

Legislative Council

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WATER (COMMONWEALTH POWERS) BILL

The Hon. A. BRESSINGTON (16:33): I rise to indicate my support for the Water (Commonwealth Powers) Bill and the consequential Murray-Darling Basin Bill. I do so with some hesitation, but I recognise that any delay to the passage of these bills would only further protract the lengthy negotiations and set back the 2011 release of the Murray-Darling Basin Plan.

I was a little distressed by the comments of the Hon. Russell Wortley, who said that backbenchers do not have to deliver on anything and, therefore, we can afford to be irresponsible. For the record, I make it very clear to members opposite that they are members of the government. It is their ministers who are required to deliver, not the backbenchers. It is not within our authority to be able to develop such legislation and negotiate. So, I will expect a written apology from the Hon. Russell Wortley at any time that suits him.

Water has certainly been a hot topic in recent years, particularly in the past few months. The situation at the moment is a bit of a dog's breakfast. The recent federal Mayo by-election—in an electorate that takes in the area most affected by the years of improper management of the inflows to the Murray, the Coorong and Lower Lakes—was described by commentators as one that would be won and lost on the issue of water. I find it interesting that this was also a by-election in which Labor did not field a candidate and the Liberals' Jamie Briggs only just got over the line after a massive swing towards the Greens. This blue ribbon seat (which previously was held by Alexander Downer for 25 years) is suddenly on a knife's edge. The message is clear: the local community is tired of the spin and inaction of the major parties on water.

In many ways, the health of the River Murray, the Coorong and Lower Lakes is a barometer for the health of the local community, and at the moment, like the river, the local community is dying. I have spoken with many local residents, who have told me of the suffering going on down there at the moment. Industry is drying up and farmers are walking off the land. Towns are being driven into the ground.

The bill before us today fulfils a long awaited intergovernmental agreement signed in July this year by the Murray-Darling Basin states—Queensland, New South Wales, Victoria, South Australia and the Australian Capital Territory. I acknowledge the efforts of all those at the negotiating table and hope that the Murray River will be the ultimate beneficiary of their work. The Water (Commonwealth Powers) Bill, in compliance with sections 51 and 37 of the federal Constitution, refers to the commonwealth the necessary powers to manage the basin system to ensure the provision of water for critical human needs, to regulate the trading of water licences and to transfer the functions of the Murray-Darling Basin Commission, which was established in 1988, to the new Murray-Darling Basin Authority.

The intention behind the transfer from the commission to the authority (other than creating a new website and logo) is the development of an aforementioned

Murray-Darling Basin Plan. The basin plan is scheduled to be handed down in 2011, with an interim report prior to that. Developing a strategic plan that provides for the sustainable and equitable extraction of water from the Murray and Darling systems is no easy mandate. The bare reality is that, for too long, the Murray and Darling systems have been over-allocated, with water bought at a price not comparable to its worth. This has led to the inefficient use and often wastage of our most precious resource. Reining in this exploitation must be the priority of the basin plan.

Confounding matters, the plan to be prepared by the authority ultimately rests with the federal minister, who has the power under the intergovernmental agreement to amend the plan as she sees fit without the approval of the authority and signatory states. In fact, I am led to believe that the adoption of the basin plan is the only power under the IGA not requiring unanimous agreement among the states that is preventing a state from having the right to veto. While I, like most others, can foresee the shenanigans the right to veto will create, I am also uncomfortable leaving the adoption of the basin plan solely in the hands of the minister, who can amend without consultation.

In addition, under the intergovernmental agreement, the Murray-Darling Basin Authority may recommend amendment to the Murray-Darling Basin Agreement only if it is needed, with the ministerial council not obliged to make those changes. While one can understand why this is so, to my mind it guarantees that the negotiations between the states (which have been described to me as 'painful') and the subsequent politicking will only continue into the future.

The Hon. R.L. Brokenshire: Hear, hear!

The Hon. A. BRESSINGTON: Thank you. While removing the current Murray-Darling Basin institutions, it also appears that the intergovernmental agreement has done little to streamline the basin bureaucracy, with the establishment of the authority, the new ministerial council, the basin officers committee and the basin community committee. As I learned during a recent briefing, who advises whom has only become more complicated.

However, despite these shortcomings, it is my earnest hope that the authority does not become lost among the burgeoning water bureaucracy and that it is able to exercise the little independence remaining to develop a strategic plan free from political short-term pressures. However, as mentioned, this seems unlikely, as the Murray-Darling Basin Plan ultimately lies in the hands of the federal minister.

Over the past 200 years river regulation within the Murray-Darling Basin has dramatically altered the surrounding landscape, most notably in the Coorong. Slowly and surely the problems have been building over the years to the point where, exacerbated by the drought, we are now in a crisis, and, with South Australia as the exit point of the Murray, we have repeatedly been short-changed, most notably in the Coorong and Lower Lakes. Due to its position the Coorong bears the brunt of actions and decisions made throughout the basin, of which we currently manage only half. At present, as members would be aware, we do not manage above Menindee Lakes.

I also make the point that, while we are aware of the water storage upstream and its effect on the Coorong and the Lower Lakes, some 20 years ago South Australia elected to be solely responsible for the welfare and maintenance of these heritage icons. In all fairness, no-one would have thought that Australian states would actually be engaged in a water cold war. This says a lot for how times and the Australian way of life have deteriorated and, as a result, we will now—and probably forever more—have to face the reality that the Australian Federation has suffered serious blows because of nothing more than the dirty and unconscionable gains of politics. Some 20 years ago no-one could have foreseen where we are right now, but people do expect that governments will do their duty to ensure that the most basic of human needs are met—and well met.

The Hon. R.P. Wortley: Could have 10 years ago when Howard was in.

The Hon. A. BRESSINGTON: Could have, would have, should have—and you guys in six years have done very little, as well. We all are to blame for this. Everyone who has been in this place and everyone who has made decisions in this place and the other place on the management of water has to be prepared to take a level of responsibility for what is occurring now.

The water quality of the Murray-Darling system has deteriorated due to factors such as polluted drainage, land clearance and erosion, and that has led to a reduction in the number of species inhabiting the region. Due to the extraction of water for irrigation, there have been reduced flows and this has meant long periods where no fresh water has reached the Coorong via the barrages. This has adversely impacted the salinity levels of the system, divesting it of nutrients and allowing sand to accumulate inside the Murray Mouth.

So we have the Coorong, which was declared a wetland of international importance under the Ramsar Convention in 1985, being brought to its knees. Many species found at the Murray Mouth are being replaced with marine species. The habitats of 14 threatened species of bird are under threat, as are the Australian pelicans which make up the world's largest breeding colony. This is despite the federal government's established agreement with Japan and China to protect habitats of migratory birds. However, it seems that our government and the other basin states have ignored the plight of the Coorong.

Basically, we have been the whipping boy for other states, which have built diversions and storages with almost no checks and boundaries, particularly in the area around northern New South Wales and southern Queensland. The Eastern States have ridden roughshod over South Australia for years by doing deals with each other and not properly relating to the caps. It seems that the worse the natural circumstances—such as the present drought which officially began in 2002—the worse the roting that occurs and the higher the percentage of water allocation to our eastern neighbours.

As has been pointed out on numerous occasions, South Australian irrigators are currently on a 15 per cent allocation, while other states are on between 80 to 95 per cent. Recent figures reveal that 93 per cent of the river's water is used upstream of the SA border. It simply cannot go on. The only way in which it can be fixed is for the

Rudd government to take control and assert itself over the vested interests of the states. If that fails to happen the consequences will be disastrous.

However, we have a plan for a plan. While such criticism may be unjust, it is reasonable to argue that the Lower Lakes and their surrounding communities do not have three years to wait for a plan. They are in crisis now and in need of urgent assistance. It has been said to me in outside briefings from well-known and well-respected experts on the management of the Murray-Darling system that steps could be taken to bring relief immediately.

The Hon. R.L. Brokenshire: Leadership would be a great start.

The Hon. A. BRESSINGTON: Leadership would be a great start. One suggestion was that Prime Minister Kevin Rudd invest \$3.5 billion now to buy back water entitlements for the River Murray because of past over allocation, and that would be enough to have the Lower Lakes and the Coorong saved from immediate destruction and buy us about an 18 month reprieve.

During these 18 months it is vital that a 10-year plan be developed in order to maintain the health of the river system. It was also stated that whatever decisions are made they should be based on science and not on politics. This science includes infrastructure plans, water allocations and long-term plans for the preservation of our own food bowl in future times of drought. This state needs to reconcile that we have sat on our hands for far too long, while other states such as Victoria and New South Wales have planned for an uncertain water future. We are now suffering the consequences of decades of indecision and lack of foresight, and we are seeing our agricultural world shrinking before our very eyes. How can South Australia support the population growth that is part of the Strategic Plan of this state without even being able to supply the bare necessity of water resources that this includes?

In Russia, the bureaucrats were responsible for the Chernobyl disaster. In South Australia the story will be the same for the Lower Lakes and the Coorong. It is time for the government to step outside the square and take notice of the experts who are more than willing to offer their services in an effort to save the Murray and the Lower Lakes. History shows that the government does not always get it right and, with the livelihood of this state at stake, we cannot afford to use a lucky-dip approach any longer, and nor can we afford to expect other states to bear the burden that has been created through our own negligence in planning for the future.

South Australia is often referred to as the driest state in the driest inhabited continent, and it seems that this phrase and knowledge in itself is a loud and clear warning that water would always have the potential to be our nemesis. Unfortunately, it seems that the urgency now upon us was not present in years past. While it has always been convenient for the South Australian government to lay blame for the slow progress on other state and federal governments, I have come to learn just how slow this government has been to react to not only the present drought but also the realisation that the once bountiful flows of the Murray are no longer.

Unlike the Victorian government, the South Australian government has failed to develop a comprehensive plan for the management of our piece of the Murray. The

highly lauded sustainable water strategies that divide Victoria into four regions, and strives for the sustainable balance between urban, industrial, agricultural and environmental water needs, seems a far shot from anything the South Australian government has produced. Despite the plight of the Coorong being so glaringly obvious, the South Australian government is yet to put forward a workable plan for its recovery. All we have seen and heard is spin.

While I am just as inclined as any South Australian to argue that the additional \$1 billion given to Victoria would have been more appropriately spent rescuing the Coorong and the Lower Lakes or upscaling our water licences to high security, I can also understand why Victorians are reluctant to compromise the plans they had in place so they could be part of a national agreement. Such inaction led to the extraordinary situation of the Victorian Premier slamming his South Australian Labor colleague, the Hon. Mr Rann, for his handling of the issue. Now it has been said that, if our Premier had the fortitude of Steve Bracks or John Brumby, and aggressively put forward the rights of our state earlier, we would have had better outcomes, and I have to say that I agree. I also add to that the foresight of the Victorian Premier in developing strategic plans for the management of the Murray.

The consensus of water experts is that individual state plans will be unsuccessful in restoring the Murray. Mike Young, University of Adelaide Research Chair in Water Economics and Management, is one of many who believes the current Murray-Darling agreement is seriously flawed, as he said last month in *The Advertiser*. Another expert, Professor Wayne Meyer, University of Adelaide Professor in Natural Resource Science, whilst being critical of the state government's overall performance on water management said that it should be given credit for keeping the pressure on the Australian government and the other Murray-Darling Basin state governments to improve management of the Murray.

I agree 100 per cent that only national control and management of the Murray can save it from the desperate situation it is in. State governments were elected to represent the people of the state, and you can bet your house on the fact that they will remain unconcerned with problems facing alternative states. I am hopeful that the intergovernmental agreement will enable the better management of the basin, because it is clear that we are at breaking point. I look forward to the swift passage of both these bills.