**RIVER MURRAY (MISCELLANEOUS) AMENDMENT BILL 2005**

**Legislative Assembly, 22 September 2005, pages 3555-6**

Second reading

**The Hon. K.A. MAYWALD (Minister for the River Murray)** obtained leave and introduced a bill for an act to amend the River Murray Act 2003, and to make associated amendments to the Development Act 1993 and the Renmark Irrigation Trust Act 1936. Read a first time.

The Hon. K.A. MAYWALD: 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.

**Introduction**

The River Murray (Miscellaneous) Amendment Bill 2005 seeks to make administrative and minor changes to the River Murray Act 2003 and two associated Acts (being the Development Act 2003 and the Renmark Irrigation Trust Act 1936) that relate to the protection and enhancement of the River Murray. The Bill seeks to clarify certain matters and to reduce current ambiguities associated with administration of, and compliance with, those Acts as well as improving government timeliness.

**River Murray Act 2003**

The Bill proposes a number of changes to the River Murray Act 2003 that will provide greater protection for the River Murray. The definition of activity is to be revised to recognise that an activity can also mean a series of acts. The cumulative impact of an activity is frequently as great a cause of environmental degradation as an individual act and that it may be a series of acts that will constitute a breach of the general duty under the River Murray Act, rather than a single activity. Amending the definition to include a series of acts will provide added protection to the River Murray.

At present, a prosecution for breach of a River Murray Protection Order must commence within 6 months, and breach of any other order, within 2 years. For an environmental offence, these time frames are often too short as it can be expected that a breach of a Protection Order may not become evident until after the six-month period has elapsed. Expanding the timeframes in which proceedings for an offence under the River Murray Act 2003 must occur will provide added protection to the River Murray. Changes to time frames to commence prosecution will provide consistency with the Environment Protection Act 1993, which allows prosecution to commence within three years of commission of the offence, or within 10 years with the consent of the Attorney-General.

Further amendment to the River Murray Act 2003 relates to minor wording changes to provide greater clarity within the River Murray Act 2003 that will help to aid in the more effective administration of the Act. An example in this regard relates to the publication of the Implementation Strategy, which will be widely published and, in relation to which, notice of the publication of the strategy will be given in the Gazette.

**Development Act 1993**

Currently under the Development Act 1993, the Minister for Urban Development and Planning must consult with the Minister for the River Murray on amendments to Development Plans when all or part of the Council area for which the Development Plan relates is within the Murray-Darling Basin, even though the actual amendment may relate to an area outside of the Murray-Darling Basin.

As a result of amendments to the Development Act 1993, a more efficient process for referring amendments to Development Plans to the Minister for the River Murray will be established. Firstly, it will only be those amendments to Development Plans that relate to the Murray Darling Basin that will need to be referred to the Minister for the River Murray. Secondly, the proposed amendments will also enable procedures and timelines for any referrals of amendments to Development Plans to be established under regulations.

To ensure that these changes do not impact on the Minister for the River Murray’s activities relating to policy development and consideration of activities under the River Murray Act 2003, a further amendment clarifies that the changes will not affect or limit these operations.

 Overall, these amendments will improve government service delivery and improve timeliness.

**Renmark Irrigation Trust Act 1936**

Changes to the Renmark Irrigation Trust Act 1936 will enable the Renmark Irrigation Trust to undertake payment transactions using any method that the Trust agrees to by resolution. This will remove dated and over restrictive methods for making payments whilst still ensuring that an appropriate level of accountability is maintained and documented.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title This clause is formal.

2—Commencement The measure will be brought into operation by proclamation.

3—Amendment provisions This clause is formal.

Part 2—Amendment of River Murray Act 2003

4—Amendment of section 3—Interpretation The definition of activity is to be revised so that it is clear that it includes an act carried out on a single occasion or a series of acts.

5—Amendment section 14—Powers of authorised officers This amendment is of a minor drafting nature.

6—Amendment of section 21—Implementation Strategy Section 21(7)(a) of the Act currently requires that the Implementation Strategy must be published in the Gazette. The amendment will mean that such publication in the Gazette is not required, but that notice of the availability of the Implementation Strategy is to be published in the Gazette. Copies of the Implementation Strategy will continue to be available at a place or places determined by the Minister.

7—Amendment of section 23—General duty of care These amendments are consequential on the revision of the definition of activity.

8—Amendment of section 29—Interim restraining orders This amendment addresses an incorrect cross-reference.

9—Insertion of section 37A This clause makes specific provision with respect to the period within which proceedings for a summary offence may be commenced.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions This clause is formal.

Part 2—Amendment of Development Act 1993

2—Amendment of section 24—Council or Minister may amend a Development Plan Section 24(3) of the Act is to be revised so that the consultation requirement involving the Minister for the River Murray will only apply if the amendment to a Development Plan relates to a part of the Murray-Darling Basin (rather than the current provision under which any amendment to any Development Plan that relates to a part of the Murray-Darling Basin must be referred to the Minister for the River Murray). It has also been decided that provision should be made so that the regulations can prescribe appropriate procedures and timelines in connection with the consultation requirements under subsections (2), (3) and (4) of section 24. However, it is to be made clear that these arrangements are not to derogate from the operation of section 22(5) of the River Murray Act 2003 (which allows the Minister responsible for the River Murray Act 2003, or any other Minister, to refer an unresolved issue that has arisen between two Ministers to the Governor for determination).

Part 3—Renmark Irrigation Trust Act 1936

3—Amendment of section 97—Receipt and payment of money This amendment revises the manner in which the Renmark Irrigation Trust may make payments. However, the trust will be required to ensure that there are proper systems in place to record the receipt, depositing and payment of money by or on behalf of the trust.

The Hon. I.F. EVANS secured the adjournment of the debate.