

## HOUSE OF ASSEMBLY

WEDNESDAY 30<sup>TH</sup> NOVEMBER 2016

### STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL

#### *Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr PEDERICK ( Hammond ) ( 16:11 ):** I rise to speak to the Statutes Amendment and Repeal (Simplify) Bill 2016. I think it is a good thing to simplify legislation and, as referred to earlier today in the debate, repeal legislation that is not just years but decades out of date from when it was enacted.

It makes you wonder why it takes decades to get to a point of repealing acts that obviously were once needed to enact the laws of this state but that have nothing to do with our daily life any longer. This was certainly part of our policy platform. We need to make sure we do not create any inadvertent circumstances. From this side, there will be a watching brief, and certainly the conversation may be changed in the other place.

The bill was introduced on only 15 November by the Premier to amend a number of pieces of legislation and regulations. As has been stated in this place, the government announced earlier this year, on 14 July 2016, that it would hold a red tape repeal day annually, and this bill aims at making these legislative changes. What the government is claiming are the first four elements of Simplify Day are in the following categories: (a) legislative changes; (b) regulatory changes; (c) repealed legislation; and (d) future reforms.

I sometimes get concerned about changes in regulation because, unless you monitor the *Gazette* religiously, you may miss a regulatory change. One bill we debated in the not too distant past comes to mind, that is, the repeal of the Firearms Act and the new Firearms Bill, when a lot of the regulations were to be sorted out by a committee afterwards. My issue with that is partly that we do not get to debate those in this place, but the one saving grace we had then was that the Hon. Rob Kerin was chairing that committee.

With regard to legislative changes, as the shadow parliamentary secretary for agriculture and fisheries I, too, am interested in changes around agriculture and fisheries that have been put up in this legislative change. In relation to legislative changes to the agriculture act of 2001, clause 4 allows the regulations to clarify what matters do not constitute a variation of licence conditions. Clause 5 enables the minister to advertise policies in the media and on their own website, which currently requires the Premier's consent. Clause 8 allows the minister to approve licence conditions or variations without referring them to the Environment and Protection Authority.

In regard to other clauses relating to the Fisheries Management Act 2007, I have always argued in this place that this act governs, if not the best, one of the best management facilities for fishing not just in this country but in the world. Certainly, I have always contended that fisheries should be managed by Primary Industries and not by default through the environment department, talking about no-take zones, etc.

In relation to the Fisheries Management Act 2007, clause 55 allows voluntary contributions to be made to the Fisheries Research and Development Fund, with money in the fund able to be used for projects relating to management of aquatic research. I do not think there is ever enough aquatic research. Clause 56 changes the requirement for an advertisement of proposed management plans to be displayed in a newspaper and

allows the minister to publish a notice in the manner they determine. It has been mentioned earlier by members in this place that you can use the electronic media now to put articles out there.

Clause 57 allows the minister to cancel a licence, permit or registration if it has been suspended for more than six months for non-payment or if the holder cannot be located. With a six-month lead time, you would like to think that people who are actually serious about their licences would know that they needed to renew and put up that payment. I do note that some licence payments are either being paid by the government or are not being taken by the government from the Coorong fisheries because of the impact of the New Zealand fur seals on the fishery, which is significant. That would be having an impact on the budget, where it would be better for a management plan to be in place to manage the seals.

Clause 58 allows the minister to issue a permit authorising the possession of an aquatic resource of a protected species if the minister deems this is in the public interest. A person or body must not generally be in possession of a protected aquatic species which speaks for itself, but obviously if it is in the public interest, for research or other purposes, there might be a need for someone to be in possession of an aquatic resource of a protected species.

Clause 59 changes the presumption of innocence for those accused of trafficking a species to presume that, if there is no proof suggesting otherwise, the person has the species in their possession and is therefore guilty of the offence. It changes the onus of proof. People would have to be aware of that and make sure they do not get tied up with that change in the regulation. Clause 60 allows the minister to issue a permit authorising the person to have an exotic or noxious species using appropriate fishing equipment.

Clause 61 inserts provisions stating that permits granted by the minister are not transferable, and are subject to conditions the minister thinks fit, and allows the minister to revoke or vary conditions at any time. Clause 62 permits a person engaged in the act to disclose information to authorities outside South Australia where information is required for any act or law of that jurisdiction. This was previously limited to providing information regarding fishing laws.

As I said, we have some very good legislation in this state. It is very tight, and there are severe issues for people who contravene the legislation. In some places, it is tough legislation. There are tough impacts on commercial fishers if they break the law, but they know that the consequences are tough and the fines are tough. They know their properties can be accessed under the act, but all that is required is that people comply with the law.

In regard to tourism and the Major Events Act 2013, clause 73 allows the minister to declare a major event by notice in the *Gazette*, which is currently limited to the Governor by regulation. Clause 74 allows a controlled area to be declared by a map or description for flexibility in defining the area and removes the Governor's ability to close roads for major events by regulation, leaving this solely with the minister.

In regard to the Plant Health Act 2009, clauses 95 and 96 amend the payment time of an accredited person under the act to be a yearly payment rather than being fixed by regulation. I think that will make it simpler when people understand that it is an annual payment and not something that, being fixed by regulation, could be changed over time. In regard to regulations around fisheries management, the Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013 allow for the collection of a mussel spat by someone with an aquaculture licence. This bill removes the need for a specific mussel spat permit.

We heard about prawn fisheries earlier under the Fisheries Management (Prawn Fisheries) Regulations 2006, which define how prawn fisheries are opened and closed to specify the fishing season dates and to allow for the suspension or limits on fishing activity at any time during the season. I know the member for Colton spoke about how good the prawn fishery is managed. Certainly, the Spencer Gulf fishery is very tightly managed. I believe there are 38 boats that go out. They are all restricted to being identical, essentially, with identical motors and identical plant.

They go out together as a group, and it is really up to your skill as to how many prawns you get. It is very well regulated, and it just shows again how fisheries are well regulated under the Fisheries Management Act, which is how it should be. There is another clause involving reforms to simplify agricultural and veterinary products compliance through introducing accreditation and auditing. This happens in primary produce already, and this will assist to make it simpler in the agricultural world. Some changes are also going to be made to simplify the citrus fruit packing food safety arrangement.

On that note, it is good to see that we have had an outcome with the backpacker tax after some negotiation federally. I would just like to say that, without backpackers operating not just in this state but right throughout this country, an industry, especially horticulture, would just fall over if we did not have those tens of thousands of people who are willing to take up that work on the appropriate visas and get the job done. They are vital to our economy and I am really pleased that there has been a result after being in limbo for a very long time.

Certainly, in regard to the simplify repeal bill, we are in support of it. We will monitor its way through to the other place and, as a party, reserve our right to potentially debate more about any probable changes, if we deem it fit, in that house because this has come along rather quickly. In the main, we on this side of the house support simplification.

**Ms Redmond:** This is sleight of hand, not simplification.

**Mr PEDERICK:** Exactly. The other side is that we must make sure that we do not have any effect that may not be directly perceived in the way the bill is being presented, because there are multiple acts and regulations that are being changed and, when it comes through like this, it is a lot of legislation and regulations being amended in one hit. Certainly, if there are issues with it into the future, we can all come back to this place and amend the legislation. At this stage, we are running with it and will monitor the debate through this place and the other place as it goes forward.