



NRM Levy 15 September 2005

Mrs PENFOLD (Flinders): Will the Minister for Environment and Conservation explain why his ministerial colleagues are informing land-holders that the NRM levy could be used to fund existing positions currently being funded by the Rann government? Last week, the Minister for Agriculture, Food and Fisheries told Riverland Media that he would no longer fund an existing farm advisory service in the area and that the new NRM levy was a possible alternative funding source, which is just what we all expected.

The Hon. R.J. McEWEN: On a point of order, Mr Speaker, the quote attributed to me is totally false. Therefore, the— *Members interjecting:*

The Hon. R.J. McEWEN: The point of order is that the question is not valid or relevant.

The SPEAKER: The Minister for Environment and Conservation can answer the question if he wants.

The Hon. J.D. HILL (Minister for Environment and Conservation): I am happy to answer the question in general terms. However, since it is based on a false premise, it makes it difficult to give the member the details she wants. She is saying that one of my colleague has said something and asks whether that is true and whether I agree with it. Well, the minister says that he did not say it. So, clearly, there is no question to answer. However, what I can say is that the NRM arrangements being put in place are being rolled out very successfully in South Australia and, over the next year or two, the new NRM boards that have been established will develop their own NRM plans for their regions, and they will develop some strategies and put a budget in place. They will work out for themselves what their priorities are, and they will work with their communities to deliver those priorities.

Natural Resources Management Bill 24 March 2004 Mrs PENFOLD (Flinders): I applauded the efforts of the previous government when the suggestion of amalgamating boards and committees relating to natural resource management was first mooted. I saw this as an opportunity to support over-stretched communities, to relieve the pressure and burden that was placed on increasingly fewer people following the reduction in population in regional areas. These leaders often had to travel long distances at personal expense to serve their communities. There was an opportunity to amalgamate some of these committees that related to the

environment. Many issues overlapped one another and those people who were attending several meetings often discussing issues held in common could attend just one. The concept was appealing.

It was believed that this would be a more efficient and effective use of the valuable time of these dedicated community members, enabling them to still be involved in the environmental changes that are required within their regions. This movement towards an integrated approach to natural resource management was very much driven from the bottom up and involved hands-on people with many years of experience, in some cases going back generations. I supported this move wholeheartedly because I was concerned that the burn-out of these wonderful people would mean that some of these groups would fall over.

I was concerned that, should the decision making be removed from the grassroots, more and more decisions would be made by ministers and departmental people with little or no hands-on experience. Decisions would be made by people who had never risked anything in business, let alone farming—indeed, by people who may never have lived or worked in the country. These people, often long on qualifications and theory but without the experience of reality blurring the issues, would make the decisions greatly affecting our lives. Their reality, from a high-rise, air-conditioned city office, is very different to that in the field. Mouse, locusts and rabbit plagues, drought, frosts, exchange rates, interest rates, overdrafts of hundreds of thousands of dollars just to put in a crop that may never come up, and health costs and education costs to send family members away where such services are available are not factored into the thinking by people who have never experienced life on the land or away from the city.

They would not cope well with the uncertainties of earning a living under these circumstances but wonder why they get negative reactions when they harass the farmers who, on the whole, care greatly for the land as their survival depends on it.

The environmental constabulary expect the farmer, who traditionally has not had the opportunity to receive a university education, to read and understand the fine print of all documents and get them back on time, often in the middle of shearing, harvesting or seeding, or face huge financial penalties. This scenario can and does happen. This is despite the same department taking months to respond, which often costs businesses thousands of dollars and sometimes even millions of dollars, with no qualms. No country person would want department of environment people being in control with more power than they have now.

I understood that the amalgamation of soil boards, animal and plant boards, natural resource management groups and the various water boards was undertaken with full consultation with, and the approval of, regional South Australians. I am particularly pleased that the commonwealth government has determined that regional funding applications and regional prioritising for projects are to be initiated. NHT 2 funding will be distributed to each region based on regional boards' recommendations which are, in turn, based on projects with the greatest cost benefits. I thought that the new system would be beneficial, particularly in the huge region of Eyre Peninsula, to maximise the benefits of funding most important to the people in the region. However, then we were given the bill; and, as is so often the way, as many have said tonight, the devil is in the detail.

With the change in government came a change in the agenda: the bottom-up, hands-on input within the bill has become top-down bureaucratic input, despite the best endeavours of those who

have had input into the formulation of the bill. Many aspects that were formerly under the Minister for Primary Industries and Fisheries, where there is some empathy for those who derive their income from the land and appreciate the effort they put into improving the environment around them, are proposed to be under the minister for the environment and his departmental officers, which I believe has a lot to do with the change in attitude.

The bill is 208 pages long. It amends 15 existing acts of parliament and totally repeals a further three major acts. I believe that the original proposal has been completely derailed and has given powers to one minister and his department who have no empathy for our farming communities. This minister has already shown that he has little or no concern for farmers and small non-unionised businesses in country areas. This is a minister of a government that has great concern for gaining green and socialist votes in the city. It will not be particularly concerned if farmers can be made to look responsible for all the bad and none of the good that has occurred from farming since it began in Australia. It should also be noted that fishing and aquaculture can all be caught under this act in the future although, at this stage, the marine resource is not defined.

I am already receiving complaints about the heavy-handed 'fine first, warn later' attitude to the enforcement of our laws by departmental officers, particularly in relation to the Environment Protection Act under the zero waste policy, not to mention the Native Vegetation Act, since the Labor government has come to power. One small country council that could ill-afford it was fined for tyres that had been thrown over the fence of their dump after they had done their best to comply with the new requirements of zero waste. A mining company rang me recently because their contractor had been mining when the company had not received the lease that they had applied for years earlier. Legal action was being taken by the department. Many of these are laws of which constituents are not even aware; however, I understand that ignorance of a law is not an excuse under the law. Only this month, I received a long letter from the Minister for Agriculture, Food and Fisheries advising me that for \$330 for three volumes or for \$77 for a disc, farmers can receive: a concise guide to good agricultural practice, remove a lot of the overly legal and technical terminology and make it reader friendly.

This is: the result of the extensive, two-year exercise by PIRSA to provide a simple, plain English guide to environmental legislation that affects primary production and natural resources on farms in South Australia.

This summary: identifies the critical issues that farmers face in environmental management along with the minimum requirements specified by the law.

It is my belief that most law-abiding people in this state would inadvertently be breaking the law in some way without realising it, but none would be more vulnerable than our state's farmers. I recently wrote to one Labor minister while fighting for a young farming family about the width of a firebreak between their farm and a national park. It was the government versus a constituent (particularly one as remote as mine) who was trying to survive as a farmer, which is mightily unfair. In this case, the farmer risks his life on the volunteer CFS that fights the fires in this park which is prone to lightning strikes in the summer months.

The levy currently raising funds under the water catchment management board is to become the natural resource levy. I supported the Eyre Peninsula Catchment Water Management Board because

I wanted to ensure that the water situation on the peninsula was properly investigated. I did this after seeing graphs showing how quickly the water basins (south of Port Lincoln and the Poldia basin near Lock) that provide the bulk of the water to our region were being depleted and after I was unable to get SA Water to take the issue as seriously as me. This was a levy on Eyre Peninsula people for Eyre Peninsula people.

However, I am now concerned that this levy will, under this bill, be transformed into a form of taxation over which I believe the people who will be required to pay it will have little or no control. As I understand clause 44, which deals with the board's powers to provide financial assistance, the bill enables the board to lend to businesses and to pay compensation. Who decides on the businesses? Who pays the bill if the businesses go wrong and compensation has to be paid? What if there is inadequate funding available? Compound the disasters that could occur across all the boards in South Australia and we could be looking at another State Bank. Environmental people are not renowned for business acumen; it is not what they are trained for.

In addition, under clause 101, which deals with the application of the levy, the minister can take funds from one region and use them in another in the same manner as the current River Murray levy which has caused so much anger on Eyre Peninsula. Accordingly, a debt run-up by one board can be paid by another. It sounds like robbing Peter to pay Paul and is not a fair and equitable way to do business. Clause 174, which deals with by-laws (number 11) will enable the NRM to override council by-laws. It states: In the event of an inconsistency between a by-law made by a regional NRM board under this section and a by-law made by a council under the Local Government Act 1999, the by-law made by the board will prevail (and the law made by the council will not apply to the extent of the inconsistency).

A council is the democratically elected body closest to the people and will be able to be overridden by a board appointed by a minister. This is not democracy at work and a precedent that I do not think we want in our democracy. Clause 201, which deals with related matters, has been labelled by the shadow minister as the 'bad luck' clause. The bill enables authorised officers incredible powers in relation to reparation under clauses 198, 199 and 200. Under clause 201, however, constituents have no such powers if an authorised officer causes them to lose values or livelihood. The clause provides: A person cannot claim compensation from the Crown or an NRM authority or the chief officer or an authorised officer or a person acting under the authority of an NRM authority, the chief officer or an authorised officer, in respect of a requirement imposed by or under this division, or on account of any act or omission undertaken or made in good faith in the exercise (or purported exercise) of a power under this division.

It would appear to be all power and no responsibility for either department and all responsibility and no power for the constituent.

Clause 230 relates to confidentiality and will horrify constituents that such information relating to their 'income, assets and liabilities or other private business affairs' should ever be acquired under a bill concerned with environmental issues. It certainly needs limitations put on it so that such information would only be available in exceptional circumstances. To support this bill, I will need to see a huge reduction in the powers of the minister and his massive (and still growing) department of possibly over 1 000 paid officers. The latter, under clause 74 which deals with self-incrimination, must be answered when they ask a question even if it will incriminate the

constituent. Clause 74 provides: A person is not excused from a requirement under this part to provide information or answer questions, or to produce any document or record, on the ground that the information, answer, document or record might incriminate the person of an offence.

Ownership of the bill must go back to the people who are going to pay the levy and in particular to those dedicated farming people whom I now feel are being stripped of the power over their own destiny which is being handed to, in some cases, their worst enemies.

The shadow minister summed up the situation that we face by saying 'The minister will have every power a minister could possibly wish for; it is minister heaven.' To illustrate this statement, I quote clause 11—General Power, which states: (1) The Minister has the power to do anything necessary, expedient or incidental to— (a)performing the functions of the Minister under this Act; or (b)administering the Act; or (c)furthering the objects of this Act.

(2) Without limiting the operation of subsection (1), the Minister may— (a)enter into any form of contract, agreement or arrangement; and (b)acquire, hold, deal with and dispose of real and personal property or any interest in real or personal property; and (c)provide for the care, control, management, preservation, protection, enhancement restoration or rehabilitation of any natural resources; and (d)act in conjunction with any other person or authority.

To back these massive powers, Clause 12—Powers of delegation, enables the minister to delegate these powers to his authorised environmental officers. These people will enforce what were the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, the Soil Conservation and Land Care Act 1989 and the Water Resources Act 1997, and the 15 other acts that have been amended. Formerly, the Minister for Primary Industries and his department would have been the people who would have the most to do with our farming communities under these acts and would have been able to work with them. I have grave concerns that this will not now be the case. One farmer and his family who had for years protected the rare cockatoos that nested on their property were so deeply offended by the environmental officers who visited them that they came to me with their issues and I was able to gain an apology for the officers' behaviour. I have numerous similar examples on file. Who will be able to police the environmental officers if this bill becomes law? There will not be enough hours in the day for all the issues that I envisage will occur.

The structure over which the minister presides is made up of the councils, the regions and the groups. The councils consist of nine members who are appointed by the governor on the nomination of the minister. The council has no obvious connection to the regional boards and the local groups. There will be a local board for each of the regions which will report direct to the minister and be directed by the minister. Each board will consist of up to nine members and will be appointed by the governor on the nomination of the minister. There is no requirement that this board will actually have any farmers represented, let alone a majority of people who are not public servants. The regional board can establish committees, under clause 37. However, the bill states that: 'A regional NRM board must, in acting under this section, comply with any guidelines issued by the minister for the purposes of this section.'

The local groups may, under clause 47, have the boundaries of their area established or abolished

by the minister with only a need to consult the board. A group will consist of up to seven members and will `have, in the opinion of the minister, knowledge, skills and experience determined by the minister to be necessary to enable the NRM group to carry out its functions effectively.' The group can then develop the plan, that the minister can vary if he so wishes. I might be a pessimist but this structure does not look anything like the bottom up, grass roots structure that I think we all had envisaged. I will not be supporting this bill as it stands without heavy amendment to protect the interests of the people on the land who have helped to make this state great and who are the first and strongest defence against environ-mental degradation.