writing in due course, no doubt to be copied to the Hon. Mr Parnell and others who are interested.

The Hon. D.W. RIDGWAY: The opposition will not support the Hon. Mr Parnell's holy grail of amendments. I am reminded of an incident in my local community (and I will not name the parties involved), where a number of people were opposed to a development and the only course they saw open to them to frustrate the whole process was the legal route. In the end it sent a number of people broke. I do not believe it resulted in the right decisions being made, and it was a classic example of the lawyers taking a great big chunk of money out of the community and not delivering a good outcome to that community. The opposition does not support the amendment.

The Hon. P. HOLLOWAY: In relation to the Hon. Nick Xenophon's question, we do not have the information in relation to the number of major projects under previous legislation where judicial review applied and where it was taken up. Certainly, what I can say is something along the lines of what the Hon. David Ridgway said. There are plenty of examples where development applications go through under the ordinary provisions of the Development Act, where the legal system is used to frustrate; often it is competitors seeking to prevent development rather than anything to do with good planning, justice or anything else. There are plenty of examples and the ERD Court is full of examples of instances where the courts have been used to frustrate development for anything other than good planning reasons. One would not have to look very hard to find examples.

The committee divided on the amendment:

AYES (4)

Bressington, A.	Kanck, S. M.
Parnell, M.	Xenophon, N.

NOES (13)

Dawkins, J. S. L.	Evans, A. L.
Gago, G. E.	Gazzola, J. M.
Hood, D. G. E.	Holloway, P. (teller)
Hunter, I.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Ridgway, D. W.	Wade, S. G.
Zollo, C.	

Majority of 9 for the noes.

Amendment thus negatived; clause passed.

Clause 26.

The Hon. P. HOLLOWAY: I move:

Page 25, after line 10—

Insert:

(3) Section 49(22)—delete subsection (22) and substitute:

(22) For the purpose of this section, the Institutional District of the City of Adelaide is constituted by those parts of the area of The Corporation of the City of Adelaide that are identified and defined as—

(a) the Institutional (Riverbank) Zone; and

(b) the Institutional (Government House) Zone; and

(c) the Institutional (University/Hospital) Zone,

by the Development Plan that relates to the area of that council, as that Development Plan existed on 1 February 2006.

This morning I filed a technical amendment to the Development Act relating to the Adelaide parklands. I have also distributed an explanation of this amendment and a map of the area concerned. This amendment seeks to change the names referred to in the Development Act to align with the terminology in the current Development Plan for the City of Adelaide rather than what was in operation on the date that the Adelaide Park Lands Act was debated. This is a technical matter, and it does not change the boundaries of the area concerned.

Amendment carried; clause as amended passed.

Remaining clauses (27 to 30) passed.

Schedule.

The Hon. P. HOLLOWAY: I move:

Clause 7, page 29, line 21—Delete '48' and substitute: 46

This amendment is of a technical nature and merely corrects the Development Act reference relating to sections 46 to 48 inclusive.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Clause 7, page 29, line 29—Delete '48' and substitute: 46

The same argument applies to both these technical amendments. They merely correct the Development Act reference relating to sections 46 and 48 inclusive.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

GEOGRAPHICAL NAMES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 September. Page 675.)

The Hon. A.L. EVANS: I rise to support the second reading of this bill. The Geographical Names Act, which came into force in 1992, provides a process for determining and assigning names to places in South Australia. Under the substantive act, the minister is given power to assign names to places, to approve a recorded name of a place as its geographical name, to alter a geographical name and to determine whether use of a recorded name or a geographical name is to be discontinued. Section 6 of the original act provides that the minister must, in carrying out functions under this act, take into account the advice of the Surveyor-General and the committee. The committee referred to in section 6 is the Geographical Names Advisory Committee.

It is now proposed that we disband the Geographical Names Advisory Committee. We are told that the advice of the Surveyor-General is sufficient, and that the further burden of consultation with the committee is causing unnecessary delays in dealing with naming proposals. A related amendment in section 11B of the principal act allows for a simplified process to making minor changes to suburbs and local boundaries that may occur in instances where, for example, there is a land division. In essence, it would appear as though paragraph (8) of the amendment would abrogate the need for the government to canvass for community input in cases where the changes are only minor. Many people would be upset if changes to electoral boundaries were made for political purposes, although we are assured that this will not be the case.

Family First supports measures that increase the efficiency of our government agencies. We are told—and we are obliged to accept the government's assurances—that these measures will increase efficiency, save taxpayer dollars and increase the speed of dealing with naming proposals. We understand that the opposition supports the bill. I also indicate Family First's support for these amendments, which appear to be commonsense.

The Hon. SANDRA KANCK: This bill does not seem to excite a great deal. It appears to be putting out of existence a committee that has existed in name only for a number of years. I have received only one submission in relation to this bill, and it was from a member of the public with a passionate plea for the return of the apostrophe. I can see people raising their eyebrows, but this man was talking about the procedure that has occurred over a number of years where we have ever so slightly changed the name of various geographical locations—such as Cooper's Creek becoming Cooper Creek and Light's Pass becoming Light Pass, and so on.

There are certainly a lot of people out in the community who do not like that way of, in effect, revising history. This particular person suggested that, if we were to return to the use of the possessive with such names, it may even be a way of teaching young people how to use apostrophes. However, I indicate Democrat support for the bill and have only one question. With the disbanding of this committee, how will names for different geographical locations be determined in future?

The Hon. P. HOLLOWAY (Minister for Police): I thank honourable members for their contributions and indications of support. In relation to the question asked by the Hon. Sandra Kanck, my advice is that it will now be done in direct consultation with the communities concerned. However, if the honourable member wishes to go into that any further, we can perhaps do that during the committee stage. Again, I thank honourable members for their indications of support.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 9.50 p.m. the council adjourned until Wednesday 27 September at 2.15 p.m.