HOUSE OF ASSEMBLY

Wednesday 31 March 2004

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

CONSTITUTIONAL CONVENTION

A petition signed by 50 residents of South Australia, requesting the house to pass the recommended legislation coming from the Constitutional Convention and provide for a referendum, at the next election, to adopt or reject each the convention's proposals, was presented by Mr Snelling.

Petition received.

CITY OF ONKAPARINGA ANNUAL REPORT

The SPEAKER: Pursuant to section 131 of the Local Government Act 1999, I lay on the table the annual report 2002-03 for the City of Onkaparinga.

STATE STRATEGIC PLAN

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: Today I released the State Strategic Plan for South Australia, which sets out a series of ambitious but achievable targets for South Australia's economic, social, environmental and creative future. For the past two years, my government has focused on building the foundations for a stronger economy and a stronger community. The government has been listening to South Australians on what is important to them. South Australians want prosperity and more and better job opportunities, a better education for their children and a focus on quality health care. They want strong economic growth without compromising the environment or our quality of life. They want a fair community that extends opportunity to all. They want a state that aspires to lead not to follow; a state that is self-confident, not self-conscious; a state that celebrates creativity and innovation; and a state which fights above its weight and which is a destination again rather than a much-loved home that our young people feel they need to leave to make the most of their abilities.

This plan looks forward and marks out the path for South Australia for the coming decade. This is a plan for the whole of our state and all of our people, and not just for government. The fundamental premise of the plan is creating opportunity for our people wherever they are and whatever they do, building on our strengths, creating new abilities and ensuring that our citizens and our state thrive.

We have six interrelated objectives: growing; prosperity; improving wellbeing; attaining sustainability; fostering creativity; building communities; and, expanding opportunity. For example, I will give the house a snapshot of some of the targets. We believe we should exceed the national economic growth rate within 10 years. We believe we should: better the Australian average employment growth rate within 10 years; equal or better the Australian unemployment and youth unemployment average within five years; increase South Australia's population to 2 million by 2050 rather than the projected population decline; reduce the net loss of people leaving the state to zero by 2008, with a positive inflow by 2009; almost treble the value of South Australia's export income to $25 billion by 2013; treble expenditure in mining exploration to $100 million by 2007; reduce crime rates to the lowest level in Australia within 10 years; exceed the Australian average for participation in sport and physical activity within 10 years; reduce energy consumption in government buildings by 25 per cent within 10 years; and—one that I hope everyone in this place could embrace—increase the number of female members of parliament to 50 per cent within 10 years; increase primary school students' performance in literacy and numeracy to reach or exceed the national average by 2008; and, increase the school leaving age to 17 years by 2010.

The plan reinforces the need for an integrated and cooperative approach to face the challenges and work on the solutions. The plan's success depends upon the support and participation of all South Australians. This plan will generate controversy, and I certainly hope it does. Individuals, community leaders and interest and lobby groups will criticise, even condemn, the plan or parts of it. Some will say it is too ambitious, and some will say it is not ambitious enough. Others will spring forward with extra targets and recommendations, arguing that we miss this or that important area of economic, social or environmental policy, and that debate will be healthy. These groups are welcome to provide me with their positive ideas and can suggest other targets or adjust their own plans and targets to supplement or complement our plan.

There is no doubt that we could have put forward 1 000, 10 000 or 200 targets, but I did not want our plan to look like a phone book or the Australian Bureau of Statistics yearbook. Instead, I wanted a dynamic living plan—not one which is rigidly cast in stone and which turns its back on new ideas or changed circumstances.

Most of all, I want this plan to be a goad to action. South Australia has had so many plans and we have been consulted to death, but what we have lacked over the decade from former governments of all persuasions is—

Mr BRINDAL: On a point of order, sir, I seek your guidance. Is it not within the standing orders that, if a minister having been given the leave of the house to make a statement proceeds to debate the statement, any member may withdraw leave at any time?

The SPEAKER: No. Can I tell the house, though, that in some other chambers, whenever a statement is made by a minister, an equal amount of time is allocated forthwith to a spokesman or spokesperson not a member of the same group as the minister to respond; and in this context the solution to the problem is in the hands of members, if they see it as a problem. Equally, I understand their agitation at wishing to participate in debate. The standing orders, which members have adopted, do not allow that course of action.

The Hon. M.D. RANN: Most of all, I want this plan to be a goad to action. South Australia has had so many plans and we have been consulted to death. What we have lacked over the decades is a comparable zeal for implementation, let alone setting ourselves clear and hard targets. The state of Oregon in the United States adopted a similar strategy some years back. Oregon started, I am told, with over 200 targets and benchmarks but has since reduced these. Oregon officials advised us not to set too many benchmarks for South Australia, lest the process become unwieldy and bogged down in minutiae.

In Oregon each year the state—not just the state government—is audited and the results made public. This is

designed to measure progress in achieving the targets. Sometimes the targets are achieved, sometimes not. Sometimes the results can be embarrassing. That is healthy, too. Sometimes a failure to achieve a particular target will be easily explained. For instance, in South Australia we could face a drought that hits our exports, a big change in the exchange rate, or a range of other factors outside the state's control. So why do it? A plan with 79 targets allows us to benchmark or measure our progress over time.

I hope it will make politicians of all persuasions, business leaders and community leaders nervous as well as inspired. This plan, with ambitious but achievable targets, will keep us on our toes and heading in the right direction. Every two years all of us will be measured as our state moves forward—not just the government but the entire state. A report card on the entire state will be published every two years to measure progress. I want to prove that South Australia can be fervently pro growth and pro business, while also being environmentally sustainable and socially inclusive. To embrace the future with confidence, we will need an activist partnership of the entire community. We will also need maturity. If we care about the state and how we leave it for our children, then it must be a job for all of us, not just some of us. I for one am looking forward to the challenge.

POPULATION POLICY

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: I rise to inform the house of the government's population policy released today. At the Economic Summit last year, the Economic Development Board highlighted the need to address the population challenges facing South Australia. It painted a picture of population stagnation. The Australian Bureau of Statistics projects that South Australia will go into population decline within 25 years due to declining fertility rates, continuing net losses in interstate migration, an ageing population and a low share of overseas migrants. If left unchecked, these trends act as a barrier to the state's continued economic and social development. These trends would mean a smaller work force and labour shortages. They would mean declining markets and a contracting economy. They would mean decreased opportunity for all South Australians.

The population policy is the government's response to these challenges. It is a bold and ambitious plan. It is a policy aimed at increasing the state's population to 2 million by the year 2050—not just in Adelaide but in our regional areas which are so vital to the state's future. The government has committed more than $10 million over four years for programs designed to stop the loss of young skilled workers interstate and overseas, increase our share of the national migration intake, encourage parents to re-enter the work force and improve the employment prospects of mature aged people.

The government will take full advantage of two new regional visa categories that the commonwealth will introduce in the second half of this year. These visas entitle migrants to live and work across our state. The government also recognises that more can be done within our existing population to improve fertility rates. Quite simply, many people are choosing to delay having children or are not having children out of fear of the impact a family would have on their ability to work. This is an international phenomenon.

Research shows that assistance with retraining can give women confidence that they will be able to re-enter the work force after having a baby. With this in mind, the government will establish a return to work grant of $1 200 to encourage eligible South Australian parents to re-enter the work force after caring for their children full time for two years. These grants will be aimed at those who most need the assistance.

The grants will be means tested and will be available from 1 January 2005, and they will be administered by the Department of Further Education, Employment, Science and Technology. The program is based on a similar scheme in Victoria, and it will be reviewed after 12 months of operation. These grants can be used for approved costs such as course fees, materials and related child-care expenses.

The government will establish and promote networks and databases of expatriates to advise them of opportunities in South Australia and to encourage them to return home to live and work. The government will conduct an extensive promotional campaign, both interstate and overseas, to alert people to the opportunities that exist in South Australia.

This is not about selling lifestyle, although that is part of it; rather, it is about letting people know that South Australia is an economy on the move, with a capital city ranked No. 1 in terms of business competitiveness. I am confident that we can increase our population and protect our environment by ensuring that development takes place within an overall framework of sustainability.

I said that this is an ambitious policy, and the government recognises that not all the policy levers are within our grasp. That is why we will continue to work with the commonwealth, particularly on immigration, but also on workplace policies to build a growing, sustainable, vibrant population. The challenge is now before the government, industry and the community to be proactive in addressing our population problems. I look forward to reporting to the house on the progress of our work.

PAPERS TABLED

The following papers were laid on the table:

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

Reproductive Technology, South Australian Council on—Report 2003.

By the Minister for Housing (Hon. J.W. Weatherill)—

Statutory Authorities Review Committee, Ministerial Response to the Inquiry into the South Australian Housing Trust.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 17th report of the committee.

Report received and read.

Mr HANNA: I bring up the 18th report of the committee.

Report received.

QUESTION TIME

ANANGU PITJANTJATJARA COUNCIL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer advise the house when he was made aware of Crown Law advice that the Anangu Pitjantjatjara Council

may not have been valid? The Treasurer's media release of 15 March states:

> Crown Law has advised us that the APY Council may not be valid since last December and that it now has questionable authority to spend state government money on services and in areas where it is clearly needed.

The Hon. K.O. FOLEY (Treasurer): From memory—and I will check this—it was when the minister concerned raised the matter in cabinet.

The Hon. R.G. KERIN: As a supplementary question, was that in March or last year?

The Hon. K.O. FOLEY: I don't know the exact timing—

Members interjecting:

The Hon. K.O. FOLEY: Hang on. Can I finish—

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: I will finish the answer if you will let me. From memory, it was a month or so ago. I will get the date and let the leader know.

PRESCHOOLS, PROGRAMS

Ms BREUER (Giles): My question is to the Minister for Education and Children's Services. How is the government ensuring that preschool children with disabilities are given access to educational preschool programs?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): The member for Giles knows that this government is committed to providing educational outcomes for all children in South Australia and has invested a record amount this financial year in education. As part of that commitment, the state government has allocated $1.435 million to provide specialist facilities at six South Australian preschools as part of the Inclusive Preschool project. Inclusive preschools will specifically cater for children with high need disabilities, such as autism, with modifications being made to facilities and programs so that enhanced and intensive support can be provided for both children and their parents.

Six additional teachers and six early childhood workers will be employed to provide individual support for these children. These staff will learn from and work with people from the state's flagship early learning program for children with disabilities at the Briars Early Learning Centre. The first three inclusive preschool programs are being set up at the Willow Close Preschool at Mount Barker; the Woodcroft Children's Centre in Adelaide's south; and the Whyalla Stuart Early Childhood Centre in the honourable member's electorate of Giles. A program at Elsie Ey Kindergarten at Hewett, north of Gawler, will begin at the start of the next term, and a further two preschools will be announced later in the year.

These preschools collectively will look after 36 four-year-olds who have high support needs because of their disability. This project is a first for the state and builds on the success of recent trial programs within community preschools. Parents of children with autism, in particular, have been asking for such a program for a long time. There is a clear need for these specialist facilities not just in Adelaide but across the state. Whyalla will get the first of these preschools. I look forward to the member for Giles visiting this facility, because it will fulfil unmet need and make a significant difference to children and their parents who previously have had no specific facilities in this age group.

ANANGU PITJANTJATJARA LANDS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Health. Will the minister confirm that the Department of Human Services was ready in November 2003 to implement a petrol sniffing program, including recreational programs over the Christmas and school holiday period in the APY lands, but was prevented from doing so pending funding approval from Treasury?

The Hon. K.O. FOLEY (Treasurer): The question was to the Minister for Health but concluded with required funding approval from the Treasury.

The Hon. DEAN BROWN: I rise on a point of order. The question was very specific as to what was going on in the Department of Human Services, not what was going on in Treasury. Therefore, I asked the question of the Minister for Health.

The SPEAKER: I cannot direct which minister shall answer, but I note the observation made by the honourable member, the Deputy Leader, and wonder how on God's earth or in God's heaven the Treasurer can know what the Department of Human Services is doing.

The Hon. K.O. FOLEY: The end of the question was something about approval by Treasury, Mr Speaker. I have made it clear numerous times, both here and publicly, that the matter of distributing and expending that money on vital services has been less than satisfactory by government.

The Hon. Dean Brown: Where was it held up?

The Hon. K.O. FOLEY: I will get you a detailed answer and reply to the house.

The SPEAKER: The Deputy Leader is out of order.

The Hon. DEAN BROWN: I have a supplementary question for the Minister for Health. When did the Department of Human Services ask for funding approval from Treasury or the Department of Treasury and Finance; and, if it received formal approval for that funding, when?

The Hon. K.O. FOLEY: That is a question to the Treasurer, Mr Speaker. The question is: when did Treasury give approval? That is to me, the Treasurer. Nothing surprises me with the former minister for health, who had no idea about how money is managed within government.

The Hon. DEAN BROWN: I rise on a point of order. This has nothing to do with what happened under a previous government. It is about when the Department of Human Services sought funding approval from the Department of Treasury and Finance, and if and when it got that approval.

The Hon. K.O. FOLEY: The money was appropriated through the budget process, from memory—and we will check this—to the Department of Human Services. The money, I am advised, was then transferred to the AP executive council. As for the approval processes, there is no question that certain requirements were not met and bureaucratic issues clearly evolved. I do not defend bureaucratic error or bureaucratic delays at all. That is the whole purpose of this. That is the whole purpose of our exercise in trying to sort out what went wrong. For a former minister who left such a mess in the human services portfolio that the Auditor-General himself has commented—

The Hon. DEAN BROWN: I rise in a point of order. The question was very specific indeed. The Treasurer has not answered it, even though he claimed that he was the one who could answer it. I ask him to answer the question, not to go off on some other tangent.

The SPEAKER: Order, the Deputy Premier and Treasurer has concluded his remarks. May I remind all honourable members, particularly the Deputy Premier, that epithets directed at other members are unhelpful in attempting to maintain order, or at the least the semblance of it.

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer advise the house whether it was the Department of Treasury and Finance which refused to authorise the release of funds late last year and earlier this year to the APY Council for a petrol sniffing program on the lands which had already been approved by the Department of Human Services?

The Hon. K.O. FOLEY (Treasurer): Apparently, these questions are now addressed to me. Apparently they were previously to the Minister for Health, and when I tried to answer them I was shouted down. That does not sound like the approval process that was in place, but I will check and get back to the house as soon as I can.

HAZARDOUS WASTE

Ms THOMPSON (Reynell): My question is to the Minister for Environment and Conservation. What was the outcome of last weekend's southern suburbs collection of hazardous waste, and will this service be offered to other communities in the state?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Reynell for her important question. Until recently, of course, members would know that the only point for hazardous household waste collection has been the EPA facility at Dry Creek, and that is open for only one day a month—on the first Tuesday, I think, of each month—and, of course, that is quite inconvenient for a lot of people. The government wanted to make it much easier for residents of Adelaide suburbs to get hazardous waste such as solvents, pesticides and herbicides out of their backyards and from underneath their kitchen sinks into a proper waste facility. That is why the government, through Zero Waste, has allocated $1.8 million on the mobile collection service that will visit metropolitan and regional communities over the next three years.

The first collection day took place at two locations in the southern suburbs last Saturday: one at Happy Valley and the second at Seaford Meadows in the City of Onkaparinga. I am pleased to inform the house that over 650 residents disposed of nearly 13 tonnes at the Happy Valley site and 7.3 tonnes at the Seaford Meadows site. The top three materials received were waste paint, oil and batteries but I can let members of the house know that, having attended the Seaford Meadows site, there was a huge range of materials, including medicines and all sorts of materials that people had at home—including DDT, I understand, at one of those sites. Other waste collected included pesticides, solvents, arsenic compounds, cleaning products and a variety of products in aerosol spray cans.

The next round of collection days will take place in Plympton, Mitchell Park and Wayville in May and June of this year. The new service is in addition to the EPA Dry Creek depot that will continue to be open on the first Tuesday of each month. Over the next few years the collection service will be offered to all metropolitan and regional areas by agreement between Zero Waste and local councils. This is a great new service; it will cost $1.8 million, but it is an initiative to help households to safely dispose of hazardous materials that could otherwise endanger them, the rest of the community and the environment.

ANANGU PITJANTJATJARA LANDS

The Hon. R.G. KERIN (Leader of the Opposition): Will the Treasurer confirm that the funds earmarked and approved by the Department of Human Services for a petrol sniffing program in the AP lands sat with Treasury for a considerable time from late last year until now? The Treasurer basically told us that he would get us an answer to this nine days ago.

The Hon. K.O. FOLEY (Treasurer): I apologise if I have not got the answer as soon as—

An honourable member: It is pretty important.

The DEPUTY SPEAKER: Order! It is pretty important that we keep to the standing orders.

The Hon. K.O. FOLEY: Again, that does not sound like the normal procedure. It was an amount of money appropriated in the budget—

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: I would not know?

Mr Brokenshire: You would know.

The Hon. K.O. FOLEY: I would know.

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

The Hon. K.O. FOLEY: Mr Deputy Speaker, the normal processes—as all members would be aware—is that the budget appropriates money to an agency, and in this instance it was the human services department. With this issue of final Treasury approval, I am not sure what the member is referring to, but I am getting it checked and I will give you an answer as soon as I can, hopefully before question time concludes. I have nothing to hide.

The Hon. R.G. Kerin: I hope you are going to apologise to everyone else whom you blame.

The Hon. K.O. FOLEY: Sorry?

The Hon. R.G. Kerin interjecting:

The Hon. K.O. FOLEY: Now the tactic is clear. The leader is trying to say that, as Treasurer, I somehow stopped this money going to the Aboriginal lands and, instead of blaming everyone else, I should blame myself. Well, I reckon that, both in this house and publicly, I have been taking the blame. I have actually been taking the blame. If members opposite want me to take more blame, I will take it. I will take all the blame, because we are serious about trying to fix the problem. When errors were made by the government of members opposite, what did they do? They covered up, they told untruths, and they misled the public of South Australia—

The Hon. DEAN BROWN: I rise on a point of order, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! Before I take the point of order, I must say that that was not a question from the leader: it was an interjection. It was out of order, and the Treasurer should have ignored it. The deputy leader.

The Hon. DEAN BROWN: Under standing orders, as you realise, Mr Deputy Speaker, and as the Deputy Premier realises, there was a very specific question. The Deputy Premier is now debating the issue well away from the question, and I ask you, sir, to draw him back—

The DEPUTY SPEAKER: Order! The Deputy Premier should not have been responding. It was an interjection. We will get back to some semblance of order. The member for Wright.

TAFE FUNDING

Ms RANKINE (Wright): My question is directed to the Minister for Employment, Training and Further Education. What is the government doing to overcome the lack of commonwealth growth funding to TAFE in South Australia?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I would like to thank the member for Wright for her question, and I acknowledge her advocacy, particularly for the people who live in the electorate of Wright. The commonwealth minister has constantly refused to acknowledge and fund the forecast growth in demand for vocational education and training, which is 5.2 per cent over the period 2004-06. The bad news for this state means that approximately 27 000 South Australians will not have access to TAFE places over the next three years, which means that approximately 6 000 people stand to miss out this year alone. This comes at a time of rising HECS costs, and at a time when more and more people are turning to vocational education and training. This state is doing—

Mr Brindal interjecting:

The Hon. S.W. KEY: Because I was not the minister—what it can to offset the—

Mr Brindal interjecting:

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

The Hon. S.W. KEY: —shortfall by the commonwealth.

Mr Brindal interjecting:

The DEPUTY SPEAKER: The member for Unley is out of order. The minister has the call.

The Hon. S.W. KEY: As part of the social inclusion initiative, funded through the School Retention Action Plan, the department has identified prospective students who have missed out on being given a place in the TAFE—

The Hon. D.C. Kotz interjecting:

The DEPUTY SPEAKER: Order! The member for Newland will come to order.

The Hon. S.W. KEY: —system through the tertiary administration process. Three-quarters of the people who were unsuccessful and are being offered a place in the TAFE area are between the ages of 15 and 29, with half of them being aged between 15 and 19 years. I should have thought that members opposite would be pleased that the government has worked to try to make sure that those some 4 000 people who had missed out on TAFE courses are now able to access this education, which is very much needed.

Through a package called Learning Works (and I must acknowledge the major role the previous minister played in getting this project up), our government was able to identify 3 900 people who have been at risk of being left out of work or further study without any intervention. This Learning Works project, I think, is a way in which the government has, on a very practical level, tried to assist people who have not been able to get an education or vocational training place.

TAFE has contacted each of the unsuccessful applicants to give them a second chance. They have been offered subjects in similar programs to their preferred choice. We have allocated $1 million to this strategy for this year in order to make sure that we can deliver new training programs, and also to create alternative study pathways.

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The member for Unley has been warned.

The Hon. S.W. KEY: The TAFE advisers—and, I must say, they have done a brilliant job working with individual students—were able to offer a tailored range of study options that included accredited TAFE modules, adult education programs—

Mr Brindal interjecting:

The DEPUTY SPEAKER: Order! The member for Unley will be named shortly if he continues to defy the chair.

The Hon. S.W. KEY: —and study skill courses and work placements. These options open doors to alternative pathways in the process to make sure that students do not fall out of the system. We know—and I think everyone in this chamber knows—that it is critical that students stay connected to education and training so that they can be successful in gaining skills and appropriate work.

I am advised that to date, which is good news, 1 137 people have expressed an interest in participating in Learning Works. Full numbers of participants are expected to be known by the commencement of term 2 on 27 April 2004. This is a good news story coming out of a very difficult situation, where many South Australians would have missed out on getting that education.

Mr BRINDAL: On a point of order, sir, I know it is within the purview of ministers to answer questions in any manner that they seek, but I thought it was against every rule of the house to deliberately mislead the house.

The DEPUTY SPEAKER: Order! The member for Unley cannot allege deliberate misleading, unless it is by way of substantive motion. He cannot make that allegation unless he is prepared to move a substantive motion.

Members interjecting:

The DEPUTY SPEAKER: The member for Unley should withdraw the allegation unless he is prepared to follow it up with a substantive motion.

Mr BRINDAL: Sir, I seek leave to move a substantive motion following the conclusion of question time.

The DEPUTY SPEAKER: The member will need to move for a suspension of standing orders at that time to do that.

UNEMPLOYMENT

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment, Training and Further Education. Will the minister specifically identify the major difference between the South Australian and national job markets that explains why South Australia has lost 22 000 full-time jobs this financial year, while Australia wide 129 600 full-time jobs have been created?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the leader for his question. I guess I am concerned that we will get back into what I think is a very negative discussion about swapping ABS figures. I need to remind the leader that the figures we have been dealing with, particularly from the last labour market area, I will go through again. I can answer the question in that way. I agree that the unemployment rate for South Australia has crept up over the past eight months—I have acknowledged that before—from 6.5 per cent to 6.8 per cent, an increase of 0.3 per cent. While there has been an increase of 0.3 per cent, some of the comments the leader has made about the 0.3 per cent do not really justify the comments he has made about its being a surge, a disaster and all the other comments he has made in the media. It is probably of concern to the leader—although I hope it is not the case—that confidence in South Australia is at an all-time high. We have the Department of Employment and Workplace

Relations skilled vacancy index showing that skilled vacancies in South Australia are—

The Hon. R.G. KERIN: On a point of order, sir, the question specifically is: what is the difference between South Australia and nationally in that we are losing jobs month after month and Australia is creating jobs month after month?

The DEPUTY SPEAKER: Order! We do not have a practice of repeating the question, unless specifically requested to do so. The minister has considerable latitude in answering a question but perhaps she needs to conclude her remarks.

The Hon. S.W. KEY: Thank you, sir. I think I have attempted to answer this question a number of times. I am saying that we have acknowledged the employment rates, but what we also need to do is look at the available jobs. The Department of Employment and Workplace Relations shows that we have a vacancy rate 6.7 per cent higher; the Bank SA state monitor says that business confidence is high, more small businesses are looking to take on extra staff, and the index of business confidence has risen from 125.9 to 132 this year; and the very respected ANZ newspaper job advertisement series data for February indicates that job ads rose by 3.2 per cent over this month in South Australia and that overall the job ads rose by 6.5 per cent in trend terms. The Hudson report, which came out last week, shows that 39.3 per cent of employers surveyed in South Australia indicated that they intended to hire additional staff, and this compares very favourably with the national survey figures.

As I said, sir, I am happy to talk statistics with the leader, but I think we need to look at other economic indicators to work out what is happening in our economy and what is happening in relation to jobs. Certainly, the job vacancies and those four indicators which we also use show a very positive situation for South Australia.

The Hon. R.G. KERIN: I have a supplementary question.

The DEPUTY SPEAKER: Before taking the supplementary question, I ask all members just to cool it a little. We have been having some late nights and we have a very late night coming up, and I would hate anyone to miss it because tonight will be a great night to remember.

The Hon. R.G. KERIN: Does the minister feel that it is any consolation for the 22 000 people who lost full-time jobs in the last eight months that the indices and all these other things are good?

The Hon. M.D. RANN (Premier): I want to give some guidance. I think it is really important to make comparisons. I know there was not a plan in the past, but the advice I have been given is that between December 1993 and February 2002 (note those dates) trend total employment grew by an average of 1 per cent per annum.

The Hon. R.G. KERIN: Mr Deputy Speaker, I rise on a point of order.

The Hon. M.D. RANN: Between March 2002 and February 2004, employment—

The DEPUTY SPEAKER: Order! The Premier will take his seat. Before calling on the leader, can we not have frivolous points of order being made about ministers answering questions. We know that under our standing orders ministers have latitude.

The Hon. R.G. KERIN: I refer to standing order 98 and state that there must be some consistency in the house in relation to relevance. What the Premier is talking about is totally irrelevant to the question I asked the minister.

The DEPUTY SPEAKER: Order! It is in the hands of the house over time if they want to change the standing orders: it is the Chair's job to uphold them. There has been no action to improve or move the standing orders forward for years.

The Hon. M.D. RANN: I would have thought that the Leader of the Opposition wanted some employment figures by way of comparison. This is what I have been advised. Between December 1993 (this is when you guys were elected) and February 2002 (which is when you were unelected), trend total employment grew by an average of 1 per cent per annum. I am advised that between March 2002 and February 2004 trend total employment grew by 3 per cent. Members of the opposition do not like that, but then they were not even prepared to have a decent plan—

The Hon. I.F. Evans interjecting:

The DEPUTY SPEAKER: The member for Davenport will come to order!

The Hon. M.D. RANN: You are proud of your record in government—no-one else is!

MORGAN-WHYALLA PIPELINE

Ms BREUER (Giles): My question is to the Minister for Administrative Services. What is the significance of today's anniversary of the Morgan-Whyalla pipeline?

The Hon. M.J. WRIGHT (Minister for Administrative Services): I thank the member for Giles for her question; she certainly takes an interest in water and surrounds in the Whyalla area. Today marks the 60th anniversary of Sir Thomas Playford's officially opening the Morgan-Whyalla pipeline, one of South Australia's most significant engineering feats. The 356 kilometre pipeline was built between 1940 and 1944 to bring water from the River Murray to Morgan and Whyalla and to other townships along the way. Prior to the construction of the pipeline, Whyalla relied on a series of dams and tanks to catch rainfall and on water brought in by barge from Port Pirie and later by ship from Newcastle.

The Morgan-Whyalla pipeline is a tribute to the enterprising spirit of the times and, of course, to the Engineering and Water Supply Department workers involved. Their great foresight and engineering skill opened up South Australia's regional communities in the post-war period and fuelled industrial, residential and economic expansion in the region. The E&WS Department (now SA Water) undertook the development of the pipeline, which is a series of continuously welded steel pipe with six pumping stations and 27 concrete storage tanks along the route. A second duplication line was built in 1963 to meet the growing needs of the Whyalla region.

Sixty years on, the Morgan-Whyalla pipeline remains in excellent condition and is still going strong. The pipeline remains an outstanding achievement in engineering, planning and logistics that helped to build our state.

SHOP TRADING HOURS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Industrial Relations. Given the minister's statements that deregulation of shopping hours would create 3 000 to 5 000 jobs in retail, how does he explain that the number of full-time jobs in retail in South Australia has dropped from over 60 000 jobs in February 2003 to fewer than 49 000 in February 2004, a fall of 11 000 jobs?

Members interjecting:

The DEPUTY SPEAKER: Order! Members will be able to check out the shopping situation themselves very shortly, if they are not careful.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The Rann Labor government takes great pride in being able to bring additional shop trading hours to the community of South Australia.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson knows that he is out of order.

The Hon. R.G. KERIN: I have a supplementary question. That being the case, is the minister saying that this government is proud of 11 000 jobs disappearing out of retail in the last 12 months?

The Hon. M.J. WRIGHT: The government is proud that, after 30 years, we were able to broker a deal that no previous government, whether it be Labor or Liberal, was able to do, and that is to bring additional shop trading hours to families—to mums, dads and children—in South Australia. That is something of which the parliament and the community of South Australia can be well and truly proud. It is a major reform delivered by the Rann Labor government.

Members interjecting:

The DEPUTY SPEAKER: Order! The house will come to order.

HOUSING TRUST TENANTS

Mr RAU (Enfield): My question is to the Minister for Housing. How will the government implement changes to the way in which it manages difficult and disruptive Housing Trust tenants in response to the Statutory Authorities Review Committee's difficult and disruptive tenants inquiry?

Members interjecting:

The DEPUTY SPEAKER: This could be a useful answer for application in the house.

The Hon. I.F. EVANS: I rise on a point of order, Mr Speaker. The minister tabled the government's response today during question time, so he has answered that question by tabling the document.

The DEPUTY SPEAKER: We do not know what the answer will be yet, but the minister's answer could be very helpful to the chair in dealing with disruptive people. The minister.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): The member for Enfield and I both have electorates which contain many Housing Trust tenants. Members opposite may not have the same degree of interest in this issue—

The Hon. J.W. WEATHERILL: Well then, you should listen carefully to the answer. The honourable member has drawn this matter to my attention, as have many other members of this house. Indeed, the Statutory Authorities Review Committee has heard a lot of evidence from Housing Trust tenants about other tenants behaving in a way which makes their life a misery. The situation can be put no lower than that: some people's lives are being seriously disrupted by the behaviour of some members of the community.

The history of this matter is instructive. There has been a substantial shift in state and federal government housing policy over the last decade. In fact, federal government policy has shifted significantly the funding focus, which is very necessary to the Housing Trust, to the very high needs section of the housing market. At the same time, the deputy leader—and it is unfortunate that he is not here—presided over a reduction in Housing Trust stock of 10 000 houses. So, we have had to face a fall in Housing Trust stock numbers and an increase in the high needs of tenants, which has put an extraordinary amount of pressure on the trust. At the same time, the last policy about difficult and disruptive tenants was put in place by a Labor government. Wonder of wonders, during the term of the previous government no serious attempt was made to review this policy. So, once again it falls to a Labor government to care for the tenants of the Housing Trust.

Members interjecting:

The Hon. J.W. WEATHERILL: Well, members opposite when they were in government were quite happy to have Labor electorate offices clogged up with disputes about disruptive tenants. They were happy to have us run ragged dealing with Housing Trust disputes. I pay tribute to the Hon. Bob Sneath who chaired the Statutory Authorities Review Committee's inquiry into difficult and disruptive tenants. This goes fundamentally to the changing role of the Housing Trust. Whereas it was a subordinate part of its functions to provide emergency housing, that is now a predominant feature of its work. That raises serious issues about the way in which tenancies are supported, and it raises complex issues about the way in which tenants interact with their neighbours. There are three important elements to this equation: first, we must recognise the changing nature of the Housing Trust and respond to that; secondly, we cannot tolerate bad behaviour, and we must provide an effective deterrent in the system; and, thirdly, the community must accept that there will be people living in the community who are not as easy to live with as they might hope.

It will require tolerance all around if we are going to deal with this issue. In the next few weeks the government will issue a new policy based on the recommendations of the Statutory Authorities Review Committee inquiry into difficult and disruptive tenants. This will be a massive step forward. Members opposite chose to ignore this issue during their period in government. They were content to see the Housing Trust run down into the ditch with no obvious future for it. They were prepared to have this particularly important area of public policy not receive their attention. As we looked more closely at the books of the Department of Human Services, we discovered that the previous government took $33 million from housing to prop up the health budget. When we looked more closely at the DHS budget, that is what we found. This is its massive public policy contribution to housing in this state: 10 000 homes ripped out of the system and a $33 million black hole.

The DEPUTY SPEAKER: Order! Ministers and everyone would benefit if answers were kept concise and to the point.

PORT RIVER BRIDGES

Mr VENNING (Schubert): Will the Minister for Transport advise the house whether the proposed Port River bridges are going to be opening or fixed?

The Hon. P.L. WHITE (Minister for Transport): The government has been very clear about it. Tenders will be going out very shortly and they will be for opening bridges.

The DEPUTY SPEAKER: That was a concise answer. The member for Florey.

HEALTH, INSURANCE

Ms BEDFORD (Florey): My question is to the Minister for Health. What has been the increase in the percentage of South Australians holding private health insurance, and has this been reflected in activity levels in public hospitals?

The Hon. L. STEVENS (Minister for Health): I thank the member for Florey for this very important question. It certainly was an important issue raised by the states during negotiations with the commonwealth for health funding over the next five years. Members will recall that the commonwealth, with the support of the Leader of the Opposition and the deputy leader, cut $75 million from the five year agreement for funding for South Australian hospitals. At December 2003, 44.4 per cent of South Australians had private health—

The Hon. R.G. Kerin: That is nonsense!

The Hon. L. STEVENS: It is not nonsense. At December 2003, 44.4 per cent of South Australians had private health insurance cover. The membership levels are 13.7 per cent higher than prior to the introduction of the 30 per cent rebate in 1999, and then lifetime health cover in 2000. While private health insurance membership has increased by 13 per cent, our public hospitals, however, have been busier than ever. Privately insured patients activity in our public hospitals increased by 17.5 per cent in 2000-01 and by 20.6 per cent in 2001-02. The simple conclusion is that, while the number of people with private health insurance has increased, this has not stopped increasing demands for services at our public hospitals.

Mr Brokenshire interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson is prattling on.

The Hon. L. STEVENS: Why shouldn't someone ask—

Members interjecting:

The DEPUTY SPEAKER: Order! The Attorney is out of order, too. The Minister for Health.

The Hon. L. STEVENS: Thank you, sir. I make that point, because, of course, we should all remember that one of the bases that the commonwealth used for the changes to private health insurance was that it would take the pressure off our public hospitals. Quite clearly, this has not occurred. In fact, the total number of admissions to our metropolitan public hospitals increased, from 121 742 in the last six months of 2002 to 127 751 for the same period in the 2003.

The Hon. I.F. EVANS (Davenport): I have a supplementary question: does the Minister for Health support the maintenance of a 30 per cent health rebate?

The DEPUTY SPEAKER: It is up to the Minister for Health if she wishes to answer.

The Hon. L. STEVENS: This is a clear responsibility of the federal government.

The Hon. I.F. Evans: Do you support it? Do you?

The DEPUTY SPEAKER: Order! The member for Davenport has asked a supplementary question. The minister can provide an answer if she chooses, but she is indicating that it is a federal responsibility.

The Hon. L. STEVENS: It is a responsibility of the federal government but, I might say—and I would like the member for Davenport to listen and give me an opportunity to answer his question—that, in the 12 months before the signing of the Australian Health Care Agreement, health ministers from around the country examined a number of areas—

An honourable member interjecting:

The DEPUTY SPEAKER: The chair is waiting for you to listen. The minister.

The Hon. L. STEVENS: In the 12 months before the signing of the Australian Health Care Agreement, health ministers from around the country, including the former federal minister for health, looked at a range of reforms required to address the challenges of health care in Australia. One of those was in relation to private health insurance, and the position put by all health ministers was that the rebate needed to be more fairly administered and address a whole range of issues presently not addressed. Those clear recommendations were put to the federal minister as part of a set of reforms that all health ministers across Australia contributed to but, when the final signing of the Australian Health Care Agreement occurred, the federal government pushed them all aside and refused to address the reform issues.

PORT RIVER BRIDGES

Mr WILLIAMS (MacKillop): My question is to the Minister for Transport. What toll charges will apply to different classes of vehicles using the proposed opening Port River bridges?

The Hon. P.L. WHITE (Minister for Transport): I will seek an answer from my department and come back to the house on that one.

VICTIMS OF CRIME COORDINATOR

Mrs GERAGHTY (Torrens): Will the Attorney-General inform the house about the appointment of the Victims of Crime Coordinator?

The Hon. M.J. ATKINSON (Attorney-General): It is correct that Her Excellency the Governor appointed Mr Michael O'Connell as the Victims of Crime Coordinator, and I note that the house approves the choice. By virtue of section 16 of the Victims of Crime Act 2001 Her Excellency can appoint a suitable person to be Victims of Crime Coordinator. The coordinator advises the Attorney-General on how the government might make best use of its resources to assist victims of crime. The Attorney-General can ask the coordinator to undertake other functions so long as those functions are consistent with the Victims of Crime Act. Mr O'Connell appears on radio from time to time to explain our law and practices regarding victims of crime, and he did an outstanding job this morning on ABC Radio 891 when we were discussing the contrast between the government and the opposition positions on victims of crime payments and compensation generally for Mr Geoffrey Williams.

I am pleased to say that Michael O'Connell, who is known to some members on both sides of the house, was appointed for a term of five years effective from 18 March. Mr O'Connell has served in the position of Victims of Crime Coordinator for the past three years, having been appointed by the Olsen Liberal government under the Constitution Act. He served for more than 20 years as a police officer, and has experience as an operational officer responding to victims in times of crisis. In 1989 he became our state's first victim impact statement coordinator and while in that position he successfully argued for victims to be given the right to prepare their own victim impact statements. Indeed, Mr O'Connell had to rely on the then shadow attorney-general and the then opposition to get through a proposition to allow victims of crime to read their own victim impact

statements in court because, of course, the Liberal government opposed that measure. In 1998 he was seconded to the—

The Hon. D.C. Kotz interjecting:

The DEPUTY SPEAKER: Order! The member for Newland is out of order. The Attorney has the call.

The Hon. M.J. ATKINSON: In 1998 he was seconded to the Attorney-General's Department and, amongst other things, co-wrote the review of victims of crime. He was due to return to the police in 2001 when the Hon. Trevor Griffin of blessed memory, then attorney-general, recommended that he be appointed the Victims of Crime coordinator for three years.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: No, Trevor Griffin is not dead, but his legacy goes marching on for the opposition. During those three years, Mr O'Connell has worked with the former Liberal government on the Victims of Crime Act and with the current government on its pro-victim legislative reforms, including the sentencing guideline legislation and the proposed changes to the parole law. Mr O'Connell has overseen the expansion of victim support services into the regions of our state, and I must give credit where credit is due to the previous Liberal government for that initiative

Mr Brindal: Are you suffering from talk-back deprivation syndrome?

The DEPUTY SPEAKER: Order! The member for Unley often takes points of order but, often, he does not uphold the standing orders himself.

The Hon. M.J. ATKINSON: In response to the member for Unley, I was on talk-back twice last night.

The DEPUTY SPEAKER: Order! Attorney, there is no response to the member for Unley because he is out of order.

The Hon. M.J. ATKINSON: Unlike the shadow attorney-general, I was able to answer the question whether there was a moral obligation on the Nemer family to pay compensation to newspaperman Mr Geoffrey Williams. The shadow attorney-general was unable to answer that question. Mr O'Connell has been a strong advocate for compensating the victims of the Bali bombings, something which I have agreed to do and which makes South Australia the only place to do so. It seems to me fitting that Mr O'Connell should be the first person appointed by Her Excellency under the Victims of Crime Act as the Victims of Crime Coordinator. I congratulate Mr O'Connell on his appointment. I am sure that members on both sides wish him well in his efforts over the next five years to advance the cause of victims of crime in South Australia.

RAILWAYS, SALISBURY LEVEL CROSSING

The Hon. M.R. BUCKBY (Light): Will the Minister for Transport advise the house what action has been taken to rectify the problems with the red-light cameras at the Salisbury rail crossing, and will the minister inform the house why there was a breakdown in communications between her and her department in informing her of this problem? On Sunday 14 March 2004, following investigations, *The Sunday Mail* reported that the red-light cameras at the Salisbury rail crossing had not been detecting offenders since they were first installed on 14 December 2003. Statistics showed that over 500 drivers had been detected running red lights and speeding but none had received a fine.

The Hon. P.L. WHITE (Minister for Transport): On Friday 12 March (I think that is the right date), one week after I became the Minister for Transport, I was alerted to the fact that there was a difficulty with the red-light cameras at the Salisbury interchange. As soon as I heard about that, I instructed the department to fix the problem immediately and, by the Monday, those cameras had been replaced. I also asked the chief executive of my department to ensure that processes be put in place to make sure that a similar situation could not happen again.

The Hon. M.R. BUCKBY: As a supplementary question, will the minister advise the house whether she is aware of the problem with the original cameras? Has she been advised why they did not function?

The Hon. P.L. WHITE: Advice I received from my department was that there was a technical difficulty with the digital camera. It was not working properly. I understand that the camera was returned to the manufacturer interstate to be repaired, and it was. I am not entirely sure, but I believe the camera has now been returned and will be trialled, if that has not already happened, at another location.

ANANGU PITJANTJATJARA LANDS

Mr SNELLING (Playford): Has the Deputy Premier received any advice concerning the allegations made by the Leader of the Opposition that the Department of Treasury and Finance had blocked funding approvals for petrol sniffing programs on the Anangu Pitjantjatjara lands?

The Hon. K.O. FOLEY (Deputy Premier): I said that I would attempt to get the answer to the question before the end of question time, and it is a pity that the Leader is not present in the chamber. Being the cautious Treasurer that I am, I sought advice, but of course the allegations were wrong, wrong, wrong. I am advised via my staff from the Under Treasurer that funding was appropriated as part of the 2003-04 budget for a series of initiatives for the Anangu Pitjantjatjara lands. This funding was applied to a number of government agencies, including the Department of Human Services. There was discussion at senior management council about the administration of this funding. I am advised that it was agreed that some of the Department of Human Services funding would be transferred to the Department of Aboriginal Affairs and Reconciliation. I am advised also by the Under Treasurer that this occurred in the latter half of 2003. I am advised that since this time the responsibility for that funding has been with the Department of Aboriginal Affairs and Reconciliation.

The Under Treasurer advises me that the Department of Treasury's involvement ceased after the appropriation was provided at budget time. I am happy to take collective responsibility for errors in government agencies, but the allegation or inference that Treasury or I were the secret blockers of this money all the way along was absolutely wrong. We see this as a tactic time and again by the opposition: throw any old silly allegation out there, see if a little bit of mud will stick and let us hope it does, from the opposition's viewpoint. In this case it is wrong, wrong, wrong.

As to the other part of the fishing exercise, the question related to when I was first advised of Crown Law concerns over the validity of the AP executive. I am advised that cabinet was made aware of Crown Law concerns regarding the validity of the AP executive and a cabinet note in mid-February of this year. I am advised also that that was when we were made aware of it.

An honourable member interjecting:

The Hon. K.O. FOLEY: Mid-February of this year. It is not earth shattering advice, but again I appeal to the opposition, as this is a matter on which easy politics can be played and on which easy shots can be taken at government, at me and at many people. To be fair, the opposition is also taking shots at itself after its eight years of inaction. I appeal to the opposition: if there is anything you want to know about this matter we will make officers, myself, the Minister for Aboriginal Affairs or anyone available to give you a briefing and to keep you fully informed on anything you want to know. There is nothing to be hidden. But it does not do the people of the AP lands, the most important people in question here, any service for the opposition to be playing politics with this issue. I simply say that, after eight years of Liberal errors and inaction, and errors on this side of the house in the past two years, none of us have anything to be proud of. Let us accept that and do the decent thing, depoliticise this, put politics aside and try to save the lives of some young people in the AP lands.

GAWLER POLICE STATION

The Hon. M.R. BUCKBY (Light): My question is to the Premier. Given the assurance to the people of Gawler in the government advertisement in *The Bunyip* newspaper that tenders are about to be let for the Gawler police station, will the Treasurer give an assurance that the station will be built regardless of whether or not the PPP proposal is adopted?

The Hon. K.O. FOLEY (Minister for Police): That is not a bad question. He asked a question of the Premier and then asked whether I would give the assurance, unless I have misheard something.

The Hon. M.D. Rann interjecting:

The Hon. K.O. FOLEY: No, you're safe. The truth of the exercise is that a PPP process is being followed. The scoping work and the business case showed that there was good value for money and good value for taxpayers. We think this PPP will certainly fly, and we expect tenders to be let in the not too distant future.

An honourable member interjecting:

The Hon. K.O. FOLEY: Will I build a police station that they could not and would not? This government will build a police station in the Liberal electorate of Light, something which the Liberal Government and the former minister were incapable of doing. Clearly, the member for Mawson was never serious about building a police station in Gawler—that is quite obvious. He had no intention whatsoever of building a police station.

Mr Brokenshire interjecting:

The Hon. K.O. FOLEY: 'Bull' what, sorry? We are proud that we are building a police station in the Liberal electorate of Light, as we are in the Liberal electorates of Finniss, Flinders and Kavel. Crikey, you lot will be on to me for building them all in Liberal electorates and none in our own. That is the sort of government we are. We do not play politics with police; we do not play politics with government money. If there is a need for a police station in an electorate and if it is a Liberal electorate, we will build it, because we will not be driven by any political agenda, unlike the government that served this state prior to us.

Mr Goldsworthy interjecting:

The DEPUTY SPEAKER: The member for Kavel will come to order! Perhaps we could have a police station on wheels and then everyone could have one.

Members interjecting:

The DEPUTY SPEAKER: The house will come to order! The member for Unley.

MATTER OF PRIVILEGE

Mr BRINDAL (Unley): I seek leave to make a personal explanation and to give notice of a motion.

Leave granted.

Mr BRINDAL: I apologise to you, Mr Deputy Speaker, for the form in which I addressed the remark and, in accordance with your instruction, I give notice that on 5 May 2004—

The Hon. M.J. Atkinson: The fifth of what?

Mr BRINDAL: 5 May 2004. It is a private member's motion. I will move that—

The Hon. M.J. ATKINSON: Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: Order! Before calling the Attorney, the member for Unley indicated that he was in error in the way in which he raised this matter. It is quite inappropriate to raise the matter of misleading by way of an interjection, so I take it that he is apologising for that and he is now proceeding with giving a notice of a motion. The Attorney has a point of order.

The Hon. M.J. ATKINSON: Yes, sir. My point of order is that during question time the member for Unley by way of point of order accused the minister of deliberately misleading the house. There could not be a more serious allegation—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.J. ATKINSON: —against a member of the house.

Mr Williams interjecting:

The DEPUTY SPEAKER: The member for McKillop will come to order! It is a very serious matter to accuse or allege that someone has misled, which is a euphemism for lying.

The Hon. M.J. ATKINSON: The member for Unley refused to apologise or withdraw.

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: No, for the imputation on the minister, and then he says that he will move a motion on 5 May, at which time we can debate the merits of this grave allegation. He may as well move it for the 12th of never.

The Hon. R.G. KERIN: Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: Order! This has gone beyond a point of order, and the Attorney is debating the matter. There is an issue here, and it should apply to everyone on the question of fairness when an allegation is made—and it is a very serious one—that is, under our system, you are innocent until proven—

Members interjecting:

The DEPUTY SPEAKER: Order! It is a very serious allegation, which under the proposal will hang over the head of the person accused for a very long period. In making his point of order, I guess the Attorney was commenting on that point. It is in the hands of the house whether or not it accepts that timing, and it is up to the house and not the chair to rule when a matter is dealt with.

Mr BRINDAL: Mr Deputy Speaker, to assist the house, I unreservedly apologise, as you instructed me, for accusing any member of misleading under a standing order by answering a question. You said today, sir, as follows:

The member for Unley should withdraw the allegation unless he is prepared to follow it up with a substantive motion.

In accordance with standing orders, I will now seek, on the next available private members' day, which is 5 May, to move as follows:

That, in her answer to a question in this house on 31 March and, in accordance with the rulings of Mr Speaker Lewis, the Minister for Employment, Training and Further Education is, by a deliberate error of omission, guilty of a contempt of this parliament and is censured accordingly.

Members interjecting:

The DEPUTY SPEAKER: Order! The member has the right to give notice, but he should also be prepared to move by way of substantive motion. It is up to the house, but the chair's view is that to wait until 5 May is an unfair imposition on the person accused of misleading the house. I am sure the house and the managers could organise that this matter be dealt with tomorrow.

Mr BRINDAL: If it is the house's will that it be done tomorrow, it can be done tomorrow. I am entitled to move when I like, and I move for 5 May.

An honourable member interjecting:

Mr BRINDAL: I don't want to do it now; I want to assemble the facts.

The Hon. K.O. Foley interjecting:

The DEPUTY SPEAKER: Order! The Deputy Premier is out of order. I do not believe that adequately addresses this very serious matter. I ask the member for Unley to consider amending his notice to deal with the matter tomorrow.

Mr Brindal interjecting:

The DEPUTY SPEAKER: The member for Unley has indicated that his notice of motion relates to tomorrow.

The Hon. DEAN BROWN: Mr Deputy Speaker, I can recall rulings in this house by a Speaker who would not even accept a vote of no confidence for the next day and who insisted that it must be the following week. It is up to the mover of the motion to decide when that motion is moved.

Members interjecting:

The DEPUTY SPEAKER: Order! The key point is that the allegation should not be made unless the person making the allegation is prepared to move immediately. Otherwise, we will have a situation where someone can give notice that next year they will have a motion debated relating to an allegation of misleading the house. There is an old saying: 'Justice delayed is justice denied.' I take it that the member for Unley is now happy to have the matter dealt with tomorrow.

Mr BRINDAL: Yes, that will do.

The DEPUTY SPEAKER: Order! So, that is the notice of motion moved by the member for Unley.

PRIVILEGES COMMITTEE

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

That the Privileges Committee have leave to sit during the sittings of the house today.

Motion carried.

GRIEVANCE DEBATE

DRUG AND PETROL SNIFFING PROGRAMS

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to take up the issue of the approval of funds for the drug and petrol sniffing programs, particularly in the APY lands, and the way in which it has been handled by this government over the last two to three weeks. Approximately two weeks ago, the Deputy Premier and Treasurer was casting the machine gun around, trying to blame those involved in the APY Council and lay the responsibility for the delays entirely with the APY people and administrators. In doing that, he claimed that therefore the AP Council would be removed and an administrator put in its place. It was then revealed that Jim Birch, the Chief Executive Officer of the Department of Human Services, had indicated in a letter that the APY Council Allocation Committee had forwarded to the government in November last year advice on the recommendations of the petrol sniffing program and how the funds should be allocated. So, the APY Council Allocation Committee had signed off on those moneys back in November last year.

I have been informed in the last 24 hours that the Department of Human Services was ready to run with its petrol sniffing program in November last year. That program was to be a recreational program over the very important period of Christmas and the school holidays. The significance of this is that, when these children come out of school for the long school holidays, they have very little in the way of activities in which to be involved. So, it was important that these recreational programs be put in place over the Christmas period and the school holidays, but that did not happen. Why? Because senior bureaucrats in Adelaide were holding up the approval for those programs to go ahead. We then find that in the first two weeks of March four people died and a further eight attempted to commit suicide.

As the minister in another place has stated, the police officers had revealed this alarming fact in the first two weeks of March. Funds had been allocated in the budget in May/June last year; the APY Council Allocation Committee had signed off on these programs in November; and then we had this incredible delay over this very important period when the children who are likely to be involved in petrol sniffing have no other activities and this recreational program was stalled because of delays in Adelaide at a senior bureaucratic level.

It is time that we found out who delayed the approvals for these programs. Quite clearly, it rests somewhere between the very top echelons of the Department of Human Services and the Department for Aboriginal Affairs, senior Treasury officials and possibly even Crown Law officials, because they may have disputed the powers of the APY Council. It is unsatisfactory for the Deputy Premier to try to point the finger at the Aboriginal community in the north-west of the state when the problem lies at the most senior bureaucratic levels in Adelaide. Why have these people not been named? The Deputy Premier claimed on Tuesday last week that he would identify where the delays occurred. It is almost two weeks later and we are getting towards the end of the sitting week and they have not yet been identified. That is unsatisfactory. One can only come to the conclusion that this government loves the rhetoric in terms of trying to point the finger at other people. They have created a culture of blaming

others and not accepting any blame for themselves. The blame lies entirely with them. If the Deputy Premier feels strongly about this, he should stand up and accept the blame for the delays which caused the five deaths and eight suicides that have occurred—

Time expired.

PNEUMOCOCCAL DISEASE

Ms RANKINE (Wright): On 23 February I reported to this house that nine children here in South Australia had contracted pneumococcal disease since the start of this year. Today I want to report that another eight cases have occurred since that time. So, in the first three months of this year until 28 March, we have had 17 cases of pneumococcal in three-year-olds and under. Indeed, there have been four babies of less than one year old that have contracted this disease, seven one-year-olds, four two-year-olds and two three-year-olds. There have been five cases in rural South Australia and 12 in the metropolitan area. Only a couple of weeks ago I spoke with two families whose children last year had contracted pneumococcal disease. It was very clear that, in the main, parents are unaware of this disease and that parents are unaware of the consequences. One family said to me that they felt relieved when the doctors told them their little boy had pneumococcal until they were made fully aware of the consequences.

Many are unaware that a vaccine is available and, if they do know, the exorbitant cost of this vaccine, which can be up to $600, is a real factor in families being able to afford it. They are unaware that the federal government has consistently refused to fully fund the vaccine as recommended by their own technical advisory group on vaccinations. I have told this house that I have contacted many childcare centres around this state and, indeed, I have had petitions returned to my office from 93 centres around South Australia. I have written to members of parliament around the nation and I have had supportive responses from all parties: from the Australian Democrats, the National Party, the Greens and the ALP, and also some supportive comments from Liberal members of parliament, both state and federal.

I will quote a couple of the responses to the house, so it has some of the flavour of the responses that have been coming into me. The federal member for Rankin, Craig Emerson wrote: 'This has been an important issue in the electorate of Rankine with considerable activity.' He is presenting a petition of 2 000 signatures. Lawrence Springborg, the National Party Leader of the Opposition in Queensland, wrote: 'Given the importance of this issue, I have written directly to the commonwealth Minister for Health, asking that this decision be reconsidered as a matter of urgency.' From federal parliament, Julie Bishop, the federal Liberal member for Curtin and Minister for Ageing wrote: 'I recently raised this very important subject with the Minister for Health and Ageing, the Hon. Tony Abbott, requesting that serious deliberations be given to this matter.' Brendan Nelson wrote to me, saying, 'I have been advised that at present, a recommendation for the introduction of a universal childhood pneumococcal conjugate vaccination program, under the National Immunisation Program, is currently being considered by the Australian government.'

Why are we waiting? While we wait for the federal government to make up their minds about what they are going to do, our babies here in South Australia and across the nation are being struck down by this devastating disease. I recently visited Port Lincoln in my travels and only a couple of weeks ago, the father of a little child whom I met in Port Lincoln phoned me quite distraught, because the next door neighbour's child had been rushed to the Women's and Children's Hospital with pneumococcal. He asked me what his local federal member was doing. I told him that I had written to him. I have since received a response from Barry Wakelin, the member for Grey, and I have to say I was astounded. Mr Wakelin's response was two sentences, one thanking me for my correspondence. The second sentence reads:

> Can I suggest you raise your concerns with the commonwealth health minister, the Hon. Tony Abbott MP. Yours sincerely, Barry Wakelin.

Really and truly, this is the sort of representation we are getting from our federal Liberal members of parliament when children in their own electorates are being struck down by this disease and being permanently disabled. It is an absolute disgrace. One of the federal members even wrote back to me questioning whether we had the bipartisan support that this parliament has so kindly given.

Time expired.

LIVE EXPORTS

Mr VENNING (Schubert): I welcomed the announcement yesterday that has resolved the problem that South Australia was facing regarding the Keniry Review into the livestock exports here in South Australia, particularly the threat to Port Adelaide and, indeed, South Australia. It is reported that the federal minister, the Hon. Warren Truss, has finally released his department's response to the Keniry report into Australia's billion-dollar live export industry. Included in the government's $12 million package is retention of the ports of Portland and Adelaide for 12 months of the year, rejecting the Keniry review's recommendation for a six-month shutdown during winter at both those ports.

The federal government will also impose a new research and development levy on the industry on top of the existing Cormo levy. Vets will be placed on all ships and at end port destinations, while holding facilities will be established at importing countries in the event of a shipment being rejected. Agriculture department officials will also conduct snap inspections of feedlots and export ships. Mr Truss announced that new penalties will be imposed on the whole live export supply chain, meaning that feedlots, exporters and board members of associated companies will be banned from the trade if they breach the new protocols.

The federal agriculture minister says that the Australian Quarantine and Inspection Service will also take direct control of issuing live export licences. The federal government will take complete control of the existing trade and will take responsibility for licensing exporters. They will expect them to meet the standards that will be outlined in the new code of practice that will be referenced in this legislation.

I welcome this announcement, coming as it does after my question in this place some weeks ago and also my representations to the federal minister and to my federal and state colleagues. Most importantly, I pay tribute to all those in my electorate and others who answered the call: they got on the phone, and they wrote letters to all those in authority, particularly the federal minister, state ministers and our federal members of parliament.

The proposed closure of the port of Adelaide to the live sheep trade would have had disastrous effects and very serious consequences for us here in South Australia—not just

to farmers who own the sheep but also to those who supply the services, particularly the feed producers, the transport operators, the wharf workers, and of course the port operators.

This is a victory for them all, particularly Johnsons of Kapunda, who employ more than 60 people. It was Johnsons and their supporters, and indeed all those who rely on them to buy their hay and grain, who had led the charge in this matter. To Dennis Johnson and his staff at Johnsons, I say, 'Well done!' Your successes continue. I am pleased that the federal minister agreed with us that Adelaide should not be closed for six months a year.

I could not believe that report of the Keniry inquiry. I do not know what the logic was behind it because the port of Portland is a lot further south than Adelaide. In fact, Adelaide is very similar to Perth, so why was Perth going to be allowed to remain open under the recommendations but the port of Adelaide was not. Certainly, as a result of the Cormo Express incident, things needed to be tidied up and thanks to the federal government's announcement they obviously are going to be cleaned up.

But I will stand in support of our export live sheep industry because it is the only avenue for many of our aged sheep. As the member for Morphett, who is a veterinarian, would know, these are old sheep and their lives are practically finished. There is no other outlet for them, and they go on ships to other countries.

I will also say that I was very concerned at the TV program *60 Minutes* the other night: if that was not a beat-up of the situation, I do not know what is. It was disgusting. I thought the whole thing was a beat-up, and they portrayed the industry in a very poor light. Too many people have too much to say and are not being responsible. We saw mulesing operations on the TV. Well, all I can say is that mulesing is not a pretty sight and it is painful for the sheep. But it is a lot better than the sheep suffering from fly strike, and that is what the alternative is. I welcome this—it is a victory all round—and again, 10 points to Johnsons and long may the trade continue.

HOUSING TRUST TENANTS

Mr SNELLING (Playford): As a local member of parliament, probably the greatest number of constituent complaints I receive relate to disruptive Housing Trust tenants. At the time, I welcomed the establishment of the Statutory Authorities Review Committee's inquiry into disruptive Housing Trust tenants, and I welcomed its report when it was delivered. I think that it is an excellent report, and today I rise to welcome the government's response to that report. I note that, of the 33 recommendations made by the inquiry, 24 recommendations have been supported, four are under consideration and five come under the jurisdiction of the Attorney-General and the Residential Tenancies Act.

Those five recommendations are being considered by a working party, which is looking at overhauling that act. I will quickly run through some of the recommendations that the government has looked into. Recommendation 6 states:

> The trust ensure eviction is pursued by staff in strict accordance with its stated policy.

This recommendation has been accepted. Recommendation 7 states:

> Difficulty in gaining eviction for disruption should not be a factor in determining whether the trust should seek eviction when it believes that eviction is warranted on the basis of a tenant's behaviour.

That was an excellent recommendation, which the government has accepted. It is important that the trust pursue evictions and does not try to second guess a decision of the tribunal. Recommendation 8 states:

> The trust should play a more proactive role in tribunal hearings initiated by neighbours by providing all relevant information available to it to the tribunal member as a matter of policy in tribunal hearings.

Increasingly, I am recommending that my constituents lodge an application for eviction (I cannot remember the exact schedule) when they have a complaint. It is very important that, when pursuing that course of action, they have the active cooperation of the trust.

A couple of the more contentious recommendations include recommendation 18, which states:

> The act be amended to allow more enforcement options in section 90 hearings, such as the ability for the trust or the Residential Tenancies Tribunal to issue antisocial behaviour orders.

This recommendation, because it falls under the act, is being considered by the Attorney-General. Antisocial behaviour orders would be another weapon in the armoury in combating these tenants that make life miserable not just for their neighbours but for the whole street. Recommendation 21 states:

> The act be amended to permit the trust to implement a three-strikes policy.

Again, this recommendation comes under the auspices of the Attorney-General, and it is being investigated. But that is not, perhaps, as straightforward as it seems. One would have to establish what constituted a 'strike', which is not as easy as it appears on the surface. However, I think that it is a good starting point, even if it has to be refined, because I see disruptive tenants in my electorate who get warned over and again. They are simply moved from one house to another. They smash up the house. They are then moved to either a brand new or renovated house, which they smash up. They make life hell for their neighbours. I think that this three-strikes policy has a lot going for it. I look forward to the report of the working party that is looking into the Residential Tenancies Act.

Time expired.

ANANGU PITJANTJATJARA LANDS

Dr McFETRIDGE (Morphett): I am a member of the Aboriginal Lands Parliamentary Standing Committee, and I stand in this place to say that if, as a member of that committee and as a member of parliament, I cannot do something to change the desperate plight of the Anangu Pitjantjatjara people whilst I am in this place I will leave this place and grieve for the rest of my life. If we do not start going forward, acting in a bipartisan way, we will do absolutely nothing. I am just absolutely staggered at the desperate plight of the Anangu Pitjantjatjara people being used as a political football.

The member for Giles is a member of the committee. If members on both sides of this house and the federal Leader of the Opposition were to take a leaf out of the book of this committee, they would see that we are focused in terms of talking to the groups and to the people who are most affected. We are focused on going forward. Just this morning, in fact, the standing committee heard from representatives of the Aboriginal Lands Trust that the Department of Aboriginal

Affairs and Reconciliation is investigating the trust. However, when members of the committee asked the representatives of the lands trust why they were being investigated and who was doing it, they said that they did not know why it was being done.

Someone in DAAR said, 'We don't know why we're doing it but we have to do it.' There has been a complete breakdown of the bureaucratic network. It is a bureaucratic balls-up, and it has been for the last 30 or 40 years in this place. We must all take responsibility. The federal Leader of the Opposition has not helped by not consulting with ATSIC and Aboriginal communities and just saying that he is going to abandon ATSIC. Yesterday the Leader of the Opposition in the federal parliament, Mark Latham, said:

> A Labor government would abolish Australia's peak indigenous body ATSIC (Aboriginal and Torres Strait Islander Commission).

Mr Latham also said:

> The executive agency of the Aboriginal and Torres Strait Islander Services (ATSIS) would also be abolished.

Mr Latham would then refer Aboriginal affairs to the Coalition of Australian Governments (COAG). That should be 'COAGulate', because what will happen is that Aboriginal affairs will stagnate. It will coagulate, block up and choke on bureaucracy. Mr Latham said that he would create a new national indigenous group, which would release funding for the body. He said that Labor would create a new directly elected national indigenous organisation, which would have responsibility for providing independent policy, research, advocacy, delivering policy, advice and monitoring policy outcomes.

This sounds like ATSIC and ATSIS. Mr Latham is going to create ATSIC and ATSIS Mark II. Well, the federal government already is a long way through talking to and consulting with the groups. It is not saying that it is going to disband the groups. Unfortunately, our Deputy Premier jumped the gun as well. He did not talk to the people first and, oops, he had to go back and correct his stance. That really has not done anyone any good. It has not made us look good as members of this parliament. Certainly, all it has done is break down the already tenuous communication lines we have with the various Aboriginal communities in South Australia.

The Dunstan report was provided to, I think, the then minister for aboriginal affairs (the present Premier) in 1989. This report was prepared by Don Dunstan, a former premier, who was commissioned by the then government to look into Aboriginal affairs and community government for Aboriginal communities. The Dunstan report made some very telling points. The only problem is that the report is dated July 1989. The Deputy Premier said today that he wants to stand up and take responsibility. We must all take responsibility. The Premier and members on this side of the house must take responsibility. We must all get together and move forward. In his report, Mr Dunstan said:

> Aboriginal communities work best when decisions are made locally. If decisions come from afar Aborigines tend to feel neither involved nor responsible. Representative institutions have, from time to time, been devised for Aborigines by Europeans who apply European concepts to the management of Aboriginal people.

There must be self-government. There must be a form of reconciliation with Aboriginal communities so that we allow them to go forward. We must communicate with them and not try to be Uncle Tom and tell them, 'We know what is best for you.' We cannot take our form of white attitudes and put them into Aboriginal communities. It has not worked in the past and it will not work in future. I ask all members of this place to focus on where we want to be and where the victims of the situation—the Anangu Pitjantjatjara people—want to be in another 30 years' time.

MORGAN-WHYALLA PIPELINE

Ms BREUER (Giles): I endorse wholeheartedly the latter comments of the member for Morphett. He, like I, is very concerned about the situation at the moment and we both have at heart the young people in those communities, and it is important that we try to be bipartisan in this and stop playing games as we are talking about people's lives.

I will talk today about a very important anniversary for the community of Whyalla, the 60th (diamond) anniversary of the Morgan-Whyalla pipeline. The minister spoke of this today and mentioned that it was 60 years ago that what was described at the time as a major feat of engineering was completed. As a person from Whyalla I am very aware of how important the pipeline has been to us over the years. We would not have survived as a community if it were not for this pipeline. The minister said that I did a lot about water in our community. There is not much water in our community apart from the Morgan-Whyalla pipeline.

It took four years to build, with a distance of 356 kilometres. I was pleased recently with the announcement by SA Water of the water treatment plant in Whyalla, which would treat our sewerage water. That water would then be able to go back into our community, particularly into the council gardens, and be reused. It was amazing that they pumped the water 356 kilometres and then just pumped it out to sea when we had finished with it, which was of detriment to the environment and to the sea and of no use to anyone. I am pleased that they are now re-treating that water and I see that in future we will re-treat most of our water in Whyalla, which will be very good.

I have fond memories of the pipeline. I cannot remember back to when it was built, but as a child I remember going out to the bush to the pipeline. I would climb up on it and sit astride it. I looked at it the other day and thought: I don't think I'd get up there any more, but I will give it a try one day. To sit there and hear that water rushing through the pipeline was quite an amazing experience, especially knowing that it had travelled all that way. I wonder whether we would still do the same thing if Whyalla was established now. It is interesting that Roxby Downs was established in the middle of the desert with no water and they had to find water for it. We have a whole new community there, where the water comes from the Great Artesian Basin.

The little community of Andamooka nearby desperately needs a pipeline to come through from Roxby Downs, as I keep requesting, to take water into the community. They are still carting their water by truck from Roxby Downs. They also need an allocation for themselves and not get just what Western Mining gives them, which I am sure they will not stop doing. But there is always a fear that, if something happened and Western Mining stopped their water supply, they would be in serious trouble. We need to seriously look at that, and I have spoken to the minister about it in the past. Another area of the state, Glendambo, has huge water problems at the moment because the water that comes out of the ground is so saline; it is a real issue for them. Water for outback communities is something we need to look at in 2004 as we have to do something more for those communities and find them water.

I was interested in an article from the local Whyalla paper. Mr Mick Raymond, a well-known Whyalla identity, had some comments to make about the pipeline. He remembers when the pipeline was finished, as he went to Whyalla in the late 1930s. He and all his family came from Kadina, with which the member for Goyder is familiar. He remembers the days before the pipeline when water from the hulls of visiting ships were sold to households by the gallon. It was sent out to people. In 1839 they surveyed Whyalla for water but were not able to find any apart from a few little water soaks. So, they had to buy water from visiting ships and take it around in trucks. It was something like two shillings per 200 gallons—20 cents per 1 000 litres at the time. They also tried to get water from elsewhere, but it was very brackish and was not able to be used.

This pipeline for us enabled Whyalla to take off. It was then a small community that shipped out iron ore. Then the blast furnace was built and in later years they were able to build the shipyard and the steel making site followed. Whyalla has contributed an incredible amount to the South Australian economy over the years and to the community itself, and we could not have done that without the Morgan-Whyalla pipeline.

CONSTITUTION (OATH OF ALLEGIANCE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 922.)

Mr HANNA (Mitchell): I remind members that the purpose of this bill is to give a more meaningful oath for members to take, namely, that they would faithfully serve the people of South Australia and advance their welfare and the peace, order and good government of the state. Members could either swear to that or affirm it. Sir, I draw your attention to the state of the house.

The SPEAKER: Order! In an abundance of caution, I tell members that, as this proposed change is an amendment to the Constitution (Oath of Allegiance) Act, we have sought to have a majority of members present in the house when the vote is to be taken, and more particularly an absolute majority of all members to pass the motion will be required. I put the question. There being no dissentient voice, the motion is passed by an absolute majority.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. J.D. LOMAX-SMITH: I move:

Page 2, after line 10, to insert—

(a1) Section 42(1)—delete 'the following oath' and substitute—

one of the following oaths (at the option of the member)

I will explain the purpose of the amendment. Whilst I respect the member for Mitchell's view that he would prefer not to say the words 'do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth, the sovereign, her heirs and successors, according to law, so help me God', and would like to have words that relate to swearing that 'I faithfully serve the people of South Australia and advance their welfare and the peace, order and good government of the state, so help me God', it is a divisive issue, and I understand that, if one looks at the debate over the monarchy and the republic recently, one sees that it was a fairly divisive argument and debate.

There are people in this house and the other house who feel very strongly about this matter. It is most unlikely that we could reach an amicable consensus, but in the spirit of some conciliation I think it would be appropriate to give members a choice. So, the purpose of this amendment to section 42(1) is essentially to substitute 'the following oath' (which is the suggestion of the member for Mitchell) with 'one of the following oaths', and therefore allow either of the versions that have been suggested to be used. In that way, we might be able to reach a consensus so that each member of this house would have the capacity to swear allegiance in a way that they found comfortable.

Progress reported; committee to sit again.

AUSTRALIAN CRIME COMMISSION (SOUTH AUSTRALIA) BILL

Returned from the Legislative Council without any amendment.

SUPPLY BILL

The Hon. K.O. FOLEY (Deputy Premier) obtained leave and introduced a bill for an act for the appropriation of money from the Consolidated Account for the financial year ending 30 June 2005. Read a first time.

The Hon. K.O. FOLEY: 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.

This year the government will introduce the 2004-05 budget on 27 May 2004.

A Supply Bill will be necessary for the first few months of the 2004-05 financial year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this bill is $1 500 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $1 500 million.

Dr McFETRIDGE secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. K.O. FOLEY (Deputy Premier): I move:

That standing orders be so far suspended as to enable the house to sit beyond midnight.

Motion carried.

NATURAL RESOURCES MANAGEMENT BILL

In committee.

(Continued from 30 March. Page 1819.)

Clause 14.

The Hon. I.F. EVANS: I move:

Page 26, line 32—Delete '1 must be nominated from a panel of 3' and substitute '3 must be nominated from a panel of 6'.

This amendment seeks to increase the representation of the Farmers Federation on the Natural Resources Management Council, thereby having more representatives from rural pursuits on the council. Currently, the NRM Council is made up of nine members, five of whom effectively will be prescribed in the legislation as to where they come from and four will essentially be nominated by the minister. As private landholders own most of the land, we believe they should be better represented on the NRM Council. Therefore, we suggest that, instead of '1 must be nominated from a panel of 3' it should be three must be nominated from the Farmers Federation on a panel of six, with nominations to be submitted to the minister.

The Hon. J.D. HILL: The government does not support this proposition. The composition of the board has been carefully and sensitively arrived at through a long process with advice from a whole range of people. If we were to adopt the member for Davenport's amendment, quite rightly the LGA and the Conservation Council and other groups would say, 'What about us having three persons on it as well?' There is balance in this organisation. The range of interests that are to be addressed are spelt out in subclause (5). They cover a whole range of issues that need to be incorporated in the NRM Council. Clearly, there will be more than one person with a background in farming, just because of the nature of the skills that we will be looking for, but to put into legislation what the member suggests would give one organisation an unbalanced role on this body. This issue was discussed with the Farmers Federation, and they signed off on the body that we have. I am sure they would be happy to have two extra. I understand where the honourable member is coming from in that regard, but we do not accept the amendment.

The Hon. I.F. EVANS: I have other similar amendments in relation to the boards. We see this as a test. If we lose this vote we will not proceed with further amendments in relation to the boards.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 26, lines 34 to 36—Delete paragraph (e) and substitute:

(e) 1 must be a person nominated by the minister on the recommendation of the minister responsible for Aboriginal affairs within the state.

This amendment relates to the nomination of one person on the NRM Council to represent the interests of Aboriginal people. Currently, it is unclear how that person is to be nominated. It provides:

1 must be nominated after the minister has consulted with bodies that, in the opinion of the minister, are suitable to represent the interests of Aboriginal people. . .

It does not actually say who nominates; it just says that one person will be nominated. I think the inference is that the minister might nominate that person, but that is not stated. All the others say something a little different. We believe the correct person to nominate this representative on behalf of the Aboriginal community is the Minister for Aboriginal Affairs. Our amendment simply says that we believe there should be a representative of the Aboriginal community on the council but that the appropriate person to appoint that representative is not this minister after consultation but the Minister for Aboriginal Affairs who has a day-to-day interest in Aboriginal matters.

The Hon. J.D. HILL: The government does not support this amendment. However, I have a similar amendment which I hope will accommodate the point raised by the member. My amendment is to clause 14 page 26, line 35—After 'the opinion of the minister' insert 'after consultation with the minister responsible for Aboriginal affairs.'

The Hon. I.F. Evans: Don't you trust him?

The Hon. J.D. HILL: It is not a matter of trusting or not trusting. This is my responsibility. I will already be consulting with the Minister for Aboriginal Affairs and a whole range of ministers as a result of the member for Chaffey's amendment, so the Minister for Aboriginal Affairs is absolutely in the loop, but the preference is to maintain the authority within my portfolio to go through that process. The difficulty is that, if there was one standard stabilised group of people representing Aboriginal people, we would have indicated that group, but there is no such organisation. I am indicating that I am not accepting that but I am foreshadowing my own amendment.

Mrs MAYWALD: I see the minister's proposed amendment and this amendment as unnecessary, given that we have a provision now that has been accepted by the house, for the designated ministers to be consulted prior to appointment, and the Minister for Aboriginal Affairs and Reconciliation is listed in that.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 26, after line 36—Insert:

(2)(a) A person named on a list submitted by the LGA under subsection (2)(b) must be a member of a council at the time that the list is furnished to the Minister.

This amendment seeks to make sure that the LGA representatives who are nominated to the council are elected representatives, not the CEOs or staff. This seeks to make sure that the person nominated onto the NRM council via the LGA is an elected member of council at the time the lists are furnished to the minister. We are really trying to make sure it is an elected representative who represents local government on the council and not someone who is not elected. That is the only purpose of the amendment.

The Hon. J.D. HILL: The government does not support this amendment. We consulted closely with the LGA in relation to the wording and they support the wording. I do not know if you have had consultations with them, but they have indicated as recently as today, as I understand it, that the form of words that we are putting forward is what they would prefer. It is up to them, then, to choose whether it is an elected official or an appointed official. They may choose to have one or the other, but it is entirely up to them.

The Hon. I.F. EVANS: The way I read it, minister, it does not even have to be an official from council. It can be Freddy Bloggs who is not actually an employee of council. They could nominate anyone they wish within the state, as long as they are on the panel of three.

The Hon. J.D. HILL: The point you make is true, but that is the same for the Conservation Council and the Farmers Federation. It is up to those organisations. I am sure those organisations through their internal processes will work out who best represents them. If it is Freddy Bloggs from wherever you say, and they believe that is the best person, that is their decision. It should not be up to us to tell them how to do it.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 27, line 2—Delete 'a reasonable time' and substitute:

28 days

This seeks to provide a time period of 28 days rather than the words, 'a reasonable time', which is open to interpretation, depending on whom you are talking to. We think the legislation is clearer if you actually stipulate a time. The measure we are talking about here is subclause 14(3) on page 27, line 2, which provides that, if the minister does not receive a submission from a body—which is the LGA, the Conservation Council or the Farmers Federation—within a reasonable time, then the minister can take other action to fill the positions. I remember having an experience with a group nominating positions to the board that went on for four or five months in regard to a position. We just think that a specified time makes it easier for everyone to stand and we do not get into an argument about what is a reasonable or an unreasonable time.

The Hon. J.D. HILL: I have consulted again with the LGA just to confirm what I believe to be the case. It would prefer 'reasonable time'. The time frame of 28 days can be too short for the LGA, given the processes that it goes through. I am not sure about the other bodies who are prescribed, but the LGA was strongly of the view that 'reasonable time' was the preferred period. To me, it is not a matter of moment but, given that we have consulted with the LGA and have agreed on this package, I will maintain the position that I have put in the bill.

The Hon. I.F. EVANS: It is very easy for the minister's office to give them more than 28 days' notice. You can actually write to these organisations saying, 'Be aware that these appointments will come up in three months' time, and I will be writing to you in two months' time, giving you formally 28 days notice.' So, you can actually give them informally three months notice, and then formally give them 28 days notice. It is not a difficult exercise for the minister's office to do. It does make it very clear within the law that, once you have formally notified them, 28 days is the rule. If you leave 'reasonable time' in there, there will be circumstances that will drag on for a long time for whatever purpose. You will get into a crown law argument versus an organisational law argument about what is a 'reasonable time'.

A member organisation like the Farmers Federation will say, 'A reasonable time is three months, because we want to write to every member. We want the regions to nominate all their members, and then we will consider it at a state council meeting and that is going to take us three, four or five months.' They could hold up a minister or the whole process if there was an issue of conflict for some reason. The 28 day rule gets us over that and makes it clear. We strongly support the concept of 28 days, rather than 'reasonable time.'

The Hon. J.D. HILL: I would make two brief points. The first is that, if I were to advertise prior to the thing coming up, I might have a privileges committee called into my behaviour by the parliament (I say this with tongue in cheek). Secondly, the 28 days would seem to be too short for the organisations, given the nature of their structure. I will not support the amendment today, but between this place and the other place I will talk to the organisations such as the LGA to see whether a more specific period of time—it might be 60 days or some other number of days—could be used. So, I will give an undertaking that between this place and the other place I will have some further consultations to see if we can come up with something more specific.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Clause 14, page 27, line 15—After 'areas' insert:
(based on their practical experience in these areas)

The way this clause reads at the moment is that, for the purposes of subclauses (1) and (2), which deal with the composition of the council and who will go on the council, the minister should, as far as reasonably practical in the circumstances—which is not very definitive in itself—at least give consideration to nominating people so as to provide a range of knowledge, skills and experience across the state.

The primary production provision is for primary production or pastoral land management (on the basis of practical experience in these areas). For all the other areas—soil conservation, land management, conservation and biodiversity management, water resource management, business administration, local government and LGA administration, urban and regional planning, etc.—you do not need to have practical experience in the area. It seems bizarre to us that you need to have practical experience in one area of the 10 or 12 areas and not the others. So, our amendment simply brings the 'on the basis of practical experience in these areas' into the top line so that all 12 criteria have to be based on practical experience in those areas, whatever they are—practical experience in local government, soil conservation, business administration, etc. It is simply bringing that into all of that clause—that is all we seek to do.

The Hon. J.D. HILL: Once again, I am afraid that I cannot accept this amendment. The phrase 'on the basis of practical experience in these areas' was particularly requested by the Farmers Federation in relation to primary production or pastoral land management in order that those people who represented those particular skills on the board were practical farmers. In relation to the other areas, there will be a mixture of practical and theoretical skills. For example, if the member's amendment were to go ahead and we have to choose on the basis of practical experience in the area of, say, water resources management and we wanted someone who had particular skills in that area, we would be constrained to choose that person on the basis of their practical skills and not on the basis of their theoretical skills. And it may well be that we want somebody who has those theoretical skills as well as practical skills. Obviously, anyone who knows about these things will have some practical skills, but if you chose only on that basis you would miss out on the theoretical skills. So, while I understand what the member is saying, I believe that the way it is phrased at the moment best suits the needs of the organisation.

The Hon. I.F. EVANS: I do not interpret the clause as does the minister. Under this clause, the minister has to consider nominations 'as far as is reasonably practicable in the circumstances'. That gives you a very broad range of flexibility. You could drive a truck through that and, if you could not get a truck through that clause, the next clause gives you an outlet. It provides 'give consideration'. It does not say 'must': it just provides 'give consideration to nominating persons so as to provide a range of knowledge,' (I think theoretical skills would be a knowledge-based skill) 'skills and experience across the following areas. . . ' We want to add, 'on the basis of practical experience in the areas'. So, it is consideration—

The Hon. J.D. HILL: I have a compromise.

The Hon. I.F. EVANS: I am happy to listen to the minister's compromise.

The Hon. J.D. HILL: It has just been suggested to me that if we put the word 'practical' before 'experience' in (a) that would list it as one of the things that we are looking at and not define all the other things that we are looking for. How would that go? The down side of that, of course, is that it would derogate from the position the Farmers Federation want, which is to specifically have the pastoral and farming interests being on a practical basis. I am happy to have it in both positions; it might be a bit redundant but it emphasises the point that you want to make.

The Hon. I.F. EVANS: If the minister is agreeing to inserting the word 'practical' in front of the word 'experience' in the second line of paragraph (5)(a) so that it reads 'knowledge, skills and practical experience' and leave the rest of the clause as it stands—and I understand he is—then I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: I move:

Page 27, line 15—After 'skills and' insert:
practical

Mr WILLIAMS: I have a question or two to the minister on this. I note that the minister said that he worded subparagraph (5)(a)(i) that way because the Farmers Federation particularly requested that. I also note that he has at least 12 different sets of skills that he would want to be selecting from but that only nine members will be appointed to the council, so either you are going to be looking for multi-skilled people or some of those skills are going to be lacking from the council. From my experience I think that the average practical farmer would have most of the skills that are listed there, but has the minister made any agreement with the Farmers Federation that one or a number of these people will indeed fulfil the condition in subparagraph (a)(i)? That is: 'primary production or pastoral land management (on the basis of practical experience in these areas).'

The Hon. J.D. HILL: The Farmers Federation will nominate three persons, and I assume that they would nominate persons who had practical skills. They may not: they may choose to nominate their general manager, for example. I am not sure whether she has practical skills, but she could well represent the body, I guess. I suppose the first thing that we would have to do would be to find out who from the LGA, the Conservation Council, the Farmers Federation and the Aboriginal community was to be nominated—that is why you have a panel, so that you do not get everyone with the same qualifications—and you would say, 'Well, there is a water person, there is a land person, this person has got business skills' and you build around that. But I am confident that we will get enough coverage for all those areas. That is how we will operate it, and I imagine that we will get a lot of people with practical skills.

Amendment carried.

Mrs MAYWALD: I move:

Page 27, after line 32—Insert new subsection as follows:

(5a) In addition, the Minister must, before finalising his or her nominations for the purposes of this section, consult with the designated ministers.

This is consequential and in addition to the amendments moved previously to enable a consultation process with other ministers who have responsibilities under a range of 10 different portfolios. We have debated this one, the principle has been agreed, and this is to ensure that that consultation occurs prior to the nominations being finalised by the Governor.

The Hon. J.D. HILL: As I indicated previously, this is accepted by the government.

Amendment carried; clause as amended passed.

Clause 15.

The Hon. I.F. EVANS: I move:

Page 28, line 9—Delete '4 years' and substitute:
3 years.

This amendment seeks to bring the term of appointment for the NRM council from four years back to three years. We think that three years is an appropriate length of time, and I think that those of us who have experienced the change in the state political cycle from a three-year to a four-year cycle recognise that four years is a very long period of time to be appointed to a position. We think there is—

An honourable member interjecting:

The Hon. I.F. EVANS: That is exactly the point I make. We think that the term of three years is an appropriate length of time. It gives the council enough time to design and implement its plan. Also, we believe that the three year time frame gives more rotation through the council so that, from time to time, you can get more experiences and different personalities on the council. We would much prefer to see a three year time frame throughout the appointment of all the councils, regions and groups within the bill.

We take this as a test clause. If we lose this then, obviously, we will not proceed with amendments in other areas later in the bill. However, we see no reason for a four-year appointment. We think that the three-year appointment process works well. Local government, from memory, is a three-year process, and that seems to work well—

Ms Ciccarello: They want four.

The Hon. I.F. EVANS: Well, they got three. We think that the local government process shows that the three year time frame is about right. Local government will be handling a lot more money than these boards. Local government can get their plans and everything done, so we do not see an issue with the three-year provision. We are not convinced with the argument to have a four-year provision. We think that three years is adequate. It will rotate all those bodies and, as you rotate them through, you will get a little more experience into the community, and more quickly. We support a three year time frame.

The Hon. J.D. HILL: I have to say that I am totally indifferent as to whether it is a three or four year period. However, advice I have received is that the four year time frame is preferred because the officers on these boards take about a year to familiarise themselves with their role and all the rest of it, and they then have a period of time to get into it. Of course, we would want to have the flexibility so that half the board could be appointed for two years and the other half for four years, so that you can have a rolling set of appointments.

I know that a number of government boards are designed on that basis. In that way you can continually bring in new blood without re-creating the board. As I say, it is not a huge issue for me, but we will stick with what we have in the legislation, which is four years based on the sensible advice I have received.

The Hon. I.F. EVANS: If the minister's intention is to rotate the membership every two years, why is it not in the bill? A future government, when the minister and I are long gone from this place, may not adopt that philosophy. The bill does not say that that will happen. There is no reason under a three-year provision why that membership could not be rotated by making appointments with different time frames; there is nothing there at all. The water catchment boards,

whose representatives give evidence regularly to the all powerful Economic and Finance Committee, have not made that argument to the committee—well, not in the two years that I have been a member of that committee, anyway, and the member for Chaffey has been a member longer than I. Indeed, the member for Stuart has been a member longer than the member for Chaffey.

My understanding is that the water catchment boards have never come to the Economic and Finance Committee and said, 'Our term of appointment is too short. Make it longer. We do not have the experience.' They have not made that argument to the committee, but neither have they said, 'We need a year to get settled in.'

The Hon. J.D. Hill interjecting:

The Hon. I.F. EVANS: Hang on. I do not care whether they are four years. They have not made an argument that they need a year to settle in; they have not made that argument to us. Of course, you, minister, through your state agency and the commonwealth, have the power to appoint officers to sit on the outer of the meeting to ensure that the right information is provided. So, the officers will provide the consistency to the committee with respect to information. I do not accept the argument that it needs to be four years. I see no reason why it cannot be three years.

All of local government can change at a three year point if the electors so decide. You do not suddenly see local government falling over because the elected members have changed, as the officers provide the consistency in administration and information. You do not need a four-year term to provide that: that is provided by the structure around it. If he is not wedded to it, we would ask the minister to support a three-year term.

The Hon. J.D. HILL: I just point out to the honourable member that the clause provides 'up to four years'. I guess that, if it chose to, a future government could appoint people for three years. It gives us some flexibility so that we can better manage these systems. This measure is based on what has happened in the Water Resources Act. That is a four-year term, as the honourable member said. No-one has complained about it being too long or too short, which would indicate to me that it is probably about right.

The Hon. I.F. EVANS: People have complained that some of the members were on for too long.

The Hon. J.D. HILL: So, that is the issue. This legislation will fix up all those concerns.

The Hon. I.F. EVANS: That comment is noted. It is on the *Hansard*, on the record.

The Hon. J.D. HILL: This legislation will go through, and all those boards will be spilled and reconstructed. As I say, we think that four years is reasonable. The water management plans are, I think, a five year planning process. The NRM plans will be a five year planning process. There is an argument, I guess, to put people on for five years so that they can follow a plan through. I guess that some people go on the boards, participate and go off before they ever see a plan developed, which would be a little frustrating for them. On balance, I think that four is the better number.

Mrs MAYWALD: The minister mentioned that the water catchment boards are four years. What are the appointment times for soil conservation boards and the animal and plant and pest control boards?

The Hon. J.D. HILL: I think they vary. Soil, I think, is three years, the Animal and Plant Commission is three years, and the individual boards appear to be yearly, and that explains why I am forever writing letters appointing people to animal and plant boards.

Mr VENNING: I think that this debate has highlighted quite a few principles. This bill, in the first instance, is all about ministerial power and the power of the bureaucracy. If the time frame is four years, the minister could terminate any membership of the board at any time. All members are eligible for reappointment. Again, under this clause, the minister could sack any member of a board after two years. It is quite clear. The clause provides, 'determined by the Governor'. Well, that is the minister. I presume that every two years there will be a turnover. Every two years there will be new blood on the board.

The Hon. J.D. HILL: Overlapping four year terms.

Mr VENNING: Every two years you will have new blood on the boards.

The Hon. J.D. HILL: That is right.

Mr VENNING: And you will sack them when you like. That is how I read 'not exceeding four years'. They are eligible for reappointment. There is no fixed term appointment. They can go as long as they like, as long as they get the minister's approval?

The Hon. J.D. HILL: Let me answer. The maximum amount of time would be four years. My intention would be to have most appointments for four years. The first appointment would be for two years and then, at the end of that two years, they would either be reappointed or others would be appointed in their place for four years. So, eventually, you would have half the board being appointed for one four-year term and, halfway through that four-year term, the other half would be appointed. So, it is staggered. That is good commonsense. Many boards operate on that basis.

The Legislative Council, for example (that esteemed institution which we deal with on a daily basis), operates in a similar fashion.

Members interjecting:

The Hon. J.D. HILL: They have eight year terms. They cannot be sacked unless they are insane or—

The Hon. G.M. Gunn: Act improperly.

The Hon. J.D. HILL: Act improperly, yes. I understand that the honourable member has been on a number of boards, and I imagine that his terms were well in excess of the four years we are talking about—

Mr Venning interjecting:

The Hon. J.D. HILL: Perhaps 15 or 16 years?

Mr Venning interjecting:

The Hon. J.D. HILL: That is right. All these things are subject to performance. The process will be that the council will make recommendations to me about who goes on the boards, and the Farmers Federation, local government and others will make recommendations, as well as the department, about who will go on the council. So, we will have some ability to refresh the body on a regular basis.

The Hon. I.F. EVANS: The minister raises an interesting point. If the NRM plan is to be for five years, and if it is now the intention of the government to rotate the membership of the council every two years, half on and half off, that means that the first council will be appointed for four years, so we will get the nine faces on the council on day one, and at the two-year point half will go off and a new group will come and the plan will still not be completed, as it is a five-year plan and we are on to the second group of people looking at it, half being new. At the four-year mark, the appointments are finished; the other half go off, a new set of people come on and the plan is still not finished. The NRM plan will go

through three changes of personnel in trying to develop the plan. I wonder whether that is wise and whether it does not create a lot more potential for confusion and inertia in developing the plan as you have to re-educate each group every time.

I raise this issue with the minister so that he can look at it between houses: given that all the soil boards, animal and plant boards and water catchment boards have plans, why cannot we bring the planning process back to four years so that it is firmly allocated to one set of appointments? It seems that five years is an enormous time frame for the planning purpose. You will have a situation where three sets of people will look at this plan. Is that the best way to do it? The minister can think about that issue between houses.

The Hon. J.D. HILL: I will look at that. I understand the point, as I think I made it myself. The member is putting a construction on my words, which is a worst case scenario. It is the role of government to point out what the commonsense way would be. The member is saying that halfway through all members of the board would disappear, and we would have completely new people—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Half the members of the board would disappear and we would replace them all. That rarely happens. Usually in these matters half comes up, some are reappointed and some are not, and there is a refreshing capacity. However, they do not all disappear in that way. You allow the board to be refreshed, with some new members coming on every couple of years. They do not necessarily need to be changed, as they could all roll over at the first changeover. Under the scenario that the honourable member is moving here, there would be a shorter period of time and, if he wants refreshing, they would be on for only one year or 18 months before they were in and out.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: The amendment does not do that. If you want some refreshing, there would have to be even more frequent changes. I take the point the member makes, and we will look at whether the four-year planning framework is achievable. The preliminary advice I have had is that five years is a better time frame for a range of reasons, but I will genuinely look at it again.

Mrs MAYWALD: As a point of clarification, the plans are enforced for a period of five years. The planning process for that plan is not five years in length, is it? The initial plan could be signed off in the first 12 months of the appointment and be in effect for five years. It is not the planning process to develop the plan that takes five years but that the plan is enforced for five years; is that correct?

The Hon. J.D. HILL: My advice is that you should be able to do a plan within two years, and every five years it has to be reviewed by statute. There is an investment strategy that goes for three years. In the first period the boards and council will have to grapple with the bringing together of the various plans in an integrated way. I guess they could do that in a number of ways: they could go through a detailed analysis of it and come up with an integrated plan quickly, or bolt it together to have more of an ad hoc arrangement for the first little period, and then move into a more comprehensive and sophisticated process over time. They will work that out for themselves.

The Hon. I.F. EVANS: Between houses, will the minister consider the point that the agencies may be building into this legislation more administrative inertia than needs to be? I understand that we have a five-year NRM plan that takes two years to prepare. We have boards appointed for four years, an investing strategy for three years and a financial plan for one year. It seems that a lot of the time frames do not line up. If you can do a three-year investing strategy, you can do a four-year strategy and line it up with the end of the board. I accept that a financial plan may have to be 12 months, but even we do forward estimates, and there is no reason why they could not do that over the period. If we bring it together, it would be simpler.

The Hon. J.D. HILL: The member makes a reasonable point and I will do that.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 28, line 10—After 'reappointment' insert 'subject to the qualification that a person cannot serve as a member of the NRM Council for more than 8 years in total'.

I move this amendment in a slightly amended form, namely, eight years instead of six years. It seeks to cap at eight the number of years that someone can serve on a board, so they only get one reappointment. This is to stop the perennial board sitter who is appointed for 20 years on some of these boards and suddenly it becomes their fifedom. We, like the minister, would like to get more experience through those boards. We think eight years' contribution is a lot out of someone's life. The board fees paid will not be exorbitant, so a lot will be volunteer effort. We do not see a need to have an open-ended appointment process where people can be reappointed forever and a day. There is some sense in saying, 'Have your eight years, two appointments, and thank you for your time. Go and take up another interest.' We are strong on this point. We would like the appointment restricted so that it is a total of eight years.

The Hon. J.D. HILL: I am minded to accept the amendment as it applies to the council, but I would oppose strongly its applications to the NRM boards, because in some rural communities there are not enough people. If you did this on Kangaroo Island, after a couple of terms no-one would be left. That may be an exaggeration, but it would be difficult. In the pastoral lands it would be difficult; in the Aboriginal lands it would be difficult. I can accept it in relation to the council, which is the peak body. However, I am concerned about the honourable member's choice of words, because the way it is phrased would mean that somebody could not come back on after a period of absence—it is eight years in total. Somebody might have a gap of four years, and you would want them to come back on, and this would be overly restraining.

The Hon. I.F. Evans: Accept it now and we will fix it up later.

The Hon. J.D. HILL: I will not accept it now. I will move a form of words in the other place to allow us to include an eight-year period of continuity, after which there has to be a retirement, with the capacity for someone to come on again at a later date. I mean, why put one hand behind your back? There might be people who you would want to serve longer periods.

Mr VENNING: I hear what the minister is saying, and I certainly have a lot of sympathy for what the member for Davenport is saying. However, there will be instances where you will not be able to find them—

The Hon. I.F. Evans: This is the council.

Mr VENNING: This is the council, and you should be able to find an appointment there. However, I would certainly agree with what the minister said about the boards, because it will be difficult. Whatever happens, I think that the minister

should have that power. If you have an outstanding person it is sad that when their time runs out they have to go. Between here and the other place, I would like to see some extra words inserted, even if the position is advertised first and then the minister makes the decision, as long as it is open for other people to apply and then the minister decides that, in his judgment, this person was the best person for the job. As long as people know about it and know that it is not a closed shop, I would have some sympathy with that.

The Hon. J.D. HILL: I am not too sure whether you have a consistent position on the other side but—

The Hon. I.F. Evans: Yes, we have.

The Hon. J.D. HILL: Good. I will analyse closely the comments of members opposite and come up with a form of words which best encapsulates the spirit of what the opposition is putting.

The Hon. I.F. EVANS: Let me clarify it for the minister. What the opposition was saying—and whether or not Hansard picked it up is of some concern—in relation to the council is that we think there should be a restriction for eight years, and some of my rural colleagues share the minister's concern about whether that cap should apply to boards.

Mr WILLIAMS: Since the minister has just made a statement about analysing what the opposition is saying, he has encouraged me to put in my two bob's worth. I have serious concerns about this whole process. I am not overly concerned about the council, but I am very concerned about the boards. I am very concerned with the process that we have and I think that it is important that we have a steady turnover, and I will talk about this more when we discuss the boards. I think that we should have a steady turnover of people on these boards for a whole range of reasons, not the least being that it would be a failure of the system to have people sitting on the boards who go out of their way to ensure that they are second guessing the minister all the time so that they are reappointed. I can assure the minister that that happens now with some of his boards; that is, people are second guessing the minister to ensure that they are reappointed.

Some members of this house need to be aware (and my colleague next me to me has used the word 'sycophants'—and that is exactly what some of these people are) that they are being paid from the public purse at the rate of about $40 an hour and that some of them are spending slightly more than one day a month doing this. Some of them have almost made it a full-time job. I believe that the system we have somewhat encourages the wrong type of person for the wrong reason to be on some of these boards, and that is why it is important that we put in some conditions to prevent them from being there for too long. If I had my way, these boards would be elected bodies, but I will talk about that when we get to the boards. I am not so concerned about the council, but I am very concerned about the boards.

The Hon. J.D. HILL: I will make a comment in relation to boards, given that the members of boards have had a question mark put against their name by the member for McKillop. My experience is that the members of the boards that are appointed—and most of the boards were appointed by the former government; I have really just rolled over the appointments—work extremely hard and are very dedicated. There are probably some who are less dedicated than others but, in my experience, we do get good value out of them and they are important community leaders. In fact, I think that was one of the points members on the other side have been making; that is, we do not want to get rid of those important community leaders by the—

Mr Williams interjecting:

The Hon. J.D. HILL: That is up to you. What we are doing is describing a process which we hope will overcome any of the concerns that the member has expressed.

The Hon. I.F. EVANS: I seek leave to withdraw my amendment and move another amendment, as agreed with the minister.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: I move:

Page 28, line 10—After the word 'reappointment' insert:

subject to the qualification that a person cannot serve as a member of the NRM council for more than eight consecutive years.

The words 'in total' are deleted. It is simply eight consecutive years.

The Hon. J.D. HILL: That is acceptable to the government.

Amendment carried.

The Hon. I.F. EVANS: I now have some questions on clause 15. First, dishonourable conduct is a means by which the minister can dismiss council members. I assume it is dishonourable conduct in the opinion of the minister and no-one else. There is no description of dishonourable conduct. I know the minister will say that there will have to be some judgment. I am wondering who makes the judgment; is it the council or the minister? My guess is that, as the appointing authority, it would be the minister who would make the judgment that someone had conducted themselves in a dishonourable way. Secondly, the member for Heysen in her excellent second reading contribution raised the question about whether bankruptcy disqualifies someone from council membership, and that was to be checked.

To my knowledge, we have not had a response to that query about whether bankruptcy becomes dishonourable conduct. On my reading I doubt whether it does, because bankruptcy is outside (as the member for Unley would say) the purview of the board. Therefore, someone could become a bankrupt in their private life but still maintain their board position, and I leave the minister to judge whether that is desirable. My query is really about dishonourable conduct and on whose judgment that would be assessed. I assume it is the minister as the appointing authority.

The Hon. J.D. HILL: First, this is a standard provision. Secondly, the Governor would determine it, so obviously it would go through a cabinet process but presumably the submission would come from the minister, that is, me. I would assume that, before I found someone dishonourable, I would seek pretty good advice from crown law. The dishonourable conduct would have to be in relation to their membership of that board, for example, some corruption. They might be getting information on the board and then selling that information to others, or trading on it in some way. You would find that to be dishonourable conduct. It is a test of fact and it would be subject to appeal through the courts system. If someone felt that they were unfairly sacked and, more than losing their position, they might feel that their reputation had been improperly impugned, they might want to defend themselves through the court process—and they would be able to do that. In relation to bankruptcy, I am told that that is not automatically dishonourable conduct. Bankruptcy could lead to conduct which was dishonourable, but it is not of itself an issue.

Mrs MAYWALD: I refer to the Water Resources Act as it currently exists. Under the Water Resources Act, the Governor, in the case of the council or a board, or the

minister, in the case of a committee, may remove a member from office for 'misconduct', rather than the new terminology 'dishonourable conduct'. Also, under those same conditions of membership, it does provide 'the office of a member becomes vacant if the member becomes bankrupt'. It specifically outlines that in the Water Resources Act. Why would that have been excluded from this provision?

The Hon. J.D. HILL: The advice I have from parliamentary counsel is that the bankruptcy clause is not generally used anymore. I cannot tell the member why, but it is a cultural change. It might indicate that more people bankrupt themselves, and that it is not considered to be the social evil it once was.

Mrs MAYWALD: I would dispute that, given that the minister is asking this board to manage a considerable amount of money with respect to the community and bankruptcy in the community.

The Hon. J.D. HILL: If the member wants it put in, we will do so. We will have it drafted, the member can move it, and I will put it in, if we can do it between houses to get the phrasing right.

Clause as amended passed.

Clause 16.

The Hon. I.F. EVANS: I am interested to know whether the minister has sought advice as to what the fees, allowances and expenses might be. If the minister does not have an exact figure, perhaps he could give us a ballpark figure of what the payments per council board member are likely to be.

The Hon. J.D. HILL: We have not yet sought advice from the Office of the Commissioner for Public Employment, which is the appropriate authority to seek this advice. I guess, in part, the responsibilities will depend on what the legislation looks like once it goes through this place. However, we will go through that process. As the member probably knows, there is a schedule which determines the responsibilities of members of boards, councils, and so on, and they will make a determination based on these facts.

The Hon. I.F. EVANS: Can the minister tell us what the interim council is being paid?

The Hon. J.D. HILL: We will get that information for the member today.

The Hon. I.F. EVANS: In the 18 months that the minister's office has been talking about natural resource management reform, the officers have not once given advice to the minister to say, 'We envisage the fee for this board to be around this benchmark.' There has not been one piece of advice in 18 months. I find it amazing that there is not some guide.

The Hon. J.D. HILL: They might have given me that advice, but I cannot recall it. We sought advice on the interim body, and I received advice early in the piece (probably close to two years ago now) on what they ought to be paid. I did not think it was an extraordinary amount compared to the other boards and bodies for which I am responsible, but I cannot recall exactly what it is. However, I will get that information for the member. The point the member makes is probably reasonable: that the permanent body would be paid a similar amount.

Clause passed.

Clause 17.

The Hon. I.F. EVANS: I know this is a standard clause, but I am wondering how it is interpreted. I have not had to deal with it in an administrative sense, but as I have got such wise advice through the officers I will ask the question. It says, 'An act or proceeding of the NRM Council is not invalid by reason only of a vacancy,' so if the vacancy makes the council inquorate can it still meet and therefore make decisions?

The Hon. J.D. HILL: The advice I have is that you need a quorum. As the member mentioned, this is a general provision. Say, for example, the LGA appointment was conducted improperly—the LGA did not go through the normal procedures—and there was a dispute within the LGA about who its nominee was and there were two candidates who said, 'Well, I'm really the nominee,' and we had appointed one and that person turned out not to be the legitimate one and subsequently we had to change it, you would not invalidate the decisions that were made by the board during the term of the invalid member. As I understand it, that is a fairly standard provision.

In relation to the vacancy, I assume that is referred to because it says the NRM Council consists of nine members. If one member died or resigned, you could argue that there was no longer an NRM Council because it consists of nine members and you currently have only eight members. Therefore, the council cannot make any decisions because the law says the membership should be nine. So, it is not that there is a quorum problem; they could all turn up and it could be a quorate meeting. For example, the Farmers' Federation member may have resigned and not have been replaced with a new appointment. Some could argue that it is no longer a valid body because that person is no longer on there. But this provision would allow the council to continue making decisions.

The Hon. I.F. EVANS: I want to check to see if I have the right interpretation. I think this clause means that, if the minister decides that he or she is not going to 'give consideration to nominating persons as to provide a range of knowledge and skills and practical experience' (as per clause 14(5)), the minister does not have to and it does not invalidate the appointment. The minister can not do that if the minister so wishes.

The Hon. J.D. HILL: My advice is that this measure, which is a standard measure, is to make it abundantly clear that when the council is appointed and starts making decisions, someone will go through this and say, 'There is no-one on the council with business administration, therefore the process is invalid. I will go to the High Court and have that decision refusing me a water licence, or whatever, made invalid.' This happens all the time; there are bush lawyers around the place who think they are constitutional lawyers. It is to give certainty to the decision-making process. I do not know whether I can explain it any better than that.

Mr WILLIAMS: I have highlighted the words 'a vacancy', and I take the point made by the minister. What is the case when there are two or three vacancies? I ask that question because, in a previous life, I served on a government board, a number of years ago. Because certain members were not re-appointed, the board was in a hiatus for two or three months. So, what happens when two or three vacancies occur, as might happen from time to time?

The Hon. J.D. HILL: As I understand Act of Statutory Interpretations, 'a' means many, or more. But there still has to be a quorum; an inquorate body cannot make decisions.

Clause passed.

Clause 18.

The Hon. I.F. EVANS: I move:

Page 29, after line 38—

Insert:

(1a) If the minister assigns a function to the NRM Council under subsection (1)(i), the NRM Council must cause a statement of the fact of the assignment to be published in its next annual report.

This amendment seeks to add to the clause that talks about the functions of the NRM Council we are setting up. Clause 18(1)(i) provides:

The functions of the NRM Council are—

(i) such other functions assigned to the council by the minister under this or any other act.

Our amendment adds onto that, providing that, if the minister assigns a function to the NRM Council under that subsection, the council must cause a statement of the fact to be printed in its annual report. It is simply a matter of informing us of what is going on.

The Hon. J.D. HILL: I have no problems with that. I think it is a good idea, and I will accept it. There is an issue about the definition of 'function', but we accept the amendment and we may have to address that particular aspect between the houses.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 30, Line 1—Delete 'should seek to' and substitute 'must'.

This is a test clause on a particular principle. Throughout the bill there are words to the effect that the minister 'should' try to consult, or the council 'should' try to do something, or it 'should' use its best endeavours. It is almost an instruction rather than an obligation. Clause 18(2) provides:

In performing its functions the NRM Council should seek to work collaboratively. . .

The language is almost that they should try to be collaborative. We think it should be stronger than that and that it should be a straight out instruction from the parliament that it 'must'. In other words, this clause should read:

In performing its functions the NRM Council must work collaboratively. . .

We think it tightens this up and gives a very clear instruction to the relevant body about what the parliament intends. If we lose on this amendment we will not proceed with other amendments which seek to do something similar.

The Hon. J.D. HILL: We do not support this change. This terminology is used in two areas. This subclause provides that the NRM Council should seek to work collaboratively with a whole range of people. If the word 'must' was used, this whole provision could be subject to litigation. It does refer to relevant industry, environment and community groups and organisations. If it said 'must', any community, environment or industry group could say, 'I am relevant; you must have consulted or collaborated with me and you did not do that.' The council could say, 'We put an ad in the paper and we invited everyone and went through this process', but they could reply, 'Yes, but that was not good enough for our purposes.' It potentially opens up a minefield of litigation, and my very strong advice is not to go down that track.

The other aspect is more philosophical. How can you impose on a relevant industry group that they must work collaboratively with the NRM Council if they choose not to? If you tell the NRM Council that it must work with a particular group and if it chooses not to, we are in trouble. The honourable member says that this is a test. He seeks to change it to 'must consult' rather than 'should consult'. This is the same issue in relation to legal action. You would create a minefield for those who are litigious and who perhaps disagree with a particular recommendation that comes out of the process. For example, minister Armitage, a former minister for Aboriginal affairs, was told that he must consult with Aboriginal groups in relation to the Hindmarsh Island matter. The courts found that he had not properly done that because the time frame that he had allocated for that consultation was held not to be sufficient. I do not know what that time frame was, but it opens up a whole can of worms, and my very strong advice is to leave it as it is.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 30, lines 8 to 11—Delete subclause (3).

Again, this is a test clause in relation to the NRM Council having the power 'to do anything necessary, expedient or incidental to'. Those words are used throughout the legislation in relation to boards and groups, etc. It states that the NRM Council has the power to do anything necessary, expedient or incidental to furthering the objects of this act. As we said earlier, the objects comprise many pages when you take in the principles that need to be considered, so it is an all-encompassing catch. The Liberal Party thinks that the words 'anything necessary, expedient or incidental to' are far too broad and give the council far too much power. We had this debate last night in relation to the minister. We make the point again that, if we lose on this amendment, we will not proceed with our other amendments in relation to this matter.

The Hon. J.D. HILL: I will accept this measure in relation to the council, but I will not do so in relation to the boards because they need those incidental powers, but the council can operate without them. It certainly has the power to do the things it needs to do.

Amendment carried; clause as amended passed.

Clause 19.

The Hon. I.F. EVANS: The bill says that the NRM Council must establish committees by regulation. Will the minister give an indication of whether any work has been done on what those committees will be and will he also provide some information on any fee structure for those committees?

The Hon. J.D. HILL: We are not sure at this stage because we do not have the new council, but we have the interim council preparing advice. I assume there will be something in relation to water and soil and certainly something in relation to Aboriginal issues. We wanted to give the council the capacity to organise itself so that it can do the work that it needs to do. I do not want to predict what it might choose to do. The honourable member raised this issue last night. Will I tell them what they should think? No, they will have to work it out for themselves.

The Hon. I.F. EVANS: I assume that if council members appoint themselves to a committee they will be paid a fee, or is that included in their board fee?

The Hon. J.D. HILL: That is yet to be determined, but we will seek advice from the Office of the Commissioner for Public Employment as to whether or not there will be fees. There are a number of boards of which I am aware. I cannot think of one in my portfolio off the top of my head, but they are certainly in other portfolios because I see matters coming before cabinet from time to time where work done on committees is done on the basis of a fee. So, I assume there would be some sort of a fee paid.

Clause passed.

Clause 20.

The Hon. I.F. EVANS: This is a relatively standard delegation clause, as I read it. Is it possible for the minister to delegate his power to direct under this clause?

The Hon. J.D. HILL: Certainly not under this clause, because this clause is about the power of the council to delegate, not my power to delegate.

The Hon. I.F. Evans: You might as well answer the question because I will ask it somewhere.

The Hon. J.D. HILL: The question is: can I delegate to the council my power to direct so that the council can then direct boards, for example?

The Hon. I.F. Evans: Yes.

The Hon. J.D. HILL: Theoretically, I can, but not in relation to certain matters.

The Hon. I.F. EVANS: That is my understanding of it, but that means then that the council can further delegate the power to direct, because they have the power to delegate. So, one assumes that you can delegate your power to direct to the council and they can delegate your power to direct.

The Hon. J.D. HILL: That is true, but only if I were to allow the council to do that. I mean, that is what the power of delegation is. I assume I could delegate some of my powers to the person who cleans my floor in Chesser House, but I have not chosen to do that.

The Hon. I.F. Evans: She's very good.

The Hon. J.D. HILL: She is very good. I doubt very much if any wise minister would delegate in those inappropriate ways.

Clause passed.

Clause 21.

The Hon. I.F. EVANS: I move:

Page 31, after line 15—Insert:

(5) In addition, if the Minister fails to lay an annual report of the NRM Council before both Houses of Parliament by 31 December in any year, the Minister must ensure that a copy is sent to each member of Parliament by that date.

All this amendment seeks to do is to require the minister to give to all MPs a copy of the annual report by 31 December, or as reasonable a time as possible after that date. The way they have got the structure with the annual reporting process in this bill, the NRM Council must before 30 November in each year give an annual report to the minister. The minister then has to table it within 12 days. Under the current sitting arrangements, 12 days could take us into very late March, or even April in some years. We do not mind that, as long as we get a copy of the annual report before. We simply seek an amendment that says the minister gets the annual report on 30 November and then has to send it to MPs on 31 December.

The Hon. J.D. HILL: I am prepared to have a look at this between houses. There seems to be some reason for asking why it could not be with me before 30 October, for example, so it would allow me to table it. I will have another look at it, but I think it would be an onerous burden to impose what the member requests. I think the appropriate thing with annual reports is that they should be tabled in parliament first, before being distributed to members of parliament. It would be an unusual provision, as I understand it, to do what the member is suggesting, so I will not accept that amendment.

Mr WILLIAMS: Mr Chairman, you may be able to answer the question for me, but I know that committees of the parliament can actually table their reports or can hand their reports to the Speaker out of session. If the minister has a problem with sending reports to the members of parliament, because they have not been tabled in the parliament, surely we could have a provision where a copy of the report is delivered to the Speaker's office and at the same time forwarded to members, say in their electorate offices.

The Hon. J.D. HILL: You are setting up a precedent for the handling of annual reports of government boards, which is totally different from the normal procedures. If you were to do it here, why would you not do it with the others? You can mount an argument that you ought to, but there would be an enormous amount of energy created in doing all these things. I am happy to have a look to see if we can get a time frame so that the problem that the member for Davenport raised, which is the tabling it in parliament before Christmas, can be addressed. But even so, even if it were before me by 30 November, I can foresee circumstances where it still would not get to members by 31 December, because there may well be some processes, including the Auditor-General's department, which might have to be gone through. We recall again the Dog and Cat Management Board, which spent a number of months in that area before it was able to be tabled. I understand what the member is saying. I will have another look at it, but I cannot accept the amendment.

The Hon. I.F. EVANS: Even if the Auditor-General has not finished with the annual report, there is nothing stopping the minister simply forwarding it out to the members without the financials, just with a letter saying, 'Auditor-General's still to come'. But under this provision we are not going to get the annual report until about April, which will be after the state election in some years. If you try and bring it forward closer to 30 November, I know what your adviser is going to tell you. He is going to say that the group have to have their annual reports done by September, the boards have to have their annual reports done by October, the council have to have their annual reports done by November. If you bring that forward by a month, you are going to compress that issue.

The Auditor-General might have problems with any one of the groups, or any one of the committees, any one of the boards, or indeed the council. There are lots of trip wires in there for the Auditor-General to hold it up. I accept the member for MacKillop's suggestion that there are provisions in other bills where the annual report or committee reports can be sent to the Speaker and, in effect, be tabled by the Speaker's office and then sent out for members. So if this provision is not acceptable to the minister, then I do encourage him to look at the member for MacKillop's excellent suggestion. There are other acts where you can have a tabling process, so that members get the information.

The Hon. J.D. HILL: I do not disagree with you. It would be inappropriate, especially during an election cycle. Members would not get to see it for six months. I do not think that is quite feasible. I accept what you are saying, and I give you an undertaking. I will have a look at how we can better rejig this to get some outcomes consistent with what you say. I guess the department is trying, and the advice to me is, 'Let us get a consolidated NRM Council and board's reports.' So there is one report. I think there is good sense in that. I gather that is what happens in the soil area—much simpler reporting structures, so the time frame is able to be managed more simply. There may be other ways I can do it, and I will just work through how we can do that.

Amendment negatived; clause passed.

Clause 22 passed.

Clause 23.

The Hon. I.F. EVANS: I move:

Page 31, line 24—Delete 'The Minister may, by notice in the gazette' and substitute:

The Government may, by proclamation made on the recommendation of the Minister

This is simply requiring the minister to undertake certain functions rather than by notice in the *Gazette*, and make it by proclamation so that cabinet gets a look at the issue. In this particular case it is the setting of regions so that there is some input from cabinet into the region setting. We believe it would be better to do it by proclamation rather than notice in the *Gazette*. We think it brings more eyes to the process and, as we debated earlier, we think it is a good thing.

The Hon. J.D. HILL: Before I answer the question, can I just indicate to the house the fees paid to members of the NRM Council. This is unconfirmed advice—it has got written at the top of it—but I think it is pretty true. The chair receives $190 per four hour session, and $47.50 for each hour after that, plus a $10 000 annual stipend. The other members receive $160 per four hour session, plus mileage at 58¢ per kilometre and, I guess, reasonable air fares and so on, travelling allowances.

In relation to the establishment of the boards, I guess the compromise that I would be prepared to accept would be to start this process off with the NRM regions established by notice. Then, any amendments to them over time could be done by proclamation. We just need to have a starting point, and I think the member for Davenport made the point yesterday in relation to some other measure we wanted to do by regulation—I cannot actually remember what it was; I think it was who the minister would be—that it would be possible for a government to want to reassign the responsibility and then have a hostile upper house that would stop it. My concern is that if we were to do this by regulation we would have uncertainty about what the initial boundaries are, and I want to make sure that there is certainty when we start. I have said to all the regions and all the stakeholders that I am happy to consider amendments to those boundaries quickly if it is by consent. If it is not by consent, we will go through a process of consultation. And I would happily have that second round done by proclamation so that the parliament has an opportunity to examine it.

I offer that as a compromise, but I certainly do not want to do that in the first instance. Once this legislation passes, everyone needs to know where the boundaries are; the arguments are over, and we just get on with it; and changes can be done by regulation. I am happy to do that.

Mr VENNING: This is my amendment, and I certainly hear what the minister says. I trust the minister, and have some sympathy for what he says, as long as we have as many people as possible involved. As I said in the first instance, the more people we take with us in this process the more we will convince. I believe that the wider you can make it, particularly in the interim, the more successful we will be. I trust that it can be worked out between the houses. I accept the minister's proposition.

The Hon. J.D. HILL: I do not know if the amendments are in such a form that we can do what I am suggesting, but we will sort it out between houses and I will come up with a package.

The Hon. I.F. EVANS: I seek leave to withdraw my amendment No. 47.

Leave granted; amendment withdrawn.

Progress reported; committee to sit again.

[Sitting suspended from 6 to 7.30 p.m.]

MEAT HYGIENE (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I move:

That this bill be now read a second time.

The Hon. R.J. McEWEN: I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The purpose of the *Meat Hygiene (Miscellaneous) Amendment Bill 2004* is to include the processing of meat for retail sale within the regulatory scope of the *Meat Hygiene Act 1994*, from which it is currently excluded. The proposed amendment to the existing legislation would mean in general terms that meat processing operations, whether for wholesale or retail sale, fall under a single legislative framework. This approach is consistent with Government policy and the recommendations following the National Competition Policy review of the *Meat Hygiene Act 1994*.

The principal recommendation of the review of the *Meat Hygiene Act 1994* carried out in line with the National Competition Policy Agreement was to broaden the scope of the Act to cover retail meat processing operations, including supermarkets. Retail businesses involved only in the sale of packaged meats would be excluded, as would retail businesses that slice and cut ready-to-eat meats, such as delicatessens.

Currently, the processing of meat for wholesale is regulated under the *Meat Hygiene Act 1994*, which is administered by the Meat Hygiene Unit of the Department of Primary Industries and Resources. The processing of meat for retail sale is regulated by the provisions of the *Food Act 2001* and the *Public and Environmental Health Act 1987*. These Acts are administered and enforced by the Department of Human Services and Local Government. There are over 500 retail meat outlets in South Australia, including the butchering sections of many supermarkets. Of these, approximately 232 retail meat businesses, including the butchering sections of a number of supermarkets, are accredited under the *Meat Hygiene Act 1994* to cover their wholesaling activities. That is, they supply small quantities of meat to other retail outlets, such as delicatessens or supermarkets, or they supply meat to the hospitality and catering industry, such as hotels, restaurants and sporting clubs.

The proposed amendments would not cover retail businesses that sell pre-packed meats. Retail businesses that sell meat in the same package in which it is received, that is, where no further processing takes place, would remain under the *Food Act 2001*, administered by the Department of Human Services and Local Government. Similarly, regulation of businesses that slice and cut ready-to-eat meats for retail sale, such as delicatessens, would remain under the *Food Act 2001*.

The inclusion of retail meat processing in the scope of the *Meat Hygiene Act 2001* is supported by both the meat industry and the Department of Human Services. A Memorandum of Understanding between Primary Industries and Resources (SA), the Department of Human Services and the Local Government Association of SA Inc will clearly define the responsibilities of each agency in regard to retail butchering operations. The Memorandum of Understanding will ensure that retail meat processors will be subject to only one regulatory regime, with the exception of supermarkets that process meat in conjunction with their general food business.

The Bill also provides for a person to represent the interests of retail meat processors on the South Australian Meat Hygiene Advisory Council, ensuring the retail meat processors are represented on the Council. Since 2001 an open invitation has existed for a retail representative to attend meetings of the Council. The Bill will formalise the appointment of a retail representative, giving them the same rights and privileges of existing members of Council.

Other amendments outlined in the Bill are administrative in nature, deleting references to outdated legislation and standards and updating references to organisations and terminology to reflect their current meaning and usage.

I commend the Bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions
These clauses are formal.
Part 2—Amendment of *Meat Hygiene Act 1994*
4—Amendment of section 3—Interpretation
This clause amends section 3 of the principal Act by substituting the definition of *affected with a disease or contaminant* for the definition of *residue affected animal or bird*. This reflects amendments to the *Livestock Act 1997*, where the term is defined.
5—Amendment of section 5—Meaning of wholesome
This clause makes amendments consequential upon the amendment made by clause 4.
6—Amendment of section 9—Composition of Advisory Council
This clause provides that a person be appointed to the Advisory Council to represent the interests of retail meat processors.
7—Amendment of section 12—Obligation to hold accreditation
This clause amends section 12(2)(c) of the principal Act by excluding from the operation of the section further processing of meat that occurs in the course of retail sale, and consists of the storage of meat in the package in which it was received, or the cutting or slicing and packaging of ready-to-eat meat in a supermarket or delicatessen. The clause also defines *ready-to-eat meat*.
8—Amendment of section 29—General powers of meat hygiene officers
This clause makes amendments consequential upon the amendment made by clause 4.
9—Amendment of section 30—Provisions relating to seizure
This clause makes amendments consequential upon the amendment made by clause 4.
Schedule 1—Transitional provision
Schedule 1 provides that a member of the Advisory Council appointed under section 9(1)(c) of the principal Act as in force immediately before the commencement of this measure will continue to hold office for the balance of their term.

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

NATURAL RESOURCES MANAGEMENT BILL

In committee (resumed on motion).

The CHAIRMAN: The committee is dealing with clause 23, page 31, line 24.

The Hon. I.F. EVANS: I seek leave to withdraw this amendment because it is consequential on amendment No. 47, and the minister has given an undertaking to the member for Schubert to look at that matter.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: My amendment No. 49 provides:

Insert:
(2a) The initial proclamation dividing the state into NRM regions under subsection (1) must provide for at least 10 regions.

However, I will move that amendment in a slightly amended form so that it reads, 'The notice in the *Gazette* dividing the state into NRM regions', given that the minister's previous clause still stands. So, it is using the *Gazette* process rather than the proclamation process. The reason for moving this amendment is that, as we understand it, the government's proposal is to divide the state into 18 NRM regions, and the metropolitan region will essentially span from Victor Harbor through to the Barossa Valley, taking in all of the Adelaide Hills and all of metropolitan Adelaide right down to Port Adelaide and back out to the Barossa.

It is an enormous area. It has quite complex natural resource issues. The natural resource issues in metropolitan Adelaide will be totally different to those in Victor Harbor; they will be totally different to those in the Barossa Valley (which is a winegrowing area), and they will be totally different to those in the member for Kavel's electorate that has a number of mixed primary industry pursuits. We argue that the regions are too big, believing as we do that the currently proposed metropolitan region should be divided into about three regions. We are not defining them in this amendment, because we would like to talk to the minister in between houses about the definition of the extra two regions, if he accepts this amendment.

We want to make it clear that, if we succeed in this amendment, it is the intention to divide the metropolitan region into three. We think that, as it stands, the Adelaide metropolitan region is simply far too big and cumbersome. We think that the natural resource issues will be far too complex to do that and that it is far better to divide the area into three.

We note that this area has at least three water catchment boards, along with other soil and plant boards, etc. At least three water catchment areas cover this area at the moment. They have all had boards doing a reasonable job and, suddenly, you are going to collapse all those and have one board covering over 1 million people—the majority of the population and the majority of domestic and commercial industrial premises will be in this particular area. In our view, it is far too big. We believe that the job it will have in this area will make it an enormous task for one board. We accept that there is a committee structure, but we think that this particular area is too cumbersome, too complex and that there are too many natural resource management issues that vary greatly from district to district. In moving this amendment, I know that this is an issue for the member for Kavel; I know that his local councils have raised this issue. It is on behalf of the member for Kavel that we move this amendment, because he has been the driving force within our party on this issue, and has won the support of the party on it; that is to the credit for the member for Kavel.

It is our view that this area is simply too big; and so, in moving this amendment, there will be a division on this particular amendment if the government indicates it is not supporting it. We want to make it absolutely clear that we think the metropolitan region is simply too big to be able to be managed by a board and that it would be far better managed by a three-board structure; hence, I move:

Page 31, after line 30—Insert:
(2a) The initial notice dividing the State into NRM regions under subsection (1) must provide for at least 10 regions.

The Hon. J.D. HILL: The government does not support this amendment. I have to say, though, that the issue the member raises is one of the key issues that we considered during the process of determining what the regions ought to be. Should there be one or three regions in the extended Adelaide area which, as the member said, goes from Victor Harbor to the Barossa Valley? When I contemplated this, I was a bit sceptical about the proposition to bring the boards into one board. However, I was persuaded by the overwhelming importance of including all the Mount Lofty Ranges within the one catchment area. The Mount Lofty Ranges are as critical to Adelaide's future water supply and security as the River Murray. If we do not get the Mount Lofty Ranges right, then we are undermining our capacity as a community to survive, in my opinion.

We have gone through a long and tortuous process in relation to the River Murray; we now have a boundary for the River Murray catchment, which is based on the national

boundary, which in turn is based on the Murray-Darling Basin Commission boundary. The former minister for public water resources, with my support, implemented that boundary and there was some controversy about it, because it seemed to be large and included elements which were not necessarily seen to be within the water catchment. That was an important process to get all of the River Murray in the one boundary. I believe that it is equally as important to get all the Mount Lofty Ranges within the one catchment so we can have one management system in place.

As members would know, there is a Mount Lofty Ranges office, which tries to coordinate across the various existing boundaries and get the existing agencies together. That is a problematic process. In addition to that, the commonwealth government through its NAP and NHT arrangements has established an NRM region which includes Adelaide and which extends beyond the boundary that we are trying to establish. So, the commonwealth has a larger boundary and, in fact, the boundary we are suggesting is smaller than the one the commonwealth currently has. The point I make is that the commonwealth has signed off on the arrangements that we have. It is my view that, if we had three boundaries for metropolitan Adelaide, we would have some difficulty convincing the commonwealth that those arrangements were satisfactory for their purposes.

The honourable member nods his head, but I must make the point clearly that we have negotiated with the commonwealth government on the NRM arrangements that we have put in place. They have a boundary that is much greater than the one we are proposing, but they will accept ours. This is about making sure the Mount Lofty Ranges are planned within the one catchment plan.

The other point is that under the arrangements in this legislation groups will be established within each of the board regions. Three groups will be established within the greater Adelaide NRM board area, and those groups in the metropolitan area will be relatively strong and will do a lot of the work that the current catchment boards do, but they will do it in an integrated way, taking into account all of the impact of the Mount Lofty Ranges.

The other point that I hesitate to make is that if we bring into that region places like the Barossa Valley, the Adelaide Hills and the Victor Harbor area, although there are relatively few people in those regions, in many ways they are the most critical parts of the area. If one board is collecting one levy, it is highly likely that the levy collected will be able to support operations in those areas beyond what would occur if the amendment the member for Davenport is proposing was supported. I ask members to reflect on that before they go too far down the track that the member for Davenport is suggesting.

Finally, we have been through an immense process of consultation over the arrangements. The boundaries we are proposing are largely settled, and everybody has accepted that that is how they ought to be. We have said over time that we will review those boundaries, and I have agreed that we will allow them to be changed through a process of regulation. If, ultimately, changes along the lines that the member for Davenport advocates are supported universally, I would accept it, but as a starting point we ought to go with the eight regions proposed. The legislation is silent on how many regions there ought to be, but all the literature we have put out indicates that there ought to be eight. The government will not support the proposition.

Mr GOLDSWORTHY: The minister raises a very important point. I do not want to traverse the remarks of the member for Davenport, but the minister may recall the contribution I made at the second reading stage, and I will reinforce some of those comments. This proposed region I understand runs from Two Wells and Virginia to the north and encompasses the Barossa and the Northern Adelaide Plains around to the hills, all the way to the Southern Vales, the Fleurieu Peninsula and the Adelaide metropolitan area. That is an extremely diverse region in terms of its environment and geography. As I said at the second reading stage (and as the member for Davenport just stated again), approximately one million people, or 65 per cent of the state's population, live in that proposed region.

I understand what the minister is saying in terms of its being a good idea to be able to manage the natural resources in the Barossa and the Fleurieu Peninsula in conjunction with the Mount Lofty Ranges, particularly the water catchment area, because the areas to the north and south have an effect on it. However, we also must understand the impact that one million people have on the environment.

This morning, we read in the newspaper and heard on the radio about Aldinga Scrub, where people were chaining themselves to bulldozers to protest against a residential development. These issues evidence the impact that people have on the natural environment. A million people live in this region, so if the minister thinks that one board can effectively and efficiently manage that region, he and whoever else is making those decisions are wrong.

The minister spoke about a comprehensive consultation process. However, I was at the community consultation held at Hahndorf, where we discussed the proposed boundaries for these regions. The meeting divided into working groups, and quite a number of people in my group were extremely concerned about the size of the proposed greater Adelaide and Mount Lofty regions. So, I am not too sure that there was public consultation and that those concerns were taken into consideration.

Another difficulty currently experienced in the administration of the Adelaide Hills region, is where an instrumentality struggles with managing and resourcing its diverse nature—and that is only part of the region that the minister proposes be encompassed. However, the minister raises a good point that reinforces our argument that it is imperative that the Mount Lofty Ranges are administered and considered as one region. I have no issue with that at all and support it.

There are two distinct catchment areas: the Torrens Valley catchment and the Onkaparinga River catchment, and in any year, the Adelaide Hills supplies up to approximately 70 per cent of metropolitan Adelaide's water requirements. It is an important region and that the natural resources have to be managed very well and properly; nobody argues with that. However, what the minister was saying goes to our argument that it should be a separate region. As I said, the geography and the environment to the north are different, as are the Adelaide Plains, the Mount Lofty Ranges, the Fleurieu and the Southern Vales.

The amendment moved by the member for Davenport has merit. I have spoken to many people in my constituency about this issue, and they all have concerns about how one board can manage a region of such environmental and geographical diversity in an effective and efficient manner.

Mrs HALL: I want to say a few words about this specific boundary issue, because I support the arguments and the points raised by the member for Davenport and also those

made by the member for Kavel, and I do so on several counts. The minister said that the boundaries had undergone considerable consultation and that these particular boundaries (as outlined) have been accepted. However, what the minister did not say was that they are supported. There is a significant difference between saying that they are accepted from saying that they are supported, but to me it does not necessarily mean that they are not supported. I take on board absolutely what the member for Kavel was saying about the complexities involving the Adelaide Hills district. The new electorate of Morialta encompasses quite a significant component of what used to be the old East Torrens boundary. From the representations that have been made, there is no question in my mind that that it is causing considerable concern. When I listened to the specific issues raised by individuals, it reminded me very much of a circumstance that occurred within the tourism industry.

I want to outline the principle of what happened in that case as an example of the very best intentions in the world not working in terms of implementation. I am not trying to equate the tourism region with the regions the minister is outlining in this case because I know that the criteria is different. However, the practicality of what happened is that, upon agency advice, South Australia was divided into a certain number of regions. The agency mounted a very strong case to include the metropolitan area with the Adelaide Hills area, therefore making that one area (and it extended slightly north and south into the Fleurieu). And not to put too fine a point on it, it was an absolute disaster. There were so many different issues confronting the regions that the individuals involved put a very persuasive case to the then minister who then proceeded to change the boundaries back to the metropolitan area and the Adelaide Hills area.

I would have to say that, within weeks of those changes being implemented, there was great harmony amongst the regions but, in particular, much greater coordination occurred between the new boundaries than existed under the old greater boundaries. I sincerely urge the minister to talk to some other ministers who, within their portfolios, have boundaries that superimpose a structure that does not exist in reality. Certainly from the example I have given and my practical experience, I suggest that you can do it and achieve a much better result if you listen to the goodwill of the local people who are involved. The minister mentioned that the commonwealth had signed off on these particular boundaries.

I accept that they may have been signed off, but I would suggest that in some way that is probably more symbolic than practical implementation. I understand absolutely what the minister is saying about the Mount Lofty Ranges area, and I think that there is some merit in what he says, but encompassing the metropolitan area with that horseshoe effect around the ranges will be an absolute nightmare in practical implementation. I accept that, when this clause is put to the vote, the points of view expressed by me, the member for Davenport and the member for Kavel may not be the majority vote. However, I do think it is important for us to outline some of the difficulties that we may have experienced in practice in a previous life.

I seriously urge the minister to reconsider this issue, even if it is just between houses, because I did note with great interest the words that he used when he was speaking in response to the member for Davenport when he said that the boundaries had been accepted. The minister has talked about the consultation process. I am not sure how many people attended the Hahndorf meeting, but I am sure I had a couple dozen visit my office and contact me by telephone over the next few days saying that they were really quite distressed about it because they thought that the actual operation of this boundary was going to be a dismal failure. I know we go through into issues concerning levies and those sorts of issues, but it is the practical implementation that I urge the minister to seriously contemplate before he closes the debate and we have a division on this clause.

The Hon. J.D. HILL: I will briefly respond to the member for Morialta. In her comments I think she said that we should not use artificial boundaries. That has always been my starting point. We should use natural boundaries based on environmental factors, not cadastral or artificial boundaries, but real boundaries. I will go through the process in my mind of how we determine those boundaries. The first one that we started with is the River Murray boundary. That is decided upon by the boundary used by the Murray Darling Basin Commission; it is a well-known boundary. So, we work out where that boundary is, and we have to have the same boundary in South Australia that we have nationally otherwise we are going to have conflict between the processes used by the Murray Darling Basin Commission and those used in South Australia. So, you get that one.

Then, we have Kangaroo Island, and that speaks for itself as it is a natural boundary. South of the Murray boundary is the South-East, and that, too, is a kind of natural boundary. In the north of the state we have the rangelands, and they form a natural boundary. In the west of the state we have the Aboriginal lands which form a natural boundary. There is the West Coast area—Eyre Peninsula, and the Northern Yorke Peninsula area, and they sort themselves out reasonably naturally, but not quite as acutely, if you like, as the rest. What is left is Adelaide. I am not saying Adelaide was come upon last, but that the greater Adelaide region is a type of natural set of environmental elements; they fit naturally together.

The other point is that the greater Adelaide boundary is the smallest mainland boundary. It is large in terms of population, but it is not large in terms of geography. Kangaroo Island is the smallest, but the Adelaide area is only slightly larger. It certainly has a lot of people in it and there are, as the member said, complex issues in that area. But, there are incredibly complex issues in the Aboriginal lands, in the rangelands, and over on the West Coast and so on. You can mount that same argument.

It is true, as the member said, that through the consultation process people accepted the boundaries. I did not say that they necessarily supported boundaries, and that is a point that the member made. When we started the consultation process, we said that these were the boundaries we wanted to start off with. If we start arguing boundaries we will never reach a conclusion because people always want the boundary to be slightly different. Councils want them based on council areas, the soil boards want them based on soil issues, and water wants them based on water issues and so on. There is a range of reasons of why you would want to change the boundaries. Going into the election, our policy was that we would develop these boundaries based on water catchment boundaries, not on any other form. That is the government's policy and that is what we went to the election on.

Through the process of consultation I said that we should put aside the boundaries and work on the administrative arrangements, use the boundaries that we have come up with, and in a couple of years time we will review them, and if we can get a consensus on how they should change (or even if

we cannot get a consensus) government can make a decision to change them as may be required. If the difficulties that the member for Morialta suggest arise within those two years, we can change them. We have the capacity to change them by regulatory power, if the amendments I have indicated to the member for Schubert that I have supported go through. We have the mechanisms to do that. We have also said that, if at any stage groups with adjacent boundaries make a decision which is mutually agreed upon, that is, groups A and B share a boundary and they both agree that it should move so many kilometres either way, we will support that. That is not a problem; we will automatically do that.

I want to re-emphasise that we want to ensure that the Adelaide area includes the Mount Lofty Ranges, because that is the most important water resource for Adelaide. If we do not manage that correctly, we face disaster in this city. You just have to look at the rate of development and all the issues associated with water and biodiversity management in that area to realise that enormous problems have to be addressed. Bringing them all within the one board area allows us to put the resources together to address those issues. If you split it into three boards, you diminish the capacity to have an overarching plan. However, as the head of my department says regularly, this legislation is like a tool box: it has a range of powers within it, and that allows a flexible approach to dealing with issues in a particular area.

So, in the metropolitan area it is proposed to have an NRM board over one larger area and to have very strong NRM groups under that board, and I would think those groups would roughly reflect the catchment boards we now have in place. Based on all the conversations we have had, my understanding is that we would have one NRM group to the south, which would be based roughly on the Onkaparinga catchment area, moving down to Victor Harbor to pick up that part of Finniss that is not included in any catchment board at the moment; we would have one to the north, based on the North Adelaide Plains Catchment Board, going up into the north into the Barossa area; and we would have one in central Adelaide, which is really the Patawalonga and the Torrens brought together. At the moment, they act in a de facto way as one board now and share a general manager, although they are separate boards. I think most people agree that they ought to be one board.

So, we have the flexibility in the legislation to give the member, in a sense, what he is asking for. The practical day-to-day management and the hands-on delivery of the resource will be run through these groups, but the overall strategic planning will be done by this board. That is the model we have in mind. It may be that the member was not fully aware of the way that model will work. For example, in the pastoral lands, they are talking about four or five of these groups, because that is the largest geographical area, with few people. There will be one strategic NRM board, which will set the directions to determine the levy, if any, and the broad parameters and then there will be four or five specific groups which will deal with the issues in particular parts of that area. They will be operating within that framework. The same will apply for the South-East and other parts of the state. The member needs to understand the way the model works. If we start imposing a certain number of boards, that will be in legislation for ever and will deny us any flexibility to make adjustments that may be determined through a process of review.

Mr HANNA: I have reserved my fire in the detailed consideration of the clauses of this bill for two reasons. First, the minister has consulted extensively, and a lot of the concerns I might have had six months ago have been taken into account favourably in the government bill. Secondly, I note that we are working through the opposition amendments at the rate of approximately one page an hour and there are 38 pages of those amendments. So, I am not speaking unnecessarily. However, on this clause I do have some sympathy for the opposition point of view. I appreciate the logic of the minister's analysis in terms of the regional boundaries that have been drafted. However, when it comes to the greater Adelaide area, I can see some sense in having three areas. I completely agree with the notion that boundaries should be based on catchment boundaries. Indeed, I believe that all local government boundaries should be in accord with that as well. However, if the greater Adelaide region were to be split into three, it could conveniently be done in line with catchment boundaries. There are different permutations but, for example, it could quite conceivably be the Torrens and Patawalonga catchment, something north and something south of it.

I am sympathetic to the opposition's argument on that, first, because there is such diversity within that greater Adelaide region; and, secondly, because of the intensity of development in that region. If there were three boards to cover that particular region, I believe they would be able to work cooperatively in respect of issues such as biodiversity, coast management, and so on. There is another reason, and that relates to a degree of local autonomy. I wonder whether a board looking after the entire Adelaide region from the Barossa to the South Coast would be able sufficiently to take account of the different community expectations, geography and land use in those diverse areas. Notwithstanding the view of the government and the Conservation Council in relation to this matter, I am sympathetic to the arguments put forward by the opposition.

Mr BRINDAL: I strongly commend the shadow minister for introducing this amendment and the intelligent position taken by the member for Mitchell. Given that I have had experience in local government and water resources, I think this is a pivotal amendment which the opposition has carefully put forward because, if we are going to go on catchments—and that is what the bill is about—there are essentially three catchments in the city of Adelaide, all of which are unique and important. The minister says that we are not going to shuffle money between Marion, Elizabeth and Noarlunga and catchments anywhere else in the metropolitan area, but without this amendment that is what will happen. The retention dam in Light will be paid for by the people of Noarlunga; and the work that is being done on the Patawalonga will have to wait, because Unley money will go to fix the Onkaparinga River.

I think the amendment is sensible. If it is not passed, the minister is buying an argument with local government. I promise the minister that, within two years (before the next election), there will be local councils ripping into him all over the metropolitan area because they will be claiming that not enough money is being spent in their council area. So I strongly recommend to the minister that he listen to the shadow minister. The minister is reasonable, he has accepted a lot of our amendments, and this is an important amendment which has been put forward for serious reasons. I commend the amendment to the committee and I commend the shadow minister for his work.

Mr WILLIAMS: I note that this amendment will not impact on the area of the state that I represent, but I say to the

minister—and he is well aware of this—that over the last couple of years we extended the proclaimed wells area in the South-East and the boundaries of the South-East Water Catchment Management Board to take in the Upper South-East. A significant amount of work has been done on bringing into the management under the catchment board the aquifer in the Tintinara-Coonalpyn area. In spite of the extension of the jurisdiction of the board to that area, we did not put in some balanced representation from that area, and that caused a considerable amount of angst in the community. Decisions were taken on their behalf by the catchment board, which had no representation from that area.

The representation issue has, to some extent, been addressed more recently, but in the catchment plan the levy structure which was adopted prior to 30 June last year to come into effect in this financial year raised the ire of those people in the Tintinara-Coonalpyn area; so much so that they sought a hearing before the Economic and Finance Committee of this parliament. Through that process they eventually got the board to see the error of its ways, and the minister was forced to make some regulations to overturn decisions that had been taken earlier. That whole process was purely brought about by the fact that that area had no representation on the board.

One of the fundamental flaws of this bill and the whole process that I see is that there is no flow of responsibility between the board and the communities they represent. I think the member for Kavel spoke passionately (in our party room, at least) on this particular issue and brought it to the attention of his colleagues in the Liberal Party, and one of the main reasons he has done so is that he understands the diversity through this region which comprises the greater Adelaide metropolitan area and the Adelaide Hills.

I think the amendment that has been proposed by the opposition is designed to make life easier for the minister. If the opposition was about being a little bloody-minded and trying to make life difficult for this minister, we would never have proposed this amendment. Sometimes, from a political stand-point, I question the wisdom of that, but certainly I think it goes to show that, in representing our constituencies, we are trying to make this piece of legislation as user friendly as possible. When I say 'user friendly', I do not mean just for the minister (it would certainly make it more user friendly for him if he accepted the proposal) but it would certainly make it more user friendly for those communities in the greater Adelaide metropolitan area. I urge the minister to think of that before he stands in his place and says he will not accept the amendment.

Mr GOLDSWORTHY: I will not unnecessarily hold up the committee, but I want to make one final point. I agree with the minister that it is fundamentally important that we do our very best to manage the natural resources in the Mount Lofty Ranges and those respective water catchment areas that supply the Adelaide metropolitan area with clean, potable water. As I said, 65 per cent of the state's population lives in the area of the Mount Lofty Ranges and Adelaide, and I agree absolutely that it is of fundamental importance to the state's well-being that we effectively manage those water resources and land, soil, animals and pest plants—and that is what this bill is about.

So, in agreeing with the minister, I think it is essential that we have one board with all the powers and authority that the bill gives that board from pages 31 to 46 (some 15 pages). But, compare that with what the groups are able to achieve and, in part 4 of the bill, the NRM groups have about eight pages. I understand the intention is to strengthen those groups, but they still do not have the same administrative powers as a board has to effectively manage a region as important as that which the minister describes. I think it is only right, and correct and good government, that you have one board with all the authority and the like that the bill gives it, to oversee the natural resources in that vitally important region, being the Mount Lofty Ranges and the Adelaide metropolitan area and not include the northern and southern areas as currently proposed by the minister.

The committee divided on the amendment:

AYES (17)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hanna, K.	Kotz, D. C.
Lewis, I.P	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Venning, I. H.
Williams, M. R.	

NOES (19)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V. t.)	Foley, K. O.
Geraghty, R. K.	Hill, J. D. (teller)
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	

PAIR(S)

Hamilton-Smith, M. L. J.	Conlon, P. F.
Kerin, R. G.	Lomax-Smith, J. D.
Matthew, W. A.	Rankine, J. M.
Scalzi, G.	Rann, M. D.
Brokenshire, R. L.	Wright, M. J.

Majority of 2 for the noes.

Amendment thus negatived.

The Hon. I.F. EVANS: I move:

Page 32—line 8—Delete 'the LGA body' and substitute 'each peak body'.

The Hon. J.D. HILL: We support that.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 32—line 9—Delete 'the LGA' and substitute 'any peak body'.

Amendment carried.

The Hon. I.P. LEWIS: I guess this is as good a clause as any under which to make an inquiry of the minister as to the extent to which he would be prepared to establish what I will call the specialist purpose organisation to deal with something like broom rape—and, indeed, to deal with broom rape. To deal with that effectively we must not only do it in a timely manner, now, but we must also use people who have sufficient knowledge of the scourge that it is elsewhere in the world to be able to do it: that is, to get rid of it. I guess my question is: does the minister have an inclination to deal with broom rape through this mechanism, a specialist board, and if so is he willing to commit to the treatment of infested ground through the drench technique that uses a derivative of pine oil.

This is ecologically friendly, biodegradable, and very effective, because what it does, Mr Chairman—as I am sure you would be interested to learn, having done your PhD in environmental studies—is literally digest the testa, or skin, of the seed coat, destroying the seed in the process. The trials that we have done to date are very promising. If we are able to use it during this coming winter, we need to signal that to the people who presently have the technology and latent capacity to produce the material in considerable volume, and we can do it once there has been sufficient moisture in the ground to relieve the necessity to apply even greater quantities to make the soil wet—so, once the soil is wet from natural sources. What I am really wanting to do is apprise the committee of the best way, it seems to me, for us, with all the resources available to us, to get on with the job.

At the same time, we want to get the minister to state the position of the government in relation to this means of eradicating it as opposed to what many of the commentators have expressed concern about, namely, the use of methylbromide as a soil fumigant sterilant, which is likely to cost a lot more than, though be every bit as effective as, the derivative of pine oil.

The Hon. J.D. HILL: I guess that the honourable member raises two issues: first, the administrative arrangements; and, secondly, the technique to address the broomrape issue. Let me deal with the administrative arrangements first. It would be quite proper, under the framework we are proposing, for either the board or the region in that area to establish a specialist committee that would be focused on branch broomrape. Of course, a committee is already established, so it may well be possible for that committee to be adopted and to become part of that structure. We would not want, necessarily, to have a second committee. Yes, there is administrative capacity to do that, and that is exactly the sort of thing that I would expect to flow from the passing of this legislation.

In relation to the use of pine oil as a way of destroying branch broomrape, the research that John Williams has been undertaking (and, I am sure, the honourable member knows this better than I) indicates that pine oil is potentially a very effective means of dealing with this issue and, in fact, the most effective means other than the methylbromide treatment that the member for Hammond mentioned in his remarks. In fact, I gather that it is cheaper than the methylbromide—

The Hon. I.P. Lewis: A fraction of the cost.

The Hon. J.D. HILL: A fraction of the cost. It is still expensive, I am told, but the point the honourable member makes is correct. It does offer exciting possibilities. Advice to me is that we plan to conduct a major field trial of this in the branch broomrape area when sufficient moisture has fallen on the land. We are hiring a helicopter to drench an area of at least 10 hectares, as I understand it, to see whether it works in situ; and, if it does, we will certainly commit to more extensive use of this product to try to deal with this blight on that particular part of our state.

I commend the member for Hammond because, for many years, I think, he was the sole voice in the wilderness on this issue. I can assure the honourable member of the government's intention to eradicate this pest from our state.

The Hon. I.F. EVANS: I move:

Page 32, after line 11—Insert:

(6) The area of a council must not be split between two or more NRM regions under this section without the written approval of the council before the split is made.

(7) Wherever an NRM region is established under this section, or the boundaries of an NRM region are varied under this section, the minister must furnish a report on the matter to the Natural Resources Committee of the parliament.

This amendment allows a local government council to have some discretion about which region it goes into. We do not envisage this to be a huge issue. We think that most councils will be fully encompassed by the regions. Very few councils will be split, and even some of those split councils will be happy to be split. The Mount Barker council has written to us through its hard-working local member, the member for Kavel, expressing the view that it does not want its council area to be split between the metropolitan region, which will mean that it will go, basically, from Victor Harbor through to the Barossa Valley, and then half of the Mount Barker council will be tied into the River Murray region, which, in essence, will take it right through to the South Australian/Victorian border.

They say that it is going to create a lot more administrative burden on the council and its officers making it all very difficult. What our amendment says is simply that the area of a council must not be split between two or more NRM regions under this section without the written approval of the council. What that means is that the minister's officers (or the minister) will go and talk to the council, put a case, and the council will make a decision based on their local area; then the council will be allocated to a region based on that decision. I know that the minister will argue that we want them based on natural boundaries (catchment boundaries or whatever) but we have not done that with the metropolitan regions—not purely on catchment boundaries. Even the groups he is talking about in the metropolitan area were not perfectly on catchment boundaries.

So, what we are saying is that, out of the 69 councils, there might only be one or two at best that we would envisage—there has only been one council that has written to us about this issue. We do not think it will destroy the system as such if a local council gets a discretion. We think if it makes it easier on the council, we should apply that principle. The area will still have an NRM plan, and will still consider all of those issues of soil and water, for example. It is not as if the natural resource will not be managed or planned: it will simply be planned by a different region. We argue that our amendment is sensible; it will hardly be used and it will bring some ease of administrative burden to the local government sector. Therefore, we move it, on behalf really of the Mount Barker Council.

The Hon. J.D. HILL: We do not accept this amendment. It has a whole range of practical issues. For example, if an area were to be created splitting councils, and one council said yes and the other said no, what do you do? You end up with an incredibly difficult and complicated process to work through. The boundaries, as I have said, have been put to all of the interest groups and, while some of them may have differences of opinion about what they ought to be, there is an acceptance that these are the initial boundaries. If there are to be alterations, we can do that in a couple of years' time through a review process. I have already gone through the arguments before so I will not take the time of the house to go through them again. I am happy to accept the second part of the honourable member's amendment, to insert subclause (7), but I do not support the insertion of (6).

The Hon. I.F. EVANS: If we can split them, I will talk about (6) first. I want to clarify a question for the record. The minister just said that in two years' time we will review the

boundaries and if a council wants to put in a submission to do what Mount Barker wants to do now that that would be considered. Is the minister saying that in two years' time it will be possible to have a council bring itself out of two regions and place itself into one region at the council's decision rather than the government's decision?

The Hon. J.D. HILL: What I am saying is that it is theoretically possible. I draw the member's attention to the overall philosophy: the boundaries ought to represent natural borders, but we have undertaken that we will conduct a review of the boundaries when everybody can argue their case. I do not want to say it is not possible because it is theoretically possible. I may not be the minister at the time of the review, or in government, so who knows? We will go through a process of reviewing the boundaries. My guess is that, once we get these processes in place and the boundaries have settled down, it will be clear whether or not they are working. The issue of whether or not they are over councils borders will become a secondary issue. It is only the contemplation of the issue which excites this kind of interest. I know in the catchment board area that I live within, under the Onkaparinga Catchment Board, it is not exclusively within the Onkaparinga catchment local government authority's boundaries. It seems to work well. It is not an issue of moment for the local authority; they have not complained to me about it. The operations get on pretty well and there is good cooperation between the various bodies. I suspect that in time that will be the case, but if it is not we will review it at that time.

The Hon. I.F. EVANS: The point I make is that you say it has to be on a natural boundary. The soil in the Mount Barker council area will be similar, even though it will be split between two regions, more so than the soil that exists at Renmark. Yet the whole natural resource area handling soil will be from the border at Renmark to Mount Barker. The plant issue is exactly the same, as is the animal issue. The only area that is a natural boundary is the water issue. We are now not talking just about water but about all the other natural resources. Mount Barker has a case. The majority of natural resource issues are such that you will get more consistency of decision making by bringing the Mount Barker council area into one region than by splitting it into two. I know that we will lose the amendment, so I will not hold up the committee further.

The Hon. J.D. HILL: I understand the point the honourable member is making, and I guess it would have been possible to have used soil types, bio-regions or some other natural boundary. The point the honourable member makes is true: it is not a neat thing and a particular natural boundary where the soil, animal and water types are consistent, but it seemed logical to use water management, because that is the most dynamic of the resources. In the Mount Barker area water runs either one way or the other at that point, and this is trying to look after where the water runs. I agree that there will be issues with soil and other natural resources, and obviously there needs to be good cooperation across the boundaries. No system will be perfect, but we cannot have a system where in some parts of the state it is based on soil, in others on water and others on something else, because the elements will not fit. It is like a jigsaw. We need the elements working together, so we are starting off on this basis and over time we can review it and, if somebody can come up with a better system, so be it.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 32, after line 11—Insert:

(7) Wherever an NRM region is established under this section, or the boundaries of an NRM region are varied under this section, the Minister must furnish a report on the matter to the Natural Resources Committee of the parliament.

The effect of this is that the parliament will be informed about these changes. It is a matter of making the information public, and I understand the minister is accepting this amendment.

The Hon. J.D. HILL: I am happy with that.

Amendment carried; clause as amended passed.

Clause 24.

The Hon. I.F. EVANS: I move:

Page 33—

Line 2—Delete 'the LGA' and substitute 'each peak body'.

Line 3—Delete 'the LGA' and substitute 'any peak body'.

I move these amendments together, as we have agreed on these principles.

Amendments carried.

The Hon. I.F. EVANS: I move:

Page 33, after line 5—Insert:

(6) If the Minister assigns a function to a regional NRM board under subsection (2)(c), the Minister must furnish a report on the matter to the Natural Resources Committee of the Parliament.

(7) The Minister must, before varying the functions of a regional NRM board under subsection (3), consult with the Natural Resources Committee of the Parliament.

The minister has indicated that he is supporting it. Essentially, this simply asks the minister to furnish a report to the Natural Resources Committee of the parliament when assigning functions to an NRM board and, before varying the functions of a board, he must consult with the NRM committee. It is about public notification information.

The Hon. J.D. HILL: I accept the amendment but, as I have said before in relation to another issue, we may need to look at the issue of function.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26.

The Hon. I.F. EVANS: I do not intend to move my amendment, because we have already argued the amendment in relation to the council and lost. I indicated at that time that we would not proceed with this amendment, which sought to put more nominees of the Farmers Federation on the council—in this case, the regional boards. The government has indicated that it will not accept that under any circumstances. I recognise that I do not have the numbers in the committee, so I do not intend to hold it up any longer, other than to put on the record that we support the notion of having more farmers represented on these bodies, using the process of the Farmers Federation as the nominating body. Amendment No. 61 is consequential, so I will not proceed with that. either.

Mr WILLIAMS: At this point, I take the opportunity to speak to the clause, even though the opposition has conceded that it will not sway the minister's mind. I want to put on the record my disquiet about the setting up of these boards. At this point in the bill, we are setting up an organisation—namely, the regional boards—which will have the most power of any operator under this bill: the power to set the levies. The minister would argue that the boards do not set the levies: they merely make recommendations. However, in practice it is the board that recommends the levy and, in my experience, the minister has always accepted the levy that the board recommends. In fact, I argue that the level of the levy set by the board is determined in the minister's office, or

certainly in the minister's department, rather than by the board. That is why I choose to make these comments now.

I know that the minister has said that if we have a system of elected membership to these boards we will set up another level of government. The reality is that this bill sets up another level of government that will have the power to tax the community. The big difference between this level of government and the three levels that already exist in Australia is that there is no line of responsibility between those who set the level of taxation—namely, the levies—and those who will pay them. At every other level of government, there is that line of responsibility.

At the end of the day, if those who are being taxed feel aggrieved by the level of the taxation that has been set, or indeed the taxation itself, they will have the opportunity to do something about it at the next poll. So, they can select the people who are on the taxing body—in this case, the board—depending on the philosophies that they express they will carry out if elected. In this case, there is no such process. The process is that the minister appoints people to the board.

The bill provides that the minister will give certain officers from his department the opportunity not to sit in and observe the meetings of the board but actually to take part in them. Although they do not get to vote, they will have the power to take part in the meeting. In a practical sense, I tell the committee that, on a daily basis, people from the minister's department sit at catchment water management boards and tell the boards that what they are thinking and proposing will not be worn by the minister and they will have to do something different. That happens on a daily basis in South Australia today. I know this is already in the Water Resources Act and that the minister might argue that it was the Liberal government that brought that in, but that does not necessarily make it right. Maybe with the value of hindsight, given our chance again—and this is our chance—we would make significant changes.

Mrs Geraghty interjecting:

Mr WILLIAMS: The member interjects that it may be something that we should look at in government.

Mrs Geraghty: Why didn't you?

Mr WILLIAMS: I can assure the member, given the chance again, that I think the Liberal Party would do this significantly differently. The Liberal Party is not about giving a group of people who have no responsibility to the general public the power to tax the general public, which is what this bill does. That is not what the Liberal Party is about, but it is obviously what the Labor Party is about. That is the problem I have with this bill.

By way of an example, I will explain to the committee exactly what has happened in my electorate over the last few years. We have the catchment water management board. We also have a clause which says that the owner of a water holding licence does not have the ability to extract and use water, but it gives them a right to apply for a water taking licence at a future date. As long as the minister does not revoke the particular section, the current act says that, if the owner of that licence can prove to the minister that the licence has no marketable value, they will not be called upon to pay a levy.

We all know that the department never wanted water holding licences. That has been discussed at length for many years now, and the minister knows that. He was on the select committee that forced the department to issue these water holding licences, so he knows full well the background to it. The department came along a couple of years ago and said, 'Minister, revoke this section of the act and these people will have to pay levies.' Notwithstanding the fact that the local catchment board two months in a row had in its minutes that it did not agree with that, that it thought that those people with water holding licences should have paid only the $25 statutory fee in lieu of the levy, the minister decided to charge a levy equivalent to a water taking licence. After he had taken that action and gazetted it, he then wrote to the board telling it what he was doing.

Lo and behold, what did the board do? It fell in line. The point is that the board had a position in August and September 2002, but by March 2003 it had rolled over because the minister had signed his name on the bottom of a couple of pieces of paper. I do not know whether the minister knew what he was doing at the time—I assume he did—but I do know that the bureaucrats knew what they were doing.

Subsequent to that, with the furore that occurred in the South-East, the minister wrote to that board asking it to review its decision. It was never its decision in the first place: it was the decision of the minister or his bureaucrats. He went public and said that the board got it wrong. The board never made the decision: it was the minister and/or the bureaucrats who made the decision and, at the end of day, the minister has to wear it because it was his signature on the bottom of the piece of paper. This is the danger we have with this whole piece of legislation. We are giving incredible powers to an appointed group of people who bear no responsibility to the people over whom they are exercising those powers.

These are taxing powers. The member for Torrens is probably unaware of all of this. Believe me, when your constituents start knocking on your electorate office door complaining about things that are happening, I suspect that these words might come back to haunt you. This bill is not about raising a handful of dollars: this bill is about raising millions of dollars in new taxation, and I am very concerned about it. I could give innumerable examples about what I could only term the abuse of power that has occurred through the water catchment management boards. As I said earlier, one of the problems that I have with the membership of these boards and people being able to be appointed term after term is that they become the lap-dogs of the ministers. I believe that is what happened in the South-East previously. I do not mind saying this; I do not mind it being on the public record; I have said before. I believe that is what happened in the South-East, and I think it is to the eternal shame of those people involved that they did not stand up to the minister and say 'Minister, if you want to do this, you wear it.' But, they chose and they have to live with their conscience. I do not have to live with their conscience: they do. They chose to roll over and accept what the minister directed them to do. This is the danger in this bill, and I hope all members of the chamber understand that, from this day onwards when their constituents knock on their door, it was the members of this house that gave this power to an unelected group of people.

The Hon. J.D. HILL: A lot of what the member said is history and has been debated before. Given the time frame, I will not go through it again. I will point out to the member that there are two streams of criticism running about this bill. One is that it gives an unelected members too much power, and the other is that it gives me too much power. One of the things that you are trying to do in part is to limit my power to direct the boards. There is a conflict in what you are trying to do. I understand that the issues in the South-East are difficult. I say to the member for MacKillop that over the last two to three years progress has been made in trying to sort

out those issues. He may not necessarily support the resolution of those issues, but I think considerable progress has been made. I will leave my comments at that.

Mr GOLDSWORTHY: We are looking at the composition of the boards in the membership clauses of division 2 that we are dealing with. Clause 14(1) provides that the boards are going to consist of nine members appointed by the Governor and deals with the chairperson and so on. Over the page it deals with allowances and expenses. How will the chairpersons of these boards and the members be remunerated? Will they receive a set salary, or are they going to charge at an hourly rate with a retainer, as you said? On the INRM board in the Mount Lofty Ranges there is a $10 000 a year retainer or base salary-I think you used another term—plus an hourly rate. You might not have set the rate or the actual salary, but I am sure that you or the departmental officers have something in mind. How will these people be renumerated?

The Hon. J.D. HILL: It is a similar answer to the one that I gave in relation to the council. We take advice from the Office of the Commissioner of Public Employment. There is a formula in place which looks at the responsibilities and duties of the board. I imagine they will be remunerated on the same basis as the Water Catchment Board members are currently remunerated. The chair gets a stipend of something in the order of $12 000 or $13 000, or a little less. I think it depends on the board. The River Murray board is the highest paid board, the Onkaparinga and Torrens and so on are paid a little less. From memory, the members are paid on a sitting fee basis. Government officers determine a set of principles that apply across all boards of government, so it is not something I as the minister have anything to do with. It is determined outside my department.

Mr GOLDSWORTHY: Does each board receive the same level of remuneration or is the level of remuneration determined by the perceived or agreed responsibilities that the individual board of a region administers?

The Hon. J.D. HILL: I have just made that point. I think the chair of the River Murray, for example, is the highest paid chair because that board is considered to be—

Mr Goldsworthy interjecting:

The Hon. J.D. HILL: Well, it is the same principle. The Commissioner for Public Employment will make a determination based on the responsibilities, duties and so on, that each individual board will have. I doubt that they would have a blanket position, although I would imagine they would be pretty similar to each other. I cannot really answer that question because it is an objective process. It is not something I determine.

The Hon. I.F. EVANS: I move:

Page 34, line 21—Delete 'endeavour to'

This amendment will guarantee that the minister must nominate persons who are able to demonstrate an interest in ensuring sustainable use and conservation. We are a little surprised that we have to move this amendment. The Farmers' Federation has been out there saying that this bill guarantees that those involved in farming will be appointed to the regional boards. The clause actually says that the minister must 'endeavour to nominate'. It does not actually say the minister 'must nominate'. So, the Farmers' Federation is wrong in its interpretation of the bill. I know the minister might have given a commitment that farmers will be appointed to the board, and I accept that commitment. However, in actual fact the legislation does not bind a future minister in five or 10 years' time. So, we have moved this amendment to guarantee that farmers will be appointed to the boards.

The Hon. J.D. HILL: I am prepared to accept this amendment, but not the subsequent amendment. I think it is reasonable for me to nominate persons who are able to demonstrate those things. Where it gets difficult is ensuring that the majority of the members of the board reside within the relevant region, but that is certainly something we will endeavour to ensure. However, in the pastoral lands, for example, the previous chair, who has just retired, lived down in the South-East but he owned a pastoral property up there. A lot of pastoral owners with interests in pastoral lands do not necessarily live on their land, though I am sure we could find some who do. On Kangaroo Island, for example, there may be people who do not necessarily reside on the island. The chair of the INRM group, Michael Wilson, for example, does not reside on the island but he does have a property there. I think it would be unnecessarily restrictive to adopt it in relation to paragraph (c), but we certainly intend to try to achieve those goals. In the case of paragraph (b), I am happy to accept that amendment.

Mrs HALL: Minister, I understand the explanation you have just given about members of the board residing within the relevant region. However, the following paragraph says that you will endeavour to ensure that a majority of the members of the board are engaged in an activity relating to the management of the land. Surely, in that case you should be able to ensure and would not need to 'endeavour' to ensure in respect of subparagraph (ii). I think it is fairly extraordinary that you would not be able to ensure 'that a majority of members of the board are engaged in an activity related to the management of the land'. I ask the minister for his view on clause 26(4)(c)(ii).

The Hon. J.D. HILL: I point to the Adelaide metropolitan area. The majority of members may not be involved in the management of land in the South-East, for example. The more you lock yourself into a fixed position, the more difficult it will be to manage this system. You may end up with members of the board who are not the best possible people to do the job. We want to get the best possible people, and we will try to do that within the constraints of this legislation. The harder the constraints and the more there are, the more difficult it is to try to balance those different things.

We are trying to get people with all those skills, who live in the area, have a practical knowledge of land management and are able to demonstrate all these other things. It is awkward to get all of that together. I am happy to take out the first endeavour, because I agree that we should be able to nominate persons who can demonstrate an interest in ensuring the sustainable use and conservation of natural resources. That should be a sine qua non, the first step, but the others I cannot agree with.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 34, line 24—Delete 'endeavour to'.

The Farmers Federation advises us that it has been given a guarantee that the majority of board members will reside in the regions. Clearly, that is not the impact of this legislation, so we simply want to get it on the record and move on, even though we know we will lose it.

Amendment negatived.

The Hon. I.F. EVANS: On behalf of the member for Chaffey, I move:

Page 34, after line 28—Insert:

(4a) In addition, the minister must, before finalising his or her nominations for the purposes of this section, consult with the designated ministers.

This is consequential on a previous amendment to which the committee has agreed.

Amendment carried; clause as amended passed.

Clause 27.

The Hon. I.F. EVANS: I move:

Page 35, line 19—After 'reappointment' insert 'subject to the qualification that a person cannot serve as a member of a particular regional NRM board for more than 8 consecutive years.

The Hon. J.D. HILL: I do not support this amendment, and I went through the arguments in relation to the council. I think it is a reasonable proposition with respect to the council, and the member for Schubert and other members supported me when I said that I thought it was unreasonable in relation to boards, particularly in some of the smaller areas where it would be difficult to get people to serve on those boards.

The Hon. I.F. EVANS: We moved previously for the term of the council to be reduced to three years and lost that amendment. We gave an undertaking to the minister at the time that, if we lost that amendment, we would not move our subsequent amendment, which is similar to the member for Hammond's amendment to this clause. Because we lost that principle I have not moved that particular amendment.

Amendment negatived.

The Hon. I.P. LEWIS: I intended to move this amendment not out of mischief or out of ignorance of what the committee has determined before but out of a determination to exercise my right to have something to say about it and more particularly to explain why I put the amendment on file. The three-year term would be the same as what I believe is a desirable term for the board itself and for its regulations.

In the remarks that I made following the second reading vote in order to place on record my view about what might happen to this legislation, I drew attention to the phenomena wherein such broadly given power as this legislation provides to both the minister and the government often results in the power being exercised in ways that the public do not regard as being in the public interest. We have seen that sort of thing in other legislation, industrial relations and so on, over the years. A crisis must arise before parliament itself responds. That is inappropriate. It is my view that the better way to relieve the head of steam that would otherwise build up is to insert a sunset clause—which I propose to do elsewhere. If I am to do that in a consistent and rational fashion, then it is necessary, at least for consistency, if not logic and rationality, to say that the term ought not to exceed the term of any individual member or ought not to exceed the term proposed for the whole board. Parliament ought to debate the effectiveness with which any board, once appointed, is working before it gets another three years' life.

As it stands, an argument which might be brought against my proposal—a specious argument—would be that any private member could bring on a motion in private members' time, to which I say, in plain Australian, 'crap', because in private members' time the chance to do anything about it has passed and the board is yet again continuing on its merry way doing the things that antagonise the majority of people it affects, doing the things that the majority of people believe to be not so much unjust but irrelevant. Private members' time notoriously is inadequate for dealing with those things. Invariably, private members' time is for those issues which need ventilating for the sake of doing it, whereas in this case it needs ventilating for the sake of ensuring that maladministration does not continue in any circumstance where it has arisen.

I say to all members that if you introduce it you will prevent maladministration in very great part because no board and no servant of any board would dare to go beyond the powers properly provided, and no board would dare to go beyond recommending regulations that it would know were not really seen by the public as being in the public interest. In consequence, we would have a system which did not get greater in the exercise of its power than was ever intended by us in establishing that system in the first place. We would have a series of boards which knew that every three years they were going to be held to account by a debate in government time in this place before their life continued, instead of, at present, the chance of a member being able to repeal a board or boards or otherwise turn around the adverse consequences of the impact that board was—or boards were—having in the opinion of the public of what was in the public interest.

It is for that reason I have moved that the term be three years, not four. It is deliberate in that no matter which party or group may be in power from time to time it is not in sync with the electoral cycle. This is my second major point. It ought not to be in synchronisation with the major electoral cycle, otherwise it will be orchestrated to be dealt with by successive governments in a way that puts it in an obscure part of the cycle, such that the adverse consequences can be hidden away from the time of an election. If it is out of synchronisation with the electoral cycle and has a term of three years, it is more likely to ensure that boards are responsive to public needs and public interests when and how they determine policies, make recommendations and enforce those regulations in the areas for which they are responsible. I am talking about areas of geography, not the areas of water, land and biodiversity, or, put otherwise, pests in the form of plants, animals and the management of water, soil and other such things.

Only once every 12 years will there be any likelihood, and then no certainty, that it will fall at a convenient time to the government of the day and, by that time, the public will have realised that a debate of this kind on a sunset provision is not only going to happen but also that it is desirable. Let us acknowledge that, if it is going well, the debate in this and the other chamber will take a trice. And, if it is not going well, the opportunity is there for any member, regardless of the party to which they belong, to draw attention to it in determining whether or not to reinstate the function and perhaps, in the process, for parliament in its collective wisdom to amend it and make sure that it does achieve what it was set out to achieve.

It will thereby also prevent the building of empires beneath the structure of the legislation and the boards that get breath of life from the legislation. Those empires comprise people who will otherwise simply convince the board to agree to the levies that pay their salaries and provide them with the income levels and other amenities that they believe they ought to become accustomed to enjoying in the course of their work.

The Hon. J.D. HILL: I thank the member for Hammond for those observations. I will not go through my argument for not accepting the three-year term: I did that in relation to a matter raised by the member for Davenport. In relation to the matter which the member foreshadowed in his comments—

which is the sunset clause, effectively—the government is committed to a thorough review of this legislation by 2006-2007, which I hope will address the member's concerns. The difficulty with the sunset clause and the way that it has been suggested by the member is that, after three years, all the boards would be vacated and, until and unless the parliament were to re-approve their reinstatement, no effective system would be in place to manage the natural resources issues in our state. That means that there would be no body to look after the issues that we are dealing with in the River Murray, or, indeed, in the member's own backyard in relation to the branched broomrape—

The Hon. I.P. Lewis: That's going to be eradicated before then.

The Hon. J.D. HILL: A matter of similar importance. There would be no ongoing structure to look after those issues. We need to have that entity. I am happy to have the review and I am happy to change the system if the parliament so desires, but we cannot stop the current process while we do that. If a parliament were obstructive, it could quite easily lead to chaos. I think it would be contrary to the best interests of the state if we were to allow that to happen.

The Hon. I.P. LEWIS: I rise in response to the minister to join the debate, without being antagonistic or disrespectful to him or to any other member, and point out two things. There is a difference between a thorough review—that is done bureaucratically—and a sunset debate in this chamber. That ensures that, say, following such a review there is the chance for parliament to debate it, and to do it in an atmosphere in which the result is not a foregone conclusion. More importantly—and, if not more importantly, then at least of equal importance—is the principle that it will be bureaucrats doing the review of bureaucrats, not politicians doing the review of bureaucrats, and it needs to be that way.

I have complained to the house as the member for Hammond, and I have asked, for instance, the Environment, Resources and Development Committee to look at the way in which a board operating in the area I represent (and other boards, similarly) have been administering affairs until now. The committee decided, on a majority vote (not, as I understand it, on a unanimous vote), that my request was irrelevant and that it should wait until after the new legislation was instigated. Damn it, if there is maladministration (and I am not saying there is or is not, but if there is) the committee ought to be responding now.

So, to do it through the parliamentary committee process is not as satisfactory as doing it under a sunset clause provision, which may rely on both the evidence provided to the house through the parliamentary committee process and any other reports that are obtained by the minister from the department and provided directly to the house. The house, and the other place, then has the opportunity for a full-on debate of the matter.

More public servants ought to be accountable under sunset clause provisions for the positions they occupy, the power that they hold and the effect that they have through those positions and that power on the rest of society. It is all very well for us to state that they do things to the best of their ability and in compliance with the law—and in the main they do, not only just 90 per cent, 95 per cent, but probably 99 per cent plus. But I gave an example of an instance—a very serious example of an even more serious instance—of the way in which fraud had occurred where, effectively, a government agency, namely, the Native Vegetation Authority (committee, as it used to be known), had been misled by a public servant in falsifying documents and evidence presented to that committee, and the detrimental consequence for the land-holder is that he lost his life because the stress was so great. That ought not to be allowed to happen and would not happen if we had sunset provisions in our legislation, particularly in this legislation. That is what I am aiming for. That is what I see.

So, I say to the minister that it is not necessary, and indeed it is not a valid argument, for him to say that everything would fall in a heap. It would not. The house could, and naturally would, entertain the motion ahead of the time of expiry, before the sun set. And, in deciding to reinstate the power, it would pre-date the day on which that power expired and no more funds or lawful authority were available to be exercised by the board and/or its servants.

The parliament is not an idiot. It is a sound institution. It has worked, however badly some people may think, in the past, and it will continue to work better than any other system—and that means, I guess, less undesirably, to use the double negative, than we have ever had. We ought not to treat it with disdain. As members of it ourselves, we ought to retain to parliament the power to review these things, rather than hand it over to the bureaucracy to review the bureaucracy and for the minister then to decide whether or not to accept Caesar's view about Caesar, or one of Caesar's brothers. The parliament has that job. That is why it is here and that is why it has been so effective to this point. I plead that we should not diminish the power and responsibility of the parliament in that respect but enhance it. That is the only way we can get representative democracy in a functional fashion in society.

So, minister, I do not agree that parliament would be so stupid, if it wanted to see the powers retained, not to entertain the motion in government time months before the necessity for it to be reinstated fell due. I say that we need to have sunset provisions in such legislation; otherwise we will be treated with the distain the electorate will visit upon us, and visit upon us quite justly.

The Hon. I.F. EVANS: We have sympathy with what the member for Hammond says, but we realise we are going to lose it.

Mr WILLIAMS: I wish to back up the member for Hammond's sentiments with a real life example which is happening today. The South-East Water Catchment Management Board, a month or two back, advertised that it was reviewing its budget for the current year, the ensuing year and the year after that. It has done this, because its revenues have been reduced by, I think, at least three factors. One was that it made a mistake when it set the levy in the upper South-East, in the Tintinara Coonalpyn area. I talked about that some time ago. Another was that in its infinite wisdom the government has now decided that all catchment boards will be liable for paying payroll tax. In the first year the government did the right thing and refunded the payroll tax to the catchment boards. This year, it is not doing that. In the case of the South-East Water Catchment Management Board, that is another $64 000 which is going out of my community's pockets into the coffers of this government—another $64 000 of hidden taxation. The other one was the changes which I also alluded to when the minister wrote back to the board and blamed them for making a mistake and setting the levy on the water holding licences, when he and his bureaucrats made all the changes against the wishes of the board.

So, there are three areas where their revenues have been reduced. In round figures it ran to about $300 000. The

member for Hammond talked about building empires and bureaucracies. Already in that catchment board, over half its budget is spent on administration and wages. The minister stands up and says, 'If we have a hiatus, we will stop doing important work. We will have chaos with regards to natural resource management.' The only chaos that we would have, I would suggest, would be in the bureaucracy, because they would be ceased to be paid. That is where most of the money is going. But, lo and behold, the review that the South-East Catchment Water Management Board is running is because their total income has been reduced by about $300 000. They have reduced what they euphemistically call 'works', which mainly involves a bunch of bureaucrats sitting down, day after day, doing reviews and writing reports. Very little of it is money spent on the ground doing environmental work.

They have reduced markedly the money spent in the area of works, but they have had to put on another staff member to manage it. Notwithstanding that their total income is reduced by about 10 or 15 per cent, they have found the necessity to put on another staff member to manage it.

Mr Venning: Bureaucracy gone mad.

Mr WILLIAMS: Bureaucracy gone mad, as the member for Schubert rightly says; I am sure that this is what the member for Hammond is talking about. But this organisation—this catchment management board—has advertised in the local press and invited submissions. They will vet the submissions and they will write the report to the minister. I will guarantee that, at the end of the day, the minister will put a tick in the box and say, 'All is nice and rosy.'

That, I think, is the nub of the problem that the member for Hammond sees this legislation taking us headlong into. We have been experiencing this sort of nonsense in the South-East for a number of years already. We have probably experienced it in some other areas of which I am unaware, but I am certainly aware of what is happening in the South-East of the state. This legislation is going to ensure that this bureaucratic madness happens all over the state, including metropolitan Adelaide. I want every one of the members of the minister's caucus to understand that this will be visited upon their electors as well. They will not be left out. Just remember: you will not be left out. These bureaucrats are going to come knocking on the door of your bank manager's vault, putting their hands into your hard-earned money to pay for their empire.

Clause as amended passed.

Clauses 28 and 29 passed.

New clause 29a.

The Hon. I.P. LEWIS: I move:

Insert new clause, after clause 29, as follows:

29a—Continuation of board membership

Despite a preceding section, the office of all members of the regional NRM boards are, by force of this section, vacated on the third anniversary of the commencement of this Act unless the continuation of those boards has been approved by resolution passed by both Houses of Parliament (and unless the approval contemplated by this section has been obtained then no further appointments may be made to any regional NRM board).

I move this amendment with pride in the knowledge that, wherever sunset clauses have been put in legislation elsewhere in the world, they have worked to the advantage of the goals of the legislation as well as to the community they serve to a better extent than was happening prior to their being introduced or what happens in other jurisdictions with similar legislation where they do not apply.

There is no instance where a sunset clause provision has caused great inefficiency. Invariably, the legislature knows that it has a responsibility, and the minister—or the secretary in the case of the states in the United States, for instance—keeps it appraised of that and ensures that it is dealt with in a timely manner. I have gone over the arguments which provide us with an explanation of the background reasons why sunset legislation is desirable, and I do not want to do that at length again now.

I do plead with the minister and with members to accept the proposition that sunset provisions are good and not bad, even if they fall in some way synchronised with the time of elections, as will now happen in this instance, because the term will be four and not three years, which means that it will come at the same time as the parliamentary cycle. Members, surely, do not need to be reminded that we have fixed-term parliaments now in South Australia, and that they will always be in March every four years from 2006 onwards.

So the time at which the parliament, during its period in office, must review the activities of the boards (and committees underneath them) will always be the same in the parliamentary cycle. I know of no circumstance in which the exercise of a sunset clause has cost more money. That then, also, is not an argument against a sunset clause: indeed, it is an argument for it. I repeat: sunset legislation results in the bureaucracy, once it is created, knowing that its actions will be held to account not only in the forum of the board itself but also in the forum of the parliament. And, in doing so, it will be more circumspect about how it goes about its work, what it recommends to its boards, how the committees function and the information that they, too, in turn get so that they are seen to be functioning in the public interest and relate well to the public in order to inspire public confidence in the work they do and the manner in which they do it. Members such as the members for Stuart, Schubert and Kavel, as well as the member for Davenport (coming from an urban area by contrast), nonetheless know that what I am saying is true.

I am sure that other members, such as the member for Florey, also know it to be so. If there is to be scrutiny and the chance to reveal improper conduct, even unlawful conduct, then people think twice. The temptation is not as easily acceded to and the malpractice does not become part of the culture of the instrumentality, which parliament set up not to serve the instrumentality itself but rather the goals of the public interests, such as the noble goals in this instance, such as we have in the objects of this legislation.

The Hon. J.D. HILL: I will not respond to this particular address by the member for Hammond. I understand the point the honourable member is making. I have addressed that previously and, for the reasons I previously gave, I do not accept his amendment.

The committee divided on the amendment:

AYES (19)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kotz, D. C.	Lewis, I. P. (teller)
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R.	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Hill, J. D. (teller)
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rann, M. D.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	

PAIR(S)

Matthew, W. A.	Conlon, P. F.
Kerin, R. G.	Lomax-Smith, J. D.
Brokenshire, R. L.	Wright, M. J.

Majority of 2 for the noes.

New clause thus negatived.

Clause 30.

The Hon. I.F. EVANS: I move:

Page 37, after line 9—Insert:

(5) If the Minister assigns a function to a regional NRM board under subsection (1)—

(a) the Minister must furnish a report on the matter to the Natural Resources Committee of the Parliament; and

(b) the regional NRM board must cause a statement of the fact of the assignment to be published in its next annual report.

This amendment requires the minister to furnish a report to the NRM committee of the parliament if he assigns any extra functions to the board. That principle has been accepted before. The second part of the amendment requires the minister to make sure the NRM committee of the parliament is consulted if the NRM board is proposing to work outside its region. It is a way of informing the parliamentary process.

The Hon. J.D. HILL: I indicate that the government is prepared to accept the amendment as moved, but is not prepared to accept the second part. That would place an unreasonable burden on the NRM boards. The measure included, covered in subclause (2), would be an emergency power. For example, if red fire ants were suddenly discovered in a part of the state, you would want the NRM board to act immediately to get rid of them. It would have to go through a process of consultation, including a parliamentary committee, just when it needs to act. It may well have an NRM plan that does not include the management of that species, event or issue. I am happy with the first part, but we cannot have the board not dealing with issues because it is not in its plan until it has consulted with the parliament.

Amendment carried.

The Hon. I.F. EVANS: I will not proceed with the second part of the amendment, but I give notice that I will look at the wording between the houses. I may move it in a form where the NRM board simply has to provide a written report to the board so it is informed.

Clause as amended passed.

Clause 31.

The Hon. I.F. EVANS: Given the minister's previous answer to my amendment I find myself in the same position, as I believe his answer will be exactly the same.

The Hon. J.D. Hill: You're right.

The Hon. I.F. EVANS: I will leave it and not proceed with amendment 68.

Clause passed.

Clause 32.

The Hon. J.D. HILL: I move:

Leave out this clause.

I move this amendment to remove this clause following consultation with individuals in the Liberal Party who believe that the minister should be the entity that acquires land and transfers it to the board.

The Hon. G.M. GUNN: As the member considering this amendment on this side of the committee, we entirely agree with the minister and thank him for considering our amendment.

Clause negatived.

Clause 33.

The Hon. I.F. EVANS: I move:

Page 38, line 36—After 'or works' insert:
and the regional NRM board is acting with the agreement of the owner

When undertaking certain activities as outlined in clause 33, which provides the special power to carry out works, this amendment requires the boards to act with the agreement of the owner.

The Hon. J.D. HILL: I support this amendment, but I have undertaken to read out a statement to clarify our intention in relation to this for the benefit of the Local Government Association. I understand that my colleague, the Minister for State/Local Government Relations (Hon. Rory McEwen), with the support of the member for Light, has undertaken to prepare a very minor amendment bill to the Local Government Act 1999 to overcome the problems encountered by the Gawler River Flood Plain Management Authority. The problem relates to the authority's not having sufficient powers to undertake necessary works on private land. The amendment bill will be prepared in consultation with the LGA. If there are any implications for the NRM bill, they can be addressed in the other place. I support this measure.

Amendment carried; clause as amended passed.

Clause 34.

The Hon. J.D. HILL: I move:

Page 39, line 9—Leave out 'its functions or exercising its powers' and substitute:
an investigation or survey, or carrying out any work in an emergency

This amendment was a suggestion made to the government by the National Environment Lawyers Association, in consultation with departmental officers. It was agreed that this was a better way of expressing the point.

The Hon. I.F. EVANS: We support this amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 39, line 15—Leave out '24 hours' and substitute:
two business days

This clause requires 24 hours notice to be given by the authorised officers for entry into the land, except in certain circumstances. We generally believe that two business days is a more appropriate period of notice. The government still has the power to enter in an emergency. If it is an emergency, the power is still there. However, we say that two business days is more reasonable.

The Hon. J.D. HILL: We can live with this, as long as it is clear that, in an emergency, the officers can act.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 39, line 30—Delete '$20 000' and substitute:
$5 500

This is a test amendment. We seek to reduce the penalty applying to someone who hinders or obstructs people exercising powers under this clause—in other words, officers or their nominees—to the same penalty that applies to the officer if they commit an offence against the landowner. Currently under the bill, the officer's penalty is $5 000 but the landowner's penalty is $20 000: the poor old landowner has to pay four times more than the officer. We are saying that, if there is to be a penalty against the landowner for hindering etc., then the same penalty should apply to the officer. Therefore, we have reduced the penalty to $5 500.

The Hon. J.D. HILL: The whole issue of penalties has been determined by quite a long process of consultation. I am not willing to alter the amounts in relation to these penalties. I will have a look at this one between here and the other place. The advice I have is that this is obviously a maximum penalty and could apply to a corporation. The penalties which relate to officers in the standard Gunn amendment really apply to individuals, so it is reasonable for a body corporate to face a penalty which is greater than an individual. A corporate body would find the sum of money that an individual would find difficult to pay relatively easy to pay. I will stick with it now, but I will have a closer look at it in relation to this issue.

The Hon. I.F. EVANS: When you have a closer look at it, minister, will you look at perhaps introducing a body corporate fine at a higher level and an individual fine at a lower level, equivalent to the officer's penalty?

Mrs MAYWALD: In the Water Resources Act, the existing penalty is $5 000 for the same provision. It seems quite extraordinary to multiply it by four, but the minister is prepared to look at it between houses.

The Hon. J.D. HILL: The suggestion made by the member for Davenport is reasonable. We can have a two-tiered penalty, I think.

The Hon. I.P. LEWIS: I make the point that the argument advanced by the minister, taking whatever advice it may be that he is relying upon, illustrates points that I made earlier tonight; and it is also absurd. It is also absolutely ridiculous, because I have never yet seen a body corporate get up on its hind legs and obstruct someone. It has to be a person who does that. It is a specious argument. It may be a body corporate which hires a firm which employs a person who owns a dog that does the obstructing but, notwithstanding that, it is not the body corporate that is responsible. If it is an unlawful act, it is the person commanding the dog who has committed the offence. This is not like failing to pay dues and so on.

In any case, it is section 34 that illustrates the kind of things to which I alluded in my post second reading remarks, and in the remarks that I made elsewhere in the course of the committee debate about the necessity for sunset clause provisions. Under what is called 'sunset clause provisions', the board or boards automatically expire unless the parliament reinstates them. In the process of the reinstatement, there is debate about the kinds of actions that have been taking place under clauses such as clause 34. It draws attention to the boards in relation to whether the public thinks it is doing the job in the way in which the legislation, with its noble objectives, intended it should.

As you know, Mr Chairman, citizens are loath to risk antagonising bureaucrats where they know the balance of power stacked against them is going to cause them, perhaps, angst that they would not otherwise have to suffer. So, Mr Chairman, as you know, they come to us as members of parliament, make their complaints and give us illustrations of where it has happened to them. They plead not to have their names revealed because they fear retribution or, at least, the reaction that the particular public servant or bureaucrat serving the board might develop towards them as an antagonistic attitude, conscious or subconscious. Yet, the minister is saying that it is okay to have a two-tiered fine in an argument for reasons that do not have real validity in law.

There ought not be a difference in the fine, and there ought not be, equally, the means by which those people doing the bidding of the board, according to their interpretation of it, can get away with making a mistake, any more or less risky than a human being opposing them in the rightful, lawful exercise of their powers. I find it amazing that the minister cannot accept that principle straight up. It ought to have never appeared in the legislation in the first place. It ought to have been noted that the fine was excessive in terms of other legislation to which the member for Chaffey has already drawn attention.

That is an oversight of the very kind—and this is where I conclude my remarks—that I say warrants the inclusion of sunset provisions, because it will come up in the debate. However, it will never come up in a report or review where the report or the review is undertaken by bureaucrats on other bureaucrats.

Sunset provisions certainly fix those kinds of anomalies quickly because the debate gets torrid if they are not fixed. If things are going wrong and the minister of the day, whomever it may be (and I do not reflect on this minister), I simply say, as I have said to other ministers in the past, 'You won't be minister forever.' Invariably, I have found my remarks to be correct in predicting that subsequent ministers have chosen to do things differently from the minister at the table when the legislation was introduced by that minister. The minister in more recent times chose to interpret it in ways which were not countenanced by the minister who introduced the legislation, which ways were detrimental to the members of the public on whom it had an impact that was unfair in consequence.

The CHAIRMAN: The minister has given an assurance that he will look at this whole matter.

The Hon. J.D. HILL: I will. I give a genuine assurance to look at this matter. I will make a couple of observations. There are some very wealthy landowners who have a strong interest in keeping departmental officers off property. My departmental officers can give a recent example of a particularly wealthy landowner who refused entry onto property.

The Hon. I.F. Evans: But under this clause, John, they can get a warrant by telephone and enter straightaway.

The Hon. J.D. HILL: This is if they refuse entry under this clause.

The Hon. I.F. Evans: If it is an emergency, they can get a warrant.

The Hon. J.D. HILL: Clause 34(7) provides:

> A person must not, without reasonable excuse, obstruct or hinder a person exercising powers under this section.

If you have a warrant in your hand, that does not necessarily mean the person will let you in.

The Hon. I.F. EVANS: But the minister is talking about entering a property. To enter a property, they can get a warrant. The minister's example was someone had stopped someone entering their property. I am saying to the minister that, under his bill, they can get a warrant to enter property.

The Hon. J.D. HILL: I have indicated that I will have a closer look at it and address the concerns raised by members and ensure that this is a more balanced measure. I will give that undertaking between the houses.

The CHAIRMAN: So, the honourable member is not proceeding with this amendment?

The Hon. I.F. EVANS: That is correct, sir. I now move:

Page 39, after line 31—Insert:
After 'land' insert:
(other than residential premises)

This amendment seeks to clarify 'A person may use force to enter land' by inserting '(other than residential premises)'. The definition of 'land' includes residential premises. We want to make absolutely clear that a person may use force to enter land but not residential premises, and the purpose of the amendment is to make that clear.

The Hon. J.D. HILL: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 35 to 43 passed.

Clause 44.

The Hon. I.F. EVANS: I move:

Page 44, after line 30—Insert:
(5) A regional NRM board must ensure that a report on any financial assistance provided under this section is included in its annual report.

This amendment inserts a new subclause (5) at the end of clause 44. We have moved this amendment so that under clause 44 the board has the power to provide financial assistance to businesses. The parliamentary Industries Development Committee looks at all these issues, and we want it publicly disclosed so that the parliament and the public are aware of what grants have been made.

The Hon. J.D. HILL: I indicate that I accept the amendment. We will look at the clause between the houses. We might end up with just a bit too much detail, so we might need to come up with a scheme so that it can be put into classes or groups.

Amendment carried; clause as amended passed.

Clause 45.

The Hon. I.F. EVANS: I move:

Page 45, line 1—Delete:
'ensure that reasonable steps have been taken to'

Currently, under this provision, the board has the power to assign to another person the responsibilities for infrastructure. So, the board can build infrastructure on your property and then assign you the responsibility for it. Under subclause (2), which is what we seek to amend, the minister must ensure only that reasonable steps have been taken to consult with the owner, then they can assign the property. They may not actually ever get to consult with the owner. As long as they have taken reasonable steps, the owner might end up with a trash rack, or some other piece of infrastructure, being assigned to them. We say that they should not be able to assign a piece of infrastructure to another owner or occupier unless they have actually consulted. So, on this occasion, we think it is important that the words 'ensure that responsible steps have been taken to' be removed. So, the clause would read that the minister must consult with any owner or occupier of the relevant land before an assignment is made under this clause. It guarantees the owner or occupier will be consulted before infrastructure is transferred.

The Hon. J.D. HILL: This is the issue about 'must consult', which I addressed before. The owner may not want to be consulted or may dispute whether the consultation process was appropriate. I cited the example of the Hindmarsh Bridge and the former minister for Aboriginal affairs who consulted with Aborigines in relation to that, but the courts found that that consultation did not occur because there was not sufficient time. I am reluctant to accept this now, but I will have another look at it. The advice I have is that this could well cause difficulties. In addition the LGA's advice was that we should be cautious about adopting such a recommendation.

The Hon. I.F. EVANS: I have generally accepted that view of the minister on the other 'must/should' principle issues, but I have to say that, if the minister thinks that an owner does not want to consult properly, then the minister has powers of compulsory acquisition to place infrastructure on their land. If the minister thinks an owner is going to be difficult, then he can use compulsory acquisition to force it upon the owner.

The Hon. J.D. Hill interjecting:

The Hon. I.F. EVANS: No. The provision is that you can assign responsibility for infrastructure. Therefore, you are going to have to build the infrastructure on their property. You are not going to be able to do that unless they agree, but under this clause you can, and all you have to do is take reasonable steps to consult. If the owner says no, you still have the option of compulsory acquisition.

The Hon. J.D. HILL: This does not give authority to construct infrastructure on someone else's property; this is when the infrastructure is already constructed. For instance, say that a drain has been constructed through the compulsory acquisition of land, and there is a general provision that the owner has to look after that particular piece of that drain, then that is assigned to that person as part of that person's responsibilities. If you say that we cannot do that until we consult, it may be impossible ever to get into a position where you can consult, and that bit of infrastructure which is part of a larger piece of infrastructure may not be managed to the detriment of the overall community which wants that drain to work. That is the problem that I see with this. It plainly states in the first part that it is about the assignment of responsibility, care, control, and management, not construction.

The Hon. I.F. EVANS: How did the infrastructure get onto the property unless someone built it? Someone has to build the infrastructure. If the public are building the infrastructure, I suggest they are going to ask the owner first. Even if the infrastructure exists, as the minister suggests, it had to be built by someone. I think this has more to do with people going to councils and saying, 'We are going to build a stormwater drain or a trash rack on your council property and, if we do that, we will pay for the construction and then we will assign it.' However, this applies to private owners as well. I say that you cannot possibly build infrastructure on private land without the approval of the owner.

The Hon. J.D. HILL: Perhaps the element that neither of us has looked at properly is the consignment to a third party. For example, the Upper South-East Drainage System has been constructed over a period of time. It is there; we have done that. We may well assign to a third party, say the local council, the responsibility for maintaining that structure.

The Hon. I.F. EVANS: I accept that the minister will look at it between houses and I will let him deal with it in that way.

Amendment negatived; clause passed.

Clause 46 passed.

New clause 46A.

The Hon. I.F. EVANS: This amendment seeks to ensure

that the boards do not pay payroll tax. I do not intend to move it because the government has indicated that it intends to make a statement to the committee to clarify the position.

The Hon. J.D. HILL: I am pleased to make a statement to the committee on behalf of the Treasurer who, in front of a witness, that is, the member for Davenport, assured both me and the member for Davenport that Treasury would ensure that, if this amendment were not to be passed, Treasury would undertake to pay back to the NRM boards, out of general revenue, the equivalent of the payroll tax that had been collected, and that would be an ongoing commitment. The option of excluding this set of boards from the provisions of payroll tax was rejected by the Treasurer because it would weaken the purity of the arrangements that are currently in place. The intention of the honourable member will be picked up by the commitment which the Treasurer has made and which I make on his behalf.

New clause negatived.

Clause 47.

The Hon. I.F. EVANS: I move:

Page 46, line 14—Delete subclause (1) and substitute:

A regional NRM board may, by notice in the *Gazette*, designate an area within its region as an area within which an NRM group will operate.

This seeks to change the authority that is responsible for designating areas within regions as groups. We think that is a function that can quite properly be carried out by the regional boards. We do not see why the minister's office should be tied up with such detail. The purpose of this amendment is to take that power off the minister and give it to the regional NRM boards.

The Hon. J.D. HILL: I understand the general point that the honourable member makes and it is my intention that it will operate in that way. I point out that subclause (5) states:

The Minister may only act under this section on the recommendation of, or after consultation with, the relevant regional NRM board or boards.

This is the point that the member for Hammond made when he was chairing the house last week. He said that he wants to make sure that the minister is in the house and is responsible for the actions of the boards that are established under this body.

As the responsible minister, as with anyone who is in that category, I need to be assured that the arrangements that are established are, in my opinion, appropriate. I will exercise that power only after I have consulted with the NRM board. I imagine that the way it would work is that the NRM boards would get together and come up with a plan to set up regional boards in their area. They would come to me and I would ask them whether they really think 20 is appropriate and that perhaps it would be better not to have that many, perhaps four or five. We would go through a process of negotiation and that would ensure that there is a bit of central quality control, especially in the initial period when the boards that we are establishing will not have any ongoing experience of how many groups and so on ought to be established. We could end up with overly ambitious boards establishing too many groups or in some cases not establishing enough. On balance, I think the way we have this structured will produce the best outcomes.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 46, line 29—
After 'for the area' insert:
, and the South Australian Farmers Federation Incorporated and the Conservation Council of South Australia.

This amendment seeks to insert, after the constituent council for the area, the other organisations. The Farmers Federation and the Conservation Council are to be notified, as are the local government constituent councils in that area.

The Hon. J.D. HILL: I have indicated that I accept this as a general principle.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 46, line 30—
Delete 'the council' and substitute:
the relevant body.

I understand that this is consequential to previous amendments that have been agreed to.

The Hon. J.D. HILL: We support the amendment.

Amendment carried; clause as amended passed.

Clauses 48 and 49 passed.

Clause 50.

The Hon. I.F. EVANS: I move:

Page 48, lines 28 and 29—Delete paragraph (b) and substitute:

(b) consult with—

(i) any constituent council for its region that is also a constituent council for the area of the NRM group; and

(ii) the South Australian Farmers Federation Incorporated; and

(iii) the Conservation Council of South Australia.

This is notification to the Farmers Federation and the Conservation Council about certain matters. We have agreed on that.

The Hon. J.D. HILL: I support the amendment.

Amendment carried; clause as amended passed.

Clauses 51 to 54 passed.

Clause 55.

Mrs MAYWALD: I move:

Page 51, lines 9 to 11—Leave out subclause (4).

This amendment leaves out subclause (4), which provided:

The minister may, after consultation with the relevant regional NRM board or boards, by instrument in writing given to an NRM group, limit or regulate the powers of the NRM group in any respect.

It is my view and the view of members that we need to make sure that we define the lines of accountability through this whole process, and this amendment and the amendment that I am about to move provide for the minister to be able to direct the boards and then to also direct the groups. I think it is inappropriate for the minister to be able to direct a board and then go around the board and then direct the groups that are reporting to the board. I think that by this amendment we actually take out the double direction and provide a clear line of accountability for the NRM groups through the boards to the minister. The minister has the power to direct the boards, and the boards are responsible for the groups. So, I believe that any direction that the minister may want to impose can go through the channel of directing the boards. I move this amendment for those reasons.

The Hon. J.D. HILL: The government supports the proposition put by the member for Chaffey, for the reasons that she gave.

Amendment carried; clause as amended passed.

Clauses 56 to 62 passed.

Clause 63.

Mrs MAYWALD: I move:

Page 53, line 31—Leave out 'the Minister and'.

This amendment is consequential on amendment No. 5 and ensures that the line of accountability is as debated in relation

to the previous amendment.

The Hon. J.D. HILL: That is supported by the government.

Amendment carried; clause as amended passed.

Clauses 64 to 69 passed.

Clause 70.

The Hon. I.F. EVANS: I move:

Page 56, Line 5—Delete ', if requested to do so,'

This amendment seeks to amend clause 70(3), which provides:

An authorised officer must, if requested to do so, produce evidence of his or her appointment by showing a copy of his or her notice of appointment, or by showing his or her identity card for inspection, before exercising the powers of an authorised officer under this act.

My amendment simply takes out 'if requested to do so'. My view is that if an authorised officer is coming to your property they should automatically show you their identity card. They have the power to stop vehicles, and how they are going to suddenly pull up alongside you and wave you over without any identification is, to us, a concern.

The Hon. J.D. HILL: I indicate that I think this is a reasonable provision. We require charity collectors to identify themselves; and police officers, EPA officers and others ought to have to do this. A tag with a photograph, or something like it, to be worn on a lapel would not be difficult to do, I am sure.

Amendment carried; clause as amended passed.

Clause 71.

The Hon. I.F. EVANS: I move:

Page 57, lines 37 to 42—
Delete paragraph (b) and substitute:
(b) the authorised officer is acting under the authority of a warrant issued by a magistrate.

This seeks to delete the words 'other than any vessel or craft' from clause 71(3). The reason we seek to move this amendment is that, currently, an authorised officer must not exercise a power conferred by subclauses (1) or (2) (which provide all the powers of the officers, essentially) in respect of residential premises other than a vessel or craft. If a houseboat happens to be your premises (and there will be plenty of those on the river), why should that be treated differently to premises on the land? It is still someone's premises. So, we think the protections that are offered to people on the land should be offered to people who consider the craft or vessel to be their residence. Therefore, we seek to amend that clause to achieve that purpose.

The Hon. J.D. HILL: We can accept that. We may reserve the right to have another look at that between the houses, but I guess there is always a concern that, within the River Murray Act, we have included this provision which allows us to enter a house boat, or something like that, which could be used for a whole range of purposes. For example, in the case of a house boat on the River Murray, the owner of the boat could be polluting the river directly, and the only way you would find out was if you entered that house boat. So, there is an issue, but I will accept it today.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: Not necessarily, but within time, to catch the effluent being disposed of. We will accept it today, but I reserve my right to have another look.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 57, lines 37 to 42—
Delete paragraph (b) and substitute:
(b) the authorised officer is acting under the authority of a warrant issued by a magistrate.

This amendment seeks to slightly change clause 71(3) again, in respect to paragraph (b). It seeks to add better protection by making it a requirement that a warrant is required to be issued by a magistrate before the powers as outlined in paragraph (b) are exercised. Currently, that is not required in relation to paragraph (b)(ii), which provides:

(ii) is exercising the power in order to determine whether the conditions of a permit or licence under this Act are being complied with; or
(iii) is acting in a case where the authorised officer reasonably believes that the circumstances require immediate action.

We simply say that a warrant is needed for those issues, because it adds a bit of protection. The officer can get a warrant by phone. With mobile phones, these days, it will not take very long to get a warrant over the phone, so I do not see it as a great disadvantage, but it does give the landowners slightly more protection.

The Hon. J.D. HILL: We believe that this is an important provision. I cannot accede to the member's desire in relation to this. It is particularly important under the Animal, Plant and Pest Control Act that officers are able to act swiftly if they believe that that act is being breached. If we allow pest animals to enter into our landscape, we can potentially have huge risks. We do need to have that flexibility and, if we have to go through a process of getting a warrant, that would be severely restricted.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 58, after line 6—insert paragraph as follows:
(5a) A magistrate must not issue a warrant under subsection (1)(k) or (1) unless satisfied that there are reasonable grounds to believe that circumstances require the relevant action to be taken.

Amendment carried; clause as amended passed.

Clause 72 passed.

Clause 73.

The Hon. I.F. EVANS: I do not intend to proceed with my amendment No. 111, because I have been shown where it appears in a number of other acts. Amendment No. 112 is the penalty amendment. We have already lost that principle, and I do not intend to proceed with that amendment. However, I move:

Page 60, line 38—Delete '$10 000' and substitute:
$2 500

This is a different penalty issue. I know that I will lose this issue, but I will move it. Throughout the bill the level of penalties have increased quite significantly, in some contexts three and four times the existing penalties. While we accept that, from time to time, penalties need to increase, we think that to bring the acts together and, at the same time, increase the penalties three and fourfold is unreasonable. In our view, a case has not been made to increase all the penalties in that sort of range. We have sought to increase the penalties by about 10 per cent across the old acts. So, we give the government an increase but not an outrageous increase.

The minister advises that he is not prepared to accept this amendment. He already told us that in his second reading reply. We accept that that is the government's right, but we put on the record that we think that it is unfair to lift all the penalties in the way that the government seeks to do. We acknowledge that there might be a need in the case of water but, of course, the increase in penalties right throughout the

bill are not restricted to water. The penalties under some of the old land provisions and animal and plant provisions have increased significantly as well.

While the minister can, I think, make a case in regard to water, rather than delay the committee on every one of our penalty amendments, we accept the fact that we are going to lose them, but we do think the government taking the opportunity to ramp them up two, three and four times right throughout the bill is unfortunate, and we move this amendment to make that point.

The Hon. J.D. HILL: I will not go into long debate. The government has considered these matters carefully and undertaken consultation broadly. The Animal and Plant Act is almost 20 years old now, and the soil act about 14 or 15 years; and, while the water act is only seven years old, a magistrate has indicated that he did not believe the penalties were high enough. This clause brings the penalties across those three acts in line with modern standards. I am pleased that the honourable member does not intend to debate every one of them, but I indicate that we intend to stick to the provisions that are there.

Amendment negatived; clause passed.

Clause 74.

The Hon. I.F. EVANS: I move:

Clause 74—Delete this clause and substitute:

74—Protection from self-incrimination

A person is not obliged to answer a question or to produce a document or record as required under this Part if to do so might incriminate the person or make the person liable to a penalty (including in the nature of enforcement proceedings under this Act).

My understanding is that the government accepts this clause.

The Hon. J.D. HILL: The government will accept that clause.

Amendment carried; clause as amended passed.

Clause 75 passed.

Clause 76.

The Hon. I.F. EVANS: I move:

Page 63, lines 24 to 28—Delete subclause (14) and substitute:

(14) For the purposes of this section, the *peak bodies* are—

(a) the LGA; and

(b) local government bodies nominated by the LGA for the purposes of this section; and

(c) the South Australian Farmers Federation Incorporated; and

(d) the Conservation Council of South Australia; and

(e) any other bodies interested or involved in natural resources management recognised by the Minister as a peak body for the purposes of this section.

We have already won this principle.

Amendment carried; clause as amended passed.

Clause 77 passed.

Clause 78.

The Hon. I.F. EVANS: I move:

Page 67, after line 19—Insert:

(ba) in providing for the allocation of water take into account the present and future needs of the occupiers of land in relation to the existing requirements and future capacity of the land and the likely effect of those provisions on the value of the land; and

This is a measure that, I am sure, accidentally dropped out of the old Water Resources Act. This is a clause that seeks to have the effect of the provisions on the value of land taken into consideration in providing for the allocation of water. As I understand it, this is a provision that was introduced in the upper house by the Hon. Angus Redford, and then the lower house agreed to the provision. I am sure that this is just an error that this has dropped out in the drafting and removed this clause. Members can refer to *Hansard* to find out all the arguments for this clause. We think it is important that the value of the land provision be in the act. No example has been given to me as to the ineffectiveness or unworkability of this clause in the old act. In 18 months and in all the briefings around the state, this clause was never the subject of a negative comment to my knowledge, other than that some of the departmental officers do not like it. Certainly, the land holders appreciate it being there.

The Hon. J.D. HILL: The government does not accept this amendment, despite the fact that it was in the Water Resources Act. It embraces a principle which has really been lost in public debate in Australia over the years as a result of competition policy and the separation of the ownership of land from the ownership of water. I know that there are members in this place and elsewhere who do not like that fact, but that is the fact: there is a separation between those elements. We cannot turn back the clock. This provision is redundant and, for those reasons, the government does not accept it.

Mr WILLIAMS: Whether or not the minister likes this matter, I suggest to him that, as occurred last time when the Water Resources Act 1997 went through the parliament, this will be inserted in the other place—and with very good reason. I draw the minister's attention to his own second reading contribution on this bill. To paraphrase the minister, he said that land and water are the fundamental natural resources that together form the basis of every ecosystem (or something along those lines). The minister acknowledged in his own second reading speech that you cannot separate land and water, as he is saying we have done.

The minister will, I hope, live long enough to understand the error of his ways. I have raised this point a number of times in this parliament. The minister would like to think that you can separate land from water and I agree that, when you are working with the riverine system, the Murray River, where the catchment is completely separate from where the water is used, whether it be in Adelaide or in the Riverland where we are extracting water for irrigation, you can get away with that notion. However, with a system as in the South-East, where the catchment falls on the very land that uses the water, the storage is underground. Under that system, when you give the allocation and use of the water in the underground aquifer to one group of people and expect another group to provide the catchment, there is an issue. The catchment is the resource as opposed to what is under the ground, because the catchment replenishes it each year. Everything done with regard to water allocation in the South-East of the state is predicated on the catchment, not on what is in the resource. The minister and his department realise they have to protect the catchment.

That is why the minister came into the house with his nonsense back on 15 February saying that he will put an end to the expansion of the forestry industry in the South-East. The minister will protest and say he is not putting an end to it, that he is only building surety. That is a nonsense and the minister knows it. The very action he is taking will destroy in the medium to long-term one of the biggest industries in this state, namely, the forestry industry in the South-East. That is what his actions will do.

The point I make is that it is impossible in the situation we have in the South-East to divorce the land from the water, because the catchment is the resource and there are a huge number of ways that farming practices affect the amount of

catchment from a specific quantity of rainfall. It is as simple as changing the fertiliser regime. It is more complicated if you change the species of pasture you are growing. Some people talk about changing land use, which can be quite dramatic. Without changing the land use, by simply changing the fertiliser regime, you will change the amount of water the plants in existence will use.

I gave a demonstration to the minister last week, where field trials on a new variety of rye grass in the South-East showed an increase in production of dry matter of about 36 per cent. I challenged the minister then to get scientific evidence to suggest that you could get a 36 per cent increase in the production of dry matter without using additional water, which comes from the rainfall. It is imperative, in my opinion, that we leave this link between land value and a natural resource management plan because, if you break that link, you undermine the rights of every land owner in the South-East. The minister is keen to come into this place and talk about property rights with regard to water and water licences, but he ignores the fact that landowners, through freehold title or crown perpetual lease title, should enjoy some property rights.

I urge the minister to rethink what he is trying to do. It did not escape my attention that he virtually duplicated what was in the Water Resources Act but, very conveniently, sought to omit this provision. I say to the minister that he does so at his peril, because I can assure him that it will be reinserted in the other place. Fortunately, there are a few people in the other place who have a farming background, who probably control the numbers and who understand what the minister is trying to do to them.

I urge the minister to do the sensible thing. If he has no intention of undermining the property value of land-holders across larger areas of South Australia, he will not mind this provision remaining. The only reason he would want to do away with it is if he knows in his own heart that these plans will impinge upon the property rights of land-holders.

The Hon. J.D. HILL: I have indicated previously that we do not accept the amendment. I will not go through the arguments again.

Amendment negatived; clause passed.

Clauses 79 and 80 passed.

Clause 81.

The Hon. I.F. EVANS: I move:

Page 69, after line 39—Insert:
(iva) the peak bodies; and

We have already agreed on this issue.

The Hon. J.D. HILL: We agree with this amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 70, line 39—Delete subclause (14) and substitute:
(14) The presiding member of the board will conduct the public meeting but if he or she is unable to attend then the board must appoint a suitable person to conduct the public meeting.

The purpose of this amendment is to ensure that the presiding member of the board conducts the public meeting and not the nominee of the board. The reason we move this amendment is simply that the presiding member is receiving a fee and they should be accountable for the board's actions where possible. If there is to be a public meeting, the presiding member should chair the meeting.

The Hon. J.D. HILL: I know this is a very minor matter, but some people are better at conducting public meetings than others, and some people are better at chairing boards than others. I do not know whether the skills are necessarily equivalent. We can live with this amendment, but it does seem to be unnecessarily constraining. It may well be that a public meeting is held when an independent person chairs the meeting, and the president, or the presiding officer, actually makes a presentation at that meeting. Is this really a big issue for the member?

The Hon. I.F. EVANS: No.

The Hon. J.D. HILL: In that case, I think we will leave it as it is.

Mr WILLIAMS: When the minister said that there might be somebody better to conduct a public meeting, I can tell him that, in relation to the catchment board in the South-East, when a public meeting was held at Lucindale last year to discuss the issue of levies on water-holding licences (which, as the minister knows, was a very contentious issue), the presiding officer and the executive officer of the board did not even turn up at the public meeting, let alone preside at the public meeting. I know that they did not call the public meeting, but this gets back to what I was saying about lack of accountability. Here was the minister's board, at his behest introducing what the community saw as a totally unfair tax (and I totally agree), and the presiding member and executive officer of the board did not have the guts even to turn up at a public meeting when it was called. The minister would have us believe that there is no line of accountability. I think it is absolutely essential that we pass this amendment.

Amendment negatived; clause as amended passed.

Clause 82.

The Hon. J.D. HILL: I move:

Page 71, after line 19—Insert:
(3a) The minister must consult with the regional NRM board before making an amendment under subsection (3)(a).

This amendment requires me to consult with the regional NRM board before making an amendment under subclause (3)(a), and I think that is reasonable.

Amendment carried; clause as amended passed.

Clause 83.

The Hon. I.F. EVANS: I move:

Page 74, after line 36—Insert:
(14) If the minister adopts an amendment (with or without amendment) under subsection (7), the minister must furnish a copy of the amendment to the Natural Resources Committee of the parliament.

This amendment requires the minister to provide a copy of the amended plan to the NRM committee of the parliament.

Amendment carried; clause as amended passed.

Clauses 84 to 90 passed.

Clause 91.

The Hon. I.F. EVANS: I move:

Page 76, lines 38 and 39 and page 77, lines 1 to 11—
Delete subclause (2).

Subclause (2) gives the minister the power to amend a plan to take action, which, in the opinion of the minister, is addressing something that is unfair, inappropriate or unsustainable assumption or position contained or reflected in the plan; or a matter that is based on a mistake of fact. It talks about the objects of the River Murray Act and so on. Our concern with this clause is that essentially it is unappealable because everything I have read out is simply subject to the minister's opinion. As long as the minister says to a court, 'It was my opinion at the time', it does not matter how outrageous that opinion was because, in essence, it is unappealable.

This clause gives significant power to the minister to amend the plan. Subclause (2) provides:

> The minister may amend the plan in order—
> (a) to take action which, in the opinion of the minister is addressing—

If members want to know how broad the power is, it is as long as it is addressing an object of the River Murray Act. The object of the River Murray Act is about as long and as broad as the object of this bill, or indeed the objectives for a healthy River Murray under that act, or indeed anything under Murray-Darling Basin agreement. This gives the minister the power to amend the plan because he has an opinion that it needs to address an object in another act. It is a very broad power. What amazes me about it is that, if the minister is so inclined, he could go right through the public consultation process and then decide to change the plan because of their opinion that it needs to address something. So, it really is a catch all clause in that respect. We seek to delete that second clause.

The first part of clause 91 provides that the board may amend the plan in order to correct an error. If there is an error in the plan, it can be corrected by the board, so the minister does not need that power. The board can amend the plan in order to achieve consistency with any other plan under this act, or, indeed, the board can make a change of the form not involving a change of substance in the plan. There are provisions for simple errors to be corrected by the board, but for the minister to have the power to simply form an opinion about anything and then change the plan we think is an extraordinary power.

The Hon. J.D. HILL: I thank the member for his comments. I do not agree with his analysis. This details the circumstances I might go through in that exercise of power. It is consistent with the language in the River Murray Act which was not objected to. In particular, part one is included to correct matters which have been sent up to me for passage. I think an example was given by the member for MacKillop a while ago in relation to the Tintinara levy arrangements which were wrong. For some time the department struggled to work out a way of correcting that until it came up with a device. It would be easier if I could have changed it because it had been wrong.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: True. Of course it would have been. In addition, I indicate an amendment that I am moving in relation to this clause which would require me to consult with the regional NRM board before taking action under this clause so that there is some sort of feedback provision. All of these things could go to the Natural Resources Committee to be reviewed and commented upon.

The Hon. I.F. EVANS: Where does it say this has to go to the committee to be—

The Hon. J.D. Hill: My next amendment will do that. It is amendment number nine on my list.

The Hon. I.F. EVANS: With due respect, it does not say anything about sending it to the parliamentary committee.

The Hon. J.D. HILL: I am sorry. I was not saying that was part of my amendment. I was merely saying that I am amending it so that I have to consult with the regional NRM board. In any event, the NRM committee, in the general process of supervising this legislation, could check on how I did these kinds of things by talking to boards, calling witnesses and so on. There is a general capacity to do these things.

The Hon. I.F. EVANS: How would they know that you have done it if you are only consulting with the NRM board? If the minister commits to move an amendment in another place requiring the minister to consult with the NRM committee in the parliament, I am happy to withdraw my amendment.

The Hon. J.D. HILL: There is no direct way that this would be included but I am happy to look at amending it further—I can do that between the houses—to require either a statement in an annual report or some reference to the NRM committee. I am happy to have processes of scrutiny involved in these issues.

The Hon. I.F. EVANS: On that basis, I seek leave to withdraw my amendment so that the minister can move his amendment on the undertaking that he has given.

Leave granted; amendment withdrawn.

Mrs MAYWALD: I have a question about clause 91 (2)(b), which provides that the minister may amend the plan in order to further the objects of the River Murray Act. Paragraph (c) is to achieve greater consistency with the terms. If you go back to clause 89, the plan must be established, and, in establishing the plan, the board must to the extent that a plan applies to the Murray-Darling Basin or in relation to the River Murray, the plan should—

(a) seek to further the objects of the River Murray Act, etc.
(b) be consistent with the terms or requirements of the agreement approved under the Murray-Darling Basin Act.

It seems to me that clause 89 has already provided that it must meet those requirements before the minister will sign off on the plan, anyway. Then, if there is a change in respect of the Murray-Darling Basin provisions or something like that, the NRM board then has the opportunity to go back and amend through clause 91(1), where a regional NRM board may amend a plan in order to achieve consistency with any other plan under this act; or to make a change of form not involving a substantial change in the plan. There is provision there for the board to make an amendment under that clause, because they are required to meet the objects of that act, anyway. So, if there is an error, it can be fixed; therefore, I do not think subclauses (b) and (c) are necessary.

The Hon. J.D. HILL: I take the point the member makes, but the advice I have is that they are necessary. These arrangements are designed to try to pick up some of the problems that exist under the existing Water Resources Act, where to make any minor amendment or change to a plan you have to virtually go back to the beginning of the consultation process, and that can really slow down the process. One of the outcomes of the review of the Water Resources Act was to create this capacity for flexibility. I suppose the concern is that the minister might wantonly change the plan without going through due process. So, I have undertaken by amendment to make sure that I have to consult with the board before I do that. In addition, I am happy to include some reference so that the matter can be either referred to the NRM committee or included in the annual report or both. I am advised that the flexibility contained within this clause is required, and I ask the member to bear that in mind.

Mrs MAYWALD: I understand the issue to which the minister refers, and I have great sympathy with it, given that plans have been difficult to amend if it is found that there is an issue in a plan. However, clause 91(1) gives the board the powers to deal with those minor issues. I think there is ample opportunity in subclause (1) without having to refer to the River Murray Act, the healthy River Murray objectives and the Murray-Darling Basin Act again, as the minister has

already referred to them in clause 89.

The Hon. J.D. HILL: I am just repeating myself now. My advice is that flexibility is required, but I am happy to look at it between the houses. I move:

Page 77, line 11—After 'by the plan' insert:
and that the minister has consulted with the relevant regional NRM board before taking action under this subsection.

I have already spoken to this amendment.

Amendment carried; clause as amended passed.

Clauses 92 to 97 passed.

Clause 98.

The Hon. I.F. EVANS: I move:

Page 80, line 40—Delete 'A' and substitute:
Subject to this section, a
Page 81, after line 13—Insert:
(5) Any amount that a council is entitled to receive under subsection (1) must be reduced by the APC amount (if any) for the relevant financial year (and if the APC amount for that financial year exceeds the amount that the council would otherwise be entitled to receive under subsection (1) then no payment will be made to the council under this section for that financial year).
(6) For the purposes of subsection (5), the APC amount is the amount (if any) that applies to the council under section 36(4) of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 with respect to the 2003/2004 financial year (as the relevant scheme under that act continues by virtue of the operation of clause 55 of schedule 4 of this act and as that amount is determined in respect of 2004 under that scheme), adjusted on an annual basis (to the nearest multiple of $1 000) in order to reflect changes in the general rate revenue for the relevant council between 2003/2004 and the financial year in relation to which the entitlement of a council under this section is being determined (the relevant financial year under subsection (5)).
(7) Subsections (5) and (6) will apply from the commencement of the 2005/2006 financial year.

These amendments seek to change the method of how collection costs of councils are calculated. Clause 98 is about costs of councils. An NRM board is liable to pay each constituent council an amount determined in accordance with the regulations on account of the costs of the council in complying with the requirements of this part of the act. It goes on to explain roughly how that might occur. What it does not take into consideration is the windfall gain that local councils will get, because currently there is 1 per cent and 4 per cent built into council rates because of the soil, animal and plant matters. Of course, in this legislation that is not touched. So, that becomes, in effect, a windfall gain for the council, because it is built into their rates, and the rates are not reduced as a result of this legislation.

The minister made some comments about this in relation to the emergency services levy when we debated that legislation. We seek to bring in the principle that the amounts that are in the council budget for those levies will be netted off the costs that will be paid back to the council. In this way, the ratepayer will benefit by a return of that through a lower levy, because the collection costs will be less as it is built into the council rates. If this amendment is defeated, the government is saying that local councils will keep their commission, which is built into their rates. Therefore, based on the experience of the emergency services levy, most councils will leave it built into their rates and spend it according to the budgets that are based around that expenditure. We see this as a way of returning money built into the councils' rates which is required to be built into the councils' rates under current legislation but which will not be needed to be built into the councils' rates under the existing legislation.

The Hon. J.D. HILL: I indicate that the government does not support this amendment and that the Local Government Authority does not support it either. The reason we do not support it is because the Local Government Authority is a separate tier of government and responsible for making its own decisions. It would be unreasonable for this committee to make a decision on their behalf. Individual councils that no longer have to pay that levy quite properly may determine to reduce their rates. If they did that, they would be penalised by this measure. In a situation where a council was changing its rates (as they do from year to year), how would one know whether or not they reflected this variation or some other factor such as, for instance, a need for extra services or more money to be spent on roads, etc. I think it is an unreasonable and unmanageable provision, and I am sure local authorities will work it out in the best possible way for their communities.

Amendment negatived.

The Hon. I.F. EVANS: Under the land levy provisions, one assumes that, in theory at least, the eight regions could sign off on a different method of collecting rates and therefore people across the state would pay different levy rates depending on which region in which they live. Is that theoretically possible?

The Hon. J.D. HILL: The way in which the Water Resources Act works, each council is given a sum of money which it has to contribute to the water catchment authority within its area. It is worked out on an area basis. So, council A may have to contribute $200 000; and council B, $150 000. Those councils then work out how to collect that levy based on whatever model of rate collection they use within their district. Already within an existing water resource area several councils may collect the levy using different models based on their own determination of how to collect rates and, as I understand it, that will not change under this system.

The Hon. I.F. EVANS: I understood it was collected on the methods set out in the NRM plan and that the council was obligated to collect it by that method, and the method set out in the plan can vary from region to region.

The Hon. J.D. HILL: I am getting some conflicting advice. I am not sure that what I said is correct. If I undertake to get a written statement to explain it to the honourable member before the bill goes into the other place, would that be satisfactory? Alternatively I can try to explain it again now. It appears to be different from the way it is collected under the Water Resources Act. I apologise for the earlier information. The NRM plan will specify the basis on which the levy is collected, whether it is a capital basis or a per head basis or some other basis, and that is done through consultation with the stakeholders, including the councils, and then it is collected by the councils on behalf of the board.

The Hon. I.F. Evans: And it might vary from region to region?

The Hon. J.D. HILL: Absolutely, yes, indeed.

The Hon. I.F. EVANS: Given that we have established that the natural resources management levy can be paid on a different basis from region to region, does the minister think that is unfair? When we debated the emergency services levy, the minister made this point:

I would like the minister to expand on that issue when he gets an opportunity in committee because it would be very unfair if certain people in the state were paying levies on a different basis.

Can the minister explain how it is that, under the emergency services levy, if people pay levies under a different basis it

is unfair, but under your legislation when they pay the levy on a different basis throughout the region, it is fair?

The Hon. J.D. HILL: I do not have that quote in front of me, and I do not know the context that the member has taken it from and what the point was that I was trying to make at the time.

The Hon. I.F. Evans: You were trying to say it is unfair.

The Hon. J.D. HILL: As I say, I cannot recall what I said however many years ago it was. I take the member's words but I do not know the context in which I made those comments. This process has been consulted upon across a wide range of interest groups—local government, all the various boards, the Farmers Federation and others—and this is a consensus that has been reached by those bodies. This is not a position that I took to them and said that this is the way it must be done. This is what has come out of the process of consultation and on that basis I support it.

Clause passed.

Clauses 99 and 100 passed.

Clause 101.

The Hon. J.D. HILL: I move:

Page 82, after line 40—Insert:

(2) However, the minister cannot, by direction or by the exercise of any other power under this Act (including the power to amend an NRM plan), require a regional NRM board to apply any levy raised in its region in another part of the state.

This amendment is to make plain what was intended, and to make it absolutely certain beyond any reasonable doubt that I cannot direct an NRM body to spend money outside its region.

The Hon. I.F. EVANS: I have no choice but to support this amendment. I seem to recall someone spending quite some time suggesting that I might be wrong in my assertions. I am pleased to see the minister has moved an amendment to clarify that. It would be an unusual power for the minister to have. The opposition is pleased to support the amendment.

Amendment carried; clause as amended passed.

Clause 102 passed.

Clause 103.

The Hon. I.F. EVANS: I move:

Page 84, lines 20 to 24—Delete paragraphs (e) and (f).

This amendment delates new paragraphs that relate to the factors on which a levy can be based. Under the Water Resources Act, there were four measures on which a levy could be based. The minister has dropped in a fifth factor on which a levy can be based. The fifth factor is, 'The effect that the taking or using of the water has, or may have, on the environment, or some other effect or impact that, in the opinion of the minister, is relevant and that is capable of being determined, measured or applied.' The minister can make up any reason he wants to apply the levy across a region, or the levy can be based on it at least, and the plan would have to reflect that.

The minister has exceptionally broad powers to decide how a levy will be based. It can be based on the effect that taking or using water has, or may have, so someone has to guess the potential impact on the environment. Then it goes on to provide 'some other effect or impact that, in the opinion of the minister'. What does 'some other effect or impact' mean? To what does it relate? We seek to delete that paragraph and, indeed, the paragraph that provides 'any other factor prescribed by regulation'. We think the four areas left in that subclause, if my amendment is successful, are ample for the levy to be based on, that is, the quantity of water allocated, the quantity of water taken, the quantity of water used, or the area of land where the water may be used, or the area of land where the water is used. We think they are enough factors on which to base the levy.

The Hon. J.D. HILL: This is an important measure and, in particular, it would relate to the River Murray, and I think it is consistent with the River Murray Act. The particular issue would be salinity.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: It is adapted from it.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: This relates to amendments made to the Water Resources Act under the River Murray Act. The issue would be the impact that it has on salinity, not only through the River Murray but also in other parts of the state. If you take water out of the ground at a particular rate, or if you put water of a particular quality on the ground, you can have quite a dramatic impact on salinity, which does have quite a deleterious effect not only for environmental outcomes but also for economic outcomes.

The Hon. I.F. EVANS: I understand what the minister is saying, but if you want to limit it to the salinity effect why not say that?

The Hon. J.D. Hill: That was an example.

The Hon. I.F. EVANS: But it could be absolutely anything. I do not have a philosophical problem with trying to address the salinity issue in the Murray, but this clause is very broad. The minister's intention might be to use it for salinity in the Murray, but what will be the minister's intention use it for in 20 years' time? We do not know. This clause provides that it can be for 'some other effect or impact that, in the opinion of the minister', and so on. So, it can be absolutely anything. You have this power under the River Murray Act; you have the power, anyway, under another act to do it on the other levy.

The Hon. J.D. HILL: All I can really do is try to sum this up. This is based on a measure that was included in the Water Resources Act as a consequence of the River Murray Act being passed. The River Murray Bill placed a measure similar to this within the Water Resources Act. That has been carried through into this legislation and broadened, because this legislation is about more than just water and it is about more than just salinity. It is about the effect that using water may have, in a negative way, on the environment. I guess it could be the flooding of vegetation or it could be the creating of a quagmire. I am just hypothesising. There is a range of possible impacts that water, used in a poor way, could have on the environment.

Amendment negatived.

The Hon. I.F. EVANS: I move:

Page 84, lines 25 to 27—Delete subclause (7)

This amendment deals specifically with the clause that the minister just spoke about; this gives the minister specific powers to deal with salinity in the Murray. Given that the minister has the power under paragraph (e), I will not hold the house any longer, but we do not see why we need special provisions for the Murray. We recognise that the Murray is an issue, and there is a special act for that. But what happens if we have a major issue in another area? It does not get treated the same as the Murray. If we are to apply these provisions specifically to the Murray, why not apply them more generally? We know that we will lose the amendment: we will move it and get on with the next clause.

The Hon. J.D. HILL: I thank the member for not pursuing it. We support the existing measure.

Amendment negatived.

The Hon. D.C. KOTZ: I would like to ask the minister a question relating to 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 towards reducing salinity levels associated with the River Murray.

My question relates to the first part of the clause referring to 'a component based on the effect that the use of water may have on salinity levels associated with the River Murray'. Could this apply to other areas adjacent or outside of the River Murray region where River Murray water is transported and may traverse levels of salinity greater than in the area the water may be transferred to? I am not sure of the association of this component with the levy we are talking about.

The Hon. J.D. HILL: The advice I have is that, no, it would not. This provision really relates to the obligations of irrigators in the River Murray based in South Australia to ensure that they are responsible for salinity developments after 1988, and there is a range of schemes to engineer water out of the river. Those who have been involved in those developments post-1988 have to at some stage buy credits to allow them to achieve that outcome. So, I think it is really related to those circumstances. I guess the member is talking about water that may have been piped to the Barossa Valley or Clare or somewhere such as that.

The Hon. D.C. Kotz: That would be the bottom line.

The Hon. J.D. HILL: The advice I have is no, but I will check that in case that is incorrect. But I understand it is correct.

The Hon. D.C. KOTZ: I would appreciate the minister's agreeing to bring back an answer on that, because that places a different dimension in terms of where levies are initially attracted, and, if we are talking about the transference of Murray water to adjacent areas where the levels of salinity are greater in the water that is being transferred than the land that it will be received on and therefore a levy becomes part of that component, I think this committee needs to know that is the minister's intention and the intention of this act.

The Hon. J.D. HILL: I give that undertaking, but I would have thought, in any event, given the requirement that levies collected within one region can be spent only within that region, that would cover it anyway. So, if you were in Clare, which is not within the River Murray region, the money that you would pay as a water user or land user in that place would be used within that area. As I said, I am certain I am right but I will make 100 per cent sure that I am accurate.

The Hon. D.C. KOTZ: I ask the minister to take it into account, because what concerns me are the words 'associated with the River Murray' when talking about salinity levels.

Clause passed.

Clause 104.

Mr WILLIAMS: This is an opportunity for the committee to right a wrong that has been perpetrated on mainly people in my constituency and possibly one or two persons in the constituency of the member for Mount Gambier, but probably only people in my constituency. First, clause 104(1) provides some wording which I have been unable to find in any other statute of the parliament. I might be wrong, but to my knowledge it is very rare for it to be used anywhere else. It gives the minister the power to revoke the whole section. Why this was written in this manner I do not know. This section came as an amendment to the act, following the select committee into water allocations in the South-East, when the minister, who was on that select committee with me, decided that we should allocate the remaining water to landowners on a pro rata basis, and the government of the day established a thing called a water holding licence to do that.

I have been back through the second reading debate and the third reading debate in both houses when this provision was inserted into the act. This particular part of it received no mention. So, there was no explanation given to the house. It just slipped through, much to my chagrin ever since.

Section 104 sets out to identify how you would levy water holding licences. It says that water holding licences are subject to a levy but, if the owner of a water holding licence can prove that the holding licence has no tradeable value, they do not pay the licence fee, the levy in that year, and instead they pay a fee prescribed by the regulations. The regulation at the time set that fee at $25.

That is the situation we have had for about three years. People in the South-East were paying the $25 fee in lieu of the levy and, indeed, for the first two or three years, even the $25 fee was waived. That was only done because the department had not caught up with its trading web site which allowed people to identify that they were indeed willing to trade their water. When we impose a levy, philosophically we are saying, 'You have something of some value and, to maintain the value of that, you are obliged to pay a fee.' That fee, or levy, goes to the maintenance of the value of the thing that you have, namely a water licence.

In this instance, section 104 basically says, 'If you can prove that your water licence has no value, you will be exempt from paying the levy, but we will charge you a prescribed fee that would normally be seen as an administrative charge. The change I wish to make to this is to delete from the clause the part that gives the minister the power to revoke the whole provision. That is what the minister has done in the South-East. It has been an incredibly contentious issue in the South-East. The minister has, and I do not know on what advice, suggested that it was on advice from the Water Catchment Board. The Water Catchment Board wrote to the minister twice, six months preceding him making the change, saying that it wanted to keep the existing system; that is, the $25 fee in lieu of the levy.

Notwithstanding that, the minister decided by gazettal to revoke section 104, which meant that those licence holders were liable to pay the full levy. This caused much consternation in the South-East. It led to a public meeting being called, and the meeting which I referred to earlier, where the presiding member and the executive officer of the catchment board would not even show up. They would not even show up to the public meeting to explain what was going on.

Even though I think most of the water holding licensees did refuse to pay their levy in the first instance, I can assure the minister that most of them have in fact done the right thing. They have done that in the expectation that this parliament, this committee, would do the right thing, see the sense in the body of this clause, which is contained mainly in subclause (2), and recognise that, if a water holding licence has no value, it should be exempt from paying the fee. One might ask, if it has no value, why would someone want to hold on to it?

I ask the committee to recognise that on, I think, 15 February the minister came into the house—and he has changed things in the South-East dramatically—and said, 'I am going to make regulations which will impact on the expansion of forestry in the South-East.' What the minister did in doing that—and we have not seen the regulations yet

so we are not quite sure exactly how he is going to achieve this—was to tell the people in the South-East, 'If you are going to be in the business of a change of land use'—and we know that farmers are in that business all the time—'you may well need some sort of water licence.'

The landholders across the South-East who are fortunate enough to have secured a water holding licence want to hold it against stupid decisions taken in the future such as the sort of things that supposedly happened on 15 February. I believe that, if this is followed through to its logical conclusion, any minister at any time in the future, on the advice of his department, will be regulating the use of rainfall in the South-East. And they will be saying to the South-East landholders, 'If you want to change your land use, if you want to grow a new species, you will need a water licence'—and at the moment they are mainly talking about blue gums, but they might be talking about lucerne or genetically modified pasture species or about putting extra fertiliser onto paddocks.

That is where we are heading and that is why the farming community in the South-East wants to hold onto these licences, notwithstanding that there is no value in them. They want to protect their ability to diversify in the future; that is all it is about. They could hand them back to the minister and in a few years' time—when the industry that they are in is going backwards and they are not making a living—find themselves unable to change to another industry because the minister has brought in the regulation to say that they cannot do that without a water licence. That is what he has done to the blue gum industry. This is their only security against that happening to them, in every other agricultural pursuit in the South-East. So I ask the committee to merely delete most of subclause (1) which gives the minister the power to revoke the rest of section 104, and there is a consequential amendment to subclause (7) of clause 104 to complete the process. I move:

Page 85—
Lines 25 to 28—Delete subclause (1) and substitute:
(1) This section applies in relation to all water (holding) allocations under this Act.
Line 29—Delete 'If this section applies in relation to a water (holding) allocation the following provisions apply:' and substitute
'The following provisions apply in relation to a water (holding) allocation:
Page 86—Lines 18 and 19—Leave out subclause (7).

The Hon. J.D. HILL: I understand the member's passion about this issue and the consistency in his argument in relation to it. He and I have had this debate numerous times, but I will not rehearse my side of the argument tonight. I will simply say that I do not support the propositions that the member is putting. It would severely restrict the capacity of the board to make decisions in relation to these particular kinds of licences and it would put the licensees in a special class, and would virtually mean that they would pay only very minimal levies. That would be contrary, I think, to the proposition that the select committee that the member refers to put—that the levy should be used an incentive to get those who are holding water in high demand areas to put those allocations into the market.

Mr WILLIAMS: I totally agree with what the minister has said. Unfortunately, the minister does not understand the provision. I have heard the minister put this argument many times before but he has yet to understand what he is actually saying. In high demand areas, where there is a demand for a water licence, there is no way that a licensee could prove that his licence was valueless. Subclause (2)(c) says exactly what the minister said. The only way in which a licensee could qualify for the $25 fee or the prescribed fee in lieu of the levy would be where it had no value. What the minister is saying about needing the capacity through levies to force what we refer to as sleeper licences onto the market is absolutely nonsensical. The only way that a licence holder could prove that his licence had no value would be for him to list it for sale or lease on the department's water trading web site; and, if no-one came up with a price to buy or lease it, I think everyone would agree that it had no value. That would also prove that there is no demand.

What are we trying to achieve by putting a levy on this person? The minister is basically saying that the government has a policy of setting a tax on something that has no value. That is the principle of what the minister is doing here. I seriously wish that the minister would understand what this clause says because, at the moment, he obviously does not.

The committee divided on the amendments:

AYES (17)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Kotz, D. C.
McFetridge, D.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Venning, I. H.
Williams, M. R. (teller)	

NOES (21)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D. (teller)	Key, S. W.
Koutsantonis, T.	Maywald, K. A.
McEwen, R. J.	O'Brien, M. F.
Rankine, J. M.	Rau, J. R.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	

PAIR(S)

Kerin, R. G.	Conlon, P. F.
Matthew, W. A.	Wright, M. J.
Brokenshire, R. L.	Lomax-Smith, J. D.
Lewis, I. P.	Rann, M. D.

Majority of 4 for the noes.

Amendments thus negatived; clause passed.

Clauses 105 to 109 passed.

Clause 110.

The Hon. I.F. EVANS: I move:

Page 92, line 29—Delete 'Treasurer' and substitute: Auditor-General

This amendment seeks to replace the Treasurer with the Auditor-General. This is the clause where the Treasurer sets out guidelines under which the minister of the government can charge the levies for the collection of the levy, under water levies. We think it is more independent if the Auditor-General sets the guidelines rather than the Treasurer. After all, it is the government setting the guidelines as to how the government will collect government money out of the levy on water users.

The Hon. J.D. HILL: This is just a practical measure that means the process has to be in accordance with Treasury guidelines. Of course, the Auditor-General always has the

capacity to supervise these processes and, indeed, I am sure will check the board's payments every year. This is about making sure that what is done is consistent with Treasury guidelines and no more than that. I do not support the amendment.

Amendment negatived; clause passed.

Clauses 111 to 117 passed.

Clause 118.

The Hon. I.F. EVANS: I move:

Page 97, lines 24 and 25—Delete 'Consolidated Account' and substitute 'NRM Fund'.

This amendment seeks to require that moneys paid through penalties in effect are paid into the NRM fund rather than into consolidated account. We want to see the NRM fund—the environment—benefit through any penalties charged under this provision and not the Treasurer's coffers. This clause provides that, when there is a penalty, ultimately it goes to consolidated account. We would prefer it go to the relevant NRM fund where the offence has occurred. We think that is appropriate.

The Hon. J.D. HILL: This is a bad principle that the member for Davenport is advocating, although it occurs in other pieces of legislation. I would have thought that members opposite would be most concerned about the proposition he is putting because, if you say to an NRM board that its income will go up if it can collect the fine moneys, you are likely to make the boards and their officers more zealous in the pursuit of offenders, because they know there is a benefit to them. While we want officers to operate properly and diligently within the law, we do not want them to become zealots and, this would put them into a conflicting situation. That is why having the money going into a neutral fund is preferable. I am not inventing a reason for explaining this as it is a serious point: it is better that the money goes into consolidated revenue so they can pursue the penalty side of their activities in a disinterested way and do it because they want to get the best outcome and not because they want to get the money.

The Hon. I.F. EVANS: I can just imagine the NRM officer running along to someone breaching the law and saying, 'Oh, heck, if it's going to consolidated revenue I won't issue the penalty, but if it's going to the NRM fund we might do something with it.' I do not think that will enter the mind of the officer. When it comes to the NRM committee, and that NRM fund has received a substantial penalty, we would simply move to adjust the levy so the landowners in that area benefit through the penalty paid to the NRM fund. So, the officer would not have any windfall gain because the parliamentary oversight would mean that if they were paid a penalty it would be taken into account as an income item not budgeted for and would reduce the levy in accordance with the penalty. We do not share the minister's concern. I guess that we will put it to the vote and lose.

Amendment negatived; clause passed.

The Hon. I.F. EVANS: I will not proceed with amendments 131 and 132 as they involve principles that previously have been lost.

Clauses 119 to 123 passed.

Clause 124.

The Hon. I.F. EVANS: I move:

Page 100, after line 22—Insert:

(da) an activity that is required to comply with a requirement under the Country Fires Act 1989; or

The minister agrees to this amendment. This was an idea of the member for Schubert, and I will let him explain it.

Mr VENNING: I thank the minister for his support of this amendment. I thought it was quite an oversight to miss out the CFS. This amendment should be included, and I wonder why it was not in the first place.

Amendment carried; clause as amended passed.

Clause 125.

The Hon. I.F. EVANS: I move:

Page 100, line 28—Delete '21' and substitute:
28

This amendment simply changes the 21 days to 28 days. We tried to standardise it throughout the bill.

The Hon. J.D. HILL: In fact, the member has stopped standardising. I understand that amendments Nos 212 and 213 increase 14 days to 21 days. We accept 14 days to 21 days, but we do not accept 28 days, so it is standardised as a result of that.

The Hon. I.F. EVANS: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: I move:

Page 100, line 31—After 'subsection (3)' insert:
and after giving the applicant a reasonable opportunity to be heard and to place material before the Chief Officer

I understand that the minister accepts this amendment.

The Hon. J.D. HILL: We accept this amendment.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 100, after line 32—Insert:

(4a) The Chief Officer must prepare and make available written reasons for his or her decision on an application under subsection (3).

This amendment adopts the same principle.

The Hon. J.D. HILL: I understand this is what happens in practice, anyway, so this amendment just codifies what already occurs.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 101—
Line 6—Delete '14' and substitute '21'
Line 8—After 'subsection (8)' insert 'and after giving the applicant a reasonable opportunity to be heard and to place material before the Chief Officer'
After line 9—Insert:

(9a) The Chief Officer must prepare and make available written reasons for his or her decision on an application under subsection (8).

Amendments carried.

The Hon. I.F. EVANS: I move:

Page 101, line 26—After 'may' insert:
, after giving reasonable notice,

All this amendment requires is that the person taking action may enter after giving reasonable notice. This was an issue for the member for Stuart.

Amendment carried; clause as amended passed.

Clause 126.

The Hon. I.F. EVANS: I have received further advice today and, based on that advice, I have no need to move my amendment.

Clause passed.

Clauses 127 to 130 passed.

Clause 131.

The Hon. I.F. EVANS: I move:

Page 109, after line 8—Insert:

(4) A permit is not required to undertake an activity contemplated by subsection (2) if the well is within the ambit of schedule 2.

This simply clarifies that a permit is not required to undertake an activity contemplated by subclause (2) if the well is within the ambit of schedule 2.

The Hon. J.D. HILL: I indicate that we will accept that.

Amendment carried; clause as amended passed.

Clauses 132 to 147 passed.

Clause 148.

The Hon. I.F. EVANS: I move:

Page 120, line 27—Delete paragraph (e)

This amendment seeks to delete paragraph (e) from clause 148(3), which sets out the reasons under which a minister may refuse to grant a water licence. Paragraph (e) provides that the minister can refuse to grant a water licence on any other ground that he or she considers appropriate. It is just an extraordinarily broad power. We think that the other powers set out in paragraphs (a) to (d) are defined, but to give the minister a power to refuse to grant a water licence on any ground considered appropriate by the minister is a very subjective clause and gives the minister powers that are simply unappealable, because the minister will go to court and say, 'Your Honour, I thought they were appropriate.' That is the end of the matter: there is simply no case to be heard.

The minister simply has to say, 'I refused it on these grounds which I thought appropriate.' You cannot challenge whether they are appropriate because, as long as the minister thought they were appropriate, the court will say, 'That is fine, that abides by the law.' That is why it is worded in that way to try to stop appeals. It is a very broad power for the minister to refuse to grant a water licence on any ground considered appropriate by the minister. We think the other grounds that are set out define the reasons why one might refuse to grant a water licence. If it becomes an issue, the minister can come back to the house and we can be convinced by the argument about why he might want to extend paragraph (e), (f) or (g) in the future, given certain circumstances. However, to have the minister refuse to grant a licence on any ground considered appropriate is not necessary.

The Hon. J.D. HILL: I, too, sought advice in relation to this matter, because on the face of it I can see the member's point. The advice I have is that this was included on the basis of advice from crown law. I would like to take further advice and undertake to do so between now and the other place. I will insist upon it today and I will undertake to give it further consideration and either move to amend it in some way or remove it as appropriate.

Amendment negatived.

The Hon. I.F. EVANS: Minister, I ask a question before I move my next amendment because I may not need to move it if you agree to the subsequent amendment, which provides that a condition of a licence cannot restrict the purpose for which an allocation of water can be used. If you agree to that amendment, I will not move my next amendment.

The Hon. J.D. HILL: I will read the explanation provided. It states:

This provision is critical for ensuring that water is used for a particular purpose or in a particular manner. Currently, many licences are issued based on the purpose of that use, particularly where the allocation is not expressed as a volume. For example in the Clare Valley allocations are currently expressed as an area of crop (e.g. six hectares of vines) and the area of crop type cannot be varied without approval. This is the only method for effectively managing water use until volumetric water allocations are determined. When allocations are expressed as a volume the purpose of use is most likely to be applied to manage water use to minimise salinity impacts or environmental harm. In some areas, such as Tintinara Coonalpyn, a purpose of use is stated to clearly define an allocation that has been granted in recognition of a particular practice such as the application of additional water by flood irrigators. Some checks and balances exist over unreasonable limitations being imposed on the purpose of use through the water allocation plans, which had developed through extensive public consultation. A right of appeal exists if a licensee considers that the purpose of use is unreasonable.

The Hon. I.F. EVANS: How does one appeal when, under clause 148(3), the minister can refuse to grant a water licence on any ground that he considers appropriate?

The Hon. J.D. HILL: I imagine that that is still appealable under clause 205. In relation to the particular matter that the member raised, if, as a matter of normal law, the minister was unreasonable in the exercise of that power, there would be some right of appeal. From time to time the minister for water resources has his decisions appealed and from time to time the courts overturn them. They use a range of factors in determining what ought to be done. The basic notion is one of justice or fairness, and I do not think that will change by any of these measures. Water is allocated on the basis of crop type in quite a lot of areas. If you were to remove that, there would be consequences.

The Hon. I.F. EVANS: I know that some of my colleagues will be concerned about not proceeding with this amendment. However, if it has been the practice for many years to issue licences based on crop type—that is the advice that we have been given—I will not move my next two amendments today, but I will seek further advice between the houses to clarify the position. On the basis of the minister's advice, I will not proceed with those two amendments.

The Hon. J.D. HILL: Perhaps I will get some further advice. As we proceed with the roll-out of metering, particularly in the South-East, the licences will be transferred to volumetric licences, and I guess there would be less allocations granted on the basis of crop type. Traditionally, irrigators have been told, 'You can grow so much pasture on so many hectares of land and use whatever water is required to do that. In the dairy industry in the Lower Murray swamps, for example, water would be used on that basis, and it happens right across the state. It is an antique system, and we are trying to fix it.

Clause passed.

Clause 149.

The Hon. I.F. EVANS: I move:

Page 123, lines 6 and 7—Delete subclause (4)

This amendment seeks to delete clause 149(4). Subclause (4) provides that, if the licence relates to a water resource within the Murray-Darling Basin, there is no right of appeal under subsection (3). Subsection (3) provides that a licensee may appeal to the ERD Court against a decision to refuse to grant an application to vary his or her licence under paragraph (1)(a). It is saying that, if it relates to the Murray-Darling Basin, you have no rights of appeal at all, which seems extraordinary to me. We all accept that the River Murray is an issue, and we are all committed to the River Murray, but why does someone lose their appeal rights because the licence relates to a water resource within the Murray-Darling Basin? I think it promotes a sloppy administration, because the minister's office and the officers will know that whatever they do cannot be appealed against. I do not think that is good administrative practice, and I would argue that the licences should be treated equally across the state. There might be just as important an issue about a

licence on Eyre Peninsula to that community as is one that relates to the Murray-Darling Basin to another community in the Riverland. I would argue that there should be the same appeal rights across the state, and that is why we have moved this amendment.

The Hon. J.D. HILL: The advice I have is that this matter was debated by the parliament last year when we went through the River Murray Act, and this measure was introduced into that act. The way in which this would work is that it could occur only if a regulation was created to exclude the right of appeal. So, the parliament would have the opportuni-0ty to reject the regulation and therefore reject the removal of the right of appeal. So, the parliament does control the process. The advice I have is that this was included in the River Murray Act in an abundance of caution to ensure that we had whatever tools we required if circumstances arose when we might have to take some urgent action in relation to allocations.

Mrs MAYWALD: I am referring to the existing Water Resources Act, and I do recall the debate in the house on that amendment. Section 30(2) of that act, under the heading of Variation of water licences, provides:

> A licensee may appeal to the court against the variation of his or her licence under subsection (1)(b), (c) or (ca).

They refer to the River Murray Act and the objects for a healthy River Murray. So, it actually suggests that they can appeal.

The Hon. J.D. HILL: The member needs also to read subsection (3), which provides:

> However, if the licence relates to water resource within the Murray-Darling Basin, then no right of appeal will arise under subsection (2) if the regulations so provide.

The Hon. I.F. EVANS: Currently, they have an appeal because there is no regulation as yet, but if a regulation is made in the future it could take away the appeal right if it relates to the Murray Darling Basin. Is it the intention of this government to bring in a regulation to that effect?

The Hon. J.D. HILL: I have no intention at this stage to do that. It is hard to imagine circumstances where you might want to do that, but there could be an emergency situation where you would. I have concerns about this regulation, too. I cannot recall the detail of it in the River Murray Act, but I will have a closer look at it between this place and the other place and, if we do not need it, well, let's not have it.

The Hon. I.F. EVANS: I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 150 to 157 passed.

Clause 158.

The Hon. I.F. EVANS: I move:

> Page 128, after line 24—Insert:
>
> (c) have regard to the views of the regional NRM board and all submissions made in accordance with the notice.

I understand that the minister supports this.

Amendment carried; clause as amended passed.

Clause 159.

Mrs MAYWALD: I move:

> Page 129, after line 10—Insert:
>
> (9) Despite the provisions of the Stamp Duties Act 1923, if the transfer of a licence, or of the whole or part of the water allocation of a licence, is expressed to be for a period not exceeding 5 years (including any rights of extension under the instrument of transfer), the transfer (and the subsequent transfer back to the original transferor at the end of the relevant period) is not chargeable with duty under that act.

Last year, it was brought to my attention that Revenue SA had ruled that temporary transfers were dutiable under the Stamp Duties Act. Introduction of compliance under that ruling was set to be enforced from 1 July last year which, to the dismay of irrigators and my community and other licence holders throughout the River Murray irrigation areas, coincided with the water restrictions just at the time when water transfers would be needed. It also brought to my attention a situation that I thought was inequitable. In Victoria they have no stamp duty on temporary or permanent transfers applied to the water market. New South Wales has a mixed bag, and of course South Australia has a duty on permanent transfers. Previously, it did not enforce duty on temporary transfers and it had intended to introduce duty on temporary transfers from 1 July last year.

I appealed to the Treasurer, and the government supported my proposition that a moratorium should be put on stamp duty on temporary transfers during the period of the water restrictions. I am grateful to the Treasurer for agreeing to do that, because it certainly relieved some of the burden of the water restrictions that would otherwise have applied. From then until now, I have been continually advocating irrigators to accept that we need to ensure that we remove obstacles to trade. This is a key component of the national water initiative which seeks to encourage trade across the jurisdictions. We also need to ensure that we introduce equitable water trading rules across the different catchments and jurisdictions where practicable. We really need to be making sure that those kind of taxation provisions across the states are equitable. That means that New South Wales, Victoria and South Australia should have the same cost imposts on water transfers.

At this stage I am very happy to accept the Treasurer's support of the proposition that I am putting forward to exempt stamp duties for temporary transfers of water allocations for periods not exceeding five years. This will go a long way to encourage trade and remove one of the very obvious obstacles to that movement in the marketplace.

The Hon. J.D. HILL: Today has been a remarkable day. We have seen a new, kinder, gentler, caring Treasurer

Mr Venning: April Fools' Day, is it?

The Hon. J.D. HILL: That's true! In relation to both this matter and the matter raised by the member for Davenport in relation to payroll tax, we have had the Treasurer accept the arguments and agree to adjustments that will have benefit to the NRM process. In relation to the matter raised by the member for Chaffey, I strongly support the proposition that she has put. I guess her reason for putting it is to ease the burden for irrigators in her district, which is fair enough. However, from a policy point of view it makes great sense, because we need to encourage trade within the state and across the states. The more trade there is, the greater the economic benefit that will be derived from the use of water. Every impediment to trade, whether it be artificial boundaries that restrict where water can be traded or state laws that restrict it or taxation measures that restrict it, ought to be removed because conservation benefits as well as economic and social benefits flow from the trading of water. This is a very positive step to help that trade develop.

The Hon. I.F. EVANS: We support it, too.

Amendment carried; clause as amended passed.

Clauses 160 to 163 passed.

Clause 164.

The Hon. I.F. EVANS: I move:

Page 133, lines 7 and 8—Delete 'on the ground that the decision was harsh or unreasonable'.

This relates to a subclause that provides that a licensee or former licensee may appeal to the ERD Court against a decision of the minister on the ground that the decision was harsh or unreasonable. There were only two reasons for appeal. We want to delete those reasons and leave it more open to provide more appeal opportunities for the licensees.

The Hon. J.D. HILL: We will accept this amendment. The intention is to try to stop vexatious claims, and I gather that there are a number of those, but I guess the ERD Court will have to put up with them a bit longer.

Amendment carried; clause as amended passed.

Clauses 165 to 171 passed.

Clause 172.

The Hon. I.F. EVANS: We oppose this clause. It relates to matters which, as I understand it, end up in the court and take some time to process. The application is then considered at the date the decision is made, which might be six months after a person applied rather than at the date of application. Therefore, you can be disadvantaged by the delay because conditions may change in the period that you are waiting for the application to be dealt with. We think it should be dealt with at the time of application.

The Hon. J.D. HILL: I am not supporting this amendment. This subclause provides clarity to administrators and applicants on which plan is relevant when determining an application for water licence. To date, this has been open to legal challenge with differing opinions from the Crown Solicitor's office, solicitors and the Environment, Resources and Development Court. Currently, there is one appeal before the court based on the minister's assessment that the relevant plan is the plan in force at the date of the determination of the application. The judge is yet to hand down her determination. The current provisions in the Water Resources Act 1997 stipulate that an application can be granted only if it is possible to grant a water allocation consistently with the relevant water allocation plan.

There has been considerable debate as to whether this provision means the plan in force at the time of application (as is specifically provided for in the Development Act), or as at the date of determination. The Crown Solicitor's office has advised that under the current provisions the relevant plan is clearly the plan that is in force at the date of determination, as any prior plans are no longer relevant. If this provision is not retained, the ambiguity and numerous court challenges will continue and, in order to clarify the situation, it would be necessary to review and amend other sections of the act to make it clear about what is a relevant plan when determining applications. I know that is complex, but it is based on crown law advice.

The Hon. I.F. EVANS: I will not proceed with my amendment, but I say this: what crown law advice says is that you need a clause to give it some certainty as to when the plan applies. If we brought in an amendment that said that the date to be considered as applying is the date of application, then everyone has clarity and it gives more certainty to those who apply. We will look at an amendment to that effect between the houses. I accept that there must be clarity, but we think it should be at the point of application and not at the point of the court decision.

The Hon. J.D. HILL: I am happy to have a closer look at that and perhaps we can work on that together.

Clause passed.

Clause 173 passed.

Clause 174.

The Hon. I.F. EVANS: I move:

Page 140, lines 4 and 5—Delete subclause (6)

Essentially, this is the issue that the NRM plans, through its by-laws, can override local government by-laws. The NRM boards are not elected. We think it is unfair that an elected group can make by-laws that overturn an elected body's by-law. We think the principle should be that the elected council's by-law should stand. If there is a problem between the by-laws then the groups can talk in order to make a resolution. I am not sure they are not beyond that. If not, then it can come to the minister and the minister has other opportunities to talk that through. We do not see any reason why an unelected body should be able to override the by-laws of an elected body. For that reason we move this amendment.

The Hon. J.D. HILL: As I understand it, the reason SA Water is excluded is that it operates at a macro level across the state. It has large dams which it manages and which have applications right across the regions. They are not contained within individual regions. It operates within its own legislation. It is an arm of government which cooperates with NRM process.

The Hon. I.F. Evans: This is a local government by-law matter.

The Hon. J.D. HILL: Are you not talking about SA Water?

The Hon. I.F. EVANS: I am talking about the NRM by-laws overriding local government by-laws. The SA Water amendment that I have moved relates to deleting subclause (6), which provides:

A by-law under this section will not apply to, or in relation to, any activity undertaken by SA Water.

The Hon. J.D. HILL: SA Water operates across the state on a broad basis. It has large reservoirs and large dams. It is a big infrastructure provider. It is not appropriate for it to be captured by regional NRM groupings. It also acts within its own legislation and provides services to South Australia generally, I guess, at that level, not at the regional level.

The Hon. I.F. EVANS: Given the minister's answer I will not proceed with my amendment, and I seek leave to withdraw it.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: I move:

Page 140—
Line 29—Delete 'board' and substitute:
council
Line 30—Delete 'council' and substitute:
board

This amendment deals with the conflict between the by-laws of the NRM board and the councils. We believe that the elected council's by-laws should override NRM by-laws. I have spoken to this clause previously.

The Hon. J.D. HILL: We are happy to have another look at this. For example, in relation to stormwater, local government is very keen for the NRM process to pick up stormwater issues and we are working with the LGA to come up with a process to manage stormwater that goes across council boundaries.

An honourable member interjecting:

The Hon. J.D. HILL: You want to manage stormwater across council boundaries, because water flows across boundaries; it does not behave according to cadastral

boundaries. If we established by-laws about how you would deal with stormwater, it would be contradictory if local government by-laws were able to override those broader strategic goal by-laws that will be established by the NRM. I am not sure if I am explaining it very well, you get the point.

Amendments negatived; clause passed.

Clauses 175 to 181 passed.

Clause 182.

The Hon. J.D. HILL: I move:

Page 145—
Line 32—After 'Any' insert:
reasonable
Line 37—After 'Any' insert:
reasonable

This inserts the word 'reasonable' in relation to costs.

Amendments carried; clause as amended passed.

Clauses 183 to 185 passed.

Clause 186.

The Hon. I.F. EVANS: I move:

Page 148—
Line 19—Delete '14' and substitute:
21
Line 21—Delete '14' and substitute:
21

This is the 14 day to 21 day issue that was previously agreed.

The Hon. J.D. HILL: That is agreed.

Amendments carried.

The Hon. I.F. EVANS: I move:

Page 148, line 23—After 'subsection (3)' insert:
and after giving the applicant a reasonable opportunity to be heard and to place material before the Chief Officer

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 148, after line 24—Insert:
(4a) The Chief Officer must prepare and make available written reasons for his or her decision on an application under subsection (3).

The minister has previously agreed to that principle.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 149, line 13—After 'may' insert:
, after giving reasonable notice,

I understand the minister has previously agreed to that principle.

The Hon. J.D. HILL: Yes, we agree to that.

Amendment carried; clause as amended passed.

Clauses 187 to 190 passed.

Clause 191.

The Hon. I.F. EVANS: I move:

Page 153, line 24—After 'State' insert:
and will be retained in the NRM Fund (to be applied for the purposes of that fund.

This relates to monies forfeited in relation to permits or bonds. Currently, it goes to a state fund. We would prefer that it go to the NRM Fund.

The Hon. J.D. HILL: I can distinguish this matter from that to which I referred previously, because this is not a penalty but a bond. We accept the amendment.

Amendment carried; clause as amended passed.

Clauses 192 to 195 passed.

Clause 196.

The Hon. I.F. EVANS: I move:

Page 156, line 35—Delete '14 days' and substitute:
21 days

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 156, line 36—After 'order' insert:
or any subsequent variation of the order

This is to clarify that the word 'order' includes any subsequent variation of the order.

The Hon. J.D. HILL: That is acceptable to the government.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 157, line 2—After 'at the earliest opportunity' insert:
(and in any event within 24 hours)

This relates to the situation where someone gives oral instructions and then it is confirmed in writing. It is at the earliest opportunity, and this amendment seeks to insert 'in any event within 24 hours', so there is a clear time line.

The Hon. J.D. HILL: We do not accept that amendment, but I am happy to have drawn up an amendment which would be consistent with the other time frame that the member moved in relation to another matter, which would be two business days. So, we will do that between now and the other place.

The CHAIRMAN: So, the honourable member is not pursuing the amendment?

The Hon. I.F. EVANS: That is correct, sir. I move:

Page 157—lines 27 to 32—Delete subclauses (11) and (12) and substitute:

(11) A person is not obliged to provide information in response to a requirement imposed by a protection order if to do so might incriminate the person to make the person liable to a penalty (including through the taking of further action under this Act).

Again, this confirms the producing of information that might incriminate, and it protects the person providing that information.

The Hon. J.D. HILL: I indicate support for the amendment.

Amendment carried; clause as amended passed.

Clause 197 passed.

Clause 198.

The Hon. I.F. EVANS: I move:

Page 159, line 15—Delete '14' and substitute '21'.

This is the 14 to 21 days issue again.

The Hon. J.D. HILL: That is agreed.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 159, line 16—After 'order' insert 'or any subsequent variation of the order'.

Again, this is to clarify the word 'order' by adding the words 'or any subsequent variation of the order'.

The Hon. J.D. HILL: That is agreed.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 159, after line 39—Insert 'Expiation fee: $750'.

This seeks to insert an expiation fee on the penalties relating to reparation orders. Reparation orders have a maximum penalty of $50 000. As the bill stands there is no expiation fee. We seek to introduce one to the value of $750.

The Hon. J.D. HILL: We can accept that.

Amendment carried; clause as amended passed.

Clause 199 passed.

Clause 200.

The Hon. I.F. EVANS: I move:

Page 161, after line 5—Insert:

(4a) The copy of the authorisation must be accompanied by a written notice stating that the person may, within 21 days, appeal to the ERD Court against the issuing of the reparation authorisation.

The Hon. J.D. HILL: We can accept that.

Amendment carried; clause as amended passed.

Clause 201 passed.

Clause 202.

The Hon. I.F. EVANS: I move:

Page 163, after line 7—Insert:

(7a) An owner or occupier of the relevant land must be notified, in the manner prescribed by the regulations, if—

(a) an order or authorisation is registered under subsection (3); or

(b) a notice of the variation of an order or authorisation is registered under subsection (4); or

(c) the cancellation of the registration of an order or authorisation is given effect to under subsection (7).

This is to ensure that owners and occupiers of land who are going to have matters registered on their title are notified as per regulations. That is essentially the principle behind this amendment.

The Hon. J.D. HILL: I will also support that.

Amendment carried; clause as amended passed.

Clause 203 passed.

Clause 204.

The Hon. J.D. HILL: I move:

Page 163, line 35—Delete 'or loss' and substitute ', loss (including economic loss or loss of property).

This amendment, I guess, comes from the same source as the member for Davenport's equivalent amendment. It includes the notion of economic loss or loss of property.

Amendment carried.

The Hon. I.F. EVANS: I move:

Page 164, line 20—Delete '(d) or (e)'

This amendment seeks to delete paragraphs (d) and (e) in regard to matters that go before the ERD Court. This amendment ensures that the matters are heard by a judge.

The Hon. J.D. HILL: I indicate that we do not support the honourable member's amendment. However, we are prepared to consult with the ERD Court to see whether we can sort this out in a way that might satisfy his concerns.

The CHAIRMAN: Will the honourable member pursue his amendment?

The Hon. I.F. EVANS: On that basis, I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

The Hon. I.F. EVANS: I move:

Page 164—

Line 34—Delete paragraph (d)

Lines 35 to 41—Delete subclause (6)

These amendments relate to the same issue. This amendment relates to subclause (5), which provides that any other person may be represented or make application to the court with the leave of the court. It enables third parties (which have no real legal interest in the land but which have more of a lobbying interest, I guess) to make application to the court. Groups such as the Conservation Council or, indeed, the Farmers Federation could make application to the court, and if the court so agreed they could then proceed to be involved. We have always moved to delete such clauses, and I do so on this occasion.

The Hon. J.D. HILL: I understand that a philosophical issue is involved here. I will not debate it with the honourable member. We believe that, under certain circumstances, third parties ought to have a right to be heard, and it is up to the ERD Court to give them leave so that there is some sort of brake on frivolous or bizarre kinds of requests.

Amendments carried; clause as amended passed.

Clause 205.

The Hon. J.D. HILL: I move:

Page 166—

Lines 36 and 37—Delete 'Section 125(15) may appeal to the court against the decision of the relevant authority' and substitute: subsection (15) of section 125, or on an application under that subsection, may appeal to the court against the decision

After line 18—Insert:

(vi) a person who is subject to a direction by the minister or other authority under chapter 7 may appeal to the court against the direction.

After line 18—Insert:

(ba) an owner of land who is dissatisfied with—

(i) a review of a notice by the chief officer under section 186(3) may appeal to the court against the decision of the chief officer; or

(ii) a decision of an authorised officer to vary an action plan under subsection (13) of section 186, or on an application under that subsection, may appeal to the court against the decision;

Line 21—Insert:

, and a person who is the holder of such a permit may appeal to the court against a decision of the relevant authority to vary or revoke the permit, or a condition of the permit, or to impose a new condition.

Line 23—After 'variation of the order' insert:

and a person who has been served with a reparation authorisation under section 200 may appeal to the court against the issuing of the authorisation.

The Hon. I.F. EVANS: We support the amendments.

Amendments carried.

The CHAIRMAN: Those amendments are identical to the Hon. Mr Evans' amendments.

The Hon. I.F. EVANS: Yes, that is why I agreed to them. I move:

Page 167, line 35—Delete '14' and substitute:
21

Amendment carried; clause as amended passed.

Clauses 206 and 207 passed.

Clause 208.

The Hon. I.F. EVANS: I move:

Page 169, line 12, after 'remission of' insert:
or an exemption from

This amendment seeks to provide that, in regard to management agreements under subclause 2(j), people can receive not only a remission of rates and taxes (as already exists in the bill) but also an exemption. There are two options: they can be either exempted or remitted, which is the same as under paragraph (i) in relation to the levy. We would like to see both options available to the minister when signing off management agreements.

The Hon. J.D. HILL: We do not support this. The Local Government Authority is opposed to this measure and the basis of our agreement with it is that we will continue with the words that are in the bill.

Amendment negatived.

The Hon. I.F. EVANS: I will not proceed with my next two amendments.

The Hon. J.D. HILL: I move:

Page 169, after line 36—Insert:

(9a) The existence of a management agreement may be taken into account when assessing an application for a licence, permit or other authorisation under this Act.

Amendment carried; clause as amended passed.

Clauses 209 and 210 passed.

Clause 211.

The Hon. I.F. EVANS: I move:

Page 172, lines 11 and 12—Delete paragraph (d)

Paragraph (d) allows for a notice of document to be served on the owner of the land by fixing it to some conspicuous part of the land. This is the tree clause: you can nail the notice to a tree and that is taken as official notification. I make the point that this clause provides that a notice can be served on the owner of the land and the land is unoccupied. So, there is no occupier of the land: there is only an owner of the land. The owner of the land is registered in the Lands Titles Office. There is absolutely no reason why a letter cannot be sent to the registered address of the owners of the land to make sure that they receive it. Why do you need this provision? If the land is owned, you should be able to contact the owner of the land, because we have very good databases now—through the emergency services collection data and also the Lands Titles Office—for finding out who are the owners of the land. We move the amendment to delete that provision.

The Hon. J.D. HILL: We do not support the amendment. The advice I have is that this provision is used in the Animal and Plant Pest Control Commission. It is not used all that frequently, but it is used when the land is unoccupied and the registered owner is no longer at the address that was provided. There is nothing else that one can do, so that is what is done.

Amendment negatived; clause passed.

Clause 212 passed.

Clause 213.

The Hon. J.D. HILL: I move:

Page 172, line 38—After 'The Minister may' insert ', after taking into account any recommendation of the relevant regional NRM board,'.

My amendment is similar to but different from the amendment moved by the member for Davenport. It attempts to cover the same issue.

Amendment carried; clause as amended passed.

Clauses 214 to 223 passed.

Clause 224.

The Hon. I.F. EVANS: I move:

Delete this clause.

This amendment seeks to leave out all of clause 224, which is the continuing offence clause. This means that:

(1) 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 a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty for that offence.

It then goes on to provide:

(b) is, 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 each day during which the act or omission continues of not more than one-tenth of the maximum penalty. . .

We oppose this, not because we oppose a continuing offence concept but because this clause penalises someone for exercising their legal right. If an officer comes to me and alleges that I am breaching a provision and I believe I am innocent, I go to court—and it could be some months before it is heard in court and decided—and I am then found guilty, if this penalty goes back to the day the officer visited my property, it applies up to one-tenth of the maximum penalty every day while I was in court defending my legal interest. It gets worse than that, because it also provides that, if I have not cleaned up the offence as of the day I am found guilty, I am then penalised into the future until it is cleaned up. I do not accept that. The provision should read that the court has to set a time for the party who was found guilty to clean it up. So, if after I go to court and argue my case the court says I am guilty, I will wear that, but the court should also then say that I have six weeks or one month to clean it up. If I do not clean it up in that time the provision might apply. The way I read it, it applies straight away, which is not fair and we oppose it on that basis.

The Hon. J.D. HILL: To give the member an example of why this would be needed: if hypothetically a wealthy person decided to construct illegally a drain upon his property, dug a very big hole and was told that it is an offence and that he should cease and desist but he continued doing it not only for a day or two but week upon week, as a wealthy person he could cop the fine and keep doing it.

There would be huge consequences for both the environment and any other strategy that a department may have developed to try to deal with an issue that the individual was trying to deal with by himself. So, we need some mechanism to put pressure on that individual to do what is required. I agree that it is a strong power, but there are circumstances when those kinds of strong powers are needed. Similar provisions are in the Development Act, and this provision relates to that kind of behaviour. I imagine that a whole range of issues, such as animal and plant pest control, could be involved. We stick to this provision.

The Hon. I.F. EVANS: The minister gives an example of rich people who dig drains. Quite often when that happens it has been my experience that departmental officers trot out crown law advice that you do not have a case and you should not proceed. The departmental advice is not to proceed and take action against rich people who dig drains, so ministers do not take action against rich people who dig drains because the departmental advice is not to do so. A new minister then comes in and, based on that advice, changes native vegetation laws so that the economic benefit gained by rich people who dig drains can be taken into consideration by the court and charged against that person.

However, this clause, whether it is in the Development Act or not, penalises someone for exercising their legal right. It also provides that the day a person is found guilty, even if they are acting in good faith the next day in attempting to clean up the supposed wrong, they are liable to an extra fine. Why should someone be liable to an extra fine because they are trying to clean up a wrong, having gone to the court and exercised their legal right? In principle, it is wrong. I understand why the minister might want to move this amendment but, in principle, it is wrong. There are other ways to word it that still protect the minister's interest but give the injured party an opportunity to correct their wrong, having once been found guilty.

Clause passed.

Clauses 225 to 227 passed.

Clause 228.

The Hon. I.F. EVANS: We oppose this clause, which provides:

. . . the Minister may, in assessing or determining any matter that the Minister considers to be relevant. . .

It also provides that the minister can:

. . . apply any assumptions, or adopt or apply any information or criteria, determined by the Minister to be reasonable in the circumstances. . .

This is what we call the 'God' clause. It means that the minister can protect himself by making any assumption that he or she deems reasonable in the circumstances, which means that the minister is protected. The bill gives the minister extraordinary powers to protect himself from legal action and appeal. We oppose this provision.

The Hon. J.D. HILL: We want to retain the provision. It was introduced into the Water Resources Act by the River Murray Act, and that has been generalised. I will limit it back to the River Murray Act to put it back to where it otherwise would be if this legislation had not changed. We will do that between the houses.

Clause passed.

Clause 229.

The Hon. I.F. EVANS: I move:

Page 180, line 13—After 'holder of a licence' insert:
, or a person with a legal interest in a licence,

This amendment seeks to expand the definition of those who hold a licence to include a person with a legal interest in a licence.

The Hon. J.D. HILL: We accept this amendment.

Amendment carried; clause as amended passed.

Clause 230.

The Hon. I.F. EVANS: I move:

Page 180, after line 33—Insert:
Maximum penalty: $5 500

This amendment seeks to introduce a penalty on those people who gain access to information and then misuse it. Currently, there is no penalty in that clause. We seek to include a uniform penalty throughout the bill. The person can gain access to information on income, assets and liabilities, and other private business affairs. We think that there should be a penalty if the information is misused. This amendment seeks to insert a maximum penalty of $5 500.

The Hon. J.D. HILL: We accept that amendment.

Amendment carried; clause as amended passed.

Clauses 231 to 235 passed.

Clause 236.

Mr WILLIAMS: I understand that the member for Hammond has been given a pair and he has asked that I move this amendment on his behalf. He spoke earlier in the evening on this amendment. On behalf of the member for Hammond, I move:

Page 182, after line 38—Insert:

(5) Any regulation made under this act will, unless it has already expired or been revoked, expire on the third anniversary of its commencement unless the continuation of the regulation has been approved by resolution passed by both houses of parliament (and if an approval contemplated by this subsection is obtained then the regulation will expire in accordance with the provisions of the Subordinate Legislation Act 1978).

(6) If a regulation expires under subsection (5), the Governor cannot make a regulation to the same, or substantially the same, effect for a period of 12 months from the date of expiry without an approval given by resolution passed by both houses of parliament.

The Hon. J.D. HILL: I indicated before that we will not accept this provision and I indicate it again now.

Amendment negatived; clause passed.

Clause 237 passed.

Schedule 1.

The Hon. J.D. HILL: I move:

Clause 5—Delete this clause and substitute:

5—Duty of members with respect to conflict of interest

(1) A member of a prescribed body who has a direct or indirect personal or pecuniary interest in a matter decided or under consideration by the prescribed body—

(a) must, as soon as reasonably practicable, disclose in writing to the minister full and accurate details of the interest; and

(b) must not take part in any discussion by the prescribed body relating to that matter; and

(c) must not vote in relation to that matter; and

(d) must be absent from the meeting room when any such discussion or voting is taking place.

Maximum penalty: $20 000.

(2) If a member of a prescribed body makes a disclosure of interest and complies with the other requirements of subclause (1) in respect of a proposed contract—

(a) the contract is not liable to be avoided by the prescribed body; and

(b) the member is not liable to account to the prescribed body for profits derived from the contract.

(3) If a member of a prescribed body fails to make a disclosure of interest or fails to comply with any other requirement of subclause (1) in respect of a proposed contract, the contract is liable to be avoided by the prescribed body or by the minister.

(4) A contract may not be avoided under subclause (3) if a person has acquired an interest in property the subject of the contract in good faith for valuable consideration and without notice of the contravention.

(5) Where a member of a prescribed body has or acquires a personal or pecuniary interest, or is or becomes the holder of an office, such that it is reasonably foreseeable that a conflict might arise with his or her duties as a member of the prescribed body, the member must, as soon as reasonably practicable, disclose in writing to the prescribed body full and accurate details of the interest or office.

Maximum penalty: $20 000.

(6) A disclosure under this clause must be recorded in the minutes of the prescribed body and reported to the minister.

(7) If, in the opinion of the minister, a particular interest or office of a member of a prescribed body is of such significance that the holding of the interest or office is not consistent with the proper discharge of the duties of the member, the minister may require the member wither to divest himself or herself of the interest or office or to resign from the prescribed body (and non-compliance with the requirement constitutes a ground for removal of the member from the prescribed body).

(8) Without limiting the effect of this clause, a member of a prescribed body will be taken to have an interest in a matter for the purposes of this clause if an associate of the member has an interest in the matter.

(9) This clause does not apply in relation to a matter in which a member of a prescribed body has an interest while the member remains unaware that he or she has an interest in the matter, but in any proceedings against the member the burden will lie on the member to prove that he or she was not, at the material time, aware of his or her interest.

(10) Despite a preceding subclause—

(a) if a constituent council or a council subsidiary has a direct or indirect interest in a matter decided or under consideration by a prescribed body, a member of the prescribed body who is also a member of the council or council subsidiary does not have an interest in that matter for the purposes of this clause by virtue only of the fact that he or she is a member of the council or council subsidiary; and

(b) this clause does not apply in relation to a benefit or detriment enjoyed or suffered by a member of a prescribed body in common with a substantial class or group within the community.

This relates to a duty of members with respect to conflict of interest. The belief when this bill was drafted was that the government's general provisions about accountability measures would have been passed by the parliament. That is not the case. In order to cover these issues, those elements are

lifted from that bill and are included in this bill. It may be that over time the bill is passed and there are amendments to these provisions. We would seek to amend this legislation so that it is consistent with the other piece of legislation. I have also given an undertaking to the Local Government Authority to talk to it about this in more detail after it has been through this place.

The Hon. I.F. EVANS: We support this. We think that having some conflict of interest provisions is better than having none.

Amendment carried; schedule as amended passed.

Schedule 2 passed.

Schedule 3.

The Hon. I.F. EVANS: I do not need to proceed with my amendment to schedule 3 as I have lost that principle.

Schedule passed.

Schedule 4.

Mrs MAYWALD: I am not moving an amendment, but I have a concern in relation to this schedule, and I refer to reducing levies for certain irrigated properties. I flag with the minister that there is an issue with changing and substituting those words in clause 19 in that a range of irrigators in the Qualco Sunlands area through the ground water's Qualco Sunlands scheme entered into a set of arrangements with the government in respect of their zero impact obligations into the future. I have a concern that, in changing the Water Resources Act to the Natural Resources Act, we are bringing in a range of new criteria against which that group of irrigators will be judged for their particular reduction in levies in the future. I flagged it with the minister and his advisers, and I am happy to discuss it between this place and the next place, but I would hate to see those irrigators in a position where they have committed themselves to considerable funds over a 30-year period. I need to be sure that there are no other provisions in this that will be a disadvantage to them.

The Hon. J.D. HILL: I can give the member a commitment to work through this with her and that our intention is not to place an extra burden on those irrigators in relation to the arrangements that they already have. They may have other burdens placed upon them in relation to other matters, but not in relation to those schemes. I move:

Clause 54, page 204, after line 3—Insert:

(4a) Any entitlement that exists under section 36 of the relevant Act will continue to have effect as if it were an entitlement under section 157 of this Act.

This is to allow any entitlement that exists under section 36 of the relevant act to continue under section 157 of this act.

The Hon. I.F. EVANS: Exactly what does that mean?

The Hon. J.D. HILL: I have a recommendation from NELA. Any entitlement which comes into operation before this act is proclaimed can be maintained by this act. It ensures that any entitlements that somebody may have do not become lost in the transitional arrangements.

Amendment carried.

The Hon. I.F. EVANS: I move:

Clause 55, page 205, line 35—Delete 'and 2005/2006 financial years' and substitute:

financial year

This is an amendment of great interest to the committee. My amendment seeks to ensure that the costs that are built into councils' budgets—the various 1 per cent and 4 per cent levies that are built into the rates—come into the new levy system at the appropriate time. What the minister is trying to do through this legislation is to say that the 1 per cent and 4 per cent levies in the council rates will not come into the land-based levy until—surprise, surprise!—after the 2006 election. It will be introduced in the financial year after the March 2006 election. So, the councils' rates will be artificially higher—by 1 per cent or 4 per cent, depending on the council area—than they need to be and the new natural resource management levy will be kept artificially lower between now and the next state election, for what purposes we can all guess. Then, straight after the election, guess what happens? The change then takes affect and out of the council rates comes the 1 per cent and 4 per cent and onto the levy goes 1 per cent and 4 per cent.

For the last three days, we have been talking about the importance of the environment and the natural resource management plans and how we are going to fix all these problems. My argument to the committee is simply this: if the natural resource management plans have all these environmental actions we need to do to improve and enhance our natural resources, the timing of the election should have nothing to do with the funding. In fact, the funding process should be clear of the political process, because we want the natural resource matters dealt with in the appropriate and timely manner. Our amendment essentially brings forward the 1 per cent and 4 per cent levies in the council rates and it places them into the new levy as from the financial year 2005-06, so it will be the year when the transitional arrangements allow that to happen. It is quite complex, because some of these levies are collected on a calendar year basis, not a financial year. So, the first full financial year when it can transition across happens to be that year and not the year after the election. We argue that there is no justifiable reason, other than a political purpose, to take the minister's course of action. The only reason why they want to do this is to delay it until after the state election.

When we introduced the emergency services levy, under much criticism from the public and parliament from time to time, we did not delay it until after the state election. We took the hit right up front. We did not conveniently delay it in any way, shape or form until after the next state election. There is absolutely no justifiable reason why my amendment should not be accepted. It brings the transitional amounts across at the appropriate time and it allows for the NRM plans and the whole process to be clear in its transition. There is not one environmental reason why this funding should be introduced as proposed by the minister. Trying to delay the increase in the land-based levy until after the next state election is nothing more than for a straight-out party political purpose. We seek the committee's agreement to this amendment.

The Hon. J.D. HILL: It is good to see the member for Davenport is still firing at 1.40 a.m. We have been going well on such a bipartisan basis until now. I think it is incredibly cynical for the member to suggest that there should be any political considerations whatsoever involved in these arrangements. Let me explain it to the member. It is really a matter of timing.

Members interjecting:

The Hon. J.D. HILL: Not electoral timing, but the timing that will be required for the planning which will follow this bill being enacted. This bill, if it goes through this house tonight, will go to the other place in May. It may sit there for a period of time. I will not reflect on how long they take to pass legislation, but it could sit there for some period. So, if the bill is passed by the parliament in the last half of this year, we will then be in a transition period for six to nine months before we get the new boards and new arrangements in place.

The Hon. D.C. Kotz interjecting:

The Hon. J.D. HILL: Well, we are trying to speed it up. It will take some time to get those boards in place and then some time to get the machinery in place. My best guess is—

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: It is my intention to speed this up as best I can. I am not trying to slow it down. However, being realistic, it will take time to get these processes in place. When I was asked about the levy arrangements I said that I believed it would take a couple of years before the new levy arrangements would be absolutely finalised. It will happen in two stages. The first stage will be the establishment of an NRM levy by name, and that will be the bringing together of the water catchment levy and the animal and plant contribution that councils already make and putting it on the rate notice as an NRM levy. However, in order for the boards to start the planning process, they will take another year or so in most cases.

When I was asked about this I gave a commitment that that was the amount of time that that would take. The opposition and the government have a series of amendments in relation to this. It is not my intention to move any of the amendments in relation to this that I have before the house; neither is it my intention to support any of the amendments that the opposition has. The reason for that is that I have given an undertaking to the Local Government Authority that I will work through a time frame with them, because a lot of these mechanisms rely on local government being able to get the levy arrangements in place.

My final point in relation to the NRM levy is that this is a new name for existing levies; it is not a new levy. I know the opposition will take great delight in saying otherwise, but the reality is that this is an existing levy with a new name which will be applied over time to the measures in this bill in a way which I think will support strongly rural and regional communities and best help them to look after their natural resources.

Mr Williams: They will be forever grateful, John.

The Hon. J.D. HILL: I know they will be forever grateful, and I thank the member for MacKillop for that comment. That is what I intend to do for the remainder of the clauses that I have before the house.

The Hon. I.F. EVANS: The minister says that this is an existing levy. If it is an existing levy, we know that councils already have in place the computer mechanism to punch out a water catchment levy and post it to the people who need to pay it. It will not take five seconds for local government to change the wording from water catchment levy to natural resource management levy; that will be easy. Every council knows how much it collects from the 1 per cent and 4 per cent amounts. If the minister does not have that information, I will pass it to him, because I certainly do.

Every council already knows how much is in their budget from the 1 and 4 per cent. All of the plans are already in place. The soil boards, the animal and plant boards and the water catchment boards all have their forward plans. We know what the forward commitments are. There is no surprise in this exercise. There is nothing on which you can get ambushed. All the mechanisms are in place. There is absolutely no reason why you cannot pick up out of the council's budget the $10 000, $20 000 or $100 000, or whatever it is, and transfer it across a year earlier then you are proposing. There is absolutely no reason why you cannot do it a year earlier.

The Hon. J.D. HILL: I do not think the member understands what I am saying. Next year there will be an NRM levy, as I understand it, with local government. It will not be this year, because it is just not feasible, but next year the council rates, as I understand it, in practically all parts of the state will have 'NRM levy' on them. That is the point that I was making.

The process by which that levy may be altered and increased, if that is what regional boards want to do, will not be able to occur for another 12 months after that because they will still be relying on the planning arrangements that the member for Davenport has just described. They will have their soil plans, their water plans and so on. In order to change the levy and the quantum of the levy they would have to go through a thorough process of consultation with their communities. The bringing together of the elements and the calling of the NRM levy will occur in practically all cases next year. The more sophisticated bit will take some time. That is the point I was trying to make.

Mr Williams interjecting:

The Hon. J.D. HILL: I have never made a secret of the fact that local communities may choose, once the planning processes have been developed, to look at what the needs are in that area and determine whether or not they want to increase their levy. That will be something that they will decide in their local community in the same way that water resources boards currently make those decisions. They will be mindful about what their local communities will or will not support. That is the just the process that we are setting out before you.

One of the issues in South Australia, as members would understand, is that soil management is chronically underfunded and this mechanism will create capacity for communities to start addressing those issues in a more realistic fashion. I have never hidden that as one of the possible outcomes. The NRM levy will be in place next year. It is not our intention to stop that occurring before the election. I was never talking about that.

The Hon. I.F. EVANS: I accept that people are going to get an NRM levy but, according to the schedule on top of page 206 of the bill, paragraph (b) states clearly that, in relation to the Animal and Plant Control Act, those levies will not come across until 30 June 2006. I am saying that they should come into place on 30 June 2005. That is what my amendment seeks to do. You are only bringing part of it across before the state election. It is clear by that that they will continue until 30 June 2006, three months after the state election. My amendment seeks to bring that forward one year, and there is no reason it cannot happen.

The Hon. J.D. HILL: I may misunderstand the legislation myself, in that case. I understand that an NRM levy will be in place so those elements can be come together early. My commitment is to bring them together as early as possible. I am not trying to stop it happening until after the election.

The Hon. I.F. Evans interjecting:

The Hon. J.D. HILL: As I said, I am not moving any of the amendments today and I am not supporting the honourable member's amendment. I want to work with local government to get a form that will address these issues, and I will pick up the points that the honourable member has mentioned. There are practical management issues about how we do it, and I will get a schedule and demonstrate why it will have to happen in a particular framework. I am not trying to avoid doing it.

The committee divided on the amendment:

AYES (18)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kotz, D. C.	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.

NOES (20)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O.
Geraghty, R. K.	Hill, J. D. (teller)
Key, S. W.	Koutsantonis, T.
Maywald, K. A.	McEwen, R. J.
O'Brien, M. F.	Rankine, J. M.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
Weatherill, J. W.	White, P. L.

PAIR(S)

Kerin, R. G.	Conlon, P. F.
Matthew, W. A.	Wright, M. J.
Brokenshire, R. L.	Lomax-Smith, J. D.
Lewis, I. P.	Rann, M. D.

Majority of 2 for the noes.

Amendment thus negatived; schedule as amended passed.

Title passed.

Bill reported with amendments

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

That this bill be now read a third time.

I thank all members for participating in the debate, particularly the member for Davenport, who undertook a very thorough analysis of the bill. I said at the beginning that we would try to accept as many of the amendments that the opposition had as long as they were consistent with the overall direction in which the government was trying to go—I am not too sure what percentage but I am sure it was over 50 per cent, or thereabouts: we went as far as we could to accept the opposition's position. I sincerely hope that we now have a consensus piece of legislation as it heads into the other place.

I gave the house a number of undertakings in relation to consideration of further amendments and advice and information, and I will go through that process with as much speed as possible and share that information with certainly the opposition and other interested members in this place, so that when it does go to the other place hopefully it can get there with reasonable support.

Can I take this opportunity to sincerely thank the officers of my department, the Department of Water, Land and Biodiversity Conservation, who have assisted me in this process, particularly Roger Wickes, who has been sitting beside me for the last 15 hours (we have got to know each other extremely well) and the other officers, Tim Dendy, Kevin Gogler, Christina Shepherd (who particularly worked on this process over the last couple of weeks) and other members of the department, Adrew Emmett and Paul Jupp and the NRM Reform Unit. In particular, I should refer to Rob Freeman, the head of that department, who has given a lot of attention to this over the last couple of years.

I also thank the other agencies, including DEH, PIRSA and Planning SA, which provided valuable input; parliamentary counsel, Richard Dennis and Mark Herbst, who have supported the processes in here; and the chair and members of the Natural Resources Management Council, who consulted thoroughly. I particularly pay tribute to the great efforts put into the development of this bill by the Local Government Authority and the Farmers Federation. Finally, I thank all members for their contribution to the debate and the staff who have helped us through this process.

The Hon. I.F. EVANS (Davenport): I thank the minister for the way the committee was handled. It was a difficult and long bill, and I thought we handled it reasonably well in the circumstances. I also thank the minister's officers not only for their efforts over the last two days but also for the previous briefings given to me and my colleagues: we certainly appreciate that. I thank parliamentary counsel for their outstanding effort in drafting, in a short time, all the work we did tonight: we sincerely appreciate that. We thank all the parliamentary staff for putting up with us during the last two days. We thank them for their tolerance and we will try to avoid such circumstances in the future. My parliamentary colleagues put in an extraordinary effort over the last three weeks by going through the bill and closely examining it clause by clause, and I thank them for their support and thorough analysis of what is an important bill to this side of the house.

Mr VENNING (Schubert): This is a very important piece of legislation, and I have been involved with these issues personally for many years. This bill has been passed with a lot of trust, and time will show whether that trust has been justified—and, all being well, if all the players have diligence and honesty, it will work. But, if we get a dose of politics involved such as we have had in the past, it will not work. But, I am prepared to be positive and I thank the minister very much for his encouragement and words during the debate on the legislation. I also congratulate his officers for not just this work but also their work in the past. I have known a lot of them for a long time and they are still there and still doing a good job. I particularly congratulate the shadow minister. The member for Davenport's work has been, in a word, herculean.

Members interjecting:

Mr VENNING: That is no joke. I have been in this place for 14 years, and he has just worked, worked, worked. And Christie at the back is still here: I pay the highest tribute to her, because not only has she helped us and the shadow ministry but she has also helped the other staff to cooperate and pull together. So, I pay tribute to the shadow minister and his staff for the fantastic job they have done. The interest in this bill has been extremely high. I also thank you, Mr Chairman. I think you did a pretty fair job tonight and kept it alive and, again, you get a good pat on the back. So, all in all, it has been a rather interesting exercise and we will see where we go from here. I congratulate all those involved.

The Hon. R.B. SUCH (Fisher): I think this experience highlights the need for us to look at some of our processes to see whether we can do things more efficiently and effectively.

Bill read a third time and passed.

ADJOURNMENT

At 2.05 a.m. the house adjourned until Thursday 1 April at 10.30 a.m.