

**The Hon. NICK XENOPHON:** As a supplementary question, to what extent will the export market for South Australian organic produce be compromised by the introduction of GM crops in this state?

**The Hon. P. HOLLOWAY:** That, obviously, is a very significant issue and one that—

**The Hon. J.S.L. Dawkins:**—you don't know the answer do!

**The Hon. P. HOLLOWAY:**—that the select committee is looking at. That is probably a fair comment, that no-one really does know. One of the absurdities of the arrangements that we have for the introduction of genetically modified crops into this country is that the commonwealth Office of Gene Technology Regulator is responsible for health and environmental issues but marketing issues are left back for the states. But which level of government has trade information? It is of course the commonwealth. The commonwealth as a Department of Trade. That is the level of government that has most information to determine the market impacts in this area.

It is probably a pretty serious interjection that the honourable member makes. I am not sure that the states are really in the best position to determine some of these questions in relation to GM areas, because we do not have the level of expertise that the commonwealth would have in relation to the statistical information we need about the impact of GM crops. Nevertheless, the state government will do what it can within its much more limited resources, and of course we have the benefit of the select committee to try to gather that information and assist our farmers as best we can to make that decision. Certainly, it would be much easier if we were able to get the sort of information we need from the commonwealth government.

## RIVER MURRAY BILL

Second reading.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This legislation is viewed by the Government as being historic legislation for the protection of the River Murray. Sadly but perhaps inevitably, the Government is introducing this legislation at a time when the need for such legislation could hardly be more self-evident. The Labor Party went to the last election promising to take bold action to protect the River Murray. This Bill honours that pledge.

As serious drought faces many parts of the country, we are reminded daily, and starkly, of the crucial importance of good water management. Safeguarding water systems is vital to our well-being and more critically, it is vital to our very survival—the health of our economy, our way of life and social fabric.

The River Murray is our most important water resource. It provides water not only for important regional industries—irrigation, manufacturing and industry and the communities that rely on those industries for their prosperity—but also water for the River townships, water for the city of Adelaide, water for growing industries in the Barossa Valley, and water for northern regional centres of Whyalla, Port Augusta, Port Pirie and numerous small townships between.

The River Murray is more, too, than a source of water for consumptive use. It is a living body whose ecological integrity must be

maintained. Management of a river in a way that does not provide for environmental requirements threatens the entire river system and those who depend on it. At its most extreme, long term neglect of water for the environment threatens the very existence of dependent ecosystems, and the lives, livelihood and security of communities.

However beyond the fundamental and quantifiable value of a healthy river to our economy, and the importance of maintaining the River to ensure its future, is the subtle significance of the River to our cultural heritage, indigenous and since white settlement. All aspects of the River must be recognised and protected.

This is the first time in the State's history, and Australia's history, that the River Murray will be given special protection under its own legislation, in recognition of the importance of the river to all South Australians. The River Murray Bill takes us further in our commitment to the River than any other States' legislation. We hope it will create a bold precedent for other States as South Australia leads the nation in the protection and management of the Murray.

This legislation complements a number of other initiatives including the implementation of the Water Allocation Plan for the River Murray which was publicly released on 3 September 2002. Also, the Murray-Darling Basin Ministerial Council is finally getting serious about environmental flows for the River Murray, and this legislation has a number of features which will pave the way forward for the restoration of river health.

Why a new Act for the River Murray?

South Australia has a strong history of legislating for important reforms, including environmental reforms. For management of our natural resources we are well-served by Acts such as the *Water Resources Act 1997*, *Environment Protection Act 1993* and *Development Act 1993*. But it is clear that the River Murray needs more than the protection that legislation can give, and it needs more than amendments to existing legislation alone. It needs a concerted effort, in part through new legislation and reforms to existing legislation, to ensure that protection and enhancement of the River is a paramount consideration for activities that have the potential to adversely affect the River.

The Parliamentary Select Committee on the Murray River investigated the current health of the River, the causes and impacts of its deterioration, and the further threats that face it, at both a national and local level. Many aspects of that report relate to integrated catchment management, an initiative we are actively pursuing with a view to introducing further legislative reforms later in the year. Many of the recommendations relate to operational and budgetary matters, and those too are being pursued at Departmental level. Many of the recommendations related to the national scene—the crucial Murray-Darling Basin Agreement, of which South Australia is, by necessity, a most active and committed partner. And a number of recommendations relate to identified legislative gaps that can be, and will be, covered by the River Murray Bill now before you.

Economic importance of the River

The Murray-Darling Basin in South Australia supports significant economic activity based on irrigation and dryland farming, and associated food processing, and tourism. The Murray Mallee and Riverland regions alone generate a gross regional product of over \$1.5 billion (or 4 per cent of the gross state product). The regional economy is substantially based on the primary industry sectors, in particular grapes, cereals and irrigated horticulture. It is estimated that more than 70 per cent of the economic activity in the Riverland is based on the irrigation industry.

Benefits from this new legislation will include improved biodiversity, tourism, agricultural and recreational value. Sustainability of practices affecting the River will deliver improved long term security for the River and all those who are dependent on it.

Overview of the River Murray Bill

The Object of the Bill is to achieve a healthy working River Murray system, sustaining communities and preserving unique values. The Bill aims to do this through ensuring that development and other activities with an effect on the River are ecologically sustainable, and undertaken in a way that does not harm the River. The Bill also provides other mechanisms to enhance management of the River and its catchment.

The 'River Murray' is defined broadly to mean the main stem of the River Murray, and all anabranches, tributaries, wetlands and flood plains, including the Lakes and Coorong. The definition incorporates the natural resources of the River Murray including the soil, water, ecosystems, cultural and natural heritage, and amenity and geological values of the River.

The River Murray Bill is a package in two parts.

The main part of the Bill:

- establishes Objectives for a Healthy River Murray ('ORMs');
- gives the Minister for the River Murray certain new powers and obligations, including preparation of a River Murray Act Implementation Strategy, obligation to promote integration of the *River Murray Act* with other relevant legislation, reporting to Parliament on the health of the River and implementation of the Act, having an input into statutory planning documents such as development plans, and having an input into some statutory authorisations;
- establishes a new duty of care—a duty not to harm the River, enforceable by a River Murray Protection Order or Reparation Order; and
- includes a power to make regulations which could include regulations to restrict or prohibit, subject to conditions, classes of activities that may harm the River.

The Bill also builds on and improves existing legislation to help to control and reverse the problems facing the River. The Schedule to the Bill amends numerous other Acts in order to improve the current regulatory framework. Amendments will require bodies administering those Acts to:

- take the River Murray into account in the preparation of plans and undertaking of functions; and
- seek input from the Minister for the River Murray before granting certain types of activities approvals in certain locations. Regulations will set out in detail the types of activities, in particular locations that are sensitive to the River, that will in the future be referred to the Minister for the River Murray under these new arrangements.

Additional amendments made in the Schedule to the *Water Resources Act 1997* will provide for closer controls over water licence conditions and water use. The changes will allow the recently released Water Allocation Plan for the River Murray to be fully implemented, supporting the improvements that have been made by South Australian irrigators over many years, and encouraging all irrigators to meet high standards.

Consultation overview

The Government has consulted widely over the Bill now before you. Following informal discussion with some key stakeholders, a Discussion Paper was developed a released for consultation. Comments received helped in the preparation of a draft River Murray Bill, which was itself released for consultation. In addition to direct contact with key groups and individuals, and loading the Bill and Explanatory Paper on the Departmental website, all River Murray licensees received a brochure informing them of the Bill. Stakeholder and representative groups were also engaged through small focus groups to discuss in detail the draft Bill and its potential application.

This is the first legislation of its type to be introduced anywhere in Australia. It meets one of the Rann Government's major promises to the electorate and has been embraced by the community.

It is now up to this House to ensure that we meet the expectations of the community and protect the River Murray.

Explanation of clauses

## PART 1 PRELIMINARY

*Clause 1: Short title*

This clause is formal.

*Clause 2: Commencement*

The measure will come into operation on a day to be fixed by proclamation.

*Clause 3: Interpretation*

This clause sets out the meanings of term used in the measure. Some key terms include the 'River Murray'; 'natural resources' of the River Murray; and the 'Murray-Darling Basin'.

*Clause 4: River Murray Protection Areas*

This clause empowers the Governor to make regulations in order to designate areas as River Murray Protection Areas for the purposes of this measure or other Acts. The areas designated may vary for different purposes and Acts.

*Clause 5: Interaction with other Acts*

The measure does not derogate from the provisions of any other Act, unless that intention is otherwise expressed. This clause also sets out other Acts that are 'related Acts' for the purposes of the measure.

## PART 2

### OBJECTS OF ACT AND STATUTORY OBJECTIVES

*Clause 6: Objects*

The objects of this measure include to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the River Murray, to develop mechanisms to ensure that any develop-

ment or activities do not have an adverse effect on the river and are undertaken in a way that best protects and benefits the river while providing for the economic, social and physical well being of the community, and to promote principles of ecologically sustainable development in relation to the use and management of the river.

*Clause 7: Objectives*

This clause sets out the objectives to be referred to collectively as the *Objectives for a Healthy River Murray* (ORMs) that will apply in relation to the operation of the measure. These are:

- the river health objectives, which include the protection and restoration of habitat, floodplains and wetlands of the River Murray System and the prevention of extinction of native animals, fish and vegetation;

- the environmental flow objectives, which include the reinstatement and maintenance of the natural flow regime of the river, keeping the Murray mouth open and improving the connectivity between the environments of the River Murray system;

- the water quality objectives, which include improvement of water quality, minimising the impact of salinity, reducing algal blooms and the impact of sediment and pesticides on the River Murray system;

- the human dimension objectives, which include taking a flexible approach to river management to take account of community interests, knowledge and understanding of the River Murray system, recognising indigenous and other cultural and historical relationships with the river and the importance of a healthy river to the economic, social and cultural prosperity of the communities along the river and the community more generally.

*Clause 8: Administration of Act to achieve objects and objectives*

Those responsible for the administration of this measure must act consistently with, and seek to further the objects of the measure and the *Objectives for a Healthy River Murray*.

## PART 3

### ADMINISTRATION

#### DIVISION 1—THE MINISTER

*Clause 9: Functions and powers of the Minister*

This clause sets out the functions and powers of the Minister under this measure. These include to prepare an Implementation Strategy, to approve and provide advice regarding activities undertaken within the Murray-Darling Basin, to act to integrate the administration of this measure with other legislation and promote the co-ordination of policies and programs that may affect the River Murray and to undertake monitoring programs and promote research and public education in relation to the protection, improvement and enhancement of the River Murray. The Minister also has the function of reviewing the operation of this measure or a related Act and the extent to which the objects and the ORM's are being advanced. The Minister has such powers as are necessary to perform his or her functions under the measure.

*Clause 10: Annual report*

The Minister must prepare an annual report, to be laid before both houses of Parliament, on the implementation of this measure, the extent to which the objects and the ORM's are being achieved, and issues relating to enforcement.

*Clause 11: Three-yearly reports*

The Minister must undertake a review of the measure every three years to assess its interaction with the related operational Acts and to assess the health of the River Murray in light of the ORM's. This review must be included in the annual report for that year.

*Clause 12: Power of delegation*

The Minister may delegate any of his or her powers under the measure or any related operational Act.

#### DIVISION 2—AUTHORISED OFFICERS

*Clause 13: Appointment of authorised officers*

The Minister may appoint such authorised officers as are required.

*Clause 14: Powers of authorised officers*

This clause sets out the powers of authorised officers in relation to the administration, operation or enforcement of the measure. An authorised officer may use force to enter a place or vehicle on the authority of a warrant issued by a magistrate, or if immediate action is required in the circumstances.

*Clause 15: Hindering, etc., persons engaged in the administration of this Act*

It is an offence to hinder, obstruct or abuse an authorised officer or fail to answer or otherwise mislead an officer.

*Clause 16: Protection from self-incrimination*

A person will not be required to comply with a requirement that might tend to incriminate him or her of an offence.

PART 4  
MINISTERIAL ACTIVITIES AND ARRANGEMENTS  
ASSOCIATED WITH THE RIVER MURRAY  
DIVISION 1—MINISTER MAY UNDERTAKE WORKS

*Clause 17: Minister may undertake works*

This clause provides for certain activities of the Minister for the purposes of furthering the objects of the Act or the ORMs, carrying out projects, and performing other relevant functions.

DIVISION 2—MANAGEMENT AGREEMENTS

*Clause 18: Management agreements*

This clause allows the Minister to enter into a management agreement with the owner of land within the Murray-Darling Basin.

A management agreement may, with respect to the land to which it relates—

- (a) require specified work or work of a specified kind be carried out on the land, or authorise the performance of work on the land;
- (b) restrict the nature of any work that may be carried out on the land;
- (c) prohibit or restrict specified activities or activities of a specified kind on the land;
- (d) provide for the care, control, management or operation of any infrastructure, plant or equipment;
- (e) provide for the management of any matter in accordance with a particular management plan (which may then be varied from time to time by agreement between the Minister and the owner of the land);
- (f) provide for the adoption or implementation of environment protection measures or environment improvement programs;
- (g) provide for the testing or monitoring of any aspect of the natural resources of the River Murray;
- (h) provide for a remission or exemption in respect of a levy under Division 1 of Part 8 of the *Water Resources Act 1997*;
- (i) provide for remission of rates or taxes in respect of the land;
- (j) provide for the Minister to pay to the owner of the land an amount as an incentive to enter into the agreement.

A term of management agreement providing for a remission or exemption with respect to the specified levy or for the remission of rates and taxes has effect despite any law to the contrary.

Subclause (5) requires the Registrar-General, on the application of the parties to a management agreement, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land.

Subclause (6) provides that a management agreement has no force or effect under this Act until a note is made under subclause (5).

Where a note has been entered under subsection (5), the agreement is binding on both the current owner of the land (whether or not that owner was the person with whom the agreement was made, and despite the provisions of the *Real Property Act 1886*) and any occupier of the land.

The Registrar-General must, on application, enter a note of the rescission or amendment against the instrument of title, or against the land if satisfied an agreement has been rescinded or amended. The Registrar-General must also ensure that the note is not otherwise removed once made.

DIVISION 3—ENTRY ONTO LAND

*Clause 19: Entry onto land*

This clause provides that a person may, for specified purposes, enter or pass over any land that is not vested in the Minister, bring vehicles, plant and equipment onto that land, and temporarily occupy land not vested in the Minister. In doing so, a person must minimise disturbances to any land, and, subject to any alternative arrangement agreed between the Minister and owner of the relevant land, must restore any disturbed land to its previous condition. No compensation is payable with respect to the exercise of a power under this clause.

DIVISION 4—COMPULSORY ACQUISITION OF LAND

*Clause 20: Compulsory acquisition of land*

The Minister may, if necessary, exercise powers of compulsory acquisition under the *Land Acquisition Act 1969*.

PART 5

IMPLEMENTATION STRATEGY

*Clause 21: Implementation Strategy*

This clause sets out the requirements of the River Murray Act Implementation Strategy, which must be prepared by the Minister. The strategy must set out the priorities and strategies of the Minister in order to achieve the objects and implement the ORMs. The strategy must be reviewed every five years and must be published

in the *Gazette* and be available for public inspection. The strategy is a policy document and does not affect rights or liabilities.

PART 6

DEVELOPMENT OF RELATED POLICIES AND  
CONSIDERATION OF ACTIVITIES

*Clause 22: Development of related policies and consideration of activities*

This clause deals with statutory instruments that apply within the Murray-Darling Basin and applications for statutory authorisations that are referred to the Minister for consideration under a related operational Act or as prescribed by the regulations.

A statutory instrument is defined in the interpretation provision as being a plan or policy prepared under an Act. A statutory authorisation includes such things as an approval, consent, licence or permit granted under a related operational Act.

In considering a statutory instrument or statutory authorisation referred to the Minister, the Minister must have regard to the objects of this measure and the ORMs. Additionally, in relation to a statutory instrument, the Minister must also take into account any agreement or resolution of the Ministerial Council under the *Murray-Darling Basin Act 1993*. In the case of a statutory authorisation, the Minister must also take into account the possible effects of the proposed activity on the River Murray and the extent to which similar activities undertaken may have an accumulative effect on the River. The Minister may also have regard to the views of other relevant persons and bodies the terms of the Agreement under the *Murray-Darling Basin Act 1993* and any relevant policy.

If the Minister considers that a statutory instrument should be amended but cannot reach agreement with the Minister responsible for the administration of the Act under which it was prepared, the matter must be referred to the Governor for resolution.

The Minister may impose conditions on the grant of a statutory authorisation, including a condition that a person enter into a bond to cover the cost of any damage to the River Murray caused by a breach of a condition, or develop an environmental improvement program.

The Minister may publish policies in connection with the Minister's function of assessing statutory authorisations referred to him or her. These policies may set out matters the Minister may take into account or conditions that may be imposed in relation to specified classes of authorisations, or set out circumstances where the Minister may oppose the grant of a class of authorisation.

PART 7

GENERAL DUTY OF CARE

*Clause 23: General duty of care*

Under this clause, a person has a general duty of care to take all reasonable measures to prevent or minimise harm to the River Murray through the person's actions or activities. Harm includes the risk of harm and future harm. There are certain things to be considered in determining what measures must be taken. These include the nature of the harm and the sensitivity of the environment, financial implications of alternative action and the level of risk involved. A breach of this duty does not constitute an offence but compliance may be enforced by the issuing of a protection order or reparation order under this measure.

PART 8

PROTECTION AND OTHER ORDERS

DIVISION 1—ORDERS

*Clause 24: Protection orders*

This clause provides that the Minister may issue a protection order to secure compliance with the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. An order may require a person to stop or not start a particular activity, to only carry on an activity at a particular time, to take specified action within a certain time, to undertake tests or monitoring or prepare a plan or report. If urgent action is required, an authorised officer may issue an emergency protection order which will cease within 72 hours if not confirmed by a written order issued by the Minister. It is an offence not to comply with a protection order.

*Clause 25: Action on non-compliance with a protection order*

If a protection order is not complied with, the Minister may take any action required and recover any reasonable costs and expenses as a debt due.

*Clause 26: Reparation orders*

This clause provides for the issue of a reparation order if the Minister is satisfied a person has caused harm to the River Murray by contravening the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. A

reparation order may require a person to take particular action to make good any damage or make payments to enable action to be so taken. The order may include other requirements to prevent or mitigate further harm to the River. An authorised officer may issue an emergency reparation order, which will cease to have effect within 72 hours unless confirmed in writing by the Minister. It is an offence to fail to comply with a reparation order.

*Clause 27: Action on non-compliance with a reparation order*  
If a reparation order is not complied with, the Minister may take any action required and recover reasonable costs and expenses as a debt due.

*Clause 28: Reparation authorisations*  
This clause provides for the issue of a reparation authorisation if the Minister is satisfied a person has caused harm to the River Murray by contravening the general duty of care, a condition of a statutory authorisation or any other requirement under this measure. A reparation authorisation may be issued whether or not a reparation order has been issued and authorises an authorised officer or other person to take particular action to make good any damage to the River Murray. The Minister may recover reasonable costs and expenses incurred in taking action under the authorisation as a debt due.

*Clause 29: Interim restraining orders*  
If the Minister is of the opinion that a particular activity may cause harm to the River Murray, or there is insufficient information to assess the likelihood of harm or it is necessary to ensure the protection of the River, the Minister may issue an interim restraining order requiring a person to cease or not start a particular activity. It is an offence to fail to comply with an order.

*Clause 30: Consultation with other authorities*  
Before issuing a protection order, reparation order or reparation authority, the Minister should consult with any relevant public authority unless it is a matter of urgency.

#### DIVISION 2—REGISTRATION OF ORDERS AND EFFECT OF CHARGES

*Clause 31: Registration*  
If an order or authorisation relates to an activity carried on land or requires action to be taken on or in relation to land, the Minister may apply to have the order or authorisation registered in relation to that land and will be binding on the owner and the occupier of the land for the time being.

*Clause 32: Effect of charge*  
A charge imposed on the land as a result of costs recoverable in relation to an order or authorisation has priority over any prior charges.

#### DIVISION 3—APPEALS TO COURT

*Clause 33: Appeals to Court*  
A person is entitled to appeal to the Environment, Resources and Development Court against the issue of a protection order, reparation order, or interim restraining order, or any variation to these.

#### PART 9

#### MISCELLANEOUS

*Clause 34: Native title*  
Nothing done under this measure affects native title in any land.

*Clause 35: Immunity provisions*  
This clause provides that no act or omission of the Minister or a person acting under the Minister's authority in order to protect, restore or enhance the River Murray or further the ORMs subjects the Minister, that person or the Crown to liability, even if in doing so, damage is caused to land or the use and enjoyment of land is affected.

*Clause 36: False or misleading information*  
It is an offence to make a false or misleading statement in providing information under this measure.

*Clause 37: Continuing offence*  
A person convicted of an offence in relation to a continuing act or omission is liable for a penalty for each day that the act or omission continues of up to one tenth of the maximum penalty prescribed for the offence.

*Clause 38: Liability of directors*  
If a corporation commits an offence under this measure, each director is guilty of an offence (unless the offence did not result from the failure of the director to take reasonable care). A director may be prosecuted regardless of whether the corporation has been prosecuted or convicted.

*Clause 39: Criminal jurisdiction of Court*  
An offence against the measure will lie within the jurisdiction of the Environment, Resources and Development Court.

*Clause 40: Service*

This clause sets out the manner of service of a document, order or notice under the measure.

*Clause 41: Application or adoption of codes or standards*  
This clause facilitates the adoption of appropriate codes, standards and related documents. Any such document will be required to be kept available for inspection by members of the public without payment of a fee.

*Clause 42: Regulations*  
This clause sets out the power to make regulations for the purposes of the measure. These include regulations to prohibit or restrict activities within a River Murray Protection Area, or set requirements or conditions in relation to such an activity, or prohibit or restrict access to a River Murray Protection Area.

#### SCHEDULE

##### Amendments

#### 1. Amendment of Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986

The amendments to this Act require that various programs undertaken under the Act and decisions to issue various permits that relate to any part of the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant.

The amendments also provide that if an application for a permit is of a prescribed class, and relates to a River Murray Protection Area, the Minister administering the *River Murray Act* must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

#### 2. Amendment of Aquaculture Act 2001

The amendments to this Act require that insofar as an aquaculture policy applies within the Murray-Darling Basin, the policy must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The agreement of the Minister administering the *River Murray Act* must also be obtained before a draft policy that will apply to a River Murray Protection Area is approved.

#### 3. Amendment of Coast Protection Act 1972

The amendments to this Act require the Coast Protection Board to take into account the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant, when taking any action in relation to any part of the Murray-Darling Basin.

The Board must also consult the Minister administering the *River Murray Act 2002* when it prepares a management plan that may affect the River Murray.

#### 4. Amendment of Crown Lands Act 1929

The amendments to this Act prevent the Minister from acquiring land within the Murray-Darling Basin solely or predominantly for the purpose of closer settlement.

In granting a licence under the Act that relates to the Murray-Darling Basin, the Minister or person authorised to grant the licence must take into account the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If a licence relates to a River Murray Protection Area, the Minister administering the *River Murray Act* must be consulted and any directions of the Minister in relation to the grant of the licence, including that the licence not be granted or must be granted subject to specified conditions, must be complied with.

#### 5. Amendment of Development Act 1993

The amendments to this Act provide that the Planning Strategy is to include the *Objectives for a Healthy River Murray*, and the Strategy may be amended to reflect this.

The Development Plan may be amended by the Minister administering the *Development Act 1993* at the request of the Minister for the River Murray in order to promote the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If the two Ministers are unable to reach agreement on a proposed Plan amendment, the matter may be referred to the Governor for determination. The Minister for the River Murray is also given the power to comment on Plan Amendment Reports prepared by Councils or the Planning Minister if the amendment relates to an area within the Murray-Darling Basin.

The amendments also provide that the Minister administering the *Development Act 1993* may, at the request of the Minister for the River Murray, declare that the Development Assessment Commission is to be the relevant authority in relation to a development proposal on the grounds that the proposal may have a significant impact on the River Murray.

The Major Developments Panel must include a member selected by the Minister for the River Murray where the development or project may have a significant effect on the River Murray.

Where an Environmental Impact Statement (EIS), Public Environmental Report (PER) or Development Report (DR) relate to development or project to be undertaken within the Murray-Darling Basin, they must include a statement of the extent the project is expected to be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and the general duty of care under that Act. The EIS, PER and DR must also be referred to the Minister for the River Murray for comment.

The amendments also provide that where the Governor may approve a development that may have an impact on the River Murray, the Governor must have regard to the objects of the *River Murray Act 2002*, the *Objectives for a Healthy River Murray* and the general duty of care under that Act, and any requirements under the agreement under the *Murray-Darling Basin Act 1993*.

#### 6. Amendment of Environment Protection Act 1993

The amendments to this Act require that in administering the Act or taking any action under the Act that relate to any part of the Murray-Darling Basin, the Minister, the Environment Protection Authority and any other relevant persons must take into account, and seek to further, the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant. The State of the Environment Report will need to include a specific chapter dealing with the state of the River Murray.

#### 7. Amendment of Fisheries Act 1982

The amendments require that where this Act applies to the River Murray, it must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The Minister administering the *River Murray Act 2002* must also be consulted in relation to any proposed research, exploration, works or operations that relate to the River Murray.

The amendments also require that in granting licences of a prescribed class, or various permits or exemptions that relate to the River Murray, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of a licence, permit or exemption, including that it not be granted or must be granted subject to specified conditions, must be complied with.

#### 8. Amendment of Harbors and Navigation Act 1993

The amendments will require licences (unless excluded by regulation) that relate to waters that form part of the River Murray to be referred to the Minister administering the *River Murray Act 2002*, and that Minister will be able to give directions in relation to the grant of the licence, including that the licence not be granted, or if it is granted, that it be subject to specified conditions.

#### 9. Amendment of Heritage Act 1993

The amendments require that if various permits granted under this Act relate to a River Murray Protection Area, the State Heritage Authority must, in granting a permit, take into account and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If the permit is of a prescribed class, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

#### 10. Amendment of Historic Shipwrecks Act 1981

The amendments to this Act require that if an application for a permit under the Act relates to a shipwreck located in the River Murray, the Minister must in considering the application, seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. If a permit is of a prescribed class and relates to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the permit, including that the permit not be granted or must be granted subject to specified conditions, must be complied with.

#### 11. Amendment of Irrigation Act 1994

The amendments to this Act require that an irrigation authority must not breach, or impose requirements that cause another person to breach, requirements imposed under the *Water Resources Act 1997*, or a duty or requirement under the *River Murray Act 2002*, in determining terms and conditions on the supply or drainage of water.

An irrigation authority may also reduce water allocations if necessary to meet a reduction of its allocation under the *Water Resources Act 1997*. In making any reduction in allocations, the irrigation authority may take into account opportunities for more

efficient use of water in the district and the types of crops grown and may reduce various allocations by different amounts or proportions.

#### 12. Amendment of Mining Act 1971

The amendments require that in granting applications for various licences, leases and authorisations under this Act that relate to the Murray-Darling Basin, the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* must be taken into account.

If the licence, lease or authorisation relates to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted on the application. If agreement cannot be reached on whether or not such a licence, lease or authorisation should be granted, the matter must be referred to the Governor for determination.

#### 13. Amendment of Murray-Darling Basin Act 1993

The amendment to this Act inserts a new subsection that makes clear that the Minister is the Constructing Authority in relation to any works, or measures authorised by, or associated with, the Murray Darling-Basin Agreement.

#### 14. Amendment of National Parks and Wildlife Act 1972

The amendments to this Act require that any lease, licence or agreement that relates to a reserve located within a River Murray Protection Area, must be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. In granting a prescribed class of such a lease, licence or agreement, the Minister administering the *River Murray Act 2002* must be consulted and any directions in relation to the lease, licence or agreement including directions that the lease, licence or agreement not be granted, or if granted must be subject to certain conditions, must be complied with.

The amendments also provide that an objective of managing a reserve located within the Murray-Darling Basin is to promote the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. The Minister must also consult the Minister administering the *River Murray Act 2002* in preparing a plan of management for a reserve located within the Murray-Darling Basin and must have regard to the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*.

A proposal to constitute or alter the boundaries of a reserve that relates to land within the Murray-Darling Basin must be submitted to the Minister administering the *River Murray Act 2002*, and that Minister's views considered.

The amendments also provide that a permit granted in relation to an activity that may be undertaken in a River Murray Protection Area must be consistent with the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. In granting a prescribed class of permit that relates to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions in relation to the permit, including that the permit not be granted, or must be granted subject to certain conditions, must be complied with.

#### 15. Amendment of Native Vegetation Act 1991

The amendments to this Act require the Native Vegetation Council to obtain the approval of the Minister administering the *River Murray Act 2002* before delegating any of its powers in relation to a matter within the Murray-Darling Basin.

Guidelines in relation to the management of native vegetation prepared by the Council that relate to the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and a draft must be submitted to the Minister administering the *River Murray Act 2002* for comment during consultation. The guidelines will only apply to land within the Murray-Darling Basin if they explicitly state that they do.

The amendments also require prescribed classes of applications to clear native vegetation within a River Murray Protection Area to be referred to the Minister administering the *River Murray Act 2002*, and any directions of the Minister as to the grant of the application or any conditions on the grant must be complied with.

A new requirement is also included in the Schedule of the Principles of Clearance of Native Vegetation that vegetation should not be cleared if it would cause significant harm to the River Murray.

#### 16. Amendment of Opal Mining Act 1995

The amendments to this Act require that if a proposed declaration of a designated area or exclusion zone applies to any part of a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted.

#### 17. Amendment of Parliamentary Committees Act 1991

There is to be a new Committee called the *Natural Resources Committee*. The Committee will be constituted by seven members of the House of Assembly.

18. *Amendment of Parliamentary Remuneration Act 1990*  
This clause provides for the remuneration of members of the Natural Resources Committee.

19. *Amendment of Petroleum Act 2000*  
The amendments to this Act require that if a statement of environmental objectives applies to any part of the Murray-Darling Basin, the Minister must obtain the concurrence of the Minister administering the *River Murray Act 2002* before approving the statement. If agreement cannot be reached, the matter must be referred to the Governor for determination.

20. *Amendment of Soil Conservation and Land Care Act 1989*  
The amendments to this Act require that a soil conservation board with a district that is located within the Murray-Darling Basin must take into account and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* in carrying out its functions. The board must also consult with and consider the views of the Minister administering the *River Murray Act* in developing or revising its district plan. Before the Soil Conservation Council approves a district plan, it must also consult and consider the views of the Minister administering the *River Murray Act*. Both a district plan or a soil conservation order that relates to land within the Murray-Darling Basin must seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they may be relevant.

If a soil conservation order is within a prescribed class and applies to land within a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any direction in relation to the order, including any requirements of the order, must be complied with.

21. *Amendment of the South Eastern Water Conservation and Drainage Act 1992*

The amendments require that in administering the Act or taking any action under the Act that relates to any part of the Murray-Darling Basin, the Minister, the South Eastern Water Conservation and Drainage Board, the Council or any other relevant persons must act consistently with and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*, insofar as they are relevant.

The Board, in reviewing its management plan is also required to consult with the Minister administering the *River Murray Act 2002* insofar as the plan affects the River Murray. Any water management works undertaken by the Board that may affect the River Murray must comply with the approved management plan or otherwise have the approval of the Minister administering the *River Murray Act*.

In granting a licence of a prescribed class to carry out work in relation to a River Murray Protection Area, the Minister administering the *River Murray Act 2002* must be consulted and any directions of the Minister in relation to the grant of the licence, including that the licence not be granted or must be granted subject to specified conditions, must be complied with.

22. *Amendment of Water Resources Act 1997*

The amendments will ensure that insofar as this Act applies to the Murray-Darling Basin that persons involved in its administration act consistently with and seek to further the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*.

The Minister administering the *Water Resources Act 1997* is the relevant authority for issuing permits for prescribed classes of activities within the Murray-Darling Basin.

The amendments also provide that an activity required by a protection order, reparation order, or reparation authorisation issued under the *River Murray Act 2002* will not require a permit under the *Water Resources Act*.

A person undertaking an activity in the Murray-Darling Basin pursuant to a development authorisation under the *Development Act 1993*, will not be exempt from the requirement to hold a permit under the *Water Resources Act* unless the development authorisation was referred to the Minister administering the *River Murray Act 2002*, or the exemption is otherwise excluded by the regulations.

The amendments also require prescribed classes of applications for permits that relate to an area within a River Murray Protection Area to be referred to the Minister administering the *River Murray Act 2002*, and any directions of the Minister as to the grant of the application, including that the application not be granted or that certain conditions be imposed on the grant, must be complied with. Consideration of an application that relates to an area within the Murray-Darling Basin must take account of the terms and conditions

of the Agreement under the *Murray-Darling Basin Act 1993* if relevant.

A prescribed class of application for a licence or transfer of a licence must be referred to the Minister administering the *River Murray Act 2002* and any directions of the Minister as to the grant of the application, including that the application not be granted or that certain conditions be imposed on the grant, must be complied with. Consideration of an application that relates to an area within the Murray-Darling Basin must take account of the terms and conditions of the Agreement under the *Murray-Darling Basin Act 1993* if relevant.

The amendments provide that a licence condition that relates to a water resource within the Murray-Darling Basin may require that a licensee enter into a bond or otherwise make a payment to ensure that money is available to cover costs of any damage to the River Murray due to the taking or use of water under the licence. A condition may also specify that a licensee develop or participate in an environmental improvement program or other scheme to protect, restore or benefit the River Murray. These conditions may be imposed in relation to licences granted or damage caused before these amendments come into operation.

The amendments also provide for interstate trade to occur in water entitlements in accordance with the Murray-Darling Basin Agreement.

A water licence may be varied, suspended or cancelled if a licensee contravenes a protection order or a reparation order under the *River Murray Act 2002*.

The amendments insert a new Division which allows for the implementation of schemes by the Minister administering the *Water Resources Act 1997* to encourage (but not require) licensees to transfer or surrender their licences.

The amendments will also require the Minister administering the *Water Resources Act 1997*, insofar as the Act applies within the Murray-Darling Basin and is it is reasonably practicable to do so, to integrate the administration of this Act with the *River Murray Act 2002* and to integrate and co-ordinate policies, programs, plans and projects under both Acts.

A catchment water management plan that relates to the Murray-Darling Basin must identify changes and set out how a catchment water management board will implement the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray*. A plan must seek to further these objects and objectives and be consistent with the requirements of the Agreement under the *Murray-Darling Basin Act 1993*.

A catchment water management plan or water allocation plan may be amended so that it furthers the objects of the *River Murray Act 2002* and the *Objectives for a Healthy River Murray* and has greater consistency with the requirements of the Agreement under the *Murray-Darling Basin Act 1993*, without following the usual procedures for amendment, provided the Minister certifies that the amendments will not significantly impact on the water allocations of licensees.

The amendments will also allow a differential levy to be declared in relation to the River Murray dependent on the effect that the use of the water may have on salinity levels in the River.

Under the Act, a catchment water management plan or the regulations may set out certain water usage and land management practices that may result in a refund of a levy. The amendments to the Act provide that these may include establishing or participating in a drainage scheme. The Minister will also be able to grant a refund of, or an exemption from, the whole or part of a levy as a condition of a water licence, through the mechanism of a management agreement under the *River Murray Act 2002*, or by notice in the *Gazette*.

**The Hon. CAROLINE SCHAEFER** secured the adjournment of the debate.

## BRIGHTON SECONDARY SCHOOL

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I table a ministerial statement in relation to the Brighton Secondary trip to China, made today by my colleague the Minister for Education and Children's Services in another place.