**SOUTH EASTERN WATER CONSERVATION AND** **DRAINAGE (MISCELLANEOUS) AMENDMENT BILL 1995**

**Legislative Council, 28 November 1995, page 633**

Second reading

Received from the House of Assembly and read a first time..

The Hon T K GRIFFIN (Attorney-;General): 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.

The South Eastern Water Conservation and Drainage Act 1992 is the appropriate Act under which the Government may obtain the landholder component of the Upper South East Dryland Salinity and Flood Management Program funding. It has been agreed by the South Australian Government after a comprehensive Environment Impact Statement and economic analysis that the project should proceed and that landholders should provide 25 per cent of the cost to meet the private benefits of the scheme.

The Bill proposes to amend the South Eastern Water Conservation and Drainage Act to allow for the collection of a levy to meet the requirements of the Upper South East Dryland Salinity and Flood Management Program and for any other future programs that may be required in the South Eastern Water Conservation and Drainage area. Extensive consultation in the catchment of the upper south east has resulted in a proposed four level levy on a per hectare basis being developed as the .most equitable arrangement. Since flexibility is required in determining the most equitable arrangement, the amendments are not prescriptive but allow the Minister to determine the rates and publish them by notice in the Gazette. Before making a determination, the Minister must consult with the South Eastern Water Conservation and Drainage Board which includes in its membership three elected members from the district and one representing Local Government.

The Bill also provides for the staggering of terms of office for those members who are appointed to the Board by the Governor. As the Act now stands, all members are appointed or elected for fixed terms of four years, thus resulting in all eight members' terms of office expiring on the same day. So as to provide for some continuity in experience amongst Board members, the Bill provides that appointed members may in the future be appointed for any term of office, providing that it does not exceed four years. This greater flexibility applies whether the appointment is made on the expiry of 4 term of office or on a casual vacancy occurring.

The third main amendment proposed by the Bill relates to the entitlement to vote for elected members of the Board. Only one person in a partnership is entitled to vote on behalf of the partnership and, under the current provisions, this person must be specifically nominated by the partnership. Many partnerships have not lodged such a nomination with the Board and so, to facilitate voting in such cases, the amendments provide that the first named partner on the certificate of title (and therefore the electoral roll) will be the person entitled to vote on behalf of the partnership until such time as the partnership nominates another partner in accordance with the Act. The Government hopes that this will result in a greater voter turnout for Board elections.

The remaining amendments are consequential to the above changes. The opportunity is also taken to delete several obsolete references to the Water Resources Appeal Tribunal and to change references to divisional penalties to specific dollar amounts in line with Government policy.

Explanation of Clauses

Clause 1: Short title This clause is formal.

Clause 2: Commencement This clause provides for commencement of the Act by proclamation.

Clause 3: Amendment of s. 3—Interpretation This clause amends the definition of 'eligible landholder' to bring the minimum landholding for eligibility to vote at Board elections down from 'more than 30 hectares' to 'more than 10 hectares'.

Clause 4: Amendment of s. 11—Entitlement to vote at Board elections

This clause provides that, in the absence of a specific nomination from a landholder partnership, the first member of the partnership named on the electoral roll will be eligible to vote at Board elections.

Clause 5: Amendment of s. 13—Term of office of Board members This clause provides that appointed members of die Board will be appointed for terms of office not exceeding 4 years. Elected members' terms of office remain as 4 year fixed terms. The subsection dealing with casual vacancies for appointed members is struck out.

Clause 6: Amendment of s. 16—Conflict of interest Two penalties are converted from being expressed as divisional penalties.

Clause 7: Insertion of s. 34A This clause inserts a new provision that gives the Board the power to raise a levy in respect of any financial year. The levy will be raised over private land within the Board's area and may vary between landholders. Persons who own or occupy 10 hectares or less will not be levied. The funds so raised will (after deduction of certain administrative costs) be applied towards the cost of constructing or maintaining the Board's water management works. The rate of contribution and the area to which it applies will be fixed by the Minister after consultation with the Board. The contributions will be collected by the Board and are enforceable as a debt. Unpaid levies will be a first charge over the relevant land. Private land is defined to mean all land other than Government or council land.

Clauses 8 to 13:

These clauses convert various penalties from divisional penalties.

Clauses 14 and 15: These clauses substitute references to the former Water Resources Appeal Tribunal with references to its successor, the Environment Resources and Development Court.

Clauses 16 and 17: These clauses convert various penalty provisions.

Clause 18: Amendment of .54—Proceedings for offences This clause repeals the now obsolete subsection that classified offences under the Act as summary offences.

Clause 19: Amendment of s.59—Regulations This clause converts the maximum penalty that can be fixed by the regulations to an amount in dollars.

The Hon. R.R. ROBERTS secured the adjournment of the debate.