LEGISLATIVE COUNCIL

Thursday 20 June 2013

The PRESIDENT (Hon. J.M. Gazzola) took the chair at 11:00 and read prayers.

SITTINGS AND BUSINESS

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) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

In committee.

(Continued from 18 June 2013.)

New clause 11A.

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

Page 6, after line 21—Insert:

11A—Amendment of section 32—Entry and occupation of land

Section 32—after subsection (10) insert:

(11) If an authorised officer exercises a power under this section (other than on the authority of a warrant), the authorised officer must, before leaving the land or premises, leave at the land or premises a notice in the prescribed form setting out the ground for exercising the power.

This amendment is about entry and occupation of land, and what it actually provides is that if an authorised officer exercises a power under this section (other than on the authority of a warrant) the authorised officer must, before leaving the land or premises, leave at the land or premises a notice in the prescribed form setting out the ground for exercising the power.

I know that on the crossbenches we have not had much success with amendments thus far, but I appeal to the government and to the opposition to support this amendment because I think it is a fair and reasonable amendment simply to leave some notification. Without the need for a warrant, you have had an officer go on to a property and inspect the property, possibly take assets or documentation from that property, and I think it is only fair and reasonable that we have a situation where a document is left advising that that officer has attended.

In highlighting the reason for that, I want to say that I personally do not object to the jobs that officers are required to do under law but, in the interest of giving a fair go to both the property owners—and several have come to me over a period of time complaining about some allegedly heavy-handed tactics now and again from an officer—and the officer, I believe this is a fair and reasonable request.

The Hon. I.K. HUNTER: The government opposes the amendment, and I will read into the record some concrete reasons for that in a moment. However, I just stipulate at the moment that I think the honourable member, in moving the amendment, has probably confused some of the terminology. Section 32 of the act specifically provides '...board or a person authorised by a...board' yet the honourable member is talking about an 'authorised officer'. They are not necessarily the same thing. For example, a person authorised by the board could well be a contractor authorised by the board to go onto land to do some infrastructure maintenance or installation, so we oppose the amendment.

As I said, section 32 of the act is not relevant to the exercise of powers by authorised officers, rather it applies to the entry and occupation of land by a regional NRM board or a person authorised by a regional NRM board not an authorised officer. Importantly, a regional NRM board or a person authorised by a board must give reasonable notice of his or her intention to enter and occupy land. In accordance with the rules of procedural fairness, the grounds for the exercising of

those powers will be made known to the owner or occupier of the land before entering the land. It is also reasonable to do so.

To require a regional NRM board to provide additional written notice to the owners or occupiers of land before leaving the premises imposes an unwarranted and unreasonable additional administrative burden on regional NRM boards, in our view, so we oppose the amendment.

The Hon. R.L. Brokenshire: Absolute nonsense and garbage. Why don't you—

The ACTING CHAIR (Hon. G.A. Kandelaars): Order! The Hon. Michelle Lensink has the floor.

The Hon. J.M.A. LENSINK: Thank you, Mr Acting Chairman. I would like to make some remarks in relation to this particular amendment, but I would like to preface it with some general comments in relation to the debate on this bill itself. I certainly do not appreciate other political parties going on talkback radio and misrepresenting my party's position. In the debate on Tuesday—

The Hon. R.L. Brokenshire: You were on there.

The Hon. J.M.A. LENSINK: I was on there, and you misrepresented our position on FIVEaa and I will not tolerate it, Mr Brokenshire.

The Hon. R.L. Brokenshire: Tell me what I misrepresented.

The Hon. J.M.A. LENSINK: I will

The ACTING CHAIR (Hon. G.A. Kandelaars): Order! You should address the Chair, Ms Lensink.

The Hon. J.M.A. LENSINK: At the third reading I will make some comments in relation to that and set the record straight, Mr Brokenshire. My comments in relation to your amendments on Tuesday were fairly gentle, but some of them were absolute nonsense and deserve to be exposed as absolute nonsense that would make this piece of legislation a whole lot worse than it is now, and would make the situation a whole lot worse for the farmers if they were to be included in the act. They would make it unworkable.

The ACTING CHAIR (Hon. G.A. Kandelaars): The Hon. Ms Lensink is reminded that she should address her remarks to the Chair.

The Hon. J.M.A. LENSINK: I will now, Mr Acting Chairman. This amendment is another piece of legislation by thought bubble, and we will not be supporting it.

The Hon. M. PARNELL: I am not sure what the origins of this are but I have started to get a few emails from people telling me that, by not supporting certain amendments that are being put forward, somehow I am endorsing a regime where authorised officers can capriciously storm their way onto people's land and effectively have their way with the property. It seems to me, on any reading of the Natural Resources Management Act, that that is not how the system works.

In relation to this specific amendment, it proposes that an authorised officer has to leave behind a prescribed form. The question we have to ask ourselves is: if that was the only communication that an authorised officer had had with a property owner, then that sounds quite reasonable. If it was a note to say, 'Sorry I missed you. I was here today and this is why I was here', that might work, but that is not how the regime under section 32 works.

This is an amendment to section 32. I accept the minister's analysis that, whilst this amendment purports to apply only to authorised officers, section 32 in fact applies to a broader category of persons who would include contractors, as the minister said. Under the regime of section 32(3)—and the minister referred to this—the person who is going to enter the land, being a person authorised by a regional NRM board, must give reasonable notice of his or her intention to enter or to enter and occupy land to the occupier of the land. That reasonable notice would inevitably, I think, include some discussion, not only asking, 'Will next Wednesday be convenient?' but also, 'This is what we want to do; this is why we're turning up.'

The dilemma, of course, that would then be faced is that, if this amendment went through, if a person (being an authorised officer, a small subset of people who are attending the land) failed to leave behind the bit of paper that was set out in the regulations then that could lead, I imagine, to some difficulty in relation to perhaps evidence that they collected during their visit. To a certain

extent I am speculating here, but it seems that we are adding a level of bureaucracy and red tape which many members in the debate on this bill have said that they have a desire to reduce rather than increase.

We would have been inclined to support the honourable member's amendment if it was, in fact, the only record of a visit or the only communication that was had between the authorities and the landholder but that is clearly not the case in this situation and, therefore, this is an unnecessary amendment and the Greens will not be supporting it.

The Hon. A. BRESSINGTON: I will be supporting this amendment, and I will explain why. First, I would like to disagree with the Hon. Michelle Lensink's summary of this amendment as coming from a thought bubble. I will give just three examples of many cases where NRM officers have abused their authority and have entered properties and threatened—literally threatened—elderly farmers.

One case concerned Graeme Fischer. I am sure everybody in here will raise their eyebrows and throw their heads back and say, 'Oh, old Molly.' Let me tell you what happened. I have seen the medical records and the police report that he made after this incident. He was testing a pump on the easement of his land. Molly had been charged with being a water thief but that is another issue.

He was testing a pump which was not working; it was not pumping. Three NRM four-wheel drive cars stormed onto his property without any notice and drove onto the easement. One four-wheel drive picked him up and carried him about 50 metres on the bullbar of the car. Did they call for medical assistance for Molly—74 years old at the time? No, they did not. They left him laying on the easement.

Molly is taking legal action on this and pursuing this on a civil level, because he was not offered any remedy whatsoever. He spent seven days in hospital after that incident, and I have seen the medical reports. He had serious injuries. He was left out in the middle of his easement, about 120 to 150 metres away from his home, to make his way back to the house on his own, unassisted. If these NRM officers were required to leave a visitation notice, he would have some proof that they actually rocked up there, but, as it works now, it is just 'silly old Molly' making accusations.

It is very easy for people who oppose this system or who are in trouble with the system, where officers have overstepped their authority, to be written off as lunatics. Molly is not the brightest spark, but he is a decent, honest man. He is a farmer who wants to get on with his job, but he is having great difficulty understanding all these legislative changes that are coming in. He has been on the land since he was bloody 15 years old, and they were times when he was just able to farm. That is one case.

Another case is that of a 64-year-old woman who runs horses. She had an NRM officer and an RSPCA officer come into her home and threaten to have her animals confiscated because, in their words, they were neglected. She had vet checks. She had all the paperwork in place to show that these animals were fit and healthy and were being looked after, but she was threatened with that. The NRM officer also said that he would be back to inspect her property. He never came back, but the threat was enough to send her off in a bit of a spin and to cause her great concern.

These things are happening. Whether the minister wants to acknowledge it or whether the department wants to admit it, there are some NRM officers out there who are abusing their authority, overstepping their authority, and who are being negligent in the implementation of their job. If everybody was doing the right thing, we would not need this.

In a perfect world, we would not need this kind of an amendment, but we actually do need it because it is not a perfect world and there are people out there who are literally drunk on power. If we do not take some steps to reel this in, it is not going to get better, it is actually going to get worse. So, I would say: thought bubble, no. The Hon. Robert Brokenshire and I, and I believe even the Hon. John Darley, have spoken to many, many farmers who have had concerns with these officers going onto their properties and doing what they do.

It is not all of them. Some NRM officers out there are doing their job and they are doing their job well, but where you have one rotten apple in the barrel, then that is the behaviour that needs to be addressed—not just ignored and brushed under the carpet, and let's all pretend that it is not happening. It is the bad behaviour that needs to be addressed, and it needs to be legislated

so that there is a penalty or there is some paper trail to verify the presence of these people on their property.

If these officers are required to leave a notice to say that they were on that property and what the business was about and they do not provide that notice, then they are going to need to be accountable for the time that they are on there. That would at least give some of these people who have been bullied and harassed some slight bit of evidence that this sort of stuff is going on. At the moment, they have nothing.

The Hon. J.A. DARLEY: I will be supporting this motion, and I will give the reason from my past experience as valuer-general. My valuers had authority to enter onto any property in the state. In most cases, they would make appointments to speak to owners. Notwithstanding that fact, even when they turned up to speak to the owners—the owners were very good; they would let them on their properties and show them papers and whatever it might be—inevitably, at the end of the day, some people (particularly elderly people) would ask, 'Was that person really from the Valuer-General's office?' So, we resorted to leaving a calling card which gave details of the officer and the contact telephone number. For that reason, I will be supporting this motion.

The Hon. J.M.A. LENSINK: Quick comments and the reason why we cannot support it at this point is that it is part 6 of the act that deals with authorised officers, which starts at clause 66. This is clause 32, and I think what the Hon. Mr Brokenshire is engaging in is putting amendments to any particular clause that he happens to find throughout the legislation that he can attach something to, and that is not the way that we should be drafting legislation.

The Hon. R.L. BROKENSHIRE: That is not the way that I have put this through. I have waited for two years to put a democratic case before this house, and I have put significant effort into this. The fact is that the way the synchronisation of this occurs, and we will have a good, interesting debate that will probably have to be debated—

The Hon. J.M.A. Lensink: You might as well chop the act up and throw it in the air.

The Hon. R.L. BROKENSHIRE: Sorry?

The Hon. J.M.A. Lensink: You might as well chop the act up and throw it in the air, the way that you're going at it.

The ACTING CHAIR (Hon. G.A. Kandelaars): The Hon. Rob Brokenshire has the floor.

The Hon. R.L. BROKENSHIRE: Sir, the Hon. Michelle Lensink says that I might as well chop the bill up and throw it in the air. Well, some people want that, but what I am trying to do is find compromises that are going to actually assist property owners—

The Hon. J.M.A. Lensink: No, you're not.

The Hon. R.L. BROKENSHIRE: Well, I damn well am. You can have your opinion; I've got mine. What I do know is that I have spent a couple of years waiting for this opportunity. We have put a lot of time into it, and the bottom line is that when we get further down we are probably going to have to seek advice from the Clerk as to who comes first with some of the amendments that are so integrated.

I am doing this based on the way I understand parliamentary counsel with the requests that we put forward—and I do not ever blame parliamentary counsel, as they do a great job. This happens to be the sequence of how it all happens. My question to the minister is: why is the minister concerned that there might be some so-called red tape for an authorised officer? Obviously, we do want, as the Hon. Mark Parnell confirmed, an all-encompassing situation where, when someone goes on that property, there is left a notification to the property owner that they were there.

If you look at the NBN, just as one example, they actually subcontract out the NBN. When the NBN come on your property, they actually advise you before they come on the property. They then ring you to confirm that they are still going to be on schedule that day, and you have a right to be there and inspect because there is the potential for bringing in weeds from all over the place because of these contractors. When they go, they advise you that they have been on the property. I can give you heaps of examples—SA Power Networks and their subcontractors, they all do it. What is wrong with leaving some documentation there?

I will put this to you, minister: if the NRM or one of their subordinates happen to come on your property and they do some spraying, for example, as a landowner you want to damn well

know they have been there because there may be a withholding period on that spray that could cause you serious issues with respect to your livestock. So, what is wrong with actually leaving a notice?

Property owners do not sit around waiting all day, day in and day out, for these people to finally rock up, but they have a right. They could be legally held responsible if the NRM comes onto that property, puts sprays on it and an animal consumes that pasture and grass and contaminates the product. They could be in all sorts of trouble. It is just a fair and reasonable right—and it is definitely not a thought bubble, I can tell you that.

The Hon. I.K. HUNTER: I come back to the point I raised and the Hon. Michelle Lensink also raised. We are dealing with section 32, not section 69. Section 69, when we get to it, deals with authorised officers. Section 32 deals with a separate case, which I explained in my preamble, and I just wish that the Hon. Mr Brokenshire would pay attention to these explanations. They are written for me for very good reason.

I will repeat it again. Importantly, a regional NRM board or a person authorised by the board must give reasonable notice of his or her intention to enter and occupy land. In accordance with the rules of procedural fairness, the grounds for exercising those powers will be made known to the owner or occupier of the land before entering the land. It is also reasonable to do so. I am advised that authorised officers, which we come to at section 69, do not spray on properties. It is the responsibility of landowners to control pests on their own properties. Authorised officers would not do so unless it was at the request of the landowner or under some sort of court order.

The Hon. R.L. Brokenshire: Wrecked—and they still may go on and spray, and I have had them spraying along our road verges in a—

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire needs to understand that we are on section 32 not section 69.

The Hon. A. BRESSINGTON: Just to carry on from where the Hon. Robert Brokenshire left off, there are dairy farmers and cattle farmers in the Hills who are required to go through a very strict biosecurity measure to make sure that they are certified Johne's free and, with some of those cattle farms, the property next to them is not certified Johne's free. All it takes is a thumbnail of manure on that property to contaminate the testing that needs to be done, and if that is done and it shows positive then those farmers are required to have those animals slaughtered.

I know of one particular cattle farmer who requires people coming onto his certified Johne's-free property to have their vehicle steam cleaned before they come onto his property because they may well have been on the property to the left of them or the property to the right of them before they drove onto his property. As I said, it is a very strict regime for Johne's, and some of these cattle are worth $3,000 a head. If they test positive, if he tests positive from a blood test, then the animals are tested via a blood test and, if they show positive for Johne's, those cattle are required to be slaughtered.

Farmers are not required to do or the biosecurity people do not insist on a faeces test because nine times out of 10 the test would come back negative. So, a lot of these farmers are at risk of losing valuable breeding stock because we have people who do not understand the measures that need to be taken to make sure that those farmers are biosecure.

As for the calling card, to ring up and make an appointment and let people know that you are coming—great, okay, how do you prove it? If they leave a calling card that they have been there, at least there is something. They can say, 'I rang three times and couldn't get anybody, so here I am.' That happens. So to leave a calling card I would not think is a great impost and no great level of red tape, considering the red tape, the green tape and the regulation our farmers are required to endure.

The Hon. M. PARNELL: From how this debate is going in committee, I appreciate that we are possibly having a debate on an identical amendment that comes later, the Hon. Robert Brokenshire, when we get to the clause that deals specifically with authorised officers. The debate has been wide ranging so, rather than have it twice, I want to point out a couple more things.

The Hon. John Darley referred to the practice of leaving calling cards, and I think that that makes absolute sense. I think that when people in authority have attended, especially if they have not managed perhaps to meet the person on site, then, yes, an administrative arrangement whereby communications are put in train and a calling card left all make sense. The questions for

us are: does it need to be in legislation and are there unintended consequences of putting it in legislation?

The minister and I have both referred to subsection (3) of section 32, but there is also subsection (6), which requires that any people entering the land 'must cooperate as far as practicable with any owner or occupier of the land', so there is an obligation to try to cooperate. As to some of the issues the Hon. Robert Brokenshire has raised, about where the impact of these people visiting the land might cause difficulty, there is an opportunity to address that. The honourable member's amendment does not because it is a post-facto thing. It does not address behaviour before entering the land; it is basically a note saying, 'We were here and here is the power that we were acting under.'

When we get to the section dealing with authorised officers having to leave this prescribed notice—and as I say, the words of this amendment are identical to the ones we see later—it provides that, if an authorised officer exercises a power, then they must before leaving the land or premises leave at the land or premises a notice in the prescribed form. So, they are not allowed, for example, to leave the paddock that might be some distance from the house and then drop the calling card in the farmer's letterbox. Once they have left the land, they have potentially invalidated all of the evidence that they have collected during that visit because they have breached what will then be part of section 69.

If you are looking at land that did not have a dwelling on it and a person in occupation of that dwelling, presumably you would need to get a laminated sign and a star picket and you would have to attach that notice to the land, and you would have to do that before leaving the land. You cannot go off, get lunch and come back; you would have to do it before you left the land. I am not trying to belittle what the honourable member is putting forward. As the Hon. John Darley said, it can be a sensible practice of having calling cards and communication flow between authorised officers—

The Hon. R.L. Brokenshire interjecting:

The Hon. M. PARNELL: The Hon. Rob Brokenshire says that you could leave it at the main gate but, again, under a rock, on a star picket, how do you do it? Not every gate has a letterbox next to every paddock. The point I am making is that at a practical level, this causes difficulties that are unnecessary, and I think it also causes difficulties for the authorised officers when we get to that section because it is exactly the same form of words. I accept that the honourable member is driven by a desire to have improved communications between the authorities, if you like, and landholders—I accept that—but I do not think this is the method to do it, so we will not be supporting this amendment.

New clause negatived.

Clause 12.

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

Page 6, lines 36 to 38 [clause 12, inserted subsection (4)]—Delete:

> 'The Chief Executive of the Department must ensure that a copy of any report within the ambit of subsection (3) is published on the Department's' and substitute:
>
> The relevant regional NRM board must ensure that a copy of any report within the ambit of subsection (3) is published on the regional NRM board's

This amendment is partly consequential to clause 8 of the bill which allows the annual reports of the NRM Council to be tabled separately from those of regional NRM boards.

Under the current provisions of the act, once the annual report of the NRM Council is tabled in parliament, it must then be published on the department website. This requirement is reasonable in the context of the current arrangements. It will require the annual report of the NRM Council to include the annual reports of the regional NRM boards and NRM groups and the report by the department on the operation, administration and enforcement of the act. I, therefore, propose that the regional NRM boards reports now be published on the website of the relevant board while the requirement to publish the council's report to the department's website remains unchanged.

Regional NRM boards already publish their annual reports on their websites and readjusting the legislative requirement for this to occur is now appropriate, I would argue. Business stakeholders and members of the community reasonably expect these reports and other board

documents be published on the website of the relevant board. It is appropriate for the statutory requirement to reflect reasonable community expectations, and the requirement that currently applies to the forwarding, tabling and publishing of the NRM Council's report will apply to a regional NRM board's annual report.

Amendment carried; clause as amended passed.

New clause 12A.

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

Page 7, before line 1—Insert:

12A—Amendment of section 48—Composition of NRM groups

(1) Section 48(2)(a)—delete 'in a newspaper circulating generally throughout the relevant region' and substitute:

on its website, and give such other public notice as the board may determine,

(2) Section 48(3)—delete subsection (3)

(3) Section 48(6)—after 'group' second occurring insert:

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

This amendment to section 48 of the act is in two parts. Subclauses (1) and (2) are the first in a series of five amendments replacing the need for a regional NRM board to publish a notice in the newspaper with a requirement to publish a notice on the relevant board's website and to notify the community in a manner that the board determines.

Boards will then determine the most effective and appropriate means by which to notify and engage those affected by the proposal. Publishing notices in a newspaper is not effective to communicate and engage with the community as newspaper circulation continues to decline across our state. A more flexible approach is required to enable regional NRM boards to use the most effective method to engage the community on important issues. This should be what the board determines to be the most appropriate, in my view. Regional NRM boards should be accountable to decide the most appropriate method for their regions, which may, of course, include newspapers.

The second part of the amendment continues for NRM groups, the principle that restricts a member from serving as presiding member of an NRM group to eight consecutive years. This provides consistency with amendments adopted for the NRM Council and regional NRM boards.

The Hon. J.M.A. LENSINK: I think this amendment is a classic example of where the legislation has been so prescriptive that it has ended up causing additional costs to the system in that currently all of the amendments must be published in a newspaper, which for some boards is extremely expensive in regions where they have a lot of newspapers and so those costs flow through and ultimately are administrative costs on that side of the ledger rather than on-ground work. So, I think this is a sensible amendment and the Liberal Party supports it.

The Hon. R.L. BROKENSHIRE: I ask the minister for clarification. Is the minister saying that the main future communication opportunity between the NRM board and landholders will be through electronic versions? Is the minister also saying that, effectively, there will not be any requirement, it will be totally at discretion as to whether or not the NRM boards decide to actually put information in the main local print and other forms of media? That is the first part of the question.

The Hon. I.K. HUNTER: The answer to that is no, there will be no discretion not to communicate with the community. The discretion that we are proposing lies in how that should be done. In some areas it will be completely sensible to continue to communicate with the community through newspapers—I expect in most, probably—but there may be other areas where more effective forms of communication are available and what we are proposing with this amendment is that we allow the NRM boards to make decisions about the most appropriate way of communicating with their own communities.

The Hon. R.L. BROKENSHIRE: I put on the public record, from my point of view anyway, that I have serious concerns about this. Here we are, in the global context of talking about potential savings of, possibly, some thousands of dollars in expenditure to print, radio and possibly TV, but on the other hand, we have NRM boards, even with their latest bits, wanting to increase the

number of public servants that they employ. We have 320 already that have come in, so we have a burgeoning bureaucracy. I, in my own office, have got so much propaganda from NRM boards. They are very detailed, glossy overviews: 92 per cent of these statistics met, and all those statistics, etc.

So, we are so worried about a small amount of money in the big global budget that, as I see what will happen, a lot of notifications that would be—in the country not everybody has access to emails and websites and all those sorts of things, in fact a lot of people do not have that luxury, but one of the things that they do do, contrary to what is happening with *The Advertiser* and the *Sunday Mail* circulations (possibly), is in the country the circulation of print media in particular is still high in use factor. That is how people get their information.

The NRM board wants to try to build a proper conduit between property owners and the NRM board. Farmers and property owners deserve the right to know what is happening, in my opinion. I will display this, sir, and I can be thrown out if you do not want me in here any longer—I am sure some of them do not—but this is the sort of stuff I got just yesterday.

The ACTING CHAIR (Hon. G.A. Kandelaars): The member is reminded of standing orders.

The Hon. R.L. BROKENSHIRE: All this beautiful glossy stuff with big photos and all the rest of it. They can spend a fortune on this stuff—I have a box full of it in my office—but we will actually stop the opportunity to inform people about what the requirements may be or what opportunities may exist.

I will finish with this: on the sideline of all this I have seen, since the NRM has come in, the amount of money they spend on tourism promotion. What has that to do with natural resource management? They are happy to do all that, but we will block communication channels on things that could have impacts that people in the country and city deserve to know about. This will also involve messages. It will become a secret society where they so choose. I am opposed to this amendment.

The Hon. M. PARNELL: I have spent a fair bit of time in this place criticising government communication methods, and in fact I have a bill on a different topic which looks at the validity of newspaper advertising when it comes to people's rights and responsibilities. In fact, I have a bill that basically says that, rather than put it in the newspaper and the *Government Gazette*, you should tell everyone who is affected by a certain decision, and in that context that makes sense.

We also have to look at the context here, which is people finding out that an NRM group is being formed or where vacancies have arisen, and letting people know that they can apply. The question then becomes: what is the best way to get that through to people? The Hon. Rob Brokenshire says that in the country the newspaper is still a common way to go. We have to ask ourselves whether in legislation we enshrine newspapers and, I guess to a lesser extent, the *Government Gazette* as primary communication channels, or whether we can do better than that.

A worst case scenario—and this is, I think, perhaps what the Hon. Rob Brokenshire is getting to—is that it will be put on the website, the board will determine no other way of communicating, and it will in fact be a secret process where only those people who happen to visit the website would find out. That is a worst case scenario. He then also, in a very unparliamentary manner, showed us a brochure—and I have plenty of those glossy brochures as well. Those brochures are a pretty good vehicle for letting people know that there are some vacancies on a group to which they may want to belong.

I certainly understand from where the Hon. Rob Brokenshire's objections are coming, but my feeling is that this is a bigger issue than just this section, and governments do need to get serious about how they communicate with people. For the present purposes the Greens are happy to remove the reference to newspapers in this particular provision. We note that the board also needs to advise people in other ways as well.

The words are 'give such other public notices as the board may determine'. I think from the practice to date that they have determined that they want to do an awful lot of communicating with people, much of which is not well received, apparently, but certainly I do not think that removing the legal requirement to put a notice in the paper will disenfranchise people and that people will be thinking, 'I would have loved to have put up my hand for that position, but I didn't know about it.' I think the reality is that people will know about it and they will have an opportunity to apply.

The Hon. A. BRESSINGTON: I will not support this amendment either for exactly the reasons the Hon. Robert Brokenshire outlined. Some members in this place need to get out to some of these farms and actually see what is their daily practice, what are their habits and the use and support newspapers get in small country towns, which is far different from the situation with we city dwellers. Let's face it, we can get online, we can suss out information, but these guys up there rely on their local newspaper to keep them up to date. Many of them do not have computers, some do not even have mobile phones. I know of at least half a dozen who do not even have a radio, so the newspaper is their only link basically to what is going on, and they trust those local newspapers because there is no politics in them—the ones I am talking about anyway—and these people rely on them for their information.

I think that more and more we are actually losing touch with how real rural communities work, function and talk to each other, and what they rely on. We are basing all this on the view of city dwellers, which is very different from real life in the country.

The Hon. J.A. DARLEY: I will not be supporting this motion.

New clause inserted.

Clause 13.

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

Page 7, lines 4 and 5 [clause 13(2)]—Delete subclause (2) and substitute:

(2) Section 49(1)—Delete 'subject to the qualification that a person cannot act as a member of a particular NRM group for more than 9 consecutive years'

(2a) Section 49—After subsection (1) insert:

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

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

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

This goes to the issues we have already raised in this place. The same principle applies here as to the amendment considered for the NRM Council under clause 7 and for regional NRM boards under clause 11.

The same reasons for extending the term of members from a maximum of three to a maximum of four years applies to NRM groups as it does to the NRM Council and regional NRM boards; that is, to build capacity and improve effectiveness. It also provides for a further term of office for a member appointed as a presiding member in the situation where it would be detrimental for that person's expertise and ability to be lost to the NRM group.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15.

The Hon. I.K. HUNTER: The government proposes to remove the amendment from the bill because changes have occurred since that amendment was first put forward. The power of the chief officer in other legislation has now been removed, so there is no longer a need for this amendment.

Clause negatived.

New clause 15A.

The Hon. J.M.A. LENSINK: I move:

Page 7, after line 10—Insert:

15A—Amendment of section 69—Powers of authorised officers

(1) Section 69(1)(d)—Delete paragraph (d) and substitute:

(d) use reasonable force to break into or open any part of, or anything in or on, any place or vehicle, but only if the authorised officer—

(i) is acting under the authority of a warrant issued by a magistrate; or

(ii) is acting with the permission of the owner of the relevant land, or the person apparently in charge of the vehicle (as the case requires); or

(iii) believes on reasonable grounds that immediate action is required because a Category 1 or Category 2 animal may be present in the place or vehicle;

(2) Section 69—After subsection (9) insert:

(9a) If an authorised officer causes any damage by digging up any land under this section, the entity that appointed the authorised officer is liable to pay reasonable compensation to any person who has suffered loss on account of that damage.

This amends certain powers of authorised officers. There will be a requirement for a warrant to be issued by a magistrate or the authorised officer is acting in circumstances in which they believe that a category 1 or category 2 animal may be present, or they are operating with the permission of the relevant owner.

The Hon. I.K. HUNTER: The government supports this sensible amendment. I am advised that subsection (1) is similar to the current provision, with the additional power that force can be used with an owner's permission. The amendment removes the general power that an authorised officer can use force when he or she reasonably believes that immediate action is required and replaces it with a limited power to use force when an authorised officer believes, on reasonable grounds, that a category 1 or category 2 animal may be present. Of course, subsection (2) is supported. It reflects common sense, I believe, and a degree of natural justice.

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

Page 7, after line 10—Insert:

15A—Amendment of section 69—Powers of authorised officers

(1) Section 69—before subsection (1) insert:

(a1) A power under this section may only be exercised by an authorised officer with the approval of either the Chief Officer or the presiding member of the regional NRM board within whose NRM region the power is to be exercised.

(a2) However, subsection (a1) does not apply in circumstances where the authorised officer believes on reasonable grounds that urgent action is required.

(a3) Despite any other provision of this Act, the function of approving the exercise of a power under this section cannot be delegated.

(2) Section 69(1)—delete 'as may be required in connection with the administration, operation or enforcement of this Act' and substitute:

in the circumstances that apply under subsection (2a)

(3) Section 69—after subsection (2) insert:

(2a) For the purposes of subsection (1), the following circumstances apply:

(a) that the exercise of a power conferred by subsection (1)—

(i) is reasonably necessary because of a serious and immediate threat to a natural resource; or

(ii) is reasonably necessary to prevent or address a contravention of this Act; or

(iii) is reasonably necessary to obtain evidence of a contravention of this Act, or to prevent the destruction or removal of evidence of a contravention of this Act;

(b) that an authorised officer believes, on reasonable grounds, that a Category 1 or Category 2 animal may be present in a particular place or vehicle.

(4) Section 69—after subsection (9) insert:

(9a) Without limiting subsection (9), if an authorised officer causes any damage by digging up any land under this section, the entity that appointed the authorised officer is liable to pay reasonable compensation to any person who has suffered loss on an account of that damage.

(5) Section 69—after subsection (10) insert:

(10a) A person who is required to answer a question or to produce a document or record may refuse to do so unless or until he or she is given a reasonable opportunity to seek advice from a legal practitioner.

(6) Section 69—after subsection (16) insert:

(16a) If the exercise of a power under subsection (1) by an authorised officer includes entering land or premises other than under the authority of a warrant, the authorised officer must, before leaving the land or premises, leave at the land or premises a notice in the prescribed form setting out the ground that applies for the purposes of subsection (2a).

In amendment No. 9, I propose new subsections (a1) to (a3) which, with respect to powers of authorised officers, state that a power under this section may only be exercised by an authorised officer with the approval of either the chief officer or the presiding member of the regional NRM board within whose NRM region the power is to be exercised.

Secondly, the amendment states that new subsection (a1) does not apply in circumstances where the authorised officer believes on reasonable grounds that urgent action is required, so it does have provisions for emergency situations, and new subsection (a3) states that, despite any other provision of this act, the function of approving the exercise of a power under this subsection cannot be delegated.

This group of amendments, proposed new subsections (a1) to (a3), insert a requirement that a senior officer, comparable in the policing context to the priority authority of a senior officer such as an inspector, give a sign-off before powers are exercised. It is a check and balance, if you want to put it that way.

The minister put in the *Stock Journal* recently, in response to my letter a letter to the editor pointing out that the authorised officers have powers such as these—and that is true. However, first, it is in the NRM field that we have heard the most concerns about the use of these powers. Secondly, we have not begun, as the Legislative Council, to review those acts where those powers could be curtailed. This NRM bill is the first foray for the Legislative Council into settling where police-like and supra police powers can be possessed by persons who are not police officers.

This amendment compels authorised officers, when looking to use their considerable powers without warrant, to have the sign-off of either the chief officer or the local head of the NRM board. There is a practicality aspect, from a regional point of view, in having one or the other, not only for geographical issues but also in case one is on leave and not the other.

Boards should know and be right behind—and by that I mean expressly authorised—what their authorised officers are doing on their behalf, especially considering that under section 211 the board is liable to pay compensation where loss or damage occurs from entry or occupation of private land. I note also that subsection (a2) allows the use of powers in an emergency context but that a later amendment provides the mechanism by which the landholder can be informed as to what the grounds were for the urgent intrusion upon their property.

To me, it is a fair and reasonable and more explanatory way of ensuring that there are chains of command processes and checks and balances.

The Hon. A. BRESSINGTON: I would like to ask the mover, the Hon. Michelle Lensink, a question. I am a bit confused about the third point in her amendment, that is, 'where it believes on reasonable grounds that immediate action is required because category 1 or 2 animals may be present in the place or vehicle'. Could you explain that third point for me?

The Hon. J.M.A. LENSINK: I thank the honourable member for her question. The references to category 1 and category 2 animals are a fairly standard provision throughout the Natural Resources Management Act. It is some time since I have had a briefing on it, but I understand that they are the sorts of species that are considered dangerous to indigenous species for various reasons or could become significant feral pests—cane toads are probably a good example.

The one that sticks out in my memory, for some reason, is the water buffalo. If they enter into waterways, they can take over the place, and they are well known in the northern parts of Australia to establish themselves quite readily. It is really to ensure that there is not some sort of animal species that can escape into our environment and become a significant feral pest.

The Hon. A. BRESSINGTON: I was wondering if I could now ask the Hon. Robert Brokenshire why he did not see the need to include that specific point in his amendment.

The Hon. R.L. BROKENSHIRE: The reason for that is that under subsection (5) in the existing act, it states:

An authorised officer may only use force to enter any place or vehicle—

(a) on the authority of a warrant issued by a magistrate; or

(b) if the authorised officer believes, on reasonable grounds, that a Category 1 or Category 2 animal may be present in the place or vehicle.

So, in answering the Hon. Ann Bressington, I ask the minister, and/or the Hon. Michelle Lensink, why she has actually moved the clause the way she has moved it, when my reading and understanding of it is that it is covered under the existing subsection (5). We hear the minister telling us everything that we are putting up is already covered; to me, it is already covered.

The Hon. J.A. DARLEY: I move:

Page 7, after line 10—Insert:

15A—Substitution of section 69

Section 69—delete section 69 and substitute:

69—Powers of authorised officers

(1) Subject to this section, an authorised officer may do any 1 or more of the following in connection with the operation of this Act:

(a) enter and inspect any place or vehicle;

(b) take such action or give such directions as may be reasonably required in connection with the operation of this Act;

(c) seize and retain anything that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this Act;

(d) seize and remove, or take measures for their destruction or control, any animal or plant that—

(i) is being held or maintained in contravention of this Act; or

(ii) is liable to be destroyed or controlled under this or any other Act; or

(iii) is prohibited from being in the State under any other Act or law;

(e) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required in connection with the operation of this Act to answer questions in relation to those matters;

(f) require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit a contravention of this Act to state his or her full name and usual place of residence and produce evidence of his or her identity.

(2) However, an authorised officer cannot do any of the following except with the authority of a warrant issued by a magistrate:

(a) exercise a power under this section in relation to residential premises;

(b) use reasonable force to break into or open any part of, or anything in or on, any place or vehicle;

(c) require a person to produce specified documents or documents of a specified kind.

(3) Subsection (2)(a) and (b) do not apply in a case where the authorised officer believes, on reasonable grounds, that immediate action is required because a Category 1 or Category 2 animal may be present on the residential premises, place or vehicle (as the case requires).

(4) An authorised officer must, in exercising a power under this section—

(a) if the exercise of the power includes entering land or premises (other than with the authority of a warrant issued by a magistrate or where subsection (3) applies)—give an owner of the land or premises at least 48 hours notice of an intention to enter the land or premises;

(b) have regard to any request made by indigenous peoples that the authorised officer (or authorised officers generally) not enter a specified area;

(c) comply, as far as is reasonably practicable, with any quarantine arrangements (whether or not in place under this or any other Act or law and however described) that may be in place in relation to particular premises or land;

(d) comply, as far as is reasonably practicable, with any occupational health and safety arrangements (however described) that may be in place in relation to particular premises or land;

(e) take such steps as may be reasonably practicable to ensure that any land disturbed in the exercise of the powers is restored to such state as is reasonable in the circumstances;

(f) comply with any guidelines or policy published for the purpose of this section by the Minister or Chief Officer.

(5) An authorised officer may exercise a power under this Act—

(a) in the case where the authorised officer believes, on reasonable grounds, that immediate action is required—at any time; or

(b) in any other case—

(i) if the authorised officer is exercising a power at business premises—during ordinary business hours; or

(ii) in any other case—at any reasonable time.

(6) An authorised officer exercising powers under this section may be accompanied by such assistants as are reasonably required in the circumstances.

(7) An application for the issue of a warrant under this section must be made in accordance with any procedures prescribed by the regulations.

(8) An authorised officer must, before exercising powers under this section in relation to a person, insofar as is reasonably practicable, provide to the person a copy of an information sheet that sets out information about the source and extent of the authorised officer's powers under this section, and about the action that may be taken against the person if the person fails to comply with a requirement or direction of an authorised officer under this section.

(9) Subsection (8) does not apply in circumstances prescribed by the regulations for the purposes of this subsection.

(10) In this section—

Category 1 or Category 2 animal means an animal assigned to such a category under Chapter 8;

information sheet means a document approved by the Minister for the purposes of subsection (8).

15B—Amendment of section 70—Provisions relating to seizure

(1) Section 70(1)—delete '(1)(o) or (p)'

(2) Section 70(2)—delete subsection (2)

The proposed amendment replaces the current provisions relating to the powers of authorised officers. Importantly, it aims to limit the very broad-reaching scope of those powers, particularly where they relate to residential premises and the use of force.

The proposed amendment requires an authorised officer to obtain a warrant issued by a magistrate before exercising powers in relation to residential premises, using reasonable force to break into or open any place or vehicle, or requiring a person to produce documents of a specified kind. The only exception to this is where immediate action is required with respect to category 1 or category 2 animals.

Category 1 or category 2 animals are animals assigned to such a category under chapter 8 of the act. Chapter 8 of the act provides for specific controls in relation to animals that fall within those classes, including provisions in relation to the movement, possession, sale and supply of such animals.

The amendment also provides that an authorised officer must give an owner of the land or premises at least 48 hours' notice of an intention to enter the land or premises. It requires that they comply with any quarantine arrangements and any occupational health and safety arrangements that may be in place in relation to particular premises or land and with any guidelines or policy published by the minister or chief officer.

As mentioned in my second reading contribution back in 2011, there is no question that landowners and food producers are particularly concerned about the powers of authorised officers and that this issue has been the subject of intense media scrutiny. Food producers and landowners are concerned about not only the very broad scope of these powers but also the way in which they are being exercised by authorised officers.

Over the two years in particular, my office has personally spoken with a number of farmers in relation to their treatment by authorised officers, and the underlying sentiment expressed by most of them has been one of bullyboy tactics and a total disregard for their livelihoods. Farmers are particularly concerned that authorised officers can march onto their properties without any regard for the fact that they are quality-assured producers and without any regard for the fact that unauthorised entry could result in catastrophic consequences for their livestock.

For instance, I am advised that stud cattle farms which are assessed properties have to confirm with certain contamination and biosecurity requirements under the Australian Johne's Disease Market Assurance Program for Cattle (otherwise known as Cattle MAP). Those requirements are intended to ensure that livestock remains Johne's free. Johne's is a fatal wasting disease which affects cattle, sheep, goats, alpaca and deer. I am advised that a thumbnail of faeces from one infected animal is enough to transmit the deadly disease to all other animals on a property.

Further, I am advised that the requirements under the Cattle MAP include preventing entry onto properties for a period of 21 days by individuals who have been in contact with other non-assessed livestock or rural properties and have not undergone decontamination. The decontamination is not limited just to the footwear and clothing of the individual but also includes the vehicle the individual is travelling in and any equipment that they may wish to bring onto the property.

In financial terms the effects of this can be crippling. For instance, I am advised that in one instance some time ago an individual transmitted a virus from one property to another neighbouring property, and this effectively resulted in a loss of two-thirds of that owner's net income overnight. This amendment seeks to address this particular issue by ensuring that NRM authorised officers be required to comply with any quarantine arrangements in place on a particular property.

Authorised officers may visit a number of properties on any given day or during any given week, so the likelihood of coming into contact with or transmitting a disease is not out of the question. There is no reason why they should not be required to comply with any quarantine arrangements in place, particularly in light of the devastating consequences that this can lead to.

The same can also be said in relation to occupational health and safety requirements, which farmers may require individuals to adhere to for a very good reason. It would be very unfortunate if an authorised officer were to be stampeded by a paddock full of bulls, which can weigh anywhere up to one tonne each, if not more, simply because they failed to adhere to such arrangements.

In relation to the powers of authorised officers more generally, I understand that similar provisions relating to these powers exist under other pieces of legislation and have not been the subject of the same level of criticism. As previously mentioned, this tends to suggest that the problem rests more with the way in which authorised officers have been carrying out their duties than the powers themselves. It is for this reason that the amendment proposes to require authorised officers to comply with any guidelines or policies published by the minister or the chief officer.

Again, there is a lot of discontent among farmers at the moment not only in relation to the powers of authorised officers but also in relation to the way these powers are being exercised. This amendment goes some way towards addressing those concerns, and I urge all honourable members to support it.

The Hon. R.L. BROKENSHIRE: Just with respect to the amendment of the Hon. John Darley, I understand exactly where he is coming from. You only have to look at the saga we are dealing with with broomrape at the moment, and all the money that was thrown at broomrape, and now, because of budgetary considerations, we have a situation where the policy has changed completely on broomrape. That is one example of where we need to be exceptionally cautious about what happens with any vehicles that travel onto one property, where for example there could be broomrape, and then enter another property and spread those weeds. We do have enough problems with weeds as it stands.

Also, while on my feet, I want to just further answer the Hon. Ann Bressington's question regarding the Hon. Michelle Lensink's amendment as against the Family First amendment. When we had a look at it, our understanding was that the Hon. Michelle Lensink's amendment really only seeks to impose that there be only conditions on entry if it is forced. The argument that we are putting forward with our amendment is that we read that section 69(5) of the act already covers exactly what the Hon. Michelle Lensink is proposing. It is already there under section 69(5) and I would argue is therefore unnecessary.

Whereas, if you look at my amendment, in further answer to the Hon. Ann Bressington, it deals with all entries and other exercises of power under section 69—mainly, that they can only be used in the new (2a) circumstances of emergency, preventing breaches or obtaining evidence of breaches, and with the prior sign-off a senior officer; and for entries into land or premises, that must be followed by leaving a notice there as to the grounds relied upon for the entry onto the land. To answer the Hon. Ann Bressington, that is how I see the differences.

The Hon. I.K. HUNTER: I might go through this step-wise. The Hon. Mr Brokenshire asked a question, and I think he directed it to me, and also, on the Hon. Ms Lensink's amendment (if I can be so bold to make a response) he asked, 'Why did the Hon. Ms Lensink put in that section (iii) about category 1 and category 2 animals?' I understand it is because of consistency issues and it is probably for exactly the same reason that the Hon. Mr Brokenshire included it in his amendment at (3)(2a)(b) where he also talks about category 1 and category 2 animals. I can only presume that that is the case to keep the clauses consistent with the original drafting of the original bill.

If I could then go to the individual amendments that have been moved. As I said, the government will be supporting amendment No. 1 standing in the name of the Hon. Ms Lensink. We will not be supporting amendment No. 9 standing in the name of the Hon. Mr Brokenshire for the following reasons—except, of course, subsection (4) in his amendment is very similar to the amendment that we will be supporting under [Lensink-6] 1, so that part would have been acceptable to us. Proposals under subsections (1), (2) and (3), however, to have either the chief officer or presiding member personally approve every exercise of power without the ability to delegate by an authorised officer is, we believe, unreasonable, unwarranted and probably unworkable, even though it will not apply in some circumstances.

I should also point out that since 2009, I am advised, regional authorised officers have been undertaking their activities based on the requirements set out in the Natural Resources Management compliance operators manual issued by the chief officer. This manual provides standardised tools for use by all the authorities that support the NRM Act and provides detailed operational guidelines to regional authorised officers. The further requirement to leave a notice setting out the grounds that apply to entry to land in every case introduces more administration and preparing and recording those notices without clear benefits, and has the concomitant problems, or could possibly introduce the trouble that the Hon. Mr Parnell entertained when we discussed the matter earlier.

We do not believe that subsection (5) does much more than provide a person who is acting contrary to the act with the ability, or the potential ability, to hide or contaminate or dispose of what otherwise might be valuable evidence, or to perhaps rehearse answers which are designed to defeat the purpose of the direction in the first place. Again, it is worth restating that the aim in the debate on this bill has been to achieve some consistency and powers of authorised officers across various acts in the environment and conservation portfolio, and we believe these amendments would compromise that aim.

I now turn to the amendment No. 3 filed by Hon. Mr Darley. The government will not be supporting that amendment either. Current section 69(1) provides a constraint on the exercise of the powers of all authorised by virtue of the words:

> ...required in connection with the administration, operation and enforcement of this Act...

The government is opposed to the removal of this practical constraint on the exercise of powers by authorised officers. The government is also concerned to ensure that the operational constraints on the exercise of powers by authorised officers, as currently set out in section 69(1), are retained.

The removal of the specific powers inherent in the proposed amendment has the effect of also removing certainty of both authorised officers and landholders. This level of detail is currently available to landholders through the medium of the NRM information sheet under section 69(14). I would like to repeat that the vast majority of inspections conducted by authorised officers are by

arrangement and consent with the landowner, often as part of the process of seeking voluntary compliance as required under the act. A clear distinction must be drawn between inspections which are merely exploratory in respect of a reported potential pest, animal or plant or other problem, for example, and those which result from the need to deduce specific evidence to support investigations for cases such as water theft.

The requirement to give 48 hours notice of potential entry onto land where the owner is engaged in criminal behaviour would allow him or her to remove or destroy all evidence of such behaviour such as, for example, the removal of temporary pipes and pumps placed to illegally extract water. The impracticality of this, I believe, is self-evident. We urge the chamber to reject the two amendments under the name of Darley and Brokenshire and support the amendment under the name of Ms Lensink.

The Hon. J.M.A. LENSINK: If I could respond to comments from the Hons Mr Brokenshire and Mr Darley. In response to Mr Brokenshire, subsection (2)(ii) includes acting with permission of the owner of the relevant land. I think that that is the distinction.

The other part of this amendment is subsection (2) which I did not refer to in my opening remarks which was to require some reasonable compensation to be paid for any damage that may occur from digging up of land. That is a clause currently which we took from the Mining Act, and we thought that was a fair and reasonable thing to include, so that is another aspect of this legislation.

I commend the Hon. Mr Darley for his remarks in relation to the general situation and concerns in relation to authorised officers. The Liberal Party has heard about these complaints for a long time and has been very concerned about them for a long time. When this legislation was passed in 2004, it was anticipated that some of these powers would be used as last resort and, if that was the situation, I do not think we would be here spending so much time debating this issue. In many ways, a number of members have come to this place in good faith and tried to find, for want of a better term, a 'pull your heads in' clause for the overuse of authorised officers' powers.

Landcare have taken the view and expressed to me at various times that NRM are like cane toads, and I think we need to revert to the days where NRM was genuinely seen as working with landowners rather than coming on to their properties and telling them what they should do. In the main I think most landowners are really very good stewards of their properties. They are diligent in terms of their fencing, weeds and protecting watercourses, and I think that is something we would like this legislation to recognise and, for that reason, I am a little bit disappointed that the Hon. Mr Brokenshire does not have an amendment that he tabled two years ago which was to establish policies for authorised officers which may have gone to some of the cultural elements that take place. Nevertheless, we are where we are and we are trying to find some sort of way through this, and I think that this issue will need to be revisited in the cold hard light of day.

The Hon. M. PARNELL: I take this opportunity to put the Greens' position on the record in relation to these amendments. There are four options before us. We have the status quo. We have the Hon. Michelle Lensink's fairly small amendment which the government is accepting, so that will go through. The Hon. Rob Brokenshire has made a smaller number of amendments than the Hon. John Darley who has rewritten the whole of the authorised officers section.

The Hon. Rob Brokenshire's amendment fails on a number of accounts, I think, to pass the test of good legislation. I mentioned one earlier in relation to the potential impact on the admissibility of evidence for want of a calling card. If I was a lawyer for someone who has been inspected and charged and evidence was collected and there was no calling card, then I reckon I would be raising that as a lawyer and I would be saying, 'This evidence is inadmissible,' and I think you would have a reasonable case. I think that is a flaw.

The other one, which the minister referred to, is the supposed exception to where urgent action is required. Well, urgent action might not encompass urgent investigation of potential wrongdoing. It might not require action. It might just involve going and having a look and collecting some evidence. I think the Hon. Rob Brokenshire's amendments do not cut it.

As to the Hon. John Darley's amendments, there are a number of things in here which I think have a deal of merit but it is a package of measures that we are looking at and they will rise or fall as a package. One matter that is in the Hon. John Darley's amendment is the amount of notice that needs to be given (the 48 hours' notice). The minister referred before to the section which requires cooperation and he said that in the vast majority of cases inspectors are seeking to work cooperatively with landholders. But there are a couple of cases that I can think of where giving 48 hours' notice would be entirely counterproductive. The minister mentioned water theft. Having

spoken to a number of authorised officers over many years—in fact, I should declare that I think at one stage (about 15 years ago) I was briefly involved in a training course through the University of Adelaide for authorised officers—it has only just occurred to me now that one of the authorised officers used to talk about a water theft technique. Whilst I am loathe to give readers of *Hansard* ideas, it did involve frozen fish and pumping mechanisms, and I will leave it at that, but there were techniques that were used.

More seriously, I think, when it comes to giving notice of inspections you cannot go past the Coroner's report into the death of four-year-old Nikki Robinson, who was a victim of the Garibaldi contaminated mettwurst case. In fact, I think it was just a year or so ago that they finally resolved the legal actions around that. When you read that Coroner's report, and I have not read it recently but I used to teach it at Flinders University many years ago, one of the main lessons the Coroner had for regulatory authorities in this state was that the practice of giving notice before undertaking inspections, when health might be involved, was the wrong way to go, and in that case it was factory inspectors, health inspectors attending a smallgoods factory.

The idea that you would ring up and say, 'Will next Wednesday afternoon be appropriate for an inspection?' Of course the place is as clean as a whistle when the inspectors come around. There is a case for urgent, unannounced inspections. Having said that, I do not dismiss at all what the Hon. John Darley, the Hon. Rob Brokenshire and others have referred to, that you cannot have people willy-nilly storming onto agricultural properties and potentially causing mayhem, spreading disease and all sorts of things.

It is my understanding, and as I said having been involved in some of the training of authorised officers over the years, that it is not the Keystone Cops out there, there is a level of professionalism. I am not denying that things go wrong, things do go wrong. We need to make sure that the quality of training and the quality of supervision of staff is of the highest level. At the end of the day, the Greens will not be supporting either of these two amendments because I think there is enough wrong with them that they will actually make the situation worse than it currently is.

The Hon. A. BRESSINGTON: First of all, I would like to say that I have taken heart from some of the comments the Hon. Michelle Lensink made about the number of complaints that are being received in Liberal Party offices as well as, obviously, the offices of the Hon. Robert Brokenshire, the Hon. John Darley and myself. It is good to know that it is not just the wing nuts in this place who are getting these sorts of complaints and pursuing them, that it is actually a major party that is being asked to look into the conduct of authorised officers.

First of all, given the information and the 18 months it has taken me to gather information and look into not just one or two cases but, I would say, about 40 or 50 cases about the abuse of authority of some NRM officers, I would be inclined to support the Hon. John Darley's amendment. In my eyes, it is prescriptive enough to put a halt to some of the stuff that is going on out there and causing our food producers and farmers some great angst.

I would like to make the point, while I am on my feet, that quite often it is not the actual food producers and farmers causing a lot of the problems that NRM officers think they need to crack down on, the problem lies with hobby farmers, and not only hobby farmers but hobby farmers who put managers in to manage those farms. Some are doctors, some are lawyers, they have their little weekend hideaway and they hire a manager to manage that property through the week so that once a month they can go down and enjoy country life, and quite often it is the managers who do not have a clue about looking after a property, maintaining a property, looking after the livestock of that property or the biosecurity issues.

Funnily enough, it is rarely those hobby farmers who are invaded by NRM officers. It is our food producers who are being targeted. I could show you half a dozen properties up in the Hills owned by hobby farmers that are an absolute disgrace. They are a fire hazard to the entire community, they are poorly maintained and, in a couple of cases, I know that real farmers up that way have reported the state of the animals on those properties to the RSPCA. On three different occasions one farmer was actually trucking hay to a horse in his ute to feed the animals on one of these hobby farms. He reported it to the RSPCA and was told, 'Well, if you're feeding it, we can't do anything about it.' It is these sort of issues that NRM officers should be addressing.

I agree with the Hon. Michelle Lensink that we will be revisiting this because these issues will not go away until the culture within some of the branches of NRM are identified, addressed and actually dealt with. That may need not just a change of policy but in the long term we may come to realise that it does take legislative change and penalties to curb that behaviour. As I said earlier, it

is the bad behaviour we need to be addressing, and we need to make sure that we do not give them any more power than they have already.

I agree with the comments of the Hon. Mark Parnell about giving 48 hours' notice to a person who is in breach of the law or at risk of causing harm to another person, another property or to the biosecurity of the other farms, thieving water if that happens anymore, or whatever it might be. They are issues where neighbours of that person would expect that immediate action would be taken. I agree with that, but when we are talking about some NRM officers coming on to someone's land and throwing around their muscle and telling them that they could be fined $35,000 for moving a rock or a dead stump because it is now habitat for some fictional lizard or butterfly or whatever, that is just ridiculous and that does happen.

I could tell members a story of an NRM officer who was a next-door neighbour to a property where they were having a road graded to their home, and that NRM person came over to that property, picked up rocks and started throwing them at the grader driver because he was destroying native grass. This element is there, and if we do not take steps to address it it will not get better but will get worse. It will not matter which amendment I choose—I choose to support the Hon. John Darley's amendment because I think it has the detail in it that is needed, but obviously the government and the Liberal Party have agreed on an amendment and I guess we will be back looking at this in maybe another two or three years' time.

The CHAIR: We will be looking at the Hon. Ms Lensink's new clause as somewhat of a test.

New clause inserted.

Clause 16.

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

Page 7, lines 14 to 32 [clause 16, inserted section 72]—Delete section 72 and substitute:

72—Self-incrimination

If a natural person is required to give information, answer a question or produce, or provide a copy of, a document or record and the information, answer, document or record would tend to incriminate the person or make the person liable to a penalty, the person must nevertheless give the information, answer the question or produce, or provide a copy of, the document or record, but the information, answer, document or record will not be admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty other than proceedings in respect of the making of a false or misleading statement or declaration.

This clause proposes to amend the law relating to self-incrimination under the NRM Act. Currently, section 72 of the act provides that a person is not obliged to answer a question or produce a document or record if to do so might incriminate the person or make the person liable to a penalty.

The amendment specifies that if the natural person is required to give information, answer a question, or produce or provide a copy of a document or information, and complying with that requirement might tend to incriminate the person or make the person liable to a penalty, the person must nevertheless comply. However, the information, answer, document or record will not be admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty other than for making a false or misleading statement or declaration.

The proposed reform provides for the disclosure of information relating to environmental harm and thus preventing further harm from being caused, while providing that information disclosed is not admissible in evidence against the person, thus protecting the person. This is considered to strike an appropriate balance between the protection of an individual's rights and the need for an effective and encompassing administration of the act and the protection and management of our natural resources.

The amendment will help ensure that threats of immediate harm to natural resources can be prevented or minimised while at the same time maintaining the basis of the common law of privilege. The proposed amendment is similar to the self-incrimination provisions, I am advised, current in the Fisheries Management Act 2007 and the Plant Health Act 2009.

The Hon. A. BRESSINGTON: I have a question for the minister on this. This is a matter on which I actually travelled to Victoria to speak with two people who had been in this situation, and I will briefly outline that case.

Two partially disabled elderly people were living on a property on the border of Victoria and Canberra. One had had a stroke and the other had buggered up her knee and they were unable, for a period of time, to maintain or clean up the property they were living on. They had the equivalent of NRM officers come onto the property and deem that their personal possessions, pot plants and herbs and whatever else, were illegal waste. Those NRM officers then brought in a skip, had all that so-called illegal waste removed, and the two people were charged as environmental vandals.

I know that our act is very different to that in Victoria, but these people no longer have access to their land. They were locked off their land because they were deemed to be unfit to look after it environmentally. Is this where this is going? I do not believe that any person should be required to provide documents, give evidence or give up their right not to co-operate until they have legal advice. All these tricky little pieces of legislation are turning common law, our judiciary, our legal system on its head. As with the NRM officers, we have no idea how this will actually be applied on the ground. I think this is very dangerous.

The Hon. I.K. HUNTER: My advice is that there is no connection between the amendment that I am moving and the situation as described by the Hon. Ms Bressington.

The Hon. R.L. BROKENSHIRE: I have a straightforward question for the minister: was this clause put forward by your government, minister, or was this a clause that was recommended by the department?

The Hon. I.K. HUNTER: This amendment is a clause that I recommended.

The Hon. R.L. BROKENSHIRE: Sorry, I just cannot hear the minister all the time. Did the minister say that it is a clause he recommended?

The Hon. I.K. HUNTER: I said that the amendment is an amendment that I recommended.

The Hon. R.L. BROKENSHIRE: Was the original proposal for this to be considered within all of the debate something that the government put to parliamentary counsel or was it something the department put up to the government? It is a very important question.

The Hon. I.K. HUNTER: As I said, the amendment that I just moved is an amendment that I initiated.

The Hon. M. PARNELL: The Greens will be supporting this amended change to the self-incrimination rules. However, I want to make a brief observation about the importance of getting early information where the consequences can be harmful to the environment—and we then have to weigh that up against the right of people to not have to self-incriminate.

I can think of a local example—and the Hon. Ann Bressington's comments reminded me of it—where various orchid fanciers in Adelaide brought in a number of plants from overseas. They became quite invasive in their pot plants and their gardens and so they were dug up, put into the wheelie bin and taken to the old Eden Hills rubbish dump, from where they have spread to vast areas of bushland in South Australia. I am talking about Monadenia, the African weed-orchid.

I wonder whether, if authorities had realised it soon enough and had been able to at least ask one of these orchid fanciers, 'Where did you dispose of your plants?' then it may have been possible to have nipped the invasion of that awful weed species in the bud. It may seem a bit far-fetched but it struck me as an example of where, for the greater good, sometimes we do need to force people to answer questions. The balance that is struck in this clause is that the answers and the documents that result from that forced disclosure will not, of themselves, be used in evidence against a person.

However, at the end of the day, if I am weighing up the potential harm to vast tracts of the environment with a person's common law right to silence, I am choosing the environment in this particular case.

The Hon. S.G. WADE: I share the Hon. Ann Bressington's shock because let us remember that the NRM Act is not the only tool to protect the public interest in the event of an NRM or environmental incident. There are examples such as the safe drinking water legislation, the public health legislation and, for that matter, the public emergency legislation. There is a whole range of legislative tools that could be used where an environmental threat becomes a threat to the public.

The Hon. M. Parnell: Not a weed: what other act deals with weeds?

The Hon. S.G. WADE: Let us be clear: in some of the most important legal rights that this parliament deals with (that is the criminal law) we preserve the privilege against self-incrimination. When members of the public are threatening other members of the public we still uphold that right. If the Hon. Mark Parnell wants to argue that weeds are more important than public safety threats through crime, through public health, etc., then so be it. Certainly we will be asserting, and the Hon. Michelle Lensink's amendment asserts that this is an important privilege—what the courts have called a 'bulwark of our liberty'. We certainly believe that it should not be abrogated in this case.

The Hon. R.L. BROKENSHIRE: After asking a question of the minister my understanding of the last answer from him was that—just for the public record—the department, when it drafted this documentation, was happy to forgo the democratic rights and to have people self-incriminate. The minister, in his wisdom, had seen that that was a very dangerous move and therefore tried to come to a halfway house between the department—and it really does expose the department for what it is on about with this—and trying to get something that might appease this council. I frankly do not care what might be in the fisheries act or any other act; I actually think they are wrong too, and at some point in time—

The Hon. S.G. Wade interjecting:

The Hon. R.L. BROKENSHIRE: —with the next Attorney-General indicating, we may be able to come in here in May or June next year and actually fix them, too. However, in the meantime, we will certainly be opposing this. We have a similar amendment to the Hon. Michelle Lensink, which I will talk about later. This is just outrageous; we have to stop this nonsense. I think the government should have withdrawn this altogether. It is a democratic right that people have had; we have fought wars over this sort of thing. We have the Westminster system, and this is just being undermined by, frankly, dictators.

The Hon. J.M.A. LENSINK: I move:

Page 7, lines 11 to 32—Delete clause 16 and substitute:

16—Repeal of section 72

Section 72—delete the section

Just to place on the record what the Liberal Party's position is: we are very concerned about any undermining of the right to remain silent, as my learned colleague the Hon. Stephen Wade has outlined. We believe it is a common law human right which should not be abrogated, so we will not be supporting the government's amendment; ergo, we are supporting the Hon. Robert Brokenshire on this point. Subsequent to that, we are actually seeking to delete the clause from the substantive act itself so that it will revert to the common law definition.

The Hon. J.A. DARLEY: I just want to mention that I will be opposing the government's amendment.

The Hon. I.K. HUNTER: Mr Chairman, I rise in outrage—

The Hon. J.M.A. Lensink: And shock.

The Hon. I.K. HUNTER: —and shock, and wish to indicate—

The Hon. T.J. Stephens: Throw some horror in there.

The Hon. I.K. HUNTER: Not yet—that the government opposes the amendment of the Hon. Ms Lensink. The government considers that a substitution of the self-incrimination provision of the act through my amendment No. 16 is important to effectively respond to major harm to our natural resources. If harm is being caused to our natural resources, we have the responsibility to mitigate or stop that harm as quickly as we possibly can.

By requiring persons to answer questions, we obtain the information to remedy that circumstance for the benefit of the community; but I reiterate that the information given, unless it is false or misleading, cannot be used in proceedings as evidence against that person. What further protections do you need? This provision has existed for some time—

Members interjecting:

The Hon. I.K. HUNTER: This provision has existed for some time in other environmental-related legislation. Again, I reinforce the point that it attempts to strike a balance between the need to protect our natural resources without abrogating the rights of the individual.

The Hon. S.G. WADE: I think the minister might reflect on his last statement: you are asserting the right to natural resources without abrogating from the rights of individuals. Clearly, this whole provision abrogates from the rights of individuals. Let me just restate that, under English common law, the privilege against self-incrimination (or, more correctly, the privilege against self-exposure to incrimination) is one of the most fundamental rights.

Privilege is regarded as a key protection of individual liberties and a substantive right. Courts have described the privilege as a 'cardinal principle of our system of justice', a 'bulwark of liberty', and 'fundamental to a civilised legal system'.

The Liberal Party has never asserted that it can never be abrogated; we have done that in my parliamentary career in relation to the safe drinking water legislation. However, as I have said time and time again, we will only consider abrogating it if in the circumstances we consider that it is necessary in the context of competing public interests.

On the one hand, the public interest is in upholding an important individual human right—which only yesterday the Greens were demanding this parliament respect. On the other hand, there is a public interest in ensuring that authorities have adequate powers to inquire into and monitor activities that give rise to issues of significant public concern. The Australian Law Reform Commission—hardly the IPA, which the government refuses to listen to—put it in these terms:

> The courts have clearly expressed the view that the privilege against self-incrimination is an important human right. Yet the legislature must balance other public interest considerations against the protection of individual human rights...The policy question for the legislature is to decide in what circumstances public interest considerations should overrule human rights protection, and whether the regulation of particular activities mandates different considerations.

In general terms, the abrogation of the privilege against self-incrimination is justified in circumstances where the public interest in obtaining the information is greater than the public interest in providing protection from compelled self-incrimination.

The Hon. Mark Parnell and the honourable minister have both said that it would be of convenience to the prosecution and enforcement authorities. Well, that is true of the police, surely. It is true of any prosecution authority. Of course it is to their convenience. What we have to ask is: does it justify an abrogation of a basic human right? In relation to the safe drinking water bill before this parliament in 2011, the Liberal opposition decided that the higher public interest was in responding to threats to safe drinking water and that it justified the abrogation in that case.

As I have indicated in response to a previous discussion on this clause, I believe that there are already tools that would be available to government to deal with risks that were threats to both natural resources and the public. I must admit that I do find it hard to conceive of a threat to natural resources alone that would justify the abrogation of individual human rights. Within my value structure that would be to put the environment above humans. Our assessment is that the interests being protected by this bill do not justify abrogation of the privilege.

We have not chosen to propose an alternative amendment because to do so could codify and continue to limit the common law right. We think that the best step this parliament could take would be to oppose the government amendment and to support the amendment of the Hon. Michelle Lensink because by doing so you would remove the clause in the act and therefore refresh the common law rights that South Australians are entitled to.

The Hon. I.K. HUNTER: Far be it from me to argue points of law with the Hon. Mr Wade or the Hon. Mr Parnell: they would beat me every time. However, I must point out that I think the Hon. Mr Wade is confusing the issue; I will leave it at that. My advice about the common law right he was referring to is that the privilege in its modern form is in the nature of a human right designed to protect individuals from oppressive methods of obtaining evidence of their guilt for use against them—for use against them.

I expressly make it very plain that they will be protected from that in my amendment. The confusion of the two, I think, really does no service to this debate. My amendment makes it very plain that the right is to be abrogated to the extent that it provides evidence to the officers so that we can correct a wrong immediately without it being able to be used against the person who surrenders that information.

The Hon. R.L. Brokenshire: What about OMCG? She won't break their code of silence.

The CHAIR: Order!

The Hon. S.G. WADE: If I could respond briefly to the minister's accusation, I am suffering from no confusion on this matter. It is a consistent view of the Liberal Party, both at the state level and the federal level, that codification of human rights in whatever form runs the severe risk of actually limiting them. That is why we have chosen to delete this clause, not to fiddle with it. You have chosen to fiddle with it. We do not believe that is a good approach.

The Hon. M. PARNELL: The Hon. Stephen Wade has raised the tone of the debate into some moral value judgements about the importance of various issues, including human health, human life, the environment, and also, I hasten to add, billions upon billions of dollars worth of agricultural produce that could be at risk. That is on one side of the ledger; the other side of the ledger is the person's absolute right to remain silent.

What strikes me is that the Hon. Stephen Wade says, 'Well, when it comes to drinking water, yes, someone might have tampered with drinking water and you can make them tell us what they did so that we can deal with it,' but what about being able to say to the person, 'We know you've been releasing cane toads all over the state. Can you tell us where?' Brucellosis—

The Hon. G.E. Gago: Bringing in fruit flies.

The Hon. M. PARNELL: —fruit flies, the Hon. Gail Gago interjects—and I mentioned an example of an environmental weed, and perhaps I would have been better off to refer to an agricultural weed that costs farmers billions upon billions of dollars. The Hon. Stephen Wade's value judgement is that he values the right of the person to absolute protection from self-incrimination not to be able to—

Members interjecting:

The CHAIR: Order!

The Hon. M. PARNELL: By opposing this, if the issues at stake were the release of a feral animal or noxious weeds into the environment that were going to cost farmers billions of dollars, then I think this is a compromise, fairly sensible amendment that recognises that that evidence will not be used against that person in a court of law but that the authorities will have the information they need to potentially protect our economy and our environment from vast harm. That is where I see this amendment falling.

I am normally with the Hon. Stephen Wade on these issues, and we have supported the right for people not to have to incriminate themselves, but sometimes there is a greater good. Those of you who have studied legal studies would want to step it up another level and start talking about the torture of prisoners of war to find out valuable information, and it can go to the whole next level philosophically.

I am saying that at risk here are the livelihoods of thousands of South Australian farmers and the integrity of our natural environment, and we are weighing that up against what is, I think, a quite mild tinkering of the rules in relation to self-incrimination. I sleep quite well at night normally supporting the Hon Stephen Wade's position but, as he said, in relation to drinking water he fell the other side of the line: I am falling the other side of the line in relation to natural resources.

The Hon. R.L. BROKENSHIRE: Minister, for absolute clarification, my understanding is that right at this point in time the act states clearly that nobody loses their right to silence. Can the minister confirm that that is actually the situation? That is my understanding.

The Hon. I.K. HUNTER: I am advised that I referred to this in section 72 of the act, which currently provides that a person is not obliged to answer a question or to produce a document or record if to do so might incriminate the person or make the person liable to a penalty.

The Hon. R.L. Brokenshire: The status quo should remain.

The Hon. S.G. WADE: I do not know whether Hansard picked up the Hon. Robert Brokenshire's comment. He was saying that the status quo would—

The CHAIR: The comments were out of order.

The Hon. S.G. WADE: Sorry, an honourable member may reflect on this and say that perhaps the status quo will remain. That is certainly an option within the amendments before us. The Liberal opposition takes the view that the right existed in common law well before anybody

thought of the Natural Resources Management Act 2004. We should fall back on common law not on the government that commissioned the bill at that time. We appreciate the point the Hon. Robert Brokenshire makes, that the act is to be preferred to the government's amendment, but we say that common law is to be preferred to both.

The Hon. I.K. HUNTER: Just a final go, Mr Chairman—if the Hon. Mr Brokenshire believes that the status quo should remain, then he should vote against my amendment and vote against the Hon. Ms Lensink's amendment as well.

The Hon. I.K. Hunter's amendment negatived; the Hon. J.M.A. Lensink's amendment carried; clause as amended passed.

New clause 16A.

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

Page 7, after line 32—Insert:

16A—Amendment of section 73—Offences by authorised officers

Section 73—after paragraph (b) insert:

or

(c) represents that he or she is authorised (however described) under this or any other Act to exercise a particular power when he or she is not so authorised,

One of the few things that did get through when this bill was being debated after a new government, which at that time allegedly had a significant mandate to bring in this bill in the first instance, was by the Hon. Graham Gunn who put in restrictions in response to claims received from farmers about some attitudes of authorised officers.

Allegedly, farmers have been told the authorised officers have various powers to do this or that but in fact at law it was discovered they did not, so this is designed as a deterrent that the authorised officers' representations to landholders must be true at law. This simply tweaks what the Hon. Graham Gunn was always concerned about and I think it is fair to say that anecdotally at least it has happened on occasions.

The Hon. I.K. HUNTER: On a point of clarity, we are dealing with [Brokenshire-6] 11 only?

The CHAIR: Yes.

The Hon. I.K. HUNTER: Then the government supports this very sensible amendment.

The Hon. M. PARNELL: I am shocked at the minister's response. My question of the minister is that, in supporting this amendment, it seems to me that this creates a strict liability offence on the part of authorised officers. So, an authorised officer might believe genuinely that he or she had certain powers and then sought to exercise them—and maybe they were misled by superior officers, maybe it was something that had not been tested before. The minister can answer whether, by including this paragraph in section 73, we are creating a strict liability offence where an authorised officer who genuinely and reasonably believes that they have certain powers—

The Hon. R.L. Brokenshire interjecting:

The CHAIR: Order!

The Hon. M. PARNELL: —could be subject to a fine of $5,000?

The Hon. R.L. BROKENSHIRE: I have already said that I am moving this for the reasons that I highlighted. When you take on a vocation, including that of a police officer or anyone else for that matter, you should be trained and educated correctly. If you have a problem in how you go about your business, you go through your chain of command to protect yourself in the organisation, which has been a consistent theme of debate I have put forward.

The Hon. M. Parnell interjecting:

The CHAIR: Order!

The Hon. I.K. HUNTER: I am advised that an authorised officer is issued with an instrument of appointment which describes any restrictions on powers as set out in the act. He or she has to exercise powers in accordance with any restrictions thus recorded and, if such an officer

was to say that they had powers which they do not, then perhaps they should be subject to this constraint.

The Hon. A. BRESSINGTON: Congratulations, minister. Congratulations, Mr Brokenshire. I want to make a very brief comment on what the Hon. Mark Parnell said about protecting the little guy. I would imagine that if there is a breach and an authorised officer had been told by his superior officer that he is actually authorised to undertake a certain action, that the responsibility would fall with the superior for misinforming the authorised officer of the extent of his authority. At the end of the day, are we not all required to know our job and know the rules? If it is an enforcement issue then enforce to the level of authority that we have and fully understand that, and that goes to training.

The Hon. M. PARNELL: Having asked that question, I am satisfied with the minister's answer. I always supported the intent, which was to make sure that people do not—I am trying to think of a polite way of saying this—misrepresent who they are and what they are doing. We do not want people to get away with that, and that is the intent of this amendment, so I will be supporting it.

The Hon. I.K. HUNTER: Just to reassure honourable members even further, section 218—General defence, of the act states:

> It is a defence to a charge of an offence against this Act if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

That also applies to authorised officers, I understand.

The Hon. J.M.A. LENSINK: It might be time to sing *Kumbaya*, but the Liberal Party will also be supporting the amendment. We think that it is important. Misrepresentation is one way to put it, trying it on is another, and we agree with this amendment.

New clause inserted.

Clause 17.

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

Page 8, after line 3—Insert:

(3a) Section 75(3)(h)(ii)—delete 'for the first of those years'

(3b) Section 75(3)(h)(ii)—delete 'year' wherever occurring and substitute in each case:

period

This amendment is the first of three amendments to provide that the business plan component of a regional NRM plan need only be reviewed every three years rather than, as it is currently, annually. The review of a board's business plan must be undertaken annually and boards are concerned at the level of resourcing required to meet this statutory obligation. Updating a business plan relates mainly to programs and funding, with these plans already identifying programs and funding over a period of three financial years. Specifically, this amendment makes it clear that all components of a business plan relate to the next three ensuing financial years and supports the amendments under my amendment No. 20 to clause 22.

The Hon. R.L. BROKENSHIRE: On this occasion I commend the minister for this one—it must be getting close to lunch time. He has not been in the chair of this portfolio for that long but has had the wisdom to realise that if you are going to talk about efficiencies and streamlining and giving opportunity to deliver real on-the-ground positive projects for the state with respect to NRM, then you have to stop bogging down so many people, including the Natural Resources Committee, the minister and the minister's office, and let them plan for three years and get on with the job, subject to the standard requirements of probity and due diligence. So, well done, minister, we will support you on this one.

The Hon. J.M.A. LENSINK: Ditto.

Amendment carried.

Progress reported; committee to sit again.

[Sitting suspended from 12:59 to 14:16]

PAPERS

The following papers were laid on the table:

By the President—

Report of the Ombudsman on the Implementation of Recommendations for Administrative Change to Agencies

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

Report and Determination of the Remuneration Tribunal—No. 2 of 2013—Travelling and Accommodation Allowances—Judges, Court Officers and Statutory Officers
Statement of Reasons: Third Party Premiums Committee Determination of March 2012

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

Maralinga Lands Unnamed Conservation Park Board—Report, 2011-12
Government Response to the Recommendations of the Environment Resources and Development Committee's Report: Waste to Resources
Government Response to the Recommendations of the Natural Resources Committee's Report: Foxes—Hunting for the Right Solution

ANSWERS TO QUESTIONS

REGIONAL SUBSIDIARIES

In reply to the **Hon. J.S.L. DAWKINS** (7 June 2011) (First Session).

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. As the Minister for State/Local Government Relations, I have responded to the Murray and Mallee Local Government Association and other similar bodies regarding the requirement to establish audit committees.

2. Yes. I have granted an exemption for all Regional Local Government Associations from the requirement to establish an audit committee.

3. No compensation was required because an exemption was granted.

4. As in three above, the exemption was granted so no 'leniency' was required.

JOHN KNOX SCHOOL PRECINCT

In reply to the **Hon. D.G.E. HOOD** (14 June 2012).

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. On 19 July 2010, the owner of the land, John Knox Development Company Pty Ltd (the Developer) applied to the City of Onkaparinga for development approval to convert the buildings into a childcare centre.

I am further advised that planning consent was issued by the Council on 19 April 2011, requiring the Developer to submit building consent documentation within 12 months so that the Council could make a decision on whether to grant development approval.

I have been advised that the Developer did not submit its building consent documentation within the 12 month period resulting in planning consent expiring.

I have been advised by the Council that the applicant can re-activate this lapsed planning consent by submitting a letter to the Council requesting an extension and explaining the reasons why it lapsed and outlining any new changes to the original application.

I understand that on 13 July 2011 a heritage agreement between the Developer and the Minister for Environment and Conservation was signed whereby the Developer would undertake

basic stabilisation and protection work on the buildings, subject to development approval to convert the buildings into a childcare centre.

The Council has advised that the heritage agreement does not become active until development approval has been granted specifically for the childcare centre. As planning consent has expired and the Developer has not sought an extension for the granting of development approval, the Developer is under no obligation to carry out remediation work agreed to in the heritage agreement.

2. I wish to point out that this issue is a matter between the Council and the Developer. Local Government has responsibility for dealing with a range of issues set within the parameters of the *Local Government Act 1999* and other Acts. As Minister for State/Local Government Relations, I do not intervene in decisions made by Councils, providing they have acted within these legislated parameters.

QUESTION TIME

AGRICULTURAL RESEARCH AND DEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Minister for Agriculture a question regarding cuts to investment in the primary industries sector.

Leave granted.

The Hon. D.W. RIDGWAY: While we know that the state government gives little priority to agriculture—and we know this because of Labor's successive cuts to PIRSA and SARDI—the minister yesterday lauded SARDI and all the staff there as deserving of our congratulations. The fact is that the South Australian potato industry has been grimly watching cuts to R&D and to SARDI. As we acknowledge that agricultural and horticultural success is dependent on research, and as the potato industry is on its knees due to non-competitiveness caused by input costs and imports, my questions are:

1. Does the minister agree that the potato industry recovery and sustainability is reliant upon building efficiencies?

2. Do these efficiencies include developing new, high-yielding and better tasting varieties with pest and disease resistance?

3. How do these cuts in research, recently announced in the budget, increase research for our rural industries?

The PRESIDENT: I call the minister and remind her to ignore the opinion in the explanation.

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) (14:21): I thank the honourable member for his most important questions. Indeed, our most recent budget was a very challenging budget. We are in very difficult financial times, and it was a budget that was responsible in meeting our priority needs whilst ensuring that we regain a surplus in the out years.

Members interjecting:

The Hon. G.E. GAGO: It is very easy for those on the other side of the chamber to criticise, but we did not see the opposition put forward any alternative policies or strategies in its response to the budget; not one new idea, not one new piece of policy, no vision, nothing. We see the Hon. David Ridgway espousing all sorts of virtues and suggesting that assistance should be given to the apiarists and assistance should be given to the potato growers, but I want to know what additional money the Liberal opposition is proposing. What is it proposing to give to apiarists? What is it proposing to do for R&D and potato farmers? There is nothing; no new ideas, no policies, nothing, a policy void.

This government, the Jay Weatherill government, gets on with it and, of course, PIRSA remains very committed to supporting industry, eliminating duplication and overlap and, obviously, pursuing cost recovery activities where it can. I find it fascinating that the member opposite, the Hon. David Ridgway, also has a lot of trouble reading the budget. He has made some terrible

blunders, some really shocking blunders. One of the things he said, in relation to SARDI, was that it was one of the worst hit in terms of job cuts.

An honourable member: That's true.

The Hon. G.E. GAGO: It is not, it is absolute nonsense. There was very little change in the FTE numbers in SARDI in this budget compared to the previous one. The Hon. David Ridgway was looking at a cap adjustment, which is an accounting term, but if he had looked at the actual figures there is very little change in the actual number of FTEs employed by SARDI on the ground in this budget.

He can't read a budget; he gets it wrong. He doesn't bother to read the document properly. He doesn't engage the brain and think about the figures that are in front of him. He never bothers to pick up the phone and ask for a briefing. God forbid that he might ask for some information—he might actually learn something. But, no, he espouses that jobs in SARDI (and it was also rural services) are 'the worst hit'. That is just nonsense. As I said, SARDI had very few changes to its FTEs, so the basic premise of his question is just nonsense, absolute nonsense.

Although, clearly, there were savings that each agency had to make, I worked extremely hard with PIRSA and SARDI to ensure that we minimised, wherever possible, cuts to direct services. We have sought to make behind the counter or back of shop service changes, decrease duplication, and improve the structure of the way we do business to build economies of scale and have greater leverages for particular business outcomes. We have worked very hard to minimise cuts to direct services, on-the-ground services.

The honourable member asserts that this government has no commitment to agriculture or, for that matter, to the regions. There were a number of significant new initiatives for agriculture and there was new money for our initiative in China. There is huge potential for new markets, and a number of our businesses are successfully doing business in China now.

The Hon. J.M.A. Lensink: No thanks to you.

The Hon. G.E. GAGO: Well, it is thanks to us. We are extremely supportive, and industry respects that. They really respect the fact that we are out there including industry in delegations. In fact, not only do we support these delegations when they come to South Australia, and make sure we get them out there visiting as many businesses and as many industries as possible and work very closely with the industries to do that, but also when private industry seeks to take delegations to China and other places we provide significant government assistance for those representations. Particularly in countries like China, government endorsement is very important for the successful outcome of contracts. They look to see that the government is giving approval to these things, so we take those responsibilities very seriously.

We have new money help our food and wine markets in China. We have new money—just under $3 million—for the food and wine coinnovation clusters: one is to be set up in the Riverland/Murraylands and the other in the Limestone Coast. There is new money for fruit fly, and we are discussing that with the industry. We are consulting with the industry to see where that is best located and who wishes to be partners in that. We work with the industry. There is new fruit fly money, and there is just over $4 million for our high-value food manufacturing centre. There are significant new initiatives there.

There is also significant investment in infrastructure throughout our regions, which is critical to their vitality and long-term sustainability. There is $25-odd million over three years for the Mount Gambier Prison. In terms of roads and transport, there is $6.1 million.

Members interjecting:

The Hon. G.E. GAGO: It creates jobs. It is building infrastructure. That's jobs on the ground there for a number of years. You ask the people of Mount Gambier how important a building project like that is in that area. It is outrageous that the opposition does not understand the relationship between infrastructure builds and jobs on the ground—real jobs, jobs for young people in particular.

Roads: $6.1 million for Berri; $21 million out at Ernabella for roads there; McLaren Vale, $2.8 million for the overpass; Dukes Highway, $7.4 million; $13.1 million to improve the safety and efficiency of our freight routes; and $1.9 million for our rural road safety system. Mining: $4 million for exploration in the Gawler Craton area; over half a million for the Eyre Peninsula initiative; and $6 million for mining and petroleum services of excellence. Water: Port Wakefield, $12.9 million

towards a $17.1 million project for the Port Wakefield township; and, Hawker, $4.1 million to improve their water supply. Health: again, very important builds, these are infrastructure builds—Port Lincoln, $12.5 million; and, Whyalla, $9 million, the development of their hospital.

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins will come to order.

The Hon. G.E. GAGO: Whyalla, Mount Gambier, Port Pirie, Berri—it goes on and on. Firefighters, housing, education, food and wine—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, if he wishes to interject, at least make it witty or clever.

The Hon. G.E. GAGO: This government, even though as I said it is an extremely difficult budgetary time, has invested significantly in agriculture and our rural areas and, as I said, it was a very tough budget. It was a tight budget, but we managed to do a great deal in very difficult times.

AGRICULTURAL RESEARCH AND DEVELOPMENT

The Hon. R.L. BROKENSHIRE (14:31): Supplementary question: given the minister's answer on reduction in staff numbers at PIRSA, would the minister confirm $428 million to $165 million, now the budget since they have been in office, and 1,326 FTEs in 2002, now only 915?

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) (14:32): I am advised that in relation to the PIRSA budget the formulation of the budget, as I said, is always about choices and very challenging economic times. We have had to make changes there. We have had to make significant savings there—and I can bring the exact figures; I don't have them here in front of me at the moment—and we don't resile from that.

There have been cuts to the PIRSA budget. There have been cuts to every agency, and we had to share in that responsibility but, as I said, it is just outrageous to be going around saying that PIRSA has received the highest number of job losses because of this budget because it in fact hasn't. As I said, in terms of actual FTEs on the ground, there is minimal change between what is budgeted in this year and the previous year. The numbers have remained fairly consistent over the last couple of years.

AGRICULTURAL RESEARCH AND DEVELOPMENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): As a supplementary question, in the answer the minister says, 'Why don't I ask for a briefing?' Will she, following the letter I wrote to her on 5 April requesting a briefing from the South Australian Research and Development Institute, facilitate that as soon as possible? You asked me why I haven't asked for a briefing. My supplementary question is: will you facilitate—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I would be happy to. It happens to be a copy of an email, the document, but I am happy to provide a copy of that document.

The Hon. S.G. Wade: Table it.

The Hon. D.W. RIDGWAY: I don't want to table my phone. I will table the document.

The PRESIDENT: You can pass it over to me. The Hon. Mr Ridgway.

The Hon. D.W. RIDGWAY: I will bring it up to you for your verification. Will the minister facilitate the briefing I asked for in a letter to her on 5 April this year, a briefing with the South Australian Research and Development Institute?

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, you have asked your supplementary question and I ask you not to answer your own question.

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) (14:34): We seek to assist the opposition, minor parties and smaller parties wherever we can. I don't necessarily trust the assertion that the Hon. David Ridgway is saying. I am happy to check that out, but wherever possible, we give briefings, and honourable members know this. They know that whenever they ask for briefings, they get it. We are happy to do that.

What I can say, though, is that the Hon. David Ridgway, in relation to comments that he made about this budget, failed to verify or check—

The Hon. S.G. Wade: Give him a briefing then.

The Hon. D.W. Ridgway: Last time we didn't get a briefing. I asked for one.

The Hon. G.E. GAGO: Why didn't he ask for a briefing for this budget? It's as simple as that. He didn't ask for a briefing for this budget. He did not ask for a briefing for this budget, and he has gone out there with incorrect information and now he is embarrassed. He knows he has made a fool of himself, yet again, because he is so lazy. He is so lazy—he shoots off at the mouth without engaging his brain (and I'm giving him the benefit of the doubt), he doesn't research his work, he doesn't verify his facts and he doesn't even bother to ask for briefings. We would have gladly provided him with a briefing. In relation to the figures that the Hon. Robert Brokenshire has raised, again, his figures are quite misleading as well.

The Hon. R.L. Brokenshire: No.

The Hon. G.E. GAGO: Well, just listen then. PIRSA in 2002 included the minerals, energy and resources division machinery of government. Changes occurred in 2010-11, and it shifted those responsibilities, so it had a whole division that shifted out to DMITRE, reducing PIRSA's—

The Hon. S.G. Wade: More Labor dodgy accounting.

The Hon. G.E. GAGO: No, listen, the truth hurts. These are the cuts he's talking about—the cuts, all these big cuts. They moved to another department, for God's sake. They moved to another department. A whole big division up and moved to DMITRE, reducing PIRSA's FTE by around 217. Moving 225.8 FTEs from PIRSA and adding eight back is what my advice says here. That reduces the budget by about $26 million net.

The important staff and financial commitment needed to help our community deal with drought has also changed. The honourable member should know this—he is supposed to be a farmer—so he knows that the budget had exceptional circumstances money in it. He knows that some of those—

The Hon. S.G. Wade interjecting:

The Hon. G.E. GAGO: They don't want to hear the truth, but I will finish this.

The PRESIDENT: I'm listening, minister.

The Hon. G.E. GAGO: Mr President, they mislead this place and they mislead the public. Earlier PIRSA budgets had exceptional circumstances money in them, which added significantly to the budget and funds coming from both commonwealth and state. The drought has ended. That money is no longer needed. We don't have exceptional circumstances money in our budget anymore.

Similarly, branched broomrape—and again, he should know this—has moved, as I have reported in this place on a number of occasions, from an eradication to a management plan. That has also changed the budget significantly. These aren't budget cuts, these are changes in our budget. In 2002, obviously, fewer people used the internet as a tool and, of course, now they are using many more online services. Services are delivered more efficiently using the internet and email.

PIRSA has, over time, improved delivery mechanisms to best use resources and deliver best bang for buck. For example, seven new agribusiness account manager roles have been created focusing on the key areas of horticulture, seafood, grape and wine, meat and livestock, grains, food and beverage processing, and forestry. Also five new regional manager roles have been established, based in the Eyre and Western, the Limestone Coast, the Murraylands and Riverland, and the Yorke and Mid North regions in PIRSA's regional offices, and a regional manager for outer Adelaide will be based in Adelaide.

Regional services across each region will be coordinated from a regional hub. Each of the hubs will maintain a front counter service providing licensing transactions, providing facilities for meetings and videoconferencing and such like, and other general administrative services. These are the changes that have been made inside PIRSA and these programs are not included in this budget because the programs have been completed, or are finished, or are obsolete, but he has lumped them all into one and called them budget cuts, which is incredibly misleading and very lazy.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. J.M.A. LENSINK (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Environment and Conservation on the subject of EPA consultants.

Leave granted.

The Hon. J.M.A. LENSINK: Last week it was revealed that the EPA had employed the partner of its chief executive on two occasions as a consultant, with the employment period being for less than eight months with a payment of $137,500. The reporting of it stated that the position was not publicly advertised and instead had undergone an internal 'direct negotiation process due to urgent and unforseen requirements'. My questions are:

1. Can the minister clarify what the actual recruitment process is for consultants under these circumstances?

2. Can the minister provide details of the individual's qualifications to undertake this work?

3. Will the minister publicly release these two reports?

4. Does the minister believe that a review needs to take place into the internal processes of the EPA?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:42): I thank the honourable member for her most important question and understand that it goes to an issue of procurement policy and procedures. I am told the department's procurement policy and procedure is guided by the State Procurement Act regulations and the State Procurement Board policies and guidelines.

I understand that the person that the honourable member is discussing here today was initially contracted to assist in the amalgamation of the department for environment and natural resources with the department for water. I am advised that a limited procurement or direct negotiation process was conducted by the department in contracting the person responsible due to the specialist nature of the work required and the urgency associated with the commencement of the contract. I am assured that the person contracted had the appropriate experience and skills in change management and, given the complexity and urgency of the task to effectively bring the two agencies together, direct negotiation was required. I am advised that agencies are able to undertake direct negotiation in limited circumstances.

The PRESIDENT: A supplementary question, the Hon. Ms Lensink.

ENVIRONMENT PROTECTION AUTHORITY

The Hon. J.M.A. LENSINK (14:43): Is the minister confident that all state government policies, whether it is under the State Procurement Act or other policies, were followed on this occasion?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): The advice I have before me raises no such concerns.

FRUIT FLY

The Hon. S.G. WADE (14:44): I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to fruit fly random roadblocks.

Leave granted.

The Hon. S.G. WADE: With four Mediterranean fruit fly outbreaks in metropolitan Adelaide this year, the Riverland is under increasing pressure from the threat of this pest. On the

long weekend, beginning on 7 June, Biosecurity SA held random roadblocks in the Riverland at Blanchetown and Swan Reach at which 160 kilograms of fruit was seized and a local grower had 3.5 tonnes of fruit seized in one consignment, as I am advised. My questions to the minister are:

1. What action has or will be taken against the local grower who reportedly was caught carrying 3.5 tonnes of fruit into the Riverland?

2. Of the 17 per cent of vehicles caught bringing fruit illegally into the region, how many were given on-the-spot fines?

3. What is the Labor government doing to increase education on fruit fly in South Australia?

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) (14:45): I thank the honourable member for his most important question. I have spoken about our fruit fly strategy in this place on many occasions, so I am just not going to go through all of our activities and strategies and programs. I cannot believe the honourable member cannot read *Hansard*. I have described them well.

Members interjecting:

The Hon. G.E. GAGO: Well, I am trying to avoid having to spend another 20 minutes outlining something that I have already addressed in this place, so you can go and have a look at that. We have a significant fruit fly strategy with a number of elements to it, including education, inspection roadblocks, fly traps, etc. The honourable member can get the details of that out of *Hansard*. I will not repeat them.

In relation to the specific questions about on-the-spot fines and suchlike, I am happy to take that on notice and bring back a response. In relation to the incident that he referred to with the chap who did not have an identification of the fruit, the fruit was confiscated and destroyed, and I believe that they are looking to see whether further action against him needs to be taken or not. That is the advice I have received.

OUTBACK COMMUNITIES AUTHORITY

The Hon. R.P. WORTLEY (14:47): I seek leave to ask the Minister for State/Local Government Relations a question regarding the Outback Communities Authority (OCA).

Leave granted.

The Hon. R.P. WORTLEY: Nominations for the Outback Communities Authority closed on 17 May 2013 and board membership is now confirmed. Can the minister advise us of the membership of the OCA?

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) (14:47): The OCA is comprised of seven members, four of whom have a direct interest or come from outback communities. The current members were appointed for three years on 1 July 2010 and their term expires on 30 June 2013. For that reason I have previously announced the opening of nominations and these nominations closed on 17 May. I was pleased with the number of applicants we received, and the calibre of the applicants who put themselves forward for consideration was very impressive.

It is no secret that residents of the outback and people who have a strong link with the outback are often resolute advocates for their communities, and this was certainly highlighted in the nominations that we received. Following consideration of the nominations, I am very pleased today to inform the chamber of the successful nominations to OCA. Appointments for membership have been made on an 18-month term for three members and a three-year term for four members. This differs slightly from the previous year when they were all established for three years, and this is to try to assist with greater continuity of corporate knowledge and skills and expertise.

The members of OCA who were reappointed for a further term are Mrs Frances Frahn and Mrs Margaret Heylen. They have been appointed for an 18-month term. Mrs Frahn from Holowiliena Station near Carrieton runs a family pastoral property in the Flinders Ranges with her husband and her parents. Her experience of living and working in the region provides her with valuable firsthand experience of the demands and challenges associated with living in an isolated community.

Mrs Heylen of Aldgate owns and operates a private consultancy in Adelaide, which has a focus on strategic and social planning, social research and policy development. Her extensive experience in community engagement has proved invaluable to the authority in developing and implementing its community engagement policies.

Mr George Beltchev will be reappointed for a three-year term. You might remember him from Country Health SA. He is a very wise and highly regarded man with quite an outstanding record and reputation. He is currently a part-time internal consultant with SA Health, working on matters of strategic significance to that organisation, and he is obviously aware of the issues facing remote communities, particularly from a health perspective.

OCA will have four new members. Mr Peter Allen from Andamooka has been a member of the Andamooka Progress and Opal Miners Association (APOMA) since 2007 and was the chair until 2012. Through his position as chair of APOMA he has helped to successfully facilitate many recent changes in Andamooka. He has been appointed for an 18-month term.

Ms Marilyn Turner, Ms Joyleen Booth and Ms Cecilia Woolford have all been appointed for three-year terms. Ms Turner of Maree has been co-lessee of the Maree pub since 2011. Prior to moving to Maree, she held a number of senior positions in federal government agencies in Canberra. Ms Turner is an active supporter of community projects and events, such as the Maree Races and the Camel Cup.

Ms Booth has comanaged a pastoral property located on the Strzelecki Track east of Lyndhurst since 2005 with her husband. A descendent of the Wangkangurru people, in 1994 Ms Booth was elected as a councillor on the Diamantina Shire Council in Queensland, a position she held until moving to South Australia in 2005. She was the council's first and longest serving Aboriginal woman.

Ms Cecilia Woolford has been appointed as the presiding member for her term. Since 2012, she has chaired the newly created Andamooka Town Management Committee, a committee established by the authority in response to the overwhelming pressure that was being placed on volunteers within the Andamooka community. Ms Woolford understands the strategic and operational needs of outback communities and possesses the skills necessary to provide leadership and sound direction for the authority. She has done an amazing job there and is held in very high regard by that community and key stakeholders she has had to work with, particularly in the areas of governance, managing diverse opinions, engaging with people, communications and delivering on planned outcomes. I congratulate Ms Woolford on her appointment and look forward to working with her in the future.

I would like to take this opportunity to thank members of the board whose terms will expire on 30 June: Ms Jennifer Cleary, Ms Patricia Katnich and Ms Toni Bauer. I would particularly like to thank the outgoing chair, Mr Bill McIntosh AM. I was delighted to be able to attend the last meeting of the current board at Port Augusta just this month. Whilst there, I spoke to the OCA members and staff about the enormous contribution that Bill has made, not just with OCA but also during his time with the former Outback Areas Community Development Trust. He has been working, in one way or another, for that community trust for 25 years, and I think 17 of those years were as chair. It is an outstanding commitment, with an enormous amount of hard work and he has achieved a great deal for outback communities.

His hard work, his resilience, his unwavering purpose to do what is best for the community; his contribution has been invaluable and Bill has left OCA with a legacy of strong and determined leadership, which I know will leave the authority in good stead. On behalf of the government of South Australia, I want to thank Bill sincerely for what he has given to the outback and to the people who live and work in the outback who OCA represents.

FRUIT FLY

The Hon. R.L. BROKENSHIRE (14:55): I seek leave to make a brief explanation before asking the Minister for Agriculture a question regarding protection from fruit fly.

Leave granted.

The Hon. R.L. BROKENSHIRE: There have been a number of questions in this place this year about fruit fly outbreaks in metropolitan Adelaide, compliance rates at random roadblocks and the frequency of roadblocks over holiday periods. Many colleagues in this place will remember that the government proposed shutting down fruit fly inspection at our borders overnight under a former minister, which was thankfully overturned. We know the Liberal New South Wales and Victorian

governments are now going for self-regulation and moving away from their fruit fly inspection regimes and instead providing money or in-kind, one-off support to farmers to self-manage the problem.

The *Weekly Times* reported on 12 June that there have been 19 detections in the last two weeks in River Murray fruit growing areas across the border in Victoria, and I understand that beyond the fruit fly exclusion zones spanning three borders, including ours, some 300 or more detections of fruit fly have occurred throughout Australia. My questions to the minister are:

1. Why is the government only committing to its $1 million budget measure over four years for extra fruit fly protections if the industry is required to contribute its own $1 million?

2. Will the minister certify that, if industry cannot afford that contribution, the government will still provide the additional $1 million funding?

3. Is it true that, if we lose our fruit fly free status with fenthion banned from October and irradiation a difficult option, fumigation of the fruit after picking will be the only option to ensure that fruit fly is not in the fruit, and that that would then put an end to a clean green image for our fruit industry? What is the minister's knowledge of this?

4. The budget papers mention nothing about industry co-contribution: was that the Treasurer's demand or what was the reason for that not being in the budget papers?

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 questions. South Australia's ongoing fruit fly free status is critical to our horticulture industry, which is worth a great deal to the economy of this state. One of this government's key strategic priorities is premium food and wine from a clean environment, so maintaining our very important food quality control and biosecurity systems is critical to ensuring that South Australia is able to differentiate itself in the marketplace and have access to premium markets and premium prices, hopefully.

The added advantage of things like being fruit fly free is that, not only because it has that status it has access to markets that other fruits produced in areas that do not have fruit fly-free status do not have (so it increases our market access), but also it reduces significantly the amount of chemicals to which the fruit is exposed, which is good for everybody. I have outlined in this place on numerous occasions the extensive program this government undertakes to ensure our ongoing successful fruit fly-free status. All of those things continue and our officers continue to monitor what needs to occur and they adjust programs accordingly to make sure we are meeting all our priority needs.

In relation to the recent outbreaks here in South Australia, I have clearly put on the record here before that it is the Mediterranean fruit fly from WA that has been exposed in that outbreak and not the fruit fly from the Eastern States or Queensland. So, it is coming from WA and there is no indication that the changes to the Eastern States' programs is impacting on our biosecurity. We are absolutely confident that our current biosecurity measures are keeping our horticulture industry protected and fruit fly free. As I said, our officers continue to monitor and evaluate the situation in an ongoing way, and if their assessment differs from that, if I receive different advice to that, then the government will obviously take action.

However, in response to the industry calling for more activity, I have said time and time again in this place that the government does not believe it is necessary to increase the level of activity; we believe the current programs are protecting us. Nevertheless the industry has called on us to produce more programs, so as a new budget initiative the government has said that it will assist in strengthening the management of our fruit fly-free status by contributing additional funding of up to $1 million over four years on top of our existing commitment.

That commitment was always set up as a coinvestment strategy. Right from the outset it was a $1 million coinvestment, which means that the industry needs to consider its contribution. In terms of the particular strategies and programs that it might fund, obviously we need to talk to industry to see what its priorities are and where it is thinking of investing. We will work in partnership with industry to develop additional programs and look forward to advancing those new initiatives.

Just to clarify it, because the honourable member did ask, it is basically a coinvestment model, dollar for dollar. The industry will need to match that; if it does not then the government will not be contributing its share.

FRUIT FLY

The Hon. J.S.L. DAWKINS (15:01): I have a supplementary question. Will the minister's reference to discussions with industry include the possibility of random roadblocks into the Riverland on routes other than the Sturt Highway?

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) (15:02): I have already said that it will be a partnership. It is where industry wants to coinvest, and we will engage with the industry. The industry will decide where its priorities are and what additional activities need to be put in place, and the government will listen to those ideas and, as I said, partner with industry.

FRUIT FLY

The Hon. R.L. BROKENSHIRE (15:02): I have a supplementary question arising from the minister's answer. Given the difficulty of horticulture commodity prices, how does the minister propose that the horticulture industry raises its $1 million?

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) (15:02): There is a whole range of options available. We will talk with the industry, look at what activities it currently has in place, look at where it plans to invest future activity. We will work with the industry. As I said, there is a whole range of different options and ideas that we are happy to consider.

FOXES

The Hon. G.A. KANDELAARS (15:03): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister inform the chamber about the government's response to the recent inquiry conducted by the Natural Resources Committee into the management of foxes within South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): I thank the honourable member for his most important question. The Natural Resources Committee of this parliament conducted an inquiry into fox control late last year, I think. The report containing its deliberations was tabled in the other place, I am told, on 19 February 2013, and I am pleased that the government has now responded to the five recommendations contained in that report.

As you may be aware, Mr President, in South Australia foxes are a significant threat to our native wildlife and biosecurity, our livestock industry and our natural environment. They are a pest across our state that my department, through Biosecurity SA, has attributed to threatening 14 species of birds, 48 species of mammals, 12 reptile species and two amphibian species. Foxes have been found across the entirety of our state: on farms, around industrial complexes, in national parks and urban parks (such as the linear park), and, I am told, even in the CBD. I am advised that one fox was recently located in the Botanic Gardens.

Foxes are listed under the commonwealth's endangered Environment Protection and Biodiversity Conservation Act 1999 as 'a key threatening process' in our environment. They are well known by landholders and livestock operators as causing significant damage to their businesses; yet foxes present a different and, in some ways, more challenging threat than other pests such as rabbits, for example. Ultimately, this is because there is currently no biological control for foxes, I am told.

Targeting foxes without complementary efforts upon other pest species could, for example, increase the number of rabbits or feral cats, as foxes prey on rabbits and compete with cats for prey. This is why any attempt to control foxes needs to be carefully thought through, but most importantly any attempt to control foxes must be cost effective.

The Natural Resources Committee made a number of recommendations to government and, whilst the government is generally supportive of their proposals, it is not prepared to support the committee's main recommendation for an urban fox trial. This is because the high cost to

implement such a program would not provide a sustained or long-lasting outcome for primary industry or biodiversity.

The model upon which the committee's recommendation was based—the Northern Sydney Regional Fox Baiting Program—has, unfortunately, been unable to provide any conclusive evidence, as far as I am advised, that it has achieved recovery of threatened species in peri-urban bushland. Furthermore, the northern Sydney program continues to be compromised by the difficulty in controlling foxes in areas outside the baited area.

For example, foxes roam free within adjoining industrial estates and residential areas that remain bait free and, through breeding, eventually come to replace those killed through the baiting process in the baited areas. I am advised that the speed at which this occurs is quite rapid. Implementing such a proposal would, therefore, become a continual expenditure of resources with no improvement in native wildlife outcomes and is something that the government cannot justify.

Nevertheless, the government agrees, as requested by the committee, to write to the federal minister requesting that the commonwealth invest in further research towards the development of additional fox control methods. The commonwealth has undertaken such research in the past, such as immuno-sterility control measures and, whilst this was unsuccessful, further research may lead to the development of alternative measures, it is to be hoped.

The South Australian government has also agreed that through Biosecurity SA it will prepare a discussion paper for natural resources management boards on the current state of fox control in South Australia. This will examine the pros and cons of current and future control techniques and consider options for improving landholder participation in coordinated fox control programs.

This will include the consideration of bounties and other approaches used elsewhere in Australia that I know many members in this place and the other place are keen to explore. Feedback on the discussion paper will then form the basis for developing a long-term fox management policy, something that I know most members in this place are keen to see put in place.

The management of foxes is something that we must take very seriously indeed. They present a great threat to many aspects of our environment and also our economy. I am looking forward to working with the Natural Resources Committee of this parliament, including all of our stakeholders in industry and the non-government sector, to make sure that we get this right.

STREET SAFETY, NORTH ADELAIDE

The Hon. A. BRESSINGTON (15:08): I seek leave to make a brief explanation before asking the minister representing the Minister for Police a question relating to safety on the streets of North Adelaide.

Leave granted.

The Hon. A. BRESSINGTON: Calls have recently been made for appropriate and safe car parking to be made available for nurses and other patrons in light of the proposed parking restrictions around the Adelaide Oval development. My office has also received a number of calls expressing concern about this issue.

This issue highlights another increasingly problematic situation for nurses from the Women's and Children's Hospital. I am told that nurses, agency staff and students finishing a shift as early in the evening as 9pm are told that under no circumstances should they catch public transport home because of the risk of assault whilst waiting at the bus stop located in Sir Edwin Smith Avenue. This risk has increased over the last 18 months as several staff members have allegedly been assaulted whilst waiting for a bus. I might add that in this particular instance a bus stop was just across the road from where the nurse was working. It was not a long distance away and you would think that these nurses would be safe, but they are not; the same would be true of other members of the public. My questions to the minister are:

1. How many assaults in or around the Parklands in North Adelaide have been reported in the last two years in this vicinity?

2. Has there been an increase in violence in this area over the last five years?

3. What steps is the government taking to ensure the safety of nurses and other patrons in and around this area at night and whilst waiting for public transport?

4. What steps will the government take to ensure that there is sufficient safe parking in North Adelaide for our dedicated nurses and other staff members of the Women's and Children's Hospital?

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) (15:10): I thank the honourable member for her most important questions, and I will refer them to the Minister for Police in another place and bring back a response; however, I want to make a couple of comments.

It is an area that I have taken particular interest in because personally I know exactly how they feel—working as a nurse. In some hospitals, the parking arrangements for nurses, particularly in very dense city centres, are quite poor and nurses have had to walk a long way. I remember when I was working at the Alfred Hospital in Melbourne it was just shocking. You had to walk for miles to get to your car, and some were down very little streets that were poorly lit.

They did have a chaperone service, but if you were getting off an evening shift and you had to work an early the next morning you had very little time to get home, get to bed and get back to work. Sometimes you would have to wait hours for the chaperone because there was a queue a mile long waiting for the chaperone to take them to their car; I never used to wait for the chaperone, I have to say, because it took too long and you would have to risk walking.

It is an issue that I have watched with interest, and I have been watching the media, particularly those comments coming from women and children about the parking restrictions that have been recently introduced around North Adelaide, particularly the Women's and Children's Hospital. Often, as I said, due to shift work the nurses have to walk quite a distance. I have to say as Minister for the Status of Women that we know most sexual assaults on women are, in fact, committed by people known to the victim and most of them in private residences.

Nevertheless, danger in public places is still obviously a concern, and I understand that the Australian Nursing and Midwifery Federation has raised concerns with the Adelaide City Council and that both the Adelaide City Council and the union are looking at ideas to try to address the situation, including things like parking vouchers for nurses or building additional car parking.

I understand that minister Hunter has also raised the issue with councillor David Plumridge and suggested that council supply nurses with special parking permits. Councillor Plumridge has said that the council would consider allowing the nurses to access those permitted spots, which would include mine in my street, but I would happily give it up for a nurse, I have to say, because I live quite near the Women's and Children's Hospital. I certainly encourage the ANMF to continue to work with the Adelaide City Council and the health department towards a beneficial outcome for their members' safety.

MARINE PARKS

The Hon. T.J. STEPHENS (15:14): I seek leave to make a brief explanation before I ask the Minister for Agriculture, Food and Fisheries questions about commonwealth marine parks.

Leave granted.

The Hon. T.J. STEPHENS: I have recently been made aware that one of the state's valuable fisheries–king crabs off Kangaroo Island–will be directly affected by the proposed commonwealth marine parks. Fishers involved are seriously concerned that their harvest strategies will have to be adjusted and that the proposed parks will have a grave impact on their business. My questions are:

1. Has PIRSA been involved at all in the consultation process?

2. What has the minister done to advocate for South Australian fishers in relation to this commonwealth marine parks grab?

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) (15:15): I thank the honourable member for his most important question. The Australian government's marine reserves in the waters of south-western Australia, including the waters off South Australia between Kangaroo Island and the Western Australian border, came into effect on 17 November 2012. There will be no on-the-water changes for users in the commonwealth marine reserves until July 2014, I am advised, when regulations will

apply. This timing aligns with the implementation of South Australia's marine parks, within which fishing restrictions and sanctuary zones will take effect on 1 October 2014.

The South Australian and commonwealth governments collaborated effectively during the design of the marine parks and marine reserves. Both jurisdictions considered the opportunities for enhanced conservation outcomes and the need to minimise the impact on users. This collaboration is evident in the protection provided by both jurisdictions off western and southern Kangaroo Island, Pearson Island and the head of the Great Australian Bight. Continued collaboration will be sought during the management of the displaced commercial fishing effort by both governments.

The South Australian government is seeking to proactively manage displaced commercial fishing effort by undertaking a voluntary process to acquire the required effort, and during a similar time frame the commonwealth government will roll out their Fisheries Adjustment Assistance Package, I am advised. The impact of the commonwealth marine reserves on South Australian fisheries has not been finalised. Earlier estimates suggested minor impacts on the northern zone rock lobster fishery and marine scale fishery; however, these estimates are likely to be recalculated in the near future, so I am advised.

If the commonwealth government seeks to reduce catch effort from these fisheries and the timing is appropriate, the two governments will work together to ensure the simplest process possible for potential applicants. PIRSA Fisheries and Aquaculture is leading the development and administration of the SA marine parks commercial fishing catch effort reduction program on behalf of the whole of the South Australian government. The catch effort reduction program will seek to reduce effort using voluntary market-based means. Other components of the commonwealth Fisheries Adjustment Assistance Package not related to the acquisition of displaced commercial effort will be managed by the commonwealth.

ANNA STEWART MEMORIAL PROJECT

The Hon. K.J. MAHER (15:18): My question is to the Minister for the Status of Women. Will the minister advise the chamber of the Anna Stewart Memorial Project and the launch she attended with this year's participants?

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. Anna Stewart, a journalist and a Victorian union official, was a passionate and dedicated advocate for women's rights, including pay equity and improving work conditions and creating a space for women in the union movement. She was a dedicated activist and had many achievements in the union movement for gender equity that were quite landmark decisions in that time.

Tragically, Anna passed away in 1983 at just 35 years of age, and the Anna Stewart Memorial Project was created to honour her in the best possible way. First held in Victoria in 1984, the project has been running in South Australia since 1985, this year marking the 28th anniversary of the project. The Anna Stewart Memorial Project is aimed at increasing women's participation and activity in the union movement to enable greater acceptance and understanding of women and women members' issues.

The program is designed to give women an insight into how unions operate and how women can be more engaged with their unions. The program which runs across the two-week period gives a group of women union members the opportunity to be placed in different unions, and the participants are shown firsthand how a union is organised and the relationship between unions and other organisations.

I was pleased to be invited to speak to this year's participants and to enjoy lunch with them here at Parliament House. I was a former Anna Stewart Memorial Program participant myself many years ago, and I enjoyed being able to discuss with the participants my time with the Australian nurses federation (as it was then) and how my union principles have guided me through my career. I believe, particularly for women, it is through collective action, unity of purpose and strong support networks that gender equity in our society is achieved.

There were 17 women who participated this year. They came from across the state, and included one from Sydney and one from Laos, and a number of unions were involved. I have always been very pleased to be able to continue my longstanding association with the Anna Stewart Memorial Project and have no doubt that this year's participants, like many other women

who have gone before them, will use their experiences from the program to become active leaders in their union, their professions and their personal life.

POLICE (GST EXEMPTION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June 2013.)

The Hon. R.I. LUCAS (15:22): I rise on behalf of Liberal members to speak to the Police (GST Exemption) Amendment Bill. The commonwealth government recently made amendments to the Goods and Services Tax Act 1999, which stated in part that a fee charged by government agencies to supply information that does not require to be filed under Australian law will be subject to GST. SAPOL currently provides a number of services to the public for a fee, and while some charges are imposed in accordance with legislation or individual contracts, there are many that do not. The state government's view, which is reflected in this legislation, is that it does not want the public to have to pay GST on these fees that are not under legislative authority or specific contracts and this bill seeks to highlight the issue.

The amendments to the Police Act 1988 will provide authority for regulations to be made as soon as practicable and will specify that particular services and respective fees may be charged by SAPOL GST-free. As just outlined, it is a largely technical bill, but it is quite specific in its operation. The member for Davenport had carriage of the bill in the other place and indicated the Liberal Party's support, and I am pleased to indicate the party's support in the Legislative Council.

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) (15:23): I thank the opposition for its support for this fairly straightforward administrative bill and I thank the others who have indicated their support—albeit not through a second reading speech, but they have indicated support—and I look forward to dealing with this expeditiously through the committee stage.

Bill read a second time.

Bill taken through committee without amendment.

The Hon. G.E. GAGO (Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Regional Development, Minister for the Status of Women, Minister for State/Local Government Relations) (15:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL

In committee (resumed on motion).

Clause 17.

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

Page 8, after line 34 [clause 17(7), after inserted subsection (3a)]—Insert:

(3b) A regional NRM board must, in setting out its proposals for the application of the board's funds that are to be recovered by 1 or more levies declared under Chapter 5, seek to provide reasonable levels of support to community organisations contributing to the management of natural resources within its region based on a benchmark of at least 10% of money recovered from such levies being used to provide such support.

To me, this is an important amendment for consideration by the committee because it goes to the heart of community organisational recognition. It is important because it mandates that at least 10 per cent of each board's levy revenue must be given in grants and other means to community organisations. To me, this is not an over-the-top request. In fact, talking to one of the farmers who has done a lot of work on a LAP program in his region, he thinks it should be more because he said that the real ground activities where it does make a difference towards farmers and improvement of their land happens a lot of the time with the volunteer groups, which are mainly made up of farmers and other interested country community members. This amendment stands and speaks for itself.

The Hon. I.K. HUNTER: The government opposes this amendment, like we did in similar amendments that the Hon. Mr Brokenshire moved a little earlier in a similar fashion. We also recognise and appreciate the extremely valuable contribution being made to natural resources

management by community organisations but the amendment does not really consider that community organisations are not uniform across the state. It needs to be recognised that communities and regions are at different levels of capacity and that the demographics of community groups do not always fit the regional priorities that need to be delivered. Therefore, providing a minimum percentage of NRM levy funds to community organisations would tie board programs to what community organisations can deliver rather than what may be best for the natural resources in that particular area at that particular point in time.

It assumes that there are community organisations involved in natural resources management in every region and those organisations are incorporated bodies and are willing and able to manage funds according to government requirements. This is not necessarily the case, particularly in those regions with a very low population base—I am thinking of the Far West Coast in that situation. The government does not consider that it is realistic to provide these requirements when it cannot be certain that suitably accredited community organisations will be available to administer the funding.

The Hon. J.M.A. LENSINK: The Liberal Party is not supporting this amendment, not because we do not support the sentiment of it—and I think it is fair to say there are a lot of these sorts of amendments which are about sentiment but will actually have the end result of making the act more prescriptive, and that is not something that we support.

There is a diversity of regions within these programs and I think that if we are to set these sorts of things in such a prescriptive way then we are going to tie them up in more red tape, which is contrary to what we are trying to do with this particular act. In most instances, a lot of the on-the-ground programs are already delivered in partnership with NGO organisations and LAP groups and the like and I think to specify it does not really add anything to the legislation, so we will not be supporting it.

The Hon. M. PARNELL: I also appreciate the sentiment with which this amendment has been moved, and I do so as someone who has spent 16 years of my life working for organisations that may well meet the definition, but an arbitrary allocation, or even if it is a benchmark, I do not think is a practical response to better managing the relationship between the government and the community sector. There would be difficulties. If you had a situation where there was only one group or one application, the assumption would be that they would be entitled to 10 per cent of the budget regardless of the merit or otherwise of what they were proposing to do.

I know the honourable member has not worded it in such a hard and fast way that it guarantees that money, but there would certainly be a presumption in favour of handing that money over, and it just may not be appropriate. There may be other circumstances where over 10 per cent of the budget might well be best expended by non-profit community-based groups. So, I appreciate the sentiment but we will not be supporting the amendment.

The Hon. A. BRESSINGTON: I was just wanting to know if the minister could inform the committee how much of the NRM budget is allocated to non-government organisations or community organisations to deliver NRM services or activities? Also, how many of those community groups or organisations that are funded are Indigenous by nature? Are there any Indigenous communities that have NRM funding to do any sort of natural resource management in their areas?

The Hon. I.K. HUNTER: I thank the honourable member for her very intriguing and important question. I do not have the information before me but I will certainly take that on notice and bring it back to her. There are certainly Indigenous communities involved in NRM activities. The Riverine Recovery Project in the Coorong and Lower Lakes region, for example, is one of them, and there are many others. There is also, of course, the largely Indigenous NRM board AW—Alinytjara Wilurara, I think it is called—but I will get those details for the honourable member and bring them back.

The Hon. R.L. BROKENSHIRE: Just in summing up on this clause, and a question to the minister, I hear the voices of the committee but I am also hearing that people are very concerned about the fact that you have, year in and year out, ever-increasing numbers of paid people extracting funds from NRM levies and yet on the ground it seems to get back to expectations by your department that the volunteers still have to deliver. So, how much bigger are you going to allow this bureaucracy to grow as a monster? Are you going to ensure that, whilst this clause which was put in to have some check and balance on how money was spent and to remind the paid people and the boards that they have to start to look after the volunteers that are doing the on-the-

ground projects, are you going to put a cap on the amount of people who are going to be employed and are you going to ensure that volunteers are respected and looked after and adequately funded to do the work that needs delivering?

The Hon. I.K. HUNTER: I thank the member for his questions. I suspect he probably already knows the answer to this. The NRM boards are set up in such a way that they can leverage additional sources of funding, funding that my department cannot access, particularly commonwealth funding, but also private funding. The whole rationale behind using NRM boards is to take advantage of and utilise the incredibly good services that volunteers in our communities provide to their communities—they put back into their communities and they love doing so.

So, the NRM board process actually leverages many more dollars through those individual processes, volunteer organisations, the utilising NGO organisations and Indigenous communities to do good works in their local communities, and will continue to do so. Volunteers are crucially important to my department and to the NRM boards and their authorities, and will always be so.

The Hon. R.L. BROKENSHIRE: Based on that answer, given that the minister said, if I understand him correctly, that effectively the moneys for the levy are quarantined from his department, can the minister then assure the house that not one dollar will be siphoned off through any additional input costs and associated running costs to his department and/or the staff now that those 320 staff have actually been put over to and employed by DEWNR? Can the minister explain at law how they could therefore do that if they cannot take any money out of the fund because it belongs to the NRM boards?

The CHAIR: The Hon. Mr Brokenshire, you are asking a question of the minister on your own amendment?

The Hon. R.L. BROKENSHIRE: Yes, sir, because of the minister's answer. In answering part of the question in debate on this clause the minister said clearly that his department cannot touch any of that money, but 320 staff have gone across. So, I do not understand, and I am seeking a response on whether he can assure the house that none of this money will therefore go across to the department.

The Hon. I.K. HUNTER: I am not quite sure where to go with this question. The commonwealth, in making allocations to the NRM boards, has the requirement in many cases that the money go directly to the boards, whether for specific programs, projects, or whatever. Boards of course have service agreements with my department to cover all the services provided through that process. Boards may very well ask my department to enter into an undertaking to provide services that they request, for example. That is normal day-to-day business as operated by the boards. I cannot give any undertaking of the sort the Hon. Mr Brokenshire asked for because, quite frankly, I do not really understand the question.

The Hon. A. BRESSINGTON: I do not want to speak for the Hon. Robert Brokenshire, but it posed a question in my mind, namely, with the NRM levy that everybody pays on their rates notices or whatever, where is that money allocated and for what purpose is that money used?

The CHAIR: We are being very flexible here.

The Hon. I.K. HUNTER: We are being very flexible, but I am in a magnanimous mood right now. My advice is that the levies provided to the NRM go into the same bucket of funds to which both the state and the commonwealth contribute, under the control of the NRM boards to provide the services on which they consult their communities in order to develop their business plan for the forthcoming two or three years in advance. That is from where their funding comes: contributions from the levy pool, contributions from the state, contributions from the commonwealth.

Amendment negatived; clause as amended passed.

Clause 18 passed.

New clause 18A.

The Hon. J.A. DARLEY: I move:

Page 9, after line 17—Insert:

18A—Insertion of section 76A

After section 76 insert:

76A—Water allocation plan cannot require person to install etc certain devices

(1) Despite any other provision of this Act, a person cannot be required by or under a water allocation plan to supply or install a prescribed device, or to service, maintain, repair, replace or adjust a prescribed device.

(2) Despite any other provision of this Act, a person—

(a) cannot be required by the Minister to pay any costs involved with the supply or installation of a prescribed device; and

(b) is not liable for rent for a prescribed device.

(3) In this section—

prescribed device means—

(a) a device intended to collect or divert surface water or water in a watercourse for the purpose of ensuring that water above or below a particular threshold will not be taken or will be returned to the relevant water resource; or

Note—

An example would be a device commonly known as a low flow bypass.

(b) any other device prescribed by the regulations for the purposes of this section.

This amendment seeks to prevent a person from being required to install, service, maintain, repair, replace or adjust a device intended to collect or divert surface water or water in a watercourse through a water allocation plan. It also prevents the minister from requiring an individual to pay any costs associated with the installation of such a device and from making an individual liable for rent for such a device. An example of such a device would be a low flow bypass system.

The amendment also allows other similar devices to be prescribed by regulation. The amendment is similar to that relating to meters, in that it only prohibits landowners from being required to foot the bill for low flow bypass systems. It does not prevent the minister from installing and maintaining a low flow bypass system at the department's expense. The low flow bypass system can still be installed, but the landowner will not incur the cost, nor will the minister be able to recover the cost of installation or any associated costs from the landowner or make the landowner liable for any rent in respect of a low flow bypass system.

For the benefit of members who have not read it, principle 174 of the draft Eastern Mount Lofty Ranges Water Allocation Plan (which can be found on page 159) provides:

A dam, wall or other structure that collects or diverts surface water flowing over land or water from a watercourse must include a low flow bypass device...that ensures that any water present in a surface water flow path or watercourse at or below the threshold flow rate...

(a) will not be taken; or

(b) if taken, must re-enter the same watercourse or surface water flow path immediately downstream of the diversion structure as soon as reasonably practical (and no longer than 24 hours after diversion), and must not be of poorer quality than the water that was diverted.

Principle 175 of the plan further provides:

Any low flow bypass design:

(a) shall be approved by the relevant authority prior to the granting of a permit for the erection, construction, modification or enlargement of a diversion structure;

(b) shall be designed and constructed to ensure its correct operation is automated and cannot be manually overridden;

(c) shall be designed and constructed so that its correct operation minimises the risk of erosion and damage to infrastructure; and

(d) shall not increase the area that directs water to the diversion structure beyond the natural size of the catchment area upstream of the diversion structure.

Principle 176 of the plan provides:

A low flow bypass:

(a) shall be maintained in such a condition that it continues to be effective in meeting principle 174; and

(b) must not be obstructed or tampered with in any way.

Principle 177 provides:

> The design of the device that will achieve the outcomes required by principle 174 must be approved by the relevant authority prior to the granting of a permit for construction or enlargement of a diversion structure.

Lastly, the principle provides:

> Evidence that the device has been constructed as designed must be provided to the satisfaction of the relevant authority within one month of construction or enlargement of the diversion structure.

According to these principles, there are obviously very stringent requirements in relation to low flow bypass systems in terms of their design, which will inevitably translate into additional costs. As suggested by the plan, it was anticipated that low flow bypass systems would need to be installed on all dams. In 2011 there were also some discussions taking place as to a cost-sharing arrangement between farms and the government. In more recent times, I understand that the NRM has indicated that it may be reconsidering the requirement for low flow bypass systems on dams altogether.

What this demonstrates is that it is still unclear as to how the government will proceed on the issue of low flow bypass systems. Notwithstanding any suggestion that the government may decide not to proceed with these devices, it is not reasonable to expect farmers to be burdened with these costs. Again, these are costs that could run into thousands if not tens of thousands of dollars that farmers simply cannot afford.

I have seen one example of a new dam the permit for which was subject to a condition that it be fitted with a low flow bypass device. I am advised that the dam cost somewhere in the order of $35,000 to construct. That is a lot of money for a dam. This eventually turned out to be a dismal failure and compensation was necessary. I would urge all honourable members to support this amendment.

The Hon. I.K. HUNTER: I rise to oppose the amendment. A low flow bypass is a device that allows flow to bypass a dam until a certain level of flow is achieved. Scientific investigations into the impact of current water resources development on natural habitats indicate that critical ecosystems are under threat due to deviations in the natural flow regime.

Providing low flows to the environment means that more water is available to be allocated to water users. For example, in the Eastern Mount Lofty Ranges, with low flows 15 per cent of the annual adjusted upstream run-off in a catchment can be allocated; without low flows, this would be less than 5 per cent, and this will not meet the social and economic needs for water. Low flows will also ensure that water-dependent ecosystems get flows at critical times, especially when they have been enduring a long, hot summer, for example.

Without low flows in the Eastern and Western Mount Lofty Ranges, the choices are to significantly reduce water entitlements, adversely affecting irrigated agriculture in those areas or causing irreparable damage to the environment and water-dependent ecosystems. It is important that members are aware that a low flow bypass is only one option for providing for lower flows. The department and relevant boards, I am told, are continuing to explore other options in conjunction with their community members. Discussions around the cost of establishing low flow releases and how this cost is covered is also part of that consideration and discussion.

This amendment will preclude persons who take water from a dam from being included in funding options into the future. I should say it also relates to a future amendment of Mr Darley, amendment 13 [Darley-4], affecting dams, as I understand, and for similar reasons we will be opposing that amendment as well.

The Hon. J.M.A. LENSINK: These amendments arise from the situation which has been taking place in the Eastern and Western Mount Lofty Ranges and which has been taking place for several years now, and I think it is a very apt response to the concerns that have arisen there.

I will address the issue of low flow bypasses first. It is a thing that most people find quite bemusing until they look at it in greater detail. A couple of years ago, I went up to the Clare Valley to examine some that had been installed there. The landowners told me that they had been operating for about 10 years and that half the time they did not work; they got silted up. That is in a region that does not have the large volume of rainfall the Adelaide Hills has. So, if I can use that expression 'thought bubble' again, I think that the insistence by the department on low flow bypasses for everyone was a thought bubble on its part.

I am aware that there has been some fairly prescriptive engineering attempted to be imposed on various landowners, both in a retrospective sense and when they have been planning to install dams. Personally, I am a great sceptic when it comes to the value of these low flow

bypasses. Another thing we know about Australia is that it is a land of droughts and flooding rains, and when the water comes and it often comes down in—

The Hon. S.G. Wade: Sing it!

The Hon. J.M.A. LENSINK: No, I'm not going to sing it; you would regret that.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: Yes, you will regret it. The water comes down in great volumes, and my understanding, from what landowners told me as recently as the other week at Willunga, is that these things can be replicated by landowners using pumps and spilling at the time of rainfall. Whether or not they are necessary really is a question I think many of us do not believe in, and I note that the department seems to have backed off somewhat on whether it will insist on them.

As to the Adelaide Hills water prescription process, metering and so forth, irrigator groups have again told us that the department is moving to a risk management approach, which is really the approach it should have adopted in the first place. Some of the things that have taken place there and what people have been told have really got people's backs up and have done a lot of damage and undone a lot of good work that landowners might have had towards environmental issues.

In spite of all that, we are not able to support this particular amendment because, again, I think it goes to issues that are overly prescriptive in the act. The Liberal Party policy has been out there, and I think Vickie Chapman was circulating something when she was at some of the Adelaide Hills shows. Our position is clearly on the record. However, in a policy sense, we agree with a lot of these things in this amendment, but in the interests of not trying to tie this act up too much in red tape, we are unfortunately unable to support this amendment.

The Hon. A. BRESSINGTON: I would be inclined to support this amendment because I do believe that the Hon. John Darley has moved this amendment—and I do not want to second-guess him either—to ensure that the metering of dams and the fitting of low-flow bypasses would not go ahead because we know that the government would not be prepared to cough up the cash for it. They are more than happy to expect the farmers to pay up tens of thousands of dollars for the installation of these devices without any real concern as to whether they can afford it.

I was actually at a meeting with a few farmers and a bank manager and they put forward a proposal to the bank manager because they would not have the cash to be able to do it and to pay for it up-front—'If we were required to fit a meter to our dam or to fit a low-flow bypass to our dam, would we be able to secure a loan to do that?' The bank manager was very clear and asked the question, 'Is it going to improve your productivity?' The figures that the farmers put forward about this showed, 'Well, no it is not; as a matter of fact, it is going to cut our productivity.'

A few other questions were asked and they were guaranteed by the bank manager that they would not be able to secure a loan to have these devices fitted to their dams under any circumstances, that it was a risk the banks were not prepared to take, and that the reason it is such a high risk is that there was every chance that the productivity of those dams would go down the drain and those farms would be out of business anyway.

Farmers refer to low flow bypasses as no flow bypasses, and I have actually seen evidence of this. I have been to a dam where a low-flow bypass has been fitted—not retrospectively but when the dam was constructed—and the dam is dry because the water is certainly diverted away from the dam. The farmer has spent money to have that dam constructed and have the low flow bypass fitted at the time of construction and no water flows into that dam at all.

I know that there are at least two farmers who have asked to be provided with evidence of the fact that low flow bypasses are effective. They have waited since last August, I do believe, to have any studies or any evidence provided to them that the department is working off to justify the installation of low flow bypasses. One can only assume that, with silence for almost 12 months now, we can pretty much assume that there is no evidence to justify this; that it is as the Hon. Michelle Lensink said, nothing more than a thought bubble.

The other thing is when the minister said about the flowing of water in hot, long summers. I would like him to take me to a place where, under those conditions—hot, long, dry summers—these waters flow that need to be diverted away from dams and into the environment? Every dam

out there leaks water into the environment—every dam. Farmers tell me that they lose anywhere up to a third of the water they collect in their dams through these leaks, and that water goes directly into the environment. These dams are built with spillovers, so if the dam gets too full, the water spills over the side of the dam, as the name would suggest, into the spillway and that water goes directly to the environment.

This whole notion of low flow bypasses is, as again the Hon. Michelle Lensink said, a bit of a furphy. To retrofit a low flow bypass is a cost impost that our farmers cannot bear. I have seen the quotes for two dams: $35,000. If you expect our farmers to bear the cost for something that is nothing more than a furphy or a thought bubble, think again. I remind the minister that at the meeting at Strathalbyn last year, where I think 900 people attended a meeting at the Strathalbyn hall—and at least 300 people were turned away because they could not fit in—there was a unanimous vote that if these initiatives were going to be put into place, the farmers would rather go to gaol than comply with any of this.

Go ahead with it at your peril. I do not support the Hon. John Darley's amendment for the pure reason that I do not believe in even supporting the notion that the fitting of any of these devices is needed or acceptable. It is only for that reason that I will not support the amendment. At your peril.

The Hon. R.L. BROKENSHIRE: Family First will be supporting this amendment because, like a lot of our amendments, it is an attempt to try to start to get some fairness and focus back on the right to be able to produce food and farm, as well as the issues that we all have with responsibility for the environment. I know where the Hon. Ann Bressington is coming from. I actually with agree with her if I push it right out, but at least this is an opportunity to actually stop enforcement on property owners. That in itself, I think, is a step forward.

I would just say that on low flow bypasses, up until the rains came a couple of months ago, we had not had any rain for six months and I did not see, minister, water running anywhere on the Fleurieu Peninsula. In fact, the springs and the natural ecological water systems stopped much earlier last spring than they do generally, and they actually opened later last year than they often do. That has got to do with high pressure systems, low pressure systems and all those sorts of things, as well.

Having said that, I also want to say that, for a very long period of time now, you cannot just go and do what we used to do in the good old days, and that was put a dam anywhere. We have had to get approval from the department for probably 20 years now, maybe longer, for putting in a dam. So, there are checks and balances on that without a low flow bypass. I think really, minister, one of the things that you ought to do is spend a bit of your government's money and actually set up a trial low flow bypass system and have a look at all of the costs. Have a look at the maintenance costs and actually do a net cost-benefit analysis thoroughly and scientifically before we even really debate any further the pros or cons of low flow bypass systems.

I know of one—I will not name where because the department will probably be onto the person like a ton of bricks—where in order to try to address an issue where there were some riparian rights debates sometime ago, the department said that this person had to put in a low flow bypass system. The person below accepted that as a way forward for them to get what the department had said would be more water flow. The person above was determined not to maintain the low flow bypass and it was not very long before it stopped anyway, and they continued to be able to achieve the holding of as much water as they had capacity to without the low flow bypass.

If you have a look at the native animal life, and if you have a look, minister, at a lot of the vegetation, particularly where dams are below springs or on the side of a hill where there is a bit of spring activity, I have never seen so many kangaroos in my life as I see everywhere at the moment. The are flourishing with water that is stored, that actually would not be stored if it were not for those dams that were put in and, therefore, we have created an artificial opportunity for kangaroos, in particular, to breed like mad. Secondly, there is a lot of flora, fauna and birds as well there looking after the ecology because of these dams. So, I do not think it is all negative when you listen to the department saying how bad these dams are and how we need these low flow bypasses.

The final point I would make is that I do not know whether it has registered with the government yet, and I was always taught that the vomit theory has to apply, and I am looking forward to the government eventually vomiting, and that is when they realise that farmers are not a bucket of cash and that it is pretty tough out there. It is easy for departments, bureaucrats,

ministers and cabinets to sign off on some initiative that does not hit their hip pocket but it makes it damn difficult to continue to farm. Many have had a gutful of all that, and it is time to draw a line and say, 'If you want to bring these things in, you bring them in at your cost, but let's give people an opportunity to get a bottom line profit of some sort because they are really finding it tight and these are just additional imposts.' To that end, I congratulate the Hon. John Darley on bringing this amendment forward and we support it.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Does the Hon. Mr Darley want to respond to the Hon. Mr Brokenshire or are you happy to let the Hon. Mr Parnell go?

The Hon. J.A. DARLEY: I am quite happy for Mr Parnell to speak.

The Hon. M. PARNELL: Thank you, Mr Acting Chairman, and thank you, Hon. John Darley. The issue of environmental flows and the fair sharing of water between upstream and downstream users has been vexed forever, probably for the entire existence that humanity has been farming. I can remember in 1976 in geography we studied the Colorado River, a river that was so mighty that it carved the Grand Canyon, but it ceased its flow and it never reached the sea because they had so messed up the extraction regime from that river.

I am not going to suggest that there are any streams flowing through the Mount Lofty Ranges that rival the mighty Colorado River or the Grand Canyon, but I make the point that, ultimately, if we are going to live sustainably on this planet, water needs to be able to be used for agriculture, certainly, but it also needs to sustain the environment and we need as a society to share the resource fairly.

The amendment that is before us is not about whether or not a low flow meter or a high flow meter or any other particular engineering device is appropriate in any given situation. There may well be situations where they are not appropriate or where they have been inappropriately installed. That is not the question. The question before us is: are there any situations at all where a landholder ought to pay for ensuring that some water gets through either for the environment or for other water users? If the answer to that question is yes, there are some circumstances in which the landholder ought to pay, then we have to reject this amendment because the amendment actually precludes the state from requiring the installation of a device or a payment of a share of the cost.

So, whilst I do not mean to get into an argument about whether low flow or other engineering devices have been appropriately or inappropriately used, this amendment, if it passed, would prevent the state from ever requiring a landholder to pay all or part of the cost of allowing some water to flow to the environment or to flow to downstream users. So, on that ground alone, I do not think it warrants support.

The Hon. A. BRESSINGTON: Very briefly, I thank the Hon. Mark Parnell for that explanation because I have changed my mind now, if this prevents farmers from ever being required to pay for the low flow bypasses and meters that they absolutely do not want, for good reason. When the Hon. Mark Parnell suggests that farmers should contribute to environmental flows, they already do. Their dams are constructed in a way where they have a spillover when the dam reaches capacity, so they cannot withhold more water than their dams are permitted to hold. The dams leak, as I said, a minimum of one-third of their water back into the environment because that is what dams do. They have a sandy base that eventually leaks more and more.

How much water do they need to provide back to the environment when they have already paid, as the Hons Robert Brokenshire and John Darley said, $35,000 to construct the infrastructure to capture the water to feed the stock that we all buy at the butcher and consume? How much more do they have to contribute to us eating our food? What does the Hon. Mark Parnell think that is going to do to the price of food, the price of beef and lamb in the butcher shops, when some farmers on big properties have anywhere up to 15 dams on their property? We are talking about a cost of maybe $35,000 per dam. How are they supposed to sustain that kind of cost?

As I said, I know of two farmers who have requested from the department scientifically based evidence that low flow bypasses contribute in any meaningful way to environmental flows, and they have been waiting for almost 12 months to be provided with that evidence. As I said, if it cannot be provided, then it does not exist.

The Hon. J.A. DARLEY: I probably do not need to speak now that the Hon. Ann Bressington has changed her mind, but what I was going to say was that I agreed with her initial sentiments. When I first looked at this provision, I was going to oppose it outright, but on reflection I thought that a reasonable compromise would be the amendment that I have now put.

The committee divided on the new clause:

AYES (4)

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

NOES (17)

Dawkins, J.S.L.	Finnigan, B.V.	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 13 for the noes.

New clause thus negatived.

Clause 19 passed.

Clause 20.

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

Page 9, line 26 [clause 20, inserted subsection (1a)]—Delete 'in accordance with the regulations' and substitute 'in a manner determined by the board'

I am now proposing to remove the proposal that a board give public notice of commencing to prepare a draft plan in accordance with the regulations and provide for a notification process consistent with a series of amendments that allows regional NRM boards to be accountable to decide the most appropriate method for their regions. The revised process does not affect the provisions allowing the public to contribute during the development of a plan and during the consultation on the draft of a plan prior to its adoption.

The substantive amendment in the bill is consequential on clause 19. It makes it clear that a board must prepare a draft plan and give public notice that this is occurring. This provides a less prescriptive approach and, apart from requiring a board to publish a notice on its website, it then allows the board to notify the community in a manner that the board considers to be the most effective and appropriate for those affected by the proposal. Regional NRM boards should be accountable to decide the most appropriate method for their regions and this is a congruent amendment to one that we have moved previously.

The Hon. R.L. BROKENSHIRE: I would like to ask the minister a question on this for clarification. This government has what it would call a proud history of creating red tape and causing more impost for business, but now all of a sudden it has woken up and the sun is shining and it is saying, 'We've got to streamline things and get rid of red tape and leave it for more discretion of the boards.' That is what I understand you are saying.

My question to you, minister, and correct me if I am wrong, but I believe this and consequential clauses are putting more decision-making into how they consult and advertise and promote draft plans. I think that is what it is about. So, why would the government not be keen to ensure that the boards had a strict procedure and policy so that landholders who are going to be affected by those draft plans actually start to learn early rather than late what the consequences are?

The Western and Eastern Mount Lofty Ranges water allocation plans is a case in point. Those plans went out for consultation in late October, early November. Farmers have to harvest at that time of year and they only had until the middle of January to damn well respond. So, this is the sort of stuff that we have to put up with. If I understand it correctly, we are going to make it more discretionary as to how plans are put out for public viewing and assessment.

If that is right, minister, then I think we are on the wrong track. We need more transparency and more opportunity for landowners to understand what those draft plans are early so that if there

is a problem they can actually start to work on it well in advance, rather than at the eleventh hour, which is happening regularly with NRM plans.

The Hon. I.K. HUNTER: I advise the honourable member, in reply to his question to me, that the act actually provides at section 79 preparation of plans and consultation. The board must consult for at least two months after the first publication of invitation under subsection 10A. So, the board already has a two-monthly period. What I am proposing—and the honourable member seems to be criticising me for this, and that is his right—is to put more power and decision-making back in the hands of these local boards so they can make decisions for their local regions which suit the conditions of their local regions. I am proposing to put more power back into the local people involved in making these decisions that affect their local communities. I think that a good thing.

The Hon. R.L. BROKENSHIRE: I do not think, the way this is framed, that it is a good thing, and I will give you a scenario. The board is hijacked by extreme environmentalists.

The Hon. R.I. Lucas: Greens.

The Hon. R.L. BROKENSHIRE: The Greens and others associated with the Greens. So, the board is hijacked. The absolute majority of people on the board want a certain direction. It can happen, and then all of a sudden farmers are done over again. I might be a lone voice again—I feel like the Melbourne Football Club at the moment, and I am sure some of my other colleagues do, too. Nevertheless, we are still out there playing the game and trying to kick a few goals. We oppose this amendment on principle.

The Hon. I.K. HUNTER: I should resist the temptation to comment, but members of boards are appointed by the Governor. I do not think the honourable member is suggesting in any way that the Governor would attempt to hijack any of those boards.

Amendment carried.

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

Page 9, after line 30—Insert:

(ixb) any community organisations delivering projects within the relevant NRM region; and

This is a fair and reasonable amendment because, as I understand it, it is an issue regarding the delivering of projects and involvement with community organisations. This is the third and final of our amendments for recognition of community organisations. This amendment comes after the government has actually inserted (correct me if I am wrong, minister) a requirement to consult with the Aboriginal community on the drafting of the plan.

We have no problem with that, no problem whatsoever with the government ensuring that our Indigenous people, our Aboriginal community, be consulted on a plan. However, we actually think that, if we are going to do that, and given the others who have mandated consultation at present in the act, the community organisations that deliver projects in the regions should also be consulted to have an opportunity in shaping the plan. I see it as broadening out our democracy.

The Hon. I.K. HUNTER: We can all be for that, but when you broaden it out to such a ridiculous situation you really make a mockery of the whole process of this act. We oppose the amendment, obviously. It is too broad in its scope. Complying with it would be totally unreasonable and possibly even unworkable. The amendment in its language says 'any community organisation'—any, no prescription, no connection to NRM is required—'delivering projects within the relevant NRM region'. What projects are we talking about? Again, it is impossible to put this prescription on any board and have any hope that it can deliver on it. I oppose the amendment and ask the committee to do so as well.

The Hon. M. PARNELL: I am just double-checking the context of the amendment. Normally, you would want community groups to be involved and to be consulted. Putting it in context, it is about section 79, which is the preparation of the draft plan. The question is: who should be given a copy of the draft plan? There is a list in the section of who gets a copy. The minister gets one (which is nice), as well as various government agencies, the NRM Council, peak bodies, NRM groups, the constituent local councils; Aboriginal groups have been put in there as well. If the question is a statutory one about the giving of copies, if it was a tightly worded amendment that basically talked about stakeholders who had a clear engagement with NRM—who had perhaps received money from NRM, or whatever—but it does not say that—

The Hon. R.L. Brokenshire: The delivery of projects for the NRM, so they have to be delivering a project.

The Hon. M. PARNELL: It says 'any community organisations delivering projects', but, as the minister said, it could be a mental health project, it could be a sporting project—

The Hon. A. Bressington interjecting:

The Hon. M. PARNELL: No, it says 'within the relevant NRM region'.

The Hon. A. Bressington: No, it doesn't.

The Hon. M. PARNELL: Yes, it does. I am reading from the amendment—'within the relevant NRM region'. Again, I do not know whether it is something that could have been fixed up by drafting but, at the end of the day, all we are talking about is who is entitled to get a physical, hard copy of the draft plan. I would have thought that the stakeholders are going to be in there; they will be getting it, they will be downloading it from the web, that would be the first thing they would be doing. It does seem that we are getting to a level of detail that is unnecessary and unhelpful within the legislation.

I am not saying that these people do not deserve to have access to this document, but in a fairly general way to effectively give any community organisation delivering any project within that particular region a right to a physical copy of the plan does not really make sense, so we will not support the amendment.

The Hon. J.M.A. LENSINK: The way I read section 79 of the act is that the copy must be given to peak bodies, NRM groups, and other persons or bodies prescribed by the regulations. I would have thought that would cover the sorts of groups that the honourable member is talking about. Again, I am slightly confused about the language in this amendment because it says 'any community organisations'. I would have thought a better wording would have been 'relevant community organisations'. It is very hard to support this because it does tend to suggest that it will be anyone, whether that be the local or mothers and babies group or so forth. It is just not tight enough.

The Hon. R.L. BROKENSHIRE: Honourable members would realise—and realise it regularly—that I am not perfect, and I rely on parliamentary counsel to draft. I invite honourable members to move an amendment to this, and I am happy to recommit this at the end because—

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

The Hon. R.L. BROKENSHIRE: Well, I will just give you an example of where it is necessary. Unfortunately, at times hardworking organisations or groups—and the intent of this was for where they are delivering projects for the NRM; I put that on the public record—sadly, fall out with certain senior bureaucrats in NRM regions. I know for a fact (and I will not name them because I respect them) that they were totally removed from the process because they challenged some of the costings and things like that on an earlier project. I am just trying to ensure that these groups, that actually do the work, that you are forcing the NRM officers in that board and region to ensure that they have some input. However, I would be happy to recommit it with an amendment to get more specific.

Amendment negatived.

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

Page 9, after line 30—Insert:

(2a) Section 79—after subsection (6) insert:

(6a) The Minister must cause a copy of a draft plan given to the Minister under subsection (6) to be laid before both Houses of Parliament within 6 sitting days after receiving the draft.

I think the whole process of the Mount Lofty Ranges NRM plans shows that these issues are so important that draft plans need to be put before the parliament.

I agree with the Hon. Michelle Lensink when she said on Tuesday that the allocation of water and prescribing of resources for the first time is highly political. There is no doubt about that—it is highly political—and it is because the sustainability of the resource and of farming businesses is at stake. Parliament needs to be given notice as to the proposals in draft plans sooner so that they can be analysed and, if necessary, modified before becoming final.

This is also important because the concept statement aspect of the bill has now been removed. Where we had a concept statement aspect of the original bill the government is removing that. We are going to have less transparency on the drafting of plans now under this bill than was originally proposed.

The Hon. J.M.A. Lensink: Concept statements were really a bad idea.

The CHAIR: Don't worry about interjections.

The Hon. R.L. BROKENSHIRE: We are going to have less transparency, as I see it. By way of comparison let's go back and have a look at another issue—the pokies issue. I know there is a bill before parliament on this but I think the illustration helps. The pokie barons were happy with a mandated community pre-consultation process to be put into the gaming machines new allocation process because they wanted to know what their prospects of success were before running the gauntlet of objections and possible court action.

In the same way here, by putting the draft plan to parliament at an earlier stage of the process, the heat can be taken out of the final plan by clearing up the problems with the plan. Just to finish on that, if you are a member of parliament and you do not happen to have the responsibility for the portfolio and you do not happen to be a landholder living in a water allocation plan area, you have to put in an enormous effort to try to find draft plans and where they are up to.

There is no process in the parliament with these plans (I have checked with the minister's senior adviser) whereby we can disallow, object or oppose a water allocation plan. It goes out and it is developed, it takes a lot of consultation, etc., and it is ultimately signed off by the NRM and then the minister, but we as a parliament have no input into that and no way of altering it.

I think that is fundamentally wrong. If the minister tabled the draft plan within six sitting days of when he received it at least we would have a chance to look at it and to put some proper deliberation into it. That is all I am asking for.

The Hon. I.K. HUNTER: The government opposes this amendment. Draft consultation plans—'draft' consultation plans—are publicly available, and the tabling of any draft plan in parliament, which is subject to further amendment before being finalised, seems totally unnecessary and inappropriate at the stage of that plan's development. All previous draft NRM consultation plans, I have been advised, have been amended based on the comments received during public consultation and after further consideration of issues by boards and the responses that they have received.

The Natural Resources Committee of parliament already has a role with the NRM plans. A comprehensive regional NRM plan that provides for an NRM levy must be referred to the committee for resolution on the levy proposal. Annual amendments to a board's business plan, a component of a regional NRM plan where the amendment proposes a new levy or an increase above CPI must also be referred to the committee for resolution. Any amendment to an NRM plan must be provided to the committee.

I fail to see the sense in adding another layer of bureaucracy, of putting a draft plan to the parliament which we know is going to be heavily amended after subsequent public consultation, and the draft plans are publicly available anyway.

The Hon. J.M.A. LENSINK: I am a little bit at sixes and sevens on this one. However, I take the point that if these draft plans are publicly available and we are able to find them then I do not really see that there is much to be added by tabling them in parliament as well.

Amendment negatived.

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

Page 9, after line 30—Insert:

(2a) Section 79(10)—delete subsection (10) and substitute:

(10) The board must publish an invitation under subsection (9) on its website, and may give such other public notice of the invitation as the board may determine.

In keeping with previous amendment proposals relating to regional NRM boards engaging with the community, this amendment removes the need for a board to give public notice in two newspapers of an invitation for the public to make written submissions in response to a draft plan and to attend a public meeting. This is replaced with a requirement to give public notice on a relevant board's website to notify the community in a manner that the board determines. Boards will then determine

the most effective and appropriate means by which to notify and engage those affected by the proposal. Regional NRM boards should be accountable to decide the most appropriate method for their particular regions.

The Hon. M. PARNELL: As with the Hon. Michelle Lensink's contribution to the last section, this is one that is a little bit tricky because, as far as members of parliament are concerned who might not live in an area and who might want to comment on one of these plans, if we are not going to have the tabling of draft plans in parliament, then one of the things that I think we would want to be sure of is that there are going to be mechanisms for people to find out what is going on. I am a fan of putting things on websites, but I am also a fan of people being able to register their interest with various government agencies in relation to being informed of things that are going on.

My question to the minister is: is there any system within the NRM regime that allows people to register an interest in receiving communications from the various NRM regions or groups, and if there is not currently such a system, has the government considered assisting boards to implement such a system?

The Hon. I.K. HUNTER: I am not aware of any prescribed form or listing that the honourable member might be suggesting. Of course, each board would have a list of all those members of the public who make submissions to them. They could feasibly put that list together as a community consultation list, if you like. What we are doing here, again, is no different to what we have done previously in the other amendments that have been agreed to in this place.

We are saying, 'We will not tell the board how you must best communicate with your members of the public. We will allow you to make that decision based on your own local knowledge of the community and what communication strategies will reach those people best.' It may well be they will continue to use newspapers. I understand that one board—the AW board which I mentioned earlier—has found using newspapers not to work at all and they have to use other means and other mechanisms that are available to them. All we are doing is saying to boards, 'You know best. It is your community. You make those decisions.'

The Hon. M. PARNELL: I am happy to accept for now the minister's answer in that regard. The proof will be in the pudding. The worst result of changing these regimes would be someone with a very genuine and legitimate interest who says, 'I did not know this process was happening.' I do not know to what extent that happens in relation to NRM. I certainly know that it happens in relation to land use planning under the Development Act and I have a bill before parliament to deal with that very issue of direct notification of people affected by a plan, but I am happy for now to accept this amendment; to accept that the boards, as far as I am aware, have done more than they need to in terms of communicating with the community.

It was very unparliamentary of the Hon. Robert Brokenshire to display in parliament one of the NRM brochures but, as with the honourable member, I have many of these and I always look at them. Some of them are of very high quality and they are very large in size. I do not think anyone can accuse the boards of not communicating with the community, but we are talking here about people's statutory right to engage in a process and I would not want to see legitimate people not finding out that a plan was being developed when they have a legal right to comment on it.

The Hon. J.M.A. LENSINK: I am a little bit the same. I do have concerns about whether this is going to reduce transparency, but I also have engaged with some of the board's presiding members, particularly in one region—I forget which one it is—whose advice is that they are effectively required to advertise in a lot of newspapers and electronically is probably the more effective means, so I think we will have to take this one in good faith and perhaps review it in the future.

The Hon. A. BRESSINGTON: I have to say that I am just a little bit amused by this. We have an issue about how NRM boards should publish information or whatever, when the problem could quite easily be solved with an amendment reading 'by whatever means necessary', which does not necessarily just specify websites. That is what this does. It specifies a website, and then it is not prescriptive about any other way. I guarantee that there will be boards out there that will say, 'Website—that's all we're required to do' and that is all they will do.

When the Hon. Michelle Lensink says that she has consulted with members of boards about how this is working for them, I would suggest that it should be about how it is working for the people who come under the actions of these boards. Quite obviously, there are people out there who are not satisfied with the amount of consultation that is occurring prior to certain activities being implemented, and they do not feel like they are well enough engaged or well enough

informed. If that is the feedback that we get, that is what we should be acting on, not the feedback from the boards whose job will be made just that little bit easier by this particular amendment.

The Hon. J.M.A. LENSINK: If I could just respond to that, the point I was trying to make was that they spend a lot of money on advertising. That is basically landowners' money, money that should be better spent towards on-ground projects. The reason that they say that it is not really effective is that they do not get the response from the newspapers. There are probably other direct means by which they consult. There still are the statutory consultation times within it, so I think we just have to take this one on good faith. They are, by and large, community people who live in their communities and are responsive to their communities and trying to do their best.

The Hon. A. BRESSINGTON: I will just be very brief. I attended a meeting down south where there was an NRM officer or representative—she was a LAP member. She was a very sensible, very honest person who truly believed in the initiatives that NRM were implementing, but when you got down to a conversation with this woman who has been on these LAPs for 18 years or however long—a long time—she could not believe that NRM were acting the way that they were in the Mount Lofty Ranges area.

Her particular little arm of the NRM was rolling things out the way it was meant to be rolled out and consulting with the community the way that they were meant to be consulting with the community. She was actually shocked. She was also shocked at the proposal that dams up in Mount Lofty Ranges would be required to have low flow bypasses, by the way.

My point is that some of these NRM organisations and groups are doing their job, doing it well and doing it to the letter. They are delivering outcomes for their community, they are consulting well and those communities are quite happy with that. But we have other areas that are not doing that, and in here today we are ignoring that that even happens—just absolutely disregarding the stories that we have heard. We say, 'Well, this lot over here is doing it great so that's all we need to worry about.' I have said it before and I will say it again: it is the bad behaviour that is occurring that needs to be addressed, that we are not addressing, and therefore we will not be preventing it in the future.

The Hon. R.L. BROKENSHIRE: I have a brief question of the minister before a more detailed comment and possible question. Can the minister advise the committee who drove this particular amendment? Was it the department? Was it the NRM Council or did you have heaps of NRM chairs of different boards rushing in saying, 'We are really concerned about this and this will save us some money'? Who dreamt this one up?

The Hon. I.K. HUNTER: My advice is that the boards considered this to be an important amendment and conveyed that to my department and myself.

The Hon. R.L. BROKENSHIRE: That is interesting because I am on the Natural Resources Committee and the boards come before us—I will ask my office to check the transcript of the evidence—but I cannot recall one board raising this with me. Two things worry me with this, and one is that this potentially lets a board off the hook. A lot of the boards are doing everything in their power to do the right thing, but we have to govern for the what-ifs as well as what is generally happening. If you get a different mix of personnel on board, and they decide to drive their agenda, I am not convinced that we are going to have the consultation and the transparency that Premier Weatherill talks about. I am happy to put this on the record: if the Liberals win office on the second Saturday in March 2014—

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

The Hon. R.L. BROKENSHIRE: —third Saturday. I will be there on the second and the third. If the Liberals win office then the shadow minister will become the minister I assume, and I take it from that that we will see pretty significant debate occurring from what you have said on this whole saga, and I look forward to that. On the other hand, if the government wins, I predict that we will see a further shift towards the socialism side of the left, I am pretty sure of that. If you look at the candidates, they will be more to the left, so therefore there is more chance of them inviting certain people they want to drive certain agendas, and that is how politics works when you are in government. I have been around long enough for that, and that is why I am concerned with this.

I will be chucked out if I demonstrate again, sir, so I will not, but they will be happy to do all the glossy publications that make it look good for their agenda, but on the stuff that can really affect the community, the property owner and the hip pocket of the farmer, according to what the minister said, they will really only have to put it on a website. The cost of buying a few ads in the country

papers as against the cost of these beautiful publications that are distributed everywhere is miniscule anyway, but I think it is about giving people a chance to know what is happening.

One of the problems that we have now—and I am sure my colleagues are the same—is that I have more and more of the community coming to me saying, 'We didn't know about this. Why weren't we told about that? We weren't informed. Why didn't you inform us?' People are screaming out for that and I see this as an unnecessary amendment that is going to make it more difficult for people to know what is happening with plans—that is the thing that worries me, not stats but plans—so we will be opposing this amendment.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Page 9, after line 30—Insert:

(2a) Section 79(16)—delete 'subsections, prepare a report on the matters raised during consultation on the draft plan land on any recommended alterations to the plan.' and substitute:

subsections—

(a) prepare a report on the matters raised during consultation on the draft plan and on any recommended alterations to the plan; and

(b) prepare a report, or cause a report to be prepared, on the socio-economic impact that the draft plan would, if adopted, have on the area affected by the plan.

(2b) Section 79(17)—delete 'subsection (16)' and substitute:

subsection (16)(a)

(2c) Section 79(18)—delete 'the report' and substitute:

a copy of each report

This amendment seeks to require that a report be prepared on the socioeconomic impact that a draft water allocation plan would have on an affected area if adopted. There are two consequential amendments, that is, amendment No. 6 and amendment No. 7, which relate to the same reporting requirements.

In practice, this reporting requirement would follow the consultation period for a draft water allocation plan and be in addition to the preparation of a report on the matters raised during consultation on the draft plan on any recommended alterations to the plan. The NRM board would then be required to provide both reports to the minister for consideration. After receiving the plan and the reports, the minister would then consult with the NRM Council and with such other persons as considered necessary. He or she would also have regard to any submissions received from members of the public and any reports from public meetings. The minister would then adopt the plan with or without amendment or refer it back to the board for further consideration.

If a plan provides that all or some of the funds for implementation of a plan should comprise a levy proposal, after adopting a plan, the minister must refer the plan and the accompanying reports to the Natural Resources Committee of parliament. That committee has the ability to object to a levy proposal and any such resolution must be laid before the House of Assembly which in turn can pass a resolution to disallow the levy proposal.

The aim of the proposed amendment is to ensure that the socioeconomic impact of the plan is available at every stage of the decision-making process. It will ensure that the minister is aware of any negative impacts that the plan and any NRM policies may have on a particular region. Where a plan recommends a levy proposal, this amendment will ensure that the Natural Resources Committee is also aware of those impacts before passing any resolution with respect to such a levy proposal.

When I learned that there was no specific requirement to undertake a socioeconomic impact study directly in relation to the preparation and consultation of water allocation plans, I was astounded, especially given the very broad-reaching effects that these plans will have on a given region, and given the integral role such studies play or ought to play in planning and decision-making.

During the 2011 debate, I attended a public consultation meeting for the draft Eastern Mount Lofty Ranges water allocation plan where, during an answer to a question from the floor, I

understand one of the speakers indicated the NRM were considering preparing a socioeconomic impact study as part of the preparation of a plan. However, I might stand corrected in relation to this, but it was my understanding of the response provided at the time. If that is the case, then this amendment would only complement such a process. In any event, this is a sensible amendment which will better inform not only the minister but also the Natural Resources Committee and the NRM board of the impacts of water allocation plans on a given region. As such, I commend this amendment to all honourable members.

The Hon. I.K. HUNTER: I thank the honourable member for his amendment and I understand and have sympathy with some of his views, but we will be opposing the amendment. The act currently requires a social impact assessment to be prepared and included as part of the business plan of every regional NRM plan if that region receives funds through levies. This assessment relates to the expected social impact on the imposition of any levy imposed, both land based and NRM water levies.

This amendment would require an additional socioeconomic impact report to be prepared on a draft plan. A socioeconomic impact report is a complex and resource intensive process that will divert significant resources from on-ground activities to consultants, especially if it applies to all draft NRM and water allocation plans as this amendment requires. The requirement is unjustifiably onerous, in my view, and could unnecessarily delay development that requires access to water. If it delays the adoption of a water allocation plan, that sets the rules for future dealings in water rights.

The water allocation plan is already required to set out principles associated with the determination of water access entitlements and for the taking and use of water so that an equitable balance is achieved between environmental, social and economic needs for water. A social impact assessment report prepared for a board has cost in the past approximately $30,000. A socioeconomic impact report is expected to cost more, and economics of regions can vary significantly. Any additional expense will need to come from the levy, moving funds away from the on-ground opportunities to more administrative costs. With that extra advice and information about the impact of having to do another assessment on the draft plan, I hope the chamber will reject the amendment.

The Hon. J.M.A. LENSINK: From my understanding, the social impacts are required to be included within the reporting requirements. I can only concur that the purpose of large amounts of this bill we have before us is to try not to add additional requirements to the boards but to try to reduce the administrative requirements for the board, so we will not be supporting this amendment.

Amendment negatived; clause as amended passed.

Clause 21.

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

Page 9, after line 37—Insert:

(1) Section 80(13)—delete 'laid before the House of Assembly' and substitute:

furnished to the President of the Legislative Council and the Speaker of the House of Assembly

(2) Section 80(14) and (15)—delete subsections (14) and (15) and substitute:

(14) The President of the Legislative Council and the Speaker of the House of Assembly must, on the receipt of a copy of the plan under subsection (13), lay the plan before their respective Houses.

(15) If a House of Parliament passes a resolution disallowing the levy proposal of a plan laid before it under subsection (14), the levy proposal ceases to have effect.

(15a) A resolution of a House of Parliament is not effective for the purposes of subsection (15) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the plan was laid before the House.

This provision attempts to rectify what Family First thinks sits poorly with the current structures of parliament for disallowance of regulations. At present, only the House of Assembly can move to disallow a plan. The Legislative Council cannot move to disallow a plan. Every regulation can be disallowed, yet a final plan cannot, but in the House of Assembly it can. Naturally, unless you have a minority government, and even then Independents who do not support the government on every bill, it is highly unlikely that a plan will be disallowed.

The government has the power to push through a controversial plan using its numbers and these plans can have a far greater impact on the land than regulations. We believe the same disallowance process as applies for regulation should apply to these plans, namely, disallowance available to either house of parliament, not just the House of Assembly. So, I move the amendment.

The Hon. I.K. HUNTER: The government will oppose this amendment. The current requirement under the act that a resolution to object to a levy proposal be laid before the House of Assembly is the same as that which existed under the previous legislation. This was based on the principle that money bills are only introduced in the House of Assembly and that principle was extended to the consideration of NRM levy matters. The government considers that the principle should continue.

Amendment negatived; clause passed.

Clause 22.

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

Page 9, after line 38—Insert:

(a1) Section 81(1)—delete 'plan annually.' and substitute:

plan—

(a) at any time the board is proposing an increase in the amount to be raised by way of levy (being an increase not contemplated by the current plan); and

(b) without limiting paragraph (a), at least once every 3 years.

(a2) Section 81(2)—delete subsection (2)

(a3) Section 81(3)—delete 'annual'

This amendment is the second of three amendments to provide that the business plan component of a regional NRM plan need only be reviewed every three years rather than annually. Replacing the annual review of the business plan with a three-yearly review will provide efficiencies for boards. However, the government recognises that any three-yearly review process will require an additional legislative mechanism to trigger further review should a board be proposing certain changes to its business plan since the plan was originally adopted. This trigger is limited to any increase in the amount to be recovered by way of a levy from that already proposed and adopted.

Changes to a business plan because a board has been successful in attracting additional external project funding not previously identified does not require statutory community consultation. This applies to additional funding from any source other than from NRM levies. The amendment provides that a regional NRM board can propose a three-year business plan. It also provides that no further statutory consultation is required if, each year, the board keeps within the amount to be recovered by way of levy. However, should a board propose to increase the amount to be recovered by way of a levy from that already proposed and adopted then the amendment requires the board to undertake a review and public consultation of the business plan.

The normal processes under the act would apply, including forwarding of the amendments to the Natural Resources Committee should any levy increases exceed CPI. Moving to a three-year review of the business plan accords with one of the initiatives suggested for consideration by the Natural Resources Committee in its 49th report on the review of natural resources management levy arrangements.

The Hon. J.M.A. LENSINK: We support the amendment.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I advise the committee that, based on the way the debate is going, I am withdrawing amendments Nos 16 and 17 standing in my name.

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

Page 10, lines 1 and 2 [clause 22(2)]—Delete subclause (2) and substitute:

(2) Section 81(7)(a)(i)—delete subparagraph (i) and substitute:

(i) publishes a summary of the proposed amendments, as well as a notice inviting members of the public to provide it with written submissions in relation to the proposed amendments within a specified period (being a period of at least

21 days), on its website and in such other manner as the board may determine; and

The original amendment in the bill provided that a regional NRM board need only publish in a newspaper a summary of the changes that it proposes to a regional NRM plan as part of the annual review process, rather than a copy of those changes. I now propose, with the concurrence of the committee, to revise this.

In keeping with previous amendment proposals relating to regional NRM boards engaging with the community, amendment No. 21 now requires a regional NRM board to publish on its website a summary of the proposed amendments to its regional NRM plan, as well as a notice inviting members of the public to provide it with written submissions in relation to the proposed amendments. In addition, boards will be required to notify the community in a manner that the board determines, congruent with previous amendments. Boards will then determine the most effective and appropriate means by which to notify and engage those affected by the proposal.

The Hon. J.M.A. LENSINK: We support the amendment.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Page 10, lines 3 to 8 [clause 22(3)]—Delete subclause (3) and substitute:

(3) Section 81(10(b)—delete paragraph (b) and substitute:

(b) an amendment proposes that a levy under Chapter 5 Part 1 Division 1 or Division 2 imposed in one financial year be again imposed in the next financial year (whether or not the amount to be raised or recovered by the reimposed levy will differ from that raised or recovered by the current levy).

The government bill proposes to retain the requirement for a social impact statement to be included in a regional NRM plan only when a new levy is proposed or when an increase that exceeds CPI is proposed. The amendment proposes that a social impact statement be included, irrespective of whether the levy will differ from that raised or recovered by the current levy. It will not be limited to instances involving new levies or increases in levies above CPI.

I have already touched on the importance of socioeconomic impact studies in relation to water allocation plans. The same sorts of arguments are equally applicable here. Those studies should not be limited to instances where there are increases in levies. I commend the amendment to honourable members.

The Hon. I.K. HUNTER: The government opposes the amendment. The current provision states that the levy proposals are only required to be referred to the Natural Resources Committee of parliament for a resolution where a proposal provides for a new levy or an increase above CPI. This has been a well-accepted and sensible requirement since the act came into operation.

This amendment, however, would require all levy proposals to be referred to the committee for a resolution, regardless of any increase, decrease or even cases of no change at all. The government does not consider there is any benefit in referring every levy proposal to the committee. It introduces an unnecessary level of process and uncertainty for regional NRM boards that is not justified in cases where boards are proposing no increases in levy above CPI. I can see no benefit from changing the current requirement so as to refer every levy proposal to the committee, and I ask the chamber to reject the amendment.

The Hon. R.L. BROKENSHIRE: Members will see as I debate my amendment No. 18 why we will support the Hon. John Darley with this. Quite frankly, I do not see that it is a big impost on the committee, having been a member of that committee, but I see a massive impost on irrigators when it comes to water levies, and we have to start to consider the business and the social impacts, and we are not doing that at the moment, so I support this amendment.

Amendment negatived; clause as amended passed.

New clause 22A.

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

Page 10, after line 13—Insert:

22A—Amendment of section 84—Time for preparation and review of plans.

(1) Section 84(2)—delete 'preparation of a concept statement or by the public and other consultation required by this Act, the Minister may dispense with the requirements for the concept statement and' and substitute:

public and other consultation required by this Act, the Minister may dispense with the requirements for such.

(2) Section 84(3)—delete 'the annual review of its plan' and substitute:

reviews of its plan as required under this Act.

This clause provides for consequential amendments in two parts: subclause (1) removes the reference to a 'concept statement' and is consequential on clause 19. Subclause (2) is the final in a series of amendments to provide that the business plan component of a regional NRM plan need only be reviewed every three years rather than annually. It provides legislative consistency for three-yearly review business plans and supports the amendments proposed under clause 22.

New clause inserted.

Clause 23.

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

Page 10, line 17 to page 11, line 10 [clause 23(2) and (3)]—Delete subclauses (2) and (3)

It is proposed to remove this amendment from the bill because these arrangements are in the Natural Resources Management Financial Provisions Regulations, and it is therefore unnecessary.

Amendment carried; clause as amended passed.

Clause 24 passed.

New clause 24A.

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

Page 11, after line 13—Insert:

24A—Insertion of section 100A

After section 100 insert:

100A—Application of water levy provisions

On and from 1 July 2014, no levy may be imposed under this Division.

Obviously, this is one that I am sure there are different viewpoints on, but when this bill came into parliament back in 2004 I do not think any of us realised just how much money was going to be collected in the second part of the levy structure; that is, the water levy component. As a result of that we now see a situation where a lot of irrigators are being charged $10,000 or more a year for water that they paid for when they bought their properties, or that their families paid for when buying the properties in earlier generations.

This is a straightforward amendment. It moves to abolish all water levies from 1 July next year. To give an example, with the water allocation plan, I think it is for the Eastern Mount Lofty Ranges, where they have been able to manage with the part A NRM levy thus far, they are now predicting about $360,000 in the first year for water levy collection. That is a huge impost on farmers. I do not think it is right, and I am therefore moving this amendment.

The Hon. I.K. HUNTER: The government opposes this amendment, which would significantly affect the government's and the boards' ability to manage our water resources. NRM water levies are required to support water planning and management undertaken by the boards. South Australia's current arrangements with respect to water levies are consistent with its commitments and obligations under the National Water Initiative Intergovernmental Agreement, which the Australian government and all jurisdictions have signed.

In principle, the cost of managing our scarce water resources should be met at least partly by those who use or extract our water. As direct beneficiaries it is reasonable that holders of water entitlements contribute to costs associated with water planning and management. At present, entitlement holders contribute only to part of the costs incurred on behalf of the community in this area. The proposed amendment would, in effect, shift an even greater share of the current cost burden for water planning and management away from extractors and on to the South Australian taxpayer. I ask the chamber to reject the amendment.

The Hon. J.M.A. LENSINK: Again, this is an expression of sentiment, and one with which we have a lot of sympathy. There are fewer landowners who are subject to water levies than are subject to land levies; basically anyone who owns property in South Australia pays the division 1 land levy and that is, therefore, a large number of people. The people who are rated on water are a smaller rateable base of people, and therefore politically it is not as loud a voice when their levies are increased.

We have been very concerned about some of the increases in the water levies, because I think they were seen as being a bit of an easy target. However, I do not think it is feasible to remove the water levy from the statutes altogether; there does need to be some charge associated with managing that resource, so we are not able to support this amendment.

New clause negatived.

The CHAIR: The Honourable Mr Brokenshire and the Hon. Mr Darley have a couple of amendments that cross over, still inserting clauses 24A and 24B. The Hon. Mr Brokenshire, if you can do yours first and I will then call on the Hon. Mr Darley.

The Hon. R.L. BROKENSHIRE: My amendment No. 19 is a consequential amendment that was lost so I withdraw that one. I also advise the committee my amendment No. 20 was also a consequential amendment regarding intensive farming, so I also withdraw that amendment.

The CHAIR: We thank you for your advice.

New clauses 24A and 24B.

The Hon. J.A. DARLEY: I move:

Page 11, after line 13—Insert:

24A—Amendment of section 101—Declaration of levies

Section 101(13)—delete subsection (13) and substitute:

(13) A levy cannot be imposed under this section with respect to—

(a) the taking of water for domestic purposes; or

(b) the taking of water from a dam.

24B—Amendment of section 103—Special purpose water levy

Section 103—after subsection (13) insert:

(14) The regional NRM Board in relation to whose region a special purpose water levy is declared must include in its annual report a statement setting out the extent to which the levy has been applied.

(15) If any portion of a special purpose water levy (being a levy declared on the basis that it will apply until brought to an end by the Minister by notice in the Gazette) has not been applied 2 years or more after being raised, the Minister must bring the levy to an end by notice in the Gazette.

The proposed amendment has two aspects. The first seeks to prevent levies from being imposed on water taken from a dam in addition to water taken for domestic purposes. It would apply to all dams irrespective of whether they are used for stock and domestic purposes or commercial purposes.

By way of clarification, and before I proceed any further, during the last debate on this bill I had a similar amendment which also applied to water taken for watering stock that is not subject to intensive farming. Given that the government's proposed amendment to intensive farming has now been deleted from the bill, there is no reason to progress that line of argument in relation to levies.

There is already a growing level of discontent amongst farmers in relation to increasing levies, and farmers and irrigators have become extremely untrusting of government in relation to this matter—and rightly so. The overwhelming consensus appears to be that they are fed up.

In the past, I have met with representatives from the Apple and Pear Growers Association of South Australia, and I note that they are particularly concerned over increasing costs, including levies for their growers. They are particularly concerned that every time a group is excluded from the ambit of levies or other costs, another group is faced with increased costs. This amendment would provide these growers with some assurance that they would not have to pay levies on dams even where those dams make up part of their overall water allocation.

The second aspect of this amendment relates to special purpose water levies. Section 103 of the act provides that the minister may declare a special purpose water levy where he or she is of the opinion that it is necessary or desirable to raise money for a purpose related to the management of a prescribed water resource, the management of any effect that the taking or using of water may have, or to the restoration or rehabilitation of any part of the natural resources of the state on account of the taking or using of water. This would apply in situations where a regional NRM plan has identified a levy as an appropriate way of raising money but where it is considered unfair or unreasonable for all persons who have water management authorisations to contribute, or contribute to the same extent, to the amount needed for the relevant purpose.

A special purpose levy, which is in addition to liability for a levy under section 101 of the act, may be declared by the minister on the basis that it will apply for a specified period corresponding to one or more financial years, or on the basis that it will apply until brought to an end by the minister by notice in the *Gazette*. Section 103 provides a number of other conditions with respect to the imposition of such a levy, including requirements in relation to consent.

In relation to the special purpose levies, this amendment seeks to do two things. First, it seeks to require that the regional Natural Resource Management Board in relation to whose region a special water levy is declared, to include in its annual report a statement setting out the extent to which the levy has been applied; that is, the extent to which it has been spent or used. Secondly, it seeks to require the minister to bring the levy to an end if any portion of the levy has not been applied two or more years after having been raised. This is a very sensible amendment which seeks to provide a greater level of transparency in relation to special purpose levies.

Given the level of dissatisfaction that exists at the moment in relation to the issue of levies, I think it is more than reasonable to ensure that we have adequate reporting requirements in place as well as a mechanism for bringing a levy to an end where it has not served its intended purpose. Two years is also adequate time for the levy to be applied. I commend this amendment to all honourable members.

The Hon. I.K. HUNTER: I think the Hon. Mr Darley has spoken to both new clauses so I will do the same, if I may. In relation to amendment No. 9 standing in his name, an amendment of section 101, the government opposes this amendment. Subsection (13)(a) simply repeats section 101(13) in the act which provides:

> A levy cannot be imposed under this section with respect to the taking of water for domestic purposes or for watering stock that are not subject to intensive farming.

Essentially that part is fine if you want to repeat it, but not allowing levies to apply to water taken from dams in paragraph (b) creates an artificial distinction based on where the water is taken, rather than on the quantity of water that can be taken or that is used. Such an artificial distinction is inequitable.

Under this proposal, those who take water directly from a watercourse or underground water may be liable to pay a levy, while those who take water from a dam would not. This would be the case even though both may be using water for the same commercial purpose. It is reasonable that people who have rights to take and use water contribute to the costs of managing our precious finite natural resources, and so we oppose the first part of the amendment.

The second part of the amendment to section 103 is also opposed. Before a special purpose water levy can be declared by the minister, a regional NRM board must identify in its regional NRM plan that a levy is required for the purpose concerned. This includes information on the program to which the special purpose water levy relates. Funding raised through a special purpose water levy can only be used for that purpose. Requiring boards to undertake more administration which, in effect, duplicates what is already available in the plan, is not a good use of resources, I would say. A special purpose water levy can only be declared if a majority of those affected approve and the levy can only be used for the purposes set out in the plan and for which it was specifically raised.

There may be circumstances in the future where a portion of a special purpose water levy has not been applied within the period stipulated and where works are still pending. I can only speculate, but there could be a situation where the delivery of infrastructure ordered from overseas is severely delayed and it would be quite inefficient to have to start the special purpose water levy process all over again, which I understand that this amendment would require, so I ask the chamber to reject both amendments.

The Hon. J.M.A. LENSINK: In relation to the first part of the honourable member's amendment, I understand that it prohibits the levying of water which is taken from a dam regardless of whether it is for commercial purposes, such as irrigation or intensive animal farming, and is not seeking to include water taken from rivers, bores or wells. I will give an example of why that will be inequitable and that is the Clare Valley grape growers, in that they have a pipeline which they part funded. The larger commercial grape growers have established fairly large dams and this would mean that they would be excluded from paying a levy, whereas the smaller operators who rely on water that is piped for SA Water at what we have argued is an exorbitant price would be disadvantaged, so there we have an example where I think this is well intentioned, but it would cause a great deal of problems.

In relation to the second one, I understand the sentiment, and we are all irritated about the River Murray levy which really was a tax imposed by Kevin Foley within his first 12 months of office, and we are very sceptical that it is all applied for the purposes for which it is intended. From that point of view, as I said, I am sympathetic, but I think it is a little bit awkward to apply that through this amendment, so we will not be able to support these new clauses.

New clauses negatived.

Clause 25.

The Hon. J.A. DARLEY: I move:

Page 11, after line 14—Insert:

(1) Section 106(1)(d)—after subparagraph (ii) insert:

or

(iii) from a dam for any purpose,

Section 106 deals with determinations with respect of the quantity of water taken and provides the means by which those determinations are made where the basis of a levy is or includes the quantity of water taken. Basically, it sets out what water will and will not be included in the calculation of water used. Section 106(d) deals specifically with what will not be used in those calculations or what will be disregarded for the purpose of those calculations. It provides that levies will not apply in relation to the taking of water in instances where it is taken by the occupier of land for domestic purposes or for providing stock with drinking water and the taking of water for firefighting purposes.

The government bill extends these provisions also to provide that a levy based on the quantity of water taken will not apply to water taken for the purpose of the construction or repair of a public road. This amendment seeks to further extend this provision by providing that a levy will not apply to the taking of water from a dam for any purpose. For the sake of clarification, the amendment does not relate in any way to a water allocation. It simply prevents dam water from being used in the calculation of levies payable irrespective of whether that dam is used for stock and domestic purposes or for irrigation or commercial purposes.

As I mentioned earlier, the Apple and Pear Growers Association of South Australia have been particularly concerned over increasing costs, including levies, applicable to their growers. They are particularly concerned that every time a group is excluded from the ambit of levies or other costs, another group are faced with increased costs. I appreciate that they are in a very difficult position in trying to achieve the best outcome for their growers, and I believe this amendment, which they supported in the past, goes some way towards addressing at least some of the concerns they have raised with me. As I said earlier, if the government is serious about not levying dams, then this amendment ought to be supported. I urge all honourable members to support this amendment as well.

The Hon. I.K. HUNTER: The government opposes the amendment on the same basis that we opposed the last one in new clause 24A. It is inequitable to exempt levies based on how and where water is taken, as opposed to the quantity of water that is allocated or that is used.

The Hon. J.M.A. LENSINK: Just to say, some dams are really huge and are used for some very significant commercial operations, so I do not think on that basis that we can exclude every single dam from the regime.

The Hon. A. BRESSINGTON: Just a question for the minister. Can the minister provide some detail of how the department landed on the capacity of a dam being five megalitres or more, and so requiring a licence? What was the basis for that, if we are talking about meters now?

The Hon. I.K. HUNTER: My advice is that it was arrived at in consultation with the public and was a figure that was arrived at to achieve balance between commercial and non-commercial use.

The Hon. A. BRESSINGTON: In light of the minister's answer, and I do not quite know how to frame this, we have a farm that may have two five-megalitre dams and they are both required to be licensed and they may be required to have a meter fitted, but up the road, we have a farm with five three-megalitre dams on it and none of that water is taken into consideration at all. Those dams are not required to be licensed and they will not be required to be metered.

If this is really about water allocation, keeping track of water and making sure that every drop of water is utilised well, and all the palaver we get about why this is so necessary, can the minister explain why one farm that may have three, four or five three-megalitre dams on it, and one farm that may have two five-megalitre dams on it, is not required to be included in the system, and why that farm with three three-megalitre dams is not required to be in the system, even though they are probably holding more water than the farm down the road with the five-megalitre dam?

The Hon. I.K. HUNTER: My advice is that the situation the Hon. Ms Bressington may be referring to, we need to be clear, only applies to the Western Mount Lofty Ranges. Where water is taken from a dam of five megalitres or higher for purely stock and domestic purposes, yes, it needs a licence, but smaller size dams for commercial purposes will also need licences. So, when we are talking about stock and domestic, it is my advice that above five megalitres is the level only in the Western Mount Lofty Ranges, but if it is for commercial purposes any other dam would need to be licensed.

The Hon. A. BRESSINGTON: So, still I ask the question, minister: you have a farm with three or four three-megalitre dams—and this is supposed to be all about keeping track of the water, the water usage and all that—so you have one farm that has more water on it but it is in smaller dams, stock and domestic, it is not required to be licensed, but the dam down the road with five-megalitre dams that is holding less water than the farm up the road with three-megalitre dams is required to be licensed. If this is really about keeping track of water, how does that make sense?

The Hon. I.K. HUNTER: I am not sure how far I can take this with the honourable member at this point in time. I understand that a farmer could have multiple small dams, but whether that is an efficient use of their resources, having lots of small dams, I do not know that that happens very often. Again, we are talking about the Western Mount Lofty Ranges area there. Again, I come back to the point that the figure was arrived at with community consultation and with extensive feedback. It was aimed at getting a balance between commercial and stock and domestic use, and that was the figure that was settled on in consultation with the public.

The Hon. A. BRESSINGTON: Different line: so, given the minister's answer, if a five-megalitre dam was arrived at through public consultation, how can the minister explain the absolute outrage of farmers who said they would rather go to gaol than comply with these regulations? Nine hundred of them.

Amendment negatived; clause passed.

Clause 26 passed.

New clause 26A.

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

Page 11, after line 26—Insert:

26A—Insertion of section 116A

After section 116 insert:

116A—Person cannot be required to install etc meter except in certain circumstances

(1) Despite any other provision of this Act, a person cannot be required under this Act to supply or install a meter, or to service, maintain, repair, replace or adjust a meter, unless the meter is reasonably required to measure water for the purposes of a levy imposed under Chapter 5 Part 1 Division 2.

(2) Despite any other provision of this Act, a person—

(a) cannot be required by the Minister to pay any costs involved with the supply, installation, testing or sealing of a meter required under this Act; and

(b) is not liable for rent for such a meter.

It is a similar amendment to the Hon. John Darley's but it is broader and it covers meters with respect to dams, bores and wells. It does not preclude the government from putting meters on and it acknowledges that there are sometimes reasons why you have to have meters on bores. We have already got them on our three bores. However, it is the issue of who pays and the impediment which is considerable. For the public good, I believe that if the government wants meters on bores and irrigation dams, then the government should pay and maintain them through general revenue, so that is why I am moving this amendment.

The Hon. I.K. HUNTER: The government opposes this amendment. This amendment provides that people could not be required to install and maintain meters on dams unless the meter is required to measure water for the purposes of raising a water levy. Meters are required principally for the collection of accurate data about the use of water for resources management purposes.

Metered water use data is a fundamental component in determining accurate water balances for water resources. It is also used to check compliance. Accurate information about water use can only be obtained by measuring use through meters. Such information is critical to the government's capacity to manage water resources sustainably and to protect the rights of all water users, so we urge the chamber to oppose this amendment and, for similar reasons, the amendment in the name of the Hon. Mr Darley.

The Hon. J.A. DARLEY: I move:

Page 11, after line 26—Insert:

26A—Insertion of section 116A

After section 116 insert:

116A—Person cannot be required to install etc meter except in certain circumstances

(1) Despite any other provision of this Act, a person cannot be required under this Act to supply or install a meter, or to service, maintain, repair, replace or adjust a meter, on, or in relation to, a dam unless the meter is reasonably require to measure water for the purposes of a levy imposed under Chapter 5 Part 1 Division 2.

(2) Despite any other provision of this Act, a person—

(a) cannot be required by the Minister to pay any costs involved with the supply, installation or sealing of a meter on, or in relation to, a dam; and

(b) is not liable for rent for such a meter.

The amendment provides that a person cannot be required to supply, install, service, maintain or repair a meter on a dam unless that meter is reasonably required to measure water for the purposes of a levy. Further, a person cannot be required to pay any costs associated with the supply, installation or sealing of a meter on or in relation to a dam and cannot be liable for any rent for such a meter.

The amendment does not impact on any existing meter and schemes that exist under the act or the regulations. However, unless the meter is required for measuring water for the purposes of a levy, then a landowner cannot be required to install and maintain that meter at his or her own expense. That is, the meter can still be installed on the dam but the landowner will not incur the cost nor will the minister be able to recover the cost of the installation or any associated costs from the landowner or make the landowner liable for any rent in respect of the meter.

One of the key concerns amongst farmers in relation to water allocation plans and legislative requirements is the growing number of expenses they have to meet. Not only do they have to pay levies for the installation and maintenance of meters, they are also being told they could be required to pay for low flow diversion systems, the fencing off of creeks, rivers and dams, and in some cases the redirection and reinstallation of irrigation piping from dams.

Coincidentally, at one of the NRM public consultation meetings that took place in 2011 at Strathalbyn, a hydrologist from the Department of Water explained that by using aerial photography and a reading taken at the base of the dam wall, as well as using certain formulae, they could calculate the capacity of the dam. Since the mid-1980s, we have also had access to remote sensing techniques and satellite imagery.

By using relatively simple software, the capacities of dams could be automatically monitored on a daily basis using the existing technology, thereby avoiding the need for the 19th century mechanical equipment vis-a-vis meters and the costly monitoring of these meters. This

advice coincidentally came from former surveyor-general Peter Kentish who retired last year. The point is that there are existing mechanisms that could be used to monitor the capacity of dams without putting farmers to additional expense.

The fact of the matter is that there are many farmers doing it tough at the moment and these are huge costs, running into the thousands if not tens of thousands of dollars, which they can ill afford. If the minister wants meters on dams then the minister should be responsible for the associated costs. I would urge all honourable members to support this amendment.

The Hon. J.M.A. LENSINK: We have a fair bit of sympathy for the second part of the amendment. The first part of it, however, sort of runs counter to what we believe should have been the process in terms of the water prescription in the Adelaide Hills which is now being adopted, which is a risk management approach. Not very many of the subcatchments are actually under stress so my question as always been: well, why force everybody to go through this process when there is only some 5 per cent of the areas that really need to be managed?

For that reason, I would have thought, in a hypothetical situation, that you might go into those areas where you think the subcatchments are stressed, put some meters on just to see how much water is actually being used before you make an assessment about whether those areas need to come under management. So, I think it is almost counterintuitive to say that you cannot actually install it unless you are going to impose a levy. It does not make sense and we will not be supporting the amendment.

The Hon. R.L. Brokenshire's new clause negatived; the Hon. J.A. Darley's new clause negatived.

Clause 27.

The Hon. I.K. HUNTER: I have noted members' concerns raised on this section, so I propose to delete the clause to allow further consideration and consultation.

Clause negatived.

Clause 28.

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

Page 11, line 33—Delete ', (6a) and (6b)' and substitute 'and (6a)'

As the government proposes to remove clause 28(2) from the bill under amendment 26 the reference to section 124(6b) is no longer relevant. The remainder of the clause in the original bill clarifies that section 124(3) is also subject to section 124(6a), which deals with the taking of water from stormwater infrastructure. This amendment will ensure the legal integrity of the provision.

Amendment carried.

The CHAIR: The Hon. Mr Brokenshire, you have an amendment at clause 28 as well?

The Hon. R.L. BROKENSHIRE: That is consequential and therefore I am withdrawing it.

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

Page 11, line 34 to page 12, line 4 [clause 28(2)]—Delete subclause (2)

This amendment continues this series of amendments to remove 'designated drainage infrastructure' and 'drainage infrastructure' from the bill, and the Hon. Mr Brokenshire likes this amendment.

Amendment carried; clause as amended passed.

Clause 29.

The Hon. I.K. HUNTER: This amendment continues a series of amendments to remove 'designated drainage infrastructure' and 'drainage infrastructure' from the bill. Its removal from the bill is consequential on the decision made under 4.1 and makes everybody happy.

Clause negatived.

Clause 30.

The Hon. J.A. DARLEY: I move:

Page 12, after line 9—Insert:

(a1) Section 127—after subsection (3) insert:

(3a) Subsection (3) does not apply to, or in relation to, an activity consisting of repairing a well or dam where the repair does not result in an increase in the storage capacity of the well or dam.

Section 127(3) provides that a person must not undertake certain activities unless authorised to do so by a water management authorisation or permit granted by the relevant authority. In relation to a dam, those activities include erecting, constructing modifying, enlarging or removing a dam, a dam wall or any other structure that collects or diverts, or is capable of collecting or diverting, water from a prescribed watercourse, a watercourse in the Mount Lofty Ranges watershed that is not prescribed, or surface water flowing over land in a surface water prescribed area or in the Mount Lofty Ranges watershed.

This amendment seeks to remove the need to obtain authority where the activity undertaken involves repairing a well or a dam but does not result in any increase in the storage capacity of the well or dam. As already mentioned, my office has spoken with farmers who are growing increasingly frustrated about their inability to simply get on with farming because of increased bureaucracy and red tape. This is a classic example of that sort of red tape.

Farmers with years, if not decades, of experience on the land are having to seek approval before undertaking what, to them, is the simplest of tasks. We should be encouraging farmers to get on with the job of farming and producing food, rather than getting bogged down in red tape and additional paperwork, which all come at a cost.

The Hon. R.L. BROKENSHIRE: I thought I might speak now because this is identical to my amendment; therefore, I will withdraw my amendment, but in doing so I clearly support the Hon. John Darley's identical amendment for the reasons he gave. I understand what the government is trying to do when it comes to building new dams, etc., permit requirements and so on for water-taking activities, but this is just an impediment and surely we can see common sense in supporting the amendment.

You get very small windows of opportunity sometimes to be able to repair these dams, or you may have a situation where part of the wall falls away and it is about to start raining and you want to get in and repair it. This is just about repairs and maintenance, and this can actually save the environment. I have seen dams where walls have slipped, they have not been repaired, and then you get big scouring in the gully below. I appeal to the minister to support this one as a common-sense practical amendment.

The Hon. I.K. HUNTER: On the face of it, it does seem like a common-sense amendment, but I will explain now why it is not. The government opposes the amendment, which provides that approval would not be required to dams or wells if the repairs do not increase their storage capacity. But it is critical that well and dam repairs are appropriately regulated because there are risks of damage to water resources and to other persons' rights to access water if repair works cause contamination or otherwise impact on the environment, and I will give an example in a moment.

For example, repair work to a well that is carried out incorrectly may interconnect to a polluted water aquifer with an aquifer that contains high quality water. This could contaminate water that is accessed by other water users. Likewise, repair work to a dam that is carried out incorrectly may increase sediment flowing into a watercourse or drainage path and lead to a decline in water quality and may also result in increased erosion and the loss of riparian vegetation.

Examples of why we need to have a permit include situations where we need to ensure that a more saline upper aquifer is cased off to prevent leakage to better quality water, or ensuring that work on a well does not intrude into another aquifer which is already fully allocated or overused and has an effect on groundwater-dependent ecosystems. These are complex systems and we need to make sure that we have licensed drillers undertake this work. Therefore, permits are required.

The Hon. R.L. BROKENSHIRE: I understand the importance of having drillers do things with bores—we would never touch our bores ourselves, we always get the driller, but dams are a different thing—but if we were to recommit a clause excluding wells, would the minister then support just the dams? We are not interfering with aquifers when we are cleaning the silt out, repairing a wall or getting rid of some reeds that have come up.

The Hon. I.K. HUNTER: My advice is to decline the offer. I did talk about dams in my explanatory note. If a dam is not properly rectified in its defects there could be situations where that repair work could cause contamination of a watercourse, more sediment flowing into a watercourse and degrading the water quality. Again, we need to know that those processes, those repairs, are being carried out in a proper manner.

The Hon. R.L. BROKENSHIRE: I do not want to hold the committee any longer than is needed, but this brings up a really important point I want to get on the public record from the government. The government is implying that, once you go through an approval process, you pull that silt out from that dam, you may reline the dam wall on the outside to grow grass on it, and you have some other soil you might want to spread out over the side of the paddock, the department has the right, supervision and legal powers to order that farmer to truck that excess soil away from that site.

The Hon. I.K. HUNTER: I am advised that NRM officers are very well aware that these permits are required to be issued with some haste, and our turnaround time is quite quick. It basically only takes getting in touch with an engineer to get approval. I also understand that repairs on dams usually go over some considerable period of time and are not usually done in a quick way, so there is time to get the appropriate licensed person to do the job.

The Hon. R.L. BROKENSHIRE: I would like it on the public record. You go through the cost not only of getting whatever the NRM officer says but you may actually have to get an engineer in then because of the way this is happening, and there is some overburden soil which is on the farmer's property that the farmer decides he would like to leave there for another day. Are you telling us that they would have the authority to force that farmer to truck that excess soil away to an area where they are satisfied it is not going to cause an issue?

The Hon. I.K. HUNTER: I am not an engineer and I am not a technical expert in dam construction. I certainly cannot give the Hon. Mr Brokenshire that advice.

Amendment carried.

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

Page 12, lines 10 to 15 [clause 30(1)]—Delete subclause (1)

The purpose of this amendment was to provide that in appropriate cases the relevant authority could require a separate application for each individual activity for which a permit is required; for example, in circumstances where it would be difficult to apply different conditions to each well that is authorised under a single permit. In light of members' concerns with the proposed amendment it has been removed from this bill.

Amendment carried.

The Hon. J.M.A. LENSINK: I move:

Page 12—Lines 16 to 20 [clause 30(2)]—Delete subclause (2)

This is in relation to the penalties that apply for taking of water within prescribed areas. I will probably have some questions for the minister on this issue as well. The reason that we are seeking to delete these—and we indicated in 2011 that we would be deleting these—is that we think that the proposed penalties are going up too far, in that the current maximum penalties that can be imposed by the courts are $35,000 plus a prescribed rate of $25 per kilolitre for a natural person, or for a body corporate it is $70,000 plus a prescribed rate of $25 per kilolitre. The government is proposing to increase that to $700,000 for a natural person and $2.2 million for a body corporate.

We think those penalties are far too high. In the briefing provided to us (whenever it was, two or three years ago) we were advised that they were the maximum penalties in all of Australia based on the New South Wales EPA Act which we do not think is an appropriate benchmark for those penalties. We looked at whether there was a penalty regime that might be appropriate, such as whether it is in the range of a few hundred thousand dollars, because we appreciate the fact that, particularly in times of drought, water theft is more likely to take place, and that will have an impact on downstream users to the point where they may not even be able to access that water.

It is a balance between trying to set the penalty high enough to have that as a deterrent versus people who overuse their water allocation and it is some sort of accounting error. We believe that those people should be treated differently but we were not able to obtain the sort of

information that would enable us to come up with a new penalty regime and, therefore, we are going to oppose these increases outright.

We do not think that irrigators or landowners should be subject to such a huge regime when it may just be a matter of them having a faulty meter or, in the case of an irrigation trust, the situation is that each farm has to have its own meter and it is quite difficult to balance all of the water that is allocated to each property.

I am not sure whether I am able to ask a question at this point but, first, can the government justify that increase; and, secondly, has consideration been given for irrigators and landowners who may just overuse their allocation as opposed to people who deliberately steal water?

The Hon. I.K. HUNTER: I will respond briefly to the honourable member's questions. I would be very surprised if people who overused were convicted of water theft because people who overuse water are subject to penalties under the act elsewhere. I do not have those penalties before me but they are prescribed elsewhere in the act.

What we need to do with the proposed bill is to increase the incentive, if you like, for persons not to take water illegally. If fines are likely to cost less than purchasing water entitlements and paying levies people may be encouraged to do the wrong thing. If potential penalties do not provide an adequate deterrent the amount of water that is taken illegally could be quite significant. I am advised that the increased maximum penalties are consistent with the terms of the national framework for compliance and enforcement that South Australia endorsed in the COAG water reform process.

Paragraph 5 of the COAG agreement provides that jurisdictions agree to use their best endeavours to introduce and pass legislation to establish consistent penalties across Australia by ensuring that maximum penalties for water resource offences are adequate and take close account of the higher level currently imposed by water resource legislation. The highest maximum penalty for equivalent offences, I am advised, is $2.2 million for corporate bodies in New South Wales and $1.1 million for natural persons in New South Wales.

You will see from the provisions in the bill that I have presented before you tonight that for natural persons we have revised that down to $700,000. We think we have struck a balance in this. Obviously, we have copied the provision in terms of corporate bodies. The current act, as the honourable member said, applies penalties of $70,000 for bodies corporate, and we think that is nowhere near sufficient.

The Hon. R.L. BROKENSHIRE: Family First, again to be quick with the time, will be supporting the opposition on this. These are absurd and outrageous—$700,000 and $2.2 million is a joke.

The Hon. J.A. DARLEY: I will be supporting the opposition's amendment.

The Hon. A. BRESSINGTON: I will also be supporting the opposition's amendment, but first I would like to ask the minister: how many people have actually been charged and prosecuted for water theft or overuse of their water allocation in the last two years?

The Hon. I.K. HUNTER: I will take that on notice.

Amendment carried.

The Hon. J.M.A. LENSINK: I move:

Page 12, line 24 [clause 30(4)]—Delete subclause (4)

This amendment is consequential.

Amendment carried; clause as amended passed.

Clause 31.

The Hon. I.K. HUNTER: This amendment continues a series of amendments to remove designated drainage infrastructure and drainage infrastructure from the bill and enjoys broad support.

Clause negatived.

Clause 32.

The Hon. J.A. DARLEY: I will not be moving my amendment as it is consequential.

Clause passed.

Clause 33.

The Hon. I.K. HUNTER: This amendment added the option for a well to be capped as a less costly alternative to requiring that a well be backfilled, plugged or sealed. I now intend to remove this amendment from the bill with the concurrence of the committee. Although capping can be a cheaper option, the position now is that if a well is no longer used the well should be cleaned out to the original depth and backfilled.

Clause negatived.

Clause 34.

The Hon. J.A. DARLEY: I move:

Page 13, after line 4—Insert:

(a1) Section 150—after subsection (1) insert:

(1a) However, the following cannot be transferred under this section:

(a) a water access entitlement, or part of a water access entitlement, in respect of surface water located in—

(i) the Eastern Mount Lofty Ranges; or

(ii) the Western Mount Lofty Ranges;

(b) any other water access entitlement, or part of a water access entitlement, of a kind prescribed by the regulations for the purposes of this section.

This amendment seeks to prevent the transferring of water access entitlements in respect of surplus water located in the Eastern and Western Mount Lofty Ranges. However, I should point out that it does not impact on any arrangements pertaining to the River Murray. An overwhelming and indeed growing number of landowners continue to voice their opposition, not only to the trading of water to overseas investors but also to the trading of water within the Mount Lofty Ranges more generally. Many landowners are particularly frustrated that this can occur at a time when more and more restrictions are being imposed on them in terms of what they can and cannot do with their water and on their properties. They do not consider it fair or necessary.

Even in discussion with officers at the consultation meetings that took place back in 2011, it was agreed that, in a number of situations, the transfer of water access entitlements and water allocations within the Mount Lofty Ranges would be impracticable. I would urge all honourable members to support this amendment.

The Hon. I.K. HUNTER: We oppose this amendment. This is a blanket ban on transfers of surface water in the Eastern and Western Mount Lofty Ranges, including with the sale of land and on the death of a licensee. However, the amendment would not restrict transfer of water allocations. When a resource is fully allocated, transfers provide an opportunity for people who cannot otherwise obtain water to negotiate with licence holders who want to sell all or part of their entitlement. The terms of the transfer are determined by the relevant parties.

This amendment would restrict development in the Eastern and Western Mount Lofty Ranges. Preventing transfers of these water rights would decrease their value for owners and prevent water being traded to higher value users. It would also reduce the capacity and flexibility needed by water users to adjust to changes in water availability. The proposal is also contrary to the broad objective of the National Water Initiative, which is to remove unnecessary restrictions on the trade of water rights. It also would be inconsistent with the basin plan water trading rules, which will apply in the Eastern Mount Lofty Ranges. We urge the house to reject the amendment.

The Hon. R.L. BROKENSHIRE: Whilst unusual in this debate, on this occasion Family First will not be supporting the Hon. John Darley and will be supporting the government. I acknowledge and understand that the Hon. John Darley has had some representation from some primary producers, as indeed have Family First and I am sure others. In fairness to them, I do not think they understand, once you get water licensing and water allocation plans in place, the importance of having transferability available between landowners within a scientifically approved basin, aquifer or watercourse region.

This is different from foreign ownership, which we will debate later. I just think the capacity of a region to be able to capitalise on the highest and best use of that water—and to be able to capitalise on future diverse and other opportunities in irrigation, and also to assist primary producers who simply want to grow their business or who may want to retire and not irrigate any longer, sell off their water licence but maintain their land to run beef on, for example—gives flexibility. Having studied this in detail years ago, we need to be able to maximise the opportunity for return economically in a region, and therefore on this occasion, whilst I swallow hard, I support the minister.

The Hon. J.M.A. LENSINK: The Liberal Party will not be supporting this amendment either. There is, I think, a debate that has been lost in this country about whether riparian rights should be attached to land or not. I think that this is contrary to the National Water Initiative. Whatever people's views may be on whether that was the right thing or the wrong to do, it is with us and here to stay. There is a little bit of water trade that takes place in the South-East and limited in other regions, as well, and I think that is something that everybody just needs to live with and move on with. Unfortunately, we are unable to support the honourable member.

Amendment negatived; clause passed.

Clauses 35 to 38 passed.

Clause 39.

The Hon. I.K. HUNTER: This amendment provided for water conservation measures to be made by a notice published in the *Government Gazette* rather than being declared by regulation. This was consistent with the Water Works Act 1932, but it is proposed to remove this amendment from the bill because the Water Works Act has since been repealed and replaced by the Water Industry Act 2012. This is consistent with the existing provisions in the NRM Act.

Clause negatived.

New clause 39A.

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

Page 15, after line 16—Insert:

39A—Amendment of section 171—By-laws

> Section 171(7)(b)—delete 'cause to be published a notice in a newspaper circulating generally throughout the region settling out' and substitute:
>
> publish the proposed by-law, as well as a notice inviting members of the public to provide the board with written submissions in relation to the proposed by-law within a specified period (being a period of at least 6 weeks), on its website and in such other manner as the board may determine

In keeping with the previous amendment, proposals relating to regional NRM boards engaging with the community, this amendment removes the need for the board to give public notice of its decision to proceed to prepare a draft in accordance with the regulations. It replaces it with a requirement to give public notice on the relevant board's website and to notify the community in a manner that the board determines. Regional NRM boards will then determine the most effective and appropriate means by which to notify and engage those affected by the proposal.

The Hon. J.M.A. LENSINK: We support this for the reasons expressed previously.

New clause inserted.

Clauses 40 to 43 passed.

Clause 44.

The Hon. R.L. BROKENSHIRE: With respect to clause 44, and the requirement to control certain animals or plants:

> A person who has in his or her possession or control an animal of a class to which this subsection applies must comply with any instructions of an authorised officer with respect to the keeping or management of any animal of that class.

I would like some clarification on what sort of animals they are talking about. Are these pest animals, or what is it about? I do not understand it.

The Hon. I.K. HUNTER: I am advised that the animals fall into classes 1, 2 and 3. Class 1 animals are those that are most likely to escape confinement. I think they include things like tigers and lions and bears but also animals like cane toads and other such pest animals.

Clause passed.

Clause 45.

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

Page 17, after line 22—Insert:

(2) Section 223(2)(d)—after 'water' insert 'by means of specified irrigation or other machinery'

This amendment repeals the reversed onus of proof for any water-taking so that prosecution will have to prove the amount of water taken by, for instance, livestock. This amendment would still allow the reverse onus to apply for use of irrigation or machinery, for example, pumps, but not any other forms of taking water. It would be the farmer who holds the records of hours of pumping or any volumes pumped, but in other cases the prosecution needs to do their work.

I understand where the government is coming from if they are trying to ensure that someone is not stealing water by virtue of a pump from a dam or a bore, but if an officer comes along and wants to take on a farmer because, under this intensive animal husbandry, there are some allegations of livestock using more water than they are allowed to use, I think they have to prosecute and have a situation where there is no reverse onus on the landowner.

The Hon. I.K. HUNTER: I rise to oppose the amendment and foreshadow my amendment. The government opposes the amendment. Section 223(2)(d) of the act provides that an allegation in criminal or civil proceedings that the defendant took or used a specified quantity of water must, in the absence of proof to the contrary, be accepted as proved. The amendment would restrict the application of that section to specified irrigation or other machinery.

However, water can also be taken in ways that do not involve irrigation infrastructure or machinery. For example, the act defines 'to take' to include (1) to stop, impede or divert the flow of water; (2) to release water from a lake; and (3) to permit water to flow under natural pressure from a well. In some cases, it might be possible for an estimate to be made of the volumes of water that have been allowed to flow from a well into a dam or into a trench.

Because the act defines 'well' to include an opening in the ground that provides access to underground water, a well does not always involve machinery. In cases such as these, it is important that the evidentiary provisions in section 223 of the act, which are designed to avoid lengthy and costly trials, apply.

Amendment negatived; clause negatived.

New clause 45A.

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

Amendment of section 226—NRM Register

(1) Section 226—after subsection (1b) insert:

(1c) The minister must, within the Water Register, establish a subregister that records—

(a) the name of any designated entity that holds a water licence; and

(b) in relation to the water licence—

(i) the water resource to which it relates; and

(ii) details about the share of water available under the relevant water access entitlement; and

(c) such other information prescribed by the regulations.

(1d) Subsection (1c) does not derogate from the operation of schedule 3A.

(2) Section 226—after subsection (6) insert:

(7) In this section—

designated entity means—

(a) a person whose principal place of residence is outside South Australia; or

(b) a body corporate with a registered office or principal place of business that is located outside South Australia.

This is an amendment I had way back when we were going to debate this bill. I note that we had support from the Liberal opposition and other crossbench members for the foreign ownership of the land register. This would allow for a foreign ownership of water register. In addition, there is a paragraph in the designated entity on interstate owners. That is what it is about: it is about setting up a register for foreign ownership of water.

The Hon. I.K. HUNTER: The government opposes this amendment. The amendment would increase the administrative burden on the department for no apparent reason. This information will not serve any useful purpose, I contend. Even if it were apparent that water rights are held by persons who reside interstate or overseas, the minister could not refuse to grant or transfer allocations of entitlements on that basis. That would be inconsistent with the broad objective of the National Water Initiative, which is to remove unnecessary restrictions in the trade of water rights.

It would also be inconsistent with the basin plan water trading rules that will apply from 1 July 2014. Section 12.07 of the basin plan provides that a person may trade a water access right free of any restriction on the trade that relates to the person being or not being a member of a particular class of persons. Again, I reiterate that this would just impose another unnecessary administrative burden on the department and the board.

The Hon. R.L. BROKENSHIRE: I do not believe it is an unnecessary burden, and it does not actually stop the transfer of water. What it does is start an opportunity where we will have a register so that we can actually start to see who owns our water. I would like to think that in 10, 20 or 30 years' time, if we see a significant percentage of our water registrations going overseas, or even interstate to superannuation funds or whatever, the parliament of the day on behalf of the people would be able to—

The Hon. A. Bressington: Change the rules.

The Hon. R.L. BROKENSHIRE: Change the rules, change the law. All it is asking for is a register to be set up.

The Hon. I.K. Hunter: All it is asking, like a register for land ownership.

The Hon. R.L. BROKENSHIRE: Yes.

The Hon. I.K. Hunter: How much would that cost?

The CHAIR: Order!

The Hon. A. BRESSINGTON: I will actually be supporting this amendment. I would like to make the point very quickly that the minister says, 'How much is that going to cost?' and 'This is a burden.' Consider all the red/green tape they are putting on farmers. Most of this bill has been about removing the burden of reporting and whatever for NRM. People just want to know where our water is going and, as the Hon. Robert Brokenshire said, in 10, 20, 30 years' time (but I would not give it that) when people start to worry about who owns our water, you will be able to go to a register and see it. There is evidence there to the government of the day that perhaps we need to change the legislation because we do not own any of our water any more.

The Hon. J.M.A. LENSINK: This is an interesting concept and we have supported the honourable member in relation to the foreign ownership of land register. I have spoken to people who are involved in the water trade industry and what they tell me, which is probably a reflection of the government as much as anything else, is that South Australia's water licensing transfer system is so slow that a lot of other interstate operators will not even bother trying to trade into our water market because it takes forever.

This is to do with the River Murray at least. They prefer to trade with other states because the system here needs a lot of work and needs a whole lot of time taken out of the system, so I think this is a worthwhile concept. However, given that and that South Australia is currently being disadvantaged under the current water trading system, we are not able to support it because we think that our system needs to be sped up and this is just going to add to the time taken.

New clause negatived.

Clause 46.

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

Page 17, lines 23 and 24—Delete subclause 46 and substitute:

46—Substitution of section 234

Section 234—delete the section and substitute:

234—Ministerial reviews

(1) The designated Ministers must, on a 5-yearly basis, jointly undertake a review under this section.

(2) A review—

(a) must assess the extent to which the object under section 7(1)(d) has been achieved over the preceding 5 years; and

(b) may include or address other matters determined by either designated Minister to be relevant to the interaction between their respective portfolio responsibilities and the operation of this Act.

(3) The designated Ministers must, on the completion of a review, furnish a report on the review to the Minister responsible for the administration of this Act.

(4) The Minister responsible for the administration of this Act must cause a copy of the report furnished to the Minister under this section to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

(5) In this section—

designated Ministers means—

(a) the Minister with portfolio responsibility for agriculture within the State; and

(b) the Minister with portfolio responsibility for mining activities within the State.

The point of this amendment is to set up a process that brought both the agriculture minister, who likes to be very busy, and the mining minister into the reviewing of NRM legislation—not just plans, but the operations of NRM generally—into whether it is obstructing the agriculture and mining industries. I felt that it would be good based on what farmers have said to me, more so than miners, that when the designated minister does the five-yearly review they have to involve the agriculture minister and the mining minister so that there is consideration with respect to what may be happening in the environment, farming, mining, etc. making it more homogenous, if I can put it that way.

The Hon. I.K. HUNTER: The government opposes these amendments. Focusing the review primarily on section 7(1)(d) ignores the interrelationship that exists between this subsection and all the other provisions of section 7 of the act. The review of the objectives of the act is very labour intensive and could take quite a considerable amount of time to complete.

The sustainable management of our natural resources naturally evokes strong and passionate reactions from the community, and the focus on just one aspect is likely to arouse a sense of polarisation between the diverse community views. Many activities are aimed at increasing the level of engagement between the natural resources management and primary production sectors.

For example, the NRM Council convened an NRM leaders and agricultural workshop on Thursday 20 June 2013. This workshop was an opportunity to interact with leaders from across the NRM and agricultural sector and follows on from a focus panel session held in March 2013 at an NRM Council meeting to discuss agriculture and NRM. Regional NRM boards also convene agricultural field days and workshops.

The government considers that, because of the cost involved, such reviews should occur when there is evidence of a problem, rather than at predetermined intervals. While the government opposes the amendment, it is not averse to ongoing conversations between relevant ministers to promote the objectives of sustainable natural resources management and, indeed, that is exactly what happens.

The Hon. M. PARNELL: Just to make the Hon. Rob Brokenshire's day, the Greens are inclined to support this five-yearly review and I make the point that there are a number of instances where the mining minister or the mining department and government officials involved with farming

are not talking to each other as well as they should. We have seen instances in the Mount Lofty Ranges, but as members would know I have been having a bit to say about hydraulic fracking in recent days.

It is coming to the South-East, and if you read the government's roadmap for unconventional gas, it is coming to all parts of the state. It is only five yearly, I do not think it is as onerous as the minister points out, but there will be a more formalised discussion between competing primary industry sectors to make sure that those ministers do work together in relation to a renewable but locally finite resource over a certain time period, that those conversations take place and that reports result.

The committee divided on the amendment:

AYES (6)

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

NOES (12)

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E.
Hunter, I.K. (teller)	Kandelaars, G.A.	Lee, J.S.
Lensink, J.M.A.	Maher, K.J.	Ridgway, D.W.
Wade, S.G.	Wortley, R.P.	Zollo, C.

PAIRS (2)

Franks, T.A.	Stephens, T.J.

Majority of 6 for the noes.

Amendment thus negatived; clause passed.

Clause 5.

The Hon. J.M.A. LENSINK: I move:

Page 5, lines 10 and 11—Delete clause 5 and substitute:

5—Amendment of section 11—Powers of delegation

Section 11(4)(b)—after 'Chapter 5' insert:

(other than a function or power under section 110(3), 111, 114(10) or 117(4))

This amendment is to amend the government's bill in relation to the delegation of chapter 5—Financial provisions. We expressed concern when we last debated this bill that the decisions in relation to levies should not be delegated down through to departmental officers and the like, but have agreed that there are some financial provisions in this chapter to which it would be appropriate to provide delegation powers and, in fact, that it would make life a little bit easier for the minister in terms of not having to be responsible for making all of those decisions himself.

I did mention these in the debate on Tuesday, and they refer to: section 110, which is to release a person suffering from financial hardship from paying interest; section 111, the power to discount levies; section 114, refunds of levies; and section 117, the power to apply any part of the NRM fund. So, we think it is more appropriate that that is limited to those particular areas rather than all of them.

The Hon. I.K. HUNTER: After a considerable amount of arm wrestling, the Hon. Ms Lensink won and we will be supporting her amendments.

Amendment carried; clause as amended passed.

New schedule 1.

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

Page 17, after line 24—Insert:

Schedule 1—Transitional provision

1—Presiding member of NRM Council to continue

Despite section 13(7a) of the *Natural Resources Management Act 2004* as enacted by this Act, the presiding member of the NRM Council immediately before the commencement of this clause (being the member referred to in section 13(2)(a) of that Act) will continue as the presiding member of the NRM Council until—

(a) he or she is removed from office, or his or her office is vacated, under section 14 of that Act; or

(b) the expiration of his or her current term of office,

whichever occurs first.

This amendment is consequential to amendment No. 7 which we have passed previously. It will ensure the current presiding member of the NRM Council will continue as presiding member until the expiration of the current term of office.

The Hon. J.M.A. LENSINK: I would just like to repeat comments that I have made in relation to this bill. This bill has been in deadlock in the Legislative Council for two years, or potentially more, and it arose from an original review of the act in 2007. The efforts in this week have been to try to find some consensus to make this legislation less bureaucratic.

There are still a lot of outstanding issues, and I acknowledge that, but I will not have it said that the Liberal Party has backslid on any of its commitments at all—I will take anybody to task who tries to say that in any venue—but we do recognise that there were a number of issues on which the government was not going to move and, in that instance, those sorts of deal-breakers would mean that any attempts to reform the legislation at this point would fail, and on that basis we have been prepared to cooperate. I would like to thank the minister and his staff for their work on this bill.

New schedule inserted.

Title passed.

Bill reported with 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) (18:26): I move:

That this bill be now read a third time.

Can I put on the record my thanks to the many people who were involved in this long process for quite some period of time. I would like to particularly thank those members who have contributed to this debate. We have not always agreed but I think it has been a great exercise in ending a longstanding problem with the NRM Act. We have got a better act. I understand people have a view that it needs to be improved further and I look forward to working with them on that.

I would like to particularly thank the Hon. Michelle Lensink for her support in this process. She is a bit of a tough operator. I have to admit that I had to give way on a number of proposals that were very dear to the government's heart, but I think through this process we have come up with a result for the community of South Australia and for the NRM boards and the NRM officers.

I would also like to thank the officers of my Department of Environment, Water and Natural Resources, and particularly Kevin Gogler and Andrew Moll, who have assisted me through this process. I could not have done it without them.

I also thank Richard Dennis and Mark Herbst from parliamentary counsel for all their hard work with a very difficult bill, and all the non-government agencies and organisations and persons who gave us advice on how we can make this legislation an improved version.

Last, but not least, the efforts of the natural resources management boards need to be acknowledged, particularly some of their presiding members who have assisted us with this process. A special thank you must go to Sharon Starick, the Presiding Member of the South Australian Murray-Darling Basin Natural Resources Management Board; Heather Baldock, the Presiding Member of the Eyre Peninsula Natural Resources Management Board; and Caroline Schaefer, the Presiding Member of the Northern and Yorke Natural Resources Management Board.

Bill read a third time and passed.

FIRST HOME AND HOUSING CONSTRUCTION GRANTS (BUDGET 2013) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (18:29): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill introduces legislative amendments to extend the Housing Construction Grant (HCG) for a further six months as announced in the 2013-14 Budget.

A HCG of up to $8,500 has been available for home buyers who have entered into a contract to buy or build an eligible new home from 15 October 2012. The HCG applies to properties valued up to $400,000 and phases out for properties valued between $400,000 and $450,000. The HCG was due to end on 30 June 2013.

The extension of the HCG means that home buyers who enter into contracts to purchase or build an eligible new home up to 31 December 2013 can receive the HCG of up to $8,500. All other existing criteria for the HCG remain unchanged.

Since the HCG was introduced, the housing construction market has shown some early signs of improvement, with dwelling commencement and building approvals data showing some early indications of a pick-up in activity from levels recorded in mid-2012. The extension of the HCG for a further six months is intended to support the consolidation of this improved outlook for the housing construction sector.

Extending the HCG for a further six months is expected to cost $38.6 million over two years.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on 1 July 2013. If the Act is not assented to before 1 July 2013, it will be taken to have come into operation on that date.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *First Home and Housing Construction Grants Act 2000*

4—Amendment of section 18BAB—Housing construction grant

This clause amends section 18BAB of the Act by substituting '1 January 2014' for '1 July 2013', so that a housing construction grant is payable on an application under the Act (subject to the other requirements of the section) if the commencement date of the eligible transaction is on or after 15 October 2012 but before 1 January 2014. If the eligible transaction is a contract for an 'off-the-plan' purchase of a new home, the contract must state that the eligible transaction is to be completed on or before 30 June 2015 (unless the transaction is completed on or before that date). Currently, the section requires the contract to state that the eligible transaction is to be completed on or before 31 December 2014.

Schedule 1—Transitional provision

1—Transitional provision

A transitional provision is included to deal with the possibility of a person receiving an *ex gratia* payment to provide for a housing construction grant for the period between 1 July 2013 and the day on which the Act is assented to by the Governor. If a person is entitled to a housing construction grant in relation to an eligible transaction with a commencement date that is on or after 1 July 2013, and the person has received an *ex gratia* payment before the Act is assented to, the amount of the entitlement will be reduced by the amount of the *ex gratia* payment.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

At 18:30 the council adjourned until Wednesday 3 July 2013 at 14:15.