LEGISLATIVE COUNCIL

Tuesday 8 November 2011

The PRESIDENT (Hon. R.K. Sneath) took the chair at 14:18 and read prayers.

RADIATION PROTECTION AND CONTROL (LICENCES AND REGISTRATION) AMENDMENT BILL

His Excellency the Governor assented to the bill.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

His Excellency the Governor assented to the bill.

SUMMARY OFFENCES (PRESCRIBED MOTOR VEHICLES) AMENDMENT BILL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:21): I move:

That the sitting of the Legislative Council be not suspended during the continuation of the conference with the House of Assembly on the bill.

Motion carried.

PAPERS

The following papers were laid on the table:

By the President—

Auditor-General—Report on Probity of the processes leading up to the awarding of a service contract: Regular passenger transport services in Mount Gambier
Ombudsman—Report on Investigation into the City of Charles Sturt (Report ordered to be published)
Wudinna District Council—Report, 2010-11

By the Minister for Agriculture, Food and Fisheries (Hon. G.E. Gago)—

Report on the Interim Operation of the Statewide Wind Farms Ministerial Development Plan Amendment
Regulations under the following Acts—
- Liquor Licensing Act 1997—Dry Areas—
  - Long Term—
    - Adelaide Area 1—North Adelaide Area 1
    - Kadina, Moonta, Port Hughes, Wallaroo
  - Short Term—
    - Alexandrina Council
    - Coffin Bay Area 1
    - Lobethal Area 1
- Intervention Orders (Prevention of Abuse) Act 2009—General
- Summary Procedure Act 1921—Restraining Orders

Rules of Court—
- Magistrates Court—Magistrates Court Act 1991—
  - Civil—Amendment No. 38
  - Amendment No. 39
  - Amendment No. 40

By the Minister for Industrial Relations (Hon. R.P. Wortley)—

Report of the Actuarial Review of the Construction Industry long Service Leave Board, 30 June 2011
Reports, 2010-11—
- Construction Industry long Service Leave Board
- State Theatre Company of South Australia
- Windmill Theatre

Regulations under the following Act—

Occupational Therapy Practice Act 2005—General—Exempt Providers

By the Minister for State/Local Government Relations (Hon. R.P. Wortley)—

Boundary Adjustment Facilitation Panel—Report, 2010-11

By the Minister for Communities and Social Inclusion (Hon. I.K. Hunter)—

Reports, 2010-11—
- Pastoral Board of South Australia
- South Australian Heritage Council
- South Australian National Parks and Wildlife Council
- Vulkathunha-Gammon Ranges National Park Co-management Board
- Witjira National Park Co-management Board
- Zero Waste SA

Regulations under the following Acts—
- National Parks and Wildlife Act 1972—Flinders Ranges—National Park
- Road Traffic Act 1961—Heavy Vehicle Driver Fatigue
- Survey Act 1992—General Qualifications

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. CARMEL ZOLLO (14:24): I bring up the 2010-11 report of the committee.

Report received.

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:24): I bring up the report of the committee on the Adelaide Desalination Plant Fact-Finding Visit.

Report received.

The Hon. G.A. KANDELAARS: I bring up the report of the committee on the Adelaide Mount Lofty Ranges NRM Region Fact-Finding Visit.

Report received.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.M. GAZZOLA (14:25): I bring up the report of the committee, being the annual report for 2010-11.

Report received and ordered to be published.

JOINT PARLIAMENTARY SERVICE COMMITTEE

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:26): By leave, I move:

That pursuant to section 5 of the Parliament (Joint Services) Act 1995, the Hon. Gerry Kandelaars be appointed the alternate member to the President on the committee and that the Hon. Carmel Zollo be appointed as the alternate member to the Hon. John Gazzola.

Motion carried.

The Hon. G.E. GAGO: I move:

That a message be sent to the House of Assembly transmitting the foregoing resolution.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:27): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. John Gazzola be appointed to the committee in place of the Hon. Ian Hunter (resigned).

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:28): By leave, I move:

That pursuant to section 21(3) of the Parliamentary Committees Act 1991 the Hon. John Gazzola be appointed to the committee in place of the Hon. Ian Hunter (resigned).

Motion carried.

SELECT COMMITTEE ON HARVESTING RIGHTS IN FORESTRYSA PLANTATION ESTATES

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:28): By leave, I move:

That the Hon. John Gazzola be substituted in place of the Hon. Ian Hunter (resigned) on the committee.

Motion carried.

SELECT COMMITTEE ON DISABILITY SERVICES FUNDING

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:28): By leave, I move:

That the Hon. Gerry Kandelaars be substituted in place on the Hon. Ian Hunter (resigned) on the committee.

Motion carried.

PRINTING COMMITTEE

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:29): By leave, I move:

That the Hon. Gerry Kandelaars be appointed to the committee in place of the Hon. Ian Hunter (resigned).

Motion carried.

MEMBERS' BEHAVIOUR

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:29): I table a copy of a ministerial statement relating to the responsibilities of members of parliament made earlier today in another place by my colleague the Premier, the Hon. Jay Weatherill.

URBAN RENEWAL

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:30): I table a copy of a ministerial statement relating to the Bowden urban renewal project made today in another place by my colleague the Premier, the Hon. Jay Weatherill.

PRINTER CARTRIDGE SCAM

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:30): I table a copy of a ministerial statement relating to Australian government agencies made earlier today in another place by my colleague the Hon. Michael O'Brien.

QUESTION TIME

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before asking the Minister for Forests a question about the board of ForestrySA.

Leave granted.

The Hon. D.W. RIDGWAY: The South Australian Forestry Corporation board consists of five independent non-executive directors. The current chair is Mr John Ross AM. Mr Ross is well

known in the state's South-East. Members in this chamber may not know much about the South-East, but one of its chief industries is forestry. Mr Ross AM is not just well known, he is also well liked. The voters of the Tatiara district elected him to the local council 32 years ago and he has been returned election after election continuously since then.

The Hon. J.S.L. Dawkins: Former national president, wasn't he?

The Hon. D.W. RIDGWAY: As my colleague the Hon. John Dawkins interjects, he is a former national president of the Australian Local Government Association. I know interjections are out of order, Mr President, but I thought that was an appropriate point to make.

Mr Ross AM also knows a thing or two about forestry as chair of the public authority which provides plantation timber to sawmills, processors and the industry. That is ForestrySA. It manages forest resources, its research has improved forest management, and it does all that at a profit. Because it is publicly owned, ForestrySA's profit goes back to the taxpayer, year after year, season after season. The profit means extra money for public services in the South-East and of course here in Adelaide as well, and, in fact, statewide.

Premier Jay Weatherill and Jack Snelling have hatched a fiendish plot to forward sell the forests at a huge loss to the South-East, the people of Adelaide and the rest of the state. ForestrySA, through its board, under the eminent chair John Ross AM, naturally oppose the sale. Others on the board are the chartered accountant and national corporate adviser Stephen Duncan, business consultant and commercial adviser Julie Obst, Graham Foreman and Kathryn Adams.

What did Premier Weatherill and Snelling do, faced with this uncomfortable advice from the board of ForestrySA, and what did the then minister for forests, Michael O'Brien, do on 20 October? They sacked the chairman and the majority of the directors. In his last act as minister before he himself was removed from the portfolio, Mr O'Brien wrote to John Ross, Stephen Duncan and Graham Foreman to say their appointments will not be renewed. My questions to the minister are:

1. Has she been to the South-East since becoming Minister for Forests?

2. Has the board been dry rotted or simply white-anted?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:33): I thank the honourable member for his question. Indeed, South Australia's forest industry is one of Australia's most significant plantations, of course based on a renewable—

The Hon. D.W. Ridgway: Answer the question instead of telling us—

The Hon. G.E. GAGO: —I am more than happy to answer the question, Mr President; that is what I am attempting to do—resource sector. We have significant plantings here in South Australia. This government has made a decision to sell the forward sales of some of ForestrySA's plantations. In May 2011 the Treasurer announced that forward sale of ForestrySA's harvest rights. The Treasurer, however, also announced that the government would do a number of things to ensure the sustainability of the industry in that local region and also to make sure that we looked after employment in that region.

What the Treasurer did was establish the industry round table to recommend to the government the conditions of any forward sale before going to market in the longer term, and they were conditions that would address the long-term viability of the industry. That round table has been put in place and has been meeting for some time now. He also provided sawmill owners with ForestrySA log supply contracts, with an option to extend those contracts by up to a further five years to help protect job security in the area.

Also, he ensured that any sale conditions included that the new purchaser would be required to agree to a rotation length consistent with the current and planned ForestrySA standards, to maintain the standard of forest products in the region, and that is put in place to help ensure, for instance, that everything cannot be logged, felled or harvested in one year and left barren for the rest of the time. It ensures a more staggered approach.

He also ensured that there was in place a commitment from the new purchaser to match ForestrySA's current level of planned viable domestic supply to guarantee a future local timber industry, and he also required that the successful purchaser report yearly to the government. As I said, a number of measures were put in place to ensure that the long-term viability of the industry was protected.

It is obvious and I am very much aware, having spoken to a number of people in my role as regional development minister and also as former local government minister, that the forward sale of these forests is unpopular, particularly amongst locals. We are very aware of that. The Treasurer has worked very hard with the local community, as I said, to identify issues and attempt to address those issues, and he continues to do that.

The ForestrySA board is recognised by the minister and the government as a really important board. It manages the forestry reserves here in South Australia and it has very high levels of duties to discharge. All board members' two-year terms, including the current chair's, were due to expire at the end of December, I am advised. No board members have been sacked. We see the opposition come here and mislead this place time and again. No-one has been sacked.

It is not unusual for this government and it was certainly not unusual for the former Liberal government. It is important that the same board members do not stay in place indefinitely. It is most important that we create renewal. The former Liberal government had not sought to renew certain board positions, I am absolutely confident, on many occasions. This was in accordance with the proper process. It was obviously a decision that was made by the former minister, minister O'Brien.

As I said, it is most important that a process of board member renewal and also rejuvenation continues to occur. I have been advised that the recently announced ForestrySA board members contain a high mix and level of experience with a broad range of skill sets, and I am quite confident that the new board will be well equipped to discharge their duties. I reiterate that these decisions were made in accordance with the proper process.

In terms of my visiting the South-East, I have arranged to visit there next week when parliament is not sitting. I think I am due to visit there. If it is not the South-East, it is the Riverland. If it is not next week, it will be the week after that. In any event, I certainly have visits to both the Riverland and the South-East coming up in the foreseeable future, and they are in my diary.

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:40): I have a supplementary question: has the round table reported to the Treasurer?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:40): I will have to take that on notice.

FORESTRYSA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:40): I have a third supplementary question: how does the minister propose to enforce the recommendations of the round table in relation to ensuring that the community gets the sort of comfort they want from the new owner of the forests?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:40): That will be a matter for the Treasurer. He is the lead minister in the negotiations of the sale and conditions and process for sale so this will be a matter for him. I am completely confident with the level of expertise that has been established on that round table. It is a cross-section of highly informed individuals who are ruggedly independent, from not only the forestry union movement but also senior members from the forestry sawmill industry. It is a broad cross-section of local interests in forestry. As I said, they have established a process to advise and report to the Treasurer on making recommendations around the conditions that should apply to the sale.

The Hon. D.W. Ridgway: How will it be enforced? It's a pretty simple question.

The PRESIDENT: Order!

The Hon. G.E. GAGO: Through the contract. I have already put this on the record. He is not listening, Mr President. I have already said that they will advise on the conditions that will be established in terms of the conditions of sale, so they will need to be contractually upheld.

FORESTRYSA

The Hon. R.L. BROKENSHIRE (14:42): I have a supplementary question: will the minister categorically rule out that Mr John Ross was not reappointed as chair of the board or, indeed, to

the board of ForestrySA because he gave evidence to the select committee—on behalf of the board I might add—

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: —indicating that they did not agree with the privatisation and if, indeed, the minister says categorically that he—

Members interjecting:

The PRESIDENT: Sit down.

The Hon. R.L. BROKENSHIRE: —tabled the correspondence between the minister's office—

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: The Hon. Ms Lensink.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:42): My questions are to the Minister for Regional Development on the subject of marine park draft sanctuary zones. First, is the minister aware of concerns from regional communities as diverse as Ceduna and Streaky Bay on the West Coast to communities in the South-East and in between, particularly the impact on small coastal towns dependent on seasonal tourism; and, secondly, what input has her department had into the regional impact statement?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:43): I thank the honourable member for her most important question. Indeed, marine parks are an issue very dear to my heart. As members would know, as former minister for the environment—it was a policy initiative initially established by the Hon. John Hill but it was a policy initiative that I had a key part in implementing—I was very proud to have had a part in that very early work.

As we know, in 2009 there were 19 multiple-use marine parks that were created along the state's coastline in keeping with the Marine Parks Act 2007 and the South Australian representative system of marine protective areas. At this stage only the parks' outer boundaries are in place which encompasses around 44 per cent of the state's waters, I have been advised. The process of developing management plans with zoning has begun, I am advised, with public consultation anticipated to take place right through until the end of the year. I am also advised that the zones are expected to be implemented in 2012.

As I said, the Minister for Sustainability, Environment and Conservation, who is responsible for marine parks, established 13 marine park local advisory groups (LAGs) to help draft management plans and zoning arrangements for all 19 of the parks. These groups have been set up to source the best available local knowledge from people who live or work near the marine park, and that obviously includes commercial and recreational fishers.

On 11 May, draft sanctuary zoning scenarios were provided by the LAGs to the Department of Environment and Natural Resources for consideration. Primary Industries and Resources (PIRSA) has worked with DENR to pursue pragmatic zoning to minimise the impacts on aquaculture and commercial and recreational fishing activities which are environmentally, socially and economically sustainable and important providers of jobs and economic returns to regional South Australia. Final draft zoning and management plans will be subject to a three-month public consultation period. Until the management plans are implemented in 2012, current activities within the marine parks' boundaries will continue.

PIRSA has been an active participant in the whole-of-government marine park steering committee, established by DENR to facilitate cross-agency consultation and communication on the development of marine parks. Based on requests from the minister for environment, PIRSA has recently also become involved in the marine park council process, which provides expertise-based advice to the minister for environment on marine park issues. PIRSA has established an expert advisory panel to provide advice to PIRSA and DENR on the scope for distribution of displacement of fishing effort.

The PRESIDENT: The Hon. Ms Lensink has a supplementary question.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:47): What about the regional impact statement? The minister has not said anything about whether she has had any input into that.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:47): I will take that part of the question on notice and bring back a response.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:47): I seek leave to make a brief explanation before asking the Minister for State/Local Government Relations a question relating to Burnside council.

Leave granted.

The Hon. S.G. WADE: The minister has previously advised the council that, on Monday 25 July, he referred a copy of the draft MacPherson inquiry report to the police commissioner. This followed a call three days earlier by premier Rann for the report to go to the Anti-Corruption Branch. *The Advertiser* of 3 November 2011 reports that the police refused to read the report and returned it unopened. I ask the minister:

1. On what date was the draft Burnside report returned by police and how many copies were returned?

2. Was the minister advised that police had returned the report on the basis of legal advice that to read the report would be contrary to the suppression order?

3. Considering that this advice would conflict with the advice the minister received, did the minister query the source of the legal advice to the police or query the legal advice he had received?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:48): I thank the honourable member for his very important questions. First of all, the legal advice I have makes it quite clear that that report is owned by the minister. In relation to the suppression order, I have every right to be able to transfer that amongst agencies for the purposes of their reading it. You will remember that the suppression law does not make it illegal to read a suppressed report. It is quite a simple concept, really, and I do not need to spell it out much more than that.

In regard to the Hon. Mike Rann in another place making statements that it was okay to send this report on, from the very beginning, I made it quite clear that, with a suppression order on that draft report, I was not going to hand that report to any agency because I have a certain regard and respect for suppression orders. But upon receiving a written request from the police commissioner inviting me to send a copy of that report, I did so. I believe that was the most responsible course of action that I as the minister should have taken, and it is something about which I have no regrets now.

Right from the very beginning of this whole issue of the Burnside report, I have acted in good faith. I have acted in the best interests of the taxpayers of this country, people who have had unsubstantiated allegations thrown upon them, and I think I am about the only one in this chamber involved in this who has done so. I have always acted on advice and I will stand by the Crown Solicitor's advice.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:50): I asked the minister was he aware that the police had returned their copy of the report, on legal advice?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:50): Yes, I was.

BURNSIDE COUNCIL

The Hon. S.G. WADE (14:50): On what date was the minister advised?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (14:50): I will have to take that on notice.

REGIONAL DEVELOPMENT AUSTRALIA FUND

The Hon. CARMEL ZOLLO (14:50): I seek leave to make a brief explanation before asking the Minister for Regional Development a question about funding opportunities for community groups and councils in the regions.

Leave granted.

The Hon. CARMEL ZOLLO: The minister has spoken previously about the support for regions offered by the commonwealth government, particularly through the Regional Development Australia Fund. My question to the minister is: can she provide an update to the chamber on recent grant funding opportunities for South Australian regional projects?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:51): I thank the honourable member for her question. I am very pleased to be able to respond to this particular question, as I now have multiple roles and responsibilities, with the common denominator being regions. I refer, of course, to my portfolios of agriculture, food and fisheries, tourism and regional development. Grouping these together enhances and strengthens this government's ability to engage with regions around South Australia under one minister and one CEO. I think this will deliver a much stronger focus for regional South Australia and provide greater efficiencies.

The opportunities and hurdles of a regional area are, obviously, very different and often reflect an area's particular history as its economy has developed through, particularly, agricultural and horticultural industries. These portfolios are complementary, in many ways. The products that we derive from agriculture—the food and wine that we have here in South Australia—are an essential part of the great tourism experience that we try to deliver, and bringing them together under one minister provides capabilities for much greater synergies.

Regional development has so often been shaped by the legacy of economic development carved out by the primary industries of a particular area. For example, infrastructure, rail lines and roads were often first built to serve the needs of agricultural producers to transport their products to market, while many regional towns have their genesis supporting the needs of their local primary industry and its workers.

I am looking forward to the opportunities provided by my new multiple roles to lessen duplication and have clear channels of communication. Members may recall that I mentioned in this chamber the Regional Development Australia Fund. This is a competitive commonwealth government initiative to support the infrastructure needs and economic growth of Australia's regions. In September this year, the recipients of the first round of grants were announced, with South Australia performing extremely well, receiving $15.89 million for six projects from a total of nearly $150 million offered Australia-wide. I think we ended up achieving about 10 per cent of the share.

On 3 November 2011, the federal minister for regional Australia, the Hon. Simon Crean, launched round 2 of the RDAF, which will make available a further $200 million to support priority projects in regional Australia. This presents another exciting opportunity for local government and non-government organisations to put forward their funding applications, and I will be working to ensure that the commonwealth receives another strong round of applications from South Australia.

After the completion of the first round, I am advised that the federal government received feedback from local government and not-for-profit and RDA committees, which prompted the further refinement of guidelines to encourage stronger investment-ready applications which have a clear strategic regional benefit.

Some of the key changes to the guidelines include a two-stage application and assessment process, including a short paper-based expression of interest as the first stage and a stronger role for Regional Development Australia committees. They have also provided for a maximum grant limit of $15 million and, importantly, projects located in capital cities. I know that many members will be interested in this because a number of questions were asked about capital cities' involvement in these grant applications. So, one of the provisions that has been amended includes that projects located in capital cities must be able to demonstrate how the proposed project will benefit the broader regional interests or parts of regional Australia.

I understand the expression of interest stage has been introduced to reduce costs for applicants, as it provides an indication of whether their project is suitable for consideration. I am

advised that this new procedure will also help to ensure that all of the proposals submitted to the fund are able to meet the criteria for the fund. It is sort of an early review triage type of process, so I think that should expedite things considerably. Full applications are then assessed by the Department of Regional Australia as are, again, certain eligibility, risk factors and value for money. They then provide advice to the Hon. Simon Crean to make a final decision. So, we look forward to South Australia doing very well in this second round.

LIVESTOCK SLAUGHTER

The Hon. T.A. FRANKS (14:57): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the ritual slaughter of animals.

Leave granted.

The Hon. T.A. FRANKS: The minister would be aware that, under the Australian standard for the hygienic production and transportation of meat and meat products for human consumption, ritual slaughter is permitted with the proviso that animals are stunned afterwards—that is at clause 7.12(2) of that particular piece of legislation. It is also worth noting at this stage that Islamic authorities, such as the Australian Federation of Islamic Councils (which is the accreditation body for halal food), accept the stunning of animals and have indicated publicly that pre-stunning does not contravene halal requirements.

With that in mind, the recent meeting of Primary Industries Ministerial Council members held in Melbourne rejected the proposition put by the former South Australian agriculture minister (Hon. Michael O'Brien MP) to immediately remove the exemptions to pre-stunning that currently permit the practice of ritual slaughter. I note that minister O'Brien had previously also indicated that South Australia would consider going it alone if a national decision was not taken and that, in this state currently, we have at least four—possibly as many as nine—exemptions to either pre-stunning or post-stunning for the practice of ritual slaughter in this state.

Ritual slaughter is seen as cruel and inhumane not only by the RSPCA but organisations across the world, and we have seen the outpouring of Australians' opinion on this issue most recently as a result of the *Four Corners* program, 'A Bloody Business'. The reason that many oppose this is simple: animals can actually remain conscious in extreme cases for up to six minutes, and scientific studies have shown that the time to collapse for one sample of 100 calves averaged 120 seconds. The animals suffer pain before lapsing into insensibility. This is a common-sense assumption, but it has also been backed up by scientific evidence. Obviously, this would also be traumatic for the workers involved.

Accordingly, can the minister indicate whether the Weatherill government is willing to follow the lead of Queensland, New Zealand and the Netherlands and ban ritual slaughter on animal welfare grounds as is requested currently by the RSPCA? If the minister is not willing to take such action for South Australia, will we see the removal of the current exemptions to the small number of slaughterhouses that have an exemption for either pre-stunning or post-stunning for ritual slaughter? Can the minister indicate what access the RSPCA will be given to these slaughterhouses?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (14:59): I thank the honourable member for her most important question. Obviously, following adverse publicity surrounding the slaughter methods used in overseas abattoirs where Australian animals are killed—I think we all saw some horrendous TV coverage that was largely filmed in Indonesia that involved appalling, inhumane and immoral treatment of animals, including animals not being pre-stunned before slaughter. They were, indeed, really ghastly images and I am sure that all members here are still haunted by those images.

However, that does not occur here in Australia; all standards are met in this country. Ritual slaughter for the supply of halal and kosher meat to members of the Australian Islamic and Jewish communities is carried out to respect the religious requirements of those communities. The export abattoirs in South Australia process many thousands of animals each week in observance of halal slaughter requirements and with compulsory pre-slaughter stunning.

I have been advised that there are no domestic abattoirs producing kosher meat in South Australia, but four small domestic abattoirs do slaughter low numbers of sheep, goats and some cattle without pre-slaughter stunning to supply the local Islamic community. In all cases I am

advised that slaughter is carried out in compliance with the national guidelines and agreed welfare framework that includes requirements for post-cut stunning.

As the incoming Minister for Agriculture, Food and Fisheries, I attended the final Primary Industries Ministerial Council meeting in Melbourne recently. The council did consider this issue and it is most incorrect to say that it rejected any particular position—the honourable member is misleading the chamber. What occurred was the continuation of a very serious dialogue and an exchange of different viewpoints. The council did consider the matter very carefully. I am informed by the former minister that this dialogue has been occurring for some time. The council resolved to continue discussions with religious groups in pursuit of a national risk management framework and with an aim to, obviously, increasing animal welfare outcomes to the most optimal level possible, and South Australia supported that position.

My view is that the optimal outcome is to achieve a nationally consistent approach here so that we have the same standard right around the nation. Those horrendous incidents that occurred in Indonesia shone a spotlight on this issue of ritual slaughter. As I said, ritual slaughter here in Australia is absolutely done within the appropriate standards and guidelines. Nevertheless, a light has been shone on this and other related issues. I think it is really important that we are able to move to a nationally consistent approach.

I am pleased that considerable dialogue has already occurred with the key interest holders who are parties to this issue and that we continue to try to move all parties forward together to land on a consensus view about what the appropriate standards are. So, my position at present is to continue with those dialogues to try to reach a nationally consistent outcome.

LIVESTOCK SLAUGHTER

The Hon. T.A. FRANKS (15:05): I have a supplementary question. Given the minister's commitment to a national standard, when will we see South Australia move the four (or possibly up to nine) exemptions from the national standard?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:05): My understanding is that the South Australian practices are consistent with standards and are accepted forms of practice nationally.

DEPARTMENTAL REORGANISATION

The Hon. G.A. KANDELAARS (15:06): Can the Minister for State/Local Government Relations outline to the chamber the recent changes regarding organisational arrangements in government?

The Hon. R.P. WORTLEY (Minister for Industrial Relations, Minister for State/Local Government Relations) (15:08): I thank the honourable member for his very important question. After Premier Jay Weatherill announced his new cabinet on 20 October 2011, cabinet approved—

The Hon. D.W. Ridgway: It seems like a year, but it's only been a couple of weeks.

The Hon. R.P. WORTLEY: We have probably made enough announcements that it seems like a year, that's right. Cabinet approved proposals to changes to ministerial responsibilities and government departments. These changes encourage a forward-thinking, responsive, innovative and dynamic Public Service now and into the future. Several departments have been recast and over the coming period functions will be transferred between departments to consolidate these new responsibilities.

The Weatherill government's priorities for South Australia encompass an equitable society with communities that are vibrant places to live and work, a strong internationally competitive economy and environmental sustainability. A significant focus to achieve these priorities is supporting the next generation of South Australians to ensure that they have the best start in life. I am pleased to report that the proposals endorsed by cabinet will bring the Office for State/Local Government Relations, now located in the Department of Planning and Local Government, into the Department of the Premier and Cabinet.

The Department of the Premier and Cabinet will continue to provide policy support to the Premier and ministers, and the change will strengthen the government's overarching responsibility for federal, state and local government relations through the integration of the Office for State/Local Government Relations. This move also reflects the LGA's request to the government that the office be part of the Department of the Premier and Cabinet, recognising its whole-of-government policy

perspective and the key role that the local government sector plays in our state's community cohesion and economic development.

I note that SafeWork SA continues to report to the Department of the Premier and Cabinet, so I will now have the advantage of one administrative reporting point for both my ministerial responsibilities.

PROPERTY IDENTIFICATION CODES

The Hon. J.S.L. DAWKINS (15:08): My questions are to the Minister for Agriculture, Food and Fisheries. What is the budget forecast impact on primary producers for the financial years out to 2014-15 resulting from the introduction of a property identification code and the proposed biosecurity fee? Will the minister also outline how compliance with the requirement for owners of property with livestock to register for a property identification code will be ensured?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:08): I thank the honourable member for his most important question, and certainly with the support of the livestock industry, mandatory registration and allocation of property identification codes (PICs) commenced on 1 January 2011. Overall the new system commenced well, I am advised, and new registrations are being received.

In 2010 Biosecurity SA held three meetings with the chairs of the livestock industry advisory groups, covering sheep, cattle, deer, goats, pigs, horses and alpacas, plus representation from the South Australian Farmers Federation, to discuss mandatory PICs so that all livestock properties in South Australia could be mapped. Knowing where livestock are and how many animals are on a property is obviously a very important tool in ensuring an effective and professional response to animal health emergencies, whether disease, fire or floods. Exotic animal diseases of particular concern include diseases such as foot and mouth and a number of others. Livestock owners wishing to sell or transfer livestock under the national livestock identification scheme are required to have livestock tagged and their properties must have a PIC. However, most livestock and horse properties do not have a PIC.

All states are moving to mandate PICs, with Victoria extending mandatory PICs for livestock to include horses, I am advised, last year. I am advised that the level of support from livestock organisations for PIC and PIC registration fees has in fact been quite strong; that is at least the advice I have received. Biosecurity SA has pressed ahead, with the support of the industry, with a communication campaign to encourage owners of livestock to obtain PICs. In terms of the specific questions around funding implications, I will take those on notice and bring back a response.

The Hon. J.S.L. Dawkins: What about the biosecurity fee?

The Hon. G.E. GAGO: The biosecurity fee has yet to be resolved. That is still being discussed. That issue has not been finalised, to the best of my knowledge and briefings. No model has been finalised at this point in time, so I understand.

The PRESIDENT: The Hon. Mr Dawkins has a supplementary question.

PROPERTY IDENTIFICATION CODES

The Hon. J.S.L. DAWKINS (15:11): Will the minister outline the anticipated cost of policing the compliance of the introduction of the property identification code?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:11): I am happy to take that on notice and bring back a response.

PROPERTY IDENTIFICATION CODES

The Hon. R.L. BROKENSHIRE (15:11): I have a supplementary question.

The PRESIDENT: I hope it is a genuine supplementary this time.

The Hon. R.L. BROKENSHIRE: It is a bona fide supplementary, given the minister's first answer. My question is: can the minister confirm to the house, given the objection to the proposed biosecurity fees, that up to $3 million has been put into the cost of PIC and NLIS fees and associated administration to offset the amount of money that your office is looking at for biosecurity fees?

The PRESIDENT: The honourable member must have learnt some bad habits in the other place as far as supplementaries go. There is no explanation on supplementaries in this house.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:12): As I said, I do not have any funding details with me. I am happy to take questions around detailed funding on notice and bring back a response.

PLASTIC SHOPPING BAGS

The Hon. D.G.E. HOOD (15:12): I seek leave to make a brief explanation before asking the minister representing the Minister for Sustainability, Environment and Conservation a question regarding the use of single-use plastic bags in shopping centres.

Leave granted.

The Hon. D.G.E. HOOD: Supermarket customers are now routinely paying 15¢ to buy thick plastic, so-called re-usable bags each time they go shopping, most of which, according to one study I have seen, are never actually re-used. This makes very questionable the initial concept that passed through this place some time ago with the aim of reducing plastic bag so-called waste in the environment. My questions are:

1. Is it not a fact that many so-called re-usable bags are being used once, and does the government have any data to support or counter this claim?

2. What proof does the government have that plastic bag use has actually reduced following the legislation that passed through this place some time ago?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:13): I thank the honourable member for his most excellent question on re-usable plastic bags sold by shops for 15¢ a piece. I will take the question to the responsible minister in the other place, the Hon. Mr Paul Caica, and bring back a response.

YOUTH VOLUNTEER SCHOLARSHIP AWARDS

The Hon. J.M. GAZZOLA (15:14): My question is to the Minister for Youth. Will the minister provide the Legislative Council with an update on the Youth Volunteer Scholarship Awards?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:14): I also thank the honourable member for his most excellent question. The former minister for youth (Hon. Grace Portolesi from the other place) announced in June this year a new program entitled Youth Volunteer Scholarship Awards. The intention of the awards is to both reward and also recognise young people aged up to 25 years, who are currently volunteering, with a scholarship to assist them in ongoing studies, whether this be at university or in a vocational setting.

A total of 118 applications was received, and I was very pleased to announce as one of my first acts as Minister for Volunteers and Minister for Youth the 24 successful candidates who have received a scholarship. While I made that announcement as the Minister for Volunteers and the Minister for Youth, there is really a nice connection between these portfolios and my other responsibilities as Minister for Communities and Social Inclusion. As we all know, the importance of volunteers in our communities and the way they engage with communities through volunteering contributes hugely to social inclusion and the social capacity of our communities.

The quality of all the candidates was extremely high, and I must say it was humbling to read about the various efforts of these young people in their local communities giving their time to others amongst the hectic lives we all know many young people lead. A program total of $30,000 was distributed amongst 24 young people from across our state. Thirteen were from the metropolitan Adelaide region and eleven others were from all around regional South Australia.

Let me apprise the council of just one example, that of Mr Shane Cook, aged 19, from Salisbury, who began as a participant in the Twelve25 Salisbury Youth Enterprise Centre's Aerosol Art Flexible Learning Options Program, where he found a passion for art and youth mentoring. He hopes that gaining greater accreditation in visual art will help him in his youth work, particularly in schools. He will use his scholarship to pursue studies in visual arts and crafts painting techniques to extend his volunteer work with troubled young people.

Another recipient, 19-year-old Adelaide Hills resident, Theadora Tomlian, has volunteered for the last four years with EMT Ambulance South Australia. Currently volunteering over 17 hours per week, Theadora has since worked her way up to becoming a community ambulance officer and will use her scholarship to pursue study in the field of emergency care.

These examples just touch on the many wonderful things young people are doing for our communities. We know as a government that the ageing of our population means our volunteer base is getting older and at the same time the demand for volunteer services is growing, so attracting and retaining young people in volunteering roles is crucial. We also know through research undertaken by the University of South Australia that people who volunteer are more likely to be employable and have improved career opportunities and higher incomes. In fact, sir, as you may know, I began my path to paid employment past university days as a volunteer at the Queen Victoria Hospital, as it was then, in the microbiology laboratory, after which I was successful in getting employment at Flinders Medical Centre.

The awards will run every year, and I encourage all members of this house to think of the many young people they know giving back to their community and to encourage them to apply for awards in future years.

TOURISM

The Hon. T.J. STEPHENS (15:17): I seek leave to make a brief explanation before asking the Minister for Tourism a question about intrastate tourism.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to an article in *The Advertiser* on 21 October regarding the announcement of a $1.4 million advertising campaign to encourage South Australians to holiday within their own state. The article highlighted the fact that intrastate tourism has dropped by 24 per cent over the past decade. Intrastate travellers make up as much of the market share as do interstate and international travellers to this state. The *Sunday Mail* AFTA Holiday Expo, held in February, attracts over 10,500 visitors, and research has shown that 96 per cent of these visitors intend to travel within 12 months.

Unfortunately, the *South Australian Shorts* book, which contains advertisements and discounts for participating tourism operators in this state, was not available (as it regularly is) to the 10,500 visitors during this year's expo. Surely, if the government was serious about attracting intrastate tourism, it would have made this small yet important piece of advertising available. My questions to the minister are:

1. Can the minister guarantee that the *South Australian Shorts* booklet will be completed and available for distribution for the 2012 AFTA expo (which I think is on about 3 February)?

2. Have the problems which caused this year's failure been remedied?

3. Why has the government neglected the intrastate tourism market for so long?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:19): I thank the honourable member for his most important question. Indeed, tourism is a very important economic driver for this state and it is a portfolio area that I was very pleased to be given responsibility for.

In terms of the main strategies that this government has in developing its tourism capacity, we focus on a number of strategic activities, and one of those is developing South Australia as a destination. We do that by working with major stakeholders to attract things like new airlines and suchlike, with Auckland and Malaysia Airlines providing additional direct services from places like Kuala Lumpur; by improving regional access by air, road and rail; and by working with local government and regional airports.

I have brought a number of projects here, as regional development minister, where I have been responsible for either directly or indirectly helping to develop and provide funds for the Port Lincoln Airport development and other airstrips and airports around the state—at Coober Pedy, as well, I think we had a role to play—but also increasing the range of quality tourism experiences by encouraging private investment into South Australia, with things like outback ballooning in the Flinders Ranges and suchlike.

Another of our strategic approaches is to re-establish South Australia as a premier festival state. We intend to go about it by leveraging and growing existing events, attracting and developing new events and also attracting high-yield visitors to South Australia. Of course, South Australia already has a very strong reputation as a festival state and we will continue to build and grow on that.

Another strategy is to create demand for South Australia as a tourism destination with a focus on intrastate and interstate markets. One of our strategies and one of my priorities is to reinvigorate the *Shorts* publication. I am not too sure what decision was behind the publication in the past 12 months but certainly I have already had a look at this and have recognised that there needs to be a reinvigoration of this. Whether we still call it *Shorts* or not I am not sure; it might be time to rebadge it and profile it in a slightly different way. Nevertheless, the intrastate market is obviously an area that offers a lot of potential for us and it is an area that I have prioritised as Minister for Tourism. I think that there are a lot of opportunities there.

Also, in terms of the intrastate strategy, we will continue our Best Backyard marketing campaign which was launched in October; launching a new domestic marketing campaign in January next year; and also continuing to make improvements to South Australia's consumer website (www.southaustralia.com) which was launched by the former minister, John Rau.

The final strategy is about marketing South Australia as a 'must see' destination in selected international markets. There are a number of strategies that we have around that as well. Certainly, my expectation is, as I said, to reinvigorate or rejuvenate the equivalent of the *Shorts* as part of our intrastate marketing campaign to improve our tourism outcomes.

The PRESIDENT: The Hon. Mr Stephens has a supplementary question.

TOURISM

The Hon. T.J. STEPHENS (15:24): I thank the minister for her broad-ranging answer but the key point is: will you ensure that that *Shorts* booklet (or whatever you want to call it if you do re-badge it, and I am fine with that) is ready for the 10,500 people who pay for the privilege to go the travel fair which is an ideal time to release that publication? They are genuine travellers so can I get a commitment from you that you will make sure that we do not fail again this year to release that booklet at that time?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:24): All appropriate and relevant strategic considerations will be taken on board when planning our intrastate marketing campaign.

DISABILITY SERVICES

The Hon. K.L. VINCENT (15:25): I seek leave to make an explanation before asking the Minister for Disabilities a question regarding the nomenclature of government departments and services.

Leave granted.

The Hon. K.L. VINCENT: Since I became a member of this chamber some 18 months ago, changes have been afoot within the Department for Families and Communities (DFC) in relation to disability services. I understand that it is now to be called the Department for Communities and Social Inclusion.

While I love being able to advocate on behalf of my constituents to the relevant ministers on a range of issues, from housing to justice to equipment and education, I have noticed the confusion shared by many of them in regard to where they should be accessing services and what exactly each service is called. In fact, when my office calls various agencies to inquire about disability services on behalf of our constituents, even the workers there seem a bit unsure as to who they work for and under which arm of the government they currently sit.

In 2010, the then minister for disabilities changed the name of Disability SA to Disability Services and renamed other related services within the department. What is of particular concern to me is the cost that these continual name changes within government bring—firstly, the expense of constantly changing the stationery, business cards, letterheads and the website for example. What exactly is the benefit? Having said that, I am unsure as to how many alterations may have been made to the websites and web pages as it is highly confusing to navigate my searches, and I assure you that my constituency finds it just as challenging.

Given that the minister is new to this role, I am interested as to how he has gone about establishing who is called what and who indeed does what within Disability Services, over which he now presides. My questions are:

1. When exactly did Disability SA become Disability Services or Community Home Support and which exactly of these things is it called?

2. What has been the cost to rebadge all of the stationery and signage within the Department for Communities and Social Inclusion?

3. What processes have been undertaken to inform disability workers, consumers and the disability sector at large of the name changes and any resulting service changes and movement throughout the remaining agencies within this department?

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (15:28): I thank the honourable member for her very important questions. In terms of name changes for agencies, in particular, Disability Services from Disability SA, I can say only that changing the name of agencies is something that happens regularly when governments reshape portfolios. It has happened from time immemorial, and I would imagine will happen again in the future.

However, I do feel for the honourable member and her constituents and, indeed, clients of Disabilities SA and the agency if there is any confusion created in their mind about these name changes and the changes to portfolios. What I can say is that a great deal of the services provided to constituents of the agency are provided by NGOs, and NGOs have not had any name change whatsoever. Most clients will see services from the NGOs they go to in the same way they have done in the past. I also say to the honourable member that she might like to advise people who come to her to look up, if possible, the South Australian government website www.sa.gov.au, which will have a complete list of all of the agencies under each portfolio heading.

Finally, I would also say to the honourable member that my understanding is that these days stationery internal to the agencies is usually electronic and can be easily and quickly changed on a computer and printed out as needed. It is not something that I do as routine, but now I have people who do that for me.

WORLD TENNIS CHALLENGE

The Hon. CARMEL ZOLLO (15:29): I seek leave to make a brief explanation before asking the Minister for Tourism a question about the 2012 World Tennis Challenge.

Leave granted.

The Hon. CARMEL ZOLLO: The 2012 World Tennis Challenge, along with the associated community event, the Be Active Challenge, has captured the hearts and minds of Australia's tennis enthusiasts since it was first held in 2009. Can the minister tell the chamber about next year's event?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:29): I am delighted and pleased to advise that next year's World Tennis Challenge will again attract some of the biggest names in the history of world tennis, including the legendary John McEnroe and crowd favourite Henri Leconte. John McEnroe's presence at the event for a third time is a real coup for the organisers, as Adelaide will be the only city in which he will be playing during his visit to Australia.

The World Tennis Challenge format is a dazzling mix of the classic and cutting edge, both in terms of players and event presentation. It is a blend of world-class tennis, fun and great entertainment that will attract growing crowds. Last year, the World Tennis Challenge attracted more than 3,500 people to South Australia, generating more than $4 million for the state, and we would hope that those numbers grow.

International broadcasting for the event is also a considerable coup for South Australia. The event is held from 10 to 13 January, just days before the 2012 Santos Tour Down Under. Visitors will see Adelaide in all its splendour, as it comes alive with the international tennis of the World Tennis Challenge and then international cricket, with Australia versus India in late January. A number of visitors to next year's World Tennis Challenge will also be taking the time to play in the Be Active Challenge, Australia's largest participation tennis event.

The 2012 Be Active Challenge aims to attract 2,500 entrants, from young to old, with a wide range of different abilities, to participate across 14 events. I was delighted to meet some of those participants last week and have a hit of tennis with them. In fact, I was soundly thrashed by a seven year old, but I gave it the best I could.

The Hon. D.W. Ridgway: Seven or 70?

The Hon. G.E. GAGO: A seven year old. He was such a hot shot, I can't believe it. Tennis SA should be acknowledged for bringing us a world-class top-level tennis event while also championing local tennis clubs. South Australia has a well-earned reputation for staging great sporting and cultural festivals in great locations, and the World Tennis Challenge fits right in there as another winner. The South Australian government, through the South Australian Tourism Commission, is proud to support this event, and I congratulate Tennis SA on making it such a great success.

The event would obviously not be possible without the support and assistance of volunteers. They come out time and time again and we simply could not run the event in the way that we do without their assistance, and that is to be acknowledged and valued and I thank each and every one of them.

SUMMARY OFFENCES (WEAPONS) AMENDMENT BILL

Third reading.

The PRESIDENT: I certify that this fair print is in accordance with the bill as agreed to in committee with amendments, recommitted and reported with a further amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (15:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CORRECTIONAL SERVICES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October 2011.)

The Hon. S.G. WADE (15:35): I rise on behalf of the opposition to respond to the Correctional Services (Miscellaneous) Amendment Bill 2011. In that context, I thank my honourable colleague the Hon. Terry Stephens for working with me to analyse this bill as it dealt with both parole and prison management issues. We worked together across what is basically a whole-of-criminal-justice project.

Following a number of high-profile cases of parolee reoffending, the then minister for correctional services, minister Koutsantonis, announced on 28 September 2010 that he would be consulting on draft legislation to reform parole laws. The bill that resulted from that consultation process was tabled on 8 June 2011, and it seeks to introduce a range of measures in relation to both prison management and parole management. On behalf of the opposition, I would like to particularly thank Mr Peter Severin, the Chief Executive of the Department for Correctional Services for his briefings.

The press release which heralded the start of this process was issued by minister Koutsantonis with a headline, 'Greater powers for authorities in parole law shakeup'. That headline highlights the whole focus of the government in relation to this bill. I think the Hon. Terry Stephens would agree with me that, in relation to prison management, a lot of the matters are sensible; however, in relation to parole, this has all the hallmarks of a continuation of a government's attack on the Parole Board. The press release states:

> Every police patrol will have unprecedented power to act as a 'mini parole board' under the biggest shakeup of the state's parole laws to be introduced in parliament in 30 years.

Unprecedented power. This is a government which makes no apology for gratuitous overstatements. However, to then refer to every police officer as a mini parole board is demeaning of the skill and experience of the Parole Board. I have huge respect for South Australian police. They do an exemplary job, but to ever expect one man or one woman to actually embody all of the

experience and skills of the Parole Board when they are out on the beat is asking too much of any person.

Let me remind members who constitutes the Parole Board. The Parole Board brings together legal expertise, victims' representatives, psychiatric specialists, social workers, people of Aboriginal descent and a former police officer. Indeed, it does have the police expertise that a police officer on the beat would have, but it also brings together a whole range of other skills, a whole range of other perspectives. Also, the Parole Board is supported by a network of community corrections officers, and it is headed by one of South Australia's leading criminal justice specialists, Frances Nelson QC.

I think the minister's press release is ample evidence of the government's lack of respect for the Parole Board, a lack of respect that recurs in this bill. It reminds me of the case of Shane Andrew Robinson. Mr Robinson was a relatively young man who was released from prison on parole in July 2009. He went on to engage in a shocking siege near Yunta. He seriously assaulted an older lady, he seriously injured a police officer, Mr Jeffrey Allen, and he went on to kill himself. It was indeed a tragic case, and questions need to be asked. However, the government's response was a knee-jerk reaction, a knee-jerk attack on the Parole Board.

The then attorney-general, Mr Atkinson, went straight to attack the chair of the Parole Board. Many of his statements were factually incorrect, but what he did not even seem to appreciate was that Frances Nelson was not even in the country at the time. She was in England, I understand, visiting sick relatives. In fact, the person who had charge of the decision in relation to Mr Robinson was the deputy of the Parole Board, Mr Tim Bourne. I certainly make no reflection on decisions or actions of Mr Bourne or, for that matter, any other member of the Parole Board. In fact, I note that Frances Nelson came back to Australia and stood by her deputy chair in relation to the events that took place in the Shane Robinson case.

I use that as an example of the government's disrespect towards the Parole Board on a number of occasions. That disrespect has coloured the terms of the Parole Board parole management elements in this bill, in particular. As I said, this bill will receive substantial support from the opposition, especially where it relates to prison management. We think there are worthwhile reforms in terms of prison allowances, prisoner identification, visitor management, prisoner communication, questioning of prisoners, and so forth.

However, we come to this bill very sceptical in relation to the parole management issues. We accept that there is need for reform and our amendments will reflect the need to change what is currently in the bill. I have tabled those amendments and I commend them to members. I will not take the time of the council to argue for them in the second reading stage. Honourable members would have already noticed the fulsome exposition of the proposals in the House of Assembly if they want a preview of the discussion we will have at the committee stage.

I suggest that I leave the exposition of the points in detail to the committee stage, but in terms of a general overview the opposition supports and welcomes many of the matters, particularly as they relate to prison management, and believes the government needs to moderate its campaign against the Parole Board and take more sensible measured reform opportunities in the Parole Board area, and our amendments offer that to the council.

The Hon. R.L. BROKENSHIRE (15:42): I rise to speak to the second reading of this bill. I am reminded of the 2009 debate on a bill of very similar nature and I will return to some comments on that in a short while.

Family First welcomes the victim of crime clawback provisions so that prisoners who are themselves a victim of crime can have their compensation moneys used to reimburse the fund where the prisoner has, by their offending, created victims also. We commend the member for Davenport (the Hon. Iain Evans) for his work on this issue; and, further, the government for actually accepting a good idea. It is nice to see good ideas from members other than government being adopted.

We support the intent of ensuring that police are notified about parolees in the community and the conditions they are on so that, say, in domestic violence situations that might arise—and we are advised that there were quite a number in a period of time that gave police considerable concerns—police are then empowered to act upon those situations in the spirit of prevention being better than cure.

In 2009, when we had a bill quite similar to this put through the Legislative Council, I put up some amendments regarding drug detection dogs in prisons and also amendments to increase penalties for those who bring contraband into gaols. The majority of Legislative Councillors supported those amendments. Then, when they went to the other house, there was a flurry of activity by the minister and others saying that these amendments were too draconian with respect to the focus on drug prevention. In fact, there was a request from the government to pull them rather than go into a deadlock conference.

It is interesting how, in time, circumstances showed that those amendments were not too draconian. In fact, we have seen quite a lot of reports about increased drug problems in our South Australian prison system. In work I have done to get further information on that, it is clear that there are still significant problems and, arguably, in some areas, from anecdotal evidence at least, an increase in illicit drug activity and availability in our prison system.

Whilst we support the amendments now, I believe that, had the government supported our amendments back then, we would have actually made greater in-roads into the illicit drug problems in our prisons. This is a reflection of the government now realising it made a mistake and putting in similar amendments. I support the strong commitment to penalties and support the principle of that directly. There is no inclusion of the internet restrictions we proposed in 2009 for prisoners on parole, be it a total or partial restriction of internet use. We can only hope that the Parole Board is giving consideration to these matters in the conditions it imposes.

We also had amendments previously requiring drug testing of parolees. I am advised this already takes place, but whether or not it is as comprehensive as one would hope to ensure that these parolees are absolutely drug free is another question. I trust that the debate and amendments put up again in 2009 have pushed the government to recognise that it needs to take a very strong stance on substance abuse once parolees are back in the community.

There are quite a few extensions of power of the chief executive. I put on the public record that this is not a personal reflection on this particular chief executive at all, but I believe that there should be some restrictions on extension of powers to chief executives. We have a select committee before the parliament at the moment, and one of the reasons for that select committee being moved and supported in the Legislative Council was to do with powers, control, management, human resources and the like, and whilst the government argues that its bill is fine (and I appreciate the briefing the chief executive officer and ministerial staff gave my legal and policy adviser on this bill) the bottom line is that the parliament needs to realise that we are actually extending powers to the chief executive.

Whilst the chief executive says that he may intend to delegate those powers, at the end of the day if we pass this legislation as it is, then he has stronger powers again. I know that a lot of people in the correctional services department would have concern over that. One only has to look at some of the evidence that has come before the select committee.

I note that the Hon. Ann Bressington has some amendments concerning the power of Executive Council to overrule the Parole Board. I wish to spend a bit of time on that. Until the Rann government came to office I do not believe there had been a problem whatsoever when it came to Executive Council and the consideration of the Parole Board recommendations.

The Hon. S.G. Wade: It was never used.

The Hon. R.L. BROKENSHIRE: As the Hon. Stephen Wade said across the chamber, it was never used. I would say that it was rarely used, and having had that portfolio and having sat around the cabinet table, I know (without giving away any confidentiality) that there was always serious consideration and debate. In fact, at times governors had questions of the relevant minister. I was involved in that situation myself, and that was the role of the minister in cabinet to explain why the Parole Board had made this decision, and so on. It is fair enough for the Governor and any minister in executive cabinet to ask some questions, but on an unprecedented nine occasions now we have had this government come out and actually rule against the recommendations of the Parole Board.

The fact is that this was blatant, base political point scoring to be tough on law and order—rack 'em, pack 'em and stack 'em—and the other spin we have seen with the government. It was a dangerous practice. Today we have seen the new Premier come out and say that he wants to take a different direction, that he wants to see a more orderly parliament, a more procedure and policy-based parliament. I would hope that the new Premier would also want to see that in his cabinet and that he, particularly with his legal background, would realise the dangers of cabinet picking and

choosing who gets parole sign-off after a recommendation from the Parole Board and who does not.

Whilst I will listen in the chamber here or in my office to the Hon. Ann Bressington's amendment, and I understand the intent of the amendment, I personally at this stage have some concern over a situation whereby Executive Council will never have the capacity to overrule the Parole Board, only because I think there could be the odd exception where they may have to.

I know why the Hon. Ann Bressington is moving this amendment, because this government has played a game with the Parole Board and with the prisoners, a dangerous game, an inappropriate game, a game that has never been played to my knowledge by any former government, Liberal or Labor, and a game that I ask the new Premier to rule out in his cabinet. If we can get those sorts of commitments from the Hon. Jay Weatherill, then I believe that for checks and balances we probably should stick with the structure that has been in place for decades, whereby there was the ability to overrule but it was rarely, if ever, used.

Regarding the second reading position, I am not in a position just yet, until we listen to the rest of the debate, to commit to supporting every clause of this bill. In fact, my preference would have been for this bill to wait for final debate on the outcome of the select committee that the Hon. Terry Stephens is chairing because there may well be other recommendations from the select committee that could then be considered by the government and the parliament and they could be also fixed at that time; or perhaps, in the meantime, to report progress and send this bill to the select committee for consideration of the overall broader deliberations that we already have.

I know that would be some more work for the committee, but we have evidence there, we also have opportunities for colleagues to come and present specific arguments to that committee, and it could strengthen the whole case around this particular bill and other issues that will come up. I would not be surprised, without wanting to pre-empt what recommendations may come out of that select committee, based on the evidence so far, if some of the recommendations would not be around some legislative change. I just put that to the parliament for consideration.

I do not think the bill is one of those bills that is urgent to the point where it has to be passed in the next few weeks of sitting. I understand from listening to the chair of the committee that he does intend to get to a point where a report can be tabled some time in the first half of next year. Based on that, and in the interests of getting this right from the point of view of better management structure in the whole correctional services department, maybe it would be good if we were to report progress and consider this bill in deliberations with other evidence that we have had put to the select committee.

In conclusion, I look forward to hearing other honourable members' positions in the debate, including our stance on, as I have just put forward, postponing debate in light of the select committee investigation.

The Hon. A. BRESSINGTON (15:54): I rise to indicate my position on the Correctional Services (Miscellaneous) Amendment Bill introduced in another place by the former minister for correctional services, the Hon. Tom Koutsantonis. Much of the bill reads as a wish list of the Department for Correctional Services or seeks to address longstanding issues with the existing act. As the minister stated when introducing the bill, there are also changes to parole arrangements. In particular, the distinction between a designated condition and a normal condition of parole is being removed, something I fully support. Many of the contentious provisions identified by the Law Society and others are the subject of amendments by the opposition, which I indicate I view favourably, although I will await the committee stage before determining my position. For this reason, I will today focus on issues not raised by the opposition or on which I am passionate.

First, I must say I am somewhat uncomfortable with the consolidation of powers in the Correctional Services Act with the chief executive (or, as the bill will have it, CE). Whilst I recognise that this is in line with other statutes and that many of the powers will be redesignated back to prison managers, from whom they are largely taken, prisons, at least to my mind, are unique when compared to, say, an agency like Families SA. Prisoners benefit from on-site control and the flexibility that provides.

It is also interesting to note that, whilst most of the powers redesignated from the chief executive are from prison managers, the sole power of the act being removed from the minister is the determination of prisoner allowances. Currently, increases in the prisoner allowance are at the behest of the minister, with the approval of the Treasurer, making it a political decision, as seems to be occurring a lot with decisions around corrections. Accordingly, there has not been an increase

in prisoner allowances for some significant period of time, despite continual requests to do so by the Department for Correctional Services. I do ask the minister if she can indicate what the expected increase to prisoner allowances will be when the power is given to the chief executive.

On the subject of prisoner allowances, I turn to the proposed amenity fund. For 25 years, the Department for Correctional Services has been charging inmates an amenities levy applied as a surcharge on items purchased from prison canteens. Funds accumulated have been used by prison managers to purchase sporting and recreational equipment and other goods for inmates. As found by the Ombudsman, however, section 32 of the Correctional Services Act does not enable a prison manager to make a profit from the sale of items and, hence, imposing the amenities levy was unlawful, a fact the minister's second reading contribution conveniently fails to mention.

Having been assured that all moneys raised were spent to the benefit of inmates and that the act would be amended to enable the imposition of a levy, the Ombudsman did not recommend action be taken. To provide the legislative authority, the bill proposes a new section 32 to establish a prisoner amenities fund into which surpluses from canteen sales may be deposited. New subsection 32(3), which purportedly will enable the amenities levy, reads:

> The [chief executive] is authorised—
>
> (a) in selling items under this section, to set prices that, in the opinion of the [chief executive], reflect the costs associated with selling the items;

I am unsure if this wording will enable such a levy to be imposed if prices must reflect the costs associated with selling the items. A levy, of course, is an amount intentionally above the price of selling an item.

Prior to committee, I seek an answer from the minister as to whether it remains the intention to impose an amenities levy and, if so, how does the wording of proposed subsection 32(3)(a) provide for this? Further, could the minister detail the reporting requirements for the prisoner amenity account? Will it be included in the department's annual report?

If it is the intention to continue to impose a levy, I ask the minister to explain how this is different to an excise, which the state is constitutionally barred from imposing? Would it not simply be better to allow prison canteens to operate at a profit and have that profit deposited into a prisoner amenity account in accordance with proposed section 32(3)(b)?

I also express my reservation about the chief executive taking responsibility for the prisoner amenity levy and the purchase of prisoner amenities from prison managers. Given that this will now be one consolidated account across the prison system and, as such, cannot be delegated, prison managers will, as I said, lose the ability to manage their own affairs and the flexibility that that entails.

There can be no doubting that prison managers are best positioned to know the wants and needs of inmates in their facility and to budget the account to ensure that the purchase of minor items like sporting equipment does not prevent or prolong the replacement of more expensive items such as a billiard table or table-tennis tables. Instead, the chief executive overseeing the centralised account will decide what is purchased and when, with managers presumably required to make a formal application every time they want to buy a basketball or guitar pick for inmates.

I now turn my attention to the proposed reforms of parole arrangements for inmates serving life sentences which have been necessitated by this government's capricious, inconsistent, populist and arbitrary use of the Governor's power to override the recommendation of the Parole Board to grant parole to life sentence inmates (who I will refer to as lifers).

Presently, prisoners sentenced to life imprisonment apply for parole as per other prisoners. However, unlike other inmates who simply must satisfy the Parole Board, for lifers the ultimate decision to grant parole is at the discretion of the Governor in Council. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

EDUCATION AND EARLY CHILDHOOD SERVICES (REGISTRATION AND STANDARDS) BILL

Adjourned debate on second reading.

(Continued from 19 October 2011.)

The Hon. J.M.A. LENSINK (16:03): I rise to make some remarks on this particular piece of legislation which has had several years' gestation, and was one which I took a much closer interest in several years ago when I had the early childhood development portfolio prior to the last election.

Until now, the area of early childhood development has been governed by the Children's Services Act 1985 which regulates babysitting agencies, childcare centres, children's services centres (which are kindergartens, which have a particularly strong history in South Australia), not-for-profit childcare centres, family day care, preschool, and education for those aged six and under. The purpose of that act is to ensure the provision of preschool education, proper care and development of every child. The Children's Services office is responsible for the oversight, and also included in the regime is approved family day care and licensed family day care for no more than four children.

I had a briefing in May 2009 with the department and was advised, at that stage, that lots of changes were underway and that there were a lot of opportunities because commonwealth funding was being made available under a national partnership. There was also discussion of universal access for preschoolers, additional training and requirements for a specific number of hours per week, the national qualified standards framework, national accreditation, which was being driven by COAG, and something called the Early Years Learning Framework. This bill is a culmination of some of those changes, and it will also modernise some of the acts under which the regimes are currently regulated. So, the bill makes significant changes to governance and regulation of early childhood services.

I will talk about this more in detail later in my speech, but I think that it is a shame that the significant details have been released, through the federal government regulations, at the last minute and took place only very, very recently. As we know, with these things the devil is always in the detail. There was a discussion paper in 2008, a draft bill in 2009, and the COAG agenda has been underway through MCEETYA, which is the relevant ministerial council. What we have before us implements the national quality framework. It has broad support, with a few changes, which I intend to flag, to the legislation.

It is a new national system of provider approvals with a national body to oversee standards. It contains details about more concentrated child-to-staff ratios and qualification requirements for staff. The type of approach, in the legislative sense, is to adopt a national law, which is a matter which particularly concerns members on this side of the house and which my colleague the Hon. Stephen Wade will comment on in his contribution.

There has been a lot of talk in relation to these changes about improving quality standards in child care and the importance of the early years to a child's learning and development, which nobody disputes. I hope that, in reaching this agenda, governments and regulators have not forgotten to appreciate what is good about what we already have in our system, particularly for those workers who may not have the qualifications but certainly are effective workers.

In that nexus, we can see that there are the early childhood educators, or early childhood teachers (ECTs), who have university degrees, and I understand that that is a fairly new qualification. They have a number of skills in determining what, for instance, constructive play may be beneficial for children at a certain age versus a number of existing workers who do not have formal qualifications but certainly have plenty of experience with small children and plenty of empathy. I believe that it is a shame that a number of those workers have not been grandfathered through those provisions.

Childhood SA, which has been very active since the regulations were released, has put it this way, and I quote from the letter to members of the Legislative Council:

> The new laws and regulations will require a higher ratio of staff to children and the number of university and diploma qualified staff required in childcare centres. However, finding and retaining qualified staff is already a challenge and it is our understanding that the TAFE system will be unprepared for the influx of new enrolments that will be legally required from January. Childcare centres have been operating successfully, providing high quality outcomes for years at the existing staff ratios.

The staff ratio is something that will be changed. I think we differ from the government on the timing of those particular implementations.

The recent debate, which has been driven by the release of the regulations, has focused a lot on costs, and the question still remains: who will pay? I have heard both the state minister and the federal minister talk about an average of $8 a week, but that being an average, there will

obviously be some who will pay a lot more and others who will pay less. I put on the record that the industry strongly disputes those figures, particularly with future wage increases and associated employee on-costs, such that it calculates that it is more like $13 to $22 a week, or a 15 to 20 per cent increase, and potentially up to $1,000 a year.

The industry argues that those who will be hit hardest are those whose children attend low-cost centres, many of which have children from disadvantaged backgrounds. The president of that particular association says that 20 per cent of his parents are single mothers. The Labor Party loves to use that title of 'working families', but working families are the ones who may be the most disadvantaged by this in that they are not able to afford to continue to pay. I note that the City of Playford service is being tendered out in anticipation.

The final regulations, as I mentioned, were released very late (in late October; a week ago), for implementation on 1 January of next year. Last week, centres realised how monumental the task to implement the changes was, so they have sought delays to the implementation date. I would also note, for the conventions of this Legislative Council, that a bill is supposed to sit on the *Notice Paper* for a full week. This particular bill was tabled on 19 October, which was the Wednesday of last sitting week, so that convention has been broken in relation to bringing this bill on.

Also, while I am going to have a crack at the Weatherill government's poor attitude to due process in this place, I would like to add, for the record, that I have not even been offered a briefing on this bill. However, given that I have some experience in the matter I have taken it upon myself, in the last couple of business days, to read about it quite extensively, which is why I am happy to proceed to the debate. No thanks to the government, thank you very much. The minister made the following comment in this place when he tabled the bill on 19 October:

> ...all stakeholders have been invited to provide advice relating to the matters which will fall within the scope of subordinate legislation...

That is, the regulations. He further states:

> The regulations which will be made under the National Law are currently being finalised following extensive national consultations.

That was on 19 October, and this critical part of the regime, which the industry provided input to the government, was still finalising in the middle of last month. There have been multiple changes along the way and industry has been waiting with bated breath for the final version. I think it is fair to say that, metaphorically, it dropped its jaw last week when the regulations were released. If we bear in mind that it is not just the proprietors themselves who will need to understand the regulations come 1 January 2012, but all of their staff, including those who have not even been recruited yet. I will again quote from the Childcare SA letter to us of last week, which states:

> The new regulations are to be implemented within weeks in January 2012 but there has been inadequate consultation. There is no indication that the Federal Government or the State Government will be providing additional funding for fee relief through the childcare rebate, the childcare benefit or any other form. There should be at least a delay on implementation to allow more time for us to adjust. If these changes are implemented immediately, many childcare centres will be under pressure to keep their doors open, only adding to already long waiting lists across the state.

I met with the industry on Friday and was informed that the first briefings offered on those regulations were as recent as 31 October, which was just a week ago. Given that penalties and sanctions will apply for noncompliance, I do not think that is acceptable. The sector also met with the minister on the same day and commitments were made by her, but I understand that those commitments are not to be dealt with through amendments to the legislation, but through the ministerial council. I indicate for the record that we will be seeking to embed some of those commitments into amendments to this piece of legislation.

The regulations in question are some 340 pages, and the relevant sections which industry is concerned about are part 4.4, which relates to the staffing arrangements, and part 7.6A, which are the South Australian-specific provisions. I will not read those into the record. I am sure that members will avail themselves of those if they wish to. There are three main principles that we are seeking to embed into this legislation. The first is that all of the key time lines relating to staff ratios and qualifications in the bill will be pushed back by two years, to commence from 1 January 2014.

The second issue relates to children aged from 24 to 36 months. I understand there was a commitment given by the minister that those would be further staggered and we will have amendments to that effect.

The final policy matter is that ratio requirements for qualified staff who are 'on floor' should not be affected when they are on tea and lunch breaks, such that, if one of the staff happens to be in the toilet or in the tearoom, they will continue to be able to be quoted for those ratios.

I advise that the Liberal Party has consulted with the Victorian government (the lead legislator), which has no objections to our amendments. We also have advice that Queensland has delayed a number of provisions and that other jurisdictions are looking to follow suit.

I have some questions to which I would appreciate replies, and I will now read them onto the record. Which universities in South Australia are offering the early childhood development degree? For how long has the course been running, and when was the first set of graduates? How many graduates complete the course each year and how many will be registered to work from 1 January 2012? The industry says that 3,500 early childhood teachers will be required statewide, although that may actually be all new staffing requirements across the sector. My question is: can the government confirm whether that number is correct and, if not, what is its calculation? Will the government provide greater access to public funding to all centres, not just its own but the independent Catholic and private sectors?

In the letter to MLCs—which I assume the government has; I am happy to give it mine, if it does not—industry says in relation to the 1 January 2012 implementation that:

> No additional funding for fee relief has been offered through the childcare rebate, the childcare benefit or any other form.

Is this correct? Will the education department provide funding to pay for the new ECT requirement? If so, will all sectors—private/independent, Catholic and government—be included and, if not, why not? With those remarks, I indicate that we will support the bill.

I have some amendments, and I apologise that I have not been able to get them tabled as yet, but all of this took place very late in the piece. I think it would be beneficial if we did not proceed to committee stage until honourable members have had the opportunity to at least examine our amendments to consider whether they wish to support them or not. So, I look forward to the committee stage; hopefully, not today.

The Hon. T.A. FRANKS (16:17): I rise on behalf of the Greens to speak in support of the Education and Early Childhood Services (Registration and Standards) Bill. We welcome the moves to recognise the valuable role that education and childhood services for those youngest members of our community plays in Australia, and we look forward to a new, modern legislative framework for the registration and regulation of education and early childhood services in South Australia.

As was noted in the minister's second reading speech, these are, in fact, amendments to the Education Act and the Children's Services Act, 1972 and 1985 respectively, which are now 39 and 26 years old respectively. So, in terms of looking at my own life, our attitudes have certainly come a long way with regard to the standard of care and education services that my mother would have expected for me as opposed to what I expect for my daughter.

I have a daughter who is very much in the target group for the improvements that will be brought about as a result of this particular piece of legislation and this ongoing federal reform. I think it is essential that we prioritise early childhood education and care services not only in South Australia but obviously across Australia.

Certainly the Greens believe that education and early childhood care must be seen as part of a lifelong learning process. We believe that parents should be able to afford a high quality level of education and early childhood care and also to be engaged with the workforce. Caring and educating our children should not be used as something to fuel a profit-driven industry. We believe that you only need look at the situation with the ABC centres to see why childcare should, in fact, be treated as an essential service.

We further believe that we have to improve the quality of care that we are affording our young children, not only with highly qualified and well-paid staff but lower staff-to-child ratios. At present, the conditions for our childcare workers are poor. Workers are paid unacceptably low wages, and this must change. We must also have a better educated workforce. Of course, this will cost money and governments should be on notice that, if they are serious about better outcomes for us as a nation, we have to do something about the standard of our early childhood education.

UNICEF has assessed the standard of child care and early childhood education in Australia, and we are the third-last in the developed world for child care and early learning. That is

not something to be proud of; that is something to take on board and work swiftly to move upwards from that unfortunate place on that ladder. UNICEF is a credible organisation and, if it ranks our childcare standards as the third-worst in the developed world, we should be taking this issue on board as a matter of urgency.

The Greens have worked in other states and at federal level to improve access to child care for parents and also to improve the stability of child care in the aftermath of the ABC Learning Centres' collapse. We place a high value on this stage of education and care for children and their families, and, while I commend the lowered ratios of 1:4 for children under the age of two, the Greens would like to see that being a 1:3 ratio. It is obviously an aspirational goal but it is certainly not one that is unattainable.

We would also like to see a commonwealth commissioner for children and young people. We believe that children are vital, obviously, to our future, but also to the here and now; and an investment in our children is something that we will recoup as a nation. We would like to see greater investment in our children through increased support for an educated and well-paid workforce in this sector. The Greens have moved at a federal level to ensure that the rebates afforded to parents are increased, and we would hope that measures would be taken to ensure that childcare workers themselves are afforded better pay.

The bill before us has been sometime in the consultation. As has been noted previously, the initial consultations began in 2008 and were followed up by a second round in October 2009. It was concerning to see this issue on the front pages of *The Advertiser* late last week, and I am particularly concerned by some of the words spoken by the member for Waite, not only in that paper last week but also in his second reading speech. He noted in the other place that he was:

> ...a little disappointed that there has not been more strident opposition to this measure from the industry itself.

He went on to note:

> It is a divided industry in the sense that early childhood services are provided in some cases by state government-owned operations and even state government kindergartens that are funded wholly from within the education department budget. They are in some cases run by councils, by not-for-profit organisations, by church groups and by the private school sector.
>
> In some cases—in fact, in many cases—they are run by the private sector, largely by mum and dad type operators who, as part of a family business, offer private child care and early childhood services to customers.

The member for Waite goes on to outline his own personal involvement, having run many childcare centres as his background. He certainly comes from the perspective of having been a private childcare operator.

I again point to the collapse of the ABC Learning Centres as an indication why as a state government we need to take care to ensure that we do not see such situations happen again, where hundreds, if not thousands, of families are thrown into turmoil. I certainly was one of those. We lost our place. The ABC centre at which I had my daughter did not believe that under two year olds were a profitable venture, so almost overnight—within a few weeks—I had no childcare place for my child, who was under two years, because she could not be made a profit out of.

That certainly threatened my connection to the labour market. I was lucky that I had a very supportive employer at the time who allowed me to use a combination of care options and certainly very flexible workplace practices to keep my job, but I was on the verge of having to quit that position as a result of the fact that the only place I had been able to find for my daughter at the time had been in a private childcare centre and that collapsed underneath us. The uncertainty, trauma and stress of that time, not to mention having your child shifted from pillar to post, should not be repeated. I hope that the place of the state in terms of ensuring that child care is accessible, affordable and available to those who need is paramount.

I also welcome the increased access we will be seeing in South Australia to kindergarten or preschool education, and certainly the new program is something I see as a welcome way forward and I commend the state government for its role in that. I go back to the words of the member for Waite, who warns that with these particular changes kids will go into backyard care. He warns that there is no child to staff ratio, no safety fences, no regulations and nothing governing the food, the air conditioning and safety of these children. He also certainly believes that, should the costs go up, more and more parents will find a range of ways to have their children cared for that certainly fall beyond the bounds of this system of child care or early childhood education, preschool and the like.

I put to the member for Waite that surely the priority then should be to ensure there are more affordable, accessible places. I am flummoxed by some of the claims about the amount by which childcare fees will apparently go up as a result of this particular legislation. I am not so far convinced of the figures that have been bandied about, although I am open to seeing evidence of these should that be available. However, so far I have not been convinced by the member for Waite's arguments on that.

The Greens have certainly seen that the role of early childhood education and services is something that will ensure that Australia's international and domestic obligations to our children are not only met but potentially exceeded, and we commend the government for its role in furthering how we view our children and the investment we make in our children. We look forward to the committee stage of this bill, and we are certainly eager to see what amendments may be put up by the opposition or other members. With those words, I indicate general support for the bill.

The Hon. D.G.E. HOOD (16:30): I rise to indicate Family First's position on this bill. I do so in the knowledge that the Hon. Ms Lensink has flagged a few amendments of which, of course, we have yet to see the final detail. She has given notice to us all that she intends to put forward those amendments, and I would say at the outset that Family First is certainly in principle in support of the amendments she is proposing. Obviously, that is subject to the detail of those amendments, but by and large the concept looks good to us.

I think the reason I raise that at the outset of my speech—normally of course you would address amendments in the middle or towards the end of your speech—is that, as the Hon. Ms Lensink rightly pointed out, we have had a very interesting development in terms of the process of this bill coming to us. The big issue, I think, is that we have only started to see some of the real detail of this bill in recent days and of course, as with all of this type of legislation—national legislation—the reality is that the detail, in terms of the specifics that compose the framework, will be the important part in determining how this bill works in practice. I think, as the Hon. Ms Lensink highlighted in her contribution, we have really only become aware of that in recent days, so it is very difficult to have a final position on this matter with that in mind.

The summary of all that is that we are largely supportive of this bill. It has received widespread agreement across the country and we do not see it any differently to that, but I do think the amendments that have been flagged by the Hon. Ms Lensink on behalf of the Liberal Party look favourable to Family First, at least in principle.

Obviously the bill aims to ensure the continued provision of excellent quality education services to children in this state by requiring registration of and regulations on all early childhood and education services in South Australia. There is nothing wrong with that. This bill replaces the myriad of regulatory schemes that currently operate and this legislative change would bring South Australia in line with the nationally consistent standards as agreed by COAG back in 2009, I understand.

Family First is supportive in principle of what the government wants to do. However, we do have some reservations and concerns about the effect of this bill on families and small businesses, in particular. Family First has two primary concerns with what has been proposed. The first concern is the effect that changing from the Non-Government Schools Registration Board of South Australia to the new regulatory authority will have on independent schools. Our current regulatory system is antiquated and it means that one service provider can be required to meet the regulations of more than one regulatory body. In some instances these regulatory bodies have competing interests and that, of course, can be the source of the problem.

In one sense, then, having one regulatory body reduces the chances of any company or private business having to manage the competing interests of two or more regulators. Having the one regulatory body would then likely provide a clear and obvious benchmark for the provision of education and childcare services within South Australia. Again, this precise standard would minimise red tape and compliance issues that business owners face when conducting their businesses. Family First is in support of this principle.

That being said, a concern that has been raised about the potential for the board to minimise or eradicate certain curriculum that is taught in some independent schools is a very real one, because it may not align with the beliefs of the board. We saw an example of that in recent times, about 12 or 18 months ago. The purpose of the non-government schools board, as I understand it, is to ensure that non-government schools, whether faith-based or not—and, of course, they largely are—hold high educational standards, cover agreed areas of teaching in the

curriculum and have adequate financial structures. Presumably the regulatory board under this bill will have the same purpose.

My particular concern remains that any code of conduct that is created subsequently to this bill may in fact be based upon philosophical or ideological positions rather than policy-based regulations, which in turn could meant that independent schools could be precluded from teaching the curriculum which best suits their culture and beliefs.

I have been informed that the government has been working closely with the Association of Independent Schools on this issue and I thank the government for taking a proactive role in addressing this issue. I have had conversations with the now premier, the then education minister, the Hon. Jay Weatherill, about this specific issue. He gave me assurances that that would not be the case and, frankly, I am happy to accept that. Having said that, I did consult with the independent education sector, of course, and they, by and large, are comfortable—although, I must say, a little nervous—about what is being proposed.

Family First also recognises the measures that the government has taken to ensure that the appropriate educational bodies represented on the board meet the needs of specific subcategories within the education and childcare sectors and that they are adequately represented. On the face of it, this bill does not minimise or, indeed, eradicate the rights of independent schools to choose their curriculum. However, it would be remiss of me not to voice a concern on such a significant issue and to highlight that Family First will be watching how this actually works in practice and consulting with the independent sector very closely.

Having dealt with the first concern, our second concern relates to the increased cost both for those who run childcare centres and for families seeking the services of childcare centres. No doubt, all members of this chamber have been lobbied quite extensively by groups—parent groups, in particular, and, indeed, the organisations that run these centres themselves—who are concerned about the potential for substantial cost increases. This is a very real issue, and we have seen media discussion about it, as well as extensive lobbying of us as MPs on this issue.

The increase in child to carer ratio is a very challenging issue because it may very well produce a beneficial outcome of the improved education of our children (and this, of course, is something that we all would want). However, on the flip side of the argument, the increased cost of running the childcare centres cannot always be absorbed by the business alone which, ultimately, means that the increased costs will be funded by the end user, which is, of course, the parents of the children who attend the childcare centre as it may be. This increased cost is simply not sustainable in the current economic climate for many families.

Family First supports any increase in the health, welfare, safety and education of our children. However, certain questions need to be answered as to the impact of these changes on both the business owner and, indeed, the family; because the changes that are made may look like they are going to benefit the end user by changing the ratio but, in fact, they may work to their detriment because it may mean that families simply no longer use the service at all. So an improved ratio is a benefit potentially, but if it is done at such a cost that it means it precludes parents accessing the services for their children, then of course the benefit is lost. Our responsibility as legislators is to ensure that appropriate and sustainable changes are made which benefit the people who we all represent.

Many childcare providers have expressed their concern at the increased need for higher child to carer ratios. High quality outcomes have been produced for years within our current model. The member for Waite in the other place (who has many years' experience running childcare businesses and, for that reason, I think has a valid voice on this issue and one that I am certainly pleased to listen to) has also stated that our childcare system is already excellent and indicated that this change may be unnecessary. He is somebody who has direct experience in the industry and I think we should, at the very least, carefully consider those comments.

The hiring of extra staff to meet the increased child to carer ratio would always mean a greater cost for the end consumer. However, when you couple this increased ratio with a lack of qualified staff, it means that the private business owner will have to hire teachers on teachers' award rates. This is, of course, in addition to the requirement of a four-year university-trained early childhood teacher on staff. This is a further increased cost that many small businesses will struggle to meet.

The costs invariably will be passed on to those who are accessing the services which, in turn, places our focus as legislators upon the increased cost to the family. I am told that all

members of the Legislative Council have received a petition signed by over 1,800 parents who access long-day childcare services. The parents are concerned (as, indeed, is Family First) that the increase in the costs of child care, which have been estimated to be an increase of up to 20 per cent per day per child, may, in fact, be too much for many families who are already struggling with the constantly increasing cost of living.

In a recent letter received by my office, an independent childcare provider quoted that their fees were $75 per day and a slightly discounted rate of $365 per five-day week. My understanding is that these figures are at the lower end of the scale of figures that we have been seeing with respect to child care in this state. Adding an additional 20 per cent with those fee costs then increased the cost to about $90 per day or, if the same discount applied, something like $438 per week. Should the family then have two children in child care the total childcare bill, under this model, would be around $876 for one week. The average South Australian family simply cannot afford this cost, obviously.

Despite the federal childcare benefit providing some relief to parents, there are still many hardworking South Australian parents who are means tested out of this benefit who simply cannot afford the increase to childcare cost that this bill would create. There has not been any indication that either the state or federal government will provide additional relief in this regard.

Numerous independent childcare businesses have contacted Family First, as I am sure they have other members in this place, voicing their concerns that many families will simply not be able to access child care at this increased cost, which will subsequently mean that a parent will have to quit their job, in some cases, in order to care for their children. That is a choice that a number of parents will not want to make for various reasons.

Alternatively, parents may opt to leave their children with their neighbours or in so-called backyard child care provided by, in most circumstances I would imagine, people without appropriate qualifications who, therefore, would not meet the stringent regulations placed on childcare centres. I should say that I am not against people who want to make those sorts of arrangements by any stretch, but the point I am trying to make here is that what is being proposed would substantially increase the cost for most parents and, therefore, make it difficult for a number of parents who probably already struggle to find the money to provide these services for their children on an ongoing basis. In short, we are making it more expensive for parents to access these services.

Mr President, I remind you that the purpose of this bill is to ensure the continued provision of excellent quality education services to children in this state and to provide a regulatory system for all childcare and educational facilities. Creating a system that would require parents to seek these so-called cheaper private or backyard operations as an alternative to paying higher costs that would be associated with child care as required by this bill I think defeats the purpose of the bill in the first place. It seems that, whilst the improvement of the children to staff ratio has been welcomed by many sectors, it may in fact place too great a burden on the people whom it was intended to benefit.

To reiterate, our position is that we are generally supportive of the concept or certainly the goals that this bill is trying to achieve; however, I think some very real questions need to be asked. I think all of us need to pay attention to the very substantial lobbying that we have received on this issue from the community. There is genuine concern out there by literally thousands of people. We have all received a petition of at least 1,800 signatures from people who are concerned about the cost of this. I think the goals are admirable but it may be that the cost could be a very limiting factor for many people.

Just to reiterate, I said at the outset that we are favourable to the amendments that have been flagged by the Hon. Ms Lensink. Obviously, we have yet to see the detail of them but, in principle, we are supportive of them. We also agree that because the convention of not having a full week for this bill to be on the table has not been followed on this occasion (and there may well be good reasons for that; I am not sure) I think the Hon. Ms Lensink was also right in that it would not be suitable to proceed to committee today.

The Hon. S.G. WADE (16:43): I rise to speak briefly on the Education and Early Childhood Services (Registration and Standards) Bill 2011. The bill seeks to amend the Education Act 1972 and the Children's Services Act 1985 to establish a national legislative framework for the registration and regulation of all education and early childhood services.

Nationally consistent standards were agreed by COAG in December 2009 and articulated in the National Partnership Agreement on the National Quality Agenda for Early Childhood Education and Care (National Partnership Agreement). The agreement seeks to promote quality education and care in long day care, family day care, preschool and out of school care services.

What has motivated me to contribute to this second reading debate is the fact that this is another example, as introduced in the House of Assembly, of a bill which proposed national law. When introduced in the other place the national law, as it applied in South Australia, was to be applying a law of the Parliament of Victoria. The Legislative Council of the 52nd parliament has commendably adopted a high level of scrutiny in relation to national law proposals. Some of the concerns that have motivated this council have been issues such as the state-federal balance: does the bill, for example, involve an inappropriate abdication of state legislative or administrative power?

We have also been concerned about executive-parliament balance: does the bill involve an inappropriate involvement in the legislative process by the executive, particularly in subsequent modification of the legislation? The executive, in that instance, might be the federal executive; it might be the state executive; it might be ministerial councils; or it may be some committee of advisors. In terms of executive-parliament balance, we also need to be mindful of how regulations are handled by the bill and also how subsequent reviews are taken.

Another issue that has concerned this council has been citizens' access to the law. If a South Australian has to look at a Victorian act to know what the law in South Australia is, it makes it more difficult for people to access the law.

This council, certainly the opposition, appreciates and respects the dynamic nature of government structures in Australia. The increased use of interjurisdictional legislation partly reflects the growing sophistication of intergovernmental cooperation within the Australian federation. However, it also has gone hand in glove with a long-term expansion of commonwealth power, through judicial decisions and a shift in the fiscal balance towards the commonwealth. I certainly believe that it is important for local, state and federal governments and parliaments to respect the appropriate balance in the federation.

Turning to this particular bill and the assessment of the opposition, the national law in relation to this scheme should not be a law by reference to a law of another parliament. The shadow minister for education, the member for Unley in another place, David Pisoni, moved for the national law to be housed as a schedule to the South Australian act, able to be updated by a disallowable regulation. This was the strategy this council proposed in relation to the health practitioner legislation, and the government implicitly endorsed that model by supporting the amendment in the other place. I commend the government for accepting this amendment and ensuring that this parliament maintains an appropriate oversight of the national law.

I also commend the council, because I believe that it is only through our consistent demands for good legislative practice that the government is proving itself to be more open to a rational, balanced approach to legislation. I believe that it is very important that this council does not cave in in the face of executive stubbornness. I have found it usually the case that this council does not disagree with government bills lightly. To get a coalition of support to oppose a government bill requires careful thought. Usually, the executive insisting on a bill reflects executive stubbornness rather than council obstinacy; after all, we are merely doing our job.

Debate adjourned on motion of Hon. R.I. Lucas.

RAILWAYS (OPERATIONS AND ACCESS) (ACCESS REGIME REVIEW) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 September 2011.)

The Hon. D.G.E. HOOD (16:49): This is, in many ways, a fairly simple bill and, for that reason, my contribution will be fairly brief. I think it is fair to say—and it is probably true of all members in this chamber—that we are always supportive of measures that seek to improve access to railway systems in South Australia. It is a means of transport that I think enjoys multipartisan support, if I can put it that way.

By way of background, South Australia set about reforming our railway access regimes to comply with the principles set out by the Competition and Infrastructure Reform Agreement agreed by COAG in 2006. The agreement was aimed at providing a national system of economic

regulation for significant infrastructure, such as ports, railways and other export-related infrastructure. Expected by-products of these changes were reduced regulatory uncertainty and compliance costs borne by users of the infrastructure and of course, in this case, more prolific access to railways for all users.

To ensure compliance with the Competition and Infrastructure Reform Agreement principles, South Australia was required to submit an application to the National Competition Council (NCC) for certification of the regime. The NCC approved and accredited our access regime for 10 years and recommended the codification of a review regime at five-yearly intervals. This bill codifies the NCC's recommendation, which requires the Essential Services Commission of South Australia (ESCOSA) to conduct a review of the operators and railway services to ensure that the access regimes that we have implemented are appropriate in light of market practices.

Family First believes that reviews are not only appropriate but necessary, especially in light of the varying size of operators who wish to access our rail system. Without comprehensive and consistent reviews of our access regime, monopolies, sweetheart deals or other restrictive and anticompetitive trade activities between operators and businesses may go undetected, which would clearly be contrary to the purpose for which the access regime laws were implemented. There must be accountability within the industry to ensure that third-party operators, whether large or small, have just and equitable access to our railways.

South Australian industry relies on the railway systems and it is the lifeblood of our state, in many ways. As has been mentioned on occasions in this council, and in the other place, access to certain railway systems has been limited and it has been alleged that a sweetheart deal was made between the rail company Genesee & Wyoming and the Canadian-owned grain handling company Viterra which hindered third-party operators in last year's harvest.

With our grain industry grossing nearly $3 billion for the state each year, any preclusion or denial of access to storage, transit or any infrastructure that assists in the sale of grain, must be addressed as a matter of urgency by the government and, indeed, this chamber. There is currently a select committee investigating these claims and certain issues that arose after last year's grain harvest. I do not wish to further comment on the issues that are under investigation except to say that Family First is very keen to play a role in that investigation and will continue to apply pressure and ask the difficult questions so that we can achieve a suitable outcome for all those involved.

The issue with the company does, however, highlight exactly how important it is that we have an effective review system so that the users of the railways, regardless of who they are, can access the infrastructure that our legislation has provided for without exclusion or the requirement to pay any prohibitive costs. It is a requirement of this bill that the finding of the review conducted by the regulator be forwarded to the minister and laid before both houses of parliament (something we wholeheartedly support). This ensures that a candid review of the recommendations will occur and hopefully appropriate changes will be made when, and if, they are necessary. I commend the government for the inclusion of this provision in the bill.

Railways have a long history in this state. Family First is supportive of any system which allows access and transparent regulatory measures to allow all users of the railway system the access they want at a reasonable cost. Access reviews must be conducted to ensure that our legislated regimes are appropriate and that operators fully comply with the requirements that this parliament has placed upon them. Family First believes that the review proposed by this bill is one significant step in the right direction to allowing equitable access of the rail system to all who make use of it and it is for that reason that we support the bill.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:54): I rise on behalf of the opposition to speak to the Railways (Operations and Access) (Access Regime Review) Amendment Bill 2011. As members would be aware, this bill originated in the House of Assembly and the shadow minister for transport, Mr Steven Griffiths, member for Goyder, has, by and large, put our position and posed a number of questions in the debate in the House of Assembly.

It is not my intention to speak for any great length of time, but members would be aware that last year the Railways (Operations and Access) (Miscellaneous) Amendment Bill 2010 was supported through this parliament. As such, legislation intended to provide a consistent national system of economic regulation for nationally significant infrastructure, including railways, has been enacted.

The 2010 bill also implemented efficiencies into the act (such efficiencies were based on recommendations following an inquiry conducted by the Essential Services Commission in 2009).

These reforms aim to reduce regulatory uncertainty and compliance costs for owners, users and investors.

I am not sure whether this is going through, and the minister may not have the answer here today; maybe she might like to provide it in a written form later. It may be in the Roxby Downs debate in the next sitting week, but I will put the question now. In the discussions relating to BHP's railway line, the former treasurer and former minister for the expansion, the Hon. Kevin Foley, made some reference to that particular railway line—even though it will be owned by BHP—coming under some national regulatory scheme in the future. I thought that was a little strange because it certainly is owned by BHP and is not open to any third-party access. However, I just wonder whether those privately owned railway lines are captured with this particular legislation.

The intention of the 2011 amendment bill is to include the requirement for the Essential Services Commission of South Australia to conduct five-yearly reviews into the South Australian rail access regime. This amendment is the result of an application for the certification of the South Australian rail access regime as an effective regime for a period of 10 years, which was submitted to the National Competition Council on 29 December 2010.

The National Competition Council recommended that the regime be certified for a period of five years; however, it advised that certification for a period of 10 years would be considered if the act was amended to formalise the requirement for ESCOSA to review the railway services covered by the regime on a regular basis, i.e., every five years. Therefore, this bill is a sensible move. The opposition is happy to support it.

As I indicated before, my colleague Steven Griffiths posed a number of questions in the House of Assembly, but my understanding is that the issues relating to the questions he posed have now been resolved, and we are happy to support the passage of this bill.

The Hon. M. PARNELL (16:57): This is a relatively simple bill which requires the Essential Services Commission of South Australia to conduct five-yearly reviews of the South Australian rail access regime. This requirement is being inserted into the act to satisfy the requirements of the Competition and Infrastructure Reform Agreement, which was signed by the Council of Australian Governments in 2006.

The Greens will be supporting this legislation, but I do want to put a couple of questions on the record. Whilst I do not intend to delay the passage of this bill, I would ask that, if the minister is not able to answer these questions now, she could perhaps write to me after the bill has gone through so that I can get back to constituents.

When this bill first reached the *Notice Paper,* I contacted a number of constituents, including the South Australian Farmers Federation. The Farmers Federation raised two issues which I think are relevant to this legislation. The first issue relates to how well competition policy is working in the rail freight sector in South Australia. The second issue relates to farmers who are required to cross railway lines to access their properties—private level crossings, if you like.

In relation to the first issue, the Farmers Federation says that it is not convinced that there is easy access for other rail companies to be able to access lines owned and operated by other companies. In fact, back in July 2010, the Farmers Federation wrote to the Australian Competition and Consumer Commission setting out its concerns. I will put some of that submission on the record. I understand that the figures that I will quote have been used in a number of public submissions and they are by no means confidential.

The Farmers Federation says that it is concerned about the acquisition of the company Freightlink by Genesee & Wyoming Australia Pty Ltd. Its submission says:

> Genesee & Wyoming Australia own or operate rail tracks in South Australia. Through this, there is the possibility to effectively stop any other rail companies from using their lines by charging exorbitant rates and requiring other restrictive practices.
>
> Earlier this year SAFF Grains were given details of how Genesee & Wyoming Australia have put unreasonable controls on their rail lines in South Australia and are charging exorbitant fees. For example, on the line from Pinnaroo to Tailem Bend, a distance of 145 km, it has been calculated that for one train carrying 2,200 tonnes that Genesee & Wyoming Australia would charge $59,400 compared with VLine $6,224, Australia Rail Track Corporation $2,482 and NSW Rail $2,317. This pricing structure virtually precludes any other company from using rail in South Australia easily and cost effectively. There is also an additional rail weighing fee of $2.75 a tonne (2 to 5 cents would be reasonable).

The South Australian Farmers Federation Grains Industry Committee has urged the Australian Competition and Consumer Commission to urgently investigate this lack of competition.

My question of the minister at this stage is: what is the South Australian government doing to ensure that monopoly behaviour is not putting our farmers at a disadvantage? In relation to this bill in particular, what role will the Essential Services Commission play? Will the Essential Services Commission be able to insist on fair prices being charged for access to rail infrastructure as part of their five-yearly review?

The second issue raised by the Farmers Federation is in relation to farmers who need to cross railway lines in order to access their properties. It would be no surprise to anyone here that the owners of the railway lines have drafted standard form contracts that provide a high level of protection for them, and a fairly onerous set of obligations on the farmers, including requiring farmers to accept liability for a range of risks, many of which are uninsurable.

My question of the minister is: what role can or will ESCOSA play in supervising these access contracts; or, rather, is it a matter for the yet-to-be-established small business commissioner to resolve disputes between the rail companies and farmers? So, with those brief questions and remarks, the Greens will be supporting this bill.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:03): By way of concluding remarks in relation to this bill, I wish to thank honourable members for their second reading contributions. This bill is quite a straightforward bill; it is a very small bill. It introduces a requirement for ESCOSA to review the operations and railway services subject to the access regime in the Railways (Operations and Access) Act 1997 every five years to determine whether the access regime should continue to apply.

It is quite straightforward in relation to matters that the Hon. David Ridgway raised in relation to private operators being captured. I believe these matters will be dealt with in the indenture bill so there will be lots of opportunity to delve into them. In relation to the questions that the Hon. Mark Parnell has raised in response to SAFF's concerns, I will have to take those on notice and I am happy to provide a written response to you in the future. With those remarks, I thank members for their support and look forward to dealing with the committee stage expeditiously.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for Tourism, Minister for the Status of Women) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SPEED LIMITS

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:06): I table a ministerial statement made today by the Minister for Road Safety in another place.

NATURAL RESOURCES MANAGEMENT (COMMERCIAL FORESTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September 2011.)

The Hon. G.A. KANDELAARS (17:07): I rise to speak on the Natural Resources Management (Commercial Forests) Amendment Bill, which is incredibly important to a number of people, businesses, industry and the environment. It has far-reaching social, economic and environmental implications. Essentially this bill seeks to manage the impacts of commercial forest plantations on the security of licensed water users and on the integrity of water resources themselves. It proposes to do this either through an improved forest permit system or a forest water licensing scheme. Both the improved forest permit and the forest water licensing systems can robustly manage forest water impacts to protect the integrity and security of water resources and the environment on an equitable basis. This is essentially the core of this bill—sustainable management of water resources on an equitable basis.

There are two concepts on which I would like to focus: sustainability and equity. Water is fundamental to our health, our way of life, our economy and our environment. The bottom line is that we and future generations need this resource to survive. That is why it is imperative that we manage our water resources in a sustainable manner. That is also why in 2004 the state government signed an agreement with the Australian government and other states and territories, known as the National Water Initiative. This initiative requires governments to implement a series of measures to manage water interception effects of land use change, including large-scale plantation forestry.

By proposing this bill South Australia is acting responsibly through seeking to appropriately manage water resources to ensure that we have a sustainable supply into the future. This bill will also ensure that such sustainable management will also be equitable. Let us use the example of forest water licences. If forest water licences were applied in any part of the state, irrigation and forest industries would be treated in an equitable manner. In an area where forest water licences might apply, a significant water user, including forestry, would receive a water licence which would provide them with a water allocation that is personal property that can be traded when no longer required. At the same time, all licence water holders, including forestry, would be subject to ongoing regulation to ensure that water management is sustainable.

My point is that it is equitable to treat forestry in the same way as other significant water users in areas where access to water is regulated or prescribed. In fact, it would be inequitable for members to oppose this bill which seeks to put all stakeholders on a level playing field so that they all have a sustainable resource that they can continue to rely on in the future.

It is with great respect that I acknowledge the comments of the member for Mount Gambier in the other place. This bill is pivotal to the member for Mount Gambier and many of his constituents in Mount Gambier and the South-East. My colleague has a vast understanding of this bill and his constituents, as he has consulted widely with all stakeholders in his community regarding the management of water resources. I note that in his second reading contribution the member for Mount Gambier stated:

> This bill provides the necessary tools for the people of the South-East to enable them to develop long-term regulations, policies and plans to manage the water of the South-East in a sustainable manner for the benefit of all stakeholders, be they dryland farmers, forest growers, irrigators, urban users, businesses or the environment.

His comments relate back to the core of this bill; that is, achieving the use of sustainable water resources through equitable treatment of all users. The government wholeheartedly agrees with the member for Mount Gambier on his views and values his position, especially as the local member in the epicentre of the imperative reform proposed in this bill.

The member for Mount Gambier also commented that 'referring this bill to the Natural Resources Committee is futile and only another time-stalling exercise'. We have moved on since 2009 when the then minister for environment and conservation requested that the Natural Resources Committee consider holding an inquiry into the bill. The committee postponed the decision until after the 2010 election and consequently, after the election, decided not to hold an inquiry. Since this time, a government task force and a stakeholder reference group—

An honourable member interjecting:

The PRESIDENT: Order! Interjections are out of order.

Members interjecting:

The PRESIDENT: He is doing very well. He would do a lot better if he did not have the opposition interjecting.

The Hon. G.A. KANDELAARS: Thank you, Mr President. I will continue. Since this time, a government task force and a task force reference group, which includes representatives from peak industry bodies from the forestry, wine, dairy, potato and dryland farming industries, as well as the South Australian Farmers Federation and the Conservation Council of South Australia, have been convened and have provided significant contributions to this area. Consequently, any referral would be superfluous.

We should not wait until the next drought to act on creating these legislative instruments. This legislation is about creating the tools to manage water resources in a sustainable and equitable manner for the industry and the environment. The minister for environment and conservation and the member for Mount Gambier have urged all those who have empathy to support this bill. I urge you all to do the same.

The Hon. M. PARNELL (17:15): The Greens will be supporting the second reading of this bill. It includes a head of power into the Natural Resources Management Act that will enable the government to issue water licences to commercial forestry. We note that there is already a limited power contained in regulations to declare a water-affecting activity and subject commercial forestry to permit but not a water licence, and this bill will enable that to occur.

Why should commercial forestry need a water licence or a permit? The answer is very simple: because commercial forestry uses water in just the same way that irrigators use water. It may be due to interception or it may be due to direct extraction. In relation to interception, we are talking about the situation where water that falls from the sky as rain does not reach the groundwater table because commercial forestry intercepts it. In relation to direct extraction, you can have the situation where commercial forestry planted over shallow aquifers can directly take groundwater from that resource. I said that it is just the same as with irrigators—

The Hon. J.M.A. Lensink interjecting:

The Hon. M. PARNELL: —and the Hon. Michelle Lensink intercepts to say that is rubbish—

The Hon. J.M.A. Lensink: No, I didn't say that. It's just not true.

The Hon. M. PARNELL: Well, she said it's not true. They might not be exactly the same but the effect is exactly the same. Whether a tree takes water by its roots from a shallow aquifer or whether a farmer puts a pump into the ground and pumps water out, the effect is the same. It has the same impact on that water resource. When we look at the South-East of South Australia, about half of the water in many areas is accounted for, and I would say used, by commercial forestry.

There will, no doubt, be a lot of debate around existing use rights but I accept that existing use rights will be taken into account in the water allocation process. What we must not lose sight of is that, when it comes to overallocation of resources, whether it is groundwater or surface water resources, the first step towards fairer allocation is to level the playing field and to make sure that you count everything that needs to be counted before you allocate the resource. In the present case, that means assessing the use of water used or impacted by commercial forestry.

So, maintaining the status quo and pretending that forestry does not have an impact on water, other than in a very limited range of circumstances where a permit is required, is not an option and I do not think it is fair. As with the case of overallocation of surface water, for example in the Murray-Darling Basin, it is a simple fact that you cannot repeat the same behaviour and hope for a different result. If the result we want is protection of the resource and a fairer allocation of the resource, you need to know exactly which industries are impacting on that resource. I think the existing use rights of the forestry industry need to be looked at in that light.

This bill is a sensible progression in natural resources management that recognises that the competition for a renewable but scarce resource needs to be carefully managed. This is not a new issue: it has been around for a long time. According to one of my correspondents, this debate has been a live one since about 1985. Certainly, I became acutely aware of it back in 2007 when we were debating in this place the Penola pulp mill legislation. At that time, I made a number of trips to the South-East and met with a range of water users, including wine grape growers and vegetable growers, and back then they were saying they wanted a more level playing field in the water allocation process.

I acknowledge the valuable assistance that has been provided to me and my office by a number of landholders in the South-East, and I particularly acknowledge Mr Tony Beck, who has continued to provide valuable advice from the South-East from 2007 onwards. More recently, I met with the Chief Executive Officer of the South Australian Dairy Farmers Association, Mr Ken Lyons, and he also urged us to support this bill.

However, I have also carefully considered the information provided by the National Association of Forestry Industries. They put a contrary argument. I met with their CEO, deputy CEO and senior policy analyst. As part of their case NAFI referred to work that was done by the CSIRO on behalf of the Murray-Darling Basin Authority, and whilst it was interesting reading, I am not convinced that the arguments they raised were particularly relevant or valid in the context of the South-East of South Australia.

Much of that work, as I understand it, applies to catchments where the key water resource is surface water rather than groundwater. It does not make sense to me to simply explain away the substantial interception that is caused by forestry and to simply limit our debate to direct extraction

or diversion of water. The water cycle is more complicated than that and we need to take everything into account when allocating that resource.

In conclusion, I do not believe that the bill requires substantial amendment and I also do not believe that there is any great value to be obtained in sending the bill off to a committee. This is a very longstanding debate, the range of views is very well known, and the science available is good and improving continuously over time. I think that we do need to grasp the nettle, acknowledge that commercial forestry has an impact on water budgets and that we need to regulate it accordingly—at least take it into consideration when allocating how water resources are to be distributed. With those words, the Greens will be supporting this bill.

The Hon. J.M.A. LENSINK (17:21): I rise to make some remarks on this bill and I am pleased to be able to make some remarks on this bill as it is the first time that it has arrived in this chamber. I would like to respond to the two preceding speakers in this debate and say at the outset that the Liberal Party firmly believes in equitable treatment of all water users, and that is part of the reason why we have reached the position that we have at this stage.

A number of the people who the Hon. Mark Parnell mentioned are people whom I have met with as well and I acknowledge their contribution to this debate. However, I would also like to acknowledge that it is a very complex area and none of us are particularly expert in hydrology or those matters, and that is a very large part of the reason why I think this bill deserves better examination by a committee which is able to look at it in much more detail. These are things that we as legislators can struggle with understanding from time to time and certainly some of the advice that I have had from some stakeholders is that the research work that has been done in the area has not been thorough enough.

The Hon. Mr Kandelaars said that the Natural Resources Committee did not progress the bill. That is not true and I will read into the *Hansard* a letter that I received from the current environment minster which demonstrates that it was his understanding, at least immediately after the election, that it was going to be the responsibility of the Natural Resources Committee to progress it. However, I think he has, once again, been fooled by his department and established a process which has been used to avoid proper parliamentary examination. Through the interjections of my colleagues I would urge him to read the rubbish that he gets put in front of him before he reads it into the record.

This bill seeks to licence forestry as a water user as part of what the government has told us is its aim to 'achieve ecologically sustainable development of plantation forests while protecting and managing our water resources'. I think a few of us would disagree with that laudable aim. Trees and forests are water users as they intercept rainfall and can reduce recharge and directly extract groundwater through their roots. Volumes vary between tree species and over the life cycle of the tree—which may be over 30 years. This is where I was interjecting with the Hon. Mr Parnell, because the way that they use water is different to irrigated crops and other dryland crops. I think the government would agree that they use water differently because the usage cannot be turned on and off according to the season.

The government has a policy entitled 'Managing the water resource impacts of plantation forests: a statewide policy framework' which was published in June 2009. We have also heard from the preceding speakers, the government has also told us that this measure is important to comply with the National Water Initiative which changes the way water is valued and counted in Australia.

I note that the water allocation plan for the South-East is now some five years late, and the member for MacKillop has questioned whether that is, in fact, legal. This proposal is a national first, and I think that is also important to this debate because we are going ahead of the other states. The proposed new forestry licences are a separate type of licence, which provide an allocation over the lifetime of a forest. A forest's water allocation may be reduced only when the plantation has been harvested, either fully or partially.

The bill provides for existing plantations to be automatically granted forest water licences when an area is declared so that the regime will not affect the current activities of existing forests. The government estimates that this will be in the order of $300 million of tradeable water. However, I do not think that it is as straightforward as trading water is in other areas.

This particular policy has operated under several environment ministers during the Rann-Weatherill governments. Minister Hill, who was environment minister several years ago now, had given assurances to the forestry sector in a ministerial statement on the topic of 'Managing the expansion of forestry's use of the South-East water resources'. This expansion has not

materialised and therefore the industry believes that proposals to license continue to be unnecessary. I quote from minister Hill's statement of 17 February 2004, in which he says:

> Provision has been made for approximately 59,000 hectares of total expansion to be permitted before any need to secure water allocations to offset the impact of further forest expansion. The provision allows for an increase in the current estate of 135,000 hectares by approximately 45 per cent. By its own assessment this provides the forest industry with significant certainty regarding its opportunities to expand for approximately 10-15 years.

Premier Weatherill (then minister Weatherill), on 18 June 2009, introduced amendments (indeed, this particular bill) to the NRM Act, which would license forestry as a water user. It was agreed that the bill should be referred to the Natural Resources Committee, which was done. On 1 December 2009, minister Weatherill moved that the bill be discharged after he had agreed. He asked the Natural Resources Committee to inquire into it, but this was subsequently withdrawn, I do not think with any communication between the committee and the minister, and that therefore never took place.

Minister Caica established an interagency reference group to work on the Lower Limestone Coast WAP, and that included PIRSA, DTF, Department for Water, DENR and the South-East NRM board, which established a reference group to consult with key stakeholders. The forestry industry states that both the bill and the WAP were not provided to the reference group beforehand. This bill was introduced to the House of Assembly on 24 November 2010 and is largely the same as the 2009 bill.

I place on the record the correspondence I have had between various ministers on this matter and introduce another issue that occupies the mind particularly of some of the irrigators in the South-East, and that is what is called the Border Committee, which is a rather secretive committee, I think, which oversees a separate irrigation area in that particular region between South Australia and Victoria.

I first wrote to the minister on 4 February 2010, which was before the last election and after the minister had agreed to refer the bill to the Natural Resources Committee. I said:

> Dear Minister
>
> I write to you on behalf of a range of South East irrigators and concerns regarding their water allocations.
>
> I do appreciate that the Natural Resources Committee is undertaking an inquiry into the Natural Resources Management (Commercial Forests) Amendment Bill 2009 which will be informative to the Parliament.
>
> Irrigators who operate within the 'border zone' have raised concerns with me about the timing of conversion to volumetric allocations through the SE NRM process. I understand that conversion from area to volumetric licensing is a requirement of the National Water Initiative and is an ongoing process.
>
> These irrigators are also impacted by decisions of the South Australian-Victorian Border Groundwaters Agreement Review Committee (the Border Committee). I have found it extremely difficult to find public information about this committee, including governance arrangements, contact details and the most recent annual report (since 2007-08).
>
> Irrigators are aware that calculations of the permissible annual volume regarding water allocations have been made by the Border Committee which are at variance with the SE NRM WAP Total Available Recharge, but they have not been provided with the data and modelling, nor have they been provided with an opportunity to be consulted. These calculations imply a cut in allocations of up to 37 per cent in some zones (for instance, Hundred of Glenburnie).
>
> I would greatly appreciate your advice on the following.
>
> - Will the SE NRM implement a new WAP by June this year or will it be delayed until the Parliament makes a determination regarding commercial forestry?
> - Is there to be a review of the Border Sharing Agreement and if so, what are the terms and the timing of the review process? Will a review structure include representation from all stakeholders?
> - How often does the Border Committee meet? Are its agendas and minutes publicly available? Can stakeholders make...submissions to it?
> - Can the data, modelling and calculations of the Border Committee's permissible annual volume be made publicly available?

The reason I read that into the record is that some people who have made representations to us have concerns that their water allocations will be greatly cut because of the groundwater border agreement. So, it is a related issue and it is important to take that into account in relation to this debate. I received a reply from minister Caica, dated 18 April 2010, which states:

> Dear Ms Lensink

Thank you for your recent letter to my predecessor concerning South East water allocation plans and the Border Groundwaters Agreement.

The South East Natural Resources Management Board is currently in the process of preparing the Water Allocation Plan for the Lower Limestone Coast Prescribed Wells Area.

This is the key which shows that the government has been telling fibs about what happened with the Natural Resources Committee:

It is expected that the draft plan will be considered following the Natural Resources Committee of Parliament having considered the Natural Resources Management (Commercial Forests) Amendment Bill 2009.

Well, golly gosh, there it was all the time. The minister signed this letter to me and, surprise, surprise, he says another thing on *Hansard* recently. It continues:

The South Australian and Victorian Governments have agreed to review the Border Groundwaters Agreement. It is proposed that the review will also consider surface water and groundwater interactions. It is anticipated that this review process will take at least 18 months.

The Border Groundwaters Agreement Review Committee meets at least four times a year, the Committee publishes an annual report, which is tabled in both State Parliaments. A copy of the 2008-09 annual report is enclosed for your information.

And so on. So, that was where that was at 18 months ago. The Green Triangle Regional Plantation Committee put out a media release on 15 March of last year, again pleased that this issue was going to be examined by the parliamentary committee. They said that they were:

...pleased to hear a number of candidates—

this was in the lead-up to the state election—

express support for the water resource to be managed sustainably, allowing the resource to be shared fairly between all and recognising existing rights. This undoubtedly must include the forest industry.

I remind readers that this is the industry itself saying that it must be included and everybody must be treated fairly. It continues:

In 2009 the South East Natural Resource Management Board proposed a draft Water Allocation Plan which will discriminate against the region's plantation growers...

Licensed water use by irrigators is governed by a number of guiding policy principles:

- fair recognition of historic use,
- equitable sharing of the resource between licensed irrigators,
- access to both temporary and permanent water trading to manage changes in allocations,
- legally secure water property rights separate from land property rights...

And so forth. Continuing:

These are reasonable principles—

said Mr Phil Lloyd, the chairman—

but these principles have not been applied to forest owners under SENRMB's licensing proposals. For example, SENRMB does not accept the scientific principle that the amount of rainfall intercepted by a forest reduces as the amount of rainfall reduces.

I say that, and I again refer back to my interjection to the Hon. Mark Parnell, in that I would have thought that it was indeed self-evident that if there is less rain then trees are not going to be able to intercept as much water.

I have a range of questions which I will not table at this stage. We will see whether or not the Legislative Council accepts the referral to the Natural Resources Committee. I have asked for submissions regarding consultation on this bill, which would be considerable. I have since had to FOI them because I have not received them, so I look forward to those in due course. I might have to have an arm wrestle with the department to get hold of them.

The industry has said to us that it believes that there is a fair amount of deception going on within the government about this particular piece of legislation. I think it is worth bearing in mind for anyone who has taken an interest in this issue the Natural Resources Committee's examination of the Deep Creek Conservation Park, where the department said that native vegetation has no impact on water. Indeed, I remember the Hon. Sandra Kanck, who is a great conservationist, being pretty cross with the department about the way it behaved in relation to that particular issue.

This is a major change to legislation, and South Australia is going ahead. We are told that other states will be watching with interest. No doubt they will be, given that this will quite possibly be a major penalty on the local industry, and particularly given what is happening with the government's decision in relation to the forward sale of forests in the South-East. I do not know why we would be pursuing this at this particular time. In fact, the water licensing sale is a question in itself, because the issue of the definition of 'forest manager' is not resolved in this legislation, and the government will freely tell us that it will be waiting for that to be resolved if those issues are brought into court. Again, I think that is some reason for us to be alarmed.

The ForestrySA licences, we are told, will not be allowed to be sold, and I wonder whether it would then be a question for the ACCC to be involved. The government will tell you that this issue has been well examined by the Stakeholder Reference Group. We are told that the group has not met very much and certainly not for three or four months. It has not been given the task of reviewing the government's policy, but the policy is a given, and a lot of information—the hydrology reports that the government is relying on—is not being made available to the forestry industry. Under those conditions, I think this issue at least deserves to be looked at and all stakeholders should be asked to come in and give evidence.

The Natural Resources Committee, as far as its reputation is concerned, is a very effective committee. Unfortunately, the Environment, Resources and Development Committee is not anywhere near as effective as it used to be, but that is a discussion for another day. I think the NRC has done a lot of good work in the past. It takes its terms of reference seriously and does a good job. I move to amend the motion as follows:

Leave out all words after 'that' and insert the words, 'the bill be withdrawn and referred to the Natural Resources Committee for inquiry and report.'

The Hon. I.K. HUNTER (Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Disabilities, Minister for Youth, Minister for Volunteers) (17:39): I rise to close the debate and, in doing so, I thank honourable members for participating in the second reading stage. It is clear from the science that plantation forests impact on the availability of water resources. I think we all agree that the sustainability of water resources that support that environment—industries, communities and regional centres across South Australia—is important, and that is why the government has introduced this bill.

The bill is about moving towards a water planning and management system that treats all water users that have the potential to have a significant impact on water resources in a consistent and equitable manner. The government released the statewide policy framework, 'Managing the water resources of plantation forests', in June 2009 to provide clear and consistent policy guidelines on how to best manage the issue across the state.

This statewide policy framework recognises that, based on the scientific evidence, both forest water licences and permits are appropriate legislative tools to manage the water resource impacts of plantation forests. This bill is required to fully implement the statewide policy framework, and deliberately creates two legislative tools. This is because the water resource impacts of plantation forests vary across the state. Put simply, a one-size-fits-all approach would not be appropriate.

The community will have a say on how they want forest water impacts to be managed through regional natural resources management boards and their consultation on water allocation plans. We must not allow ourselves to be confused here. As the Hon. Mr Kandelaars said, we must remember that this bill is about providing the tools to manage water resources. It is the regional planning processes that will determine the most appropriate ones to be used.

Sir, if I might have your indulgence to quote a couple of people—from an open letter from the South Australian Dairyfarmers' Association, signed by Mr Graeme Hamilton—because these quotes are pertinent to our debate tonight:

We are not advocating reform that could cripple a valuable industry to the state economy. We are simply saying that all water-using industries should operate with the same responsibilities and privileges, with the acknowledgment that forest water use is diffuse rather than point sources like most others.

It goes on to say:

We do not think that referring the issue now to another parliamentary committee is going to turn over any more stones than have already been polished smooth by the many people who have been involved in this lengthy process.

Also from the South Australian Dairyfarmers' Association is this quote from their briefing notes:

> Remember the amendment to the NRM Act going to the Upper House simply seeks to have Plantation Forestry included as a 'water taking activity'. There should be little argument with this and therefore the change to the act should be passed.

In closing, it is important that any new mechanism to manage forest water impacts is designed to operate alongside existing mechanisms for managing other water uses under the Natural Resources Management Act 2004. By creating both legislative tools (forest water licences and permits), the best and most appropriate mechanism to manage water resources in a particular region can be adopted in consultation with the local community. I urge honourable members to reject the amendment moved by the Hon. Ms Lensink, and to support the second reading.

The council divided on the amendment:

AYES (8)

Bressington, A.	Darley, J.A.	Dawkins, J.S.L.
Lee, J.S.	Lensink, J.M.A. (teller)	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES (11)

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Gazzola, J.M.	Hood, D.G.E.	Hunter, I.K. (teller)
Kandelaars, G.A.	Parnell, M.	Vincent, K.L.
Wortley, R.P.	Zollo, C.	

PAIRS (2)

Lucas, R.I.	Brokenshire, R.L.

Majority of 3 for the noes.

Amendment thus negatived; bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I have some questions that the government may wish to take on notice. First, why is the government not regulating other dryland crops which also intercept water? For instance, there are highly modified pastures which are more extensive in the region than plantations and use almost as much water per hectare, such as lucerne, which I think is often cited as having fairly deep roots and is quite a thirsty pasture.

Secondly, is the government prepared to acknowledge the fundamental difference between forest plantation and irrigation water use in that trees automatically self-regulate water in line with seasonal variations in climate; that is, if it rains less they use less water, whereas irrigation uses more water when it rains less, such as in times of drought? Does the government believe that it is treating these sorts of crops differently and inequitably?

Thirdly, why is the government seeking to extend the current permit system beyond what is stated in the statewide policy framework? The proposed extended permit requires a new permit application each time a plantation is replanted. Is this inequitable compared with other land uses? Does the government acknowledge that plantations are dryland crops which need to be replanted when cleared similar to any other dryland crop? Does the government agree that the bill ignores other dryland cropping and pasture activities which operate on much larger scales and are very significant interceptors of water? (That may be covered in my first question.)

Fourthly, in the SA forest industry strategy, substrategy 2.3 aims to 'expand plantation area and increase wood supplies to improve economies of scale'. How is this consistent with a water policy that not only aims to constrain the growth of the industry but also threatens the current industry with cutbacks? Can the government explain how its strategy of seeking to manage water

interception only by commercial forestry and not any other water intercepting activities supports industry and the forest industry strategy? I put those questions to the minister.

The Hon. I.K. HUNTER: In the spirit of cooperation, civility and openness that will be the hallmark of the new Weatherill government, I indicate that I will not seek to push the process through any longer tonight and that I will move that we report progress and come back on the next day of sitting to complete the committee stage.

The Hon. J.M.A. Lensink: Let's hope this is a trend that will continue.

The Hon. I.K. HUNTER: Indeed.

Progress reported; committee to sit again.

At 17:54 the council adjourned until Wednesday 9 November 2011 at 14:15.