LEGISLATIVE COUNCIL

Tuesday 18 June 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 14:15 and read prayers.

The PRESIDENT: We acknowledge this land that we meet on today is the traditional land of the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region, and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

WHEAT MARKETING (EXPIRY) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ADELAIDE WORKERS' HOMES BILL

His Excellency the Governor assented to the bill.

BURIAL AND CREMATION BILL

His Excellency the Governor assented to the bill.

MARINE SAFETY (DOMESTIC COMMERCIAL VESSEL) NATIONAL LAW (APPLICATION) BILL

His Excellency the Governor assented to the bill.

NATIONAL TAX REFORM (STATE PROVISIONS) (ADMINISTRATIVE PENALTIES) AMENDMENT BILL

His Excellency the Governor assented to the bill.

ANSWERS TO QUESTIONS

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

PUBLIC SERVICE EMPLOYEES

282 The Hon. R.I. LUCAS (7 July 2011) (First Session). For the period between 1 July 2010 and 30 June 2011, will the minister list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000 or more, which has been abolished; and

2. Each new position with a total cost of $100,000 or more, which has been created?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I have been advised:

Primary Industries and Regions SA

1. Abolished: 10 positions

Department/Agency	Position Title	TEC Cost *
Department of Primary Industries and Resources SA (PIRSA)	Executive Director Commercial Investment	$262,018
PIRSA	Executive Director Industry Development & Renewal	$183,464
PIRSA	International Business Manager	$167,677
PIRSA	Director Special Projects	$156,533
PIRSA	Management Consultant	$151,136
PIRSA	General Manager, Food Business & Innovation	$139,532
PIRSA	Manager, Plant Health Policy	$112,197
PIRSA	Principal Consultant	$103,393
PIRSA	Senior Horticultural Consultant	$103,393

Department/Agency	Position Title	TEC Cost *
PIRSA	Livestock Consultant	$103,393

* TEC cost of positions abolished and created based on classification plus 12 per cent average superannuation

2. No positions that have total employment costs of $100,000 or more were created within the Department of Primary Industries and Regions SA, relating to my ministerial responsibility.

Primary Industries and Regions SA—Forestry

1. No positions that have total employment costs of $100,000 or more were abolished within the Department of Primary Industries and Regions SA relating to my ministerial responsibility.

2. No positions that have total employment costs of $100,000 or more were created within the Department of Primary Industries and Regions SA, relating to my ministerial responsibility.

ForestrySA

1. During the period 1 July 2010 and 30 June 2011 ForestrySA abolished two positions with the associated total cost as follows:

- Executive General Manager Human Resources $148,000
- Operations Manager—Green Triangle $135,000

2. During the period 1 July 2010 and 30 June 2011 ForestrySA created two new positions with the associated total cost as follows:

- General Manager—Sales $160,000
- Manager—Fire $112,000

South Australian Tourism Commission

1. For the period between 1 July 2010 and 30 June 2011, two positions were abolished with a total estimated cost of $100,000, or more. These positions were:

- General Manager Destination Development. The total employment cost estimated for this position was $167,445 for the 2010-11 Financial Year. This position was abolished on 31 March 2011 and thus the actual cost incurred by the South Australian Tourism Commission (SATC) was $138,443; and
- Digital Manager. The total employment cost estimated for this position was $126,955 for the 2010-11 Financial Year. This position was abolished on 9 December 2010 and thus the actual cost incurred by the SATC was $74,121.

2. For the period between 1 July 2010 and 30 June 2011, two positions were created with a total estimated cost of $100,000, or more. These positions were:

- Director, Strategy and Insights, and
- Events Strategy Manager.

Please note the position of Events Strategy Manager was a short term 12-month contract which was terminated on 16 July 2011.

Office for Women

1. The Office for Women has not abolished any positions with a total estimated cost of $100,000, or more.

2. The Office for Women has not created any positions with a total cost of $100,000, or more.

OVERSEAS TRAVEL

369 The Hon. R.I. LUCAS (24 November 2011) (First Session).

1. What was the total cost of any overseas trips undertaken by the minister and staff since 2 December 2010 up to 1 December 2011?

2. What are the names of the officers who accompanied the minister on each trip?

3. Was any officer given permission to take private leave as part of the overseas trip?

4. Was the cost of each trip met by the minister's office budget, or by the minister's department or agency?

5. (a) What cities and locations were visited on each trip; and

(b) What was the purpose of each visit?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised:

1. & 5. I refer the honourable member to the information provided in response to their request of 29 November 2012 under the Freedom of Information Act 1991.

2. Ms L. Hood and Ms N. Rutherford accompanied the minister on the trip.

3. No.

4. The cost of the trip was met by the minister's office budget and the minister's parliamentary allowance.

5. I refer the honourable member to the ministerial travel report.

DEPARTMENTAL EXPENDITURE

94 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Agriculture, Food and Fisheries advise—

What was the actual level for 2011-12 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which were not classified in the general government sector) then reporting to the minister?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised:

The question is not applicable.

GOVERNMENT CAPITAL PAYMENTS

139 The Hon. R.I. LUCAS (29 November 2012). Can the Minister for Agriculture, Food and Fisheries advise—

What was the actual level of capital payments made in the month of June 2012 for each department or agency then reporting to the minister—

1. That is within the general government sector; and

2. That is not within the general government sector?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations): I am advised:

1. The actual level of capital payments in the month of June 2012 for the Department of Primary Industries and Regions SA was $0.87 million.

2. Not applicable.

PAPERS

The following papers were laid on the table:

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

Regulations under the following Acts—
Associations Incorporations Act 1985—Fees Increases
Authorised Betting Operations Act 2000—Fees Increases
Bills of Sale Act 1886—Fees Increases
Births, Deaths and Marriages Registration Act 1996—Fees Increases

Brands Act 1993—Fees Increases
Building Work Contractors Act 1995—Fees Increases
Conveyancers Act 1994—Fees Increases
Community Titles Act 1996—Fees Increases
Co-operatives Act 1997—Fees Increases
Coroners Act 2003—Fees Increases
Cremation Act 2000—Fees Increases
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—
    Fees Increases
Criminal Law (Sentencing) Act 1988—Fees Increases
Dangerous Substances Act 1979—
    Dangerous Goods Transport—Fees Increases
    Fees Increases
Development Act 1993—
    Affordable Housing Stimulus Package
    Fees Increases
District Court Act 1991—Fees Increases
Employment Agents Registration Act 1993—Fees Increases
Environment, Resources and Development Court Act 1993—Fees Increases
Evidence Act 1929—Fees Increases
Expiation of Offences Act 1996—Fees Increases
Explosives Act 1936—
    Fees Increases
    Fireworks—Fees Increases
    Security Sensitive Substances—Fees Increases
Fair Work Act 1994—Fees Increases
Fees Regulation Act 1927—
    Public Trustee Administration Fees—Fees Increases
Fire and Emergency Services Act 2005—Fees Increases
Firearms Act 1997—Fees Increases
Fisheries Management Act 2007—
    Fees Increases
    Lakes and Coorong Fishery—Individual Pipi Catch Quota System
Freedom of Information Act 1991—Fees Increases
Gaming Machines Act 1992—Fees Increases
Harbors and Navigation Act 1993—Fees Increases
Hydroponics Industry Control Act 2009—Fees Increases
Land Agents Act 1994—Fees Increases
Land and Business (Sale and Conveyancing) Act 1994—Fees Increases
Land Tax Act 1936—Fees Increases
Liquor Licensing Act 1997—
    Dry Areas—
        Clare
        Grange—Henley Beach—West Beach
    Fees Increases
Livestock Act 1997—Fees Increases
Lottery and Gaming Act 1936—Fees Increases
Magistrates Court Act 1991—Fees Increases
Mines and Works Inspection Act 1920—Fees Increases
Mining Act 1971—Fees Increases
Motor Vehicles Act 1959—
    Expiation Fees—Fees Increases
    Fees Increases
    National Heavy Vehicles Registration Fees—Fees Increases
Opal Mining Act 1995—Fees Increases
Partnership Act 1891—Fees Increases
Petroleum and Geothermal Energy Act 2000—Fees Increases
Petroleum Products Regulation Act 1995—Fees Increases
Plant Health Act 2009—Fees Increases
Plumbers, Gas Fitters and Electricians Act 1995—Fees Increases
Primary Produce (Food Safety Schemes) Act 2004—

Citrus Industry—Fees Increases
Egg—Fees Increases
Meat Industry—Fees Increases
Plant Products—Fees Increases
Seafood—Fees Increases
Public Trustee Act 1995—Fees Increases
Real Property Act 1886—Fees Increases
Registration of Deeds Act 1935—Fees Increases
Residential Tenancies Act 1995—Fees Increases
Roads (Opening and Closing) Act 1991—Fees Increases
Road Traffic Act 1961—
Approved Road Transport Compliance Schemes Fees Increases
Heavy Vehicle Driver Fatigue—Fees Increases
Miscellaneous—Fees Increases
Miscellaneous—Expiation Fees—Fees Increases
Second-hand Vehicle Dealers Act 1995—Fees Increases
Security and Investigation Agents Act 1995—Fees Increases
Serious and Organised Crime (Control) Act 2008—Serious Criminal Offences—Prescribed Offences
Sexual Reassignment Act 1988—Fees Increases
Sheriff's Act 1978—Fees Increases
State Records Act 1997—Fees Increases
Strata Titles Act 1988—Fees Increases
Summary Offences Act 1953—
General—Fees Increases
Weapons—Fees Increases
Supreme Court Act 1935—Fees Increases
Travel Agents Act 1986—Fees Increases
Valuation of Land Act 1971—Fees Increases
Work Health and Safety Act 2012—Fees Increases
Worker's Liens Act 1893—Fees Increases
Youth Court Act 1993—Fees Increases
Rules of Court—
District Court Act 1991—
Civil—Amendment No. 23
Rules under Acts—
Road Traffic Act 1961—Frontal Protection System
Budget Paper No. 3—Budget Statement Corrigendum
City of Charles Sturt Heritage Development Plan Amendment for interim operation on 16 May 2013

By the Minister for State/Local Government Relations (Hon. G.E. Gago)—

Regulations under the following Acts—
Local Government Act 1999—
Fees Increases
Financial Management—Better Practice Model
General—Local Government Sector—Employers
Private Parking Areas Act 1986—Fees Increases

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

Reports 2012—
SACE Board of South Australia
The University of Adelaide
Regulations under the following Acts—
Adoption Act 1988—Fees Increases
Botanic Gardens and State Herbarium Act 1978—Fees Increases
Children's Protection Act 1993—Fees Increases
Controlled Substances Act 1984—Pesticides—Fees Increases
Crown Land Management Act 2009—Fees Increases
Environment Protection Act 1993—Fees Increases

Fees Regulation Act 1927—Incidental SAAS Services—Fees Increases
Heritage Places Act 1993—Fees Increases
Historic Shipwrecks Act 1981—Fees Increases
Housing Improvement Act 1940—Fees Increases
National Parks and Wildlife Act 1972—
Hunting—Fees Increases
Protected Animals—Marine Mammals—Fees Increases
Wildlife—Fees Increases
Native Vegetation Act 1991—Fees Increases
Natural Resources Management Act 2004—
Financial Provisions—Fees Increases
General—Fees Increases
Passenger Transport Act 1994—Fees Increases
Pastoral Land Management and Conservation Act 1989—Fees Increases
Radiation Protection and Control Act 1982—
Ionising Radiation—Fees Increases
Non-Ionising Radiation—Fees Increases
Retirement Villages Act 1987—Fees Increases
South Australian Public Health Act 2011—
Wastewater
Wastewater—Fees Increases
Tobacco Products Regulation Act 1997—Fees Increases
Water Industry Act 2012—Fees Increases

NATURAL RESOURCES COMMITTEE

The Hon. R.P. WORTLEY (14:25): I bring up the reports of the committee on the Natural Resources Management Board Levy Proposals 2013-14 for Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, South Australian Murray-Darling Basin, South Australian Arid Lands, and the South-East.

Reports received.

NATIONAL EDUCATION REFORM AGREEMENT

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:26): I table a ministerial statement from Premier Jay Weatherill made in another place on the topic of the national education reform agreement.

QUESTION TIME

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

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 regarding waste and duplication.

Leave granted.

The Hon. D.W. RIDGWAY: After selling the state's forests, gutting the industry and creating havoc out of harmony, the government set up the Forest Industry Advisory Board to duplicate the work already being done by the board of ForestrySA, and it doesn't come cheap. The Forest Industry Advisory Board chair, an old Labor union mate, is collecting $50,000 a year for a so-called 'attraction and retention allowance'. That is the average Australian yearly salary, which the Labor-appointed chair gets as an attraction allowance, on top of his board fees. I guess he is probably very attracted. My questions to the minister are:

1. How many members of the Forest Industry Advisory Board live in South Australia?

2. Does board member Alison Carmichael reside in Canberra?

3. Is board member Alison Carmichael the same Alison Carmichael who served as a board member of Rainforest Rescue?

4. How many rainforests are there in South Australia?

5. Does board member Jane Calvert reside in Melbourne?

6. Is this the same Jane Calvert who represents the CFMEU on an interstate council implementing the Tasmanian Forests Agreement?

7. How many Tasmanian forests are there in South Australia?

8. Does board member Caroline Pidcock reside in Sydney?

9. Is this the same Caroline Pidcock who was chair of Living Futures Institute Australia, based in New South Wales; Carriageworks, based in New South Wales; Greening Australia New South Wales; Sacred Heart Education Ministry board New South Wales; and the Object Gallery's advisory group of New South Wales?

10. Do South Australian taxpayers pay the airfares for board members to attend meetings, and do they fly economy?

11. How much does this cost per board meeting, and what attraction and retention allowances are paid to the other board members?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:33): I thank the honourable member for his most important questions. I have put on the record in this place before that the recently constituted South Australian Forest Industry Advisory Board has been established to provide us with advice and recommendations about the future strategic needs of the forest products industry in this state. If the Hon. David Ridgway doesn't believe that that is a priority, then he is not of this planet. The industry currently is going through significant problems in terms of the currently—

The Hon. D.W. Ridgway: Because you sold the forests.

The Hon. G.E. GAGO: The sale of the forests had nothing to do with it. The current context, in terms of the challenges before the industry at the moment, has nothing whatsoever to do with the sale of the forest. It has to do with global trends in our timber industry. They are having a huge impact here in South Australia, and part of the reason is that we have not geared up for a value-adding type of industry. We have remained with traditional types of logging and sawing, and we need to move out of that space and into another space. That is exactly the purpose of this board: to provide this state with guidance and a plan to move forward to reposition ourselves so that we can maintain a sustainable timber industry here in South Australia.

The forestry board of South Australia manages legacy forests—that's what they do; that's what their job is. What we have asked for is some very specific work to be done, some strategic analysis and some big picture people who understand the global context of the industry. We need people who understand what is going on globally as well as having local input. We need a plan to go forward that will stack up nationally and internationally. That is why we have carefully selected the board members for this new board.

The objective is that we build on the advantages that the industry currently has—and there are some. South Australia is a national leader in plantation forestry management, building on over 130 years of expertise. The Green Triangle resource, including that within South Australia, is the largest and arguably the most productive plantation region in Australia. Our forest products provide a renewable carbon-storing source for building materials, and the industry has also demonstrated a long-term commitment to sustainable forest management and technology innovation.

The board's task, as I have said in this place before, is to develop a blueprint for the future South Australian forest and wood products industry. This blueprint will include, but not be limited to, identifying and advising on emerging domestic and international opportunities that will enhance the sustainable economic development of the forest and forest product sectors in South Australia.

As I said, we need big picture people, people who understand what is happening globally and can help to inform and provide direction and leadership for our industry. Of course, this will provide advice on emerging domestic and international opportunities to enhance the sustainable economic development of the forest-related industry in South Australia and issues that are inhibiting the economic development in that industry. The board will advise regarding the transition of forest and the forest products sector to be creative and agile.

The changes in the global economy obviously present a unique opportunity and challenge to transform South Australia's forest products manufacturing sector to one that relies on design, innovation and new ideas for competitiveness, connecting our strengths in research and manufacturing, to become leaders in a new industry. That is where we have to go: we have to go

into new territory, new industry and new markets. I also expect the board to act as a high-level conduit between industry and the government, obviously utilising its expertise and networks. Again, we try to tap into international networks, not just statewide, and also consultation, engaging with and identifying economic opportunities. The board will also work in harmony with others.

This project is also linked to other initiatives, which include the cellulose fibre value chain study currently underway in the South-East, the government's $27 million South East Forestry Partnerships Program, and also relevant initiatives from the Limestone Coast Economic Diversification Forum. So you can see, Mr President, this government has invested a great deal of energy, effort and money into this sector to ensure we do have a long-term future in this state, and I cannot believe that the Hon. David Ridgway is of so small a mind and outlook that he cannot see the benefit of bringing in not only state experts but also national experts who have international credibility.

The Chair receives, I am advised, $258 per four hour session and members receive $206 per four hour session, and I have said in this place before—it is on the record—that the Chair receives $50,000 per year. I think the term is for about 18 months, so there is a limited term of office for this project; it has a beginning and an end. So that is $50,000 per year for 1½ years that has been agreed to so far and members receive $5,000 per year. I have been advised that Jane Calvert is from Melbourne, and I am not sure about Caroline Pidcock. Let me go through the credentials of this very important talented board.

Trevor Smith has extensive experience in the forest industry and demonstrated leadership in high level and complex review processes. He is managing director of Advisory Consulting Employment Services and was chair of the South-East forestry industry round table. As I said, he showed enormous capability and was held in very high regard by all stakeholders for the work he did on that round table. He showed he was able to work right across the industry. He was able to work with all relevant stakeholders and they produced very positive outcomes for the industry and, as I said, he conducted himself extremely well and was held in extremely high regard by all sectors of the industry.

As I said previously in this place, for the purposes of continuity I attempted to put in some members from the old forestry board and also some members from the forestry round table, as well as some additional skills and expertise to make up this particular committee. Alison Carmichael has extensive experience as a senior executive and consultant in the agriculture, natural resource management, sustainability and communication sectors, with particular expertise in business and industry development and she is currently the chief executive officer of the Institute of Foresters of Australia.

Jane Calvert has been employed by the forestry and furnishing products division of the Construction, Forestry, Mining and Energy Union for more than 20 years. She is currently national president of that division. She is Chair of ForestWorks—the industry skills council—and is also Chair of the Tasmanian Forests & Forest Industries Council. She is an incredibly competent and capable person and, what is more, she is also held in high regard by a broad range of sector stakeholders. She is obviously held in high regard within the union movement, but her skills and expertise go way beyond that. She is held in high regard right throughout.

Shelley Dunstone has a background in law and works as a consultant in innovative practice and competitive advantage. She has financial and investment qualifications coupled with experience in reconceptualising business problems. John Fargher has extensive experience in forest and water management. His current activities include work with the Australian government and their overseas development programs. He was chair of the Forest Industry Development Board and a former presiding member of the Water Resources Council under the Water Resources Act 1997.

Ian McDonnell has been involved in the saw milling industry for 38 years. He has been involved in industry bodies such as logging, investigation and training associations, including two terms as President of the South-East Log Haulers Association. Ms Caroline Pidcock is an architect with interest and experience in sustainable built environments. She is currently director of Pidcock Architecture + Sustainability, Chair of the Carriageworks and Living Futures Institute Australia boards and a member of the Greening Australia, New South Wales board. Mr Phil Lloyd is General Manager, Resource, of Timberlink Australia in the South-East and is a member of the South-East forest industry round table and has extensive plantation resource experience in both the South-East and Victoria. That is only to mention a few of the fabulous talents we have.

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): By way of supplementary question, which body gave the minister advice to establish the Forest Industry Advisory Board?

The Hon. G.E. Gago: Who gave me advice on the membership?

The Hon. D.W. RIDGWAY: No, to establish it.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:46): Here we have a forestry industry in South Australia that is on its knees. There is not one person in the sector who does not recognise that we are facing significant challenges in our forestry industry and, unless we restructure and unless we regroup, we will not have a forestry industry into the future here in South Australia. This is not rocket science. There is not one person out there in the industry who does not recognise that we need vision, direction and leadership to take our industry forward into a sustainable future—not one person out there who does not realise the necessity for that.

SOUTH AUSTRALIAN FOREST INDUSTRY ADVISORY BOARD

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:47): By way of supplementary question, which body gave you the advice to establish the Forest Industry Advisory Board?

The PRESIDENT: The minister has just offered her answer. The Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: This is why you only get seven questions.

Members interjecting:

The Hon. J.S.L. DAWKINS: On a point of order, there is a member on her feet, Mr President.

The PRESIDENT: The Hon. Ms Lensink.

SA WATER

The Hon. J.M.A. LENSINK (14:47): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question regarding SA Water recruitment.

Leave granted.

The Hon. J.M.A. LENSINK: Last month people who may have been looking at the Seek job-seeking website would have come across the recruiting advertisements for executive positions within SA Water across several of Seek's locations, including Adelaide, Sydney and Melbourne. On the Hender Consulting website, which is SA Water's consultancy for recruitment, three separate positions were advertised: General Manager, Customer and Community Relations; GM, Commercial and Business Development; and, GM, Business Services. Each of these advertised positions states within their position description that they will be looking at recruiting three individuals due to a reorganisation of their leadership team, stating:

> Following a recent reorganisation of the executive leadership structure, this important SA entity now seeks to appoint three high calibre executives to help take the business to the next level.

My questions to the minister are:

1. Can he confirm how many executive jobs SA Water is currently looking to fill?

2. Can he explain the restructure of SA Water's executive leadership team?

3. Can he explain whether, as within the SA Water annual report it shows that there are 220 of over 1,600 people earning over $106,000, these three individuals will fit into that category or be above that level?

4. At a time when DEWNR has announced yesterday that it is reducing its executive positions from 34 to 26, why is SA Water on a recruitment drive?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:50): I thank the honourable member for her very important questions and her most diligent traipsing through Hender Consulting's website and other unknown websites. She may be seeking future employment because I think she has been dropped down the ticket on the Legislative Council preselection, but I am sure, given her hard work and diligent support for her community, that she will probably leapfrog some of the other members from the Liberal Party on the Legislative Council ticket and may come in ahead of some of them, but that is for the voters and we will wait to see how that transpires.

With regard to SA Water's transformation of its business model and its executive team, I will take those questions on notice and take some advice from SA Water on exactly how they are remodelling and transforming their business and bring back a response for the honourable member at a future time.

VISITORS

The PRESIDENT: I draw members' attention to the presence in the gallery today of the Hon. Mr Michael Polley MP, Speaker of the House of Assembly of the Tasmanian parliament, and Mr Peter Alcock, Clerk of the House of Assembly of Tasmania. Welcome.

QUESTION TIME

RIVER MURRAY IMPROVEMENTS PROGRAM

The Hon. S.G. WADE (14:51): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question relating to the River Murray Improvements Program.

Leave granted.

The Hon. S.G. WADE: At the Renmark riverfront on 28 October 2012, Premier Weatherill announced that $265 million had been committed by the federal government for water recovery and industry regeneration projects in South Australian River Murray communities. The funding announced included $180 million from the Sustainable Rural Water Use and Infrastructure Program and $85 million from a fund to be established for research, regional development and industry development. The Premier said the funding would support the Water Industry Alliance proposal to recover 40 gigalitres of water annually from the River Murray. My questions to the minister are:

1. Why did the state government announce $265 million in funding for river communities last year when the money had not been approved?

2. Can the minister provide a guarantee to South Australian River Murray communities that the promised $265 million through the Water Industry Alliance will be forthcoming?

3. Given that the funding has not been allocated at a federal level, where will the $265 million for the River Murray Improvements Program come?

4. Given the Premier's comment on 11 June 2013 that he was only days away from signing the Murray-Darling Basin Agreement, why has the agreement not yet been signed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for his most important questions. Can I say again that it is with great pleasure that I see a Liberal Party member jump to his feet to support the Premier in his fight with the Eastern States' Liberal governments over water. I can only say that I hope the Leader of the Opposition in the other place can emulate the Hon. Mr Wade in his passion for the River Murray.

In 2012, the Premier welcomed a $265 million commitment by the federal government for water recovery and industry regeneration projects in South Australian River Murray communities. Two hundred and forty million dollars of this funding package is for the Water Industry Alliance's South Australian River Murray Improvements Program. The aim is to return 40 gigalitres of water to the environment, provide opportunities for regional development and the reconfiguration and renewal of the South Australian River Murray irrigation industry. I am advised that the federal department is working on this package as we speak and will make an announcement once all the details are in place and finalised to our mutual satisfaction.

Those who are criticising this process join the long list of Liberal Party members seeking to undermine this historic reform, which will restore the River Murray to health after decades of degradation and neglect. The South Australian government continues to work to improve environmental outcomes along the South Australian River Murray and strongly supports the Water Industry Alliance and its development of this package. This investment in South Australian industry will assist our irrigators to further improve irrigation infrastructure and practices and consolidate our state's position as international best practice irrigators. On approval of the program, South Australian irrigators will be provided with opportunities to be rewarded for their previous responsible behaviour by investing in the future sustainability of the industry and the region. It is my understanding that the intention is to reach final agreement on the program in the very near future.

Together with the irrigators and the Riverland communities, this Labor government has stood up to the Eastern States and demanded a plan which would be based on the best available science and which would assure the health of our river. As a result of our negotiations, we secured an extra $1.77 billion to return 450 gigalitres to the river and address constraints in the river system, and $420 million in funding for projects in our state.

It has always been our intention to be a willing and early signatory to the plan, but that comes with some commitment from the federal government in terms of that funding package I just mentioned. We need not to have that funding package put together on the basis of irrigating systems in the Eastern States. Our irrigators in the River Murray in South Australia have been moving towards much more sustainable solutions since 1959. There is no more low-hanging fruit in this state to be plucked, unlike in New South Wales and Victoria, where they have been very slow to move to these high-efficiency irrigation systems.

This government has continued to work through the details of the package with the federal government so that our Riverland irrigators receive the benefits from the program that they deserve. However the Liberals, at every turn, try to undermine everything that is good about this plan. Federal Coalition water spokesperson Barnaby Joyce has just confirmed that the Coalition intends to cap water buybacks at 1,500 gigalitres. This is an incredibly high risk gamble. It lets the upstream states off the hook by allowing them to rely on so-called water efficiencies. They do not have to do the hard work; under the plan that the federal Liberals have announced they do not actually have to return the water to the river.

The message that Barnaby Joyce is sending to irrigators is, 'You don't want to put good projects up. That's okay. We'll cap the water buybacks and we'll give you the money anyway for doing nothing.' That will impact on the river communities in South Australia. It is time all members opposite stood up to their federal Liberal counterparts and told them that the interests of the South Australian irrigators come first and that we, as members of this state parliament, Labor and Liberal, will always fight for South Australia. Come and join us, come and join the Premier, and join our fight for South Australian irrigators.

SEAWEED FARMING

The Hon. G.A. KANDELAARS (14:57): I seek leave to ask the Minister for Agriculture, Food and Fisheries a question about seaweed farming.

Leave granted.

The Hon. G.A. KANDELAARS: Recently the minister made an announcement regarding the next phase of the feasibility of the farming seaweed project. Can the minister update the chamber on SARDI's research project?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (14:57): I thank the honourable member for his most important question. Indeed, this project is an incredibly fascinating one and is also quite leading edge. Over the last three years SARDI has undertaken a research project investigating the potential to farm seaweeds around finfish cages. The three-year, $1.1 million project is primarily funded by the Australian government's Fisheries Research and Development Corporation, with just under $200,000 contributed by SARDI and assistance from the University of Adelaide as well as commercial participants. I was very pleased to recently announce that the next phase of the feasibility of farming seaweed project will see open sea trials commence, which will be conducted in Spencer Gulf later this year.

This project aims to ensure that the yellowtail kingfish and the southern bluefin tuna farming industries have the opportunity to expand and improve environmental conditions. This can be achieved by finding the right type of seaweed needed to effectively and naturally remove finfish aquaculture nutrients which result from their waste products. The trials will identify the most suitable species and methods for this type of agriculture, known as integrated multitrophic aquaculture (IMTA).

This refers to farming of different aquaculture species together in a way that allows one species' waste to be recycled as feed for another. By recycling nutrients, or waste, that would otherwise be wasted, IMTA systems offer aquaculturists the potential of increasing economic gains as well as, obviously, environmental improvements.

Since 2001, SARDI has undertaken an annual monitoring of environmental impacts from tuna farming on behalf of the southern bluefin tuna industry, and it has done the same since 2009 for the yellowtail kingfish industry. This involves annual DNA-based tests, conducted by SARDI on behalf of the industry sectors, to assess the health of the sea floor organisms to ensure that farming is sustainable. Successful seaweed farming will provide industry with the means to reduce their environmental footprint while producing an additional income stream and developing new industry.

I am advised that this project was developed with Cleanseas as the industry partner. As members would be aware, Cleanseas is a well-known aquaculture company involved in both yellowtail kingfish and tuna breeding programs. I understand that this project is focusing on yellowtail kingfish for the initial trials. This is because kingfish are farmed closer inshore than tuna and in more sheltered areas, making it easier to undertake these experimental trials. However, once the trials are completed, the technique will also be applicable for tuna farming. Currently, southern bluefin tuna generates the highest farm-gate sales in the state's aquaculture industry, accounting for more than half of the state's gross value of aquaculture production.

This project may herald the start of a new Australian industry for products derived from seaweed; there is a growing interest, both nationally and internationally, in these areas, with new markets emerging all the time. Seaweeds are becoming an increasingly sought after food source in Australia due to the health benefits they provide.

The Hon. R.L. Brokenshire: And fuel source.

The Hon. G.E. GAGO: And fuel source. The project shows how innovative research is supporting the government's strategic priority of premium food and wine from a clean environment. The government is committed to playing its part to assist in the development of the great opportunities South Australia has to sustainably utilise our natural resources.

It is quite fascinating. They will be seeking to grow seaweed on a type of frame arrangement. Then they submerge the frame below the water, basically down current or downstream of the pens, so that the water from that is filtered through the seaweed and the waste of diluted nutrients is taken up by the seaweed. It is a very simple concept and a very innovative one, and we are really looking forward to see how the trials progress.

SINGING FOR HEALTH PROGRAM

The Hon. M. PARNELL (15:03): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Health, questions about the Singing for Health program.

Leave granted.

The Hon. M. PARNELL: In just over two weeks, the Singing for Health group, a choir that helps people from the southern suburbs to overcome social and mental health issues, will be shut down, after the health department recently decided to axe the small amount of funding they receive. This community health arts program began in 2009 and involves up to 30 residents of the southern suburbs who meet to sing a cappella at the Noarlunga GP Plus Super Clinic each week. It is run by a social worker and psychologist, who each have a musical background.

The amount of funding this program receives from the health department is tiny, but the impact on the people who participate is life changing; it is a wonderful example of the power of music and the arts to transform lives. The Singing for Health group members desperately want to keep going, and they have started to campaign to keep it alive. Their plight was recently featured in the *Southern Times Messenger*. Tomorrow, some very courageous members of the choir will stand

up to sing protest songs on the steps of Parliament House. Joining them will be members of a number of other choirs to support them and also to represent Singing for Health choir members who are not able to participate.

Singing for Health appears to be a victim of the McCann razor gang, which has ripped through a range of successful and popular community health programs. Frustratingly, there is a wealth of evidence of the effectiveness of singing as a cure for depression, a fact, I am informed, that was talked about last night during the final of *The Voice*.

South Australia has, until recently, had a wonderful reputation in this area. Singing for Health is more than just a choir; it keeps members healthy and out of hospital and, for many, it is their only social activity, and axing the program does not even make economic sense. My questions are:

1. As any savings from axing Singing for Health will be wiped out if just one choir member stays for a couple of weeks in hospital, will the minister consider options to keep this highly successful program alive?

2. Does the minister see any role for the arts in health? If so, why are so many valuable arts and health programs like this one being cut?

3. Directed to the Minister for Environment personally, who I have heard has a great singing voice: would he like to come out to the steps tomorrow at 1 o'clock to sing along with this wonderful group of South Australians?

The Hon. G.E. Gago: You could sing the answer.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:05): I could, thank you very much. Give me a C-flat, will you, Steve?

The PRESIDENT: Order! Singing in the chamber is against standing orders, minister; I have heard you sing.

The Hon. I.K. HUNTER: Thank you, Mr President; as always, I take your guidance on these matters. I thank the honourable member for his most important questions directed to the Minister for Health and Ageing in another place, and I undertake to seek a response on his behalf. In relation to the third question directed to me personally, I would advise him most strenuously to not mislead parliament in such a way.

APY LANDS, BUDGET INITIATIVES

The Hon. K.J. MAHER (15:05): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister inform the chamber about planned investment on the APY lands over the next few years?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:06): I thank the honourable member for his most important question. The 2013-14 state budget contains a number of important provisions for the APY lands and its people. Most importantly, it delivers a number of initiatives that will deliver greater food security and further economic opportunities to the people of the APY lands.

For a long time, it has been recognised that the roads of the APY lands are a barrier to economic opportunity and also for the movement of people between communities. I am very pleased, therefore, to announce that the government has provided $21 million that I mentioned last time for fixing and upgrading roads on the lands. Together with the $85 million allocated from the federal government, bringing the total to $106 million, the money will be spent on fixing and upgrading roads in the lands.

This includes sections of the very important main access road between the Stuart Highway and Pukatja. A more reliable main access road is something the Anangu have been calling for for some time. It will improve, I hope, the security of food and other supplies to the APY lands and communities. It will also provide enhanced opportunities for cultural exports and tourism and perhaps even mineral exploration.

The current road, I am advised, is highly corrugated and below the natural surface. This causes flooding problems when it rains and, in turn, this requires ongoing further maintenance. The project, I am told, will build up, shape and compact, technically, a pit raised granular pavement

using existing alignment, with some realignment on the adjacent natural surface. This is a significant upgrade of infrastructure and, whilst it may be quite overdue, I am pleased to advise that the South Australian government, under the leadership of Jay Weatherill, has come to the table.

I am also pleased to advise that the South Australian government will spend $3.6 million over three years for the closure, capping and replacement of landfill sites in the APY lands. This work was identified as a key priority in a report on waste management in the lands prepared by the APY Executive Board in 2011, I am told. The work will improve waste management in the APY lands and ensure that landfill sites in the region are much improved on a number of waste management measures.

There is also a critical need to continue and expand the ongoing therapeutic service to communities on the lands. The 2013-14 state budget includes $3½ million over two years for an ongoing therapeutic service in response to problem sexual behaviour to be delivered on the APY lands. The work undertaken on the lands so far has shown great results. Children and their families are receiving support to help deal with the effects of this problem behaviour. The state government has now responded to requests for similar therapeutic services by providing the funds necessary to expand this important work to the Ernabella and Indulkana communities.

I understand that the work undertaken to date within the Amata community has led to the Amata community, and the individual families and family groups within it, developing an understanding, acceptance and responsibility for the range of sexualised behaviours exhibited by young people in the community. I am advised the community and families are showing ownership of the problem and leadership and are committed to making changes into the future for their community and families.

Lastly, I can advise that $564,000 has been allocated to support the administration of APY and the executive board. As many members of this chamber would be aware, the administration of APY is currently going through a change management process to effectively deliver on the powers and functions required under the legislative framework. They are also undertaking this process to ensure the appropriate internal management systems and sound financial systems and other controls are in place to improve corporate governance and accountability. This will also help ensure the APY administration has appropriate corporate governance systems and controls in place to support the core function of the landholding authority.

The 2013-14 state budget delivers a number of important initiatives for the APY lands and its peoples. While there is always much more that needs to be done and can be done, I am very pleased to advise that the state government, under the leadership of Premier Jay Weatherill, is continuing its commitment to delivering the services and infrastructure that Anangu require.

KALPARRIN COMMUNITY

The Hon. T.J. STEPHENS (15:10): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about Kalparrin Community's rehabilitation centre at Murray Bridge.

Leave granted.

The Hon. T.J. STEPHENS: I recently visited Kalparrin Community's drug and alcohol rehabilitation facility near Murray Bridge. Unfortunately, the commonwealth has pulled funding following an audit which was conducted over two years ago. I have seen firsthand the good work and the crucial service that this facility provides to this and other communities. It is my understanding that this facility provides a unique service in that it allows families to stay with those in recovery. There isn't anything else like it in this state. However, after the commonwealth funding ceases, they will have little option but to dramatically reduce services. My questions to the minister are:

1. Does the state government have the capacity to pick up the shortfall of federal government funding withdrawal?

2. If not, will the minister or his department try to work through the federal government's concerns so as to have the federal funding reinstated so that South Australia does not lose this incredibly vital service?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for his most important question and I commend him on

his persistence in pursuing this issue through the parliament. I know he has an ongoing interest in the area, and I commend him for that as well. This is a matter that falls pretty squarely under the portfolio of responsibilities of the Minister for Mental Health and Substance Abuse. However, I have been able to advise this chamber in the past on the matter briefly, and I will do so again.

I understand that directors of Kalparrin Community were told in early 2012 that the commonwealth Department of Health and Ageing could no longer fund the Kalparrin drug and alcohol rehabilitation program under their ongoing programs. I acknowledge that the Aboriginal people resident in South Australia seeking access to culturally appropriate and sensitive residential rehabilitation services are significantly affected by this decision. I understand that they receive a mixture of funding sources, which is primarily from the Australian government departments but which also includes some funding from the state government through Housing SA and Country Health SA.

I am advised that Country Health SA Local Health Network continues to help the Murray Bridge and surrounding Aboriginal communities with a provision of funding to Kalparrin Community Inc. to operate a mobile assistance patrol. The program operates with harm minimisation focus and supports individual and family access to broader drug and alcohol services through counselling referral. The South Australian government continues to provide its share of its services up there.

I understand that the community are disappointed with the federal government's decision, but I also understand from I think my last meeting with the federal minister up in Port Augusta that they are committed to providing drug and alcohol rehabilitation services to the Aboriginal communities of South Australia, and the project scope that they are looking at will include the north-west and south-east regions of South Australia.

STRATHMONT CENTRE LIBRARY

The Hon. K.L. VINCENT (15:14): I seek leave to make a brief explanation before asking the minister representing the Minister for Disabilities questions about the Department for Communities and Social Inclusion's Strathmont library at Oakden.

Leave granted.

The Hon. K.L. VINCENT: Several concerned constituents—including parents of people with a disability, students of disability studies and disability professionals—phoned my office last week following letters they received as registered Strathmont library users regarding the removal of the library service from its current location. The letter states that the library will need to relocate in the near future for budget efficiencies across the system, and they intend to move its disability collection.

In 2009 the previous minister for disabilities attempted to shut down the Strathmont library but cancelled the plan following public outrage at the idea that this might occur. The Strathmont library is a highly valued resource for consumers, students, professionals, parents, families and clients in the disability sector. It is a significant source of support and information particularly when a new diagnosis occurs.

Recent acquisitions include titles like *The Aspie Girl's Guide to Being Safe with Men: the Unwritten Safety Rules No-one is Telling You* and *Understanding Families: Supportive Approaches to Diversity, Disability and Risk*—to name just a couple. With the introduction of DisabilityCare imminent you would think that a resource like this would be important now more than ever. My questions are:

1. Does the minister agree that we need these resources available to the public, professionals and people in the disability community now more than ever with the implementation of DisabilityCare?

2. Is the minister planning to file and store the excellent disability resource collection and make it available at the Strathmont library, making it accessible to all?

3. If the minister is not planning to store the books and resources in this manner, is he planning to move the resources to the Riverside building in the city centre with its limited disability accessibility and no convenient parking?

4. How does the minister anticipate that people will access specialist disability resources once he has closed down Strathmont library, if he does so?

5. Does the minister appreciate how valuable the resources and support provided at Strathmont library are to the disability sector?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:17): I thank the honourable member for her most important question about the Strathmont library service at the Strathmont Centre. I undertake to take those five questions to the Minister for Disabilities in another place and bring back a response on her behalf.

FOOD AND WINE INDUSTRY

The Hon. R.P. WORTLEY (15:17): I seek leave to ask the Minister for Agriculture, Food and Fisheries a question about premium food and wine.

Leave granted.

The Hon. R.P. WORTLEY: The government is committed to growing the reputation of South Australia's premium food and wine industries through the premium food and wine from our clean environment strategic priority. This priority is one of seven priorities the government has to ensure the state is dynamic, vibrant, productive, inclusive and safe into the future. My question is: can the minister update the chamber on recent developments as part of this strategic priority?

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:18): I thank the honourable member for his most important question. The state government is focused on continuing to grow our premium food and wine sectors. The government's premium food and wine from our clean environment strategic priority seeks to grow our reputation as being renowned as a producer of premium food and wine from a clean environment, clean air and clean soil.

Following on from a very successful premium food and wine community discussion at the Clare Valley Gourmet Weekend, I was very pleased to join the Premier and the Minister for Tourism in hosting a second community discussion at Leconfield Wines in McLaren Vale, as part of the Sea & Vines Festival.

These community discussions are all about celebrating South Australia's great produce and the outstanding, clean environment that it comes from. It also provides an opportunity for the government to hear from successful local identities. I was pleased to be joined in the discussion by three passionate locals: Mike Brown from Gemtree Vineyards, a passionate champion of the McLaren Vale brand; Nigel Rich, chef and owner of the Elbow Room; and Emily Jenke, owner and operator of the award-winning Talinga Grove, specialising in olives and olive oil products. The topics discussed on the day included what industry views are—

The Hon. R.L. Brokenshire interjecting:

The Hon. G.E. GAGO: I can't hear myself think, Robert—on how we identify the words 'premium' and 'clean' and how industry and government can work together to increase the understanding of this important priority. As part of the government's commitment to growing our food and wine sectors, we also discussed the $6.1 million in new funding announced in the budget designed to help our food and wine industries capitalise on the global demand of our premium products.

McLaren Vale is not just about wine: it is also renowned for its food and agriculture, with olives, olive oil, cheese and almonds being very sought after products. The region is also home to South Australia's first farmers market, the Willunga Farmers Market, which is a real drawcard for locals and tourists alike. It is a fabulous market.

Vibrant food and wine industries help grow our regions and are a significant player in South Australia's economy. These regions are viewed by the state government as vital to our continued prosperity, and I would like to thank Dr Richard Hamilton and the rest of the staff at Leconfield for being such wonderful hosts to our government's community discussion. It was a beautiful backdrop, and it is a wonderful operation out there.

In addition to the premium food and wine community discussions that will be held across the state, I was pleased to recently launch the next stage of the government's premium food and wine from a clean environment priority, that is, our premium food and wine ambassadors. The ambassador program is an honorary program and is all about spreading the word about South

Australia's superb produce which comes from our clean air, clean soil and clean water in order to make the most of our opportunities.

Learning about something from someone you know and someone who has a lot of credibility in the industry is a very powerful communication tool, and it is my belief that a third-party endorsement by prominent South Australians will enhance our premium food and wine from a clean environment priority and add to its credibility. Some outstanding South Australians who are trusted, respected and admired have agreed to be part of this program. They are well known for their achievements in the food, wine and beer industries.

Their work is recognised with affection and admiration around South Australia, Australia and, in some cases, around the globe, as a number of these people operate internationally. They work hard to promote our food, our wine and our beer and the state that it comes from. The premium food and wine from a clean environment ambassadors program simply formalises what these people already do and live and breathe and the message of just how good South Australia's produce is and the environment it comes from.

I would like to take this opportunity to thank the 16 ambassadors who have agreed to take part in this program so far and who have helped to spread the word about this state's premium food and wine from a clean environment.

EYRE PENINSULA WATER SUPPLY

The Hon. J.S. LEE (15:22): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about Eyre Peninsula's drinking water supply.

Leave granted.

The Hon. J.S. LEE: The Eyre Peninsula Demand and Supply Statement annual review 2012 stated that, based on current population growth and potential climate change impacts, demand for drinking quality water is projected to exceed supply by 2020-21, which is earlier than the 2010-11 annual review suggested.

The water department's executive director for sustainable water resources, Ms Julia Grant, stated on ABC Rural radio on 12 June that 'there has not been adequate rainfall to fully recharge aquifers on Eyre Peninsula'. However, the Natural Resources Committee's interim report for the Eyre Peninsula water supply suggested that there was evidence of extractions in previous decades which have resulted in a number of aquifers becoming degraded, thus compromising their ability to provide secure water supplies in the future.

In addition, a media release from the Department of Environment, Water and Natural Resources stated that an independent planning process will be initiated by the minister in 2015-16 at the latest. My questions to the minister are:

1. What is the government's plan to ensure water extractions from the aquifers are not mismanaged, and how will the government restore the aquifers which are classified as degraded?

2. What consultation and research studies have the minister and his department initiated to develop an alternative water source, such as a desal plant?

3. With the demand for water expected to exceed supply over the next eight years, will the minister initiate the independent planning process as a priority?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:25): I thank the honourable member for her most important question. The Water for Good plan released in June 2009, I understand, aims to provide our state with the most secure water supply system in southern Australia. It outlines 94 actions to ensure our water supplies are secure, safe, diverse, reliable and able to sustain a growing population and a growing economy in a changing climate. The 94 actions apply throughout the state, and a vital component of the plan is the development of a detailed water demand and supply statement for every natural resource management region.

Action 64 of Water for Good outlines that regional impact demand and supply statements will be developed for each of the eight natural resource management regions throughout the state. The regional demand and supply statements completed to date include the Eyre Peninsula

Demand and Supply Statement, which was released in April 2011, and the Northern and Yorke Demand and Supply Statement released in December 2011.

I understand that once developed the statements are reviewed each year, and in the event that a statement indicates a demand and supply imbalance, consistent with Water for Good action No. 3, an independent planning process will be initiated five years before the projected imbalance. The independent planning process will thoroughly assess supply augmentation and demand management opportunities. It is vitally important that we plan ahead, and we do this on an annual basis. We have set in place that, when it appears that demand will outstrip supply, we act and call on that five-year review.

I am advised that the Eyre Peninsula Demand and Supply Statement initially indicated that under a worst-case scenario of high population growth and climate change impacts demand for drinking quality water was projected to exceed the available supply in 2017-18. As a result of a range of key data updates, the 2011 annual review of the Eyre Peninsula Demand and Supply Statement, released in April 2012, indicated that, under a worst-case scenario of high population growth, demand for drinking water was projected to exceed supply in 2023-24, pushing back the date.

I am now advised that further key data updates that led to these revised demand and supply projections included the most recent climate change report released in 2012, showing that the impact of climate change on the southern basins and Musgrave Prescribed Wells Area is projected to be not as severe as the previous best-available information suggested. I am also advised that mains water consumption was approximately three gigalitres less than projected during the review period.

Advice from the Department of Planning, Transport and Infrastructure suggested that the population growth rates out to 2050 should be revised to a lower rate. Demand for water from the mining sector is expected to be higher; however, the supply of water for the mining sector from private desalinated seawater supplies is also likely to be higher and therefore counteract that demand. I understand that, based on the revised projections, the timing of an independent planning process for the Eyre Peninsula region was revised and will not be required until 2018-19.

We come to the second annual review: released in June 2013, it now indicates that, under a worst-case scenario of high population growth, demand for drinking-quality water is projected to exceed supply in 2020-21. The anticipated timing for an independent planning process is therefore now scheduled for 2015-16, five years ahead of the anticipated disparity.

So, you see that we have this annual review where we check, on the best data available to us at the time, and we revise up our date when we imagine that demand and supply will be out of balance, and we do this on an annual basis. I am advised that the key factor that resulted in the shift of the demand and supply projections from the 2011 review to the 2012 review was a reduction in licence allocations to SA Water for the 2013-14 water year.

The Hon. G.E. Gago: It's very interesting.

The Hon. I.K. HUNTER: It is fascinating—a lot of detail in these.

The Hon. S.G. Wade: At least 2¼ minutes.

The Hon. I.K. HUNTER: Let's hope. The allocations were reduced due to a smaller recharge of the groundwater basins over the previous 12 months, and I think this comes to the point that the Hon. Ms Lee has been raising. Under the water allocation plans for the southern basin and Musgrave Prescribed Wells Area, allocations are set on an annual basis based on an assessment of recharge to the groundwater systems every 12 months. As a result, SA Water and other allocations can fluctuate on a yearly basis as a result of recent climactic conditions.

The Hon. R.L. Brokenshire: Polda's going to take 50 years to recover.

The Hon. I.K. HUNTER: What was that, the Hon. Mr Brokenshire?

The Hon. R.L. Brokenshire: Polda will take 50 years to recover, you mark my words, minister.

The Hon. I.K. HUNTER: And on what basis do you make that calculation?

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Back to the answer. This reduction is factored into the future water supply assessment, resulting in the projection for demand exceeding supply under a case of high population growth and the impact of climate change brought forward three years. I understand that the outcomes of the 2012 review and the revised projections were presented by the Department of Environment, Water and Natural Resources to the Eyre Peninsula Water Security Reference Group in Port Lincoln on 11 June 2013. This group consists of representatives from Eyre Peninsula councils, Regional Development Australia and is convened by the Eyre Peninsula Natural Resources Management Board.

Media reports from the release of the annual review have focused on the desalination plant or restrictions to address future demand and supply. However, such options will be assessed through the independent planning process, a commitment of Water for Good, and will be based on a thorough cost-benefit analysis and informed by community consultation. In the immediate term it is important that the department continue to monitor water resources on the Eyre Peninsula. The next annual review, I am advised, will be undertaken by the end of March 2014.

The Hon. Ms Lee asks what the government plans to do about degraded aquifers. Well, of course, there is not very much we can do about degraded aquifers except controlling the extraction process. They will be recharged by natural systems, but it will take some time. Those responses have to be part of a community-led response and will be part of that independent process I have just outlined.

SECOND-HAND GOODS BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.L. BROKENSHIRE: I wish to advise the committee that I am withdrawing my amendment and, as this was a test clause, I also advise that I withdraw all associated amendments.

Clause passed.

Remaining clauses (4 to 78), schedule and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:39): I move:

That this bill be now read a third time.

The Hon. T.A. FRANKS (15:40): I draw members' attention to my consultations with the music instrument sales industry. I wrote to a number of those involved in the music industry, and they were all supportive of a more stringent control, particularly of musical instruments, under our current schemes.

I draw members' attention to the case of Mixmasters, which had $150,000 worth of musical audio equipment stolen from their Unley Road shop and warehouse. It was incredibly devastating to them. They had just moved in, and they were waiting for security to be completed for insurance purposes. They had an enormously difficult time tracking down those pieces of equipment.

The music industry rallied around them. Messages were put out on social media, they made individual visits to various second-hand dealers and, of course, they dealt with the police. But basically because a scheme such as the one we are passing today did not exist, they had to do all of that footwork themselves. Even though they could identify that the equipment was theirs, they had great difficulty with tracking it down. As I have said, a centralised database such as the one we are going to be moving to would have made their life much easier and made their business much more viable.

Certainly, while the police attempted to assist to the capacity they had then, I believe that, should an incident happen after we pass this bill and it passes into law, things would be different. With respect to the situation of Mixmasters, where they spent several months trying to track down their stolen equipment—where they could find their equipment—in various resellers or, in fact, in share houses and so on, their life would have been made much easier had we had such a system

as we are discussing today. As I have said, those in the music industry I have spoken to (and I am happy to forward that correspondence onto the minister for follow-up) were very supportive of the laws we are passing today.

The council divided on the third reading:

AYES (10)

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

NOES (11)

Bressington, A.	Brokenshire, R.L.	Darley, J.A.
Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G. (teller)	

Majority of 1 for the noes.

Third reading thus negatived.

WATER EFFICIENCY LABELLING AND STANDARDS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 1 May 2013.)

The Hon. J.M.A. LENSINK (15:48): I rise to indicate support for this piece of legislation, which implements recommendations of the review of the Water Efficiency Labelling and Standards (WELS) scheme. WELS is a joint initiative between the commonwealth, states and territories. It was originally a voluntary scheme which later became mandatory, and its goal is to implement uniform water efficiency and labelling standards throughout Australia.

A lot of people would be familiar with the star rating system that we have on electrical goods to indicate energy consumption; this is a similar scheme to indicate water consumption. It legislates the minimum water labelling information and water efficiency standards that must be displayed at the point of sale, as well as through advertising on specific plumbing, sanitary and whitegoods products. It does not contain energy information.

The original concept was introduced by the Howard government in 2005. It was then established under the Water Efficiency Labelling and Standards Act 2005 as part of the COAG National Water Initiative. In 2010, an independent review of the WELS scheme was conducted as required under the act, and the Standing Council on Environment and Water agreed to most of the recommendations made, resulting in this bill. The commonwealth parliament passed legislation in 2012 which included amending the Water Efficiency Labelling and Standards Act 2005 and a range of other acts.

This bill will allow the commonwealth to make changes without having to amend state or territory legislation. My understanding is that New South Wales has adopted a similar model, while Tasmania also has a similar bill. Both Victoria and Western Australia are considering the same approach, which is to be more efficient, fairer to registrants, and to better inform consumers.

Registration and fee arrangements subsequently will change with the aim to simplify and streamline registration processes. It will also line up with the commonwealth's definition of supply and will include a new range of products. The bill also clearly defines that any offence committed is to be treated as an offence against the commonwealth. The funding for the scheme is over a three-year period and includes the princely contribution from the South Australian government of $14,000 per annum.

The scheme is important in continuing to achieve water use efficiency goals throughout South Australia, as well as providing a basis to lower households' cost of living by giving them a better understanding of the products they have purchased. I was advised in the briefing that the

Department of Sustainability, Environment, Water, Population and Communities (a commonwealth department) received 119 submissions on this WELS scheme specifically in relation to funding arrangements, registration fees, rules and processes, compliance and enforcement, and further development.

I was advised by the government that industry is broadly supportive of the scheme. Whilst not every submission is publicly available, I was advised that no concerns were raised by any South Australian submissions. I would like to thank the minister's office and the departmental offices for providing the briefing and look forward to the committee stage of the debate.

The Hon. K.L. VINCENT (15:52): I would like to thank the council for its patience. I will make a very brief contribution in support of this bill on behalf of Dignity for Disability. Firstly, I would like to thank minister Hunter's office for providing my staff member with a comprehensive briefing on this bill; that is much appreciated.

I believe that the Water Efficiency Labelling and Standards scheme (WELS, as it is fittingly known) is an important regulatory scheme to ensure consumers are informed about the water efficiency of their appliances, such as washing machines and so on. Certainly, in today's society, with what is happening to our environment, arguably that is a very good thing.

From the information given to my office on the briefing, the figures on energy and water savings are very positive and an important feature of this scheme when energy and water bills are particularly a huge cost burden to South Australian families and households in 2013. I do not have any particular questions about the bill at this stage and commend it to the chamber.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:53): The Water Efficiency Labelling and Standards scheme demonstrates how government at all levels and industry can work together on water conservation that benefits both the economy and the environment. The WELS scheme aims to conserve water supplies by reducing water consumption through the adoption of water efficient appliances, provide for appliance efficiency and performance information to purchases of water appliances to allow them to make a well-informed purchasing decision, and promote the adoption of efficient and effective water use technology.

The WELS scheme was introduced in 2006, following commonwealth legislation in 2005 and mirror legislation in other states and territories, including South Australian legislation in 2006. The commonwealth WELS Act 2005 received broad support in the Australian parliament when it was first introduced. Subsequent amendments to that act have also received broad political support. These amendments have enhanced the scheme's efficiency, ensuring that WELS products are fit for purpose and enhancing funding arrangements.

Most recently, the Water Efficiency Labelling and Standards Amendment (Registration Fees) Bill 2013, aimed at supporting the scheme's funding arrangements, has been introduced into the Australian parliament. The current South Australian WELS Act 2006 is no longer consistent with the commonwealth act. This has resulted in the essential intent of the WELS legislation, which is to ensure the local application of WELS consistently with the national approach, being somewhat diminished.

The bill before the council today will ensure the South Australian legislation is consistent with the commonwealth law. At the same time, the bill will address the possibility of different requirements applying to importers and incorporated enterprises under the commonwealth's WELS legislation, compared to an unincorporated business that manufactures WELS products for trade solely within South Australia.

Consistency in the application of WELS across jurisdictions is critical for an effective scheme. South Australia's bill will support a level playing field for businesses that manufacture or are involved in the supply chain of WELS products by applying the commonwealth water efficiency laws as laws of this state. Future administrative changes to the commonwealth act cannot be categorically ruled out of course.

The bill will ensure that South Australia's approach to WELS remains consistent with national legislation and will mitigate the need to amend the state's WELS legislation whenever the commonwealth act is amended in the future. The bill will reduce any potential confusion around the scheme and enhance the overall integrity of WELS for businesses that manufacture or sell WELS products in South Australia, as well as for Australian consumers.

The bill also ensures that South Australia's interests are well served by allowing the state to vary the commonwealth water efficiency laws as they apply within the state, should it be appropriate. The passing of this bill by the South Australian parliament will continue the state's strong role in water management locally and at a national level. I would like to thank members of the council for their time and input into this important legislation.

Bill read a second time.

In committee.

Clause 1.

The Hon. J.M.A. LENSINK: I have a couple of questions. Can the minister provide some information about what products might be included in the future in this scheme?

The Hon. I.K. HUNTER: My advice (and I do not have my adviser beside me right now but they are on their way) from memory is that this scheme covers all sorts of products in the water industry such as handbasins, bathroom accessories, toilet accessories, washing machines, etc. Previously I think we used to have a droplet system and now it is moving to a star system I am advised.

The ACTING CHAIR (Hon. K.J. Maher): Are there any further contributions?

The Hon. J.M.A. LENSINK: The question I asked was about what new products may be included within the scheme. Perhaps, with the benefit of his adviser, the minister might have some more information available.

The Hon. I.K. HUNTER: I am advised that the commonwealth and the states are investigating bringing other appliances into the scheme. They are looking at the cost-effective analysis at the moment, but they have under active consideration evaporative air conditioners. There is potential to bring higher standards into play for toilets, I am advised, but there will be the mechanisms should new products be brought into the system that they can be brought in through the standards approach.

The Hon. J.M.A. LENSINK: Thank you for that response. In the briefing, one of the comments was that part of the purpose of the bill is to reduce red tape and the likelihood of future act amendments. Perhaps the minister could comment on that.

The Hon. I.K. HUNTER: My advice is that the commonwealth act has been amended four times and I am also advised that there is another bill before the federal parliament to amend it once more. Each time this happens, of course, we need to amend our complementary legislation which often provides for a period where our acts are inconsistent. That brings about an effective administrative burden to many businesses and so the reduction of red tape will come through the process of having amendments to our state act flow through in the processes that are outlined in this bill through regulation.

Clause passed.

Remaining clauses (2 to 20), schedule and title passed.

Bill reported without amendment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:05): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (GAMBLING REFORM) BILL

Adjourned debate on second reading.

(Continued from 4 June 2013.)

The Hon. R.I. LUCAS (16:06): I rise to speak on behalf of Liberal members to the second reading of this most important bill. At the outset, I congratulate my colleague in another place, the member for Davenport, on his extraordinarily meticulous handling thus far of this particular bill. It is extraordinarily complicated and complex, and there are certainly many different views amongst stakeholders in the community about the implications of the legislation, and there are certainly

many varying views, I am sure, amongst members of parliament about particular provisions in the legislation. Certainly, on behalf of Liberal members I place on the record my congratulations to the member for Davenport and his staff on his handling of the bill thus far.

I indicate at the outset that I intend to commence my remarks this afternoon by outlining a few general principles and, on behalf of Liberal members, a proposed course of action we are prepared to support so to at least inform other members in this chamber of our intentions, and I will seek leave to conclude my remarks either tomorrow or on Thursday of this week. I also indicate, on behalf of Liberal members, that we will support speeches at the second reading stage of this debate this week, but we will not support, for the reasons I will outline, progressing to the committee stage of the debate this week. We will support the consideration and conclusion of the committee stage on the next sitting week.

The background to that position is that the member for Davenport, having discussed these issues again in the Liberal parliamentary party room yesterday afternoon, is now proceeding with an agreed view in relation to amendments to the bill. He is still with parliamentary counsel and consulting with stakeholders in relation to the amendments that he has partially flagged and I will further flag this afternoon outlining the Liberal Party's position on the bill.

It is our understanding, as of yesterday, that the government intends to move a further amendment or amendments to the legislation. I know that as of this morning those amendments had not been filed and, as I look through the pile on my desk, I do not believe they are on file as I speak this afternoon. Clearly, the government is further considering amendments.

We are aware the government has indicated that it is proposing further amendments in relation to automatic teller machines (ATMs). There has been some discussion with the member for Davenport and the government relating to potential amendment, or amendments, relating to ATMs. As I said, as of this afternoon it would appear that those amendments have not been placed on file. So, clearly, other members in this chamber, minor party members and Independent members, I am assuming, have not seen those amendments either.

The Hon. Mr Darley has a considerable package of amendments, as one would have expected of the Hon. Mr Darley on a gambling matter given his original genesis in this particular parliament associated with the Hon. Mr Xenophon, and they have been filed, I think, as of this morning. Certainly, from the Liberal Party's viewpoint, we have not seen those, as a party room that is, and considered a position relating to the Hon. Mr Darley's amendments. We will do so between this sitting week and the next sitting week and come back with a concluded view on the Hon. Mr Darley's amendments. In relation to the government amendment, if it is as simple as outlined to the member for Davenport, our inclination is to support it, and that is the position, but again, with the greatest of respect to the government, we would like to actually see the drafting of the amendment before we sign up to the government's proposed further amendment.

As I briefly outlined, having approval from the parliamentary party room yesterday, the member for Davenport is concluding discussions with stakeholders and I would hope that we would be in a position tomorrow or Thursday, subject to those discussions, to table those amendments, or to file the amendments. To be fair to my colleagues from the minor parties and the Independents, we will give them a period of time between this sitting week and the next sitting week to consider their position in relation to those particular amendments and, to be fair to government members, we will give them an opportunity as well to consider their position in relation to the amendments that we intend to move. So, that is the proposed course of action that we will be supporting. If the government does seek to insist on a committee stage debate this week I will flag now that we would be supporting adjourning the committee stage until the next sitting week of this chamber.

If I can now return to the general principles the Liberal Party will be adopting in terms of its response to the bill. The first point is that we are on the public record indicating our general support for the proposed deal that the government has negotiated with the Casino to allow the proposed Casino redevelopment to proceed. The opposition, or Liberal members, have, over many years, accepted that there are differing arrangements which apply to the Casino as would apply to other gambling venues in South Australia. That has been a longstanding legislative provision under both Liberal and Labor governments. So, we support that ongoing differential in relation to gambling regulation in South Australia.

The government has negotiated a complex deal with the Casino, which, on our understanding and on the undertakings from the Casino, would indicate that if the legislation was to go through as proposed the Casino would then proceed with what we believe will be an exciting

redevelopment of the Casino. Whilst this debate is not the debate for a detailed discussion about the Casino redevelopment, can I say that, for members of parliament and staff of Parliament House, one of the important aspects of the proposed redevelopment is the proposed provision of further car parking options within this particular precinct. There is no doubting that the car parking which is made available to members and staff of Parliament House in the Festival Centre car park, as well as to Festival Centre patrons and others, is now sadly deficient. Mere drops of rain result in flooding of the Parliament House car park, and the concrete cancer—

The Hon. G.E. Gago: Condensation.

The Hon. R.I. LUCAS: The Leader of the Government says that mere condensation leads to puddling and flooding, and I suspect that is almost true. Clearly the concrete cancer that has existed for many years within the Festival Centre car park is now at an urgent stage for either renovation or redevelopment, and this particular proposed deal relating to this precinct is an important part of what needs to be done.

As part of this deal, the government has made separate proposed arrangements with Mr Lang Walker for significant redevelopment in this particular precinct. My information is that perhaps that is not as likely to proceed as it might have been earlier in the year, but I understand that, even if the commercial property developments do not proceed in this precinct, the Casino—if the legislation proceeds—would want the car parking option to still proceed. Of course, for that to occur would require the government, through the Festival Centre or other stakeholder options, to adopt an evolved or different position to the one that might currently be agreed with the Lang Walker group and the Casino in relation to this redevelopment.

However, that is not really the substantive detail of this bill although it is obviously an important aspect of why we are being asked to consider the Casino provisions, in relation to gambling regulation, as part of the legislation. From our viewpoint we are supportive of the Casino redevelopment, and it is our intention to support the aspects of this legislation that relate to the Casino.

I think there are one or two important caveats to that. The member for Davenport flagged an amendment, which I intend to move, in relation to the additional gaming machine entitlements which are to be given to the Casino as part of the deal. The member for Davenport outlined that in the House of Assembly in broad terms, but when the amendments are finalised I will speak in greater detail on that in this chamber.

With that caveat, our intention is, in essence, to split the bill. I say in essence because there are some tweaks at the edges in relation to that, but our intention is to move to allow the aspects of the bill that relate to the Casino to proceed, so that if this bill were to pass the parliament in that amended form, the Casino would be able to proceed with its redevelopment, given that those provisions that relate to the Casino would have passed the parliament.

For the reasons that I will broadly outline today, and that I will expand on in more detail later in the week, in general we will be strongly opposing what I refer to as the non-Casino provisions of the legislation. Again, there are some tweaks in relation to that that I will expand on later this week. In essence, as it relates to the clubs and the hotels, or the non-Casino gambling venues in South Australia, certainly from Clubs SA's viewpoint and clubs generally, there is trenchant, almost violent, opposition to the provisions in the legislation.

When one looks at the detail of the bill as it impacts on clubs in particular, when one listens to the passionate advocates on behalf of clubs in South Australia, it is not surprising that they are most concerned at the impact of this legislation on clubs in South Australia. They have described the provisions of this bill as 'club killers', the death knell of the club industry in South Australia if it was to proceed in the form which has been outlined—and that is not inflammatory language invented by Liberal politicians to try to inflame the debate on this bill; that is the language from the representatives of clubs in South Australia expressing their concern at the impact of the legislation on the club industry.

You, Mr President, with your misguided, but nevertheless passionate, support of a particular local football club, would well know the importance of clubs to the community. I, with my equally passionate—

The Hon. T.J. Stephens: Long suffering.

The Hon. R.I. LUCAS: —long-suffering support of the West Adelaide Football Club, which I place on the record in speaking to—

The Hon. J.S.L. Dawkins: I thought you were going to talk about St Kilda.

The Hon. R.I. LUCAS: Well, I'd love to talk about St Kilda, even more long suffering; the 1966 premiership was the last there, but they are not going to be impacted by this legislation—no, the West Adelaide Football Club and other clubs. I do want to place on the record that I am a member of the West Adelaide Football Club, as I am sure many other members in this chamber are members of clubs of various descriptions that will be impacted by the legislation.

I would be surprised, Mr President, if your football club does not share the view of all the South Australian National Football League clubs. As I understand it, they have a united view on this legislation, in that they are trenchantly opposed to what this legislation might do to the South Australian National Football League clubs and, indeed, other clubs in South Australia. I would hope that, as a loyal Port man, Mr President, you are speaking up on their behalf within the caucus and in the other forums that are available to you within the government.

To summarise the view of clubs—and, as I have said, later in the week perhaps I will go into greater detail—whilst there are a number of provisions in the legislation they are most concerned about, the provision they have highlighted in relation to the bill is this particular provision the government wishes, and that is that certain venues in the state should be able to go up to a maximum of 60 machines.

When this legislation was first voted on (I am probably the only member who was part of that original debate 20 or so years ago), one of the features of the bill from the Labor Party member (the government member at the time) who was pushing the gaming machine provisions in South Australia, was that pubs and clubs would be treated equally and that the total number of machines would be limited. Of course, what we have seen has been a limit of 40 machines in pubs and clubs in South Australia until recent times.

As you know, that is different to what occurs in New South Wales and some other jurisdictions, where there is no limit. Some of the big clubs in New South Wales have hundreds, if not, I suspect, thousands of machines. That has not been the model that we have adopted in South Australia. The concern clubs have is that this particular provision the government is supporting will be a club killer, and that by the government proposing that it should go to 60 machines, there will be this distinction between major and minor venues in South Australia in terms of the extent of the regulation.

That position, as we understand it, is supported by what is euphemistically referred to as the 'concerned sector', represented by SACOSS and others. I note that AHA president, Mr Hurley, has on a number of occasions referred whimsically to the concerned sector and what he calls the 'very bloody concerned sector' (that is, hotels and clubs) as to what the concerned sector gets up to in relation to gaming regulation in South Australia.

The government position is supported by SACOSS and other groups like that. The argument seems to be that having bigger venues (that is, venues with greater numbers of machines) is in some way going to be a good thing in terms of controlling the number of problem gamblers in South Australia. I want to refer to some information the IGA provided to the member for Davenport to challenge that particular notion, but I will do that when I conclude my remarks later in the week.

The most recent figures provided by the government indicate that, in terms of the number of problem gamblers, we are talking about 0.4 per cent of the population. Whilst all of us are concerned about the problems that problem gamblers bring upon themselves, their families, and, in some cases, their acquaintances, if the government is claiming that the changes it proposes to implement are going to assist tackling problem gambling, then the onus rests on the government and its supporters to provide the evidence for that.

As the member for Davenport outlined, and as I will address later in the week, it is our view that the government has not provided any evidence that the changes it is proposing will tackle problem gambling. It seems to be a view that has been expressed by the government and the concerned sector that if you increase the number of machines to 60, that will assist tackling problem gambling in South Australia in some way, but, in our view, there has been no evidence produced to demonstrate that that will be the case.

Clubs SA's view, which they put forward passionately, is that this change in the current and foreseeable environment will mean that only Coles, Woolworths and what they refer to as the 'big end hoteliers' will be able to afford to increase their entitlements to 60 machines. They believe that

this change in and of itself will concentrate gaming machine entitlements to the big end hoteliers (to use their phrase) and to those venues which are controlled by Coles and Woolworths.

Clubs SA sees a further diminution in the capacity of clubs to compete for the gaming machine gambling dollar in that particular proposed environment. So, what then is the issue in relation to that particular concern? Clubs SA's view is that clubs are the ones which support local communities. Clubs are the ones which support local sporting groups and recreational groups in the community. Let me be the first also to acknowledge that the hotel industry does have a program which supports local community groups, as well, but the clubs' reason for being, as opposed to being part of the operating profile of hotels, is to continue to provide a service—community infrastructure, sporting infrastructure—to local communities.

Through the changes that are being proposed by the government, we may see the demise of more and more clubs in South Australia. This is at a time, Mr President, when your own government sadly is slashing and hacking sporting infrastructure grants to local clubs, and as you would know widespread opposition has been expressed by clubs to the government about that decision to slash grants for sporting infrastructure at the local level. This would be a further hit or impact on local clubs in terms of providing sporting infrastructure to local sporting communities. For all those reasons, unsurprisingly, clubs are very actively engaged in lobbying against this particular bill as it stands.

The member for Davenport outlined in his contribution in the lower house how the clubs, for a period of almost two years, actively sought to engage with the government in relation to gambling or gaming regulation in South Australia. I will not repeat all the detail, but the member for Davenport put on the record the list of requested meetings, telephone calls and letters to ministers, senior bureaucrats, middle-level bureaucrats and others involved in gaming regulation dating back to May 2011, all of which were ignored until virtually days before the release of the government's position earlier this year.

It was only late last year in about December that there was finally a meeting where some information was provided on an embargoed basis. Then earlier this year, after further urgent requests to the government and its negotiators saying, 'Hey, what are you doing? What are you up to? What are you about to do?', virtually with days to spare they were provided with details of what the government intended to do. The clubs went through almost two years of requesting discussions and meetings to try to find out what was proposed in what we have ultimately seen.

For the life of me, I cannot understand why the government would treat the clubs industry in South Australia in such a cavalier fashion. The clubs industry is clearly an important stakeholder wishing to be consulted about the impacts on the industry and unsurprisingly is therefore most upset that for almost two years its members' requests for consultation were ignored. Then the government introduced a bill which the industry believes will be a clubs killer in South Australia, which is the bill that is before us today.

As I said, at this stage, I wanted to outline the Liberal Party's proposed position. I will seek leave in a moment to conclude my remarks. As I said, I would hope to have the Liberal Party amendments filed no later than Thursday this week, but if they are not filed by then it will be very soon after that so that everyone will have sufficient time to consider them prior to the next sitting week of this chamber.

I would hope that any of the government's proposed amendments will be similarly filed in the very near future so that we can finally see the detail of any proposed amendments it might have. Indeed, if there are other members who are considering their position in terms of amendments, we would obviously be interested in seeing them well prior to the next sitting week of parliament.

There is one issue I indicated I would flag which I have not, so let me outline that. Our general position is, as I said, to support the Casino provisions. We will, in essence, be splitting the bill by opposing most of the other provisions that do not relate to the Casino. However, there are some provisions the clubs and hotels have indicated to the member for Davenport that they have no problem with. One example is that there are training provisions in the bill which, we understand, the clubs and hotels industry does not have any problem with.

Whilst the general principle will be to split the bill and to have the Casino package left intact, we will be moving amendments to remove virtually all the other provisions as they relate to clubs and hotels, but there are some of those provisions which they have indicated to us they have no concerns about, so we will propose to leave those intact.

The general principle I put is that by in essence splitting the bill as we have proposed, we hope that the government will allow the Casino bits to go through and that the government will then embark on a sensible course of consultation with the industry before it comes back with an amended package; that is, it commits—as it should have done two years ago—to sit down with clubs and hotels (and, indeed, any other stakeholders), and say, 'Okay, the parliament has spoken. You have spoken. We are now prepared to sit down and commit to working through that process.'

Can I indicate on behalf of the member for Davenport and Liberal members that should the government not commit to that, if a Liberal government were elected post March 2014 at the very least we would commit to sitting down with clubs and hotels to undertake the consultation that should have occurred and then, only after that consultation, would any proposed amendments be introduced.

I would hope that the government, if it hears the message and if that is the view of this parliament and this chamber in particular in relation to the non-Casino aspects of the bill, will go away and commence that discussion and consultation with clubs and hotels in terms of a more sensible package as it might relate to those particular parts of the gaming industry.

I have one question which has been put to me to place on the record at this stage: when the minister replies to the second reading, perhaps in the next sitting week, could they indicate who the members were of the Casino task force? Certainly, from our viewpoint, and from some stakeholder viewpoints, we are interested in knowing exactly who were the members of the Casino task force and who negotiated the deal with the Casino on behalf of the government. With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. I.K. HUNTER: I move:

Page 3, lines 13 to 21 [clause 4(1)]—Delete subclause (1)

I advise the council that this is a series of amendments to remove the term designated drainage infrastructure and the term drainage infrastructure from the bill. Its original intent, as I understand it, was to clarify that rights to access the use of water contained in drainage infrastructure can be managed under the NRM Act. I am advised that current arrangements for the management of water in the drainage system under the South Eastern Water Conservation and Drainage Act allow flexibility for the minister to determine where water is directed in the drainage system.

In developing the South East Drainage System Operation and Management Bill 2012 it was considered that managing the taking of water in the drains was more appropriate under that proposed legislation, rather than under the NRM Act. I therefore proposed to remove the designated drainage infrastructure and drainage infrastructure provisions from the NRM (Review) Amendment Bill through this and a series of future amendments.

The Hon. J.M.A. LENSINK: I rise to indicate that the Liberal Party supports this series of amendments. We were very suspicious when we saw some of these clauses in the government's bill and were very concerned that the government was going to seek to prescribe the waters in the drainage scheme and charge that to landholders. We believe that they have made a contribution already through existing levies and that they should not be levied again, particularly given that some of the proposals are to redirect water to the Coorong for environmental flows. We do not think it would have been appropriate to levy that to landholders. We believe that that should be paid for by a government source as it is an environmental measure.

The Hon. M. PARNELL: The Greens are supporting these amendments.

The Hon. R.L. BROKENSHIRE: I just want clarification that this is the minister withdrawing a subclause dealing with the South-East drainage scheme. Can I have confirmation of that, for a start?

The Hon. I.K. HUNTER: I think that is exactly what I said during my introductory remarks in relation to this amendment.

The Hon. R.L. BROKENSHIRE: I will speak briefly to the amendment because I am delighted to see that the government, whilst it has been under duress, is withdrawing this subclause. I put on the public record that Family First has been categorically opposed to farmers being belted left, right and centre when it comes to the proposal of this subclause to subsequently rip millions of dollars out of maintenance of a drainage scheme in the South-East that is primarily for the public good. I am pleased that, thanks to the pressure of this Legislative Council, the government is now withdrawing the relevant aspects of this clause that were going to hurt farmers' pockets.

Amendment carried.

The Hon. J.A. DARLEY: Yesterday I filed set No. 4 of my amendments. That set is a consolidated list of all my amendments and as such I will withdraw sets Nos 1, 2 and 3. We will deal with set No. 4 only. Therefore, I move:

Page 3, line 27 [clause 4(2)]—Delete '0.4' and substitute '0.8'

The government bill amends the definition of 'domestic purpose' in relation to the taking of water. It broadens the current provision in the act by providing that 'domestic purpose' in relation to the taking of water does not include taking of water for the purpose of watering or irrigating land other than land used solely in connection with a dwelling or taking water for the purpose of watering or irrigating more than 0.4 of a hectare of land, or taking water used to be carrying on a business except for the personal use of persons employed in the business.

The amendment seeks to increase the size limit of a hectare of land in paragraph (ab) from 0.4 to 0.8 of a hectare. In the past farmers have expressed concern over the 0.4 hectare size limit and have indicated that an increase in size would better reflect the varying sizes of properties. The 0.4 of a hectare (or one acre) of land is not considered sufficient where you have extensive domestic buildings, including sheds.

For instance, if you have a house that sits on one acre of land, and you have sheds that sit on another acre of land collectively, those areas would equate to more than 0.4 of a hectare, but could still require domestic purpose water. The government's proposal of 0.4 of a hectare is inadequate compared with the size of some of the properties that will be affected by this definition, particularly in the Mount Lofty Ranges. I urge all members to support the amendment.

The Hon. I.K. HUNTER: The government opposes the amendment, which proposes that the area of land, as the Hon. Mr Darley has said, that could be watered by a person with the right to take water for domestic, non-commercial purposes would double from 0.4 to 0.8 hectares. Doubling the area that can be watered for domestic purposes to 0.8 hectares will, in our view, increase the amount of water that needs to be set aside for domestic use. On one reading that might be a good thing, until you join up the dots and understand that introducing this measure would reduce the amount of water available for licensed water users in areas where the water has already been allocated, would threaten the security of current water licences and result, we feel, in degraded water resources. It may very well be, I suspect, that this is a retrospective issue that could cause problems down the track from a legal perspective. For all those reasons we oppose the amendment.

The Hon. J.M.A. LENSINK: The Liberal Party has some sympathy for this particular amendment. However, we have actually not been lobbied by any persons or organisations in relation to this, so on those grounds we will not support the amendment.

The Hon. M. PARNELL: The Greens will not support this amendment either, but I understand from where the honourable mover is coming. I am not sure that his analysis is quite right in terms of an area of land that has substantial buildings on it. I understand that he is proposing to increase the area of land that can be watered or irrigated from, in the old language, one acre to two acres, but I think the words 'taking water for the purpose of watering or irrigating' would not really cover a situation where the land was covered in sheds, buildings and structures. I think it really is talking about the irrigation of perhaps fruit trees or vegetables and, once we start getting into two acres of land, I think we are getting beyond the definition of 'non-commercial domestic'. I think that the current definition proposed in the government's bill, of 0.4 hectare, will be sufficient to make sure that most genuine non-commercial irrigation exercises are covered by the bill.

The Hon. R.L. BROKENSHIRE: I understand where the honourable member's amendment is coming from because 0.4 of a hectare is one acre and 0.8 of a hectare is two acres.

It is fair to say that a number of people in the country would (for domestic purposes) utilise up to two acres because they may have 0.4 of a hectare of intensive garden, which they are allowed to have now, and that comes into a non-licensed domestic situation. They may then have, as part of their stock and domestic intent of the property, some free range chickens and they may have a couple of sheep as additional fire protection animals that do from time to time need supplementary irrigation. So, I do not think you can argue at all that two acres comes into the realms of irrigation and sustainability because the reality is that even if you were growing two acres of gherkins, you would struggle to make a living—you need more than that.

So, I have some sympathy with the mover's amendment, but I ask the minister, before we make a final decision on this, if, as the Hon. Mark Parnell mentioned, there may be extensive shedding, etc., and that person is actually harvesting water off of all of those sheds, can the minister assure the council that they would be able to utilise all of the water they harvest off of those sheds for additional watering over and above 0.4 of a hectare?

The Hon. I.K. HUNTER: Without calling for many details from my other advisers, I understand that the legislation allows for landholders to take 1.5 megalitres of water from shedding and other outbuildings. That is quite a lot of water.

The Hon. R.L. BROKENSHIRE: I have a further question on that. In the scenario of a winery which is also a residence where they are catching water off of their residential domestic shedding and also off of their winery shedding and then utilising that to go over 0.4 of a hectare of grassed and irrigated areas, can the minister advise the council whether they would then be subject to utilising all of the water they harvest off those sheds without having to be licensed?

The Hon. I.K. HUNTER: My advice is that the legislation allows for 1.5 megalitres from roof run-off without the need for a licence—1.5 megalitres; you would need an awful lot of shedding.

Amendment negatived.

The Hon. I.K. HUNTER: I move:

Page 4, lines 1 to 19 [clause 4(3), (4) and (5)]—Delete subclauses (3), (4) and (5)

This is one of those series of amendments I alluded to earlier which removes the term 'designated drainage infrastructure' and 'drainage infrastructure' from the bill. Its removal from the bill is linked to a decision made under clause 4(1). In relation to subclause (5), I have noted members' concerns on this issue and that means that we will not be proceeding with the earlier amendment from the bill. This will allow further consideration and consultation around this issue about the definition of 'intensive farming'.

The Hon. R.L. BROKENSHIRE: I move:

Page 4, lines 8 to 19 [clause 4(5)]—Delete subclause (5) and substitute:

(5) Section 3(1), definition of *intensive farming*—delete the definition

This is a test clause on deleting the definition of 'intensive farming' in the NRM Act. The definition relates, throughout the act, to excluding a farmer's rights to take water for stock use when it is considered to be intensive farming. From the point of view of the definition, I believe that becomes a serious impost on farming and on the intent of farmers to be able to extract water for stock and domestic purposes per se.

I am not sure where you start and stop with the definition of intensive farming. I am sure, for example, that if you had 50,000 chicken meat birds the government would say that was intensive farming, but if you had 150 head of cattle running over 150 acres what would the government say there with intensive farming? What would the government say with water for a dairy of 200 or 300 cows? Is that intensive farming? Then there are piggeries; and the list goes on.

As I said, this is a test clause on deleting the definition of intensive farming, and the reason I have moved this amendment is that I propose that a farmer—who has paid good money for that land to have that water availability there—needs that water availability, without impost from governments, to be able to water the stock, whatever the carrying capacity of the stock is on that farm and irrelevant to what type of animal husbandry the farmer may be farming on that property.

I think we should flick this altogether and just allow farmers to be able to water their stock without being subjected, back door, to another form of tax. That is what this will be, because they will be licensed depending on numbers, breeds, etc.

The Hon. I.K. HUNTER: The government opposes this amendment on the basis that it is a consequential clause on the Hon. Mr Brokenshire's amendment No. 22, so I will just speak to that briefly. The honourable member did say that this would be his test clause on this.

The amendment extends basic rights to water for the taking of water for intensively farmed stock. The government believes that domestic use and stock drinking water are considered to be basic needs for a rural property; however, intensive animal farming practices—for example, piggeries, feed lots and poultry—can involve large numbers of animals which require large amounts of water, and are generally associated with a commercial business. This amendment of the Hon. Mr Brokenshire would intrude on people's basic water needs.

Again, it is one of those situations where you make a change without talking about the repercussions on other water users. If this major change was made there would be serious and ongoing repercussions for those other water users who take water for their domestic water purposes, and so we oppose this amendment.

The Hon. J.M.A. LENSINK: With this particular clause, I think the Hon. Mr Brokenshire has duplicated an amendment that we had in 2011 in my initial range of amendments. However, we are mindful that there is an issue in relation to the Natural Resources Management Act in that the impetus for the bill we have before us was the review from 2007, which sought to streamline a range of operations.

The government has indicated to us that there are a number of amendments before this chamber which are 'deal breakers', I suppose, if I can use those words. If they are to be included in this legislation the process of amending the bill will cease, as far as the government is concerned. That is regrettable.

However, we have spoken to a number of people who are involved in this field—not least being some of the presiding members—and who are incredibly frustrated at the current processes they have to go through in the day-to-day operations of natural resources management. Regrettably, we will be unable to support this particular amendment, but flag that it is one that certainly deserves consideration in future reviews. If elected it is one that we would certainly look at very closely; indeed, there would be many clauses within the existing legislation which would be subject to review. The whole thing, I think, needs to be looked at again. This bill needs to have some sensible changes included in it, and I think we should be able to reach consensus at least on those.

The Hon. R.L. BROKENSHIRE: Can the minister explain to the committee: when is 'intensive farming' intensive farming? Is it 2,000 chickens or 20,000 chickens? Is it 20 head of beef cattle or 200 head of beef cattle? Is it 300 sheep or 3,000 sheep? When, who and how decides what is intensive, and then who gets hit with a licence and therefore another tax and who does not? I have seen nothing whatsoever that defines this. Someone could be prosecuted because there is a line drawn somewhere by the NRM board or the government that says, 'This is where you have a licence and this is where you don't.' How can you farm under all of this red tape, when all you really want is enough water for your stock?

The Hon. I.K. HUNTER: As I indicated to the chamber, I am not proceeding with any amendments we had to the definition of 'intensive farming'. We are leaving it for now, and we will come back, having had discussions with the affected communities, and have a look at it again. I remind the honourable member, though, just an example that has been pointed out to me: if you are talking about, for example, an intensive poultry farm of roughly 65,000 birds, I am told that that farm requires 8.4 megalitres for 65,000 birds. That will have a massive impact. If you take that water out of domestic supplies and you say that intensive farmers can have that as a right, that has a massive impact on the water that is available for every other user. You need to factor that into your thinking.

The Hon. M. PARNELL: As I understand the way in which these amendments are proceeding, the government has decided not to redefine 'intensive farming', and we have dealt with that; the Hon. Rob Brokenshire's amendment is to delete the definition of 'intensive farming' that appears to me at least to have operated fairly successfully and without that much controversy over the last nine years, so I cannot see that a case has been made for deleting the current definition. I do accept what the minister says, that is, that intensive farming can be of a massive scale and can use massive quantities of water. The suggestion that, because of the particular farming method chosen, it is somehow exempted from a licensing requirement makes no sense.

The Hon. A. BRESSINGTON: I very quickly want to pick up on what the minister said about the number of chickens that someone may be farming and how much water it uses. If we take the case of chickens, these farmers have had contracts for their birds with Inghams and other distributors for many years. They have increased their capacity because, under old legislation, they were able to so. Now here we have something that is going to cause them to be licensed and cause them extra costs.

If everybody starts destocking now so that they do not require a licence, what will we do for food? It is one thing to say that this is going to be a drain on our domestic water supplies, but we do not only drink water, we eat food as well. These people run these farms as a business for a good reason. We are always banging on about our being the food bowl of Australia, clean, green food and whatever.

Well, at every single turn, our farmers are being restricted in how they undertake best practice by a bunch of bureaucrats and a minister who, I guarantee, has not been to one of these properties to hear one of these farmer's point of view on how these changes are going to affect the way in which they run their farm, how they earn their money and what their alternatives are going to be.

I heard Bob Katter on radio this morning talking about farmers being forced off the land because of overregulation and red tape. We have seen it happen with our dairy industry, we have seen it happen with the beef cattle industry, and we are seeing it happen now with our potato industry. When does this stop and when will this government understand that having to be in control of the micromanagement of farming is not its job?

We can talk about a finite resource of water and farmers having to pay for every drop that they use. They have paid for the infrastructure for their dams. These chicken farms, I might add, also have dams on their properties; some of them have 30 dams. They pay $159 for an application for a licence and then $260 for each dam for a licence. When does it stop? When do we say, 'Just let farmers get on and do what they do?' They do it very well.

We have the best reputation for the food that we produce, and we could actually feed this nation instead of being very close to being a net food importer, which we almost are now for fruit and vegetables, according to Bob Katter on the radio this morning. How far do we want to run this agricultural industry into the ground?

The Hon. I.K. HUNTER: Mr Chairman, I am not sure whether or not there was a question in that, but let me just say this: the honourable member came very, very close to being right, but not exactly right, because she did touch on the very key to this: water is a finite resource.

The Hon. A. Bressington: I didn't say that.

The Hon. I.K. HUNTER: Yes, you did.

The Hon. A. Bressington: No, I didn't; I said you say that.

The Hon. I.K. HUNTER: Check your *Hansard* tomorrow. It is a finite resource, and we must manage that resource for the benefit and ongoing sustainability of our agricultural community. If we do not do that—if we allow to happen what the Hon. Ms Bressington seems to be advocating, and we allow ongoing increase in terms of water take, ongoing increases in terms of what industry can do—you will find yourself in a position where you run out of water and then you will have an agricultural industry that just cannot keep delivering sustainably for our future food needs.

The Hon. J.A. DARLEY: I have some sympathy for this amendment, and therefore I will be supporting the Hon. Rob Brokenshire's amendment.

The Hon. R.L. BROKENSHIRE: I just have another question to the minister based on the minister's last answer or two. As I always have to do, I declare my interest on behalf of my family as dairy farmers. My understanding with respect to this act and associated water allocation plans, using dairy as an example of what may or may not be debated as intensive animal husbandry, was that over and above your irrigation licence you were going to actually have a stock and domestic licence, which included the ability to be able to water your livestock from your domestic licence and hose down your dairy yard and wash your machine, etc.

Is that still the way it is going to be, or is the minister, using some form of code, saying to the committee this afternoon that there will actually be water allocation taken off of the irrigation licence to offset the watering of the stock and cattle, and also the hosing down of the yard, etc.? I

think this is a pretty important point which is fundamental to all other aspects of animal husbandry farming.

The Hon. I.K. HUNTER: I come back to the point that water for stock and domestic use is unlicensed and exempt from any levy taking. That is the crucial part: water taken for stock and domestic use is unlicensed and exempt from levies.

The Hon. A. BRESSINGTON: Just for my own clarification, if a sheep farmer is running sheep on his property and he obviously sells those sheep, I cannot distinguish the difference between 'stock and domestic' and 'commercial use' because people do not usually keep cattle and sheep on their farms as pets. So, is it 'stock and domestic' for people who continue to breed cattle and do not do anything with them? That is basically how it would work on a farm; you cannot sell it for meat, for income, so therefore it is commercial.

When is it 'stock and domestic' and when is it 'commercial'? When is that line crossed, so that people out there actually know exactly what is going on with this? Farmers are very confused. They run stock and they use it for domestic, but then they are going to come under a commercial licence if they ever sell any of their cattle or sheep. It is just very confusing.

The Hon. I.K. HUNTER: We are getting a little confused here. The honourable member needs to understand that there is no correlation between the two points. Yes, stock is commercial, but it is exempt. Stock is commercial, but it is exempt during this process.

The Hon. R.L. BROKENSHIRE: As a further point of clarification, can the minister advise whether the act at present, as I understand it, defines taking water as including watering stock? Section 223 says that the evidentiary burden is reversed on a farmer to prove his stock did not drink the water. Is that accurate?

The Hon. I.K. HUNTER: We are seeking some advice, but really this does not relate to the clause that we are on at the moment, and I suggest we deal with that and come back to the honourable member's question when we get to the appropriate clause.

The Hon. I.K. Hunter's amendment carried; the Hon. R.L. Brokenshire's amendment negatived.

The Hon. R.L. BROKENSHIRE: I move:

Page 4, line 23 [clause 4(5)]—Delete subclause (7)

What this amendment restores is curtilages to premises as being relevant considerations on whether an authorised NRM officer has a right of access to curtilages, for example, sheds and other outbuildings to residential premises. As I understand it, if the government's clause stands as is, they are excised from the residential premises and can be accessed, whereas the act currently and for some time has allowed those outbuildings to be exempt from rights of entry under the act.

We have real concerns if our interpretation is as I have just outlined, because we believe that it is the property owner who needs some rights, rather than additional rights to NRM officers, notwithstanding how generally NRM officers might access buildings and residential premises. We believe that the government is allowing access in a format that we do not believe is democratic, which is why we want to delete subclause (7).

The Hon. I.K. HUNTER: The government will be opposing the amendment. The purpose of the amendment is to provide certainty to authorised officers in relation to the exercise of their powers under the act. An authorised officer cannot enter residential premises unless the authorised officer is a state authorised officer and is acting on the authority of a warrant issued by a magistrate.

The act currently defines residential premises to mean a building occupied as a place of residence and includes the curtilage of such a building. The curtilage of a building therefore needs to be ascertained so that the functions and powers of authorised officers are exercised in accordance with the act and that the basic rights of occupiers of land are upheld. However, the act does not define what is meant by the curtilage of a building. The question of what constitutes the curtilage of a building will therefore be a question of fact in each case and may vary according to the character and circumstance of the land under consideration.

This does not provide sufficient certainty for authorised officers who may operate across different acts and, in cases where urgent action is required, to respond to imminent harm to a natural resource. Deleting the definition of residential premises will remove this ambiguity and

assure that the term is applied consistently with the common law definition. This is consistent with the approach taken in other acts within our portfolios.

The Hon. J.M.A. LENSINK: I have some comments and a question for the minister and the mover so they may both choose to reply. I refer to clause 4(7) and curtilage. The NRM Act is the only act on our statute book which defines residential premises and therefore the rationale for removing the definition from the act was to revert to the common law definition. I understand that there is certainly a difference between metropolitan properties and rural properties in relation to what would constitute curtilage.

My question to both the minister and the mover is whether they are aware of any particular court cases where this has been an issue. Where I am coming from is that I have concerns where the common law is at odds with statute and that is, indeed, why we are moving a subsequent amendment in relation to the right to remain silent. I think it can lead to ambiguity where the definitions are different, so perhaps both gentlemen might like to provide further detail as to their positions.

The CHAIR: Is the question about the Hon. Mr Brokenshire's amendment?

The Hon. J.M.A. LENSINK: Yes. In relation to the honourable mover's position and the minister's opposition to his amendment, have there been legal cases where this has come up as a particular issue?

The Hon. R.L. BROKENSHIRE: I thank the shadow minister for her question. I am not aware if there have been court cases on this thus far. However, I have been given anecdotal evidence from some landholders that officers have been what I would describe as allegedly 'way over the top' when it comes to the way they enter premises and go about inspections, particularly based on common law rights as I understand them, and that was the reason for moving this.

I advise the house that there are emergency provisions—the minister talked about matters of emergency—and further down a clause states that if there is an emergency (such as a chemical spill in a shed that could run into a catchment and then into a reservoir, or something like that) that would override. However, the general intent would be that they have to have proper authority before they can enter sheds and buildings over and above a residence.

The Hon. I.K. HUNTER: My advice is that it is not the only act that defines residential premises, but the acts that do are restricted to residential tenancy acts and similar acts. There are no acts in our portfolios that refer to residential premises and define it, other than here. We are not aware of any court cases involving us, but we are aware of a number of court cases where curtilage has been a question raised in the court case as an issue.

We are aware of situations where authorised officers are not allowed to go onto, for example, residential premises in the metropolitan area where they may be keeping up to 50 rabbits in their backyard, for example, or water hyacinths in their ponds, both of which are, of course, restricted species.

The Hon. A. Bressington interjecting:

The Hon. I.K. HUNTER: Well, I am told that there are a number of situations where that has been raised from time to time, so there are reasons why we would want to do that. The reasons are particularly related to residential premises within the metropolitan area or townships where the whole yard of the premise could be considered to be curtilage.

The Hon. M. PARNELL: I understand the effect of what the Hon. Rob Brokenshire is seeking to do. Under the bill, an authorised officer is not allowed to go onto residential premises without a warrant. Currently, the act defines residential premises as including the curtilage, and people do not know what the curtilage might mean. In the context of a residential property, it could be a shed several hundred metres away from the house in which are intensively kept animals.

So, the question would be: where do you draw the line? When should an inspector need to get a warrant? I think if we were to say that it is where the person lives, then clearly a warrant is required for going into their house, but should they need a warrant to go into the chicken shed, rabbit shed or whatever shed is 100 metres or more from the house? Probably not.

The Hon. A. Bressington: Why not?

The Hon. M. PARNELL: The Hon. Ann Bressington says, 'Well, why not?' Because that is effectively the business operation of that particular farm and, if we are separating the residential

component from the business component, then curtilage, I think, just adds difficulty. I am aware that the Environment, Resources and Development Court has had to think about that term in the context of the Development Act when trying to work out where this curtilage is.

If we take it out of the act and leave the word 'residential', it would be a matter of interpretation, and I think it is more likely that it would be interpreted to mean the place where people live and would probably include their immediate gardens but not what are effectively commercial operations that just happen to be on the same parcel of land. I think that this is a sensible approach that does take the ambiguity out of the legislation.

The Hon. R.L. BROKENSHIRE: I have another question for the minister, and I preface it by asking with respect to curtilage: how much is enough? I will put on the public record a couple of examples. The High Court of Australia defined curtilage as:

> Any building, whether it is a habitation or has some other use, may stand within a larger area of land which subserves the purposes of the building. The land surrounds the building because it actually or supposedly contributes to the enjoyment of the building or the fulfilment of its purposes.

That was a High Court decision between the Royal Sydney Golf Club v Federal Commissioner of Taxation. In another case, Grasso & Anor v Stanthorpe Shire Council, the Queensland Court of Appeal held that, in defining the curtilage of a building, the question is:

> ...what land actually or supposedly contributes to the enjoyment of the building for the fulfilment of its purposes? The answer to that question would always be dependent upon the particular facts of the case; what constitutes the curtilage of a building would normally be a question of fact to be determined upon the evidence in the particular case. The relevant evidence may well include the nature of the use of the building, and any visual or physical separation of the building and the land immediately and otherwise surrounding it.

I add that you can have a residence, particularly on an agricultural property, and you can actually have an office attached to that residence. Does this that mean the NRM officer—whilst they actually have to get authorisation to go to the residence, but because attached to the residence is the office—can just walk in there without any authorisation? Even police officers cannot do that without warrants.

I think there is so much ambiguity and potential threat the way this is that the best way is to take it out, have an emergency clause, which we have further down the track, and the NRM officer has to go and get the equivalent of a warrant through approval from superiors. That at least is a check and balance because, whether the landowner is right or wrong with respect to what may be a festering problem, or whether the NRM officer is right or wrong, we are giving, in my opinion, powers to those NRM officers that are far too great and far broader than the powers of the South Australian police.

The Hon. J.M.A. LENSINK: I did not put a position in my contribution before, but I think the honourable member may have just argued against his amendment in that I think ambiguity is a bad thing at law, and I think the courts would probably be in the best position to determine what is and is not curtilage. A general comment in relation to the NRM Act is that there are a lot of attempts to try to define what should be the appropriate thing at all times. It is often a matter for policy in that the officers ought to be advised by their senior people, that being within their department and also by the minister about appropriate behaviour. I note that we will amend the powers of authorised officers further in the bill, but at times the over-prescriptiveness of the legislation has led to some unintended consequences, and they are the issues we also need to consider.

The Hon. R.L. BROKENSHIRE: In response to the shadow minister, I totally agree, and that is why I said that there is no ambiguity with what I put up and why I highlighted two court cases. By deleting this, it takes out all the ambiguity and actually then makes a process through chain of command that officers have to go through before entering those premises, unless of course it is an emergency.

The committee divided on the amendment:

AYES (4)

Bressington, A.	Brokenshire, R.L. (teller)	Darley, J.A.
Hood, D.G.E.		

NOES (16)

Dawkins, J.S.L.	Franks, T.A.	Gago, G.E.
Hunter, I.K. (teller)	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Parnell, M.	Ridgway, D.W.	Stephens, T.J.
Vincent, K.L.	Wade, S.G.	Wortley, R.P.
Zollo, C.		

Majority of 12 for the noes.

Amendment thus negatived.

The Hon. I.K. HUNTER: I move:

Page 4, lines 25 and 26 [clause 4(8), inserted paragraph (d)]—Delete paragraph (d)

This amendment continues a series of amendments to remove 'designated drainage infrastructure' and 'drainage infrastructure' from the bill. Its removal from the bill is linked to the decision made under clause 4(1). Just to recap, it is one of the linked amendments to a clause we have already passed about removing the 'drainage infrastructure' and 'designated drainage infrastructure' terminology from the bill.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move:

Page 4, lines 28 and 29 [clause 4(8), inserted paragraph (e)]—

Delete 'proclamation under subsection (13)' and substitute 'the regulations'

At the moment, the way the bill is tabled before the chamber, as I understand it the minister proposes that he can now declare certain water in a watercourse to be surface water by proclamation rather than by regulation.

Family First believes that the parliament should have the opportunity to review such a declaration via regulation, with the disallowance period, as there can be significant ramifications, including the possibility of the imposition of a water levy, for taking surface water from that watercourse. I also advise, at this point, that my next amendment, No. 4, is consequential to this amendment.

We think it would be democratically right for the parliament to at least have the right to move the disallowance of a regulation. There are too many times now where governments, irrespective of their colour, proclaim things and then, if people are unhappy or disadvantaged, there is no chance of any democratic opportunity to change that, unlike the movement of a disallowance of the regulation.

The Hon. I.K. HUNTER: The government opposes this amendment. The amendment will require regulation, as opposed to proclamation, to be made to allow a watercourse to be managed as surface water. In our view, there is no useful purpose to be served by requiring this matter, which will benefit water users, to be addressed in a regulation.

The purpose of the government's amendment is to make it possible for interconnected water resources to be managed together in appropriate cases. This will give added flexibility to water users to take their water allocation from multiple water sources. A regulation is required to prescribe water resources and remains unchanged. The community is consulted extensively on a proposal to prescribe water resources. The government's proposal does not change the prescription process; rather, it is a commonsense approach to managing water resources and, in our view, does not need to be the subject of a regulation.

This amendment is linked, as the honourable member said, to the Hon. Mr Brokenshire's amendment No. 4 and proposes that surface water be designated by regulation rather than proclamation by the Governor. It is considered that the designation of surface water is a management activity to achieve the optimal management of a natural resource and that it is best done by proclamation.

The Hon. J.M.A. LENSINK: The way I understand the minister's amendments—and I will get to the Hon. Mr Brokenshire's amendment to the bill in a moment—is that both surface water

and watercourse water are able to be prescribed in the act but are treated separately, even though they often form part of the same resource. That has implications for calculation and reporting. I note that the review report from 2007 made the following comments:

> The current separation of surface water and watercourse water in the act creates significant problems for the licensing administration and the technical investigation and assessment of the individual resources capacity, particularly in areas where the watercourses are ephemeral and are very closely linked and dependent on surface water runoff. These issues have become increasingly evident with the prescriptions of the surface water and watercourse water in the Barossa Valley, Clare Valley, Marne Saunders, Eastern and Western Mount Lofty Ranges and the expectation that these resources be managed conjunctively, while they must be allocated and accounted for separately.

My understanding is that this amendment is a technical amendment so that those can be treated together, rather than be managed and accounted for separately. We support that.

In relation to the honourable member's amendment, which I think is a new one from previously—I note, for the record, that the Hon. Mr Brokenshire is nodding—I do not think I would agree to all prescription being subject to disallowance in any case because I think it makes the situation very political. I do not know if the South-East water would have ever been prescribed if it had been subject to the disallowance of this place.

These decisions, on water in particular, are very difficult and involve a great deal of work, and I think sometimes that we have to just get on with the process, rather than allow it to be endlessly subject to debate. For those reasons, we will not be supporting the honourable member's amendment.

The Hon. R.L. BROKENSHIRE: I ask the minister: what was the reason for him putting in his clause with respect to this matter? Did the government have any problems that were put forward that made it do this drafting? Also, my other question is: what right does anybody have, through proclamation, to object, given that water allocation plans, as I understand it, are not able to be disallowed? Water allocation plans are consulted over a period of time. They can have huge imposts on an individual or community. The way in which that is all set up, you have no right to appeal, nor has the parliament, so why is the minister doing it this way?

The Hon. I.K. HUNTER: I am advised that, in fact, the answer to the honourable member's question was in the explanation from the Hon. Ms Lensink in terms of referring to the statutory review of the NRM Act. You have to have a regulation for surface water, you have to have a regulation for watercourses, and this is bringing the two together. It is to reduce the red tape involved, and it is to make the whole process a lot easier for those people working in the water industries.

Amendment negatived.

The Hon. I.K. HUNTER: I move:

Page 4, lines 30 to 40 [clause 4(9), (10) and (11)]—Delete subclauses (9), (10) and (11)

This is one of the ongoing amendments which the Hon. Mr Brokenshire likes and which deletes the terms 'designated drainage infrastructure' and 'drainage infrastructure'.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I advise the committee that my next amendment is a consequential amendment and therefore I withdraw the amendment. I move:

Page 4, after line 32—Insert:

(9a) Section 3(1)—after the definition of *surface water prescribed area* insert:

sustainability, in relation to farming, means the use of farming practices and systems which maintain and enhance the economic viability of agricultural production, the natural resource base and other ecosystems which are influenced by farming activities;

The reason for moving this amendment is that this amendment seeks to define an important issue to farmers, namely, what the parliament means by 'sustainable' in the farming context. There are some farmers who are concerned about the continuing effect of Agenda 21 and their ability to continue farming in a way which sees them capable of making a living from farming into the future.

Sustainability is not just about ecology; it is about balancing the triple bottom line of the economic, the social and the environmental. All three factors need to be considered for true

sustainability. The purpose of this definition is to ensure that the economic viability of agricultural production is included as a relevant consideration in the definition of 'sustainability'.

I remind my colleagues that section 7, which is the objects of the act, states that ecological sustainability is to be interpreted having regard to six principles, item 4 of which, marked subsection (1)(d) states that one relevant principle 'seeks to support sustainable primary and other economic production systems with particular reference to the value of agriculture and mining activities to the economy of the state'. Family First believes this is too vague as to what 'sustainable' means in this context. Arguably, a farm is more sustainable from an ecological point of view if the farmer stays on the land to keep the weeds down, mainly removes feral animals, but otherwise does very little to earn a living from the property. Therefore, I move the amendment.

The Hon. I.K. HUNTER: I rise to oppose the amendment. I am at a bit of a loss to understand the purpose of the amendment because I am advised there are no references to the term 'sustainability' in the act, so the Hon. Mr Brokenshire's amendment would have no affect other than to perhaps cause some confusion over the terminology that is actually in the act. But, I am advised there is no term 'sustainability' in the act for it to be operated on.

The other point I need to make is that the objects of the act already set out in detail the principles that should be taken into account in connection with achieving ecologically sustainable development. The Hon. Mr Brokenshire read out the definition, but I am advised he did not get it quite right. The act provides:

> The objects of [the] Act include to assist in the achievement of ecologically sustainable development...by establishing...a scheme to promote the use and management of natural resources in a manner that...seeks to support sustainable primary and other economic production systems with particular reference to the value of agriculture and mining activities to the economy of the State.

So, I would say to the Hon. Mr Brokenshire that his amendment could introduce confusion into the amendment bill, and his concerns are already adequately addressed under the objects.

The Hon. J.M.A. LENSINK: I have a lot of sympathy for where the honourable member is coming from. I will not go into any lengthy discussion about going back to the Landcare movement and how, 30 or 40 years ago, landowners and environmentalists worked together for a common good. I think that what the honourable member has tapped into is the concern that exists within the farming community that NRM has had more of a focus perhaps on the environmental aspects and probably some of the compliance from the NRM's point of view than it has on working in partnership with landholders.

That is certainly something that I think needs to be addressed, but I take the minister's point that the inclusion of a new definition may cause some technical difficulties with the bill, and therefore I am regrettably unable to support the amendment.

The Hon. M. PARNELL: I was going to make the same point that the minister made; that is, I hunted for the term 'sustainability' in the act and could not find it. If you have a definition that has no work to do, then it is unhelpful, I think, in legislation. Certainly, the words 'sustaining' and 'sustainable' are used. In any event, as the Hon. Michelle Lensink (who has some background in this area) said, the debate over the meaning of 'ecologically sustainable development' right through the Bob Hawke years, when they had big talkfests between farmers, conservationists and others, is a massive debate.

I think that a definition like the one the Hon. Rob Brokenshire has put in would add confusion rather than certainty. Of course, all the elements are already reflected in the decision-making process, in relation to needing to look after the resource base but also having an eye to the sustainability (using his words) of the economic base as well. I think that a definition that is in relation to a term that does not exist in the bill is only going to add confusion, and so we will not be supporting this insertion.

The Hon. R.L. BROKENSHIRE: I hear what colleagues are saying, but I think the minister was splitting hairs with part of his debate, and I thank the shadow minister for her general understanding of what we are doing. The reason it says 'sustainability' and not 'sustainable' is because that was the advice that parliamentary counsel gave us when we were talking about considerations of being sustainable.

I will put on the public record, even though I can count and know that I am not going to have the numbers for this one, that I am becoming increasingly concerned about the right to farm and about considerations for food production being reduced as to the focus on the environment.

This world is getting hungrier and hungrier, and there are all these other left-field issues coming in. You only had to look at *Landline* on the weekend and see the move, or watch some of the ads that are going to be put on the television with respect to intensive animal husbandry in the near future and other propaganda and proposals that are around. I just fear that the understanding of having to ensure that there are some sustainable opportunities there for farmers in decision-making with respect to natural resource management is going to be pushed further down.

That is the reason I am moving this amendment—because we have to have some balance, as I have already said. I am not sure how this state is actually going to prosper, but I do know that it can prosper if we grow our food industry, and I know that in order to grow the food industry you need an even break, and that is not occurring in South Australia at the moment. If we are not careful, the overemphasis on ecology and protection of the environment will just run right over the top of the farmers.

The Hon. A. BRESSINGTON: I am rising to put on the record that I would be supporting the Hon. Robert Brokenshire's amendment if it had the numbers. I would also just like to make the point that I was watching a documentary on ABC on Saturday night and that I concur that everything the Hon. Rob Brokenshire has said: there is a need to define sustainability for farming and the right to farm.

In the documentary they were talking about climate change and all the rest of it and some of the steps that needed to be taken. I know this sounds ridiculous, but one of them was to start making sure that people would be bred to be smaller, skinnier and to be vegetarians so that we did not need the sheep and cattle industry in Australia and all those animals producing methane.

So, that is the attitude out there. That is where this legislation is heading, whether or not the minister or the government would like to admit it. This is reducing our food bowl, not enhancing our food bowl, and certainly not allowing farmers the right to farm in the tradition of Australia—and, remember, it was this industry in South Australia that saved this country's backside after World War II.

The Hon. M. PARNELL: I think the readers of *Hansard*, who will no doubt be studying this transcript carefully, might believe, as a result of the Hon. Rob Brokenshire's amendment, that without it somehow the economic value of agriculture will not be recognised in the legislation. I just need to put on the record that—

The Hon. A. Bressington: It's not recognised in practice now.

The Hon. M. PARNELL: —when you look at the objects of this act, section 7(1)(d) provides:

> ...seeks to support sustainable primary and other economic production systems with particular reference to the value of agriculture and mining activities to the economy of the State.

I think there is a high level objective that takes into account the fact that agriculture is valuable, and we need it, and we need food. My point is not so much to disagree with the analysis of the Hon. Rob Brokenshire, that we need to take these things into account: my point is that they are in here already.

The Hon. Ann Bressington interjects that it might be in the legislation, and I am paraphrasing, but that that is not what happens in practice. That is a different matter, and I think that the act itself provides the guidance to decision-makers under this legislation that they do need to take into account the economic value of farming, as well. I think the honourable member's amendment is unnecessary and would add to confusion.

The Hon. A. BRESSINGTON: Just in response, if the Hon. Mark Parnell believes that a definition for the right to farm for farmers being sustainable development is not necessary, perhaps he should get out there and talk to some of the farmers who are being affected by the restrictions in the regulations this particular act, prior to this debate, have inflicted on them. It is very clear to see that agriculture is not a main consideration and not a main concern.

We are saying all the fluffy things, and we are fluffing around the edges with it, but in the meantime you cannot deny that our food bowl is shrinking—and that is happening for a reason. Farmers are walking off their land for a reason: because it has become too hard to farm. They are facts.

Amendment negatived; clause as amended passed.

Clause 5.

The Hon. J.A. DARLEY: I will be opposing this clause which would allow the minister to delegate his or her powers under chapter 5 of the act. Chapter 5 contains all the financial provisions, including those related to levies in respect of water and land, as well as NRM funds. It is inappropriate for these particular powers to be delegated by the minister particularly given their very broad scope.

The government has indicated that the reason for this amendment is to allow powers in relation to administrative type decisions to be delegated by the minister; however, chapter 5 is not limited to administrative type decisions and there is the real danger that this provision could result in the loss of adequate ministerial oversight as required in relation to financial matters. In short, these powers should remain the responsibility of the minister.

The Hon. I.K. HUNTER: The minister under the act has power to delegate certain functions and powers but currently cannot delegate the minister's functions or powers under chapter 5. This chapter relates to financial provisions. Currently the minister is required to personally administer the natural resources management fund, refund of levies and single farm enterprises for levy collection purposes as these functions cannot be delegated currently.

I consider it appropriate for relevant functions and powers contained in chapter 5 of the NRM Act to be delegated to the appropriate departmental officers in the context of the government's model that has appropriate and sufficient internal controls designed and built into it. This amendment will result in a more efficient administration of the act and facilitate improved accountability arrangements in respect of the NRM fund.

The Hon. J.M.A. LENSINK: In 2011 I had an identical position, as did the Hon. Mr Brokenshire. In discussions with the minister's office we have advised that we continue to have concerns with delegation of powers from chapter 5. My understanding is that the minister has some amendments of his own which would limit it to things such as releasing a person suffering from financial hardship from paying interest, the power to discount a levy in accordance with regulations, the power to refund or exempt from levies an NRM fund payment to boards, and that the minister would retain the right to determine the levies. On that basis we would not be supporting it because we are of the understanding that this was to be amended by the minister.

The Hon. I.K. HUNTER: I was advised—and I stand to be corrected—that if there were amendments to chapter 5 to be moved they would be moved from the floor by interested members but not from me. We might just take a moment to clarify the position.

The Hon. J.M.A. LENSINK: There has been a misunderstanding and I am happy to take full responsibility if that makes life easier for everyone. We may wish to deal with the Hon. Mr Darley's amendment, but parliamentary counsel are rapidly drafting as we speak the amendments that I just referred to in my contribution.

They concern sections 110, 111, 114 and 117. Those areas will be able to be delegated from the chapter 5 powers, but the decisions on levies would be retained by the minister. On the basis that parliamentary counsel will draft those specific amendments, we will not be supporting the Hon. Mr Darley's position, but I will be moving an amendment shortly to the minister's bill.

The ACTING CHAIR (Hon. J.S.L. Dawkins): So you are not supporting the Hon. Mr Darley, you are actually supporting the clause as printed, but you will be amending it subsequently?

The Hon. J.M.A. LENSINK: I will be amending it very soon.

The Hon. I.K. HUNTER: What I suggest to the chamber is that we postpone consideration of this matter until the final clause, clause 46, which allows us time to have the Hon. Ms Lensink's amendment drafted and presented.

Consideration of clause 5 deferred.

Clause 6.

The Hon. I.K. HUNTER: I move:

Page 5, after line 12—Insert:

(a1) Section 13(2)(a)—delete '(who will be the presiding member)'

This amendment is the first of a series of amendments to provide that a person who has been a presiding member of the NRM council cannot serve for more than 12 consecutive years. To achieve this it is first necessary, I am advised, to discount the presiding member's position from the appointment under section 13(2)(a). My subsequent amendments 7 and 8 provide for the Governor to appoint a suitable member of the NRM council as presiding member and set out the maximum consecutive years of appointment.

Just to give the council the benefit of the discussion on this issue, essentially I have been told that currently under the act presiding members can only do two terms of three years. We find that members coming onto an NRM board take on the role of presiding member, do their terms and then are ushered off the board and cannot stay on the board (not as presiding member) for another term to mentor, if you like, the incoming presiding member.

Alternatively, someone who has been on the board for a term and then steps up to be a presiding member cannot do two terms. They can only do one further term and then they are ushered off the board.

This amendment, which we have discussed extensively with the boards, allows for that transition of knowledge and mentoring to happen. It gives presiding members—if the board wishes, they do not have to—that extra ability to stay on (not as a presiding member) and mentor or to accept the presiding member's position at the end of their second period and stay on and provide the balance of their experience to the board for a further term.

The Hon. R.L. BROKENSHIRE: Will the minister advise whether this is all chairs of NRM boards per se across the state and/or the actual chair of the state's central board? Is this being done to assist someone who is currently a chair or the chair of the actual main NRM at the moment? What is the background to this? I find it interesting who drove this.

The ACTING CHAIR (Hon. J.S.L. Dawkins): For the clarification of the table, do you mean the NRM Council?

The Hon. R.L. BROKENSHIRE: Yes, sir, the council, thank you. I need an explanation as to reasons behind all this.

The Hon. I.K. HUNTER: I think I just gave an explanation, but I will attempt to clarify it. This amendment applies to the council. Subsequent amendments will apply to the boards. We are trying to have the amendments apply equally to council and boards. This amendment was brought up with me by presiding members and boards. I think it may have been a position adopted by the presiding members forum, but I cannot swear to that, so I will not say that, but it has the very broad and wide support of NRM boards and presiding members.

The Hon. J.M.A. LENSINK: I rise to indicate support for this series of amendments. The Liberal Party has had a longstanding view of the board, council and group positions that they should be three years and not four, and that was because we thought that the commitment of four years was too long—a little bit like council, it tends to put people off from putting up their hands.

However, the advice we are getting back from a number of board members is that NRM is such a complex area that it actually takes a certain number of years before you can even get your head around it. By the time a lot of members are starting to be across things, they are finding that they are coming to the end of one term or, in the case of the presiding members, they may be coming to the end of their six years when they are just really hitting their straps in terms of having the experience and skills.

I am speaking to a number of clauses because we will be dealing with councils, boards and groups, so the Liberal Party has changed its position in terms of supporting three years instead of four; that is one issue. We are also supporting the subsequent ability for presiding members to have an extra term, which will enable them to complete their chairmanship of those boards.

The Hon. M. PARNELL: The Greens similarly will support these amendments. There is always a balance to be struck between ensuring that experience is able to be retained on bodies, especially decision-making bodies, and also ensuring that there is a level of turnover and fresh blood. This series of amendments strikes a reasonable balance and we will support them.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 5, after line 23 [clause 6, inserted subsection (4a)]—Insert:

and

(d) the Minister has consulted with the presiding member of the Council in respect of filling the vacant position.

This amendment relates to the filling of casual vacancies and ensures that the minister must first consult with the presiding member of the NRM Council prior to filling a casual vacancy. A similar amendment will be moved later applying to boards also.

The current process for filling a vacancy on the NRM Council may take several months to finalise. This amendment is expected to improve efficiency and reduce delays in filling short-term vacancies on the NRM Council. It is proposed that expressions of interest would not be required if the minister is seeking to fill a casual vacancy that is less than half the term of office (being two years), given that a further amendment in clause 7 proposes to increase the maximum term to four years.

This improved process is needed to ensure the NRM Council has, on an ongoing basis, the full range of skills to discharge its responsibilities, and it should be noted that knowledge, skills and experience requirements will still need to be satisfied, as is currently the case. Candidates who were nominated previously but where insufficient positions were available on the council at the time would probably be considered as suitable in this circumstance, I would imagine.

The Hon. J.M.A. LENSINK: The Liberal Party supports this amendment. It is a good example, I think, in terms of the filling of casual vacancies, in that it is quite an onerous process to go through when one considers that it is for a portion of a term and to go back through the whole process of readvertising and so forth can really slow the whole process down, and there are plenty of examples of that within the rest of the act. So, we support this. We also support, in relation to this specific clause, that the minister can touch base with the presiding member. We think that is a sensible thing to have included.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 5, after line 25—Insert:

(3) Section 13—after subsection (7) insert:

(7a) The Governor must appoint a suitable member of the NRM Council to be the presiding member of the NRM Council (however a member cannot serve as presiding member of the NRM Council for more than 8 consecutive years).

Following the passage of amendment No. 6, which changes the method of appointing the presiding member under section 32A, I now propose to provide for that appointment by the Governor. This appointment mechanism reflects what is current for the presiding member of a regional NRM board under section 25 of the act and restricts a member from serving as a presiding member of the NRM Council to eight consecutive years.

Amendment carried; clause as amended passed.

Clause 7.

The Hon. I.K. HUNTER: I move:

Page 5, lines 29 and 30 [clause 7(2)]—Delete subclause (2) and substitute:

(2) Section 14(1)—delete 'subject to the qualification that a person cannot serve as a member of the NRM Council for more than 6 consecutive years'

(3) Section 14—after subsection (1) insert:

(1a) However, a person cannot serve as a member of the NRM Council—

(a) if the person has at any point been a presiding member of the NRM Council—for more than 12 consecutive years; or

(b) in any other case—for more than 8 consecutive years.

The original clause in the bill proposed to change the term of members of the NRM Council from a maximum of three years to a maximum of four years. This is to build capacity and reduce administrative costs and to allow members to serve a maximum of eight years rather than six.

Amendment carried; clause as amended passed.

Clause 8.

The Hon. R.L. BROKENSHIRE: I move:

Page 5, after line 34—Insert:

(2a) The report must, in respect of each NRM region, include statistical information as to the number of times that land or premises in the NRM region have been entered under the Act without the consent of the owner or occupier of the land or premises.

Members of the parliament have received allegations for several years now of NRM officers allegedly overstepping their authority, and this will be picked up in later amendments that Family First, the Liberal Party and the Hon. John Darley have tabled to section 69 of the act. However, Family First does feel that it will be useful for transparency and fact checking if from now on the annual report lists the number of occasions and circumstances of forced entries into lands or premises by NRM officers.

I think the government would accept that no amount of denials has appeased landholders in this regard and to have reporting in the annual report builds confidence in how that power is or is not being used and also, from the other side of it, through allowing that transparency puts a bit more pressure on the officers to be careful about how they go about dealing with landholders.

I am not saying that landholders are always right, but there have certainly been a lot of issues brought to our attention and I think that transparency and statistical reporting is not going to cost anything and may alleviate some of the concerns that have been raised. I have advocated this with other bills, too.

We do not get enough detail with annual reports generally, so I do not see how this is detrimental to officers doing their work, but I think it would be good from the point of view of confidence of landholders that there was some transparency through reporting processes in the annual report.

The Hon. I.K. HUNTER: The government opposes this amendment. The whole concept of this amendment bill is to try to streamline the processes around NRM boards and the way they go about their work. This amendment essentially imposes another layer of bureaucracy on top of what already exists—

The Hon. R.L. Brokenshire interjecting:

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Mr Brokenshire has had his contribution. He can have another one if he wishes to.

The Hon. I.K. HUNTER: Requiring NRM boards to keep this number of records and to provide them in their reports is, we think, overly onerous and unnecessary. Those sorts of records are kept, obviously, but collating them would be another layer of difficulty for the boards. What we are trying to do with this bill is to actually streamline their work and allow them to get on with the serious and important work they are elected to do, not hobble them with further record keeping and bureaucracy. We oppose this amendment.

The Hon. J.M.A. LENSINK: The intent of this amendment is to ensure that the entering of premises is done in a fairer and more transparent way. I think the amendments we have subsequent to this address that, and I understand that the government will agree to a number of those that relate to powers of authorised officers. I think they are the appropriate way to address the sentiment that the honourable member is aiming at.

I remember keeping log books for the Tax Office—and thank goodness I do not have to do that anymore—and I cannot imagine any officer having to keep some sort of clipboard in their car all the time for the purpose of reporting in the annual report; having to tick a box in there, and then, maybe, that does not belong in that box. I think that really is tying up their time and takes away from what we are aiming to do with this bill, which is to try to untie some of the processes that are keeping this legislation from doing its job more effectively.

The Hon. M. PARNELL: The Greens will not support this amendment, and there are two main reasons. The Hon. Michelle Lensink has touched on the first one, and that is the difficulty of application and the level of red tape that is involved. It does not take too much to imagine the difficulty in someone trying to record whether or not the person was 'happy' that they had attended their premises.

Is happiness the same as consent? If someone says, 'Look, I'm not that happy that you're here, but you've got a right to be here, so be it,' how does that fit in with a regime that invites someone to identify whether premises had been entered with consent or without consent? There would be so much grey area that the statistics would be meaningless.

In many ways I guess it is the use to which statistics are put that is at the heart of this. If this amendment got up, the Hon. Rob Brokenshire might be able to identify that X percentage of people were 'unhappy' that their premises had been inspected, but I am not sure whether that gets us very far. It does not tell us whether the inspections were a worthwhile exercise, or a valid one.

I invite members to think about all the different inspection regimes that exist under state law. We have SafeWork inspectors attending premises, EPA officers, the police, Biosecurity SA, local councillors under food hygiene regulations; all these people, who are presumably, and hopefully, acting lawfully under the legislation that gives them the power to attend premises and inspect them. NRM officers should be no different. They should be complying with the law.

Whether or not they have been invited onto premises or whether the owner has specifically consented to them being on premises is really neither here nor there. It is information that would be difficult to collect and also of dubious value in any public policy sense. I think the emphasis needs to be on clarifying what are the powers of authorised officers and for the government to make sure that those powers are exercised in a fair manner and that they are not exercised capriciously or in any manner that might be seen as being against the legislation.

The Hon. R.L. BROKENSHIRE: All I will say in response to the last few comments is that, if this amendment gets up, it will be a reminder in the act of cautious actions with respect to NRM officers. I do not think that it is a burden, and I will tell you why: police officers have statistical data kept on every time they enter a premises, and so do Fisheries and others keep records.

The minister says that this is another layer of bureaucratic red tape in terms of the NRM officers. Let's stop this nonsense of the NRM boards having to do plans and having to revisit them every year and submit them to the NRM committee. Let's get some serious reform into this so that they can get on and deliver on the ground.

At the moment, if you look at those reports, they have statistical data on the number of times that farmers contact them, when they visit schools, when they plant trees and when people come into their office. There is so much collection by NRM, a lot of it just to justify the existence, I think, of the numbers we continue to see building up. There are now way over 300 extra public servants in the minister's department.

The Hon. J.A. Darley: It's 320.

The Hon. R.L. BROKENSHIRE: Three hundred and twenty, the Hon. John Darley says. They are happy to have statistics to justify more positions. If you look at the latest NRM bids, some of them want more staff again. I do not think this is a difficult one for them to keep a record on. I am not frightened to want to see some more checks and balances and pressure, wherever I can, on the act to alleviate some of the concerns that landholders are raising with some members of the Legislative Council.

Amendment negatived; clause passed.

Clause 9 passed.

Clause 10.

The Hon. I.K. HUNTER: I move:

Page 6, after line 12 [clause 10, inserted subsection (3a)]—Insert:

and

(d) the Minister has consulted with the presiding member of the regional NRM board in respect of filling the vacant position.

This amendment is a similar amendment to the one we have just passed in relation to NRM councils, and this amendment would apply the same provision to boards.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Page 6, after line 14—Insert:

(3) Section 25(8)—after 'board' second occurring insert:

(however a member cannot serve as presiding member of a particular regional NRM board for more than 8 consecutive years)

Again, this is a similar provision to the one we have just passed in relation to councils, and it applies the same provisions to boards.

Amendment carried; clause as amended passed.

Clause 11.

The Hon. I.K. HUNTER: I move:

Page 6, lines 18 and 19 [clause 11(2)]—Delete subclause (2) and substitute:

(2) Section 26(1)—delete 'subject to the qualification that a person cannot serve as a member of a particular regional NRM board for more than 6 consecutive years'

(2a) Section 26—after subsection (1) insert:

(1a) However, a person cannot serve as a member of a particular regional NRM board—

(a) if the person has at any point been a presiding member of the regional NRM board—for more than 12 consecutive years; or

(b) in any other case—for more than 8 consecutive years.

The same principle applies here as to the amendment considered for the NRM Council under clause 7 of the bill and my amendment No. 8.

Amendment carried; clause as amended passed.

New clause 11A.

The Hon. R.L. BROKENSHIRE: I move:

Page 6, after line 21—Insert:

11A—Amendment of section 29—Functions of boards

Section 29—after subsection (4) insert:

(4a) In performing its functions, a regional NRM board must, insofar as is relevant, give special recognition to the importance of community organisations contributing to the management and conservation of natural resources within its region.

This is an important and lead amendment about respecting what I believe are community organisations that really deliver NRM outcomes around South Australia. I have seen a number of local action planning groups, and one that is a shining example, in my opinion, is that on the River Murray in the Riverland.

None of the amendments in my set are consequential upon one another, but I hope the parliament will accept all of them as a suite to improve respect, funding and support for community organisations. This amendment requires boards to acknowledge the contribution these groups make, and involve them in the planning of the board's work in its NRM region.

The minister and the department may say, 'Oh, well, we do that as a matter of course anyway.' Volunteers are vital. We have seen a lot of growth and a lot of money from NRM levies going into paid staff, and I just think that to actually enshrine this in legislation would be a huge step to assist volunteer support within NRM activities.

The Hon. I.K. HUNTER: The government opposes this amendment, but in doing so we continue to express our support for the important role of community organisations and the role they undertake in contributing to the management of our natural resources. We have already done what the Hon. Mr Brokenshire has expressed as his will; that is, enshrined into the act under sections 29(4)(e), 42(1)(a) and 75(3)(d)(ii) these recognitions.

These provisions require that a regional NRM board, in performing its functions: seeks to work collaboratively with relevant industry, environment and community groups and organisations; may provide financial or any other form of assistance to community or volunteer groups if the group is engaged in an activity that will improve the state of any natural resources; and must set out its regional NRM plan, a scheme for the implementation of natural resources management programs

and policies in the areas in which the board has an interest, including by working with or engaging other bodies or groups, including community groups and volunteers.

We say this provision is already in the act; we do not need another provision to further complicate the bill.

New clause negatived.

Progress reported; committee to sit again.

At 18:29 the council adjourned until Wednesday 19 June 2013 at 14:15.