HOUSE OF ASSEMBLY

Tuesday 23 March 2004

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Liquor Licensing (Miscellaneous) Amendment,

Statutes Amendment (Computer Offences),

Summary Offences (Consumption of Dogs and Cats) Amendment,

Zero Waste SA.

DISTINGUISHED VISITOR

The SPEAKER: Honourable members, I draw your attention to the fact that in the gallery we have in our presence today a distinguished visitor in the person and, more particularly, the leader of a delegation from the Indonesian parliament. Mrs Sitti Nurhajati Daud is Secretary-General of the House of Representatives of the Republic of Indonesia, and she is present with her officers. Honourable members will be aware that this distinguished delegation is here in order to study ways in which evolution and reform of constitutional processes can be more effectively and expediently undertaken in democracies.

ROYAL OPENING OF PARLIAMENT, 50TH ANNIVERSARY

The SPEAKER: Honourable members, I draw your attention to the fact that this day, 23 March 2004, represents the 50th anniversary of the occasion of the opening of the Second Session of the Thirty-Fourth Parliament by Her Majesty Queen Elizabeth II. I understand that this occasion was considered of major significance at the time by the people of South Australia. I recall it. The President of the Legislative Council has arranged a small exhibition of photographs and documents which may be of interest to honourable members and can be seen where it is mounted in the corridor outside his office.

The Legislative Council standing orders were amended at the time to provide in 1954 for the opening by our sovereign, as well as to provide the position of Usher of the Black Rod, who is the escort in the upper house of the sovereign or the sovereign's representative. Apparently members had to vacate certain offices to enable the royal administration to assist with the organisation of the occasion. Special carpet was commissioned for the front steps and the table of the Legislative Council was removed to enable a dais to be placed in position below the chair in which Her Majesty was seated. Her Majesty noted on the occasion in her opening speech:

> It is now 97 years since your citizens first enjoyed the benefits and privileges of responsible government. During that time, you and your predecessors have faithfully maintained the traditions, the spirit and the practices which you inherited from the mother of parliaments at Westminster.

I am happy to be able to now report to the assembly that those traditions have been faithfully maintained for the last 50 years and we continue to enjoy the security and prosperity provided for us by a system which has delivered a stable government in a peaceful and law-abiding community. To mark the importance of the occasion, I would invite the assembly to join with me in adopting a draft resolution to Her Majesty to be forwarded through Her Excellency the Governor and which I now, for the benefit of the house, state:

> To The Queen's Most Excellent Majesty:
>
> May It Please Your Majesty:
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> We, the members of the House of Assembly, desire to convey to Your Majesty our allegiance on the occasion of the 50th anniversary of the visit of Your Majesty and His Royal Highness The Prince Philip, Duke of Edinburgh to South Australia and of the opening of the Parliament of South Australia by Your Most Gracious Majesty.
>
> Your Majesty's Visit was an occasion for great rejoicing and is fondly remembered by the people of South Australia to this day.
>
> We take this opportunity of reaffirming our loyalty and devotion to the Throne and Person of Your Majesty.

I invite any member who wishes to move the adoption of that address to be forwarded to Her Majesty the Queen.

The Hon. G.M. GUNN (Stuart): I am very happy to move:

> That the motion be adopted.

An honourable member: He was there at the time!

The SPEAKER: Order! It is entirely appropriate for the former speaker to move such a motion. Interjections are out of order.

The Hon. G.M. GUNN: This is an important occasion for those of us who believe in our system, which has a constitutional monarch. Our current Queen has served this country and all people who live in her realm with distinction and has given great service to the British Commonwealth. I think it appropriate that this institution note that service, and it would be appropriate, Mr Speaker, if you personally delivered the message to Her Majesty.

The SPEAKER: I would be delighted to do so.

The Hon. M.D. RANN (Premier): I think all of us have been swayed by the eloquence of the honourable member opposite in moving this motion. I think it is also apposite for us to pay tribute to the work of Her Excellency the Governor of South Australia, Marjorie Nelson Jackson. I think her work efforts throughout the state in building bridges between generations and reaching out to all people in our community have been exemplary, and no-one could have expected more from a governor than we are currently experiencing through the tremendous work of Her Excellency the Governor. So, I take this opportunity to say thank you, on behalf of every member of parliament and, I am sure, all the people of South Australia, to our Governor for her tremendous contribution to the fabric of our state.

When you think about it, the role of governor is non-partisan with bipartisan support, and long may that position endure, because she is able to represent all the interests of South Australia. As I move around and go to places where the Governor has visited and has been involved in functions, the level of esteem and, indeed, love in which the Governor is held in this state I think exceeds that of any of her predecessors.

Mr BRINDAL: I rise on a point of clarification, Mr Speaker. The member for Stuart moved the motion. Do I take it the Premier is seconding the motion? If he does not, I will.

The Hon. M.D. RANN: It was seconded by Mr Brindal, and I was speaking to it, sir.

The SPEAKER: As the house pleases; let the records show accordingly.

Motion carried.

ABBOTT, Hon. R.K., DEATH

The Hon. M.D. RANN (Premier): I move:

That this house expresses its deep regret at the death of the Hon. R.K. Abbott, former minister and member of the House of Assembly, and places on record its appreciation of his long and meritorious service; and that, as a mark of respect to his memory, the sitting of the house be suspended until the ringing of the bells.

Today I honour the contribution to public life of the late Roy Kitto Abbott, known to me and many of his friends as Bud. Roy passed away peacefully at home last Friday aged 76 years.

Roy first won the seat of Spence in 1975, and held the seat until 1989 when he retired from parliament. His shoes were ably filled by my colleague the Attorney-General, who became the member for Spence and is now, of course, the member for Croydon. Roy Abbott was born in Jamestown on 30 August 1927 and went on to attend Jamestown High School. Before entering parliament, he was proudly involved with the union movement. In the early 1960s he held a number of positions with the vehicle builders union, becoming state secretary in 1970 and federal vice-president in 1974. He had been a shop steward at what was then Chrysler for eight years. He was vice-president of the United Trades and Labor Council from 1974 to 1975, and then president the year after that. He was five times a delegate to the ACTU.

I first met Roy Abbott in later 1977 when he was a backbencher. He was certainly described by the then premier, Don Dunstan, as a stalwart of the Labor Party and the Labor movement—totally loyal, always putting the ALP and the Labor movement first. He was also a great friend of the late Jack Wright and he was well liked by all his colleagues. Roy's first ministerial appointment was minister for community welfare in 1979 in the Corcoran government, and the then premier, the late Des Corcoran, described him as a 'compassionate man'. In a newspaper report just after his appointment, Roy himself described his empathy for those struggling to find work. He said:

I was once unemployed myself when I worked in the motor industry.

I appreciate the circumstances and the feelings that the families suffer.

I think the worst thing that can happen to any person is to take away their livelihood.

During his ministerial career, Roy held the portfolios of transport, marine, repatriation, forests and lands, and he was very much a protege of the late Mick Young and Keith Plunkett and a great friend and colleague of people such as Jack Wright.

In fact, when Roy was transport minister in the Bannon government, a plan emerged to tackle motorists who ran red lights. In 1984, the *Advertiser* described it in this way:

A sophisticated camera to photograph motorists who run through red lights will be tested at intersections in Adelaide soon.

During his time as transport minister he also oversaw the sealing of the Stuart Highway, a major infrastructure project for our state. However, I think it is fair to say that one of Roy's great passions was football, especially the South Adelaide Football Club—and I know a number of other members here share Roy's passion. It was Roy who signed me up as a member of the Panthers, and I understand he also introduced the member for Reynell and the Minister for Environment and Conservation to the Panthers.

Roy, of course, played 73 league matches with the mighty Panthers between 1947 and 1954, mainly at centre half-back. I am told that one year he was good enough to have made the state training squad. He was the club's No. 1 ticket holder from 1984 to 1992 and was club president from 1992 to 1996. In fact, as club president it was Roy who signed me up as a vice-president of the South Adelaide Football Club, and on many occasions he hosted me and also the Minister for Environment and Conservation, the member for Reynell and the Federal MP for Kingston David Cox at Panthers games. Indeed, the Deputy Leader of the Opposition has been with us on a number of occasions with Roy at Panthers games, and I know that the Deputy Leader of the Opposition is also a Panthers fan.

During his time in the leadership of the South Adelaide Football Club, he was heavily involved in moving the Panthers from Adelaide Oval to Noarlunga. After his playing career, he coached the reserves and the senior colts, as they were then known at the club. He is remembered as a fair coach, truly one of the boys, a popular man in all walks of life. People at the South Adelaide Footy Club remember him as a dedicated and loyal supporter, someone who had football in his blood. The Panthers will honour his commitment to the club during their first round game against West Adelaide at home on 3 April. Roy was also involved in coaching at the Goodwood Saints Football Club of which he was a life member.

On behalf of all members I would like to pass on my sincerest condolences to Roy's wife, Lois, his three children and seven grandchildren. Roy will be remembered as a great guy, a real union man, a real Labor man, someone who loved his footy, a good and decent family man, and a good mate.

The Hon. R.G. KERIN (Leader of the Opposition): On behalf of the Liberal Party I second the Premier's condolence motion and express our regret at the passing of the Hon. Roy Abbott, a former minister of the Crown. I wish to place on the record our appreciation for his distinguished public service. Mr Speaker, I ask that you convey to Mr Abbott's family (his wife, Lois, and his three children) our deepest sympathies and our appreciation for the contribution he made to the state following his election as the member for Spence on 12 June 1975. In those days, Spence was a strong Labor seat, traditionally a working-class area which covered the suburbs of Woodville Gardens, Ferryden Park, Kilkenny and West Croydon, where Mr Abbott lived for many years.

Like myself, Mr Abbott was born in Jamestown, although there were a few years between us. Jamestown has produced many great products over the years, and Roy was no exception. He was a man of many trades. His former positions included time as the State Secretary of the Vehicle Builders Employees Federation of Australia and President of the United Trades and Labor Council. He was also a member of the VBU for 26 years and a shop steward at Chrysler for eight years. As the Premier said, he was a very keen sportsman, playing for South Adelaide from 1947 to 1953. He must have greatly regretted the fact that he spent so many years supporting that club without a lot of success. I think 1963 was the last premiership for the club, so it has been a very long wait. It is people like Roy Abbott who have remained faithful for that period of time who help.

An honourable member interjecting:

The Hon. R.G. KERIN: 1983. Roy was a JP with experience in industrial legislation and workers' compensa-

tion. His first portfolio responsibility was community welfare in Des Corcoran's cabinet. He was described at the time by Mr Corcoran as the 'compassionate face of the cabinet', while an article in the former afternoon daily, *The News*, was headlined 'The man who cares for you'. Mr Abbott was very concerned about alarming increases in unemployment at the time. He regarded unemployment and its effects as the single greatest area needing the government's attention at that time.

As a father of three, Roy was particularly concerned with the needs of youth. In his first days as a cabinet minister, he made it a priority to meet with the PSA to draw up proposals and guidelines for training programs and a centre for troubled youth. His focus in the portfolio was to push for resources to improve welfare services. He kept his department on its toes, finding areas which had the greatest need so that funding could be directed to those areas and put to the best use. While he was often seen as the compassionate face of the cabinet, Roy Abbott was never afraid to stir the pot on many issues, especially during his time as minister for transport when he was particularly outspoken and controversial.

Following their success in Melbourne, a number of sophisticated new cameras were brought in to curb the poor record of Adelaide drivers' behaviour at intersections controlled by traffic lights. *The News* took a strong stance against these so-called spy cameras at traffic light intersections, until in 1984 Roy Abbott launched an attack on the paper. *The News* then retaliated until John Bannon, the then premier, stepped in to smooth the waters. Apart from his ideals regarding red light cameras and photo ID driving licences, Mr Abbott was responsible for ordering 20 new super trains for Adelaide's commuter services valued at $23 million. Under Mr Abbott, controversial new tow truck legislation was introduced to regulate towing companies, and he also called for a report into phasing out Adelaide's two-plate taxi system.

As we have heard today, Roy Abbott was nothing if not active in his portfolio, so it was a surprise when, one day in July 1985 while inspecting the progress of shoulder sealing on the Stuart Highway, he took a call from Premier Bannon. Roy was most disappointed to learn that he was to lose his transport portfolio in a cabinet reshuffle. He lamented that there was simply not enough money to implement the changes that he wanted, and he sagely remarked that it was hard to satisfy everyone without sufficient funds. I think most of us would still agree with the sentiments he expressed. However, he embarked upon his new portfolios of lands, marines, forests and repatriation with vigour. When he retired from political life in 1989 Roy Abbott had every justification for feeling satisfied with the work he had done as member of parliament and as a minister of the crown. His love for life and enthusiasm continued past his retirement from politics, and I am sure all members present will join the premier and me in paying respect to the late Mr Abbott and acknowledging the very worthy contribution that he made to our state.

The Hon. M.J. ATKINSON (Attorney-General): I also rise to honour the contribution to public life of the late Roy Abbott. Roy was born on 30 August 1927 in Jamestown, where he grew up. As a young man he played league football for the South Adelaide Football Club, mainly on the half-back line. Roy was a union man and after being employed in the vehicle building industry he went on to be an organiser, vice president, assistant state secretary and secretary of the Vehicle Builders Employees Federation of Australia, SA Branch. He was also a federal vice president: Roy was also vice president and president of the United Trades and Labor Council. Roy entered parliament on 12 July 1975 for the north-western suburbs electorate of Spence. Roy battled at five elections, each time being returned in what was, and still is, a Labor stronghold. During his 14 years as the member for Spence, Roy served for some of that time as a minister in the Corcoran and Bannon governments.

Roy lived in Robert Street, West Croydon, as did his predecessor Ernie Crimes, who lived at the Croydon end of that street. Ernie's predecessor, Cyril Hutchens, lived a few blocks away on Port Road at Croydon, next to the Godfrey's bulk store. Cyril's predecessor, John McInnes, who was a member from 1918 to 1950, also lived in Robert Street. When I was preselected and elected I lived a street away from Roy on Henry Street, Croydon. So, all the members from 1918 to the present lived within a small, charmed circle in the electorate.

Members interjecting:

The Hon. M.J. ATKINSON: Yes; one has to live in a particular area. Roy was first appointed to the ministry on 15 March 1979 as minister for community welfare. Roy later served as minister for transport, marine, repatriation, forests and lands. The legacy from Roy's days as a minister can still be seen: as minister for transport he oversaw the completion of the O-Bahn and the sealing of the Stuart Highway, the state's biggest road project. He introduced photographs on drivers' licences and he initiated reforms to the taxi industry—a brave man. He oversaw the Adelaide Railway Station redevelopment and the modernisation of Adelaide's train fleet.

Roy had a memorable public battle after he introduced red light cameras. He was criticised by *The News* for introducing what it called 'spy cameras' and, instead of shying way, Roy gave a no-holds-barred speech to the house in which he called *The News* 'a grubby little newspaper'. At the time, premier John Bannon described the treatment Roy received from *The News* as 'a caning', but said that Roy had given as good as he got. Roy and I supported one another in the Spence East ALP sub-branch. When I was elected sub-branch secretary, I can recall reporting to him in his humble ministerial office in what was then the Old Treasury building and is now the Medina Grand, Adelaide.

Roy was a patient man. He had what I think was the misfortune to have the previous member, Ernie Crimes, attend every sub-branch meeting and sit in the front row and dominate each meeting. Roy copped a lot of curry from Ernie and also from our redoubtable sub-branch tyler—we were the only sub-branch in the state to have a tyler—Fred Prato.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: Yes, as the member for Unley says, there was a brief period of left wing rule in the Spence branch but it was snuffed out very quickly. In fact, Roy was a bit concerned when we increased the membership of the sub-branch from 75 to about 310, but he was happy with the results.

Roy organised the eastern end of Mick Young's Port Adelaide Labor machine. He was a very effective organiser of—

An honourable member: Stacking branches.

The Hon. M.J. ATKINSON: No: of how to vote card distribution, leaflet distribution, and the wiring up of the corflute posters. I have fond memories of Roy's wife Lois, along with my wife and others, organising the kitchen to run refreshments to our helpers on the polling booths. Indeed, it

was that great standard of refreshment that our polling booth workers always got in the Spence sub-branch that meant that they came back year after year to work for us. Roy was the organiser of a very good machine and I was lucky to inherit it, particularly his friends on the Hindmarsh council. Our sub-branch has been running candidates for local government elections since 1891, and we are not apologetic for our involvement in the Corporation of the City of Hindmarsh. We simply have a different custom and tradition from some other areas of the state.

Roy will be remembered as a fine Labor man, as a family man and as a gentleman. He will be remembered by us all, and my sympathies go to his wife Lois, to his children and to his grandchildren.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I pass on my condolences and sympathies to Lois and the family of Roy, or Bud Abbott. He was a friend of mine. I sat with him in this house from 1975 to 1985 and, in fact, I happened to be the shadow minister for transport while he was minister for transport.

An honourable member: You didn't lay a glove on him!

The Hon. DEAN BROWN: Well, he was replaced as transport minister in 1985. The one thing I always enjoyed about Roy was that he was willing to sit down, listen, discuss and work through issues. I particularly remember a long series of discussions that we had about the *Island Seaway*, which was to be the new replacement vessel from Adelaide across to Kingscote.

The Hon. M.J. Atkinson: Still going well in Malta.

The Hon. DEAN BROWN: Well, my best wishes to the Maltese, because it was a vessel that was not suitable for the run from Adelaide to Kingscote, and I think everyone realised that. I had many discussions with Roy about the *Island Seaway* and I had numerous discussions with him on other matters, including controls on tow trucks. At all stages Roy was an absolute gentleman and, as I said, very willing to try to work through and deal with the issues and come up with the best solution.

I also always appreciated his generous and very warm hospitality at the South Adelaide Football Club. I worked with Roy prior to the 1993 state election in looking at what might be provided by way of suitable club facilities down at Noarlunga, and I worked very closely with him as premier immediately after that, and I think that we built facilities down there which the community of Noarlunga and surrounding areas badly needed. I think that Roy always looked at what he could do for developing areas such as Noarlunga, and I was delighted to see the way they brought the South Adelaide Football Club to Noarlunga at the same time as trying to build on community facilities.

I had ongoing friendly discussions with him on numerous occasions when I visited South Adelaide and I acknowledge the tremendous leadership that he gave to the South Adelaide Football Club, the support that he gave to football in so many ways, and the support that he gave to thousands of South Australians by representing them in this parliament and working hard for them, both as a member and minister. It is with very fond memories I think back to my time with Bud Abbott. I pass on my best wishes to the family and our deepest thoughts to the family and Lois, in particular.

The Hon. J.D. HILL (Minister for Environment and Conservation): I join this debate to pass on my condolences to Bud Abbott's family and friends. I have known Roy for approximately 20 years. I met him when I was working here and with the Labor Party some 20 years or so ago. Bud was a great working class bloke—I think that would be the best way to describe him—and in his life he achieved a great deal. Much has been mentioned about his life, so I will not go through the highlights. We have heard about his union days, his days as an MP and a minister, particularly in the area of transport—and if members look through the records, they will see that he achieved a great deal in the three or four years he was the minister for transport—and his time with the South Adelaide Football Club, which he dearly loved. It was in the context of the South Adelaide Football Club that I got to know Bud best as President. Between 1992 and 1996 he took a leading role in the movement of the South Adelaide Football Club into the Noarlunga district, as the deputy leader has already mentioned. That took a lot of effort. It was a difficult time and stressful for the club and I think Bud managed that extremely well.

He was a great and enthusiastic supporter of the South Adelaide Football Club. The fact that they did not win too many games, I suppose, was disappointing to him but it did not reduce his ardour for the club and his enthusiasm for its great achievements. Bud was a great socialiser and he loved the social life of the club.

The Hon. R.G. Kerin interjecting:

The Hon. J.D. HILL: It was a thrill when they won, as the leader said. Bud loved the social life of the football club, the Labor Party, the union movement and the parliament. I remember when I worked in here in the mid 1980s, when Bud was still a minister, after question time one of his staff would bring down to his office on the lower ground floor a plate of Sao biscuits covered with sardines and raw onions, which was the basis of his afternoon refreshment. He had that kind of gritty approach to life and I think those strong tastes applied right throughout his life. His visitors in the afternoons probably enjoyed it as much as he did. I pass onto Lois and his family my sincere condolences on this very sad loss.

Mr MEIER (Goyder): I, too, wish to pass on my condolences on the passing of Roy Abbott and endorse the comments made by the previous speakers. I found Roy to be a true gentleman. As a newcomer into parliament at the time, I suppose I was overawed in many ways but Roy sought to make me feel more at home and indicated to me early on that if there were things that I needed for the electorate he would see what he could do.

One thing I certainly appreciated from him was that when he visited the electorate he always let me know well ahead of time. In addition, he said, 'John, make sure you are available to accompany me,' and I remember on one occasion he said, 'John, will you accompany me in the ministerial car? I would be happy if you came around with me.' Unfortunately, I believe a lot of that has disappeared or is not seen very often today. I will never forget Roy—

Members interjecting:

Mr MEIER: I hope that in relation to every visit from now on that will be the case. I appreciated that from Roy and I learned a lot from him about how to treat people who were not necessarily members of the government, but on the opposition side. The one thing that really showed me how Roy worked was when we needed a lighted buoy off the coast of Edithburgh. The federal government had taken a buoy away from that area and it was a real danger to shipping and to yachts that went from Adelaide to Port Lincoln, particularly. I joined with the then member for Semaphore, Norm

Peterson, and the then member for Flinders, Peter Blacker, in making a deputation to Roy Abbott.

I well remember that deputation because a couple of advisers were present and we put our argument as to why the buoy was so essential and we could hear the advisers saying, 'No, minister, you can't have that. Economies are such that it would be a waste of money. Absolutely unnecessary.' Together, Norm Peterson, Peter Blacker and I argued, and Roy said, 'I believe that we need a buoy.' The bureaucrats said, 'No, minister, definitely not.' Roy said, 'I reckon we definitely have to have one.' They said, 'It is too costly minister.' He said, 'What about a second-hand buoy?' They said, 'We hadn't thought about a second-hand buoy.' Roy said, 'Surely they must be around.' They said, 'Yes, minister, they must be.' He said, 'Right, deputation, you will get your buoy. It will be a second-hand one,' and we said 'Thank you very much.' I guess it has saved many lives over time. It is always sad when someone passes on, and I, too, express my condolences to his wife Lois and family.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I would like to make a few comments in support of the motion. As previous speakers have said, Roy Abbott was recruited from Jamestown to the South Adelaide Football Club, I think by Frank Tully, and he went on to play league football from 1947 to 1954. He played 73 games and, as the Premier said, he was selected on one occasion for the state squad.

One of Roy's favourite stories about his playing days, if not his most favourite, was often told after a few beers. He played full back as well as centre halfback. One of his favourite stories was bragging about the day he had 33 kicks from full back. He went on to say that Norwood kicked 33 behinds on that occasion, and that is where all his kicks came from. Later, he coached the reserves and senior colts at the South Adelaide Football Club. As has been said, he was a life member of the South Adelaide Football Club. From 1984 to 1992 he was the club's No. 1 ticket holder. From 1992 to 1996 he served as president of the South Adelaide Football Club. He was one of the key advocates lobbying governments of both major political parties to enable South Adelaide to move into its new premises at Noarlunga. That was a pivotal move by the South Adelaide Football Club.

One interesting story I can tell. The Premier referred to my father and Bud. I well remember going regularly to the football with people like Geoff Virgo, Bud Abbott, Mick Young and my father when South Adelaide and Norwood used to play. Members may not be aware that Mick Young was a convert to Port Adelaide. He never said so, but he was a supporter of the South Adelaide Football Club, and that stemmed from the days when he lived in Port Pirie and he was a great mate of Graham Christie, who used to play for South Adelaide. I well remember going to matches that South Adelaide and Norwood played. No-one could get a word in because Geoff Virgo was clearly the loudest and most abusive, as we have said previously. No-one could barrack more resolutely for his team than Geoff Virgo, but Bud Abbott was not far behind him. In fact, I think his catchcry was 'Go panthers!'

As has been highlighted, Bud Abbott had a long and distinguished career with the Vehicle Builders Union. I do not need to go back through that because other members have spoken about it. In the trade union movement, there can be no higher accolade than for someone to go from shop steward to the secretary of their respective union. Bud was able to achieve that before going into the broader public life of being a member of parliament and then, of course, ultimately a minister of the Crown, and those details have been provided.

I guess it would be fair to say that Bud Abbott was a real character. He was an absolute gentleman, as previous speakers have already said. He was extremely loyal. In fact, whether or not Bud Abbott agreed during the process of reaching a position, once that position was reached you could not have a more loyal supporter. Obviously, he was loyal to his electorate and to all South Australians.

I could perhaps best define him as a working class man who went on to become the secretary of his union and then, of course, into the broader public life as a member of parliament and a minister of the Crown. He had a significant sporting life as both a participant and an administrator. Of course, the other thing that people have touched upon is that he was a great family man as well, who was loyal to his family. I pass on my condolences to Mrs Abbott, Stephen, Michael and Cheryl (his three children) and their respective families. I know them all well. It is a very sad occurrence and obviously we all feel for them, but they, like the rest of us, have very fond memories of a great bloke.

The Hon. I.F. EVANS (Davenport): I want to make a quick contribution to this motion. Mr Roy Abbott lived in my electorate for a short time after retiring from politics, and the only time I had anything to do with him was when he came to see me about a transport problem outside his home at Sheoak Road, Belair because of the combination of traffic at the school and the railway station. I spent the first five minutes explaining to him why it was very difficult to fix and he basically said, 'It's like this, lad. You're the government, so why don't you fix it?' I promptly replied that he was once the minister for transport and he should have fixed it then. He roared with laughter, called me a smart arse like my father and promptly left, and we called it a draw.

I am aware of the very good work that his son does through the Woods Panthers Netball Club, which is based at Blackwood, and he has carried on Roy's good community work. I place on record my condolences to the family.

Ms THOMPSON (Reynell): I, too, place on record my condolences to Lois and the rest of the family and also to Roy's very close friends at the South Adelaide Football Club. I have spoken to a number of them over the past couple of days and they, too, are shocked at the sudden death of a very good friend and a great supporter of the South Adelaide Football Club. One of the reasons they were so shocked is that, until not very long ago, Roy 'Bud' Abbott, was at every match that the South Adelaide club played, and it was only over the last couple of years when his mobility was a little impaired that he had not been able to attend all matches—but, of course, he followed every one of them with interest.

Bud is remembered with much admiration at the South Adelaide Football Club. As others have mentioned, he was inspirational in the move south, which has been very important for the southern suburbs. We look with envy at the Central Districts Football Club at Elizabeth, and all of us are working, under Bud's inspiration, to make Panther Park as much feared a place as is Elizabeth Oval, and I am sure that aim of Bud's will be realised very quickly. We have the advantage of the wind, as the member for Norwood has pointed out, and we like to ensure that visitors do not bring too many clothes, because we like the advantage of being warm enough to keep our team inspired.

I conclude by using the words of some of the prominent people in the South Adelaide Football Club to recognise Bud Abbott. He is remembered at the South Adelaide Football Club for being a good, honest, reliable, lovable person. He was a down to earth good bloke and his elevated position at no time altered him one iota.

The SPEAKER: I, too, join honourable members in expressing regret at the passing of Roy—or Bud Abbott, as most of us who knew him referred to him. He, like the Hon. Des Corcoran, one of his great mates, was a great raconteur and they entertained anyone who cared to join their company on late night sittings or on other occasions in this house. It is sad that in such a short time they both passed away with so much, I am sure, that many of us could have learnt from them about the institution of parliament and, more particularly, the Labor Party's role in it. For many years they were both masters of the understatement, and several instances in which I was involved with Bud I would have to acknowledge were instances always of good humour but, in the first and most important context, he would state his case oh-so-simply as almost to make it difficult for you to take the point and cause you to concentrate very carefully on what he was saying.

On one occasion when the two district councils of East Murray and Karoonda, having amalgamated and been promised a great deal of money in consequence of their agreeing to the proposed amalgamation, sought to have that money spent upon their roads; and it fell to my lot shortly after I was elected to introduce a delegation from that district council to the government and the minister, Roy. Bud, without going into the detail, listened intently and then set out to explain how difficult it was, to the extent which finally almost had me in tears that I was not paying sufficient taxes to meet the cost of what was obviously a necessary piece of infrastructure in the roads that needed to be constructed in Karoonda-East Murray. The delegation was very disappointed that the minister had no money and no means of obtaining the money unless they could make a suggestion to him as to how he might raise it. They did make such a suggestion later on; however, it did not meet with the approval of his advisers.

In the first instance, though, I met him when my left arm was in a sling and I had a Volkswagen ute at the gates of Chrysler to talk to the workers, and he of course was a vehicle builders union representative. He saw me with my arm in a sling and believed me, I think, to be an injured worker. My plea was being made on behalf of another master of understatement and great raconteur, neither Bud nor Des but in this case Bert Kelly. My point to the workers was that they ought not let their bosses destroy their jobs by raising the costs of their labour to the extent that it priced their jobs out of the reach of the market. As we all know, when costs rise so do the prices paid for the products that have to be built using that cost structure, and the demand falls proportionally. At that time, whilst he greeted me as a comrade, when he became aware of what it was I wanted to say, after having drawn the attention of his large assembly of members to the fact that I was there, he almost howled me out of place before I could finish my remarks. However, it was not on factory premises but at the entrance to the factory.

I met him not so very long afterwards when a close relative of his, Beryl Douglas, was supporting my election campaign in 1975, in the first instance, during the time that he was also campaigning to be elected as the member for Spence, and he recalled that incident, not without any prompting from me, when I met him per chance on the hustings. I also want to share with the house the experience I had with him when I travelled with him in company with the late Hon. Gordon Bruce, president of the Legislative Council, the late John Burdett, a former minister in the Tonkin government and a member of the Legislative Council and the Hon. Martyn Evans when we went to Russia together as well as to Armenia and Egypt.

In Armenia, I believe one of the reasons for my inclusion in the party was because they sought advice on how best to market their wines and brandy. I was not aware that they made so much brandy in Armenia, leave alone that they had access to such high quality, well-aged brandy—and neither was Bud. By the time we had finished the afternoon at the distillery, it was Bud who was asking whether it was the 150-year-old or the 15-year-old brandy that I thought was the best. It was not possible for me to quite understand what he was asking me at that time, having tried to differentiate for them which brandies might best be blended and which brandies might best be sold for their vintage purposes. By that time, it was not possible to understand what it was that Bud was saying, although he thoroughly enjoyed the afternoon. However, the next day was another story.

He also had a knack with common folk in that he readily struck up relationships with a number of people, young and old, while we were in Egypt. All of them sought to take him down, but none of them succeeded; however, their antics in attempting to do so were very entertaining for the rest of us in the party. On behalf of all members, I say to Lois and the family: we, too, though not as keenly as you, share your loss. I shall ensure that the substance of this address is passed on to the family.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.57 to 3.10 p.m.]

SPEED LIMITS

A petition signed by 4 851 residents of South Australia, requesting the house to urge the government to revise the reduction in road speed limits to allow for 50 kph on residential streets; 60 kph on access and arterial roads; no reduction on present speed limits on highways and enable a reasonable tolerance in the enforcement of the speed limits, depending on road conditions, was presented by the Hon. R.J. McEwen.

Petition received.

POLICE, NUMBERS

A petition signed by 63 residents of South Australia, requesting the house to urge the government to continue to recruit extra police officers, over and above recruitment at attrition, in order to increase police officer numbers, was presented by the Hon. M.R. Buckby.

Petition received

HOSPITALS, REPATRIATION GENERAL

A petition signed by 26 residents of South Australia, requesting the house to urge the government to the Minister for Health to maintain the Repatriation General Hospital as an independent hospital, to serve the particular needs of veterans and for the hospital to retain its board and receive

its funding directly from the Minister for Health, was presented by Mr Scalzi.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 25 residents of South Australia, requesting the house to reject voluntary euthanasia legislation; ensure all hospital medical staff receive proper palliative care training and provide adequate funding of palliative care procedures for all terminally ill patients, was presented by Mr Scalzi.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answer to question on notice No. 254, as detailed in the schedule that I now table, be distributed an printed in *Hansard*; and I direct that the following written answer to a question without notice be distributed and printed in *Hansard*.

LAND TAX

In reply to **Mrs PENFOLD** (25 February).

The Hon. K.O. FOLEY: The land tax principal place of residence exemption is available to natural persons, i.e. not land owned solely by a company, for the land on which their principal family home is situated. The exemption does not apply if the property is used to conduct a business, trade or boarding house; or if part of the property or building was let to any person other than a direct relative (the owner must reside on the land with the family member).

As stated by the member for Flinders taxpayers are advised on the reverse of the Notice of Land Tax Assessment that if the property is occupied as their principal place of residence, the property may be exempt from land tax.

The Commissioner of State Taxation has advised that RevenueSA is amending the Notices of Assessment to ensure that Notices for 2004-05 Assessments have this information on the front of the Notice, however it must be appreciated that there is a limited amount of space on the front of the Notice as other essential information must appear.

RevenueSA advises that any person who has inadvertently paid land tax on their principal place of residence will receive a refund, or amended Notice if they own other taxable land provided they contact RevenueSA and substantiate their eligibility for the principal place of residence exemption.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for the Arts (Hon. M.D. Rann)—

Jam Factory Contemporary Craft and Design Inc.—Report 2002-03

By the Minister for Police (Hon. K.O. Foley)—

Regulations under the following Act—
Police—Medical Assistance for Prisoners

By the Attorney-General (Hon. M.J. Atkinson)—

Rules of Court—
Supreme Court—e-filing

By the Minister for Health (Hon. L. Stevens)—

Abortions Notified in South Australia for the year 2002—Addendum

By the Minister for Transport (Hon. P.L. White)—

Regulations under the following Act—
Road Traffic—Photographic Detection Devices

By the Minister for Gambling (Hon. M.J. Wright)—

Rules—
Authorised Betting Operations—24hr Sports-betting Licence

By the Minister for Families and Communities (Hon. J.W. Weatherill)—

Department of Human Services, Family and Youth Services Workload Analysis Project Report

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Regulations under the following Act—
Wine Grapes Industry—Production Area.

PUBLIC TRANSPORT HUB

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: I would like to inform the house that today I announce that the South Australian government will build a major public transport hub with a bus and rail interchange at Mawson Lakes by late next year. The $26 million project will include a state of the art interchange, a 1.1 kilometre road link from Main Street, Mawson Lakes to the Salisbury Highway, and a road overpass, which will significantly improve the public transport options for residents of Adelaide's northern suburbs.

This project is an exciting development for northern metropolitan Adelaide. It will become something of a focus for the community and will provide commuters with parking and drop-off areas for integrated bus and passenger services. The 30 000 people who will ultimately work, study or live in the area will have improved access to public transport, which will provide more efficient services that will connect to the University of South Australia and to Technology Park, among other destinations. The transport hub will feature a taxi rank, a ticket kiosk, vending machines and public facilities. There will also be safe, secure and comfortable seating, video surveillance, public transport information and public art. When completed there will be parking for 200 cars, and this will encourage more residents to use the convenience of public transport for their daily trips to work.

The Mawson transport hub will be the first public transport interchange built in Adelaide for at least 15 years. At its peak it is expected to be one of the state's top three suburban rail interchanges, handling about 2 500 passengers each week day. The interchange will help the public transport system keep pace with the rapid urban development in the area. It will greatly improve public transport options for the 3 500 staff and students of the University of South Australia. The Mawson transport hub is a major project for South Australia. It is a solid demonstration of the Rann government's commitment to a public transport system which is innovative, efficient and modern.

FAMILY AND YOUTH SERVICES, STAFF WORKLOAD

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: I would like to inform the house of a report that has recently been delivered to me relating to the workload of Family and Youth Services staff. As a result of the Child Protection Review Report by Robyn Layton QC, which recommended a comprehensive assess-

ment of the workload demands on FAYS staff, the former minister called for a report to investigate in detail the demands on Family and Youth Services. That report has now been provided to me and it is deeply disturbing. It documents an inability to meet our responsibilities to the children in our communities and it highlights the enormity of the task, despite the work that has already been undertaken by the former minister.

The report identifies some alarming statistics:

- 69.5 per cent of notifications to FAYS were renotifications;
- 5 per cent of tier 1 notifications were not investigated within 24 hours;
- 9 per cent of tier 2 notifications were not investigated at all;
- 23 per cent of tier 2 notifications were not investigated within seven days; and
- in 24 per cent of the very high risk cases and 18 per cent of the high risk cases, reassessments were not done within three months.

However, the report has identified that the data that was available to the authors was unreliable in that basic information was not available. It levels serious criticisms at the department's capacity to account for its resources. The authors of the report found that basic information was simply not available, including staffing by program, staffing levels between 1991 and 2001, expenditure by program, program outcomes, practice standards, performance measures, and robust workload measures. All of this indicates that, as the report states, 'The problems are deep and systemic and are about much more than just levels of resourcing.'

I would like to emphasise that this report does not reflect in any way on the high level of commitment by FAYS staff. In the short time that I have been Minister for Families and Communities I have met with as many staff as I can, and their commitment and energy in difficult circumstances is remarkable.

The initial response to the child protection review report overseen by the previous minister committed the government to an extra $58.6 million for child protection initiatives over four years. They began rolling out in December. We have put an additional 73 full-time positions in Family and Youth Services to provide better services for children at serious risk and to support children under the guardianship of the minister. We have:

- established a special paedophile task force and hotline within SAPOL;
- removed statute of limitations for initiating sexual abuse prosecutions;
- provided $8 million over the next four years to employ new school counsellors in primary schools;
- developed new guidelines for appropriate internet access in schools;
- the three schooling sectors have established an agreement to aim for consistency and complementary child protection practices in schools across South Australia;
- allocated $12 million over four years for early intervention through sustained home visiting programs;
- allocated another $8.3 million over four years to improve the alternative care system;
- put $5.5 million over four years into violent offender and sexual offender treatment programs in prisons;
- established a new school mentoring program involving 80 teacher mentors working with 800 students across 45 schools;
- created a new special investigations unit to investigate allegations of abuse of children in care by foster carers or workers;
- improved screening by police of people working with children;
- plans, recently announced, to reform child pornography laws;
- provided an additional $500 000 to SAPOL to provide police screening of people working in the non-government sector; and
- worked with the Family Court to streamline the process in disputes where there are allegations of child abuse.

But we know that despite that substantial initial response more is needed. A crucial early step has been the establishment of the new Department for Families and Communities with its focus on building the capacity of families and communities of all types. An effectively functioning department is a pre-condition to grappling with these complex issues. I can also announce the appointment of Kate Lennon as Chief Executive, which is a further sign of the government's commitment to developing an effective child protection policy.

Members interjecting:

The SPEAKER: Order! Does the minister have copies of this statement?

The Hon. J.W. WEATHERILL: Yes.

The SPEAKER: Then it would have been helpful if they had been distributed, and less likely to cause disruption.

The Hon. J.W. WEATHERILL: Sir, if I can be heard in silence members opposite can have all the information they need.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: I can announce the appointment of Kate Lennon as Chief Executive, which is a further sign of the government's commitment to developing an effective child protection policy. The new Chief Executive will take a systemic approach to the safety and wellbeing of children which will create a broader, more seamless array of services and supports. As we develop a detailed response to these most recent issues and the Layton report it will be necessary to consult with FAYS workers through their union (PSA) and I have asked for urgent discussions to be progressed as a matter of urgency. I will report back to the house as this most important work progresses.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Deputy Premier is out of order

The Hon. W.A. Matthew interjecting:

The SPEAKER: Order! The member for Bright is out of order.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

Ms BREUER (Giles): I bring up the 51st report of the committee, entitled 'Wind Farms'.

Report received and published.

QUESTION TIME

MINISTERIAL DOCUMENTS

The Hon. R.G. KERIN (Leader of the Opposition): Has the Minister for Industrial Relations or any of his current or

former staff shredded or otherwise disposed of any ministerial correspondence or documents in the last month?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I would suspect not, because—

Members interjecting:

The Hon. M.J. WRIGHT: That's correct. That is not the behaviour of this government, unlike the former government, but I will make some inquiries on behalf of the Leader of the Opposition and I will come back with a detailed response to his question.

DEFENCE INDUSTRY ADVISORY BOARD

Mr O'BRIEN (Napier): My question is to the Deputy Premier. What recent developments have there been with membership of the Defence Industry Advisory Board?

The Hon. K.O. FOLEY (Deputy Premier): Talking about documents, they either shredded documents or gave them to us! The Defence Industry Advisory Board is an outstanding initiative of this government, together with the Economic Development Board, and I have talked often about it. I addressed an industry function on Friday in conjunction with the Clipsal 500, which attracted to Adelaide executives from a number of international companies, both from within Australia and overseas, from memory. That gave us an opportunity to expand on what we are doing in South Australia to make Adelaide the defence/naval shipbuilding capital of Australia.

The former head of the Australian Navy, Vice-Admiral (retired) David Shackleton has been chair of the Defence Industry Advisory Board. On Friday I announced that David has asked to stand down as chair and become an ordinary member of the board, which we have accepted, and that has given us the opportunity to ask Rear Admiral (retired) Kevin Scarce, who has been appointed recently as Chief Executive Officer of the South Australian government's Defence Unit, to chair the industry advisory board. Kevin Scarce is a former acting under secretary to the Defence Materiel Organisation responsible for all Australian Defence Force acquisition.

With Kevin Scarce working for us, we now have in our employment in South Australia the best person available to any government throughout Australia to assist us in making South Australia not only the defence capital in terms of the building of the naval fleet but also to ensure that we get as much of the electronics work for the nation's shipbuilding over the decades ahead. It is not just about assembling the vessels, about their fabrication. More importantly, it is about systems integration and about ensuring that we have the smart end of these projects, and we are working tirelessly to be successful in our bid for these contracts. It will centre on the future of the Australian Submarine Corporation.

We had a number of meetings with John Prescott, the chair of the submarine corporation, who was in Adelaide on the weekend. As I said, heads of Raytheon and a number of major companies were also in South Australia over the course of the weekend. The president of EDS was in Adelaide as well, talking to us about defence opportunities. It was an exciting time for our state. It is a good news story for South Australia. Unlike the hapless Leader of the Opposition, who takes every opportunity to talk down an economy, we as a government—

Members interjecting:

The Hon. K.O. FOLEY: Here we go! Come in spinner! It is so disappointing that, at a time of great economic activity in South Australia—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The Treasurer is clearly now debating the issue and not answering the question and, therefore, is in breach of standing order 78.

The SPEAKER: Yes, I understand that to be so. The Leader of the Opposition.

MINISTERIAL DOCUMENTS

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Industrial Relations. Will the minister explain why ministerial correspondence and documents relating to his areas of responsibility have not been maintained, and will he indicate what has happened to the missing material? On 10 March the new transport minister wrote to members of the opposition asking them to identify outstanding correspondence from the former minister's office. An opposition staff member who contacted the new minister's office to advise of correspondence that remained outstanding from her predecessor's term of office was told that the new minister's office had no records of correspondence from the former minister. When asked what this meant, the staff member was told, and I quote, 'We have been here a week and cannot find any records.'

The Hon. M.J. WRIGHT (Minister for Industrial Relations): In answer to the first question that was posed by the Leader of the Opposition I said that I would check the detail of the assertions that he has made. I still—

An honourable member interjecting:

The Hon. M.J. WRIGHT: Can I answer the question? I still stand by my earlier answer. To the best of my knowledge, I do not think the ministerial correspondence and documents that the Leader of the Opposition refers to have been shredded or are missing, but I will check that information for him. Obviously, with a ministerial reshuffle, transitional arrangements are made as ministers move from office to office, but—

An honourable member: Well, where are they?

The Hon. M.J. WRIGHT: As I said, I do not believe that any ministerial correspondence or documents have been shredded.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: That is my belief. I do not believe they have been shredded.

TOURISM, INTERSTATE

Ms CICCARELLO (Norwood): My question is to the Minister for Tourism. How is the government performing in attracting interstate visitors to the state?

Members interjecting:

The SPEAKER: Order! The member for Norwood was inaudible to me, and I would be pleased if she would repeat her question.

Ms CICCARELLO: How is the government performing in attracting interstate visitors to the state?

The Hon. J.D. LOMAX-SMITH (Minister for Tourism): I thank the member for Norwood for her question. It is an important question, because it affects the economic viability of our state. I am very pleased to say that the latest Bureau of Tourism research recognises that interstate travel, both in numbers and nights spent, has been on the rise. This demonstrates that our interstate visitor nights have reached an all-time high. In the 12 months to December 2003,

1.9 million interstate travellers came to South Australia, an increase of 5 per cent over the previous 12 months. They also stayed 10.8 million nights, a 13 per cent increase, which outstrips the national average of 5 per cent.

Holiday makers and business visitors accounted for much of that increase in SA visitor nights. The figures cement South Australia as one of the premier holiday and business destinations and a place where dynamic business is being done throughout the tourism industry. In fact, what is more, South Australia has recorded a higher percentage increase in interstate visitor nights than that of any other state except Western Australia. The rise in nights is actually attributable to some of the campaigns the SATC has been running over the last year or two, particularly the Discover the Unwinding Roads, which especially targeted people on the East Coast; the Linger Longer campaign, which encouraged anyone coming for any reason to stay longer; and, of course, the Heart of the Arts campaign, which was largely responsible for the considerable increase in bookings for WOMAD, the Fringe and the Festival. In fact, overall domestic visitor nights in South Australia rose to 21.1 million, an increase of 3.5 per cent compared to a national decrease of 1.5 per cent.

The member for Waite, who has been highly critical of our tourism performance, might like to look at these statistics. Of course, his answer to all woes is to spend, spend, spend. In fact, I have noted he often quotes the Northern Territory, which has increased its spend by 33 per cent. The latest BTR figures show that, over the last year, the Northern Territory has had a 14.8 per cent drop in visitor numbers and an 18.3 per cent drop in visitor nights, which simply goes to show that spending money willy-nilly does not necessarily affect the tourism performance of a state. It is a tough, competitive area and it requires creativity and imagination and then you get the yield by working faster and smarter. In fact, the figures in South Australia are the best: our interstate visitor nights have reached an all time high and South Australia is performing very well.

MINISTERIAL DOCUMENTS

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Minister for Industrial Relations. Will the minister conduct an immediate inquiry into the fate of missing documents and inform the house tomorrow of their location or disposal?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I have already answered this question on two occasions. These missing documents to which the Leader of the Opposition refers are nothing but a figment of his imagination.

The Hon. Dean Brown interjecting:

The SPEAKER: The Deputy Leader of the Opposition will come to order!

SEA GAS PIPELINE

Mr RAU (Enfield): My question is to the Minister for Energy. Can the minister explain how the SEA Gas pipeline has assisted in securing South Australia's energy future, and whether he is aware of any impediments to investment in energy infrastructures?

The Hon. P.F. CONLON (Minister for Energy): It is a very good question from the member for Enfield. People would—

Members interjecting:

The Hon. P.F. CONLON: As I said, it is about the only way I can get a question about energy in this house this year—it is the first one. I had the pleasure of attending the official opening—

Mr Williams interjecting:

The SPEAKER: The member for McKillop is out of order.

The Hon. P.F. CONLON: I had the pleasure of attending the official opening of the SEA Gas pipeline on 15 March, along with the member for Bright, although it is well known that its early commissioning on New Year's Day this year played a crucial role in keeping this state going during the Moomba gas crisis; sufficient to say, the ability to commission that pipeline that very day within 24 hours of Moomba going down was in fact a state saver. At the opening, I recognised the contribution of the previous government: the original idea for a pipeline of this nature was promulgated under the previous government. The contribution of this government was to secure, as we say, a third parent for the pipeline, and in doing so double the capacity of the pipeline from its former 14-inch size to an 18-inch pipe. I can indicate to the house that, when it comes to gas pipelines, size does matter. It was very important for us on that date. This pipeline—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Sorry, sir. Obviously this pipeline has been a very important piece of infrastructure for this state. We now have a more secure supply with a second source of supply which equals the capacity of the Moomba to Adelaide pipeline. I was happy to give credit to the current Liberal opposition in this state and explain our role. What I was not happy to do relates to the second part of the question as to whether there are impediments to investment. One of the major impediments to investment in this country is the abject failure of the federal government to embrace any sort of greenhouse policy whatsoever. They do not have a greenhouse policy of any kind. That was reinforced recently by the abandonment of even research into emissions trading, something which the rest of the world is embracing, but we will not even consider the idea.

When I was on the Ministerial Council on Energy, because the commonwealth would not have a policy, we sought to set up a working group of state ministers and the commonwealth so that at least state greenhouse emission schemes could have some uniformity in the absence of a national policy. The commonwealth refused even to take part in the working group. It refuses to have a greenhouse policy, and that dictates that the commonwealth cannot have an energy policy. When we in this state talk about our energy needs we ask fundamental questions, such as, what sort of fuel will we need to generate electricity in 10 or 20 years' time and where will it be sourced? If you will not have a greenhouse policy, you simply cannot answer that question. If you do not know how you are going to treat emissions, if you do not know what the cost and the rules of emissions will be, you simply cannot answer that question in the national interest. I have been told by owners of coal generators that this means you will not get investment in generation. You will not get the hundreds of millions or billions of dollars of investment if they are not certain about what the rules will be in five, 10 or 20 years' time. That is what they are saying.

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: As always, the member for Davenport, the great supporter of the commonwealth on

everything, whether it is a nuclear dump or the absence of an energy policy, signs up for them. You would think that he could act in South Australia's interests just once, but no. In doing that, we cannot get investment in generation. In failing to answer energy questions, we cannot get the necessary investment in the sort of things we see here. What we have seen in this state is investment in a gas pipeline despite commonwealth policy, not because of it. That is a great disaster for not only this state but the whole nation. I stress again: we need a national government that is prepared to have a greenhouse policy and an energy policy. This is some of the most fundamentally important infrastructure for South Australia. We will continue to achieve things like SEA Gas despite the commonwealth government, but it would be nice to have a little assistance.

PETROL SNIFFING

The Hon. R.G. KERIN (Leader of the Opposition): My question—

Members interjecting:

The SPEAKER: Order! The leader has the call.

The Hon. R.G. KERIN: My question is to the minister for human services. How does the minister explain the government's four months of inaction in relation to the allocation of petrol sniffing funds for a rehabilitation and respite facility? Mr Jim Birch, the Chief Executive of Human Services, wrote to Mr Gary Lewis, the Chair of the APY Lands Council, on 9 March 2004, as follows:

> I refer to the allocation of funds for petrol sniffing as recommended by the APY Lands Council Allocation Committee, which were forwarded to the government in November 2003. I advise that the recommendations concerning petrol sniffing are still being considered by the government.

The Hon. K.O. FOLEY (Deputy Premier): As I indicated to the house yesterday, efforts by this government and previous governments have been less than satisfactory. I cannot do much more as the Deputy Premier and Treasurer of this state than take our share of the rap on this. We have done plenty of things, but there are things we should have done a lot better; however, I have to say that there are things that should have been done a lot better by governments for many years. As it relates to the money in question—

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The Leader of the Opposition's question was very specific. It relates to the three-month delay by the Department of Human Services. We are looking for an answer to that question.

The SPEAKER: Does the Deputy Premier have any information about the three months delay?

The Hon. K.O. FOLEY: I was about to answer the very point, Mr Speaker. Let us remember the decision taken in the context of this: in the last budget, in a genuine attempt by this government to improve opportunities on the Anangu Pitjantjatjara Lands, we put in, I think, some $12 million over four years, additional funding up and above base allocations from previous years and from previous governments. One of those initiatives was, I think, a sum of—

An honourable member interjecting:

The Hon. K.O. FOLEY: I am getting to that now. It was a sum of some $1.6 million, and it was felt an opportunity was there for a partnership to occur between government and the AP Executive to allocate that money. That process was an attempt in good faith by government, in partnership, and for whatever reason. Whether there were bureaucratic delays, whether there was difficulty in getting agreement among the AP Executive as to how that money should be allocated, I am not absolutely certain; we are trying to work that one out. All I know is that that money should have been allocated. I have no disagreement with the opposition on that; no disagreement at all. It has not, and for that we take responsibility. That is why last week we acted on that, and that is why this government looks to the opposition to support us in correcting a wrong that has been undertaken not just by this government but eight years of Liberal government.

The Hon. R.G. KERIN: I have a supplementary question to the Deputy Premier: when will we have a decision by the Department of Human Services on the spending of this money? The Deputy Premier seems to be missing the point that this money was allocated back to the Department of Human Services for them to deliver services and that the delay has had nothing to do with the council; it is a delay within the Department of Human Services.

The Hon. K.O. FOLEY: With all due respect, I do not accept the Leader of the Opposition as an authority on the allocation of government money. I will get a detailed answer and that is what we are working through. The advice that I am provided with—

An honourable member interjecting:

The Hon. K.O. FOLEY: Absolutely. Why would we not want to share with the parliament everything on this issue? Why would we not?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: I would have hoped that, on a matter as serious as this, an opposition would work constructively with the government. But if you want to politically point score on this, we are a target, and I accept that, I am your target—come after me on it. I can tell you this: we are attempting to fix something that should not have occurred, and should not have occurred for decades. If we are guilty of anything, we are guilty of having the courage to accept our mistakes and responsibility, and fix it.

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: You are right. The Leader of the Opposition is correct. That money should have been spent, and the fact that it was not is a shame and it is wrong and we are going to fix it.

HOSPITALS, FUNDING

Mrs GERAGHTY (Torrens): My question is to the Minister for Health. Which hospitals will receive the funding as a result of the government's decision to allocate an extra $5 million for elective surgery, and how many extra procedures will be carried out?

The Hon. L. STEVENS (Minister for Health): I thank the honourable member for this important question. Members will recall that the government recently announced the allocation of an extra $5 million to tackle the demand for elective surgery. Our senior medical staff have been consulted and as result more than 1000 people will receive their surgery earlier over the next few months. The $5 million will see an extra 1 085 surgical procedures performed at nine hospitals. These include 208 extra at the Royal Adelaide Hospital; 80 at the Repatriation Hospital; 200 at Modbury; 142 at the Queen Elizabeth Hospital; 178 at Gawler; and 65 at the Women's and Children's Hospital. Working together,

the Noarlunga Health Service and the Flinders Medical Centre will undertake an extra 202 procedures.

The additional surgical procedures will include 132 joint replacements, 100 other orthopaedic procedures and 533 ear nose and throat operations, plus procedures in a range of other specialities. The extra $5 million will also allow hospitals to carry out as many extra procedures as possible ahead of the winter surge in demand for emergency admissions, which have increased by 4 000 each year for the last three years, and we expect that to occur again this year. During the first six months of this financial year 17 798 people have been admitted from the booking lists, and these extra procedures will be in addition to the surgery already being undertaken in our hospitals.

ANANGU PITJANTJATJARA LANDS

Mr BROKENSHIRE (Mawson): Will the Minister for Police advise the house when the extra police allocated to the AP Lands by the government in June 2003 were actually located in the lands? On 18 June 2003 the minister told the house, 'SAPOL was provided with $250 000 in 2003-04 to maintain two-person patrols at Amata and Umuwa.'

The Hon. K.O. FOLEY (Minister for Police): I am happy to get an answer from the Commissioner of Police on that matter. I remind that house that yesterday I indicated that three more officers, including an inspector, should be on the lands by tomorrow as an immediate response to that. If the member for Mawson, a former police minister, wants to criticise the distribution and allocation of police officers around the state then he is playing games. That is a direct criticism of the Commissioner of Police: it is not a criticism of me.

Mr BROKENSHIRE: I have a point of order, sir, and it is simply that of relevance. I am not about to comment on the commissioner. The fact is that the minister made these statements in the house.

Members interjecting:

The SPEAKER: Order! The Minister for Police will restrict his remarks to the inquiry from the member for Mawson.

The Hon. K.O. FOLEY: As I said—as I do in all these matters—it is an operational matter.

An honourable member: No, it isn't.

The Hon. K.O. FOLEY: Since when has the allocation of police around the state not been an operational matter? I must be doing this job awfully wrong if you are now telling me that that is my responsibility. I would have thought that as a former police minister you would understand, but you do not.

Members interjecting:

The SPEAKER: Order! The Minister for Police knows full well that I have never—

The Hon. K.O. FOLEY: Sorry, sir. The member for Mawson knows that full well, as a former minister for police. In fact, he lectured the parliament some time ago about this very point—I cannot find the *Hansard* transcript right at this moment, but you can bet your bottom dollar that I will find it at some point in the next day or so. When he was the minister for police he lectured this parliament about exactly what the responsibility of the police minister was and what it was not. He made a big song and dance about the fact that operational matters are purely the discretion and responsibility of the Police Commissioner. I will take this on notice, ask the Police Commissioner for a response and provide it to the house.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

Ms BEDFORD (Florey): Can the Minister for Multicultural Affairs inform the house who has been appointed to the membership of the South Australian Multicultural and Ethnic Affairs Commission?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): I am pleased to inform the house that there are five new members of the South Australian Multicultural and Ethnic Affairs Commission, widely known by its acronym SAMEAC. These appointments bring gifted people to senior positions, and they will help the state government build on ties with non-English speaking communities. The appointees represent a diverse range of communities, from Italy and Poland to the Philippines and Ethiopia. I am very happy to welcome representation from small and emerging communities on the commission.

In their first meeting in late January I asked all SAMEAC members to be fearless and constructive in their advice and, most of all, to work to with and encourage the many ethnic communities in South Australia to use them as their voice to the government. The new members include Mr Tilahun Mengesha Afrassa, a founding member of the Ethiopian Orthodox Church of South Australia Incorporated and Manager Student Performance Information in the Department of Education and Children's Services. Members may be interested to know that the Ethiopian Orthodox Church is one of the oldest Christian churches in the world and in Adelaide shared a church building with the Coptic Orthodox Church at Cowandilla until the Ethiopians established their own church in the Anglican Church hall behind St Barnabas Church at Croydon.

The new appointments also include Ms Gosia Skalban, Project Manager with Metropolitan Domiciliary Care and Multicultural Communities Council board member; Mrs Marie Stella Alvino, solicitor and member of the Italian Benevolent Society; Ms Maria Barredo, Federation of Ethnic Communities Council executive member and Director of Catholic Multicultural Pastoral Services; Mr Teodoro Mauro Spiniello, Secretary General of the Italian Chamber of Commerce and Industry in Australia Incorporated and Secretary of the Federation of Campanians in South Australia; and Mr Anthony Nemer, President of the Lebanese Maronite Community who has been reappointed to SAMEAC.

This round of appointments follows the end of the terms of several members, including John di Fede, who has served the public on SAMEAC for eight years. People such as Mr di Fede have served South Australia well and I am sure will continue to work with the government to produce and develop multiculturalism in our state. The other appointments that have ended are Ms Ann Lambert from the Irish Club (of which I am a member), Ms Gosia Mascibroda, Ms Stavroula Raptis, Pomi Singh and, finally, Dr Amal Abou-Hamden from the Druze Community who is unable to continue on the commission. I am certain I echo the sentiments of most members when I sincerely thank them for their contribution.

These new members will join the other seven members of SAMEAC, including Mr John Kiosoglous, who continues in the position of chairman, and Mr Hieu Van Le, his deputy.

I wish them well in their service to all South Australians in this important statutory duty.

ANANGU PITJANTJATJARA LANDS

Mr BROKENSHIRE (Mawson): My question is to the Minister for Police. Was the police and community aides' presence in the AP lands reduced at any time since the two-person patrols were appointed in June 2003? In last year's budget extra funds were allocated to maintain police at Amata and Umuwa. However, I have been contacted by a number of concerned residents of the lands, one of whom claims, 'We had three police constables until Christmas and now have none'.

The Hon. K.O. FOLEY (Minister for Police): The point needs to be made here that the Commissioner of Police, as is obviously appropriate, has kept me informed of developments as they relate to policing on the lands. My advice—and I need to be careful, until I check with him, what can be said publicly—is that we do have problems with community constables on the lands. We have reduced the number of indigenous community constables on the lands to whom the honourable member is referring. There has been a reduction, based on the fact that there has been a separation of a few of those officers from their operations.

Mr Brindal interjecting:

The Hon. K.O. FOLEY: Sorry?

The SPEAKER: Order! The member for Unley is out of order, and the Deputy Premier will not encourage him.

The Hon. K.O. FOLEY: I will seek advice from the Commissioner of Police as to what is appropriate to be said about the separation of some community constables from operational duties in the lands. I think that would be obvious to the member opposite, and I am happy to brief him privately about that as the shadow minister. I have nothing to be concerned about as a government minister that these are operational matters, and I tread very carefully when sharing with the house information that I am provided with by the police commissioner on operational matters until I have his authority to release that.

The issue that is clearly implied in the question, as has been implied in a number of questions both in this house and publicly, is about what I should do as police minister to influence decisions by the police commissioner about operations. One has only to look back to September 2001 when the then minister, the member for Mawson, was asked a question by the then member for Heysen about the importance of the independence of police commissioners. The question went along the lines of: can the Minister for Police advise the house on the importance of police independence?

Mr WILLIAMS: I rise on a point of order of relevance. I do not think that the area that the Treasurer is going into now has anything to do with the substance of the question that he was asked.

The SPEAKER: Notwithstanding the view that the minister has that the matter is an operational one, that point has been made, so I therefore uphold the point of order. The honourable member for West Torrens.

The Hon. K.O. Foley: You are a hypocrite, Robert.

The SPEAKER: Order! The word 'hypocrite' is unparliamentary. The Deputy Premier will withdraw unconditionally.

The Hon. K.O. FOLEY: I apologise for referring to the member for Mawson as a hypocrite, sir.

LADY GOWRIE CHILD-CARE CENTRE

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Urban Development and Planning. What can be done about the situation at Underdale campus where it appears that the Lady Gowrie Child-care Centre is threatened with closure? The member for Colton and I have received correspondence and representation from the Lady Gowrie Child-care Centre at Underdale expressing concern that the recent sale of the University of South Australia's Underdale campus may have implications for the ongoing operation of the child-care facility located at the campus.

The Hon. P.L. WHITE (Minister for Urban Development and Planning): I thank the honourable member for his very important question, and I note that he has been strong in his representations to me, as has the member for Colton, about the needs of the local community and their fears about what has been proposed. On 5 February, the University of South Australia announced the sale of the Underdale campus site to two tenderers, Urban Pacific and Medallion Homes. Settlement is scheduled for March 2005, and the delayed settlement is to give the University of South Australia the opportunity to vacate the site. That 20-hectare site is located on both sides of the River Torrens in the West Torrens and Charles Sturt council areas and includes residential special use and linear park zoning.

The site, which has been sold, contains existing child-care facilities which are very important to that community and which I believe should be retained through any redevelopment proposal. However, the unconditional sale of this site also raises other important planning issues for state and local government and the broader community. A section of the linear park, including bike tracks on both sides of the river and a bridge, is now in private ownership. That has implications in terms of public liability, public access and flood mitigation. The site is also one of the few potential large urban infill sites remaining in the inner metropolitan area. In the context of an urban containment boundary, it presents strategic development opportunities that were not available under the previous development plan policy provisions.

Urban Pacific submitted a land division proposal under the previous provisions that does not successfully address all these issues. However, the state government has moved to address these matters and, on 18 March, the government approved the interim operation of two plan amendment processes (PARs) that act in part as a holding measure to ensure that the above issues are addressed through further changes to the relevant development plan policies. An additional PAR process will now be commenced by the City of West Torrens and will be the mechanism by which the council, Urban Pacific and key state agencies can collaborate in the development of an appropriate policy framework that will address these important matters.

ANANGU PITJANTJATJARA LANDS

Mr BROKENSHIRE (Mawson): My question is again to the Minister for Police. With the three police appointments announced by the minister last week as the minister's initiative, how many police will be stationed in the AP Lands?

The Hon. K.O. FOLEY (Minister for Police): As the former minister would know—and I will be glad if he would correct the record if I am wrong—no permanent police were stationed in the lands during his tenure as police minister, but

I am happy to be corrected on that. Under this government, significantly more police are policing the lands. We have had difficulty, as has been the case with a number of government services, in having sufficient infrastructure on the ground on the AP lands, and by that I mean policing facilities, because the facilities on the land are old.

An honourable member interjecting:

The Hon. K.O. FOLEY: They say I should have done something about it. They had eight years of inaction and they want to have a go at me! We are putting more police on the lands. That is an indisputable fact. The problem with housing on the lands (we have some police housing on the lands) is that it is very expensive. I am advised that it costs nearly $300 000, from memory, to put a house on the lands. I am advised, and I will confirm this, that a number of these officers will be stationed on the lands. I will get that advice, but I do not have it at my fingertips. I think, from memory, we have 22 officers at Marla who move through the lands on a rotational basis.

Mr Brokenshire: Do they actually stay there now?

The SPEAKER: Order, the member for Mawson!

The Hon. K.O. FOLEY: Mr Speaker, I again accept the criticism. I accept our share of responsibility that, in regard to policing and the amount of resources the government has allocated, it should have done more. I cannot disagree with that: I am prepared to admit that. I have not yet had that admission from members opposite. I have not yet had the admission from a former minister for police or a former premier sitting opposite me that perhaps they dropped the ball in their eight years in government and did not do enough to help the indigenous communities in the north of our state. We have not heard that from members opposite. I just hope that, in a moment of reflection and debate in this house in future, if and when we have legislation to debate, we see some constructive, mature, quality debate in this house and that the parliament can rise above petty politics and point scoring. If you want to criticise me for not having enough police on the AP Lands, I will accept that as fair criticism and I am doing something about it. I would like to see you take a little bit of criticism and responsibility for your eight years of inaction, and I am referring to the shadow minister for police.

WATER, SOUTH-EAST

Mr CAICA (Colton): My question is to the Minister for Environment and Conservation. Is the minister aware that government water policy in the South-East has been described as 'dumb' and 'bizarre' and, if so, is it true that the government wants to stop expansion of the forest plantation industry?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Colton for this very important question. In February this year the government announced that commercial forestry in the South-East would be a prescribed activity under the Water Resources Act. That means that we link the expansion of plantation forestry with the availability of water. That is just sensible policy. Sensible water policy should enjoy bipartisan support, just as saving the River Murray should be beyond political point scoring.

Mr Brindal interjecting:

The Hon. J.D. HILL: I am glad that the member for Unley says that that is the case, because the Hon. Angus Redford in another place is quoted in *The Border Watch* of 11 March as describing the policy as bizarre and the dumbest proposal he had seen in 10 years. This is what the member for Unley is saying is a bipartisan approach. He is saying that our bipartisan approach is the dumbest and most bizarre policy he has seen in 10 years. Let me remind the house of the key facts in relation to this issue. First, the policy does not set a limit on forestry development, and that has been claimed by not only the Hon. Angus Redford but also the federal member, Patrick Secker. Secondly, as part of the regional water budget, the government has set aside 59 000 hectares for forestry development, an allocation which would allow that amount of forestry development. That represents a 45 per cent expansion on the current estate, certainly not a reduction. That will supply the forestry industry with about 10 to 15 years of expansion.

This commonsense policy gives the plantation forestry sector certainty and helps to make it sustainable. The point I make is that the proposal to which we have agreed was developed in close consultation and negotiation with the stakeholders in the South-East. In fact, the proposition to which we have agreed was put forward by members of the forestry industry, not the particular company which objects to this particular scheme. However, we adopted the propositions put forward by members of the forestry industry through the stakeholder consultation process that we put in place. Now when—

Mr Brindal interjecting:

The Hon. J.D. HILL: I said the forestry industry was divided. Certain elements do not support where we are going, Timber Corp being the particular company, but the other companies and other industry in the South-East have supported us. It has very strong support in the South-East except, as I say, for Timber Corp and the Hon. Angus Redford. I was uncertain why the member—

Mr Brindal interjecting:

The SPEAKER: The member for Unley will come to order!

The Hon. J.D. HILL: I was uncertain why the Hon. Angus Redford would go to the South-East and make these claims and attack a policy which the member for Unley has said he supports. In fact, on 19 February the member for Unley criticised me on ABC radio for taking two years to come up with this policy, which is essentially the policy he said he had in his back pocket and was about to introduce under the previous government. I was curious why the Hon. Angus Redford would go to the South-East and make these claims, attacking essentially what is his own party's policy. Why is it that the Liberal Party in town says one thing and in Mount Gambier says another thing? The only reason I could come up with is that the Leader of the Opposition has undertaken his reshuffle—he just has not informed the member for Unley that he is no longer the spokesperson for water resources.

ANANGU PITJANTJATJARA LANDS

Mr BROKENSHIRE (Mawson): My question is to the Minister for Police. Given that as early as June 2003 the minister was aware that Aboriginal people on the AP Lands were dying, why is the government only now addressing the problems in the AP Lands? Sir, with your leave and by concurrence of the house, I wish to explain this important question.

The SPEAKER: The question is straightforward enough.

The Hon. K.O. FOLEY (Minister for Police): I do not know whether by that question the honourable member has implied that some inaction by me has resulted in the death of

young people on the lands. I have been asked some pretty low things in this parliament but I find that—

An honourable member: Offensive.

The Hon. K.O. FOLEY: Yes, a little distressing. I will attempt to answer this question as best I can. This government had the Coroner address cabinet a year or 18 months ago—the first time he had done that—to talk about the very tragic deaths of some very young people on the lands, and we responded in our budget. We put $12 million of additional resources in over four years, the first time for many years such a boost in funding had been made. From memory—and I will get this clarified and confirmed—we gave extra resources to the police commissioner to put more police up there. I have stuck my chin out.

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY: The former minister acknowledges that that occurred.

The SPEAKER: The chair does too; it's a formidable chin. I think the—

The Hon. K.O. FOLEY: No, I want to finish this, Mr Speaker, and say this—

The SPEAKER: You have. The honourable—

The Hon. K.O. FOLEY: I will take responsibility—

The SPEAKER: Order!

The Hon. K.O. FOLEY: —but if you think I will take responsibility—

The SPEAKER: Order! The Deputy Premier will resume his seat. The question has been answered.

ANANGU PITJANTJATJARA COUNCIL

The Hon. D.C. KOTZ (Newland): Will the Premier advise the house why his government never undertook an investigation into the current Chairman of the Anangu Pitjantjatjara Council's activities, outlined by me in a motion to this house on 11 July 2002, citing harassment, standover tactics, deceit, exploitation and alleged misappropriation of funds?

The Hon. K.O. FOLEY (Deputy Premier): This question comes from a person who was a minister for aboriginal affairs, who—and I stand to be corrected—was either censured or had a motion moved against her because during her tenure as a minister the parliamentary committee responsible for overseeing the lands never met. That is how much regard she held for the Ananga Pitjantjatjara people: she never allowed that committee to meet.

Mr BRINDAL: I rise on a point of order, Mr Speaker.

The Hon. K.O. FOLEY: And I will say this—

The SPEAKER: Order! The member for Unley has a point of order.

Mr BRINDAL: It is highly disorderly, I believe, to reflect on members in this place other than by substantive motion. I believe the Deputy Premier has done that and has offended the standing orders of the house.

The SPEAKER: No more or less than the question itself. I find the whole question ridiculous.

The Hon. K.O. FOLEY: Mr Speaker, I simply say this. I have stuck my chin out. I have said, 'Come at me'. I have had the member for Mawson suggest that inaction by me or this government has resulted in the death of people. I find that offensive and distressing, and I am pretty upset about it.

The SPEAKER: Order!

The Hon. K.O. FOLEY: To be lectured by a minister for aboriginal affairs who did nothing is a bloody disgrace!

The SPEAKER: Order! The member for Newland has a point of order.

The Hon. D.C. KOTZ: Under standing orders, the Deputy Premier is not addressing the substance of the question that he was asked.

The SPEAKER: The member for Newland needs to remember that question time is about getting information. There are some idiots in this world who think that it is about being smart. It is about time that all of us woke up to the fact that it is about getting information. If there is to be debate on the points for and against, that should be undertaken under a different heading, because we stand condemned by the communities we represent. When they go to meetings of their organisations and ask questions of their office bearers, they do not expect the same kind of behaviour that we indulge in. They tell me repeatedly that we are on the wrong track but, in spite of my best endeavours, the house refuses to accept that. The solution to this problem is in the hands of the house. No question which seeks to put a point in debate will be allowed in future, neither will an answer. The Leader of the Opposition.

UNEMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment, Training and Further Education. Is the minister aware that the trend unemployment figures for South Australia show that the state has lost both full-time jobs and total jobs each month for the last eight months resulting in the loss of 22 100 full-time jobs and 6 300 jobs in total?

The Hon. P.F. CONLON: I rise on a point of order, Mr Speaker. I suggest that the leader refer to yesterday's *Hansard* because I believe an identical question was asked.

The SPEAKER: That is not my recollection. The minister.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I think it is important to say that, despite the admirable way in which the former minister answered questions for me yesterday—and I appreciate her doing that due to my illness—our government does understand that there has been a slowdown in the economy, as there has been nationally. We have had a slowdown in employment growth. Last month, unemployment rose nationally by .1 per cent, as it did in South Australia. As minister Lomax-Smith said yesterday, a number of factors are at play, including the impact of the drought, which is quite significant, and the rise in the Australian dollar.

South Australia's economy has a high level of exposure to export markets. We are an outward looking economy with a proud agriculture and manufacturing export base. There has been a global and national slowdown and it has affected us very much over the past few months. The economy fluctuates, as we know, but we also know that since we came into government in March 2002, total employment in South Australia grew by three per cent in trend terms, representing a growth of 20 700 jobs. Participation rates have risen from 60.8 per cent to 61.5 per cent. That is, more people, men and women, working than when the government was elected.

The Hon. R.G. KERIN: I rise on a point of order. My question was, simply, does she acknowledge that South Australia has lost full-time and total jobs every month for the last eight months? The minister is debating the question.

The SPEAKER: I uphold the point of order. The question seeks information, but it is a rhetorical question in that it invites the minister to condemn herself, when, in fact, it might have been more appropriate had the leader sought to discover the truth of the matter: is she aware of the figures which show that, and leave it at that. If she says yes, she is doing her job; if she says no, it is a matter for the house to handle. The honourable the minister.

The Hon. S.W. KEY: Thank you Mr Speaker, and thank you for your guidance on my answer. I believe it is also important to point out that the labour market figures are there to guide us on what are the indicators that we can use to look at our economy. I am very surprised, especially when I look back at the unemployment figures, particularly under the previous government, when, for example, in 1998 we had a 9.8 per cent unemployment rate. If you compare two years with two years, your last two years to our last two years, we have February 2000 with rate of about 8 per cent compared with the current rate of 6.8 per cent.

My point is that we can continue to argue statistics. I am quite capable of reading the ABS statistics just as is the leader. But, I think the point is that this is just one of the ways that your government and our government uses an economic indicator to determine what we need to do and where the emphasis needs to be in the South Australian economy. I would use those figures as a guide to try to make sure that the response we have with regard to jobs, and skills development, training, retraining, and all things that our government figures are ways in which to address our employment issues, and that is what we are doing.

If the leader wants to continue to debate the statistics with me, as he did with the previous minister and as he is doing with the Premier, we can obviously do that. But I would ask him to actually think about the outcomes. The outcomes are that we want to have meaningful, secure and well-paid jobs for people in South Australia. That is precisely what the employment minister is looking at doing, as in me and the previous employment minister. The next point I need to make is that if we want to go into statistics I am very happy to provide the house with the last four years statistics, February 2000 to February 2004, to verify what the ABS is interpreting. I believe it is important to not just look at the labour market statistics that come out from the ABS.

The SPEAKER: The minister is debating the matter, if she wasn't before—

The Hon. S.W. KEY: Well, it is not—

The SPEAKER: And I will not countenance any backchat from the minister. The minister has finished her answer, obviously. The Leader of the Opposition.

The Hon. R.G. KERIN: I have a supplementary question to the Minister for Employment. Given the minister's statement that she made about a national slowdown in the economy, is she aware that over the last eight months full-time and total jobs nationally, have increased each and every month?

The Hon. S.W. KEY: I think that what the Leader of the Opposition is talking about are the ABS statistics that have recently come out with regard to the labour market. I think that to a certain extent the Leader has not—

The Hon. R.G. KERIN: I rise on a point of order, sir. The question was: is she aware or not?

The SPEAKER: I take the point of order: is she aware or not?

The Hon. S.W. KEY: Yes, I am aware of the ABS labour market figures over the past 10 years.

EMPLOYMENT, DISADVANTAGED PEOPLE

Ms BREUER (Giles): My question is to the Minister for Employment, Training and Further Education. How is the government supporting programs which specifically assist disadvantaged people to find employment?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Giles for her question, and I know—having recently visited the Whyalla region, in particular—the work she is doing to make sure that the SA Works program, particularly local solutions for local areas, is actually becoming a reality in that area. It is interesting that members do not seem to see this as an important question, but members here will remember the Premier, along with the former minister for employment, introducing SA Works, which is a $17.6 million state-wide employment, training and skills development program.

This government has also recently allocated $450 000 to employment projects aimed at assisting disadvantaged groups to find employment opportunities. It is anticipated that over 300 people will benefit from this assistance. The Transition Employment Assistance Program funds organisations to help the most disadvantaged unemployed people. Particular programs will help those who are young, mature-aged, indigenous, refugees, migrants and those with a disability.

Nine organisations have been funded: Disability Works Australia, who provide a disability recruitment service and individual case management to job seekers with a disability; Australia Workplace Consultancies and Access Working Solutions, who are providing indigenous job placement services; Pathways Training and Employment Pty Ltd and the Australian Refugee Association, who are providing training and support services, including work experience, to assist migrants and refugees to gain employment; Quality Training Company, which provides accredited training, job placement and ongoing support to job seekers in the hospitality industry; New Day Ministries and Wirreanda High School WAVE program, who are working to increase job seeking skills and confidence of young people to attempt to help them get jobs and teaching them how to retain them; and VAT (Value Added Training) Whyalla, whose Perfect Career program provides training in specific job seeking skills to individuals working directly with employers and job networks in that region.

These programs provide a flexible working approach to meet the individual needs of participants whose social and economic circumstances put them at risk of not being able to fully participate in community life without some additional support. These programs provide a marvellous opportunity for the government, community organisations and business to work together to create employment pathways for unemployed people. And it is sad that the leader, particularly, is not here to hear my answer.

TEACHER NUMBERS, 2004

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. LOMAX-SMITH: Yesterday in the house I answered a question from the member for Napier about the

number of teachers who had been made permanent in 2004. I would like to clarify that the 136 graduate teachers appointed in fact represented a 152 per cent increase in the number that were made permanent in 2002 and not a 60 per cent increase in the last year, as I asserted. That increase from 2003 was in fact 22.5 per cent and, in relation to the country teaching scholarships, 24 people who received scholarships last year to support their studies were appointed to permanent jobs in 2004. The state government's scholarships to 76 country residents in 2004 went with a further 40 available to final year teaching students or graduates of other degrees who are moving into teaching.

Mrs GERAGHTY: Sir, I draw your attention to the state of the house.

The SPEAKER: A quorum is present.

GRIEVANCE DEBATE

HOSPITALS, WALLAROO

Mr MEIER (Goyder): Today during question time one of the questions directed to the Minister for Health was in relation to extra money for orthopaedic surgery in some hospitals. I was certainly hopeful that it would apply to the Northern Yorke Peninsula Health Service, namely, the hospital at Wallaroo, because, as all members would know, only yesterday I presented a petition to this house from 1 751 residents calling on the state government to immediately make additional funding available to the Wallaroo Hospital, that is, the Northern Yorke Peninsula Health Service, to allow joint replacement surgery and other essential health services to continue forthwith. I thought, 'Hooray! At long last the government is listening. We have a question and $5 million extra will be allocated.'

But how much was allocated to Northern Yorke Peninsula Health Service? The answer is: not one cent. How much was allocated to any other country hospital? The answer is: not one cent. I think it is despicable and disgraceful that country hospitals have continued to go down under this government. I wish the government had some knowledge of what it is doing to our country communities. In the case of Yorke Peninsula, I can speak from personal experience: we are extremely worried. What worries us even more is the fact that our population continues to increase. In fact, because we are a major tourist destination, our population is significantly higher during weekends and holidays. Yet those figures are not revealed in statistics from the census or any other statistics that are gathered.

In January this year the Wallaroo Hospital was forced to discontinue joint replacement surgery, including hip replacements, in a bid to cut costs. What does that mean? It simply means that the people who were scheduled to have their hip or any other joint replaced at Wallaroo Hospital were told, 'Sorry, can't do it.' Those people immediately go onto the waiting list at some metropolitan hospital. Is it helping the overall situation? The answer is: absolutely not. In fact, it means that these people are now having to travel to Adelaide at extra cost to them for their surgery, and it means that we are not having specialists come to our regional area.

After all the years of discussion and debate and after eight years of a Liberal government that decentralised health services in order to get some commonsense back into the hospital system, I am proud to say that under our government not one hospital was ordered or asked to close. All hospitals remained open. Yet what is this government doing? It is reversing that situation. In fact, my own area is affected because the Wakefield Regional Hospital Board will probably be amalgamated with the Mid North to make it even bigger. What did Sandra Kanck in the other place say? She said she supports it fully because she does not believe that they should be decentralised. Mr Speaker, you would know that decentralisation is the one thing that has helped our hospitals continue.

It is quite clear that this government is determined to slash and burn in relation to health funding in country areas. I am extremely upset about it. My constituents are extremely upset about it. Already over a period of time we have had a situation where we have had to cut surgery over the Christmas period. According to the chairman of the board, it looks as though we may have to cut surgery over the coming Easter period. We could well do without that. That immediately creates problems in itself. According to the CEO of the Wallaroo Hospital, in the last budget we received only a 1 per cent increase over last year's funding. We cannot expect to keep going at those levels. The reason it is hitting us is as a result of a new formula that has been worked out for nurse staffing levels (which means more nurse hours per patient), the enterprise bargaining discussions and the fact that we have been trying to offer more services at Wallaroo with less money. We cannot do it. The Mayor of the Copper Coast Council, Paul Thomas, likewise is extremely upset. He is particularly upset because the community cabinet visited the area eight months ago and minister Stevens at that time gave the people a reasonable hearing and said that the whole situation would be looked at. What has happened? I say: absolutely nothing, other than a further cut. It is high time this government addressed the problem and did not think only of city hospitals.

STUDENT FEES

Ms THOMPSON (Reynell): Unfortunately, last week Flinders University experienced a sit-in of students following disruption of the meeting of the University Senate. The issue was student fees. I know that the Vice Chancellor of Flinders University, Professor Anne Edwards, and her senior management team are committed to equity in education. The work that they have done in the southern area to improve participation in higher education has been an important first step in reaching young people and older people for whom university access has not been possible in the past.

The students are not sitting and swanning around in BMWs all the time. Many of the students at Flinders are in very desperate circumstances. I know the personal circumstances of a range of students who come from families who have struggled for years, and they themselves are struggling. The players at Flinders, both the students and the university administration, have been put in an untenable position by the federal government and its failure to deal properly with the issue of higher education in this country. Australian students and their families are now paying among the highest study costs in the world as they are forced to fill more of the funding hole left by the Howard government. Student fees under HECS have massively increased under the Howard

government. From $2 442 in 1996, the average fee paid by students has increased by 85 per cent to over $4 600 in 2003. Fees for most students have more than doubled to $5 200 or more. In 2001 students and their families contributed $1.8 billion through HECS—double their contribution in 1996. Over the same period, university income from fees and charges other than HECS has increased from $1.1 billion to $2.1 billion per annum.

Students and their families and the universities themselves have increased their contribution to higher education considerably over the last few years. But who is not doing their bit to contribute to higher education and the future of this nation? The answer is very clearly John Howard and his government. Federal investment in higher education has been cut by $5 billion since 1996 through increased student fees and real cuts to university grants. For every dollar Australian students have paid under the higher education contribution scheme since 1996, the Howard government has cut its investment by the same amount. Public investment in Australian universities has fallen to just 0.8 per cent of gross domestic product. Within the OECD only Italy, Korea and Japan invest less of their national wealth in their university systems.

There is also an impact on the quality of university education as a result of the cuts by the Howard government. The most damning indicator of the decline in the quality of university education is the blow-out in student-teaching staff ratios, having increased by over 22 per cent in five years under the Howard government. In 1999, the Australian student to staff ratios were 13 per cent higher than those in Canada and 31 per cent higher than the US, despite having had the lowest ratios only four years earlier. A 2002 study in changes in academic work found that 56 per cent of academics surveyed reported that the use of small group teaching has decreased, and 45 per cent said that the quality of contact with students had declined.

The Howard government's approach to higher education has been a disgrace. We constantly hear comments from various ministers for higher education which indicate that they think that higher education is the property of the elite and they suggest that there should be more of a contribution by students and their families. They also suggest that students should not be directed to university all the time. I have spoken many times in this house that the problem in my area is to get them there at all. Higher fees make it even harder for every one of them.

LIVE SHEEP EXPORTS

Mr VENNING (Schubert): Many of my constituents are gravely worried about the future of the live sheep industry in South Australia. They have impressed on me the dramatic implications that could occur in farming and employment in my electorate if the industry is curtailed in any way. That is as a consequence of the Keniry report, which was prepared for the federal government after the MV *Cormo Express* incident, of which, unfortunately, we are all very well aware.

After that event, the federal agriculture minister Warren Truss commissioned Dr John Keniry, past president of the Australian Chamber of Commerce and Industry, to chair a panel and report on Australia's $1 billion live export trade. This trade has been going on for over 40 years. I firmly believe that the report was necessary, as nobody wants to see a repeat of an incident similar to the *Cormo Express*, but many of my constituents are most concerned about the report's recommendations. Recommendation 6 of the Keniry report states:

> Exports should be banned in circumstances where available evidence indicates that the risks of adverse outcomes are predictably high; this would mean the closure of ports such as Portland and Adelaide during those periods of the year when the risks are greatest.

The implications are very serious, as you would know, sir. It would mean closing down Port Adelaide to live sheep exports in winter and the colder months. The flow-on effect from this action may well spell disaster for many people involved in a number of industries in my electorate of Schubert. It will greatly affect farmers and the manner in which they farm. It will completely change a farmer's rotation of stock and cropping. Farmers will no longer be able to sell sheep that have come of age in the middle of that year. Those sheep will have to be sold anything up to 18 months earlier into the local market as younger sheep, that being the only market for aged, full-mouthed sheep, particularly wethers. The stubble from the summer crops will no longer be able to managed, which is eaten and broken down by these animals destined for live export. Shearing rotations at times will have to change.

The issue also affects numerous other people and industries indirectly. Changes to live sheep export will go far beyond the farmers who will be affected. People who transport live sheep to port for export will basically have to shut down throughout winter. What will these trucking companies, their drivers and their families do for this period? Surely people cannot afford to run a business for only part of the year.

However, one of the greatest concerns highlighted to me comes from a feed producer based in my electorate. J.T. Johnson and Sons, commonly known as Johnsons, is very concerned over this whole incident and the dramatic implications it could have for its business and work force. Johnsons has invested millions of dollars on a processing plant to provide high fibre pelletised feed for the live sheep export industry. It has 60 full-time employees in Kapunda. It purchases approximately $7.5 million worth annually of hay, straw and grain from farmers in the Mid North, the South-East, the Riverland of South Australia and the Mallee. Much of this product, as you would know, sir, has no other outlet. The raw products and finished feed are used in the preparation of feedlots and then loaded on to the boat as feed for the journey.

Johnsons believes that, if this recommendation is accepted, it may have to shed 15 jobs immediately from its work force. The loss of 15 full-time jobs in Kapunda would have a dramatic effect on the whole industry and the community. The flow-on from this would greatly harm the entire town. It would also harm farmers, agricultural machinery sales and repairs and transport companies not based in Kapunda, not to mention those in Port Adelaide directly involved in the loading of ships and looking after the sheep's welfare. The wave of this decision would flow on all around the state.

In no way do I want Australia to face another *Cormo Express* incident, but there are jobs and people's way of life at stake. I implore members of parliament to support South Australia's rural industry in this issue. I question why Adelaide is to be bulked in with Portland, because we are quite different. Our altitude is much higher and we are much warmer than Portland. South Australia cannot afford for this recommendation to be accepted and I urge members to contact the federal minister and their federal colleagues to make sure it does not happen. I hope our new agriculture

minister will take this on board with the other crucial issues facing him at this time. I believe that a decision is imminent.

TELECOMMUNICATIONS CARRIERS

Mr SNELLING (Playford): A constituent came to my office during the three-week parliamentary break—

Dr McFetridge: Only one?

Mr SNELLING: One of many. He was rather concerned because he had received a phone call at home from a telephone company wanting him to switch his business away from Telstra to this other company. The call was unsolicited and he discussed the matter with them for a little while and agreed to have information sent out to him, but no more. When he subsequently received his phone bill, he discovered that it was not from Telstra but from this other company. I could be charitable and say that it seemed that the other phone company misunderstood what my constituent wanted, or perhaps they were being devious, but they switched my constituent's phone carrier from Telstra to themselves.

I am rather concerned that this can be done so easily by phone carriers and it does not require the customer to sign a piece of paper or a contract in order for them to change the contract over. The matter was rectified fairly easily. My constituent wanted to remain with Telstra, so my office, with a few phone calls, was able to have him switched back to Telstra. However, he was still left with a phone bill from the new company to which he had been switched, and we recommended that he take the matter further and make a complaint to the Telecommunications Ombudsman.

I would simply say to members of the community that, when they do receive a phone call from one of these telecommunications companies, they be very careful about what they agree to and make it quite clear if they want to remain with their existing telecommunications carrier. If they change their mind, particularly after having information sent to them, they make it clear that they will call the carrier but, if they do not want to have it done there and then over the phone, they make that quite clear also, because it seems that some of these telecommunications companies are very aggressive and will take even the slightest hint that you might be interested in changing your carrier as an invitation to proceed to do so. I make that warning to people in the community and hope that they take note.

ANANGU PITJANTJATJARA LANDS

The Hon. D.C. KOTZ (Newland): I have watched and listened very carefully over the last few days to all the issues brought to public attention relating to the Anangu Pitjantjatjara lands. From the beginning, the Premier was well aware of the degree of social disintegration of the lands that occurred shortly after he appointed his Minister for Aboriginal Affairs and Reconciliation on coming to government in March 2002. Three weeks after the appointment by the Premier, the Anangu Pitjantjatjara were calling for that minister's resignation. As the months went by, the Premier called for his own investigation into the problems, which it could be seen were exacerbated by his own minister's actions. I am also aware that the Premier adopted a view in an effort to seek resolution that was in total contrast to his own minister, but he sat back and let the issues escalate.

The Deputy Premier in recent times attempted to salvage some form of leadership in this matter, and his efforts have been typical of the dramatically induced bully boy tactics we have come to expect from the Treasurer, who appears to be more a blowhard without substance. The Deputy Premier announced a few days ago that the Labor government will take control and appoint an administrator, and 24 hours beforehand Jim Litster was approached and accepted the position that was offered.

In the 24 hours after the Deputy Premier's announcement, we saw the Deputy Premier perform what I must say was a most agile backflip. Mr Litster went from administrator to coordinator. And why did we see the backflip from the Deputy Premier? Someone obviously had told the Deputy Premier that the AP Lands are not a state-owned entity and therefore cannot be controlled by the state and an administrator would not have any legal jurisdiction on the lands. So now we have plan B in action. But where was the Minister for Aboriginal Affairs during this takeover attempt by Premier and cabinet? I am told by several Aboriginal people that the minister—

The Hon. M.J. Atkinson: Don't tell me that you are the opposition spokeswoman!

The Hon. D.C. KOTZ: Yes, I am, in this house. Apparently, the minister's phone was running hot advising the current chairman of the AP Council and other Anangu Pitjantjatjara that he knew nothing about this matter or this change—he did not know that these changes were being made. To add insult to injury, the minister stated to the public, via talk back radio, that one of the problems with the act is that it was drawn up in 1981 by the Liberal government to administer land at the time—it is a land management act and, for its time, was a progressive act. That was fine for land management, says the current Minister for Aboriginal Affairs.

I am sure the text of that particular interview and the minister's comments can be checked if anyone in this chamber is as incredulous as I was when I heard the Minister for Aboriginal Affairs define the Pitjantjatjara Land Rights Act 1981 as purely a land management act. Most members in this house would know that the act of 1981 was the most significant and historic piece of legislation passed by these houses of parliament because it granted ownership of land to Aboriginal people for the first time in this country's history. Perhaps the Premier needs to provide a briefing by the Crown Solicitor for his Minister for Aboriginal Affairs to explain what that legislation says.

The Deputy Premier accuses the AP Council of not utilising any portion of the $7 million allocated to the lands for petrol sniffing and drug and alcohol abuse programs over four years and, with this accusation, linked with the tragic suicides of young people on the lands, places blame on the Anangu Pitjantjatjara and rushes into the media to proclaim a takeover by government and the appointment of an administrator. But let us just take a moment to discover what we are talking about in terms of a $7 million program. I cannot imagine that any government—at the very least, an honest and accountable government—was going to sign off $7 million without knowing what the program was they were signing off on.

We are talking about a program that will deal with the significant health problems of Aboriginal people relating to petrol sniffing and drug and alcohol abuse, but the AP Council is not able to administer $7 million because it has absolutely no skills in delivering a program, writing a program and expending funds on a program to do with the

health and well-being of Aboriginal people. This must mean that somewhere in government, probably through the Department of Human Services, a program was initiated—we can only hope a program was initiated—before the Treasurer signed off on $7 million and blamed the AP Council.

Time expired.

Ms BREUER (Giles): No-one would question that the situation in the Anangu Pitjantjatjara lands is appalling—four young people have died and there have been eight attempted suicides in the past couple of weeks—but I find the situation and the things that have happened in this place today absolutely disgraceful and just as appalling. Today, I have witnessed all sorts of ridiculous politicking. Yesterday it happened in the other place, and I presume it has probably happened there again today. Last week *The Advertiser* laid claim to getting action on this issue through its articles. That is absolutely ridiculous.

I urge members here today to not interfere with the processes. The minister and the government must be left to sort out this delicate situation. We are playing with people's lives. It is not some convenient bandwagon on which to postulate and cause more problems. I am amazed at the number of instant experts who have been produced in the past week—the people who can propose simple solutions to this. Keep your noses out of it. The AP Council and the people of the lands need to be able to work this out in cooperation and in partnership with the minister and the government. We are talking about the coordination of state government services and ensuring that these services work. Anangu must be able to manage their land and determine what happens there. We cannot blame the current administration, the past administration, the present government, the past government, the present minister or the past minister.

Comments have been made here in the past week that I thought were very unfortunate and premature, but I now believe that they have been thought through very carefully. The member for Newland today quoted the report which makes implications relating to the newly elected AP Council last year. That was one opinion that she quoted; and I can quote at least four other different opinions about what happened last year with the new AP council. Of course, the member for Newland was the member for Aboriginal absences—the minister who visited the AP Lands I think once in her time in office.

I do not agree with the member for Mitchell's comments yesterday when he said, 'I will give credit where credit is due. I was glad to hear the Deputy Premier acknowledge the government's responsibility for failure to act over the last 18 months.' I believe the minister had a very difficult role in the past two years in initially trying to resolve some of the differences between the AP Council and the Pitjantjatjara Council, and I believe he had reached a temporary resolution but that more action was needed. That is my opinion, and I have heard many other opinions on this issue.

I started visiting the lands six years ago and have watched the situation deteriorate over those six years. I saw money disappear with very little result. I saw violence increase to a point where I was afraid to go to the lands and I was very careful when I went to the lands, and I certainly would not consider camping there at the moment with the current situation. One day when I was there I saw a young mother pushing a little baby in a pram with a tin under her nose, and the young mother was about 14 years of age. The first child I saw with a can under their nose was about 10 or 11 years old and sitting on a fence, and I cried because I had a daughter the same age at that time.

I have seen lives up there destroyed by grief and corruption and the problems they have. You hear all sorts of unsubstantiated claims about what goes on—about drugs being sold; alcohol being sold at inflated prices; and people taking key cards from Aboriginal people and using them on pension day and their money disappears in the stores, etc. There is a suspicion that money goes into the pockets of white people in the communities. There is a story that any people who go to the lands are missionaries, misfits or mercenaries. When you go there and see what happens, you can see that that is true to a large extent. These are the sorts of problems that we have in the lands. The things I am talking about are unsubstantiated but you hear them over and over again.

White people and Anangu have to work together. We have to do something about it. There has been no real accountability in the past from ATSIC, the state government or anyone about where this money goes. It just disappears. Something has to happen. We cannot be frightened to ask about it: we cannot be frightened to ask for accountability in these situations. In the past few days I have spoken to many people—Aboriginal and white people—about the current situation. In the past two years I have left it to the minister to try to resolve some of these problems. I think it is important that we keep our noses out of it and let it be sorted out properly.

People should not come into this place and play politics and try to make an issue of it. Let us just forget it. There are plenty of other issues you can have a go at the government about. Have a go at us about electricity or have a go at us about welfare. Have a go at us about anything you like, but keep your noses out of this and let us get on and sort this problem out. I have had many discussions with the member for Morphett and I am sure he feels this way. We cannot use this politically for the sake of the people in the lands.

Time expired.

SELECT COMMITTEE ON THE JUVENILE JUSTICE SYSTEM

The Hon. M.J. ATKINSON (Attorney-General): By leave, I move:

That standing orders be so far suspended as to enable the Select Committee on the Juvenile Justice System to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee before such evidence is reported to the house.

The SPEAKER: I have counted the house and, as an absolute majority of the whole number of members of the house is not present, ring the bells.

An absolute majority of the whole number of members being present:

The SPEAKER: Order! For the benefit of members, I point out that at that moment a quorum was present but not an absolute majority and the motion for suspension would have lapsed had it not been for two members just walking through the door.

Motion carried.

MEDICAL PRACTICE BILL

The Hon. L. STEVENS (Minister for Health) obtained leave and introduced a bill for an act to protect the health and safety of the public by providing for the registration of medical practitioners and medical students; to regulate the provision of medical treatment for the purpose of maintaining high standards of competence and conduct by the persons who provide it; to repeal the Medical Practitioners Act 1983; and for other purposes. Read a first time.

The Hon. L. STEVENS: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Medical Practice Bill 2004* will replace the *Medical Practitioners Act 1983*. It is 21 years since the Medical Practitioners Act came into force and there have been significant changes in both medical practice and in the broader society during that time. This Bill, which has as its primary aim the protection of the health and safety of the public, will modernise the regulation of the medical profession in South Australia.

In introducing this Bill I acknowledge the role played by my predecessor, the Hon Dean Brown MP and his staff in the development of this legislation. Members may recall that the *Medical Practice Bill 2001* was introduced into the House of Assembly in May 2001 but lapsed when the election was called. This Bill which I am introducing is substantively the same as that introduced by the former Minister. At the time I was supportive of the Bill and recognised the need for the 1983 Act to be revamped to accommodate the many changes which have occurred over the previous years.

The Medical Board of South Australia has identified the deficiencies of the current legislation for some time now and has been very supportive of new legislation to address the problems with the Act. The Board recognises that the world has changed and that the way in which we regulate professional practice has to move with the times.

We live in a world which is more demanding of its professionals than in the past. Twenty years ago medical practitioners, whether they were General Practitioners or Specialists, were highly respected members of the community held in the esteem reserved at the time for bank managers and others whose integrity was unchallenged. In the twenty first century, where the forces of the free market dominate many aspects of our lives, consumers are demanding a different relationship with professionals. They do not want a relationship based on a power differential where the professional has all the power and answers and the consumer is the passive and grateful recipient of their services. Consumers today want a service based on a partnership model of care where both the medical practitioner and the consumer are active participants in that care.

Consumers are also more informed about medical matters, helped in part by the access to information which the internet provides. Most consumers now have access to a wide range of information which they often take along with them when they visit their doctors. This can of course be a two edged sword for medical practitioners. On the one hand, it means that consumers may be better educated about particular medical conditions, but it also means that there is more self-diagnosis going on in the community which can be dangerous. I raise this matter only because it demonstrates that the consumer of today is vastly different in their expectations of medical practitioners than the consumer of 20 years ago.

Our standards in regard to transparency and accountability have also changed and are now much more explicit than in the past. The *Statutes Amendment (Honesty and Accountability in Government) Act 2003*, which was recently assented to, will provide a clear framework for the operation of the public sector, including the Medical Board of South Australia and other professional boards.

While consumers have higher expectations of their medical practitioners than they did in the past, and Governments have higher expectations of all professionals and those who occupy public office, we as a society have increasing expectations of the health system as a whole. The Generational Health Review undertaken by John Menadue revealed that there are significant pressures on the South Australian health system and concluded that the current system is not sustainable. Without significant reform the health system, and primarily hospitals, will continue to absorb increasing State resources.

Turning the health system around so that we can ensure a higher proportion of resources goes to primary health care will only be achieved with the cooperation of the medical profession, and in particular general practitioners. GPs will play a key role as members of the proposed primary health care networks. These networks will involve a range of primary health care providers agreeing to work together in an integrated and coordinated way to ensure access to comprehensive consumer focussed primary health care services for a defined geographical population. They will be responsible for providing holistic care to consumers.

Networks will have service targets for improving primary health care service access to at risk populations and for addressing health inequalities. They will be linked through technology and information systems and develop common systems and processes, in particular for referral. GPs will be key providers and it will be a requirement for Networks to have support from the local Division of General Practice.

Partnerships between the Government and the medical profession, and the medical profession and their patients, will therefore provide the basis for the health system of the future. The *Medical Practice Bill 2004* is an important part of the functioning of the broader health system. The philosophy underpinning the Bill emphasises the need for transparency and accountability and is described by the principle that not only should justice be done, but it must be seen to be done.

While legislation provides the framework, it is the actual administration of the legislation which becomes critical to achieving greater transparency and accountability. We cannot legislate for every conceivable situation which may arise. What we can expect however is that the spirit of the legislation will permeate all the activities of the Medical Board of South Australia. I am very pleased to be able to report that staff of the Medical Board and the Health Consumers Alliance of South Australia have been meeting to discuss how the complaints processes administered by the Medical Board can be improved to make them more consumer focussed, open and transparent. It is this type of partnership which needs to be encouraged.

I have previously acknowledged the crucial role that my predecessor, the Hon Dean Brown MP has played in the development of this legislation. While the Bill you have before you today is fundamentally similar to the Bill the former Minister introduced, I have made some changes and I would now like to discuss these.

Firstly, I have removed the infection control measures contained in the previous Bill after consultation with the key stakeholders.

Under the provisions of the previous Bill, individual medical practitioners and their treating doctors would have had a responsibility to report to the Medical Board when they had a prescribed communicable infection. I have removed this requirement as it is not considered necessary for ensuring that medical practitioners are not placing their patients at risk.

However, clause 4 of this Bill requires that where a determination is made of a person's fitness to provide medical treatment, regard is had to the person's the ability to provide treatment without endangering a patient's health or safety. This can include consideration of communicable infections.

This provision recognises that there is a considerable difference between a surgeon with a prescribed communicable disease such as Hepatitis C or HIV, and a psychiatrist with a similar disease in relation to the danger they may present to their patients.

This approach was agreed to by all the major medical and infection control stakeholders and is in line with the way in which these matters are handled in other jurisdictions, and across the world.

I have removed any reference to the Australian Medical Association from the Bill. I indicated in the previous debate that my preference was to have two members of the Medical Board directly elected by all eligible medical practitioners rather than one elected and one nominated by the AMA. My approach is consistent with the approach adopted in regard to the *Nurses Act 1999* and the *Dental Practice Act 2001* where no particular association is privileged by being specifically named in the Act. This is the approach I have adopted with this Bill. I do not expect the AMA to be happy with this change but I do expect them to understand my reasons for it. It is not a diminution of the role of the AMA rather it places all organisations which may wish to represent the interests of medical practitioners on a level playing field.

Additionally I have introduced a provision that will restrict the length of time which any one member of the Medical Board can serve to three consecutive three-year terms. This is to ensure that the board has the benefit of fresh thinking. It will not restrict a person's capacity to serve on the Board at a later time but it does mean that after three terms or nine years they will have to have a break.

I have also made some changes to the process used by the Board in hearing complaints to ensure that the person with the complaint will always be involved in the proceedings and has a right to this. As the previous Bill was drafted, only a party to the proceedings had a right to be present during proceedings. Most complaints are taken to the Board by the Registrar acting on behalf of the complainant. Complainants do not usually take their own case to the Board for fear of having costs awarded against them. Because they are not a party to the proceedings they do not legally have a right to be present during proceedings. This is obviously an unsatisfactory situation and I have had the relevant provisions of the Bill redrafted to provide a right for the complainant to be present at the hearing of the proceedings. This ensures that the proceedings are transparent from the perspective of the person with the complaint.

In the interests of protecting the public I have included a number of provisions which are concerned with medical services providers. Firstly, the Medical Board will have the power to develop a code of practice for medical services providers. This is to ensure that providers offer quality, safe medical services. The systems that providers establish to support the work of their medical practitioners is a critical component of the overall service provided to a consumer. If the administrative systems are not efficient and effective the result can be less than optimal for the consumer. Test results which go astray or lack of attention to equipment are examples of the sorts of things which can undermine the provision of a quality service.

Any codes developed by the Medical Board will need to be approved by me. This is to ensure that codes do not contain measures which can be used to restrict competition but rather, focus on public protection. In addition, medical services providers will be required to have a suitable range and level of insurance cover. Providers of medical services and their employees may also become the subject of disciplinary proceedings if they act in a manner which would be unprofessional if they were a registered person, that is, a medical practitioner.

This range of measures should go some way towards allaying the fear many people have of corporatised medicine. I have aimed with this Bill to find a balance between the interests of the free market and service providers, the medical profession and the public. This is a fine balancing act. Where these interests are clearly in conflict I have opted for measures which protect the public interest as this is the basis of the philosophy on which the regulation of the medical and other professions is based.

I believe this Bill will provide a much improved system for regulating the medical profession in South Australia and I commend it to all members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Medical fitness to provide medical treatment

This clause provides that in making a determination as to a person's medical fitness to provide medical treatment, regard must be given to the question of whether the person is able to provide treatment personally to a patient without endangering the patient's health or safety.

Part 2—Medical Board of South Australia

Division 1—Establishment of Board

5—Establishment of Board

This clause establishes the Medical Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of a natural person capable of being exercised by a body corporate.

Division 2—Board's membership

6—Composition of Board

This clause provides for the Board to consist of 12 members appointed by the Governor, empowers the Governor to appoint deputy members and requires at least 3 members of the Board nominated by the Minister to be women and at least 3 to be men.

7—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. However, a member of the Board may not hold office for consecutive terms that exceed 9 years in total. The clause sets out the circumstances in which a member's office becomes vacant and the grounds on which the Governor may remove a member from office. It allows members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.

8—Presiding member and deputy

This clause requires the Minister, after consultation with the Board, to appoint medical practitioner members of the Board to be the presiding member and deputy presiding member of the Board.

9—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

10—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

Division 3—Registrar and staff of Board

11—Registrar of Board

This clause provides for the appointment of a Registrar by the Board on terms and conditions determined by the Board.

12—Other staff of Board

This clause provides for the Board to have such other staff as it thinks necessary for the proper performance of its functions.

Division 4—General functions and powers

13—Functions of Board

This clause sets out the functions of the Board and requires it to exercise its functions with the object of protecting the health and safety of the public by achieving and maintaining high professional standards both of competence and conduct in the provision of medical treatment in South Australia.

14—Committees

This clause empowers the Board to establish committees to advise the Board or the Registrar or to assist the Board to carry out its functions.

15—Delegations

This clause empowers the Board to delegate its functions or powers to a member of the Board, the Registrar, an employee of the Board or a committee established by the Board.

Division 5—Board's procedures

16—Board's procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping of minutes.

17—Conflict of interest etc under Public Sector Management Act

This clause provides that a member of the Board will not be taken to have a direct or indirect interest in a matter for the purposes of the *Public Sector Management Act 1995* by reason only of the fact that the member has an interest in the matter that is shared in common with the public, medical practitioners generally or a substantial section of the public or of medical practitioners in this State.

18—Powers of Board in relation to witnesses etc

This clause sets out the powers of the Board to summons witnesses and require the production of documents and other evidence in proceedings before the Board.

19—Principles governing proceedings

This clause provides that the Board is not bound by the rules of evidence and requires it to act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms. It requires the Board to keep all parties to proceedings before the Board properly informed about the progress and outcome of the proceedings.

20—Representation at proceedings before Board
This clause entitles a party to proceedings before the Board to be represented at the hearing of those proceedings.
21—Costs
This clause empowers the Board to award costs against a party to proceedings before the Board and provides for the taxation of costs by a Master of the District Court in the event that a party is dissatisfied with the amount of costs fixed by the Board.
Division 6—Accounts, audit and annual report
22—Accounts and audit
This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board.
23—Annual report
This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.
Part 3—Medical Professional Conduct Tribunal
24—Continuation of Tribunal
This clause continues the Medical Practitioners Professional Conduct Tribunal in existence as the Medical Professional Conduct Tribunal.
25—Composition of Tribunal
This clause provides for the Tribunal to consist of 13 members, requires at least 4 appointed members of the Tribunal to be women and at least 4 to be men, and empowers the Governor to appoint deputy members.
26—Terms and conditions of appointed members
This clause provides for appointed members of the Tribunal to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment. It sets out the circumstances in which an appointed member's office becomes vacant and the grounds on which the Governor may remove a member from office. It allows appointed members whose terms have expired to continue to act as members to hear part-heard disciplinary proceedings under Part 5.
27—Vacancies or defects in appointment of members
This clause ensures an act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.
28—Remuneration
This clause entitles a member of the Tribunal to remuneration, allowances and expenses determined by the Governor.
29—Registrar of Tribunal
This clause provides that there will be a Registrar of the Tribunal. The Registrar will be the person for the time being holding or acting in the office of Registrar of the District Court
30—Protection from personal liability
This clause protects members of the Tribunal and the Registrar of the Tribunal from personal liability in good faith for an act or omission in the performance or purported performance of functions or duties under the measure. A civil liability will instead lie against the Crown.
Part 4—Registration
Division 1—Registers
31—Registers
This clause requires the Registrar to keep certain registers and specifies the information required to be included in each register. It also requires the registers to be kept available for inspection by the public and permits access to be made available by electronic means. The clause requires registered persons to notify a change of address within 1 month of the change. A maximum penalty of $250 is fixed for non-compliance.
32—Authority conferred by registration on register
This clause sets out the kind of medical treatment that registration on each particular register authorises a registered person to provide.
Division 2—Registration
33—Registration of natural persons on general or specialist register
This clause provides for the full and limited registration of natural persons on the general register or the specialist register.
34—Registration of medical students
This clause requires persons to register as medical students before undertaking an undergraduate (or prescribed postgraduate) course of medical study and provides for full or limited registration of medical students.
35—Application for registration
This clause deals with applications for registration. It empowers the Board to require applicants to submit medical reports or other evidence of medical fitness to provide medical treatment or to obtain additional qualifications or experience before determining an application.
36—Removal from register or specialty
This clause requires the Registrar to remove a person from a register or a specialty on application by the person or in certain specified circumstances (for example, suspension or cancellation of the person's registration under this measure).
37—Reinstatement on register or in specialty
This clause makes provision for reinstatement of a person on a register or in a specialty. It empowers the Board to require applicants for reinstatement to submit medical reports or other evidence of medical fitness to provide medical treatment or to obtain additional qualifications or experience before determining an application.
38—Fees and returns
This clause deals with the payment of registration, reinstatement and annual practice fees, and requires registered persons to furnish the Board with an annual return in relation to their medical practice, continuing medical education and other matters relevant to their registration under the measure. It empowers the Board to remove from a register a person who fails to pay the annual practice fee or furnish the required return.
Division 3—Special provisions relating to medical services providers
39—Information to be given to Board by medical services providers
This clause requires a medical services provider to notify the Board of the provider's name and address, the name and address of the medical practitioners through the instrumentality of whom the provider is providing medical treatment and other information. It also requires the provider to notify the Board of any change in particulars required to be given to the Board and makes it an offence to contravene or fail to comply with the clause. A maximum penalty of $10 000 is fixed. The Board is required to keep a record of information provided to the Board under this clause available for inspection at the office of the Board and may make it available to the public electronically.
Division 4—Restrictions relating to the provision of medical treatment
40—Illegal holding out as registered person
This clause makes it an offence for a person to hold himself or herself out as a registered person of a particular class or permit another person to do so unless registered on the appropriate register. It also makes it an offence for a person to hold out another as a registered person of a particular class unless the other person is registered on the appropriate register. In both cases a maximum penalty of $50 000 or imprisonment for 6 months is fixed.
41—Illegal holding out concerning limitations or conditions
This clause makes it an offence for a person whose registration is restricted, limited or conditional to hold himself or herself out, or permit another person to hold him or her out, as having registration that is unrestricted or not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is restricted, limited or conditional as having registration that is unrestricted or not subject to a limitation or condition. In each case a maximum penalty of $50 000 or imprisonment for 6 months is fixed.

42—Use of certain titles or descriptions prohibited

This clause creates a number of offences prohibiting a person who is not appropriately registered from using certain words or their derivatives to describe himself or herself or services that they provide, or in the course of advertising or promoting services that they provide. In each case a maximum penalty of $50 000 is fixed.

43—Restrictions on provision of medical treatment by unqualified persons

This clause makes it an offence for a person to provide medical treatment of a prescribed kind (and prevents recovery of a fee or charge for medical treatment provided by the person) unless, at the time the treatment was provided, the person was a qualified person or provided the treatment through the instrumentality of a qualified person. A maximum penalty of $50 000 or imprisonment for six months is fixed for the offence. However, these provisions do not apply to medical treatment provided by an unqualified person in prescribed circumstances. In addition, the Governor is empowered, by proclamation, to grant an exemption if of the opinion that good reason exists for doing so in the particular circumstances of a case. The clause makes it an offence punishable by a maximum fine of $50 000 to contravene or fail to comply with a condition of an exemption.

44—Board's approval required where medical practitioner or medical student has not practised for 3 years

This clause prohibits a registered person who has not provided medical treatment of a kind authorised by their registration for 3 years or more from providing such treatment for fee or reward without the prior approval of the Board and fixes a maximum penalty of $20 000. The Board is empowered to require an applicant for approval to obtain qualifications and experience and to impose conditions on the person's registration.

Part 5—Investigations and proceedings

Division 1—Preliminary

45—Interpretation

This clause provides that in this Part the terms ***medical services provider***, ***occupier of a position of authority*** and ***registered person*** includes a person who is not but who was, at the relevant time, a medical services provider, occupier of a position of authority or a registered person.

46—Cause for disciplinary action

This clause specifies what constitutes proper cause for disciplinary action against a registered person, a medical services provider or a person occupying a position of authority in a corporate or trustee medical services provider.

Division 2—Investigations

47—Powers of inspectors

This clause sets out the powers of an inspector to investigate certain matters.

48—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information or belief, or falsely represent that the person is an inspector. A maximum penalty of $10 000 is fixed.

Division 3—Proceedings before Board

49—Obligation to report medical unfitness of medical practitioner or medical student

This clause requires certain classes of persons to report to the Board if of the opinion that a medical practitioner or medical student is or may be medically unfit to provide medical treatment. A maximum penalty of $10 000 is fixed for non-compliance. The Board must cause a report to be investigated.

50—Medical fitness of medical practitioner or medical student

This clause empowers the Board to suspend the registration of a medical practitioner or medical student, impose conditions on registration restricting the right to provide medical treatment or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by certain persons or after an investigation under clause 49, and after due inquiry, the Board is satisfied that the practitioner or student is medically unfit to provide medical treatment and that it is desirable in the public interest to take such action.

51—Inquiries by Board as to matters constituting grounds for disciplinary action

This clause requires the Board to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Board considers the complaint to be frivolous or vexatious or lays a complaint before the Tribunal relating to such matters. The Board must, before conducting an inquiry, give the respondent an opportunity to elect to have the matter dealt with by the Tribunal and, if the respondent so elects, the Board must lay a complaint before the Tribunal. If after conducting an inquiry, the Board is satisfied that there is proper cause for taking disciplinary action, the Board can censure the person, order the person to pay a fine of up to $1 000, impose conditions on the person's right to provide medical treatment, or suspend the person's registration for a period not exceeding 1 month. If a person fails to pay a fine imposed by the Board, the Board may remove their name from the appropriate register.

52—Variation or revocation of conditions imposed by Board

This clause empowers the Board, on application by a registered person, to vary or revoke a condition imposed by the Board on his or her registration.

53—Suspension of registration of non-residents

This clause empowers the Board, on application by the Registrar, to suspend until further order the registration of a medical practitioner who has not resided in Australia for the period of 12 months immediately preceding the application.

54—Constitution of Board for purpose of proceedings

This clause sets out how the Board is to be constituted for the purpose of hearing and determining proceedings under Part 5.

55—Provisions as to proceedings before Board

This clause deals with the conduct of proceedings by the Board under Part 5.

Division 4—Proceedings before Tribunal

56—Constitution of Tribunal for purpose of proceedings

This clause sets out how the Tribunal is to be constituted for the purpose of hearing and determining proceedings under Part 5.

57—Inquiries by Tribunal as to matters constituting grounds for disciplinary action

This clause requires the Tribunal to inquire into a complaint relating to matters alleged to constitute grounds for disciplinary action against a person unless the Tribunal considers the complaint to be frivolous or vexatious.

If, after conducting an inquiry, the Tribunal is satisfied that there is proper cause for taking disciplinary action, the Tribunal can censure the person, order the person to pay a fine of up to $20 000 or prohibit the person from carrying on business as a medical services provider or from occupying a position of authority in a corporate or trustee medical services provider. If the person is registered, the Tribunal may impose conditions on the person's right to provide medical treatment, suspend the person's registration for a period not exceeding 1 year, cancel the person's registration, or disqualify the person from being registered.

A disqualification or prohibition may apply permanently, for a specified period, until the fulfilment of specified conditions or under further order, and may have effect at a specified future time. Conditions may be imposed as to the conduct of the person or the person's business until that time.

If a person fails to pay a fine imposed by the Tribunal, the Board may remove their name from the appropriate register.

58—Variation or revocation of conditions imposed by Tribunal

This clause empowers the Tribunal, on application by a registered person, to vary or revoke a condition imposed by the Tribunal on his or her registration.

59—Provisions as to proceedings before Tribunal

This clause deals with the conduct of proceedings by the Tribunal under Part 5.

60—Powers of Tribunal

This clause sets out the powers of the Tribunal to summons witnesses and require the production of documents and other evidence in proceedings before the Tribunal.

61—Costs

This clause empowers the Tribunal to award costs against a party to proceedings before the Tribunal.

62—Contravention of prohibition order

This clause makes it an offence to contravene an order of the Tribunal or to contravene or fail to comply with a condition imposed by the Tribunal. A maximum penalty of $75 000 or imprisonment for 6 months is fixed.

63—Register of prohibition orders

This clause requires the Registrar of the Tribunal to keep a register of prohibition orders made by the Tribunal. The register must be kept available for inspection at the office of the Registrar and may be made available to the public electronically.

64—Power of Tribunal to make rules

This clause empowers the Tribunal constituted of the President and two other members selected by the presiding member to make rules regulating its practice and procedure or making any other provision as may be necessary or expedient to carry into effect the provisions of this Part relating to the Tribunal.

Part 6—Appeals

65—Right of appeal to Supreme Court

This clause provides a right of appeal to the Supreme Court against certain acts and decisions of the Board or Tribunal.

66—Operation of order may be suspended

This clause empowers the Court to suspend the operation of an order made by the Board or Tribunal where an appeal is instituted or intended to be instituted.

67—Variation or revocation of conditions imposed by Court

This clause empowers the Supreme Court, on application by a registered person, to vary or revoke a condition imposed by the Court on his or her registration.

Part 7—Miscellaneous

68—Interpretation

This clause defines terms used in Part 7.

69—Offence to contravene conditions of registration

This clause makes it an offence for a person to contravene or fail to comply with a condition of his or her registration and fixes a maximum penalty of $75 000 or imprisonment for six months.

70—Offence to practise medicine while deregistered

This clause makes it an offence for a person who has been removed from a register and not reinstated to provide medical treatment for fee or reward. It fixes a maximum penalty of $75 000 or imprisonment for six months. However, it does not apply in relation to a person exempted under clause 43 and providing medical treatment in accordance with the exemption.

71—Medical practitioner etc must declare interest in prescribed business

This clause requires a medical practitioner or prescribed relative of a medical practitioner who has an interest in a prescribed business to give the Board notice of the interest and of any change in such an interest. It fixes a maximum penalty of $20 000 for non-compliance. It also prohibits a medical practitioner from referring a patient to, or recommending that a patient use, a health service provided by the business and from prescribing, or recommending that a patient use, a health product manufactured, sold or supplied by the business unless the medical practitioner has informed the patient in writing of his or her interest or that of his or her prescribed relative. A maximum penalty of $20 000 is fixed for a contravention. However, it is a defence to a charge of an offence or unprofessional conduct for a medical practitioner to prove that he or she did not know and could not reasonably have been expected to know that a prescribed relative had an interest in the prescribed business to which the referral, recommendation or prescription that is the subject of the proceedings relates.

72—Offence to give, offer or accept benefit for referral or recommendation

This clause makes it an offence—

(a) for any person to give or offer to give a medical practitioner or prescribed relative of a practitioner a benefit as an inducement, consideration or reward for the practitioner referring, recommending or prescribing a health service or health product provided, sold, etc. by the person;

(b) for a medical practitioner or prescribed relative of a practitioner to accept from any person a benefit offered or given as a inducement, consideration or reward for such a referral, recommendation or prescription.

In each case a maximum penalty of $75 000 is fixed for a contravention.

73—Improper directions to medical practitioners or medical students

This clause makes it an offence for a person who provides medical treatment through the instrumentality of a medical practitioner or medical student to direct or pressure the practitioner or student to engage in unprofessional conduct. It also makes it an offence for a person occupying a position of authority in a corporate or trustee medical services to direct or pressure a medical practitioner or medical student through whom the provider provides medical treatment to engage in unprofessional conduct. In each case a maximum penalty of $75 000 is fixed.

74—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for himself or herself or another person) and fixes a maximum penalty of $20 000 or imprisonment for 6 months.

75—Statutory declarations

This clause empowers the Board to require information provided to the Board to be verified by statutory declaration.

76—False or misleading statement

This clause makes it an offence for a person to make a false or misleading statement in a material particular (whether by reason of inclusion or omission of any particular) in information provided under the measure and fixes a maximum penalty of $20 000.

77—Medical practitioner or medical student must report his or her medical unfitness to Board

This clause requires a medical practitioner or medical student who is aware that he or she is or may be medically unfit to provide medical treatment to forthwith give written notice of that fact of the Board and fixes a maximum penalty of $10 000 for non-compliance.

78—Medical School must report cessation of student's enrolment

This clause requires the Dean or Acting Dean of a Medical School to give the Board written notice that a medical student has ceased to be enrolled in an undergraduate course of study at the School and fixes a maximum penalty of $5 000 for non-compliance.

79—Registered persons and medical services providers to be indemnified against loss

This clause prohibits registered persons and medical services providers from providing medical treatment for fee or reward unless insured or indemnified in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person or provider in connection with the provision of such treatment. It fixes a maximum penalty of $10 000 and empowers the Board to exempt persons or classes of persons from the requirement to be insured or indemnified.

80—Information relating to claim against registered person to be provided

This clause requires a registered person to provide the Board with prescribed information about any claim made against the registered person or another person for alleged negligence committed by the registered person in the

course of providing medical treatment. The clause fixes a maximum penalty of $10 000 for non-compliance.

81—Victimisation

This clause prohibits a person from victimising another person (the victim) on the ground, or substantially on the ground, that the victim has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

82—Self-incrimination

This clause provides that if a person is required to provide information or to produce a document, record or equipment under this measure and the information, document, record or equipment would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless provide the information or produce the document, record or equipment, but the information, document, record or equipment so provided or produced will not be admissible in evidence against the person in proceedings for an offence, other than an offence against this measure or any other Act relating to the provision of false or misleading information.

83—Punishment of conduct that constitutes an offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

84—Vicarious liability for offences

This clause provides that if a corporate or trustee medical services provider or other body corporate is guilty of an offence against this measure, each person occupying a position of authority in the provider or body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the person could not, by the exercise of reasonable care, have prevented the commission of the principal offence.

85—Application of fines

This clause provides that fines imposed for offences against the measure must be paid to the Board.

86—Board may require medical examination or report

This clause empowers the Board to require a medical practitioner or medical student or person applying for registration or reinstatement of registration as such to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply the Board can suspend the person's registration until further order.

87—Ministerial review of decisions relating to courses

This clause gives a provider of a course of education or training the right to apply to the Minister for a review of a decision of the Board to refuse to approve the course for the purposes of the measure or to revoke the approval of a course.

88—Confidentiality

This clause makes it an offence for a person engaged or formerly engaged in the administration of the measure or the repealed Act (the *Medical Practitioners Act 1983*) to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this measure or any other Act or law; or

(b) with the consent of the person to whom the information relates; or

(c) in connection with the administration of this measure or the repealed Act; or

(d) to an authority responsible under the law of a place outside this State for the registration or licensing of persons who provide medical treatment, where the information is required for the proper administration of that law; or

(e) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions.

However, the clause does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Personal information that has been disclosed for a particular purpose must not be used for any other purpose by the person to whom it was disclosed or any other person who gains access to the information (whether properly or improperly and directly or indirectly) as a result of that disclosure. A maximum penalty of $10 000 is fixed for a contravention of the clause.

89—Service

This clause sets out the methods by which notices and other documents may be served.

90—Evidentiary provision

This clause provides evidentiary aids for the purposes of proceedings for offences and for proceedings under Part 5.

91—Regulations

This clause empowers the Governor to make regulations.

Schedule 1—Repeal and transitional provisions

This Schedule repeals the *Medical Practitioners Act 1983* and makes transitional provisions with respect to the Board, the Tribunal, registrations and other matters.

The Hon. I.F. EVANS secured the adjournment of the debate.

STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

The Hon. J.D. HILL (Minister for Environment and Conservation): I bring up the final report of the Select Committee on the Statutes Amendment (Co-managed Parks) Bill recommending no amendment to the bill, together with minutes of proceedings.

Report received.

In committee.

Clause 1 passed.

Progress reported; committee to sit again.

NATURAL RESOURCES MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 1270.)

The Hon. I.F. EVANS (Davenport): I rise to make some comments on behalf of the opposition. I am the lead speaker for the opposition on this bill which comprises 208 pages—a significantly large law—and I think the debate will probably reflect the size of the bill. Before I get into the debate proper, I want to make some comments about the process that has been gone through in relation to the opposition in respect of this bill, because I think that process has been unfortunate and it has made the debate process in this chamber far more difficult than it needs to be. However, those are the cards that we have been dealt; so those are the cards that we will play.

About 18 months ago the minister put out a draft bill and through his officers ran a public consultation process, which involved a number of meetings throughout metropolitan and regional South Australia. I had the pleasure of attending three of those regional meetings, and I will come back to that later in the debate. Just before Christmas, the minister put out what

was believed to be a relatively final form of the bill. My understanding was that this was about the 30th draft of this 208-page bill. The opposition did not have access to drafts two to 29; we had access to draft one, which was a public document, and we had access to the document that the minister tabled just prior to Christmas, but all the drafts in between were kept within the department and for those organisations with which they were negotiating. When we were having meetings with one of those organisations about the draft bill, we noticed that their draft bill was numbered 27 or 28 whilst we still had the first draft. So, it was difficult for us to have a complete debate about the bill because we had different versions. To the credit of that organisation, they did not give us a copy of their draft bill; they kept the government's confidence.

Basically, the opposition has seen two draft bills. The minister introduced the bill in the form with which the government was happy about a month ago during the last two weeks of sitting. In between Christmas and when the minister introduced this draft bill, the opposition sought a briefing on the bill distributed by the minister just prior to Christmas. We assumed (rightly or wrongly) that most of the clauses would be similar and that certainly most of the structural issues would be similar to what the minister would be proposing if and when he brought the bill into the chamber. We sought a briefing through the minister's office from the departmental officers prior to the last two weeks of sitting. We were denied that briefing on the basis that the CEO, Rob Freeman, was not available. Apparently, there was no-one else in the agency who could possibly run the briefing, even though they have had teams of people running around the state for the past 18 months briefing people on this bill. As an opposition, we were denied a briefing on the bill until Rob Freeman became available, and that occurred on the Friday after the last two weeks of sitting.

As I mentioned to the minister's office when they denied us a briefing—and I kept reminding them of this—there are processes that the Liberal Party (indeed, all parties) go through to develop policy positions on legislation. It just so happens that the Liberal Party's policy process is: we have a portfolio committee—in this case, an environment portfolio committee; we have a rural members' portfolio committee, which has input into this matter, of course; and then we have to take it to a joint party room on a Tuesday. We generally only meet on Tuesdays when the parliament is sitting. So, as the government denied us a brief prior to the last two weeks of sitting and made the brief available after those two weeks of sitting, the only day on which we could establish our position in the joint party room was actually at the joint party room meeting this morning.

So, after 18 months of public consultation we have had one brief and, essentially, this morning to reach a position in regard to this bill. As I said, this is a 208-page piece of legislation incorporating the equivalent of about eight different pieces of legislation. It is a massive piece of law that needs to be comprehended. So, I think it was unfortunate that we were not given an earlier brief, as requested. I think that has compressed the capacity of some members of parliament to be right across every detail of this issue. We asked for a full-day briefing, but we got a three-hour briefing on a 208-page bill. So, I apologise to the house that the committee stage will be more painful than we would have liked as an opposition because the mechanism that we are working under means that the briefings are over and we are now into the debate and we will have to ask a lot of questions in the committee stage, which we understand will take place next week.

I think it is unfortunate that we have been placed in this position given the significance of this bill. Other members have had the advantage of not having to brief a party room, so they can get just one briefing from the agency or read the bill themselves and come to their own conclusions, but I as a shadow minister am responsible to 20 or 30 other members (both upper and lower house) of the party. They all have to be briefed and have a good understanding of the bill, and then we have to consider all of their amendments. Having reached a party room position this morning, we are now going through the process of drafting our amendments. I am not sure when the party room will sign of on those, most likely not until next Tuesday, as we meet, as we have done for the last 30 years, on the Tuesday of the last parliamentary sitting week.

So the minister is likely to get a large number of amendments late in the debate. Frankly, I do not think this is good law making. I do not think the process is fair on us, on the government or on the Independent members, but that is where we are in this debate, because we were denied briefings when we asked for them prior to the last week of the sitting of parliament. I just wanted to place that on the record. I apologise to the house because I think it will be a more complex and difficult debate than it necessarily had to be had we had the opportunity to be briefed when we asked for it and had we received a full-day brief and not a three-hour brief as requested, but those are the cards we have been dealt—so be it.

The opposition notes that the government claims that the Farmers Federation and the Local Government Association support this legislation. The Farmers Federation (through Kent Martin) put out a press release. From memory, it was reported on either Christmas eve or Christmas day that the Farmers Federation had signed off on this piece of legislation, because it believes that it is groundbreaking legislation and that it would be a positive thing for the farming community. The Farmers Federation was interviewed on the *Country Hour* on radio today. I will quote from the transcript of the interview as follows:

> The South Australian Farmers Federation spokesman on natural resources has strongly defended the Natural Resources Management Bill, due to be debated in parliament over the next couple of days. The bill has caused intense debate in the farming community with some sectors warning it extends too much control for the minister for environment. Kent Martin from SAFF, however, says that the bill is unique in Australia as it strengthens the right to farm, ensures a majority the board members reside in the regions and are involved in farming. Landholders at the recent SAFF meeting at Bordertown did not voice a great deal of opposition to the bill, which will face a third reading after it's debated in parliament over the next couple of days.

Then there is a quote from Mr Martin, as follows:

> It's particularly difficult to actually achieve the object of having regional people who live in the region and we want them to be good land managers. It's about credible people [farmers] looking after our resources in the region and doing it properly.

That is a quote from Farmers' Federation's representative, Kent Martin. The opposition accepts the Farmers Federation's position and view on the bill. We understand that it is that organisation's view, although I must say that is not the view that has been expressed to us by lots of rural constituents who are both members and non-members of the Farmers Federation. In fact, in the South-East, in the last three or four months, there has been essentially a motion of censure in the

Farmers Federation about their stance on the bill. The opposition does accept that the Farmers Federation strongly supports this bill. It is even out there defending it if you believe *The Country Hour* transcript. If the bill is that good I am not quite sure why it needs to be defended by the Farmers Federation; maybe they can answer that publicly and I do not have to worry about why they would be defending such a good bill.

The opposition accepts that the Farmers Federation is out there supporting this particular bill. I am sure that its members, at the right time, will take the opportunity to thank the Farmers Federation for all the benefits this bill brings to the farming community over the future years. I am sure that members will take the opportunity to thank the current regime at the Farmers Federation for delivering the benefits outlined in the bill.

The Local Government Association also supports this particular piece of legislation. It is the one organisation that has actually written to us, as an opposition, saying that they support it. We received one letter from the Local Government Association saying that it supports the legislation. There will be many theories as to why the Local Government Association might have signed off on this bill, and some of those might be expanded on later. Essentially, the letter, dated 23 February 2004, states:

> Dear Mr Evans,
>
> Natural Resource Management Bill,
>
> I am writing to advise you of the position of the LGA in relation to the above Bill, as introduced to the House of Assembly last week by the Hon John Hill MP. The LGA State Executive Committee resolved to seek to reach agreement on the entire Bill with the State government prior to the bill being introduced. This decision was not taken lightly and was heavily influenced by the recognition of the significant role being played by councils in natural resource management.
>
> The LGA objective has been achieved. Some important changes have been made to the Bill at the request of the LGA including that the regional NRM Boards must have at least one member who is a current council member or officer and that there is now clear definition of the role of regional NRM Boards in relation to stormwater management. Hence the LGA supports the Bill as introduced. We are of course (like the State Government) interested in any Parliamentary contributions to enhance the Bill and would appreciate being informed of any proposal and/or queries that you may have in relation to the Bill. The area of work still to be completed relates to cost coverage by councils for the collection of the NRM levy (land based). This will be contained in regulations when completed as provided for in clause 98, which has been amended at the request of the LGA and is in our view satisfactory. The joint state/local government working party initiated by the LGA is managing this process. Please contact us. . . if you require further information.

So, we do actually have one letter on the bill, and it is a letter of support from Local Government Association. I think there are some interesting insights into the bill. The fact that stormwater management is now going to be funded out of this levy, I think you will find that that will significantly increase the levy over the years. That might have influenced local government's view on the positiveness of the bill. It is interesting that the significant role of local government in the role of natural resources management has been recognised; that means that they have put a clause in the bill. I do not know why it is so important that a clause in the bill suddenly influences your support for the bill. I think that everyone in the state recognises that local government has a significant role in natural resource management.

That is the letter that we have from the LGA, and we have had one letter from the Soil Board, from memory, about three months ago calling on us to hurry up and pass the bill and that the Liberal Party should stop stalling. Given that the bill had not been introduced at that time it was an interesting letter to receive, that somehow we were stalling the process. We responded to that and corrected that particular issue. We do have some letters that raise concerns with the levy. A submission was made by the Mount Barker Council, which I note the bill has not picked up. I am not sure whether or not the LGA actually negotiated on behalf of the council. We received a rather significant submission from the National Environment Law Association suggesting a few changes here and there that they might like to see in the bill.

So there has not been a flood of correspondence to the opposition either in favour or in opposition to the bill. One might ask why would that be. I have been asking this myself: why would that be? My theory is that the community consultation process was long, but I do not think it reached the people on the ground. I went to three of them. They were at Penola, Hahndorf and in the Riverland at Berri. They were all slightly different because the natural resource management issues in each area are different. From memory, there were 69 people at the Berri meeting, but only seven or nine of them (certainly less than 10) were land owners. Everyone else, the other 60, were either public servants, current board members or staff of the board (officers of the board). You are consulting, yes, and full marks trying to consult, but were we actually consulting with the person on the land? I am not really convinced about that.

One of the underlying concerns that I have with this bill is that we have been so busy talking to the Soil Boards, the Water Catchment Boards and the Animal and Plant Boards that are going to disappear, and we have been so busy talking to local government about, 'If you collect the money we will give you this trade-off,' and so busy talking to the Farmers Federation about whatever their issues might have been, I am not quite sure how much of that information has actually got down to the person on the ground. This was my experience at the three consultations that I went to, and the story was similar for other MPs and staff members who went to other consultations around the state in regard to the number of land owners there.

I am worried, in that respect, that one of the reasons that we do not have a flood of information in is that it has been done at the organisational level and the people on the ground have not quite caught up with what is about to hit them. But their representative organisations, the LGA and the Farmers Federation, believe that it is a good thing, and so this legislation will get through. There is no doubt about that. The government has the numbers in both chambers; we recognise that. The community is going to receive what the government believes are the benefits of this particular bill. We acknowledge that we do not have the numbers in either house.

We need to look at a number of aspects of this particular bill. The house should recognise that this is stage one of a multi stage process. I have heard of at least stage two and, while I am not sure what is involved in that, community consultations have been couched in terms that this is really stage one of natural resource management reform in South Australia. I note that one of the clauses in the bill provides for a review of the act in 2006-07, which will tie up a whole team of officers for another 18 months doing another consultation process only 2½ years, basically, after they have done this one. Certainly, the bill needs to be reviewed in due course, so I guess that we will be around—either in government or opposition—running the review in 2006-07.

What is going to be in stage two is, I think, a really interesting question. I note that this bill steps over into the coastal waters and I also note that the definition of 'animal' under the old animal and plant act—or whatever the act used to be called—

The Hon. G.M. Gunn interjecting:

The Hon. I.F. EVANS: Animal and Pest Plant Act—I thank the member for Stuart. The definition of 'animal' excluded fish. The definition of 'animal' in this act does not include fish and, as I understand it, the coverage—although there is some confusion—is either the low water mark or at least the state waters, which are 2 or 3 kilometres out from the coast. It seems to me that there are provisions in the legislation to enable it to cover aquaculture in due course. We could argue that aquaculture is covered by the intensive farming provisions and we could certainly argue that it is covered by the animal provisions—in fact, they specifically bring fish into the definition. The provisions specifically provide for the legislation to cover all state waters, and they talk about natural resource planning having an effect, if you like, on ecosystems. The definitions refer to eggs, semen, genes and all sorts of things. It seems to me that the long term agenda of the department, or Wallaby—as we in the trade affectionately call Water, Land Biodiversity and Conservation—may well be to transfer aquaculture from Primary Industries to the Minister for Environment's regime.

I remember the internal debates we had when the previous government initiated the aquaculture act, and the battles between Primary Industries and Environment about who would be the lead agency for aquaculture matters, etc. I cannot find it written down anywhere but I raise this issue now so that the fishing industry can think about it: the fishing industry should get its legal people to look at the definitions and exactly what is possible under this bill in regard to aquaculture and fishing generally, because I think that there is enough scope for a smart officer to put a case that this bill could cover aquaculture and, indeed, marine planning. We know that the government is stalling on marine planning—and I am not sure whether that is simply because of some inertia in the department or whether it is waiting for this bill to go through so that it can apply some of its aspects into the marine planning process—but I raise that concern as to exactly where this is going in regard to stages one and two.

The other area where stage two could be heading is to bring the Coastal Protection Board under this regime. It could be heading towards bringing the Native Vegetation Act under this form of regime. Indeed, there is a whole other range of legislation covering other natural resources that could be brought into this regime under a stage two, three or four process.

I found it absolutely fascinating—and I reckon this is the classic officer versus officer, department versus department battle that occasionally goes on in government, and I am sure that you, Madam Acting Chair, appreciate the subtleties of this—that the government is out there chatting away to everyone about natural resource management and saying, 'We are going to integrate anything', and, 'We have got this focus.' And this is all under the Minister for Environment. So what does the dear old Department of Primary Industries and Resources do? Six weeks out from the debate, it produces a leaflet called 'An Overview of the Summary of Environmental Legislation for Primary Production in South Australia' and sends it out to all the politicians. In February 2004, the very month that the Minister for Environment introduces the natural resource management legislation, the Department of Primary Industries cannot help but put its hand up and say, 'Hey, don't forget us. We have actually got some environmental legislation too.' So it sends out a summary of all the environmental legislation that Primary Industries is involved in handling but, unfortunately for Primary Industries, what it has not realised is that it has signalled to all the officers in the minister's department that there is a whole range of legislation that can be brought across to Wallaby in stages two, three or four. And I am sure that the officers from Wallaby or the Department of Environment will just be sitting there making notes and very carefully considering what other natural resource management legislation they can bring into this regime.

So, what other natural resource management does the Department of Primary Industries and Resources currently handle? Well, it has three volumes, can you believe, Madam Acting Chair? It has not just one or two acts: it has a three volume set of books that is available to every primary producer in South Australia for the mere cost of about $350. It is generous of the government to allow them to pay that amount to get it. It is $70 if you have a CD—you can buy a CD and offload it. There are three volumes covering natural resource management.

Volume one covers water management; water quality; irrigation; ground water use, farmed and development (and that will be covered by this bill); natural resource and biodiversity management; native vegetation clearance (and that is under Environment as it is); protection of flora and fauna; soil management; soil conservation; and soil contamination. That is an interesting one, because the government has been promising to bring in contaminated sites legislation for two years and we have seen nothing of it.

Volume two covers managing waste and things such as organic farm waste; chemical waste; noise and odour control; chemical management; agricultural chemical use; dangerous chemicals; use of veterinary chemicals; fertiliser usage; stock and crop protection; pest, plant, vermin and disease control (which is covered by this bill); genetic improvement; and genetically modified food sources. Later in the debate I will comment on how this bill could be used to stop genetically modified food or crops being used in South Australia.

Volume three covers grazing management; stock control; protection of native vegetation; fire management; development controls and heritage protection; land-based aquaculture (and for the time being at least Primary Industries controls that); aquaculture regulation; pollution and waste management; water use; and, of course, forestry.

If we look at the legislation, we see that it is just fascinating, because the legislation goes something like this. Regarding water management, water quality comes under the Environment and Protection Act; irrigation comes under the Water Resources Act, which this legislation deletes; the South East Water Conservation and Drainage Act applies; and there is the Irrigation Act. For ground water use, we have the Water Resources Act; the Ground Water Border Agreement Act; the Farm Dam Development and Use Act; the Water Resources Act; and the Development Act. Regarding natural resource management, poor old Primary Industries has not quite caught up: it put down the Native Vegetation Act. This bill does not deal with native vegetation, even though there are 208 pages on natural resource management. We have the Native Vegetation Act; the Crown Lands Act; the Pastoral Land Management and Conservation Act; the National Parks and Wildlife Act; and the Environment

Protection and Biodiversity Conservation Act, which is a commonwealth act.

In terms of soil management, we have the Crown Lands Act; the Pastoral Land Management and Conservation Act; and the Soil Conservation and Land Care Act, which is repealed by this legislation. Soil contamination is dealt with under the Environment Protection Act. Regarding managing waste, we have the Environment Protection Act; the Environment Protection (Milking Shed Effluent Management Policy); the Dairy Industry Act; and the Development Act. Chemical waste is handled under the Environment Protection Act.

Noise emissions are handled under the Environment Protection Act, the environment and protection industrial noise policy and the environment machine noise policy. Odour emissions are handled under the Environment Protection Act and the environment protection air quality policy.

There is a range of bills in relation to chemical management. Agricultural chemical use is handled under the Environment Protection Act or the Agricultural and Veterinary Chemicals (SA) Act. Dangerous chemicals are handled under the Dangerous Substances Act, the Controlled Substances Act and the Environment Protection Act. The use of veterinary chemicals is handled under the Agricultural and Veterinary Chemicals (SA) Act. Fertiliser usage is covered under the Environment Protection Act and the Agricultural and Veterinary Chemicals (SA) Act. Stock and crop protection is handled under the pest, plant, vermin and disease control heading, and under that heading are acts such as the Stock Foods Act, the Livestock Act, the Fruit and Plant Protection Act, the Animal and Plant Control (Agricultural Protection and Other Purposes) Act, the Biological Control Act, the Noxious Insects Act and the Quarantine Act. Things such as genetically modified food sources are handled under a couple of commonwealth acts but also under the Seeds Act and the Livestock Act.

Then if members can bear going on to volume three, we have grazing management. Stock control is handled under the Pastoral Land Management and Conservation Act, the Soil Conservation and Land Care Act, and the Crown Lands Act. Fire management is dealt with under the Country Fires Act and the Native Vegetation Act. Development controls and heritage protection is under the Development Act and one commonwealth act. Cultural heritage is under the Aboriginal Heritage Act and the Heritage Act. Land-based aquaculture is under the aquaculture regulations under the Fisheries Act. Pollution and waste management are under the Environment Protection Act. Water use is under the Water Resources Act and forestry is under the Forestry Act and Native Vegetation Act.

The good old primary producers make an income despite those laws and they are about to have another 208 pages placed before them to run their business. Certainly some of those bills are deleted by these particular provisions, but they will get 208 pages of legislation put before them. The purpose of naming all those acts is to bring to Primary Industries' attention that there are lots of other bills that can be taken off them and brought under the Minister for Environment and Conservation over time. Someone needs to clarify quickly what stage 2 really means. The opposition would be interested to know what stage 2 means and what is the timing of stage 2, because there is no real detail as to what that entails.

It will be interesting to see whether it ever eventuates because part of me suggests that during negotiations things such as the Native Vegetation Act were brought up and there was a promise or a hinting that there would be a stage 2. All the difficult issues such as native vegetation will be parked into stage 2, but we will never get back to it; matters of government will overtake us and we will never get back to it. The government will get its reforms through but what do the organisations that were promised stage 2 actually get? What they get is stage 1 in a form they might have half liked if stage 2 was coming behind it. But if stage 2 is not coming behind it, then those organisations have been sold down the drain. The proof will be in the pudding. It will be interesting to see in five to 10 years where this legislation is. I raise that whole issue about stage 2 on behalf of our old friends in PIRSA. Their efforts in producing the summary of environmental legislation was not lost on some of us.

We also have concerns about this legislation in that, under the model as it stands today, under the laws under which we currently operate, there is an intellectual debate in cabinet about natural resource management issues. For instance, under the previous government we had a minister for water; we had a minister for environment, who handled issues such as marine planning and native vegetation; we had a minister for regional development and fisheries, so aquaculture issues were dealt with by that particular minister; and we had a minister for primary industries. If there was a dispute about a particular policy issue there would be a debate at cabinet level, or at least between four ministers or three or four ministers, about what the policy outcome would be. Primary Industries through its agency would be able to put to the minister a view which would be shared with the cabinet. The department for the environment, through me or other ministers before me, would put a view. Aquaculture could put a view through the minister for fisheries. So there was some intellectual rigour at the cabinet table—some good and some not so good, but that is cabinet—about the issue of the day.

That has gone in this bill because 99 per cent of the decisions will be made by one minister or one minister's agencies that now have all this legislative power parked under the one minister. There will not be a dispute between officers to a large degree, although I understand there might be a couple—but we will not go into that. There will not be any disputes that will hit the minister's desk to any large degree: they will be sorted out at officer level. Previously, they would have been sorted out at ministerial level. I think that is a real danger in this bill, and I hope the farming community does not regret the Farmers Federation signing off on this bill because I am worried about that aspect of this bill. There will not be intellectual rigour at the cabinet table.

All of these things happen with virtually no input from the Minister for Primary Industries. There is virtually not a role for that person in this bill. Primary industries is parked with some minor role and yet a lot of the South Australian economy is generated through our primary production sectors. That really does concern the opposition to a very large degree about this bill. There are other models of this style of bill around the world and even in Australia. My understanding is that the Victorian model is where they have almost a panel of ministers so, rather than park it under one minister, they park it under three ministers—primary industries, environment and I am not sure of the other one; maybe fisheries or forestry. They then solve issues as a panel and, I think, that brings more intellectual rigour to the whole process.

One of the problems with this bill is that some people will argue to the opposition—and we accept this point, generally—that a lot of the powers that are in this bill are in existing

acts. That is true to a degree. The thing that is missing in this bill is that there is no intellectual rigour at the cabinet table, because the issues will not get there. There is no checking process on what will happen with this piece of legislation, whereas previously, at least, you had three or four agencies that were having a look at things and if there was an issue of concern there would be a meeting of minds and matters were sorted out.

I have very clear memories, as minister for environment, being called into a meeting with the then deputy premier, who was minister for primary industries at the time. We had the Conservation Council and the fishing community saying that the marine planning process was totally off the rails. They wanted the government or the ministers to step in and speed up that process. I attended all the marine agency planning meetings to try and break through some of the interdepartmental disputes. I am sure the officers who were there at the time will recall some of the debates we had. What is missing in this bill is that exact opportunity.

What happened as a result of that meeting was that the then deputy premier and I got together and worked out roughly where we wanted to go, and I was put in charge of delivering that outcome. This is now all under one minister, and I think that the argument will be denied to the process. The bill will deny that opportunity, and I think that that is really dangerous in the long term.

I can remember some of the ministers for environment of this state. I remember dear Susan Lenehan, bless her soul, and she is one of the reasons I am in this place—because, overnight, she put a blanket ban on development in the Adelaide Hills. Thanks a lot! They did not worry about families who had been there for five or six generations: they just put a ban on development. Well, put Susan Lenehan in charge of this bill and see where it ends up. That is the point I make to the Farmers Federation, namely, that you are not designing a bill that will be administered by John Hill as environment minister: you are designing a bill that will be administered by whoever follows him and whoever happens to be the officers at the time—and that day will come. They have approached this bill with rose-coloured glasses, and I think that is very dangerous. The opposition cannot stress its concern enough about the bill essentially being under the one minister, namely, the minister in charge of water, land and biodiversity conservation (who also happens to be the Minister for Environment and Conservation).

We think that there are benefits to the residents of South Australia in having ministers involved in the argument. As a rule, the minister will not go to cabinet and say that he or she cannot decide an issue because their own agencies are at war—for example, water is fighting with, say, the biodiversity section. The minister will not go to cabinet and say that he or she cannot work it out. What the minister will do is try to sort it out on their own with the officers, because the minister will not put his or her hand up and say that they are in trouble; it would be very rare if that happened. Previously, however, the CEOs would get together and say that they had a problem and that they had better sort it out or bring in the ministers, give them a full briefing and let them brawl it out in cabinet, which is what cabinet is for—to make decisions.

That is one of our key criticisms of this bill. We think it is a point that has been missed by many people in the consultation process, because they have not been involved in cabinet or in the government process, and they have not experienced some of the battles that some of us have who have been involved in the process. What has happened in regard to the structure of this bill, if you like, is very dangerous for the rural sector. As I say, the bill comprises some 208 pages, and it was introduced by the minister on 18 February. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MINISTERIAL DOCUMENTS

The Hon. P.L. WHITE (Minister for Transport): I seek leave to make a personal explanation.

Leave granted.

The Hon. P.L. WHITE: Today in question time the Leader of the Opposition posed some questions to the Minister for Industrial Relations and mentioned correspondence from me to MPs. I wish to put on the record the following facts, because certain implications were made by the Leader of the Opposition that are not borne out by fact.

The correspondence to which the Leader of the Opposition referred is a letter from me dated 10 March to all lower house MPs which reads:

> As you are aware, I have now Ministerial responsibility for Transport, Urban Development and Planning, Science and Information Economy.
>
> If there is any outstanding correspondence to any of the former Ministers of these portfolios (Ministers Michael Wright, Jay Weatherill and Jane Lomax-Smith respectively) for which you would like a response, please mail or fax a copy to my office so that I can assure that you, as an MP, receive priority service.

Clearly, the transfer of documents to my office following the cabinet reshuffle has involved three different ministers with three different combinations of portfolios from three different offices operating on different systems. I am advised by my office managers that documents relating to my three portfolios are accessible and available.

[Sitting suspended from 5.57 to 7.30 p.m.]

PROBLEM GAMBLING FAMILY PROTECTION ORDERS BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 3, lines 22 to 26—Delete subclause (2) and substitute:

(2) For the purposes of this Act, the respondent is to be regarded as having caused serious harm to family members because of problem gambling if the respondent—

(a) has engaged in gambling activities irresponsibly having regard to the needs and welfare of the respondent's family members; and

(b) has done so repeatedly over a period of not less than 3 months or in a particularly irresponsible manner over a lesser period.

No. 2. Clause 4, page 3, lines 32 and 33—Delete 'pattern of behaviour will continue' and substitute:

irresponsible gambling behaviour will continue or recur

No. 3. New clause, page 10, after line 20—Insert:

18—Report to Parliament

(1) The Minister must, at least annually, cause a report to be laid before each House of Parliament on the operation and effectiveness of this Act.

(2) The Secretary must assist the Minister in the preparation of each report.

NATURAL RESOURCES MANAGEMENT BILL

Adjourned debate on second reading (resumed on motion).

The Hon. I.F. EVANS (Davenport): Before the tea adjournment, I was discussing the issue that the opposition has in regard to one minister having all the power under the Natural Resources Management Bill compared to the current system where a number of bills that touch on natural resource management are spread amongst a number of ministers and therefore you get a debate at cabinet level around a whole range of issues that now will not occur under this structure. I spoke at some length prior to the dinner adjournment on that, so I will not revisit that exercise.

For those who want to look at how this minister deals with regional issues, they need to go no further than the Crown Lands Act, which this government sought to amend to introduce an administration fee for crown land leaseholders. Of course, that bill now is parked off in the no-action basket because it was amended in the upper house, not to the minister's liking; so, it is now just sitting there waiting for some decision of the government—whether or not it will proceed with that bill. It was the minister who now is going to control all of the natural resource management legislation who brought that bill before the house to impose a $300 administration fee on crown land leaseholders. It was that minister who said on ABC Radio that crown leases did not cover land that was affected by drought, which statement he later corrected. The concern is that that philosophy is going to drive this natural resource management legislation. The opposition does not share the Farmers Federation's comfort or local government's joy about the natural resource management legislation being parked under this one minister according to the model that has been presented.

We do bring to the community's attention our concerns in relation to the government's treatment of rural issues generally and how that will reflect through the natural resources management administration of this bill, and there is no better example than the crown lands issue. The government got itself into such a tangle over the crown lands issue that it had to send it off to a select committee, educate itself through the select committee about what happens in rural South Australia with crown lands and bring back a report. Ultimately, it was defeated in the Legislative Council and now it sits there. I guess it is an example of why we have this concern about the structure that is placed before us through the Natural Resources Management Bill.

Prior to the dinner adjournment I touched on the process in which the opposition had been placed with the briefings, and I failed to give some credit to the minister's office. We did have a three-hour briefing with Rob Freeman, Roger Wickes and others, and they did take on board some queries on behalf of the opposition; and about a week ago, we did receive a letter from Rob Freeman (or his office) outlining a number of answers to the issues which we raised. Then, lo and behold, we get told that the bill is coming on for debate this week; and Friday last week (four or five days ago) my office receives a telephone call from the minister's office to say, 'We are sending up 36 pages of amendments.' They are couriered over and arrive at about quarter to 12, and they were these beautifully coloured and presented pages.

I was flat out with other business, its being Friday. I instructed my staff to send them to all Liberal Party members saying that they are supposedly amendments to the act, that I have not had a chance to read them and that I will contact them over the weekend, but at least they can read them over the weekend. About an hour later we receive another telephone call from the minister's office saying, 'Look, disregard those 36 pages of material; we have sent you the wrong stuff and we will courier some more stuff out to you.' Then at about 20 to 5 on Friday we receive about 300 to 400 pages of information which, one would assume, we as an opposition were meant to digest over the weekend ready for the debate. The minister's office kindly sent me a copy of all the existing acts to which the bill refers and it also sent me a beautifully coloured folder—very nice—and every page has different colours on it detailing whether it is in an act, out of an act, or different wording.

I assume that it was sent to me so that I could spend the weekend reading the 400 or 500 pages trying to work out whether or not it was different from what was in the bill. It was actually too late for me, because under our party rules we have to have a briefing paper distributed to the party room by the previous Thursday night, so my paper had already been distributed. I do admit that I have not spent the weekend going through what is probably six inches of material, which was sent to me the Friday night before the Tuesday of the debate. If I missed something through not reading it over the weekend, I do apologise to the officers who prepared all this magnificent material, the house and, indeed, my party members, but I suspect that it was all presentational so that at least the minister's officers can say that they tried to inform us about the issues.

Interestingly, though, it was really fascinating—and I do not know who prepared the folders but they were really quite generous—because in the folders not only was there a description of every clause, where it comes from, the arguments for, the amendments against and which act it came from—all that information—but they even included a list of the contentious clauses and which members of parliament are likely to move amendments. There are handwritten notes next to certain clauses saying, 'The Hon. Graham Gunn might move an amendment to this effect.' All this handwritten material is—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: No, it was good to receive. I received a list of possible amendments that might be proposed. It was quite good to get that, because some people had written to us suggesting some of these amendments. It was good that the minister's office wrote to us about a series of amendments that might be proposed. Then, of course, just written next to the amendment that might be proposed are handwritten notes as to who does and does not support those proposed amendments.

For instance, the Conservation Council opposes a couple of amendments, according to the handwritten notes sent from the minister's office. It was good to get some insight, I guess, as to who has been lobbying the minister on what amendments and what they might and might not support. I do not know whether that was intentional from the minister's office but, any way, we were sent them. As I say, it was interesting because, when flicking through to see what was in there, I happened to notice those handwritten notes, and I thought that was an interesting response.

After receiving all those folders Friday night, last night we received the second half of all the information that was promised from our briefing. Following the briefing we had on the Friday after the last two weeks of sitting—which must nearly be a month ago—we get the second half of all that information last night, together with a letter from Rob Freeman's office. We received a heap of information last night that, again, we just have not had time to look at because, obviously, we got it only last night. Amongst this information is another beautifully presented document giving

a brief outline of proposed changes to the current provisions to the Water Resources Act.

From what I can pick up, this document explains what was in the Water Resources Act and what is now in the Natural Resource Management Act, the differences and what clauses they come from. We then have a report entitled 'The Steering Committee Report to the Australian Government On Public's Response to Managing Natural Resources in Rural Australia for a Sustainable Future—A Discussion Paper for Developing a National Policy'. Also included is a discussion paper for developing a national policy dated December 1999. We have not had a chance to read whatever that tells us because we received it last night. Actually, I picked it up this morning on the way through.

This one will interest you, Mr Speaker, as a regional member. We then received a list, which I will distribute to members tomorrow, or at least in time for committee. This appears to be a list of current assets and accommodation held by the relevant existing bodies involved in natural resource management. It then has a description of what current institutional arrangements are involved in the range lands, the Aboriginal lands and the Eyre Peninsula. It explains things that exist currently in those particular areas, and I will give the house one example of what it includes.

For instance, with respect to the River Murray area, it divides up what is under the soil conservation boards, the water catchment boards, the interim natural resource management boards and the animal and plant control boards. It talks about the number of boards or groups and it talks about how they are split into boards and groups. It talks about the numbers of staff, it talks about the funding and it tells us about their liabilities. It talks about their assets, it talks about where their staff is located, gives details of the numbers of staff and it gives a map of the proposed region for that particular area.

It then goes through and breaks it right up into animal and plant control boards, and all that information. It talks about operational incomes, infrastructure, vehicles, equipment, uncommitted cash and operations income. So, there is a range of material about the current structure. We received that information because, when we were briefed by the departmental officers, we were told that there was going to be a rationalisation of officers in regional South Australia. That was the briefing.

We asked: what is the rationalisation; how many jobs will be lost; and how many offices will be closed, and whereabouts? This document to which I have just referred is meant to answer those questions, but it does not; all it does is tell us what exists. In committee we will seek from the minister details of which regional offices will close, how many jobs will be lost from which regions, and where they will go. During our three-hour briefing, this was one of the issues raised by the officers, and we sought more information. So, that gives the house some more information on the process undertaken in regard to this bill.

The folder which the minister sent to us also contained, interestingly enough, a minute from the minister to departmental officers about the changes that needed to be made to the Water Resources Act. Tucked away in this folder in appendix 17 is a minute dated 19 November from the department to the minister. The minister approved this minute, which states that its purpose is to seek the minister's endorsement to make amendments to the Water Resources Act outlined in attachment 2 as part of the forthcoming NRM legislative package. The background to this was that a statutory review of the Water Resources Act had been completed and forwarded to the minister at the end of the 2002 financial year.

The report into the review recommended a number of amendments to the Water Resources Act in order to improve its effective and efficient operation as a framework for managing the state's water resources. However, the outcomes of the review had been overtaken to some extent by the ongoing development of new arrangements for natural resource management.

As I said, the minister approved the recommendation in the minute on, it would appear, 2 December 2002. So, it took only a couple of weeks for it to be approved. The recommendation was that the minister endorse the amendments to the Water Resources Act outlined in attachment 2 being made as part of the forthcoming NRM legislative arrangements. So, a lot of the amendments to this bill, with which we will deal in committee, come from a review of the Water Resources Act, which was given to the minister back in June 2002.

I am not sure who had input into this review, whether it was purely departmental officers or whether the Farmers Federation or the local council were consulted. I suspect that this was an internal review. A large number of the amendments that were recommended as part of this review, which were approved by the minister, have found their way into the NRM bill that we are debating tonight.

It is interesting that there was an attachment 3 to this minute, which also accompanied the folder. Attachment 3 contains potentially controversial amendments, which were approved, as follows: the statutory penalties under the act being increased to reflect the risk to sustainable water resource management; the consummate threat to the value of licence allocations and water dependent ecosystems; and the potential for financial reward which breaches of the act may represent. The second one was that the act be amended to allow the technical costs of investigations to be recovered from offenders when offences are proved in court. The third amendment that was approved was that the Summary Procedures Act 1921 and the Environment Resources and Development Court Act 1993 be amended to allow the Environment Resources and Development Court to hear criminal matters arising from the act.

The fourth one was that the act be amended to prescribe expiable offences for minor breaches, for example, failing to clean around a meter. The fifth one was the deletion of section 11(2) which prevents the use of a section 11 authorisation applying to farm dams. The sixth one was to ensure that the Environment, Resources and Development Court is bound by the water allocation plan in the same way as the minister. The seventh one concerned works to preserve well pressure, and the eighth one was the definition of 'domestic' to include dwelling.

To the best of my reading, I think all those found their way into the NRM legislation and, again, I will distribute the whole minute and the three attachments. The attachments consist of three groups. Attachment one is a list of recommendations that are to be considered in the development of the NRM legislation, with 22 suggested amendments. Attachment two is a list of significant and urgent matters, of which there are two, and there are minor and non-controversial matters, of which there are five. As I said, there are eight potentially controversial matters. That information has not previously been shared with members of parliament, so I will make sure that it is distributed to members' mailboxes so they can consider it, along with the other information that

has been provided to me in Rob Freeman's letter and the various folders. We did receive some information, in a mad rush, in the last four days, in an attempt to better brief the opposition in regard to this bill.

The next matter is what I describe as the stormwater issue, which came about from the review of the Water Resources Act which was given to the minister in June 2002, immediately upon his party's coming to government. The review was completed in June 2002. Essentially, that report states that it is very important for natural resource management that it be made explicitly clear that stormwater be covered by water catchment boards through the natural resource management levy. That essentially means that the natural resource management levy will be used as a tool to fund stormwater management right throughout the state.

The last figure that I have seen was contained in a media report that stated that the amount of stormwater infrastructure required was around $130 million. Newer and higher figures might now be available but, certainly, the last figure I saw was around $130 million. That means that the levy will increase. There is no doubt about that: the levy will increase a lot more than what is currently being collected under the water catchment boards. Some people would suggest that that might be a reason why local government has been so enthusiastic to agree to collect the levy because, essentially, some of the stormwater costs that were to be covered by local councils might now be covered by this levy: in other words, there will be a cost shift from local government on to the levy and, indeed, from state government on to the levy.

Everyone will have a different view about whether that is a good or a bad thing. I know some will say that the ratepayers will pay it, anyway, either through their council rates or their water catchment or NRM levy. To my mind, it is really an issue about transparency, and I think it is important to highlight that we believe that the natural resource management levy will be used to fund significant stormwater infrastructure around the state, and at least $130 million. Over what time frame we do not know; that has not been revealed. But there is one report around in the media that it is at least $130 million.

The minister has gone on the record in the *Messenger*. There was an article in the *Weekly Times* on 16 December last year and in the *News Review* (which are both *Messenger* newspapers) where the minister said, essentially, that the new NRM levy will not be any more than the old levy for the first two years—read until March 2006, the election—then after the election there is no guarantee. The article states, 'But he said the levy may be increased in the future, but only after community consultation.' The other article contains exactly the same quote, so I assume it was either the same press release or, indeed, the same journalist reporting in both *Messenger* articles.

What we have is an agreement that stormwater is coming into the levy in a more significant way. That will mean that the levy will hold firm, roughly where it is, for two years. After the next election, if this government is still in place, the levy will take off. It is a concern to the average punter out there exactly how far this levy will end up. If you want examples of how far this levy might end up, there is the example of New Zealand adopting this model. The metropolitan levy in some of the cities in New Zealand is $300 a house after this structure has been in place for some years. That is a living example of how this might work; it may well not get to that level, but there are examples in New Zealand, as I understand it, where the figure is around that size. We have no guarantee about the size of the levy, but we know it is going to increase. The minister basically said it is going to increase after the next two years; it will be interesting to see exactly how high it gets.

Interestingly, stormwater is a really tricky little question, because under the bill you can take money raised in one region and spend it in another, as I understand it. The minister shakes his head, but during the committee stage when I ask the question he can tell me how I misread the clause. My understanding is that under the bill there is nothing to stop money being raised in one region being spent in another. The minister shakes his head indicating that I am wrong, but I am happy to be corrected during the committee stage; my clear understanding is that money from one region can be spent in another. In fact, I know some members who are enthusiastic about that concept, because the Adelaide metropolitan area will be able to pay a levy and you will be able to build into that some money to transfer to regional South Australia to help with their infrastructure.

That is what some people believe might happen; other people believe that the reverse will happen. They believe that rural South Australia will have a levy that can be transferred to deal with metropolitan based problems. If I am wrong in the assertion that money can be taken from one region and spent in another, I am happy to be corrected and that will clarify some matters. I am positive that I read that somewhere among the 208 pages at some stage or another. Maybe it was in an earlier draft; who knows? That is the stormwater issue, and I think it will be interesting to watch the increase to the levy over future years.

There are a number issues in other areas that are not addressed by the second reading speech or the bill. I am not quite sure how this bill relates to the government's policy of no species loss. I am not sure how it relates to that, what impact it has on it or where the policy of no species loss is mentioned in the bill. I am not sure whether or not the NRM plans must have regard to that policy and what the effect of that is, but that is a question of which we would like some clarification during the committee stage. Where the whole marine planning process fits in and dovetails into this is anyone's guess. I am not quite sure, as the bill is confusing about exactly what impact this has on the marine environment and what powers and plans the NRM board has, if any, over the marine environment; that seems to be unclear, and we will seek clarification of that during the committee stage. Then there is the whole concept of what will happen in the Hills Face Zone. The government has just announced through the Minister for Planning a freeze on development in the Hills Face Zone. Where does that fit in to NRM planning? I am not sure. What impact and what say do NRM boards have on that? I am not sure. There is nothing mentioned about the Hills Face Zone in the bill, yet the whole reason for putting a development freeze on the Hills Face Zone, if you believe the government's rhetoric, was about biodiversity loss, native vegetation loss and all these things, but there is nothing about how it is going to inter-phase with this bill.

The government has also put out its sustainable development policy for public consultation through a bill. It is all about taking planning powers from the councils across certain areas. Councils are concerned about that. I have no idea how that dovetails into this piece of legislation or what impact it has. There is nothing about that, no explanatory notes and nothing in the briefing given to us or in the second reading speech about the hills face zone, marine planning, no species lost or the sustainable development policy of the government.

It all adds to the confusion of where exactly it fits in and what power we are signing off on or not signing off on. I mentioned earlier in my contribution the impact on land based aquaculture, which would be affected by NRM planning. I am concerned that it may also pick up marine based aquaculture. There are a whole range of areas where the government has made public statements that affect NRM, but they are not in this piece of legislation that I can put my finger on. Maybe between now and committee the minister can clarify some of the issues.

Another issue concerns my electorate and a number of other metropolitan electorates. This is the issue of a creek running through a suburb. There are a lot of little creeks running through Hawthorndene and Blackwood and ultimately the concern I have is who will be liable under this legislation for the maintenance of that creek. Is the landholder responsible for the maintenance of that creek or the Natural Resource Management Board that pours stormwater down the creek, eroding away the banks? I have had issues in my electorate in Hawthorndene where landowners are concerned about water pouring into a creek, effectively making it a stormwater drain rather than a creek. It goes around the bend and erodes their property at a quicker rate than it would naturally if it were not a stormwater drain. When they have approached the water catchment board to say, 'You are putting all this stormwater down this creek and it is eroding my property' (in this case it was under a guy's garage, which was going to drop in), the response was 'Bad luck—you're responsible for the creek. I am not convinced it is the right policy response.

If local councils through planning and water catchment boards through their plans have signed off that these local creeks are stormwater drains and through increased development (take Blackwood Park as an example) more stormwater is collected and channelled down these natural creeks, turning them into stormwater drains, I am not convinced that the landholders should be responsible for building retaining walls and maintaining a creek that is now being used by the public as a stormwater drain. I need clarification in this debate in committee next week—

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: The member for West Torrens, who interjects out of his seat (but that never stops him), mentions the West Torrens issue. I agree.

Mr Koutsantonis interjecting:

The SPEAKER: Order! The member for West Torrens will have an early minute if he persists with that behaviour. He knows that he is out of his place and he also knows that it is highly disorderly to interject. I do not mind if there is sensible exchange across the chamber, but bear baiting is simply not on.

The Hon. I.F. EVANS: I agree 100 per cent with the member for West Torrens that the issue needs to be looked at, but it comes to the question of whether it will be paid for out of the levy, is it a local government expense or should it be a general revenue expense of state government? If it is to be a levy expense, as I suspect it is, is it okay that the people at Lameroo be levied to pay for stormwater infrastructure at West Beach and is it all right for people at West Beach to be levied to pay for stormwater infrastructure at Port Lincoln? That is the question you need to turn your mind to.

I accept the argument 100 per cent and that issue needs to be dealt with. I am not convinced that we have the policy mix right; that the person who has a natural creek running through the back of their property and suddenly gets stormwater from 20 houses thrown down it as a result of development applications, suddenly their block of land is being washed away and it is their responsibility to maintain the creek. They did not approve the development, and they did not put all the stormwater down there, so how is it their responsibility? That is an issue that I want clarified during the committee stage because it will impact on a number of electorates, including Davenport and West Torrens.

We did get one other letter—I failed to mention that—via the marvel from Kavel, the Hon. Mark Goldsworthy. The mayor of Mount Barker wrote to the Hon. Alexander Downer, with a copy to Mark Goldsworthy, in relation to which region Mount Barker will sit in. He wrote saying that, on behalf of his district, he wants to be in one region rather than be split. The point that he makes—the way I read the letter—is that half of the Mount Barker district will be tied to a natural resource management region that goes right up to Renmark and the River Murray and down to the outskirts of the Mount Barker township. The rest of the Mount Barker township will be tied—I would assume—to the Adelaide metropolitan district or another region.

The mayor says that that is confusing. It makes it expensive to administer and it puts more administrative costs on to the council. He argues that the Mount Barker council is located well and truly within the Mount Lofty Ranges, and that the people of the Mount Barker district identify socially, culturally and economically more with the Mount Lofty Ranges than they do with the Murray-Darling Basin. He believes that the Mount Barker district is an integral part of the greater Mount Lofty Ranges biogeographical region, with its vegetation, fauna, soil and water resources having far more in common with that region than with the Murray plains.

So, Mount Barker council believes that its district should not be split but should be put into the one region. I would be interested to hear why that has not been picked up. The one council that actually wrote a submission has been ignored. I cannot quite work out why that is such an issue. If it makes it easier for people to administer the law, surely that should be considered.

On the issue of regions, there are a number of members who have significant concern about the size of the regions. Rob Freeman, when he responded to the opposition's questions during the briefing, sent through a document entitled 'List of Current Assets and Accommodation held by the Relevant Existing NRM Bodies' and included maps which tried to explain the proposed regional boundaries. The maps would be really good if the writing was not blurred. I can certainly see that there is a map of South Australia, and I can certainly see that there are maps of Eyre Peninsula and Yorke Peninsula, but the maps are of such poor quality that where the boundaries go is really a mystery.

Our real concern is with the Mount Lofty Ranges proposed boundary, and from what I can make out on the map it essentially goes from Fleurieu Peninsula down to Yankalilla and right through to Seppeltsfield and Tanunda—so, right through to the Barossa Valley. That will be one board, and I think that that would take in 80 per cent of South Australia's population. That will be the board that will pick up the majority of funding and, indeed, the hills face and all those issues. That is an enormously big board. I think it is currently served by at least two, if not three, water catchment boards—Onkaparinga, Patawalonga and Torrens. As I understand it, we are going to amalgamate them into one board, and you have to wonder how close it will get to the

issues with a board that size right across metropolitan Adelaide.

So, we do have some concerns that have been expressed to us by local government and regional members about the capacity of the board to really manage all those issues. Look at the Mount Barker issue. If you are at Mount Barker and you are tied into the same region as Renmark, what is really going to happen is that that board will be set up with groups under it, and then committees will be set up under the groups. We have just got rid of soil, animal, plant and pest committees, and so on, and the first thing we do is introduce a whole range of committees, because the NRM issues at Mount Barker are totally different from those at Renmark.

The point I am making is that I do not think you will make any real savings in efficiency. You might have relabelled everything; they might not be formed under a separate act—they might be formed as a committee under this act rather than as a board or something under a stand-alone act. However, essentially, I am not convinced that you will achieve any of the efficiencies suggested by the government because the regions are simply so big, particularly that metropolitan one, which we think is a real issue. We see no reason why that region could not be split along water catchment lines into two or three different regions to try to bring more focus to the issues. Clearly, the issues at Yankalilla, which used primarily to be dairy, compared to the Barossa Valley, which is one of the world's premier wine-growing districts, are different, and I wonder whether we have got the mix right. The whole hills face issue, running right through that region, is another complication in itself, and I am not convinced that we have got that right.

Another issue that causes the opposition some concern is that the level of fines has greatly increased. That does not surprise us, because this government's view of environmental issues is that you fine them, you licence them, or you tax or penalise them, and the fourth one is that you levy them. This is a mixture of all of them. The government is going to levy you and fine you. The fines have greatly increased: in some of the clauses the fines have gone up three, four or fivefold. A fine of $10 000 becomes a fine of $30 000, and I am not sure that people will react any differently to a $20 000 fine or a $50 000 fine. It is still a hell of a lot of money for a primary producer, and I think that 99.9 per cent of them are trying to do the right thing. I am not sure that an increase of that level in the fines is necessarily warranted. Maybe the simple answer would be to apply the CPI to them every year to keep them in line. I do not know whether we need to increase fines three, four or fivefold because I do not know whether that will necessarily achieve the outcome the government seeks, other than the revenue outcome, of course.

Another observation I make is that, when I was in my electorate office the other day working on this bill, I looked at my bookcase and in one corner was the state water plan, in the other corner was the revegetation plan by the Revegetation Committee, in another corner were the various water catchment plans that have come before the Economic and Finance Committee, and in another corner was the state biodiversity plan for each region. All these plans are all being done and in that respect the system is working. I am not sure what happens with the biodiversity plan under this bill. I assume that it transitions in somewhere, but I cannot see it mentioned in the bill. It seems to me that the system is already producing all these plans. If the state wanted to put together an NRM plan, it could simply collate these plans into one, as a very simple measure. I do not know whether we have to go down the path of totally redoing every single act, as proposed, to achieve the outcome. I will come to the second reading explanation in a minute and go through what outcomes are being achieved. I am not sure whether this is necessarily the best way to do it.

The other issue I raise is the lack of financial commitment by the government to environmental matters. The government's environmental record is such that it has cut the Department of Environment and Heritage's budget by at least 5 per cent. At the same time, they are running around telling everyone, 'This is an environmentally conscious government. Look, we've even introduced the River Murray levy.' Even those who do not use River Murray water pay the River Murray levy. Not one cent of government money is going in to match that River Murray levy. Some $20 million is collected from the long-suffering ratepayers but nothing is matched by the government in that regard. Of course, then we bring on this levy, which we know will significantly increase. For a number of years the officers have sought to have this reform with a levy component and it is 'slowly, slowly catch the monkey'. The government has now taken the bait. They know that if they sit quietly for two years they will be able to load up this levy to a significant cost over a number of years, using the politically popular argument about saving the environment as the measure to increase taxation on South Australian citizens. So we will have, in essence, more than one environmental levy. Even in SA Water an environmental levy exists that is built into water rates. We have the River Murray levy and now we will have a natural resource levy that will build up to a significant sum over the years.

What will happen is that the politicians who introduce it will not be here to see its effect. They will put it on their CV as some great reform, but let us see where the levy is in 10 years to see whether it is really fair on the taxpayers of South Australia. That brings me to the second reading speech, which is an interesting document. It starts off, 'It is with a great sense of occasion that I introduce the Natural Resource Management Bill.' When I used that line at a speech some wag in the audience said, 'What—a funeral?'—which I thought was an interesting observation. Although I personally do not make the observation, it was an interesting observation from the audience. It is fair to say that this is a major reform to natural resource management—I grant the minister that. I am not sure it will actually deliver the long-term outcome that the minister wants. I think the New Zealand experience, about which other members will speak, should raise some warning bells for South Australia about exactly how this might pan out in the long term.

The second reading speech talks about public consultation and states that it was an 'unprecedented amount of public consultation'. I made comment on that earlier. It might have been an unprecedented amount, but I do not know whether they were talking to the right people. The minister thanks the Local Government Association and Farmers Federation. That is fair enough, given that they have signed off on the bill. The minister said that there is outright inconsistency in the projects and objectives of the different arms of government in administering responsibilities for natural resources. I would like some examples. I have heard that phrase used at the briefings I have attended. I want some examples, because it seems to me that if there are inconsistencies a simpler way to solve this problem is simply to get the boards and committees to talk to each other. We do not need to rewrite the whole act in order to do that. We can simply bring in a very simple legislative amendment which requires them to sign off on

each other's plans or the chairs to meet quarterly to sign them off and look at the issues. If there are inconsistencies, there are other ways to crack the walnut rather than to rewrite the whole act and introduce these particular measures.

I think there is an argument to say some community resources have been stretched in some areas. The government's answer to that is to demolish community input. That is a major concern I have with this particular bill. We have the animal and plant committees and soil committees that exist at the local level, and under this bill they get demolished, to be replaced by regions and groups that can form committees. Of course, those committees will have nowhere near the power that the existing committees have. All the power will rest in the groups and regions above them. So, all the power and input will go to the minister's appointed groups and regions, and so on. The poor old bunny who has to do the work on the ground is stripped of their power as a result of this.

That will be unfortunate. I think to some degree there will be a move towards people saying, 'Well, I am paying this levy that is going to increase. You have all these boards. You have amalgamated them into one. It was going to be more efficient. The government can go and do the work. Away you go: you do it. I have better things to do, like running the farm.'

I am concerned that that attitude will prevail to some extent, given the selling that is being done in relation to this bill. If there are outright inconsistencies, I would love to hear about them. I would love to know why they could not be resolved in a simpler way than through the proposals under this bill.

In the second reading speech, the minister says that the government promised that the new arrangements will incorporate the development implementation of revegetation and biodiversity plans. I am not quite sure where that is stated, where the biodiversity plans are adopted or, indeed, where the State Revegetation Committee sits in this and where its strategy is picked up. I am not sure, but that can be explained to me during the committee stage.

It is interesting that the National Parks and Wildlife Council, the Land Care Association of South Australia, the Conservation Council, the Native Vegetation Council, the Water Resources Council, the Animal and Plant Control Commission, the Local Government Association, the Regional I&R Group Chairs, the Pastoral Board, the SA Farmers Federation, the Soil Conservation Council and the Aboriginal land holding bodies have all had representatives on the Interim Natural Resource Management Council in developing this bill.

Maybe that is why there has been so little comment about the bill. There are so many inside the tent that there are not too many outside the tent. In the future those organisations will no doubt be able to look back and explain to their members the great benefits that this legislation brought to their memberships. It is interesting that not one of those groups has contacted the opposition in regard to this bill.

It may well be that we are going to be the sole voice in the wilderness warning caution about this bill. We are happy to perform that role, given that we have a number of regional members whose constituents are going to be potentially significantly effected if things go wrong under this bill. So, we are happy to be the voice of caution in this matter.

The other groups that were involved in this issue—and my comments apply to these groups as well—are the Water Resources Council, the Soil Conservation Council, the Animal Plant Control Commission and the various soil conservation, catchment water management, and animal and plant control boards. Their silence has been interesting in terms of any proposed amendments.

My concern about the NRM plans is how we are going to judge success. I think what is lacking in the bill is any benchmarking or measuring point. We are going to improve the environment. We would all support that concept, as we would support the concept of growing our primary industries sector. But where is the measuring point? We know that the measuring point for primary production is that the government will triple the level of exports within the next 10 years, I think it was. So, there is a line on a graph that indicates, 'We are here; the target is there; we have more work to do; or we are doing all right.'

There is no requirement in this bill for benchmarking, so that we can come out and say, 'Here is the measurement of why our natural resources are better under this bill than they were under the old regime.' There is no benchmarking at all in regard to that. That, I think, is a flaw in the bill. How are we going to measure the success of the bill?

It is interesting that, in the second reading speech, the minister talks about a large area of near shore seagrass meadows having been lost along the metropolitan coast. I remember the day that the previous government announced a $4 million study into Adelaide's coastal beaches and waters and why the seagrass had been lost. The current minister came out and said it was a total waste of money and it should not be happening. He asked when we would actually get some action on the metropolitan beaches. Of course, as soon as he became minister, the first thing he did was to sign off on the second stage of the report.

In other words, the $4 million study is ongoing under this government. In opposition, we did not need to do anything about researching the issue of large areas of near-shore seagrass meadow loss on the metropolitan coast, but it appears that we need to change the whole management of natural resources to help contribute to that. I note that in the second reading explanation the minister stated:

> Unfortunately, experience has taught us that the advantages of concentrating specialist effort on individual areas are countered by the disassociation resulting from resource management decisions being made in isolation.

Again, I would like some examples of where it is proven that, because different boards have worked on individual areas, somehow there has been resulting disassociation that has had a negative impact. So, prove your argument and, at the committee stage, produce examples of where that has occurred and an explanation as to why it could not be fixed. I think we need some proof in that regard.

I note that the institutional framework will take a whole of landscape approach, and I will question the minister about what effect this bill has on publicly owned land, because the government (and the minister's own agency, specifically) owns at least 21 per cent of the state as Crown land and national parks, and I want to test how this bill relates to public land. It is interesting that the second reading explanation states, 'We need a framework that will make more efficient use of community resources,' and then goes on to explain what is meant by that.

It is interesting to me that we will make more efficient use of the community resources (and that means streamlining all the committees), but what about government resources? My understanding is that at least 1 000 officers are involved in the administration of the current legislation (in fact, it may

be more than that, but let us be generous and say that it is 1 000). My understanding is that not one officer will lose their job or will be transferred to another department because of efficiency gains. I do not argue that someone should lose their job, but I am saying that, if efficiencies are to be gained, one would assume that they would pick up the 15 or 20 people who are no longer required because of the efficiency gains and move them to another area of government where they could be productive in another agency.

It seems to me that all the savings are being made at the volunteer and farmer end of the bill. In effect, not one officer is being restructured or put into another agency, so the same number of bureaucrats who are administering the existing bill as we speak today will be the same number of bureaucrats who will administer the new legislation, albeit with a different board structure, and I am not quite sure where the efficiency is. It may be that someone can tell me the estimated saving per year from this new structure—there must be an estimate somewhere within government—if there is a saving at all.

The bill mentions social and equity considerations; I am not sure how people will judge those. I am not sure what a social consideration is, and I am not even sure how one judges equity considerations. It seems to me to be a confusing term to put into a natural resource management bill, and perhaps someone can explain to me exactly what is meant by it. I note that throughout the bill (and it is mentioned in the second reading explanation) that a large number of committees are to be established. This is a sort of 'every player wins a prize' approach to NRM management. There are lots of committees, some of which must be established, but which we do not know as they are not defined; others may be established, and those we do not know because they are not defined.

But we know that the government has given a specific undertaking to use its regulation-making powers to require the establishment of an Aboriginal lands advisory committee to the NRM council and Aboriginal advisory committees to regional NRM boards as required. That is the only indication we have of what committee will be regulated and formed under the bill. There is no other indication about what the committees might be.

I note that the second reading explanation touches on the Mining Act and the Petroleum Act. I assume that the mining industry was consulted and I assume that the petroleum industry was consulted. If they were consulted they have not written to us, so one assumes that they have no problems with the bill.

I notice also that the second reading explanation states that plans will cover NRM regions right to the state boundary, including the marine and inner coastal area, to ensure an ecosystem-based approach. This will ensure that the regional NRM plans consider the effect of terrestrial based activities on the marine environment and the natural resource management requirements of the marine area. The point I make is that I think that is long-term code for potentially being able to bring aquaculture and fish farming under this bill. As I mentioned earlier, the bill changes the definition of 'animal' to include fish and I think the opportunity exists down the track—it might be in 10 years' time—for the officers to argue that aquaculture should be brought under this particular bill or, indeed, fisheries generally.

It could be argued that fish are a natural resource and, as I understand it, rules apply to fishing as far as catch limits and size and all that sort of thing are concerned. I admit that fishing is not my idea of fun. Others enjoy it, but it is something I have never come to grips with. So, my fishing knowledge is not great but I know enough about it to know that there are rules and, if there are rules in regard to fishing, I am sure that, in the long term, they can be brought under this bill.

The Hon. G.M. Gunn: I enjoy it but my ability is limited.

The Hon. I.F. EVANS: Yes, it is a bit like my cricketing ability—I enjoy cricket but my ability is very limited. I note that in the second reading explanation the minister talks about the stormwater issue and the fact that a group comprising state and local government officers will talk about stormwater and bring back a report to the minister at some stage in the future. I am sure we are all looking forward to receiving copies of that. That will no doubt clarify exactly how much of the stormwater issue will be funded out of the levy, how much will be funded out of state government revenue, how much will be funded from local council rates and over what time period.

One interesting point seems to have escaped everyone during the briefings, but it is in the second reading report, and I keep going through the second reading speech to pick up all these issues. The minister said that the government has agreed to make consequential amendments to the NRM legislation in due course as part of the proposed amendments to the Development Act, which will introduce improvements to the development plan amendment provisions. I assume that the Local Government Association has seen those; I am assuming it has signed off on them; and I am assuming that it is at least aware that there will be changes to the Development Act at some stage in the future and possibly introducing other amendments into the NRM legislation to make improvements to the development process.

What that means exactly I am not sure, but I reckon local government might need to be alert that some extra planning power is not taken away from local government, because the government has already flagged that with the hills face zone, for instance, and the sustainability legislation, and maybe that is what it is referring to there. But, to be fair to the minister, it is in the second reading speech, it has been made public, but how much people have been told about it and what it actually means is anyone's guess. Timing on that issue might be something we will want to tease out during the committee stage.

Of course, the second reading speech gets into the levy itself. Essentially, what they say is that we are going to have a levy collected by the councils, similar to the water catchment levy. My suspicion is that it will be a lot more than the water catchment levy in the long term. How much are we going to pay local governments to collect it? That will be a question mark and we will work out a process and put it in regulations. What the Local Government Association and the minister are really saying is, 'You will just have to trust us on that. When we finally decide that, we will put it into some regulations and we will debate it then.' So, this bill will go through and we do not know whether or not we will sign off on 1 per cent of the admin costs of the councils or 2 per cent or 5 per cent—we have no idea. It is all going to be parked off in the regulations.

The levy will go before the parliament's Natural Resource Management Committee in a similar process that currently exists for the Economic and Finance Committee for the water catchment boards. As a member of the Economic and Finance Committee, I am not sure whether that process is as useful as some of the community would believe. Essentially, the

committee can do only three things: approve it, recommend amendments or object to the levy—but not the plan, just the levy. If you have an idea about how to amend the plan, bad luck. The legislation restricts it to only commenting on the levy itself. I am not sure whether that is the most useful formula for parliamentary—

An honourable member interjecting:

The Hon. I.F. EVANS: My layman's reading of it is not that. The land levy collected will be recognised for the purposes of the state government council rate concessions. I am not sure what that means. I think it means that you can take a concession off the rate. A pensioner, for example, would get a $20 concession—if the levy is $42, they can take off $20—but I am not exactly sure what that means or who is going to fund it. Maybe all the other levy payers are going to pay a slightly higher amount in their levy to fund the discounts of others. We will have to tease that out during the committee stage. It would be interesting to get some figures on why Revenue SA was not used to collect this levy. I know that Revenue SA and local government were required to tender, because I put in a freedom of information request for the documents that was declined. Certainly, Revenue SA gave briefings on the cost. The way I see it is that local government is simply going to put a line on the bottom of their council notice which would say something like 'natural resources management levy: $20'. Every land owner pays an emergency services levy from Revenue SA, and I cannot see how it would cost any more to put a line on the bottom of that invoice saying 'natural resource management levy: $20'. It is essentially an adjustment of the computer program for both to do the same role.

I am not convinced about the cost structure—we have no information about it. I would be asking the minister to clarify for us the difference in cost between using Revenue SA and the local government. Another issue with local government is that there are 69 local governments, so they would have to design 69 computer programs to reflect this levy. Revenue SA has to change only one computer program to reflect this levy, so I cannot quite work out how it would be cheaper to use local government. What concerns me during this whole debate is the lack of detailed information in regard to those sorts of costs.

Of course some would suggest (and far be it from me to suggest this) that the reason the government is getting local councils to collect it is so that after the next election, if this government is still in power, it can transfer the collection of the emergency services levy across to the council as well. After all, once you have collected one government tax, why would you not collect two government taxes? There is no reason why you could not fund the collection of the emergency services levy on the same basis as being proposed in this levy; that is, simply to work out how much emergency services levy money is in a constituent council area and bill the constituent council—and you could not give a rats how they collect it. I hope local government has thought that through because it will be difficult to say that, given the council is collecting one levy, it should not collect another levy. It would be interesting to see what the house would do with that argument if it was ever brought before it.

It is interesting that the minister says in his second reading explanation that regional boards established in the areas that do not have the capacity to fully fund themselves via a natural resource management levy will be assisted through the environment and conservation portfolio, as is presently the case with some existing boards. I find that really interesting, because the minister can direct the boards and change the plans, so why would a minister say, 'Look, do not put up the levy any more, lads, leave it. I will take money out of my budget and I will top up your levy.' The most likely scenario would be that the minister would instruct the board to fully fund the plan out of the levy because that will be collected by local councils. Why would a minister say, 'No, whatever you do, do not fully fund your plan, only fund 80 per cent of it and I will go to cabinet and argue for the last 20 per cent of your budget to be topped up out of my portfolio'?

I know what the Treasurer will say. He will say, 'Hold the bus, just get them to whack an extra $3 or $4 on everyone's levy, local government will wear the flack anyway, it is on their bill not ours, and fully fund it that way.' That is a fantastic promise by the minister but I think it is hollow, I do not think it means anything. I think all it means is, yes, that is possible but the reality is that I doubt whether it will happen very much at all. During the minister's speech, I would like some details on exactly what he has funded into the level that they are funded currently so we know exactly what we are talking about. The minister claims that levies will not be increased as a direct result of this reform; that appropriate levy amounts will be considered by each NRM board and the regional communities through the regional planning process. What that means is that your levies will increase as a result of the plans.

On page 13 of the minister's second reading explanation he says that within the state government the staff currently administering the repealed acts will administer the new legislation. That is the point I was talking about earlier; that is, all the current staff essentially stay, there is no saving to the government in that respect as far as staffing is concerned and, if there are any savings, they are all at the community level. The way in which they will save money is by rationalising their offices. We know that because the officers told us that at the briefing—whether or not they meant to tell us, they did. That is where the savings will be made; that is, they will amalgamate offices and essentially make some savings there. So communities and the regions which have small animal and plant offices and those sort of things may not have them in the future, and that all has an effect on those local communities.

There will a review of the legislation in 2006-07, which will be an interesting review regardless of who is in government, and at that stage, according to the minister's second reading explanation, the review will provide an opportunity to assess an early experience with the current reform and also to achieve better integration with the NRM legislation, including native vegetation, coastal, marine, the South-East drainage, the pastoral land management and the dog fence. That is fascinating. I assume that is stage 2 of the legislation. It will be interesting to see exactly where that goes as far as the future development of the legislation.

Basically, that gets us through the minister's second reading explanation. I will now turn my attention to the bill. I am not sure how formal the committee process will be. I have been caught in other debates where people have become tired and the very formal rules that sometimes apply suddenly apply. I guess that I will go through a few of the definitions to question some of the issues, and the minister and his officers can get back to us—as part of the minister's second reading response—in terms of clarifying some of these issues. I am not sure why the definition of 'animal' has been changed.

I am not quite sure why, suddenly, 'fish' is brought into the definition of 'animal'. I am not quite sure what animals will be excluded from the term 'animal' by definition, and we want some information about that because, as I said earlier, that could have a wide-ranging effect. We have been given no information as to why that change has occurred. The definition of 'biodiversity' is just massive and, I think, confusing. It might as well say everything because that is how it reads. It really is a catch-all, I think, as are a number of the definitions. I am not sure how anyone in the community would know what an ecosystem process is.

Certainly, an ecosystem process is part of biological diversity, according to the definition. I am not quite sure how the average punter is meant to recognise that. The definition of 'control', I think, is problematic. The definition provides:

control means—
. . . undertake any prescribed action,

It also means 'as far as reasonably achievable'. I am not quite sure whether 'as far as reasonably achievable' should be in the definitions or whether that should not be in the actual body of the act after the word 'control'. I do not know whether it is good drafting to have that as part of the definition. I think that, in that regard, it is over-complicating matters. Here is a tricky little definition:

Department means the department of the minister to whom the administration of this act has been committed prescribed by the regulations for the purposes of this definition;

That means that the minister is going to proclaim that the minister who handles this act is the Minister for Water, Land and Biodiversity Conservation. Then, of course, the day that the Labor government loses office and the Liberal government comes in, it will seek, probably, to change that regulation; and, guess what? The regulation can be disallowed by the parliament. That means that a left-leaning controlled upper house (if the Democrats and Labor had the numbers) could then prevent the regulation being brought in to allow a future government to swap from one ministry to another because regulations are disallowed.

So, essentially, the definition of 'department' can lock in which minister can have this particular portfolio, and that has always been at the discretion of the government. That is an interesting little point that has been included. We then have the definition of 'domestic activity'. This clause confused me. I have never had conduct of the water portfolio so I will bow to the minister's greater knowledge. The minister can clarify this for me in committee, but the definition of 'domestic purpose' provides:

domestic purpose in relation to the taking of water does not include—
(a) taking water for the purpose of watering or irrigating more than 0.4 of a hectare of land;

In Stirling, subdivisions of less than one acre, which is 0.4 of a hectare, are not allowed. There are many properties of 1½ and 2 hectares of land, so I assume that, if the owners of those properties take water for the purpose of watering more than one acre of land, under this bill they are not taking water for a domestic purpose. Does that mean that everyone in Stirling who has more than one acre of land and who dares to water their garden will have to be licensed? If they are not taking water for a domestic purpose, then for what purpose are they taking it? Someone will have to explain to me where that fits in. Perhaps it is covered under the taking of water to be used for the carrying on of a business. I do not think so, because this is not a business. So, I am not quite sure where that leaves those people who water their garden, if it is more than an acre, and there are lots of them in Stirling, Beechwood being one, as the minister might be aware.

We have some minor issues in relation to domestic wastewater and industrial wastewater, but they can wait until the committee stage. The definition of 'ecosystem' refers to a 'non-living environment'. On my reading of the definition, one assumes that that includes dead plants and dead animals as part of the ecosystem. Certainly, it includes dead trees and plants; therefore, I assume that dead animals will be part of the ecosystem, and I think that confuses matters. The definition of 'estuary' is expansive and confusing. I will ask for some examples of estuaries under this definition, which seems to be very broad.

The definition of 'floodplain' raises an issue which relates to a number of clauses in the bill. A floodplain includes anything designated by an NRM plan as being a floodplain. A floodplain on Eyre Peninsula will be different from a floodplain in Mount Gambier because the NRM plans will be different. There is the potential for at least eight different definitions because NRM plans are prepared by regional boards. Regional boards prepare regional plans. One regional board will say that they think this is a floodplain and designate it so in their plan and another board will say that they think this is a floodplain and designate it separately. So, a number of things are defined through being designated in an NRM plan. We see this as confusing, and we will raise it in committee, but the minister may want to look at this issue.

In the definition of 'industrial waste water', I am not sure what the words 'run to waste' or 'has been collected for disposal' mean. We will expand on that in committee next week. The definition of 'infrastructure' is fascinating. It includes any program or initiative. So, when you talk about infrastructure under this bill, you are talking about programs and initiatives, which most people would not define as infrastructure. Again, it adds to the complexity of this bill, trying to work out exactly whom it affects and how under these broad definitions. We will ask more questions on that.

Regarding the definition of 'intensive farming', we want clarification that it will not interfere with what we on this side of the house would call normal farming practice. If you are having a bad season and you have to put all your cattle into the top paddock for handfeeding, does that suddenly become intensive farming? It probably does under the definition, but we do not think that it should. So, there needs to be some clarification of that clause. We do not want people who are undertaking normal, everyday farming practice in difficult circumstances suddenly to be caught by different provisions under the act that relate to the intensive farming provisions.

The definition of 'lake', again, is expansive. There are two or three other items in the definition of 'lake' that have been defined differently. Lakes are defined as being anything designated as a lake in the NRM plan. So, something that could be a lake on Eyre Peninsula may not be a lake on Yorke Peninsula or in the Riverland, because each NRM plan may treat that differently. I think that is an issue that needs to be thought through. The definition of 'land' is bizarre and adds to the confusion. I do not know how the land-holder is meant to comprehend what all these things mean: it is not written in simple English. 'Land' means different things according to the context, so the first thing you have to do is decide which context you believe is meant by the bill, and that will vary from individual to individual depending on capacity. In one context, 'land' is defined as 'a physical entity, including land under water'. So, the seabed out to the state boundaries is land, a riverbed is land and a dam bed is land, and so on.

'Land' also means, in a different context, 'any legal estate or interest in, or right in respect of, land, and includes any building or structure fixed to land'. Any building or structure fixed to the land is land, so one would assume that a house, a building, a jetty and a weir are land. I think that is very confusing.

To make matters worse, 'land' has another definition later in the bill, and I think that that should be noted under this definition. Subclause 3(2), which is straight after the definition, provides:

> For the purposes of this act—
>
> (a) a reference to land in the context of the physical entity includes all aspects of land, including the soil, organisms and other components and ecosystems that contribute to the physical state and environmental, social and economic value of land;

So, that is land. I am not sure how the lay person is meant to interpret what is land, because land is a physical entity, including land under water and, if it is that, it includes all aspects of the land including the soil, organisms and other components and ecosystems that contribute to the physical state and environmental, social and economic value of the land. I think that is very broad. I think the average person will be confused by that, and I think it needs to be better referenced and, certainly, better explained in the bill because, in my view, people simply will not understand it. I note that 'natural resources' is defined—and you would expect that in a bill about natural resource management. We would like some explanation as to why 'air' is not defined. Why is it that we have a natural resource management bill that does not deal with air? It seems a little unusual that air is not included as a natural resource—unless it is intended to bring it in by regulation. However, they have named everything else, and we cannot quite work out why they have not named air. We will tease out the definition of 'occupier' and 'owner' during the committee stage, but we think that some confusion will prevail under these definitions as to who is an owner and who is an occupier.

The definition of state includes any part of the sea that is within the limits of the state. From memory, state waters are three kilometres out; that is the line where state waters become commonwealth waters. Basically, this act also applies anywhere in that region. That is why I raise the issues of aquaculture, marine planning, the Coastal Protection Board and how it sits in this particular bill; it is something that will need to be better defined.

Watercourse is another confusing definition. This also has a separate definition. The lay person will go to definitions and look under clause 3. It defines 'watercourse', and it is a confusing definition as it is. Again, a watercourse will be different under each NRM plan because it can define watercourses differently under each NRM plan. If that is not bad enough, clause 3(2) states:

> (a) a reference to a watercourse includes all aspects of a water resource, including the water, organisms and other components and ecosystems that contribute to the physical state and environmental value of a water resource.

Interestingly, under 'land' it has to contribute to social and economic value, but apparently there is no social or economic value of the water resource because that is not included in that definition, but it does talk about water resources. Water resource is defined as a watercourse, so they cross-reference each other; one means one and the other means the other. Of course, water resource means lakes, surface water, underground water, stormwater or effluent, and, of those, seven are defined. One definition of a word includes seven other words that they have defined. How anyone out there in layman's terms is going to understand that is beyond me. I think it is a confusing way to go about presenting the legislation for people. Again, we will take that up during the committee stage.

We then get to clause 4 where we talk about interaction with other acts. We raised this issue with the officers when they briefed us about which acts take precedence. To his credit, Robert Freeman wrote back within 10 days, and he said that there is an explanation of the hierarchical relationship between the River Murray Act and Natural Resource Management Bill. What we are asking is which bill takes precedence? Is it the NRM Bill, is it the native vegetation bill, is it the legislation in relation to marine planning, or, indeed, the River Murray? Basically, it tells me that clause 4(1) of the NRM Bill clearly provides that, except where the contrary intention is expressed, the NRM Act would be in addition to and would not limit or derogate from the provisions of any other act. It does not answer the question: if there is conflict, which act overrides which? For example, if you are clearing native vegetation, what happens under the NRM Act? Can you be doing something legally under one act and commit an offence under another? I suspect not. Again, we would want that clarified. Section 4 talks about the interaction with other acts and really says that this act is subject to the following acts and agreements, which I would interpret as being subservient to those acts and agreements, and we will seek to clarify that during the committee stage.

This is a doozey of a clause—it is a beauty. The minister has done this before, I think in the Environment Protection Act. This clause provides that if you live in another state and cause damage in our state we will penalise you. I assume we have consulted with the Victorian and New South Wales authorities over this, and I would like the minister to table any correspondence that says that the other states have agreed to this provision. It seems to be a provision that will cause us some problems.

One assumes that you would be able to go to Victoria and New South Wales and say, 'You are damaging the Murray and you are breaching the statutory duty that applies under this act and therefore we will put in place one of three civil remedies available to us and put a protection order, a repatriation order or reparation authority on you.' If I have that wrong, the minister can explain that to me in committee.

Clearly clause 5 of the bill says that this legislation extends to an activity or circumstance undertaken or existing outside the state. So the salt plug coming down the Darling and parked in Lake Victoria, had it come to South Australia one would assume that it would have caused damage to the natural resource under the definition because it is so broad that it catches everything. Therefore the minister could take action, if he so chose. If I have that wrong, fine, but if I do not have that wrong I look forward to the expiation orders being put in place straight away as we will not need a River Murray levy. All we will have to say is, 'Look, you guys, you are causing all this damage: here's your reparation order—go fix it'. I think that is what that clause does. It allows us to take action against interstate authorities and people not only for future acts but, under this clause, for existing acts.

The rest of the legislation, as I understand it, does not apply to existing circumstances, but this provision specifically says that this legislation extends to an activity or circumstance undertaken or existing outside the state. The poor old Victorians and those in New South Wales are hit for things that are existing, but good old South Australians do not get

hit for anything existing. We have a different rule for ourselves, even though 50 per cent of the salt that goes into the Murray comes in once it hits the South Australian border. That clause needs some explanation.

My guess is that we would not have consulted with the other states: it would be a surprise to them. If we pass this sort of legislation we can expect the same sort of legislation to be passed in other states. The other interesting aspect is the marine environment, where the border hits the coast and issues about damage done on either side. I have not been down to that area of the state to see this, but let us assume that there is a factory or sewerage treatment plant right near the border. One would assume we can take action under this clause. That clause sounds good, but it has a lot of issues associated with it.

Clause 6 binds the Crown. I may not have this right as I have been trying to establish what it means. Parliamentary counsel was assisting me late this afternoon and I think I have it right now. It means that all of the public land will also be subject to natural resource management plans. When they do a natural resource management plan for an area they will do a plan that takes in all the national parks, crown reserves and so on for that area.

That natural resource management plan will bind the Crown, except that the Crown only has to try to comply with it. Clause 2 of this particular provision states that, 'the Crown must endeavour as far as practical to act consistently'. So, the Crown has to make its best attempt to match the NRM plan but all the land—whether public or private—will be covered by the plan. That is important because national parks and others must be forced to clean up their pest weeds. There are large examples of where national parks have weed problems that could be addressed if they were properly brought under these particular provisions. It would be interesting to see what the minister's powers are in regard to public land versus private land.

The objects of the act are very broad and they are really the catch-all. Basically, the NRM plans have to try to enforce the objects, the minister has to try to enforce the objects, and the court has to try to enforce the objects, and the objects are so broad that they basically catch everything. That is the trip-wire in the legislation. Generally, there are at least six objects, and primary or economic production is mentioned only once in those, which I think will raise eyebrows in some quarters.

Not only do we have objects, we also have a set of principles that must be taken into account when achieving ecologically sustainable development for the purposes of the act. So, you have to try to meet the objects of the act and then you have to take the principles into account. These principles are extraordinarily broad and are so open to interpretation that the lawyers will have a picnic in some of the court cases that will arise.

Hidden in the middle of the principles is principle (3)(e), which states, 'A fundamental consideration should be the conservation of biological diversity and ecological integrity.' It is the only one with the word 'fundamental' and I think that the courts would interpret that as meaning it has a higher weighting, that it is more important than the other principles. That is a concern: why have the word 'fundamental'? You do not have it in any of the other principles or, indeed, the objects. It should just read, 'A consideration should be the conservation of biological diversity and ecological integrity.' Why 'a fundamental consideration'? I think it is designed to be in the middle, and I think it is designed so that courts will interpret it more favourably than the others.

We then get on to the general statutory duty. Everyone in the state will have a general statutory duty to act reasonably in relation to the management of natural resources, which is defined, within the state. There is another page of things that are going to determine whether you have acted reasonably, and one of those things is whether you have acted wisely and responsibly. These are all subjective measures. What I think is acting wisely and what someone else thinks is acting wisely are two different interpretations. It is the same for 'responsibly' and 'reasonably'. So, there are a lot of subjective words in the measures that relate to objects, functions and general statutory duties that will be open to interpretation by the court.

Essentially, everyone has a general statutory duty they have to undertake to act reasonably. Of course, it is not only statutory duty generally but also to the objects of the act. When you go back to the objects of the act, which were referred to earlier—and there are three pages of them—you see that you have to act reasonably, wisely and responsibly in respect of all those measures and, again, I think it is overly confusing. Unfortunately, I think it is designed for people to trip up on, which I think they will do, because it is just too complex. It is almost impossible for the lay person to interpret, and I think the courts will be flooded with applications as a result of the complex nature of the drafting of those areas. Of course, those areas—the functions, the objects and the statutory duty—underpin all the other clauses within the bill.

The administration is essentially all about the structures that are going to be put in place. The minister will have every power a minister could possibly wish for; it is minister heaven. The minister will set up a natural resource management council, whose primary role will be to provide policy advice to the minister. Again, one of the problems with the functions of the minister is that there is no benchmarking or reporting process, so there is absolutely nothing to judge the success of how the minister performs the functions. There is no benchmarking required at all in regard to all those functions. Basically, clauses 10, 11 and 12 provide that the minister can do absolutely anything, as follows:

> The minister has the power to do anything necessary, or incidental to—
> (a) performing the functions. . .
> (b) administering this act; or
> (c) furthering the objects of the act.

It is that point—the objects are three pages long, extraordinarily complex and very broad—that underpins the general powers of the minister. He can do anything incidental, expedient or necessary to a very broad range of objects. So, the minister has extraordinary powers and can delegate anything except recommendations to the Governor and the minister's functions under the levy setting powers under chapter 5. Everything else can be delegated, redelegated and redelegated, and I have no doubt that is exactly what will happen.

The NRM council is a policy advice unit that can be directed by the minister. It is made up of nine members, who collectively need to have the knowledge, skills and experience judged necessary by the minister. One of those members will be the presiding member picked by the minister; one will be picked by a panel of three from the LGA; one will be picked by a panel of three from the Conservation Council; one will be picked by a panel of three from the Farmers'

Federation; and one will be nominated following the minister's consultation with the Aboriginal community. Essentially, only one practising farmer or some other person will be nominated to this council from the farming community—or at least one person guaranteed—and I think that is a concern to the rural sector generally, although it is fair to say that the Farmers' Federation did not see that as a problem. It got a guernsey and is represented on the council.

The minister has the power to appoint public servants (they can be commonwealth, state or local government officers) to go along not only to watch but also to participate in NRM council meetings, but they cannot vote. What that is really about is giving the opportunity for officers to hint to the council what the minister might or might not accept. So, generally, they will make the right decision and not send up minutes to the minister that will cause the minister some heartburn because the officers can intervene at that level while they are there. It is interesting that it is only the officers nominated by the minister who get formal access to the meeting. Other people outside the bureaucracy do not get nominated as those people do. The council can go through and get to fees and allowances. They can set up as many committees as they want. One would assume they would also get fees and allowances. They must establish some committees, but we do not know how many or for what purpose. No doubt, the minister will explain that during the committee stage.

The next structure down from the minister is not the council. The council is to the side of the minister. The council has no reporting relationship to the NRM boards and regions. The NRM boards will report directly to the minister, but we have no need to panic because the NRM boards can be directed by the minister. They are under the direction and control of the minister. If they look like doing anything the minister does not like, he can direct them to do whatever he so requires. Essentially, their role, as one would expect, is to carry out the functions assigned to them.

Again, the boards will be established with various representatives on them. There will be nine members in this case and the minister appoints them all. If he is worried that they will not follow a direction, we will have every member appointed by the minister. I think it is fair to say that the boards basically will do whatever the minister wants in relation to that. There is a list of functions for the boards, which one would expect. Basically, they can do anything necessary, expedient or incidental, so it is exactly the same language as the minister. Basically, we have the minister and to the side of him we have the NRM council. Under the minister we have NRM boards and regions. They have a range of powers.

Clause 34 talks about entry and occupation of land. Those good officers who sent me the briefing note from the minister's office have written on that particular clause 'McLeod's Daughters?'. I am not sure what that means in relation to the occupation of land but that is the handwritten note on the minutes sent to me. One would have to ask the question why a government would want to occupy people's land. I would be interested to know how many times that power has been used. I want some living examples of where that power has been used. I find it an extraordinary power for a government to occupy someone's land.

The staffing arrangements for the boards are signed off by the minister. Again, there is a whole range of delegation powers which can be delegated down the line. The minister or the NRM council can ask the boards to undertake any report for them. If the minister wants any research done, not out of his budget but out of the NRM levy, he can farm it off via the NRM council or NRM board and get them to do that research work for him. It will be a saving to the Consolidated Account and I have no doubt that is the way in which it will be used long term. If things go wrong—and I do not know how things can go wrong, given the boards are directed totally by the minister—we can appoint an administrator to administer the board and, essentially, the minister has the same power over the administrator as he does over a board. Interestingly enough, the board has powers to provide financial assistance.

Of course, this government is on record as saying it would not provide financial assistance to businesses. We have even gone to the extent of signing an agreement with other states that we will not provide financial assistance. Under clause 44 the board can provide financial assistance to any business 'in any circumstance the board thinks fit'. That is quite an extraordinary power. So, we are going to levy rate payers and taxpayers and, if the board thinks fit, we will give it to a business. I think that is an interesting provision. I think it is dangerous to let boards do that and there needs to be some oversight in relation to that. They can also pay compensation if something has happened, if people have been detrimentally affected by actions taken under the NRM plan.

So, we have the minister, the council and the NRM board to decide. Under them, in this simple structure, we then have NRM groups. The NRM groups, again, are basically set up by the minister and they will be directed by the minister. Again, they have powers and functions set out, as you would expect. There will be up to seven members in the group, so it is nine on the council, nine on the regions, seven on the groups—I think that is right—and there are eight regions. So a lot of people will get a guernsey.

Then you have all the committees to the side, of course. They will set up the groups and essentially the minister can appoint all of those. So the minister totally controls the groups, the regions and the council. The minister can direct them all. It is totally controlled by the minister. This is a point that goes right back to when I first started and it is the point that I think worries a lot of people. Rather than have two or three ministers deciding this, you have one minister in total control and it will be interesting to see what the long-term effect of that might be.

The powers of the NRM groups are interesting. They cannot undertake any activity that will make them a profit. When I was on the hospital board, we used to call it a surplus—I am sure that has not escaped the officers' attention. They cannot participate in any commercial or business activity, which is interesting. That means the minister will be signing off on the leases and will be signing off on hire purchase agreements, because that is a business activity. So the minister will be busy signing off on lots of agreements in relation to those sorts of things, because 'business activity' is a very broad term. They can set up as many committees as they want, and they will all be funded out of the levy.

That is basically the structure. There is an annual reporting requirement through all of that structure that comes back to parliament. The annual report of the council comes to parliament on 30 November. There are 12 sitting days after that and the minister must table it—of course 12 sitting days after 30 November would be about the end of March, early April, which would be after the state election of any particular year. We would seek some amendment to try to bring that

forward so that there can be proper scrutiny of that particular issue.

The minister can appoint a chief officer, who would be the head of the department. The chief officer undertakes the normal functions you would expect in relation to this particular board that is dealing with regional authorised officers and state authorised officers, etc.

Clause 71 deals with the powers of authorised officers. This is always an interesting issue in these sort of debates. Essentially, the powers have been picked up out of every act and consolidated into one act. So, rather than some officers under one act having different powers, they are now all under one act. There are again some extraordinarily powerful provisions in the powers of authorised officers. I know that some of my colleagues will be making some contributions about the power of authorised officers, so I will not hold the house long in regard to that.

I notice that it takes away the right of people to remain silent. You must answer questions in relation to these matters. If an authorised officer asks you a question, even if it is going to incriminate you, essentially you have to answer the question. I am sure that there will be plenty of comment about those particular powers, as I know that a lot of my colleagues believe them to be extraordinary powers to give officers.

Clause 74 talks about the self-incrimination aspect of the bill, that is, a person must provide information and answer questions, even though that might incriminate the person. The information, answer or document forwarded in compliance with this requirement will not be admissible in evidence against the person in criminal proceedings, other than proceedings for an offence with respect to false or misleading statements, or proceedings for an offence in the nature of perjury. Even if the self-incrimination provisions are limited, they are still more expansive than those that exist in some other acts in the state.

The purpose of these boards, councils and groups is to come up with an NRM plan. Essentially, a state plan will be signed off by the NRM council, and each region will develop its own regional plan. This will not be dissimilar to the catchment water board plans under the current Water Resources Act. There will be a process whereby the boards will issue a draft plan for a short period of public consultation. A concept statement used to be issued, but that is no longer required. Ultimately, a plan will be released as a result of the public consultation process.

It is interesting to note that section 76(7) provides that the state NRM council may amend the state NRM plan at any time and must amend the state NRM plan at the direction of the minister. The minister has the power to change the state plan at any time. So, if something happens, or the minister takes a dislike to something in the state NRM plan, the minister can go ahead and issue an instruction to the NRM council to change it. That is an interesting power, given that it has gone through all the public consultation process. To suddenly get to the position where an NRM plan can be changed by the minister I think will cause some consternation in some communities.

In some cases, there does not need to be a public consultation process if the plan has been changed, and it is interesting that they can change the plan without having to go through a public consultation process, and I will expand upon that at the committee stage. I notice that clause 76(14) (the definition of peak bodies that will be consulted) does not refer to be Farmers Federation at all. Apparently, the federation must be happy with that, because it has signed off on the bill.

As I mentioned, all the state plan will be based on the regional NRM plans, which will be undertaken by the regional boards in consultation with their groups, and this is not dissimilar to the water catchment plans now. Interestingly enough, clause 77(3)(b)(iii) provides that 'action plans to ensure proper stormwater management and flood mitigation' will now form part of the regional NRM plan, and that, of course, is the stormwater provision that we think will inflate the levy in future years. Clause 77(3)(b)(iv) provides that marine resources will be part of the NRM plan. Marine resources are the only resource in the whole bill that is not defined. Natural resources and water resources are defined, but marine resources are not. I think that someone in fisheries and the fishing industry will look at that and at what 'marine resources' might mean. A regional NRM plan must:

> . . . include information about the issues surrounding the management of natural resources at the regional and local level, including information as to. . . arrangements to ensure proper management of wetlands and estuaries, and marine resources.

I think the fisheries department thinks its looks after marine resources. I might be wrong, but I reckon a lot of its officers think they look after marine resources. I think it is clear from this bill that the long-term aim is to bring fisheries management under DWLBC under this bill. Some will say that is not the case but those officers, of course, may not be here in 10 years' time. There may be young, enthusiastic officers who have a philosophy about where a fishery should be and they will pick up this legislation and say, 'Gee, some far-sighted person has allowed us the opportunity to bring fisheries under NRM planning'. I think 'marine resources', if it is undefined, is left open for debate and, certainly, if I was an officer in the agency, I would make that argument.

It is interesting that the NRM plans have to make an assessment of the land that the board wishes to acquire during the year, so the plan will have a list of land to be acquired, which will be interesting; and they have to make an assessment of the expected social impact of the imposition of the levy. I am not sure whether the boards will be qualified to make a judgment about the social impact of the imposition of the levy. Naturally, it is their levy. I think the people setting the levy will probably say the social impact will not be that bad because it will be traded off for environmental improvements and the world will be a better place and, therefore, the social improvement will be good. It is a bit like Caesar judging Caesar, and I think that is what will happen there.

Clause 77(6) is interesting. It provides:

> The board must inform the Minister of the inconsistencies (if any) between the plan and plans, policies, strategies or guidelines referred to in subsection (5).

You then go back to subclause (5) and it talks about the Coast Protection Act, the Development Act, the Environment Protection Act, the National Parks and Wildlife Act, etc. If the board can inform the minister under this act about inconsistencies, why can we not just amend the existing act so that the board can tell the minister about inconsistencies under each act and they can be fixed? If we go right back to the second reading speech it says that the reason we are doing this is that there are all these inconsistencies. This provision deals with the inconsistencies. There is no reason a similar provision could not have been put in the existing acts to simply bring the inconsistencies to the minister's attention and have a process to deal with them. It would be as simple as that and it would be fixed. We would not have wasted two years of consultation and all that time and effort to get where

we are. But the government has not taken that option, so we are dealing with other issues.

We then get to water allocation plans, and I do not intend to talk about that, I am sure members will be pleased to hear, because essentially that is a very similar process to what is in the existing Water Resources Act. However, I note by absolute coincidence, Mr Deputy Speaker (and I know you are listening intently, because I can tell by the way you are flicking through pages), that in relation to section 101 of the Water Resources Act they have omitted subsection (4)(d), the clause to do with the preservation of land value, which was an amendment put in I think by the Hon. Angus Redford in another place. They have left that out. So, the allocation of plans no longer has to take into consideration any effect on land value, and we might have a debate about whether that, indeed, should stay in the bill, because it was in the Water Resources Act.

The plans, once they have gone to the minister and the minister signs them off, then go to the NRM parliamentary committee, and the committee basically has three choices: it can object to the levy proposal, suggest amendments to the levy proposal or resolve to object to the levy proposal. In other words, it can make reference to the levy but not the plan which underpins the levy. So, they are restricted, as I read the bill in that sense. They are only talking about the levy and, if it is simply a discussion about the levy, that is an economic matter. If it were a discussion about the plan, then you might have it before the NRM committee. If it is a discussion about just the levy, then you might have that before the Economic and Finance Committee. It might actually be a better spot for that discussion, but the minister has chosen to put it before the NRM committee. That process is not dissimilar to the process for establishing the water catchment levy under the current Water Resources Act. Section 91 gives the board the power to amend the plan without going through formal procedures. Interestingly enough, the minister can amend the plan if he thinks it is achieving an objective under the River Murray Act; so, it can go right through the community consultation period and, as long as the minister thinks it is going towards achieving the objectives of the River Murray Act, then the minister can simply change the plan. Section 91(2)(b) states:

> The Minister may amend a plan in order—
> (b) to further the objects of the River Murray Act. . .

Simple as that. If the minister wants to change the plan, all he has to do is get something that is remotely related to the River Murray and Bob's your uncle. They can change the plan. The objects of the River Murray Act are as broad in definition as the objects under this act. It is an extraordinary provision. It just means that what this bill really says is that 'You are going to be involved. I will appoint some people to the boards. They will run out a public consultation process and, when the plan gets to me, if I do not like it, there are all these different provisions in the bill that allow me to change it, regardless of the community consultation period.' I do not know whether that is necessarily a good thing for confidence in the process. The minister can confer discretionary powers. To whom and for what purpose would be a good question.

We then get to Chapter 5 which is the NRM levy itself. There are essentially two types of NRM levies: a land levy which the minister will argue has the same principle as the water catchment land-based levy, and a series of water levies. Let us talk about the land-based levy first. I have talked about the issue about whether Revenue SA should be collecting it—I have asked for the costings for proof as to why they should not. Essentially, there is a series of methods under which the council can collect the levy based on the NRM plan. So, the NRM plan, as I understand it, will say 'We are going to use method A, B or C to collect the levy,' and then once the plan is adopted the council has no choice but to use that method to collect the levy. That is how I understand the provision. What that means is that you might have different levies in different regions and, in some cases, different levies being collected in a different way by the same council.

The Mount Barker council would be an example of that. It is split by the Metropolitan Adelaide board and the River Murray board. The River Murray plan says that they are going to collect the levy under clause (a) which is capital value. Mount Lofty or the Adelaide metropolitan area says that they will collect the levy by an annual value method; therefore, the Mount Barker council has to set up a computer system that actually calculates both. That is why I question whether it is actually an efficient way for councils to have to adjust their computers to collect all these different levies. That is the way I understand it. The plan will say how much is going to be collected by each council and the method of collection; the minister basically signs off on that (through the governor from memory); then that is adopted in the plan and the councils have no choice but to collect it.

Of course, it is noted that the Local Government Association is happy with that. Funds can be collected in one year and spent in another, so the boards can slowly build reserves. As long as it is in the plan and it is signed off by the process, there is nothing to stop their building reserves. There are a number of ways in which the levy can be set: capital value, annual value, site value, in proportion to the number of rateable properties, the purpose for which the land is used, the proportion that the area of rateable land is relevant to the NRM region and how it is distributed. There are six or seven different ways in which the rate can be calculated and then, ultimately, on charged to the consumer by local government. The cost of councils is yet to be determined: that will be in the regulations once we pass the bill. The regulations will say, 'Council can take 1 per cent, 2 per cent, 3 per cent, or whatever the figure is.'

One would assume that it will not be any more than the water catchment boards because councils collect that. It is virtually exactly the same process, therefore someone must be able to tell us what the cost is now. How much is the percentage being collected by the councils now? What is the cost of collection? Clause 99 introduces what I think is a new levy, although I might be wrong. There is a thing called 'an outside council levy', which will be a levy charged on that land which is outside the council area. I think that is a new provision—I might be corrected on that. Currently I think a budget allocation is made by the government for the areas outside the proclaimed council areas, and by the look of clause 99 they will now be charged a levy. That is how I read that clause, but I stand to be corrected on that point.

In relation to the application of the levy, earlier in my contribution the minister shook his head. I do not know whether he was falling asleep or whether he was telling me that I was wrong. I suspect that he was telling me that I was wrong. However, I said earlier that it is was my understanding that you could take money out of one area and spend it in another. Clause 101 provides:

> To avoid doubt, nothing in this division prevents any levy raised in one part of the state being applied by a regional NRM board or

NRM group in another part of the state in accordance with the provision of an NRM plan.

To me it is absolutely crystal clear that that means metropolitan Adelaide, if the plan so provides, can put it anywhere. Of course, the plan can be changed by the minister at any time. For instance, if the minister thinks it needs to meet the objectives of the River Murray Act, and of course it would be in metropolitan Adelaide's best interest to meet the objectives of the River Murray Act, then the minister can change the plan so that the levy is increased slightly and they can spend the money on the River Murray.

I am not arguing that that is a bad thing, but I bring it to the attention of the house because what we are saying is that you do not need the River Murray levy, because in actual fact you can do it through this levy. You do not need the River Murray levy because that provision allows you to collect exactly the same amount of money through this levy mechanism without bothering SA Water customers. There is absolutely now doubt in my mind that it does exactly the same thing—maybe that is the plan after all. Maybe they will say, 'We are a good government, because we will get rid of the River Murray levy and put it into the NRM plans.' Certainly there is no doubt that clause 101 allows you to take money from one part of the state and put it in another other.

Why the minister shook his head earlier worries me, and I will tell members why it worries me. It worries me that he has not read the bill. It worries me that he has only relied on briefings from the agency. I hope that has not occurred because I have read the bill twice and made notes, and when we reach the committee stage that will become very obvious. It concerns me that earlier in the debate it was clearly indicated to the house that I was wrong. I think clause 101 proves that I am absolutely right on that issue.

Earlier, I mentioned this definition of 'domestic purpose' for water and how using domestic purpose for watering the land had to be under 0.4 of a hectare. I asked what happens if it is over 0.4 of a hectare. I asked that because clause 102 (Division 2) refers to a number of definitions, and one of the definitions under that clause is 'to irrigate land'. The definition provides:

> to irrigate land includes to water land by any means for the purpose of growing any kind of plant or plants;

If you have a garden that is more than 0.4 of a hectare (more than one acre), watering that garden is not for a domestic purpose because the definition says that it is not for a domestic purpose. Does that then mean that it is caught under this irrigation clause? If you are then watering a garden greater than 0.4 of a hectare, if it is not being watered for a domestic purpose, then is it caught under the definition 'to irrigate land' (clause 102), because 'land' under the definition has an extraordinary meaning, as members might recall. That definition provides:

> land as a physical entity, including land under water. . . includes any building or structure fixed to land;

I am just testing that, by accident, we have not put into the bill a mechanism to charge people with large gardens in metropolitan Adelaide a licence. That is what I am testing, and I think that clause 102 borders on that, and I ask the officers and the minister to check that. I will not go through the declaration of water levies. Essentially, they are similar to the Water Resources Act. Other members on my side of the chamber are better qualified to talk about the Water Resources Act. I know that the members for MacKillop and Unley have a special interest in this area as do others, and I am sure that, in due course, the house looks forward to their contributions.

However, I draw the attention of the house to clause 103(6), which provides:

> A levy can be based on. . .
> (e) the effect that the taking or using of the water has, or may have, on the environment, or some other effect,—

So, it is not an impact on the environment: it is just some other effect that it might have—

> or impact that, in the opinion of the minister, is relevant. . .

So, as long as the good old minister thinks it relevant, we can introduce a water levy for any reason. It does not even need to have an impact on the environment, just as long as the minister thinks it is relevant. That seems to me to be an extraordinary power. Others in the chamber might be able to convince me as to why it is there. I am bringing it to the attention of the house that it is an extraordinary power to give to one minister, namely, the power to introduce a levy based on any effect the minister thinks relevant. Again, you could do the River Murray levy under that clause, no doubt about that.

If you cannot get it under that clause you can do it under clause 103(12), which provides:

> If a levy that relates to the River Murray has a component based on the effect that the use of water may have on salinity levels associated with the River Murray, money raised from the levy that is attributable to that component must be applied. . .

The bill talks about the River Murray levy. This bill actually refers to developing a levy specifically for the River Murray. The government did not need to introduce the River Murray levy: it could easily have done it under this provision.

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

> That the time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

The Hon. I.F. EVANS: Clause 103(12) refers specifically to a River Murray levy and where that money is to be spent. Then there are special purpose water levies. These provisions are similar to those under the existing act. The important point to realise about special purpose water levies is that they can only be introduced if the majority of people affected by them vote for them. So, there is a democratic process, the same as that which exists under the Water Resources Act. Clause 110 refers to the costs associated with collection. It is interesting that the Treasurer walks in at this moment, because this clause refers to the NRM boards being 'liable to pay to the minister an amount determined in accordance with guidelines approved by the Treasurer on account of the costs incurred by the minister in collecting any levy under this division'. Essentially, this means that the government, under the boards, can set its own charge—in other words, to the levy payers—for the administration costs that the minister is going to incur.

The Hon. K.O. Foley: It's cost recovery.

The Hon. I.F. EVANS: The Treasurer is quite right, it is cost recovery. My question is: how independent is that process if the government can decide how much it will charge? Is there not a more independent process? I understand that it is all about cost recovery, but my interest is more in the independent nature of the setting of the cost.

Clause 117 is, I think, taken from the existing Water Resources Act. I think it is an extraordinary power. The minister, simply by notice in the *Gazette*, can declare a penalty for people who take excess water. There is no guideline regarding the level of the penalty, as I understand it. I might have misread it, but that is the way I see it. It seems to be an extraordinary power that the minister can wake up one day and say, 'I think the penalty will be X.' There appears to be no guideline at all for setting the penalty. In every provision allowing for a court to impose a penalty, we set a guideline for the court, but when the minister is to set the penalty we give him carte blanche.

The bill contains the normal provisions for the establishment of statutory funds at both regional and council level. There are funds set up for the administration of the accounts, and that is fine. Clause 122 is interesting. It provides:

(3) Any money in the fund of a regional NRM board that is not for the time being required for the purposes of this act may, with the consent of the minister, be invested by the board in accordance with the usual requirements that apply with respect to the investment of trust funds.

I am not sure what that means. Unless there is an act to which that can be referred, I think it needs a little bit of tightening. What are the normal provisions in respect to the investment of trust funds?

Chapter 6—Management and protection of land—this is the old soil conservation act re-written. That is the best way I can describe it. I will not give a blow-by-blow description of chapter 6, although some of my colleagues would love me to give a detailed account. There used to be orders under the old act that were required to be registered for landowners to correct problems on their property. As I understand it, now, instead of that, there will be an action plan.

The action plan will not be registrable, as such, as are the old orders, and the action plan will have to be prepared by the landowner, whereas previously the notice was prepared by the officer and then imposed on the land-holder. Now the officer will say, 'You need to prepare an action plan that addresses this issue and that issue,' and that will then be agreed to through some negotiation with the officer. So, there is a slight change in the way in which that process works. Again, it is not a major change, but I just bring it to the attention of the house.

Chapter 7 is, essentially, the Water Resources Act rewritten, in very similar form. I will leave discussions about water resource matters to others on my side of the chamber who are more familiar with the administration of that act. During my time as environment minister I did not have water resources—or, indeed, any of the acts that are being repealed. Some of these measures are new to me, which has been good, to get my mind across some of the policy issues in relation to this area. So, I will not make much comment on the water aspects of it.

I am not sure of the effect of subclause 130(8), which provides:

If SA Water has discharged water into a prescribed watercourse, the minister may authorise SA Water to take water from the watercourse.

That sounds logical. Does it mean the same amount of water, or, once SA Water has put some water into the watercourse, can it then take as much as it wants? I am not quite sure exactly what that means. I understand the words, but I do not understand the effect of what that means and how, carte blanche, SA Water gains access to the watercourse. Can it only take water from a watercourse while it is putting water into the watercourse, or is there a gap—if they put it in one month and take it out the next month? If so, at what point does the provision fall over—is it within six months, 12 months, two years or forever? To me, it is a vague clause. I understand the words but I do not understand what it is telling me—it is a bit like my 18-year old!

Clause 132 confuses me, but there might be a simple explanation to it. Clause 132 provides:

If a person has—
(a) undertaken an activity of a kind referred to in this division—

'this division' is notice to rectify unauthorised activity—

in contravention of—
(i) this division; or
(ii) a corresponding previous enactment;

What is a corresponding previous enactment? Apparently, it is the Local Government Act 1934, the Water Resources Act 1990 and the Water Resources Act 1997. I think what that is saying to me is that you can contravene a provision of an act that has been repealed, because the Water Resources Act is being repealed by this bill. I think what it is saying to me is that, in unauthorised activities, you can contravene a corresponding previous enactment. The previous enactments are the Local Government Act 1934, the Water Resources Act 1990 and the Water Resources Act 1997. I do not quite understand how the average punter out there will know whether he or she has breached the Water Resources Act from 15 years ago that has been repealed. They will just have to carry the 1990 Water Resources Act around with a Gregory's Street Directory. I am not quite sure how they are meant to know that. Where would they even find a copy of a repealed act? It is not the easiest thing to find for the lay person in the street. I am not sure what that clause means. I think it means that people are going to be liable for a repealed act, which seems—

An honourable member interjecting:

The Hon. I.F. EVANS: A repealed act is not a law of the state, but that provision makes it a law of the state for unauthorised contraventions. It seems a bizarre notion, and I guess I need an explanation if my understanding is not correct. If it is not, what does it mean and what is the purpose? Clauses 133 and 135 refer to the requirement to maintain watercourses, and the specific duty with respect to damaging a watercourse or lake. I raise this issue in relation to people in Hawthorndene who have a creek running through their backyard, but as a result of development a lot more stormwater runs down the creek than was previously the case in natural circumstances.

Previously, when I approached the Water Catchment Board, these residents were liable for the maintenance of the bank. I think clauses 133 and 135 tell me that they might still be liable under this bill to not damage a watercourse or lake. Clause 135(1) provides:

It is the duty of the owner of land on which a watercourse or lake is situated or that adjoins a watercourse or lake to take reasonable measures to prevent damage to the bed and banks of the watercourse or the bed, banks or shores of the lake and to the ecosystems that depend on the watercourse or lake.

It then goes on to say not to panic too much because damage does not include:

(a) damage caused in the normal course of an activity authorised by or under this Act; or
(b) damage of a minor nature.

As a layman, I think that means—and I might have this wrong—that if you have a creek running at the back of your property, and the creek is on your title so it is your part of the

creek, and if the NRM plan identifies your creek as a creek that will carry stormwater, that is an activity authorised under the plan. If it is an activity authorised under the plan, it is an activity authorised under clause 135(3)(a). If it is authorised under the legislation, I think the NRM board becomes liable. That is my interpretation of that clause. So, in actual fact, that means that as long as the NRM board for my area stipulates local creeks as being creeks that are going to carry stormwater, and then that plan is approved through the process, the NRM board will be responsible for all the backyard creeks that exist throughout metropolitan Adelaide. I think that is what it means, and I will ask the officers to confirm that during the committee stage.

I bring to the house's attention clause 137(14) which talks about permits. This clause provides:

> If it is not possible or practicable to vary a permit under subsection (13) so that the permit is not inconsistent with an NRM plan, the relevant authority may revoke the permit.

That means that, if you have a permit issued and then the NRM plan comes into conflict with the permit, you can have your permit taken away. It does not talk about compensation and what might happen to someone who has their permit taken away. If it does talk about compensation, I missed the clause—I did not see it in my reading of it. We then go through to clause 142 which talks about a water well drilling committee. The water well drilling committee is not defined in the legislation but it is mentioned. Amazingly enough, section 144 states that 'a provision of this division does not apply to or in relation to a well of a class declared by proclamation excluded from the operation of that provision'. Essentially it is saying that you have this provision and it applies unless it does not apply, so there is an out clause for the system in relation to wells.

We then get on to part 3, the licensing and allocation of water. The only point I bring up here is the policy issue of whether the minister should be the licensing authority, whether there should be a split between the policy arm of government, the policy setter (the minister) and the licence issuer and whether the issuing of the licence should remain with the minister or go somewhere else. We can explore that in committee. It has been put to us that it might be worth considering splitting those functions.

Clause 148(6)(c)(ii) is an interesting provision. I think the effect of the clause is to give the minister the power to stop GM crops being grown in any region of the state. It states:

> if the allocation includes a component that is subject to a condition, restricting the purpose for which the water can be used, the endorsement must set out the quantity of water allocated by the component and the purpose for which the water can be used.

The minister decides the purpose because he will decide the allocation.

A minister can say that the purpose for which the water can be used cannot be for a genetically modified crop. That clause gives the minister the power to dictate which crops will be grown when, because it specifically says 'and the purpose for which the water can be used'. Some will say that is a reasonable power, but, to go back to my earlier comments, if we gave Susan Lenehan that power that would be a concern for every rural constituent. Clause 148(6)(c)(ii) gives the minister that power. Not only can the minister say which crops can be grown where but also which crops cannot be grown. A smart minister would use that to prevent GM crops being introduced in any area. If Kangaroo Island wanted to be GM free you would simply say under that clause that the purpose for which the water can be used cannot be for GM-related crops—it is as simple as that.

I do not understand subclauses 149(3) and (4). These refer to where a licensee may appeal to the ERD Court. One can appeal there 'against a decision to refuse to grant an application to vary his or her licence or the variation of his or her licence'. There is an appeal mechanism. However, if the licence relates to the water resource within the Murray-Darling Basin, then there is no right of appeal.

Why the difference? If there has been a grievance against someone in relation to a decision to refuse to grant an application or to the variation of his or her licence, why is it different depending upon whether the matter relates to inside or outside the Murray-Darling Basin region? Surely, if the grievance has occurred you should have a right of appeal. But clause 149(4) provides that if it relates to an area within the Murray-Darling Basin then bad luck, you get no appeal. Somehow it is different in the Murray-Darling Basin. I want some explanation as to why that is different and why they lose their right to appeal.

Section 152, the allocation of water clause, also comes back to the type of crops that can be grown and GM crops. It provides for the method of fixing water (taking) allocations, as follows:

> A water (taking) allocation may be fixed by specifying the volume of water that may be taken and used or by reference to the purpose for which the water may be taken and used or in any other manner.

So, you can take this water but not use it for GM crops; that would be a provision that you could put. That is the power that exists under that clause. It is as simple as that. The power provided with 'in any other manner' is broad. The government could use that provision to prevent GM crops if they so wished, or indeed to bring in GM crops, so that the water must be used for GM crops. You could do it the other way around, if that was the wish of the government. That provision is as broad as that.

Clause 171 refers to the water conservation measures which, in my understanding, are very similar to the water conservation measures which exist under the current Water Resources Act. Subclause 171(6) provides:

> A regulation under this section may provide that a specified activity involving the use of water cannot occur except under the authority of an approval issued by the Minister in accordance with the regulations.

Well, that is anything: a 'specified activity' is whatever the minister specifies. That measure provides that the minister can, if so inclined, tell the rural community what crop to grow and where. That is what that provision actually provides. I do not think that that is necessarily the intent of the provision, but a minister so inclined could say that the specified activity is wheat growing at Naracoorte. It is that broad. It is an extraordinary power that happens to be there in this bill.

During the committee I will be teasing out clause 173 about the effect of water use on the ecosystem; that is, how people will judge what effect the use of water has on the ecosystem. How you measure that I am not sure. I note that subclause 174(11) provides that if there is an inconsistency between a law made by an NRM board and a by-law made by the council, the unelected NRM board overrides the by-law of the elected council.

For goodness sake, on what basis does the minister have the right to come along and say to the NRM board, 'I direct you to make this by-law?' The minister has the power to direct every level. So, in theory, the minister could come

along and say, 'I want you as an NRM board to introduce this by-law,' knowing that it overrides the by-law of the local council. On what basis are we giving unelected boards the right to override council by-laws? Without being critical of the LGA, it surprises me that the LGA has agreed to a provision that provides that an unelected board can be directed at any point by the minister and can override any council by-law, but that is certainly what clause 174 provides. I question whether that is the correct procedure in relation to that matter. If there was a conflict, I think a better solution might be to bring it to the attention of the minister for resolution or, indeed, that the council by-law should override it. After all, at least the councils that make the by-laws are elected by the ratepayers and are not simply appointed by the minister. It just seems to be an extraordinary provision in relation to that matter.

I notice that that same clause 174, but this time paragraph (6), provides:

> . . . a by-law. . . will not apply to, or in relation to, any activity undertaken by SA Water.

So, good old SA Water does not have by-laws. However, clause 175 provides:

> (1) If water is discharged into a watercourse or lake in the region of a regional NRM board by SA Water, SA Water may make representations to the board in respect of the performance or exercise by the board of its functions or powers in relation to that water.
>
> (2) A regional NRM board must have regard to [the] representations. . .

Essentially, I think that means that they will talk to each other if SA Water puts water into a watercourse. Because the by-laws do not apply under clause 174, they have to talk to each other under clause 175. To what end, I am not exactly sure, but I think that is exactly what it means.

Chapter 8 is about the control of animals and plants. It is basically the old pest, plant and animal act (I forget the name of the act). It is essentially a rewrite of an existing act, with a couple of slight amendments. I notice that in this particular clause the penalties go up quite significantly. Clause 177(3) provides:

> A notice under [this particular chapter] cannot be made with respect to a class of native animals.

I guess I would ask, 'Why not?' Why could you not have a notice issued in relation to kangaroo management? Indeed, why could you not have a notice issued in relation to kangaroo management on Kangaroo Island, for instance? I would ask that question, and perhaps someone could explain it to me during the committee stage.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: I am just working through the process, Tom. It is not a process I invented.

Mr Koutsantonis interjecting:

The Hon. I.F. EVANS: Give me a break; it's a 208 page bill.

The Hon. J.D. Hill: It is a long bill.

The Hon. I.F. EVANS: It is a huge bill; it is virtually 12 bills in one. Clause 186 relates to the requirement to implement an action plan. Again, this is a similar provision to the one I talked about earlier in relation to the owners of the land being required to prepare an action plan to correct a problem that might exist on their property. The comments I made previously relate to this provision as well.

Clause 188 lets the NRM authority recover certain costs from owners of land adjoining road reserves. This is basically the same provision that exists where they can do work on road reserves to tidy up pest plants, and so on, and then, if need be, charge that to landowners adjoining the road reserve. Clause 190 is a new provision which allows the minister to set up a quarantine or control zone for animal and plant matters. This is a new provision. I guess that could be used for branched broomrape, for example.

I guess a quarantine zone can be used to keep things in or out. If it can be used to keep things out, then the GM debate can be used, as well, for a well-meaning minister who might be so inclined. If I am wrong—if they cannot use it for the GM debate—then I am sure the minister will correct me during the committee stage. But I believe that if you can create a quarantine zone to keep things in—in other words, branched broomrape or a diseased animal, quarantine them to restrict them to a certain area—you must be able to quarantine things out of an area. Therefore, GM crops become a real possibility I think under clause 190. I might be wrong, but that is the way I see that provision.

Chapter 9 refers to civil remedies. Civil remedies under this bill lie in three areas, that is, protection orders, reparation orders and reparation authorities. Earlier in my speech I mentioned the general statutory duty. You do not incur a penalty for a breach of the general statutory duty per se. That does not automatically mean that you will be penalised if you breach that duty, but it brings into play, possibly, the application of these three civil remedies. I know the member for Heysen has done some work in this area in relation to this bill and she may wish to comment later.

Clause 196 involves protection orders. These orders stop people from doing some things. As the name suggests, a protection order can be made to stop people doing certain things. They can be issued for the purpose of securing compliance with a number of different requirements in the act. They can be issued to get requirements with a general statutory duty, which is to take reasonable action to look after the environment. You can do it under new section 135, which is the specific duty with respect to damage to water courses, or new section 185, which is the specific duty in relation to destroying animals or plants. Interestingly enough, clause 196(1)(d) provides:

> any other requirement imposed by. . . this act or a repealed act. . .

I do not understand how you can issue a protection order under 'any repealed act'. There is actually no definition in clause 196 as to which repealed acts are being referred to. I remember sitting here and watching the Premier make great play about ending World War II and repealing that act, but this provision actually makes no reference to which repealed acts we are talking about. This provision provides for 'any repealed act'. Theoretically, in relation to an act that was repealed 30 years ago, you are caught under this provision that provides that they may issue a protection order. Clause 196(1)(d) provides:

> any requirement imposed by or under this act or a repealed act. . .

I am not sure what that means. All I know is that farmers will have to be aware of not only the current law but also the law that has been repealed, otherwise they will have some problems.

These protection orders can ask you to discontinue something or not commence something, whether it be for a set period of time or an undefined period of time, so there is some flexibility. I do not necessarily have a problem with that, given the nature and variety of the problems they might come across, but I do have a problem with breaching a repealed act. I think that is an extraordinary power.

Under this mechanism, the bill also provides for people to enter into bonds, so that they can pay a bond and undertake to perform certain functions. Again, that does seem an unreasonable requirement. Clause 196(7) states that an NRM authority, or an authorised officer may:

> . . . if of the opinion that it is reasonably necessary to do so in the circumstances, include in an emergency or other protection order a requirement for an act or omission that might otherwise constitute a contravention of this Act and, in that event, a person incurs no liability to a penalty under this Act.

That means that, if something happens in an emergency, the officer can order a certain act, or indeed ask you to stop doing a certain act that might otherwise constitute a contravention of this act. He or she can ask you to do that and you will not be held liable for it under this act. That does not say that your neighbour cannot sue you for some damage caused. All that says is that you will not get a penalty under this act. Well, whoopee-do! There are 35 000 other acts sitting out there under which someone is ready to take you on.

If you are trying to protect the person who is following a public servant's instruction, that provision should say that a person incurs no liability or penalty under this act or any other act for compliance with the requirement. Otherwise, all you have done is protect the person under just this one act. What about the River Murray Act? What about the Native Vegetation Act? What about a whole range of other acts the person might contravene through following an instruction given to him by an authorised officer? There is to my mind, at least, a clear problem with that particular clause of this bill. Not only can the person be done for a penalty under other acts, but, indeed, the neighbour can sue under that provision. The government will not take you to court, but Fred your neighbour will. If you have got a few problems with the neighbour, go and see a good lawyer. That is a problem with clause 196. That can be clarified in committee if I have got it wrong.

Clause 197 deals with what happens if someone does not comply with a protection order, and those processes are simple. Clause 198 refers to a reparation order. A reparation order is obviously to repair, so we are talking essentially about matters that have already occurred. I am just wondering again about liability under repealed acts, and the same argument applies there. I am not sure how this applies to pre-existing conditions. I do not think this will apply to a pre-existing condition that was in existence prior to the date this act will take effect, but I want that confirmed during the committee stage.

I am not sure whether quarries can be ordered to be cleaned up under this provision and whether this is a way of getting the extractive industries fund under quarries. Quarries might be covered under the Mining Act, so they may not be able to be caught under the reparation order mechanism. I am sure the minister will clarify that for me during the debate, but it is something that crossed my mind late one night when I was having the joy of reading this bill.

We also have a more serious civil remedy, which is a reparation authorisation. Essentially, the same principle applies, except that the officers themselves can undertake the action, rather than the land-holder. So, they can undertake the action and then send you the bill. In effect, this is what the reparation authorisation can give the officers the power to do.

Of course, there is good old clause 201, and I call it the 'bad luck' clause. It provides:

> A person cannot claim compensation from—
> (a) the Crown; or
> (b) an NRM authority; or
> (c) the Chief Officer; or
> (d) an authorised officer; or
> (e) a person acting under the authority of an NRM authority, the Chief Officer or an authorised officer, in respect of the requirements imposed by or under this Division, or on account of any act or omission undertaken or made in good faith in the exercise. . . under this Division.

I am not sure whether that means any person, or whether it just means the person who has suffered the instruction, so I am not quite sure how broad the 'no compensation' claim is. I am not quite sure who is prevented from claiming—whether it is everyone, or just the person given the instruction or involved in the three types of civil remedy orders that we have talked about.

As to the Environmental Resources and Development Court, clause 204 outlines the orders that can be made by the court, and they are extensive: they can restrain the person, or an associate; they can compensate for injury, loss or damage to property; and they can even award exemplary damages determined by the court. If exemplary damages are awarded, that does not go to environmental matters, of course: that goes to the consolidated account. Good old Treasury runs that one! Even though the offence relates to a natural resource management matter, under clause 204(1)(e) the exemplary damages go to the credit of the consolidated account. I cannot quite work that out, but it would be in relation to an offence against one of the NRM plans, or the state plan. I cannot quite work out why you would not simply allocate the exemplary damages to that fund. If that means that the dear old taxpayer does not get a levy for three or four years, well, half their luck. I do not know why Treasury should benefit from that provision. I do not understand why, possibly, you could not allocate that to the board.

The ERD Court has extensive powers, which are outlined in clause 204, namely, a full range of what you would call normal court processes, although I did raise my eyebrows at a few things. I notice that under clause 205(5) an application to be heard in the court can be made by any other person with the leave of the court, and that is really a third party provision. For example, the Conservation Council or the Farmers Federation could apply to give evidence or make submissions on matters that go to the court, even though they have no financial or legal interest in the matter. That sets up a process whereby those third parties and lobby groups, such as the Environmental Defenders Office, and all those groups that have budgets they like going to court with, will come in under clause 204(5)(d). I am not sure whether that is what was envisaged by the bill but, as I read it, that is certainly what is available in the bill.

Another clause which causes me concern and which I bring to the attention of the house is clause 204(9), which provides that an application can be made in the absence of the respondent. So, even though you are not there, the court can make some judgement about you, but you may not even know that the matter is going on. Clause 204(9) provides:

> An application may be made in the absence of the respondent (or an associate of the respondent), and, if the ERD Court is satisfied on the application that the respondent has a case to answer—

even though the respondent is not there to put their case but they apparently have a case to answer—

> it may grant leave to the applicant to serve a summons.

So, the respondent may not know what is happening and ultimately gets a summons. It seems to me to be an unusual provision. I guess I think the system ought to notify you that

next week we are going to court about this matter and you might want to be there to make a submission. But that does not happen under this bill. Under this bill the officers can go along and make an application to the court and, even if the respondent is not there and has no knowledge about it, they get a summons, which I think is interesting.

Clause 204(14) is about the court's having the capacity to require the applicant to pay the respondent an amount determined by the court to compensate the respondent for the loss or damage suffered by the respondent. I think this might be when the respondent wins so the applicant needs to pay costs. It says that the court may on application, so two things have to happen: first, the respondent has to apply; and, secondly, the court has to consider whether it will or will not award costs. I am not quite sure why it would not be worded as 'must' award reasonable costs. There is a possibility that someone could do absolutely nothing wrong, be taken to court, win, and get none of their costs. People with legal training may tell me that will not happen and I am happy to listen to the argument, but I do not know why the word 'may' should not be 'shall' or 'must' to strengthen the provision for payment of reasonable costs.

Clause 204(16) provides that the proceedings that occur under this act must start within three years of the alleged contravention of the authorisation, and the Attorney-General can extend it to a later time if he wants to do so. There is no guide as to the basis on which the Attorney-General will make that judgment. He can wake up one day and, because the department has been a bit sloppy and has not got its application in within three years, he extends it. It seems to me there needs to be some reason or value judgment that the Attorney-General should put on the extension past three years. If you cannot get a case up and get it before the court within three years, you have to wonder what is going on within the department.

Chapter 10 sets out a range of appeals. We do not think the appeal provisions are generally strong enough and would like to see a range of appeals brought in to better protect the landowner, and we are considering some amendments along those lines but we have not finalised them as of tonight. But, the general view of the opposition is that there are not enough rights of appeal for the landowner in relation to a range of notices that can be given to the landholder by the authorities and we think, given the extraordinary powers under the bill to bring some fairness to the process, more appeals should be looked at being brought into the bill generally, and again we are considering those as part of our amendment package.

The area of management agreements is essentially not dissimilar. It is basically a lift out of any of the acts that have management agreements in them—the Native Vegetation Act and those sorts of acts. Essentially, it allows the minister to sign off management agreements. I think the house is well familiar with the provisions of management agreements and I do not think we need to go into great detail, although I noted with some interest clause 208(3) which provides:

> The Minister should take reasonable steps to consult with the relevant council before entering into a management agreement that provides for the remission of any council rates.

Why should the minister have to consult? Why can the minister not get away with just making a reasonable attempt? It seems to me that the minister should take reasonable steps to contact the council about a management agreement and consult it. He does not have to listen; he only has to consult. How tough do we want to get on the minister? Surely, it should be that the minister must consult. It is only a matter of sending a letter—it is that easy. It is not an unfair provision in that respect.

Chapter 12 is avoidance of duplication of procedures. That provision, basically word for word, is in the current Water Resources Act. I do not intend to comment any further on that. In relation to the serving of notices, I notice that there is a new provision, and I believe that it is 211(1)(d). It states:

> If the notice or document is to be served on the owner of the land and the land is unoccupied—be served by fixing it to some conspicuous part of the land.

I think that is the 'nail to the tree' clause. I think that is what that means. It seems to me that, if there is the owner of land, why then can it not be posted to the owner's address out of the Lands Titles Office? This owner of land is going to get an emergency services levy and a council rate, but what we are going to do is nail the notice to a tree. Apparently, it is beyond the wit of the agency to contact local government, the registrar general or the Lands Titles Office and determine who is the owner and then send them a letter. It seems bizarre. I know what will happen. An officer will go out to Virginia and put a notice under a cabbage or something. The owner will say, 'No, we did not get it. We looked under the cabbages and did not see it.' It says:

> If the notice or document is to be served on the owner of land. . .

The owner of land is clearly identified. That provision should not be there. We should just post it. It is as simple as that. There is no justification for that clause, other than the officers are out there in the car and they want to be able to write the notice and serve it while they are there. I think that that clause is sloppy.

I turn now to the compulsory acquisition of land. Every level has the power to compulsorily acquire land under this bill. It must be acquired by the Land Acquisition Act. It must be acquired in accordance with the plans—the NRM and regional and state plans. We may argue that all compulsory acquisitions should be performed by the minister, not the boards themselves, and make the minister undertake that particular function on behalf of the boards. The compulsory acquisition of land is a difficult issue. I have experienced the heartache of having land acquired by authorities and it is not a pleasant experience. It might be better handled at ministerial level than at other levels.

Clause 214 deals with compensation issues. I draw the attention of the house to clause 214(3) which talks about the minister being liable to pay compensation to the owner of land. There are a number of provisions in relation to paying compensation where a dam has been altered at the instruction of the minister. I am not quite sure whether that model put forward in the bill is actually a good model. Clause 214(4), for instance, provides:

> The value of a dam, embankment, wall or other obstruction or object will be taken to be—
>
> (a) the amount by which the dam, embankment, wall or other obstruction or object increased the value of the land; or
>
> (b) the costs, at the time of removal, of replacing the dam, embankment, wall or other obstruction or object.

Who will make the judgment about how much a dam will increase the value of the land? By 'land', does the minister mean the value of the business or the value of the land? It says 'land', so I think what it means is that if the minister asks you to knock out a dam, then someone—it does not say who—will make a judgment that the value added to the property by having that dam is $20 000 (or something) and therefore you with will get $20 000, or if the cost of replacing the dam was $10 000, you would only get $10 000, but who

appeals the value of the dam? The government is taking away someone's asset. Where is the appeal mechanism on the value of the dam? We will have to look at that to see whether there are appropriate value-setting mechanisms and appeal mechanisms. I argued this when the gun buyback was on under Stephen Baker; that is, on what basis is the government taking away an asset? In that case it was guns and in this case it is dams.

The government puts the valuation on the asset and takes it away, and then the government decides what compensation you will be paid. Guess what, I do not think you will win out of that process: I think the government will win. Why is there not some independent valuation of the structure? There should be an appeal mechanism. The government has taken away your asset for goodness sake: it is the dam today; it is the property tomorrow. Then a whole range of clauses from clause 215 onwards relate to things such as immunity from liability, vicarious liability, false and misleading information, and interference with other works or property, and generally all these clauses exist in the Water Resources Act. Some of the penalties have increased. I do not need to comment very much on those areas.

I notice in clause 223, which talks about additional orders on conviction, that paragraph (b) says that the court can order that a person pay to the Crown an amount determined by the court to be equal to a fair assessment or estimate of the financial benefit that the person, or an associate of that person, has gained, or can reasonably be expected to gain, as a result of the commission of an offence against this act. I do not have a problem with the principle of what we are talking about, but what does 'financial benefit' mean? Is that net financial benefit? Is it gross financial benefit? Is the bill talking about net profit? How do you define 'financial benefit'? I am not sure. It is undefined in the bill: it is open to interpretation by the court. If I were representing the Crown, I would argue that it is the gross amount received by the person who has committed the offence. If I were arguing on behalf of the person who committed the offence, I would argue that it should be the net financial gain.

To me that is unclear and open to interpretation and argument. The principle is probably right, but I do not think the way in which it is worded is necessarily accurate. We then have clause 224, which is the continuing offence provisions. As I understand clause 224, it allows for the person to be penalised an extra 10 per cent of the maximum penalty for every day the offence continues to occur. Clause 224(1) states:

> A person convicted of an offence against a provision of this act in respect of a continuing act or omission—
>
> (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence.

If it continues after the conviction, paragraph (b) provides:

> . . . if the act or omission continues after the conviction, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than one-tenth of the maximum penalty. . .

Again, this is a massive increase in penalty. I am not quite sure how it will work. Let us say that clause 224(1)(b) is brought into operation, which clause refers to its continuing to operate after conviction. So, I go into court and I argue my case. This is a problem that might take a month or six months to clear up. Branch broomrape has been going on for three years—or longer, probably. But it could be a contravention that will take more than a day to clean up. More than likely it will be a difficult problem, otherwise it would not have got to court. If it was easy to fix it would have been solved more quickly, I would suspect.

This clause provides that, immediately upon being found guilty, every day after that the penalty goes up another 10 per cent. I would have thought that if you are going to implement that provision it should have said something like 'the court must set a reasonable time period for the matter to be fixed and then, after that time period, the increased penalty applies.' If it is a problem that is going to take three months to fix, the poor bloke who goes to court and is found guilty faces 90 days of up to one-tenth each day—10 per cent each day—of the penalty, and he is actually trying to fix it.

He has lost his court case, he gets his penalty and what we do is sink the boot in every day for the next three months up to 10 per cent of the penalty. On what basis? He is undertaking the correction but, under this clause, he gets pinged. Surely, there should be a provision here for the court to say that, having been found guilty, if the person then undertakes to abide by an action plan or a court order, there is no extra penalty. Only if he breaches that does the extra penalty go up 10 per cent a day, backdated, maybe. Perhaps we could make it backdated. But I do not think that someone who has legitimately taken their case to court and lost and has a three-month job ahead of them to correct the environmental or management problem, whatever it is, should get an extra penalty just because they have used their legal entitlement to go to court and have lost. I do not think they should be penalised for that.

I think that is a bad provision. I think it is bad law and a harsh law. It is unreasonable. The person has a right to go to court and argue their case. The person has a right to go to court and be heard and, once they have been heard, if they lose they should not receive a double penalty if they are undertaking action to correct the problem. They should not suffer a further penalty, and that provision is a double jeopardy. That provision doubly penalises the landholder, and I think it is wrong. I think it is a bad provision. I cannot understand why the Farmers Federation signed off on a bill which includes that provision. In that respect it seems to me an unfortunate clause. Clauses 225 and 226 refer to the constitution of the ERD Court, and the evidentiary provisions are, to my reading, essentially the same as those clauses in the current Water Resources Act. Clause 227, 'Determination of costs and expenses', I think, might be exactly the same as the section that exists in the Water Resources Act, but I bring this problem to the attention of the house. Clause 227(2) provides:

> The costs and expenses of an authority under this act in taking action or performing work must be determined by reference to the costs and expenses that would have been incurred if an independent contractor had been engaged to perform the work.

Really? I do not know how you are going to judge that. How are you going to judge what an independent contractor would have charged you once the work is done? Are you really going to ask an independent contractor to quote for this work so that the government can charge someone else to do the work? If you do that, one assumes that you will pay the contractor for their time. This seems to be a bizarre provision. Why would you not just get the independent contractor to do it? Why would the government do it?

I think the minister's officers ought to look at the Fair Work Bill, because this directly contravenes that bill. The Fair Work Bill is the other way around: the independent

contractors must work to the award, to the agreement. This bill says that the government will do it for what the independent contractor provides, not the other way around. This is in direct contravention to the Fair Work Bill, which is out for public consultation. I do not think you can make that judgment. Do you have to get one, two or three quotes? Again, what is the fair value, what appeal mechanism is there, who independently judges it? This is the government nominating its own cost structure. Where is the independent evaluation? The landholder is exposed to whatever arbitrary judgment the government wants to put on it, based on one letter from a contractor who may not have even inspected the site and tendered on the specifications. I could just go on and on about this clause. I think it is a bad clause. There must be a better way to define that cost structure.

Clause 228 is a classic. The minister can apply any assumption determined by the minister to be reasonable. Thank goodness for that. We would not want the minister to make an unreasonable assumption. Clause 228, which is a fantastic law for the minister, provides:

(1) Subject to this section, the minister may, in assessing or determining any matter that the minister considers to be relevant—

so, the only qualification is that the minister thinks it is relevant—

to the imposition or calculation of any levy under chapter 5; or a condition or proposed condition with respect to a permit or licence under chapter 7 [water licensing]; or any notice or other requirements that may be issued or imposed under this act; or any plan, policy or report under this act, apply any assumptions, or adopt or apply any information or criteria, determined by the minister to be reasonable in the circumstances (and the minister's determination in relation to the particular matter will then have effect for the purposes of this act).

So, the minister can make any assumption. The only proviso is that the minister thinks it is relevant. This is an extraordinary power in a bill that sets a tax: water licences, NRM levies, outside council levies. Under this provision, the minister has extraordinary powers. Whilst it will not affect a lot of metropolitan members directly, it will affect a lot of country members directly—there is no doubt about that. To my mind, the constituents who will feel the pain of this in the long-term will be the rural constituents.

Clause 230 refers to matters to be kept confidential. It provides:

A person engaged in the administration of this act who, in the course of carrying out official duties, acquires information on the income, assets, liabilities. . .

I will stop right there. On what basis do we need information on income, assets or liabilities? Will someone explain it to me? Is it to manage diseased plants? We certainly do not need to know about income, assets or liabilities to manage diseased plants or diseased animals. We do not need to know about people's income, assets and liabilities or other private business affairs. I am not sure why we need to have this information to apply the act. Why do we need this information for the rest of the act? If you want a clause that is going to scare the rural community, this clause will do it. It says that the officers want to get access to their income, their assets and their liabilities and other private business affairs. I think it is a legitimate question on behalf of the rural community: 'Where is your case that you need access to that information? On what basis?' The second reading explanation, the bill and the consultation process do not make out a case as to why they need access to that information. We will be asking that question again during the second reading debate.

Clause 234 gives the minister the power to incorporate any code or standard. Basically, the minister can, by notice, tell anyone involved in the administration of the legislation that, through regulation or by-law, they can simply incorporate any code or standard that must be abided by. So, again, there is another power for the minister to influence the administration of the act, if he does not have enough power already. Clause 235 provides:

(1) The Governor may, by regulation—

(a) exempt, or empower the minister to exempt a person, or person of a class, from the operation of any provision of this act.

So, regardless of everything that I have talked about tonight, the minister can exempt them if he or she so chooses. They are extraordinary powers, given the context of the bill and given that it is taken out of the hands of three or four ministers and put in the hands of one minister. In that context it is, I think, a significant power.

I now want to make some comments about the schedules, which set out the transitional provisions, and there were a few questions that came to mind when I read them. I am not quite sure why the definitions of 'obstruction' and 'watercourse' have been deleted from the Local Government Act. There must be some simple explanation for that, and perhaps someone can inform us of that during the committee stage. It is my understanding that the Mining Act, essentially, is exempt from the operation of the NRM act, or it does not apply: it has no effect. If that is not the case, someone needs to clarify that with me.

I am not sure why schedule 4, part 8, asks that the minister take into account the objects of the Natural Resources Management Act. The mining minister has to take into account the objects. The objects talk about a fundamental object, and they are contained in clause 7(3)(e), which provides:

(e) a fundamental consideration should be the conservation of biological diversity and ecological integrity;

Under part 8 the mining minister, in administering the Mining Act, has to take into account the objects of the Natural Resources Management Act. What does that mean? The fundamental consideration should be the conservation of biological diversity and ecological integrity. It is going to be a mine, for goodness sake, and therefore it will get damaged. I went through this argument in my own mind in respect of the Gammon Ranges issue and the mine there. It was a difficult judgment.

I do not understand how the mining minister is going to make that judgment. How does he meet the objects of the Natural Resource Management Act when it tells him or her that the fundamental consideration should be the conservation of biological diversity and integrity? It tells us that the following principles should be taken into account. It goes through the objects. If you can relate it to one object, it is all right; if you can relate it to the 'seek to support sustainable primary and other economic production systems', that is all right. I do not know how the minister then reconciles that with an obligation to consider the fundamental considerations to be 'conservation, biological diversity and ecological integrity'. I do not understand how a mining minister is going to reconcile that. Maybe the mining minister will be able to explain that when it gets to another place.

The schedule sets out minor amendments in relation to a whole range of acts which essentially reflect the transitional

provisions, or, indeed, which change the membership of councils to talk about the NRM council rather than the Native Vegetation Council and things like that; they are minor amendments. The Parliamentary Committees Act is amended to reflect natural resources. I notice that there is a different definition of natural resources in the schedule for the parliamentary committee than there is for the rest of the bill. Even though the Natural Resources Committee of the parliament is going to look at natural resources, the definition under that schedule is different to the definition of natural resources in the front of the bill.

Mr Venning: Why is that?

The Hon. I.F. EVANS: They can explain that during committee; I do not know. The other measures are transitional provisions. The only comment I wish to make in regard to the transitional provisions concerns clause 55 of the schedule, which is tucked away right at the back of the bill—you really have to look for it—after the election levy clause. Sub-clause (1) states:

> (a) the scheme established by sections 30 and 31 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986. . . will continue in relation to the 2004/2005 and 2005/2006 financial years with the following modifications:

Essentially, the government is saying that we will have the land-based levy prior to the election, and it will not bring in the soil, animal and plant levies, which are currently paid in council rates—they are hidden away in council rates at 1 per cent or 4 per cent—until after the state election. After the state election the government will make them transparent and bring them into the general land-based levy. That is what the measure says, and it is tucked away in clause 55 of the schedule. We will obviously seek to move some amendments with that.

There is no explanation in the bill as to what happens to the windfall gain made by the local authority when the monies currently collected under the Animal and Plant Control Act, which is somewhere between 1 and 4 per cent of council rates, depending on the council, are transferred across to the levy. The council rates still stay 1 to 4 per cent higher, and there is no adjustment to the council rates, and there is no stipulation in this bill as to what should happen with that money. Local government is going to get a windfall gain, under this bill, of 1 to 4 per cent, depending on the council.

My best guess is that that is about $2 million to $2.5 million that councils will get to spend wherever they want. Under the emergency services levy when it was introduced the councils received a windfall gain of $11 million and under this bill they will receive a windfall gain of $2 million to $2.5 million, so within five years local government would receive windfall gains of around $13.5 million to $14 million per year as a result of two levies introduced at the state level. My questions to the minister and his officers will be: what is intended to happen to that money? Is it intended that local government will simply be able to do what it wants with that money? Will the state government put no condition whatsoever in relation to that money? That is ultimately the question.

I have gone through an extensive process and I apologised to the house at the start of my contribution that it would be long. The process we were pushed into dictated that. The committee session will be difficult, because there will be a large number of amendments, which because of this process will not be drafted until probably late Monday. Unfortunately, we are not able to disclose whatever amendments we will have finalised until they go to the party room next Tuesday. I think the minister wants to debate it in committee late next week. It will be a difficult week and I apologise now for that, but the circumstances we found ourselves in left us with no choice but to go through that process. I encourage all government ministers to remember the process the opposition has to go through: it is a set process and has been the same for 30 years. If it is an emergency bill we are happy to consider it on its merits, but this is not a emergency bill—it has been out for 18 months. There was plenty of time to arrange matters differently from the way they have been arranged.

I know that I have spoken a long time, but I make absolutely clear that this is a significant bill. This is a very powerful bill as it now stands. We think there are some legitimate concerns with some of the powers under the bill. We do not share the Farmers Federation's enthusiasm and local government's joy for this bill. We think they have not thought right through the long-term implications for the wider public in relation to this bill, and we will take the opportunity during this debate, as is our right, to express some very severe reservations about powers in the bill.

It is all right for the government to compress the debate, as it will do, to two weeks, but it is a significant bill with lots of power and the government needs to be very careful that this process it is going through is not an abuse of process just to get the bill through to suit its time line. The boards could operate from 1 September and not 1 June; it would not make one scrap of difference, because the transitional provisions provide that the existing boards will continue anyway. The existing boards will continue until the minister is satisfied that the transition has been handed over nicely. It does not matter what the starting date is, but the minister has in his mind that it must be 1 July, so we have to rush through this debate over the next two weeks. That has simply pushed people into a corner, which will make it more difficult than it needs to be. The Liberal Party has major concerns with this bill. We will put them on the record so that in future people can be absolutely clear that we have made every endeavour to bring to the attention of the parliament the pitfalls of this legislation. We make no criticism of the officers in their genuine attempts to consult. I went to the briefings. They were run in a very orderly and informative manner, so we make no criticism of the officers—they are doing their job—but we do raise some very serious concerns with the way that the bill has ended up. We think that there are powers and provisions in the bill that make the minister extraordinarily powerful with no real cross-check. There is certainly no cabinet check and no intellectual debate between the other ministers and the natural resource management minister as per this bill. So, we do have some major problems with it.

I thank the house for its tolerance of the length of my contribution but it is a significant bill, and the Liberal Party does have some major concerns with it. We will be fighting to improve the bill at every opportunity during the committee stage, which we expect to be lengthy.

Mr VENNING (Schubert): I rise, first, to congratulate the member for Davenport on a fantastic contribution. I do not believe it was too long, because it is a most important issue—probably one of the most important issues in my time in this place. I congratulate the shadow minister on the effort he has put in, as well as his staff, our staff and our colleagues. I also particularly thank the minister's staff, who have put in a huge effort far and beyond the call of duty—Christie has

done a fantastic job in getting us all together and coordinating all this. It is a big bill, and it has been a herculean effort. I also pay tribute to the minister—you have involved us in the decision-making as much as possible and even though we are not happy yet, we live in hope—and also to his members of staff.

The substance of this debate and subsequent legislation is something that I have had a keen interest in, and have been involved in, for over 25 years, particularly the 10 years before I entered parliament. I rise to support what the shadow minister has just said. From 1980 to 1990 I was an elected member of local government and later served as a member of the Lower Flinders Animal and Plant Control Board and the Vertebrate Pest Board. Still later I served as chairman from 1984 to 1990, and it was in this period that we amalgamated the two boards to form the current Animal and Plant Control Board, a change that had evolved—and I use the word 'evolve' because it was an important part of that—from the board level to gradually become a practice statewide.

It was in this period, after that successful amalgamation, that I began my campaign to include the soil boards and landcare boards in a further amalgamation by evolvement. A couple of boards would do it of their own volition and, if successful, the example would spread statewide. In this way all the stakeholders—both the landowners and the local governments—were part of the process of change. I can clearly recall attending a presentation of the McKell Medal in Adelaide in approximately 1987. During the address by the guest speaker, the Australian president of the Soil and Water Association suggested that Landcare was too fragmented and that we had trouble finding suitable people to serve on the various boards. It was often the same people serving on these multiple boards, particularly in our far flung regions.

During the question time that followed, I asked the speaker, 'In light of the problems you have highlighted, don't you think we should amalgamate some of our boards, at least the soil boards and the animal and plant control boards?' That was quite a controversial thing to say in the mid 1980s. This is one of the points in my life that I remember with great clarity because it was so controversial. Mr Roger Wicks was in the room and he is here tonight, and I remember the occasion with him, because it was a rather—some would say—foolish thing to say with all the soil people there, as they thought that they had more to lose than animal and plant control boards did. The answer, which came over quite strongly and emphatically, was definitely yes, and there was quite a stir in the room.

After the presentation, Mr Arthur Tideman, who was chairman of the commission at the time, came up and congratulated me and said that it was the way to go. However, he said the opposition would be immense, particularly from the various bureaucracies and also many of the regional boards, especially the soil boards. He proved to be correct, as I was summoned to be the guest speaker at the following state conference of the soil boards. I was basically told to attend in order to explain myself. I felt like Daniel in the lion's den. I left before the likes of Mr Doug Henderson and Mr Geoff Pearson tore me apart.

The Hon. G.M. Gunn interjecting:

Mr VENNING: The member for Stuart would know both gentlemen. They were very prominent members of the soil boards in those days, and I pay tribute to them. So, apart from the obvious detractors, the idea eventually took root and, with the help of Mr Tideman and Mr Matheson, things progressed. The next major event, which happened after I was elected, was a debate and a discussion I had with the Hon. Legh Davis, the Hon. John Dawkins and the Hon. Jamie Irwin, who was the president of the upper house. Mr Davis, who was the chairman of the Statutory Authorities Review Committee, decided that it would be a good subject for an inquiry, which was subsequently finalised in April 2001. Mr Tideman and I appeared before the committee, which was as a result of several speeches I made in this place during my younger days, including my maiden speech in July 1990, where I made strong comments about this issue.

We were very pleased with the recommendations of this committee, which handed down its 26th report on 11 April 2001 inquiring into the animal and plant control boards and soil conservation boards. The second dot point says it all. It states:

> That the Animal and Plant Control Commission and Soil Conservation Council be amalgamated and renamed the Land Management Council. This will require legislative change.

I was very pleased with those results, and I thought we could progress from there.

During this time, things were also turning in the bush. We saw the first voluntary amalgamation and the first natural resource management boards, which was an amalgamation of the animal and plant control boards and soil boards and, in some instances, an expanded role into land care. By this time, I was chair of the Environment, Resources and Development Committee in this place. We called the South-East group in and asked for its opinion about the next step and whether legislation was the way to go, and this appears in the minutes of the ERD committee. These people from one of the regional NRM boards in the South-East were quite keen, but members of the committee did not feel they were in a position to recommend either way.

I remember the member for Chaffey being opposed, as was the Hon. Mike Elliott from the other place. Nevertheless, the Olsen government drew up a draft bill, which was convened by none other than the then minister, the member for Davenport, the Hon. Iain Evans (currently the shadow minister). We had several goes at it, but both the members for Chaffey and Gordon would not support it during the committee stage, although they made no public comment I am aware of.

The problem was that three ministers (that is, primary industries, lands and environment) were involved. We were beginning to get the bill into shape when the election intervened and it was put on hold. Here we are, some two years later, with Labor's attempt at the same legislation, but how different it is. As someone who was driving the rationalisation of our natural resource management, I am most concerned with what we have before us. It is totally different, which is of great concern to me personally. We have changed from a process of evolvement, self-governance and self-implementation to a system where it will be enforced with penalties, and large ones at that. All the stakeholders felt they had previously owned the process. Now they feel they are being kidnapped, with control taken away and strict compliance rules implemented. Why? The system actually worked before, so why are we changing it? We had come a long way, and the majority of stakeholders were with us. People were doing the right thing, and there was—and still is—enforcement, but it was done by one's peers. In other words, other farmers who would often sit in judgment on one of their own non-compliant fellow landowners.

Mr Speaker, you and I both know how country people think: let them own the process and you will succeed, but try

to force them and you will have fights all the way. The member for Stuart will remind you of that. Both he and I can be belligerent, as most country people can be at times. You must lead them; you do not try to force them, especially when non-compliance penalties are inflicted and officers are given increased powers to cause further conflict.

This is a bureaucratic takeover at all levels and I am amazed that local government and the South Australian Farmers Federation have signed off on this. I am absolutely amazed. I think it is totally inept. If that is not bad enough, there will be only one minister in charge of all this: the minister for the environment with a fancy title, with massive powers and an extremely wide area of control. Why did we exclude the minister for primary industries under whom the system has worked so well for so long? The minister for lands has no involvement at all. The record speaks for itself.

Where are the checks and balances in this legislation? Previously, we had two ministers in cabinet who would provide balanced, well-rounded debates and decisions on matters in relation to natural resource management. Now, under this legislation, we have only one. Why? Is this a mighty grab for power by the radical environmentalists, conservationists and, worse, bureaucrats, who have been pushing farmers and farming practices for years? The farmer's right to farm is under real threat. In addition to this concern is the realisation that we are creating a huge bureaucracy that has a huge potential to grow. We have seen it with our water catchment boards and also our regional health boards. Who will keep this raging bushfire under control? One minister! Who will or can make up a majority of the council and regional boards? Of course, the bureaucrats. Landowners do not have any legislated guaranteed protection by having a simple majority on any of these boards and, worse still, who will pay for it? It will be the landowners through levies which will be thrust upon them. In other words, they will pay for a system over which they have no guaranteed control.

I support local government representation on these boards and also that they will collect the levy—at least the government got that right; not like the problem we had with the emergency services levy. I know the minister will not be happy with me, as he looked to us over here for leadership, but I cannot support a system where landowners will be forced to comply with huge fines; where landowners will have a guaranteed majority on the decision-making boards; where the landowners have to pay their levies and have no guarantee of a say; and, finally, a system that has no checks and balances, particularly at cabinet level.

I thought that the rudiments of the whole legislative process, the basis of good governance, was legislation that had built-in checks and balances. Well, what has happened here? Is this legislation by exhaustion? Is this legislation after the event? The minister is already calling for expressions of interest in public advertisements. Is this a done deal because the department has signalled out key stakeholders and got them on side? I wonder how that has happened.

Well, I have called meetings of some of my constituents who are stakeholders, particularly after they urged me to support the NRM legislation. After hearing the many points of view, when I confronted them with my concerns, particularly the ethical change from lead to force, penalties as well as levies, one minister not two, and where are the checks and balances, some agreed with my concerns, but they agreed in principle with the bill. So do I. We all want natural resource management, but we want the cooperative ethic to continue—not the big stick with no protection. This minister may be generally cooperative and have a good rapport with the stakeholders—even me—but what happens when he is not the minister and we get someone who is confrontational rather than amicable and cooperative? The member for Davenport highlighted that.

Remember Ms Susan Lenehan and the native vegetation confrontation? I am sure the member for Stuart can. I can certainly remember it. How would she have gone with a total power like this, with huge fines and the ability to have all the boards with the majority of Conservation Council plants, greenies and Rundle Street farmers? Some of my electors with expertise in this area are not sure, and the final word is to do the best we can. I will do all I can and I will start by attempting to involve the minister for primary industries. If he or she cannot be included then the minister involved should be the minister for primary industries. That is no reflection on the incumbent minister, the Hon. John Hill. I have no beef with him; it is who comes after him.

Sustainably, not to be confronted with protagonists will oppose farmers' right to farm. We have plenty of examples of this. What about my constituent who went to a land auction and paid a big price for a property alongside his own, only to be told a month later that he could not graze his cattle on the land? What redress does he have? He is a very prominent and responsible citizen. The department people have been out, but nothing can be done. Also, another constituent of mine, whom I spoke to tonight, a Mrs Christine Welsh from Stockwell, lives in a lovely part of the country called Duck Ponds, just to the north of Angaston. She is a lady with an excellent record in land care and is well respected by the whole community, but she has been treated like a villain. Rather than ring her up and say there was a problem, they just went out there and did not tell her, took photographs, walked all over her property and treated her like a common villain. This woman is not a villain but a prominent member of the community, and I am quite disgusted that this person has been treated in this way. I have discussed this with Mr Roger Wicks here tonight, and I am happy to be told that it is going to be under control. Nevertheless, this is just an indication of what can happen when over-zealous officers use legislation to beat honest, good citizens around the head.

I cannot and will not support the bill as represented to the parliament. I will, with the assistance of my opposition parliamentary colleagues, attempt to amend the bill dramatically and finally decide whether we can support the third reading. Time does not allow me to go into great depth in relation to the various amendments, but I will mention just briefly a few things that do concern me. I believe we should change the definitions to include the minister for primary industries and, if we cannot do that, we should then create a position for the minister for primary industries on the NRM Council. So, there we can have our second minister. There are the two options to have under that definition.

Under the objects, there is much concern over the new beefed up statement under clause 7(3)(e): 'A fundamental consideration should be the conservation of biological diversity and ecological integrity.' If you go back to clause 7(1)(b), you see that it seeks to protect biological diversity, and I will not read the rest. This, in a court of law, if stacked against a farmer, makes it very difficult. They are similar words to what was the original Soil Conservation Act but, when you compare them side by side, it is a huge increase.

Finally, I want to raise the important matter of the make-up of these boards, the NRM council. This is of great concern to me. Clause 14(1) provides:

> The NRM council consists of 9 members appointed by the Governor on the nomination of the Minister, being persons who collectively have, in the opinion of the Minister, the knowledge, skills and experience necessary to enable the NRM Council to carry out its functions effectively.

If that is not going to be a rubber stamp for the minister, what is? It provides for the nomination by, and the opinion of, the minister. I believe that we need to change all that and to make sure that we have good representation. Why do we not change that so that each of the eight outlying regional councils put one representative onto that council, and there you have your eight members. The minister, the local government or SAFF can appoint the other one.

I believe the answer to proper structure is a proper flow chart from the regional boards representation up through to the council level. I am very concerned that that should be left as it is, because the farmers have no guarantee of any control on that council. To be lucky, they would have two members that could represent them. Likewise, the make-up of the regional boards is of concern.

I believe that at least five of the nine people on the regional board should be practising farmers. You have to be very careful when you use those words, because in the bill the minister has the words 'people involved in land management'. Well, that could be anybody: it could be the council's landscaper, the parks and gardens operator, or anybody from anywhere across the board and not only a farmer. So, I think we have to be very careful about what is in the bill.

I am very disappointed in the final bill as it is presented here, but I hope that we are able to tidy it up. It is all about bureaucrats for the bureaucrats. For 20 years I have envisaged a rationalisation of our various national resource bodies, but not like this. I am disappointed with SAFF, and the LGA has not been of much assistance to us. I live in hope that commonsense will prevail but, knowing the government as I do, I doubt it. I am very concerned, but I certainly hope that I am wrong.

The Hon. G.M. GUNN (Stuart): I suppose 11.40 in the evening is as good a time as any to make some comments in relation to this measure. From the outset, let me say that my comments on this legislation are based on my own practical experience as a farmer, having represented for a considerable amount of time in this parliament the agricultural, pastoral, mining and fishing industries, as well as others.

One of the great problems facing democracy and organisations today is the power of bureaucracy. It is insensitive and, in many ways, it is self-seeking and untouchable. What people have to clearly understand is that, once this legislation leaves the parliament, it is out of the control of the members of parliament and into the control of the bureaucracy. Therefore, when the parliament surrenders its authority, it should be very careful in the way that it does so.

We have to ensure that the motives involved in the legislation are to encourage, enhance and promote agriculture. That is the important element—to ensure that we have productive agricultural enterprises. One of the reasons why the member for Schubert and I spend a little time on our farms is that it gives us a very good window into how some of these foolish laws have the power to affect people in their day-to-day operations. One of the sad things about parliamentary democracy is that only a limited number of people are actually affected by these foolish, inconsistent and unwise measures, which we often feel very pleased about when we pass. People think that by changing the law they have done great things, but in many ways they have compounded problems, interfered with people's ability to produce and set the process backwards not forwards.

This legislation comprises some 208 pages. People have come to me and said that this measure is a good idea and that I should support it. I say to them that that is their considered opinion. However, when you hold this bill up at a meeting and ask whether anyone has read it, they say that they have not, so I ask them how they can ask someone to support it if they have not read it. Unfortunately, I spent a great deal of my time over Christmas and New Year studying this document, when I could have been doing far more enjoyable things. It did give me indigestion, but I applied myself with some diligence, and I came to the conclusion that, in the interests of rural South Australia, substantial amendment needs to be made to the bill. I hold the view very strongly that you judge people's intentions by their actions and not by what they say.

Let us just see what this government has done and where it has come from. It came into power with a minority of votes of the people of South Australia. The first thing it did was to move the Pastoral Board from primary industries into environment. That was contrary to the wishes of the industry, the Farmers Federation and anyone who knew anything about the pastoral industry. Then they removed the chairman of the Native Vegetation Council (a practical farmer) and put in a Canadian lawyer and, since then, that position has been held by someone who is anti farmers.

Then they removed the chairman of the pastoral board. I have no problem with the new chairman but I have some problems with taking the previous chairman off because he was a person of considerable skills. But, to compound it, what did they do in relation to the pastoral industry? They really got after the poor, long-suffering pastoralists. If you want to extend a water system you have to get a stupid property plan and, in some cases, they are supposed to set aside certain areas. We are not going to wear any of that.

Let me say one thing at this stage. Whatever happens in the next few days, this will be changed in the future, like the pastoral board and those things. They will go back under primary industries at the change of government, because the time has long since gone when those industries, which have done only good for the people of South Australia, should be fooled around with because of the aims and objectives of certain anti farmer groups within society.

Let us look very carefully at this legislation. The most important provision in it is that dealing with the composition of regional boards and, at the end of the day, the composition of these boards will determine whether this legislation is acceptable, whether it is reasonable, whether it is workable and whether agriculture in general will benefit. Unless there is a majority of practically involved agriculturalists on these boards, the thing will fail miserably, and I will give some very simple reasons. The people who will have to wear the decisions and pay the levies are those who are involved in agriculture. They are the people who in many cases have to borrow hundreds of thousands of dollars each year to maintain their operations, and they have to be able to do that knowing full well that their day-to-day operations will not be interfered with. Bitter past experience has clearly demonstrated to me that if you are going to be affected you should have a say in it.

These people are going to be appointed: they are not elected. If the agricultural sector in general does not like it, there is nothing they can do about it. They are at the mercy of the wit, wisdom and goodwill of the minister of the day. That in itself causes me concern. As well meaning as the minister may be in his endeavours with this legislation, there are fundamental difficulties that will be created because of the structure of the bill which we have in front of us. I know that people will say that it is only pulling together three acts of parliament and that a lot of these powers are already there, but they fail to understand that three separate ministers were involved and it was divided into three, and the department of environment was not the dominating factor in relation to this particular measure.

Point number one of concern is that the department of environment and its instrumentalities will be the dominating factor in all of this. It does not have a great history of being pro farmer, pro agriculture, pro pastoralist and pro mining. It does not have a great track history.

Ms Breuer: And you hate it.

The Hon. G.M. GUNN: No, I did not say that. That was the honourable member. The honourable member represents some rural people and is aiming to represent more. I suggest to the honourable member that she should listen quietly. I might not know much about many things but I know a bit about broad acre agriculture, and so does the member for Schubert, because on regular occasions we have staked our future on our involvement in these industries and have made investments in the future of South Australia. We have stuck our necks out and backed our judgment and experience. I actually do know what I am talking about, and so does the honourable member.

There are few people left in this place who have been involved in that sort of activity. We are experienced in burning-off operations. We know all about having to deal with snails, the use of chemicals—all of those sorts of things—pre-emergence, post-emergence, grazing rates, sheep, cattle, growing canola, peas, beans. All those decisions can be affected by the provisions of this legislation. I only want to see, in any legislation, the long-term interests of the people of South Australia protected and enhanced and to give people involved in that industry the ability, opportunity and encouragement to go forward and create opportunities. Under these proposals, when those people can be, and most probably will be, locked out of the decision-making, it is a cause for concern.

The unfortunate thing is that people have been running around the country telling soil boards 'You have got to come along with this,' telling people that the federal money will be cut off if they do not agree with this. That is an absolute nonsense—a nonsense of the highest order. When the soil boards objected, these Sir Humphreys came running around. When they came to me, I said 'Just tell them to go and get going.'

I have a very large number of amendments to this bill. I believe that the only people who have the right to impose these charges are elected representatives, because the people can get rid of them. I have had some experience, being on the Economic and Finance Committee, looking at these matters when they are put before that committee. All the experience on that committee, particularly dealing with the northern Adelaide areas and the Barossa water catchment board, certainly led me to believe that strong parliamentary scrutiny was required. The chairperson of that board at the time had little regard for members of parliament. He thought he had the ability to thumb his nose at the committee. Thanks to the assistance of the present Minister for Agriculture, myself and others, we tossed out his plan two years in succession. He learnt a couple of things because of the attitude and the insensitive way that they were going to manage things.

There are some other very fundamental problems in this legislation. There are very substantial powers for inspectors, and people's rights are going to be impeded. Then, there are these so-called property plans. I draw the minister's attention, on page 17, to paragraph (f) on line 25, which states:

> to permit stock to drink from a watercourse, a natural or artificial lake, or dam. . .

I sincerely hope that that gives an unfettered right to people who are in that position to be able to utilise those things without impediment. Then, we go on to look at the objectives of this particular measure. Before I get to that, I would like to refer to page 17, clause 3. We need to ensure that there are no restrictions on grazing operations. Then we come to the objects under clause 7 on page 21. There needs to be a clear and precise provision in that clause indicating that the objective of this legislation is not to curtail but to promote and enhance agriculture. Unless that provision is there, then I believe the legislation should be defeated.

Mr Brindal interjecting:

The Hon. G.M. GUNN: Certainly, at the appropriate time I intend to move it. Clause 7(1)(a) provides 'recognises and protects the intrinsic values of natural resources'. That is fine but, at the end of the day, those resources must be put to productive use, and we have to bear that in mind. Under clause 9, general statutory duties, subclause (1) states: 'A person must act reasonably in relation to the management of natural resources within the state.' Who will determine what is and what is not reasonable? Clause 9(2)(b) refers to the need to act wisely and responsibly. Who will determine that? Clause 11 deals with the general powers of minister and states: 'The minister has the power to do anything necessary, expedient or incidental to'. That means that, no matter what else happens, what other protection is included, the minister has the ultimate say. Therefore, at 11 or 12 o'clock one night when he is going through those bags, he will sign something which he probably does not understand and we are in trouble—and we know that that has happened to ministers in the past.

Then we come to the composition of regional councils, and if there was one clause that we intend to go the barriers on it is this one.

Mrs Geraghty: That is hot air.

Members interjecting:

The ACTING SPEAKER (Mr Snelling): Order!

The Hon. G.M. GUNN: I have spoken to the Farmers Federation tonight. They were having dinner with the minister for primary industries and I spoke with them. I think I am quoting the President correctly when he indicated that they had got as much as they could and that they expect us to do our best to get the best deal for the farming community. They expect us to debate this issue vigorously in the parliament, and that is what we will do, because it is so important. Clause 14(2)(b) provides that one must be nominated from a panel of three persons submitted by the LGA. Does that mean that they have to be elected personnel or does it mean that they can be employees of local government? Then, paragraph (c) provides that one must be nominated from a panel of three persons submitted by the Conservation Council—

Mr Venning: Why?

The Hon. G.M. GUNN: Why do the stock agents not have a queue here? They have more to lose than the Conservation Council; they provide a lot of the money to fund agriculture. They buy and sell the stock. They have a lot more rights than the anti-farming elements and the Conservation Council. Why not the Chamber of Commerce? They have more rights in relation to that—

Ms Breuer: How interested are they in soil conservation?

The Hon. G.M. GUNN: You tell your farmers in your electorate at the next election that you think this is funny. They do not think it is funny. I was at a meeting on Friday when a constituent said to me, 'We now shiver every time we see a blue number-plated car drive up our driveway. We have another public servant coming to hinder or harass us.' That is a—

An honourable member interjecting:

The Hon. G.M. GUNN: Well, it is true—pretty sad state of affairs. You have a situation where you have the Native Vegetation Council, the bureaucrats, trying to fine farmers who have had firebreaks put on their farms when there are fires burning. You have that situation, and we will talk more about that as the bill is further debated. I have made only a few of the points which I could make in relation to this legislation. You have massive regulation making powers, which need to be further considered. However, due to the hour, I will conclude my remarks.

Debated adjourned.

ADJOURNMENT

At 12 midnight the house adjourned until Wednesday 24 March at 2 p.m.