

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation) obtained leave and introduced a bill for an act to provide for a scheme to protect and improve the environment and agricultural production in the Upper South-East through the proper conservation and management of water and the initiation or implementation by the government of the state of works and environmental management programs and other initiatives; to make related amendments to the South Eastern Water Conservation and Drainage Act 1992; and for other purposes. Read a first time.

The Hon. T.G. ROBERTS: I move:

That this bill be now read a second time.

An estimated 250 000 hectares (or 40 per cent) of productive farmland in the Upper South-East have been degraded by salinisation caused by high ground water levels and flooding, and a further 200 000 hectares, including approximately 40 000 hectares of high value wetlands and native vegetation, are at risk. To alleviate this problem, the Upper South-East Dryland Salinity and Flood Management Program (USE program) was initiated with four main elements: drainage, vegetation protection and enhancement, salt land agronomy and wetland enhancement and management.

The program will provide significant environmental, economic and social benefits to the region, but the need to negotiate additional funding and gain certainty of access and management of drains and wetlands in the region has meant that the future of the approved scheme is under threat. Lack of recent progress is partially due to the need to put in place a new funding package. This is currently being negotiated as part of the implementation and national action plan for salinity and water quality arrangements with the commonwealth government and regional communities. The South-East is a priority region for action to address its salinity and water quality issues.

Other factors preventing USE program progress relate to the lack of specific legislation to enable the promulgation of the program and difficulties in applying existing legislation. It, in part, have allowed land-holders to construct and control drainage works and refuse access across their land, together with detrimental implications for upstream land-holders as well as native vegetation and wetland habitats. This has led to the need to initiate this new legislation to enable the government to deliver the program effectively for the benefit of all those with a stake in the program, including all land-holders and the broader community with an interest in maintaining the environmental, economic and social values of the region.

The bill proposes a way forward that is transparent to all stakeholders with its provisions only applicable in the Upper South-East of the state. A key feature of the legislation is the identification of corridors of land that have been assessed as being required to implement the drainage aspects of the program. The acquisition of a number of these alignments has already been negotiated with existing land-holders, and are identified in part A of schedule 1 of this bill. The remaining alignments that will be required to implement the program are identified in plans that have been lodged with the Surveyor General and are identified in part B of schedule 1 of this bill and will consist of a corridor made up of land to a distance 100 metres on either side of a defined centre line).

All these alignments are to be acquired at no cost by force of the legislation and vested in the minister. It is the government's intent that, when the project works are complete, any excess land within the 200 metre corridors required by this bill will be transferred back to the appropriate party. Non-payment for the acquisition of the project works corridors is a feature of the existing drainage scheme where, with few exceptions to date, land-holders have freely donated their land in recognition of the environmental and productivity benefits the drains will provide. Certainty of alignment will enable the drainage component of the scheme to be completed quickly.

The bill also provides control over the drainage works of private individuals to ensure that the government drainage scheme has priority and that private works cannot conflict with the government scheme. However, complementary beneficial works can be conducted under licence from the minister. In recognition of the potential harm that can be caused to the regional environment, including to the AMSAR-designated Coorong as well as to other major wetlands and native vegetation, by inappropriate activities, the bill enables the minister to issue a range of orders relating to land management, water management and other activities within the defined project region. The bill also proposes significant penalties for offences within the defined project area and in recognition of the need to ensure that the goals of the project are not subverted.

The bill provides that existing provisions of the South-eastern Water Conservation and Drainage Act 1992 will not apply to the defined project area. Levies raised from land-holders under that act for the purposes of the USE program will now be raised by the minister under this new legislation. The bill gives the minister the flexibility to initiate negotiations with individual land-holders, where land-holders will be encouraged to offer up biodiversity trade-offs such as protecting native vegetation under management agreements in exchange for removal or reduction of their drainage levy obligations. The main object of this bill is to ensure certainty for the program by providing the minister with the necessary

functions and powers to complete the work of protecting and enhancing agricultural land and the natural environment in the Upper South-East.

The Labor government is committed to the completion of this important integrated natural resource management program commenced by the previous government, and considers it vital that this legislation be put in place to provide clarity and underpin rapid progress. The bill has a scheduled review date in four years from the date of proclamation. At this time it is expected that the drainage works will be complete but many of the management agreements with land-holders will continue. Other outstanding matters will also need to be addressed at that stage. The review of the legislation will provide an appropriate opportunity to identify the issues that will need to be addressed in the future, in conjunction with the ongoing activities of the South-Eastern Water Conservation and Drainage Board. It is envisaged that this bill would be able to be repealed at that time.

The government looks forward to the support of parliament in passing this bill as a pivotal means of ensuring the success of the Upper South-East Dryland Salinity and Flood Management Program. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines terms used in this bill.

Clause 4: Identification of project and project area

This clause provides that the Governor may, by regulation, establish a scheme to further the objects of this bill. The Upper South East Project, with modifications as thought fit by the Governor, may be adopted and the Governor may set out a scheme for undertaking Project works by the Minister. The scheme may be varied from time to time by the Governor.

The areas of land that are to constitute the Project Area must be described or delineated in the regulations to this bill.

Clause 5: Interaction with other Acts

This bill is in addition to, and does not limit or derogate from, the provisions of any other Act.

PART 2

ADMINISTRATION

DIVISION 1—THE MINISTER

Clause 6: Functions of the Minister

This clause provides that the Minister is to undertake the implementation of the Project, and sets out functions to be adopted by the Minister in doing so, including:

- to provide an effective and efficient system for managing the surface water within the Project Area by conserving, draining, altering the flow or utilising the water in any manner;
- to carry out works for the purpose of altering the level of the water table of lands in the Project Area;
- to undertake initiatives to reduce, and to protect against increases to, salinity levels affecting land in the Project Area;
- to undertake other projects to enhance water conservation, drainage or management within the Upper South East, and the productive capacity of land within the Upper South East;
- to institute or supervise environmental testing, monitoring or evaluation programs within the Upper South East;
- to undertake initiatives to protect, enhance or re-establish any key environmental feature in connection with the implementation of the Project;
- to encourage and assist in the development of environmental management practices and improvement programs in connection with the implementation of the Project;
- to undertake the enforcement of this bill, especially in relation to any action that is inconsistent with the effective and efficient implementation of the Project; and
- to perform other functions assigned to the Minister under this bill.

Clause 7: General powers of the Minister

This clause provides that the Minister has the power to do anything necessary, expedient or incidental to implementing the Project or performing the functions of the Minister under this bill, administering this bill, or furthering the objects of this bill. In doing so, the Minister may:

- enter into any form of contract, agreement or arrangement;
- acquire, hold, deal with or dispose of real or personal property or any interest in real or personal property;
- seek expert or technical advice on any matter from any person on such terms and conditions as the Minister thinks fit;
- carry out projects;
- act in conjunction with any other person or authority.

A "project" includes any form of work, scheme, undertaking or other activity.

Clause 8: Power of delegation

This clause allows the Minister to delegate a power or function of the Minister under this bill. Where provided for in the instrument of delegation, that power or function may also be further delegated.

DIVISION 2—AUTHORISED OFFICERS*Clause 9: Appointment of authorised officers*

This clause provides for the appointment by the Minister of authorised officers. Conditions or limitations may apply to the appointment and powers of authorised officers. Identity cards are required to be issued to authorised officers, and an authorised officer must produce an identity card if requested to do so by a person in relation to whom the authorised officer intends to exercise any powers under this bill.

Clause 10: Powers of authorised officers

This clause provides the necessary powers to enable authorised officers to carry out their functions. An authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of this bill—

- enter any land (except residential premises);
- inspect any place, including the stratum lying below the surface of any land, and water on or under any land, and inspect any works, plant or equipment;
- give directions with respect to the stopping or movement of a vehicle, plant, equipment or other thing;
- take measurements, including measurements of the flow of any water on or under any land or relating to any change in the environment;
- place any markers, pegs or other items or equipment in order to assist in environmental testing or monitoring;
- take samples of any substance or thing from any place (including under any land) or vehicle, plant, equipment or other thing;
- with the authority of a warrant issued by a magistrate, require any person to produce specified documents or documents of a specified kind, including a written record that reproduces in an understandable form information stored by computer, microfilm or other process;
- examine, copy or take extracts from a document or information so produced or require a person to provide a copy of any such document or information;
- take photographs, films, audio, video or other recordings;
- examine or test any vehicle, plant, equipment, fitting or other thing (including any water), or cause or require it to be so examined or tested, or seize it or require its production for such examination or testing;
- seize and retain any vehicle, plant, equipment or other thing that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this bill;
- require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, a contravention of this bill to state the person's full name and usual place of residence and to produce evidence of the person's identity;
- require a person to answer questions;
- give directions reasonably required in connection with the exercise of a power conferred by any of the above paragraphs or otherwise in connection with the administration, operation or enforcement of this bill;
- exercise other prescribed powers.

An authorised officer may exercise a power under this clause to enter or enhance the Project Undertaking. An authorised officer may also enter and inspect any place (excepting residential premises) to determine whether a management agreement is being, or has been, complied with.

An authorised officer may be accompanied by assistants where reasonably required.

Subclause (5) provides that an authorised officer may only use force to enter any place or vehicle on the authority of a warrant issued by a magistrate.

Subclause (6) sets out the circumstances in which a magistrate may issue a warrant under subclause (5). A warrant may be applied for either personally or by telephone, and an application must be made in accordance with the regulations.

Clause 11: Hindering, etc., persons engaged in the administration of this Act

This clause provides that a person who:

- without reasonable excuse hinders or obstructs an authorised officer or other person engaged in the administration of this bill; or
- fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or
- produces a document or record that he or she knows, or ought to know, is false or misleading in a material particular; or
- fails without reasonable excuse to comply with a requirement or direction of an authorised officer under this bill; or
- uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or
- falsely represents, by words or conduct, that he or she is an authorised officer,

is guilty of an offence, the maximum penalty for which is a fine of \$10 000.

A person is not, however, obliged to answer a question if to do so would tend to incriminate them.

This clause also provides that it is an offence, with a maximum penalty of a fine of \$10 000, for a person other than an authorised officer to remove, destroy or interfere with a marker, peg or other item or equipment placed under proposed section 10(1)(e) without the permission of the Minister.

PART 3**IMPLEMENTATION OF PROJECT
DIVISION 1—VESTING OF LAND***Clause 12: Vesting of land for drainage purposes*

This clause vests all land within a project works corridor in the Minister in an estate in fee simple. All relevant interest in the land are freed and discharged. The Minister may, at any time, enter into possession of that land. No compensation is payable in relation to land vested under this clause.

The Governor may transfer any land within a project works corridor to the former owner of the land, the owner of adjoining land or a public authority if the Governor is satisfied the land will not be required for the purposes of the Project.

The Minister may (subject to any agreement with the relevant owner or occupier of the adjoining land) fence-off land within the corridor that is required for the purposes of the project, and may permit an owner or occupier of adjoining land to use the remaining land for any purpose approved by the Minister.

The clause also provides that the Registrar-General must, on the application of the Minister, issue to the Minister a certificate of title, or certificates of title, with respect to all or any of the land within any project works corridor. The Registrar-General may also take any action in relation to any instrument, or against any land, that the Registrar-General considers appropriate on account of the operation of this clause. This may include noting that the relevant land is affected by the operation of this clause.

The clause clarifies that neither the *Land Acquisition Act 1969* nor the *Crown Lands Act 1929* apply in relation to land vested under this clause. No stamp duty is payable with respect to a vesting of land under this clause.

Clause 13: Compulsory acquisition of land

This clause provides that the Minister may compulsorily acquire land if the Minister considers the land is reasonably necessary for the implementation of the Project or to further or enhance the Project Undertaking.

Unlike the previous clause, the *Land Acquisition Act 1969* applies in relation to land acquired under this clause.

This clause does not affect the ability of the Minister to acquire land by agreement, nor the operation of clause 12 (or any other clause) of this bill.

DIVISION 2—MINISTER MAY UNDERTAKE WORKS*Clause 14: Minister may undertake works*

For the purposes of implementing the project, furthering or enhancing the Project Undertaking, or furthering the objects of this bill, the Minister may construct, maintain or remove such works, and undertake any other work, as the Minister thinks fit.

Those works may include the following:

infrastructure or other devices constructed, established or used for the purposes of conserving, draining or altering the flow of surface water from or onto land or utilising any such water; works constructed for the purpose of altering water table levels; works constructed for the purpose of protecting, enhancing or re-establishing any key environmental feature, or any other environmental program or initiative; works constituting access roads, bridges or culverts; works constituting storage or workshop facilities, camps or service facilities.

The work undertaken under this clause may include widening, deepening, cleaning out, shoring up or raising or lowering the banks of any watercourse, lake or other water resource, or raising or lowering the level of any water or water table through any process. It may also include any activities associated with environmental testing, monitoring or evaluation.

DIVISION 3—MANAGEMENT AGREEMENTS

Clause 15: Management agreements

This clause allows the Minister to enter into a management agreement with the owner of land within the Project Area. The management agreement may relate to the conservation or management of water, the management of any water table, the preservation, conservation, management or re-establishment of any key environmental feature, or any other matter associated with the implementation of the Project or furthering or enhancing of the Project Undertaking.

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

- require specified work or work of a specified kind be carried out on the land, or authorise the performance of work on the land;
- restrict the nature of any work that may be carried out on the land;
- prohibit or restrict specified activities or activities of a specified kind on the land;
- 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);
- provide for the adoption or implementation of environment protection measures or environment improvement programs;
- provide for the testing or monitoring of any key environmental feature, or of any matter that may affect a key environmental feature;
- provide for a reduction in, or exemption from, a levy under proposed Part 4 of this bill; or
- provide for remission of rates or taxes in respect of the land; or 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 a management agreement providing for the remission of rates or taxes has effect despite any law to the contrary.

Subclause (4) requires the Registrar-General, on the application of a party 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 (5) provides that a management agreement has no force or effect under this Act until a note is made under subclause (4).

Where a note has been entered under subsection (4), 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.

Subclause (8) provides that, except to the extent that the agreement provides for the remission of rates or taxes, a management agreement does not affect the obligations of an owner or occupier of land under any other Act.

DIVISION 4—ENTRY ONTO LAND

Clause 16: Entry onto land

This clause provides that a person may, for prescribed purposes, enter and pass over any land that is not vested in the Minister, bring vehicles, plant and equipment onto that land, and temporarily occupy and 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 5—PRIVATE WORKS

Clause 17: Requirement for a licence

This clause provides that, unless a person has a licence granted under this proposed Division by the Minister, it is an offence for the person to:

- construct any works within the Project Area; or
- remove any works within the Project Area; or
- close-off, obstruct or in any other way interfere with any works or water resource within the Project Area; or
- undertake any other activity within the Project Area, if to do so would, or would be likely to—
 - interfere with any Project works, or with any proposal under the Project works scheme; or
 - stop, increase, decrease or otherwise affect:
 - (a) the movement of water on, or to or from, any land; or
 - (b) the flow of water into or from any Project works; or
 - (c) the flow of water in or into or from a water resource or part of a water resource;
- alter any water table or salinity level in the Project Area; or
- without limiting a preceding point, adversely affect to any significant degree any key environmental feature; or
- without limiting a preceding point, adversely affect to any significant degree any part of the Project Undertaking.

The maximum penalty for an offence under this clause is a fine of \$200 000 for a body corporate, or a fine of \$100 000, or imprisonment for 2 years, (or both) for a natural person.

Works in existence prior to the commencement of this Act are also subject to this clause, however no criminal liability attaches with respect to an act that occurred before that commencement. Similarly, no liability arises with respect to an act undertaken under a condition of a licence issued under section 43 of the *South Eastern Water Conservation and Drainage Act 1992*, including a licence granted before the commencement of this bill should it be enacted.

Subclause (1) does not, however, apply to a person or authority exempted by the regulations, or in any prescribed circumstances.

Clause 18: Procedure

This clause provides that an application for a licence must be made to the Minister in a manner and form determined by the Minister, and allows the Minister to require an applicant to furnish further information or verify information by statutory declaration. A prescribed fee is payable in respect of an application.

Clause 19: Conditions

A licence issued under this proposed Division of the bill is subject to such conditions as the Minister thinks fit. A condition of a licence may be varied (including the addition, substitution or deletion of one or more conditions) by the Minister.

The holder of a licence granted under this proposed Division may apply in writing to the Minister for a variation of a condition; the Minister may grant or refuse to grant the variation.

Failure to comply with a condition of a licence is an offence, the maximum penalty for which is a fine of \$200 000 in the case of a body corporate, or, in the case of a natural person, a fine of \$100 000 or imprisonment for 2 years, or both.

DIVISION 6—RELATED MATTERS

Clause 20: Fencing of works and drainage reserves

This clause provides for the erection and maintenance of fencing of Project works and drainage reserves. The *Fencing Act 1975* does not apply to fencing related to the implementation of this bill.

Clause 21: Property in water

This clause provides that all rights in any water in any Project works are the exclusive property of the Crown, and that the Minister may grant rights over the water to a person.

PART 4

CONTRIBUTION TO FUNDING OF PROJECT

Clause 22: Contribution to funding of project

This clause allows the Minister to levy contributions to the funding of the Project from all persons who own or occupy more than 10 hectares of private land in the Project Area, and allows the Minister to establish a scheme for recovering contributions.

A contribution will not, however, be levied in respect of land which is subject to a management agreement under this bill to the extent that the agreement provides for a reduction or exemption from the levy, or where the Minister (by notice in the *Gazette*) provides for a reduction or exemption from the levy. An exemption by the Minister in the *Gazette* may operate in respect of a period commencing before publication of the notice.

PART 5
PROTECTION OF PROJECT
DIVISION 1—OFFENCE

Clause 23: Project Undertaking not to be interfered with

This clause provides that it is an offence for a person, without the permission of the Minister, to act in a manner that the person knows will interfere in a material way, or is likely to interfere in a material way, with—

- the Project works scheme; or
- any Project works, or the operation of any Project works; or
- any other aspect of the Project Undertaking.

The penalty for this offence is \$200 000 in the case of a body corporate, and \$100 000 or 2 years imprisonment or both in the case of a natural person.

A lesser penalty of \$50 000 for a body corporate, or \$25 000 for a natural person, applies in the case of where a person ought reasonably to have known, rather than actually knew, of the likely interference.

The clause also sets out the granting of the permission referred to in subclauses (1) and (2), and provides that the granting of a permission may be subject to conditions, contravention of which is an offence attracting a maximum penalty of \$50 000.

DIVISION 2—ORDERS

Clause 24: Project orders

This clause provides for the making of project orders by the Minister. A project order is in the form of a written notice. A project order may be issued for the purpose(s) of:

- preventing, regulating or managing the flow of any water within the Project Area; or
- conserving, protecting, regulating, managing or improving any water resource within the Project Area; or
- protecting against an alteration to the height of any water table; or
- protecting or improving the quality of any soil on land within the Project Area; or
- protecting or enhancing any key environmental feature; or
- for the purpose of securing compliance with any management agreement, any condition of a licence, any condition of a permission of the Minister under proposed Division 1 or any other requirement imposed by or under this bill; or
- for the purpose of addressing any activity that, in the opinion of the Minister, is having an adverse effect on the Project works scheme, the operation of any Project works or any key environmental feature; or
- for the purpose of giving effect in any other way to the implementation of the Project or the furthering or enhancement of the Project Undertaking.

The clause sets out the requirements in relation to the making of an order.

In the case where an authorised officer is of the opinion that urgent action is required, a project order can be issued by the authorised officer. That order may be issued orally. However, an emergency order under this clause ceases to operate after 72 hours has elapsed, unless it is confirmed by a written project order issued by the Minister. An order may be varied or revoked by the Minister.

Failure to comply with an order is an offence with a maximum penalty of \$200 000 in the case of a body corporate, and \$100 000 in the case of a natural person.

A person cannot claim compensation from the Minister, an authorised officer or the Crown in respect of a requirement imposed by a project order.

Clause 25: Reparation orders

This clause provides that the Minister may require a person to take specified action to make good certain damage to any Project works or a key environmental feature arising from the person's unauthorised actions.

Similar conditions, and similar penalties for contravention, attach to a reparation order made under this clause as for a protection order made under clause 24, although there is no power for an authorised officer to issue an emergency reparation order.

A person cannot claim compensation from the Minister, an authorised officer or the Crown in respect of a requirement imposed by a reparation order.

Clause 26: Registration of order

This clause provides that the Registrar-General must note the existence of an order against the instrument of title to the land to which the order relates, or against the land if the land is not registered under the provisions of the *Real Property Act 1886*. An order is binding on each owner and occupier of the land, including

subsequent owners or occupiers. This clause also provides for the entering of a notice of revocation by the Registrar-General in prescribed circumstances.

Clause 27: Action on non-compliance with order

This clause allows the Minister to take any action required by an order made under this proposed Division in the event of non-compliance. It is an offence for a person to hinder or obstruct a person taking such action, the maximum penalty for which is a fine of \$100 000.

The costs and expenses incurred by the Minister under this clause may be recovered as a debt from the person in default. If an amount remains unpaid, that amount plus interest is a charge in favour of the Minister on any land owned by the person in relation to which the order is noted under this proposed Division. Such a charge has priority over any prior charge (whether or not registered) that operates in favour of an associate of the owner of the land, and over any other charge other than a charge registered prior to the noting of the project order in relation to the land.

A person cannot claim compensation from the Minister or the Crown (or a person acting under subclause (2)) in respect of any action taken under this clause.

DIVISION 3—CIVIL REMEDIES

Clause 28: Civil remedies

This clause provides that a range of civil remedies may be applied for and granted in the Environment, Resources and Development Court. These remedies include injunctive relief, orders for specific performance, orders for compensation and orders for exemplary damages.

PART 6
MISCELLANEOUS

Clause 29: Interim restraining orders to prevent environmental harm

The Minister will be able to apply to the Environment, Resources and Development Court for the issue of an order requiring a person to discontinue, or not commence, a specified activity. An order may be sought if the specified activity may cause harm to a key feature of the environment, but there is insufficient information available to enable the Minister to assess the likelihood of, or extent or impact of, harm to the key environmental feature. The issue of an order must be necessary to ensure protection of the key environmental feature pending the acquisition and assessment of information by the Minister. An order made under this clause ceases to have effect 28 days after it is served on the person (unless extended), and may be varied or revoked. An order will be used to enable the Minister to assess the harm before making, or not making, a project order.

Failure to comply with the terms of the order is an offence, and has a maximum penalty of a fine of \$50 000.

A person cannot claim compensation from the Minister or the Crown in respect of the issuing of an order under this clause.

Clause 30: Appeals

The bill provides for an appeals mechanism (in the Environment, Resources and Development Court) in relation to licences. However, no other appeals will be available with respect to the operation of this bill.

Clause 31: Provision of information

This clause provides that the Minister may issue notices requiring the provision of information reasonably required by the Minister for the administration, implementation, operation or enforcement of this bill. The clause sets out the procedures to be followed in issuing such a notice. Failure to comply with a notice issued under this clause is an offence, and carries a maximum penalty of \$10 000.

Clause 32: False or misleading information

It is an offence for a person to make a false or misleading statement in relation to information provided under this bill. The maximum penalty is \$10 000.

Clause 33: Service

This clause sets out requirements relating to the service of notices, orders and other documents under this bill.

Clause 34: Use of staff

This clause allows the Minister to utilise staff from any administrative unit or public authority.

Clause 35: Annual report

This clause requires the Minister to prepare an annual report for the previous financial year, and to cause a copy of the report to be laid before both Houses of Parliament.

Clause 36: Continuing offences

This clause provides that if a person is convicted of an offence that relates to a continuing act or omission, the person may be liable to an additional penalty for each day that the act or omission continued

but not so as to exceed one tenth of the maximum penalty for the offence).

Clause 37: Liability of directors

If a corporation commits an offence against this measure, each director of the corporation may also be prosecuted for the offence, and if guilty, may be liable for the same penalty as fixed for the principal offence. This may occur whether or not the corporation has been prosecuted or convicted of the offence.

Clause 38: Evidentiary provision

To assist in proceedings for an offence against this bill, this clause provides that certain matters, if certified by the Minister, alleged in the complaint, or stated in evidence, will be proof of the matter certified, alleged or stated, in the absence of proof to the contrary.

Clause 39: Power to waive or defer payments

This clause provides that the Minister may, with or without conditions, waive or defer a payment of an amount due to the Minister under this bill.

Clause 40: Immunity provision

This clause provides that no liability will attach to the Governor or the Minister (or a person or body acting under the authority of the Minister) for an act or omission undertaken or made by those persons with a view to implementing the Project or furthering or enhancing the Project Undertaking.

Clause 41: Right of action against person in default

A person who suffers loss (including where the loss represents harm or damage to a key environmental feature on that person's land) on account of a contravention of this bill, or any order issued under this bill, will have a civil right to claim compensation for loss. However, this does not limit or derogate from the operation of clause 40 of this bill, nor does it create a right of recovery against the Minister or the Crown (or any person acting with the authority of the Minister or the Crown).

Clause 42: Regulations

The Governor will be empowered to make regulations for the purposes of the measure.

Clause 43: Review of Act

This clause provides that this bill will be reviewed four years after the day it comes into operation.

SCHEDULE 1

Project Works Corridors

This Schedule describes the project works corridors.

SCHEDULE 2

Amendment of the South Eastern Water Conservation and Drainage Act 1992 and Transitional Provisions

Clause 1: Amendment of South Eastern Water Conservation and Drainage Act 1992

This clause makes amendments consequent on the enactment of this bill.

Clause 2: Transitional provisions

This clause provides for transitional provisions consequent on the passing of this bill, and provides that the Governor may, by regulation, make any other provision of a saving or transitional nature consequent on the enactment of this bill.

The Hon. R.D. LAWSON secured the adjournment of the debate.