



## Submission by The



*In response to*

Government of South Australia  
Rural Solutions SA

# Draft South East Drainage System Operation and Management Bill

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The South Australian Farmers Federation (SAFF) thanks Rural Solutions SA for the invitation to comment on the Draft South East Drainage System Operation and Management Bill.

General comments:

- The SAFF strongly disapproves of the way the consultation was managed:
  - The consultation process was undertaken by Rural Solutions. Land owners would not naturally relate this organisation with drains; compared to if it was undertaken by the NRM Board or Department for Water. This may have resulted in the low numbers at the public meetings, as there was only 1 land owner at the Kingston meeting and 4 land owners at the Millicent meeting.
  - The Department for Water and Rural Solutions must take into consideration of when peak seasons are in the regions. Many farmers in the south east are currently shearing so it is almost impossible for them to give the consideration for the consultation that they should. A longer consultation period must be given when new legislation/amendments impacts directly on farmers.
  - The consultation process occurred over some part of the Local Government election period. Local Government were in caretaker mode and may not have been able to make the necessary comments as required. This is important being that the current South Eastern Water Conservation and Drainage Board has a Local Government representative on it and acknowledges that the view of Local Government is important.
- The SAFFs policy on any levy is that the process needs to be the same as the NRM Levy that is subject to the scrutiny of Parliament; and that any monies raised from a regional levy must be used in that region. Government policy of full cost recovery must include consideration of public good. SAFF would oppose a levy if the levy was deemed to be the responsibility of individual land owners.
- Any new environmental legislation, such as the SEDSOM Bill must be complimentary to existing environmental legislation that is working effectively. It must have similar methods and review structures for levy collection, similar powers of entry and similar spending of levy funds into the region, eg. Native Vegetation Act and NRM Act.
- Drainage & wetland management strategies and Water Allocation Plans must complement each other.

### Specific comments:

- The SEDSOM Board should consist of no less than 5 members in total. SAFF's policy on Government Board selection is that the Minister must make a selection from a list of SAFF recommended nominees. This is the process that occurs with the Native Vegetation Council and NRM Council. SAFF suggests that the majority of the members of the SEDSOM Board must be or have been land managers in the South East region; and that the majority of the SEDSOM Board members must reside in the South East region. For transfer of knowledge and succession planning there should be fixed overlapping terms of Board members.
- Easements should be registered on the title of the land so current, subsequent and prospective owners of the land are aware of the existence and potential effects of the easement on the use of the land.
- If there is indication that an easement may prohibit, restrict or regulate access by the landowner on an on-going manner, then the Minister must consider purchasing this area of land.
- The SEDSOM Board and Minister must have consent from the land owner or pay adequate compensation to the land owner, if it wishes to alter the area or extent of any easements that may impact on a land owner's profitability.
- It is not acceptable for the SEDSOM Board to 'assign the SEDSOM Board's interest under an easement to another public authority'. If this occurs all the powers of this Act may be negated and passed to another authority with differing management intentions.
- The wording around 'protection orders' is too general. They need to be more specific to drainage and wetland issues. General management costs should not be borne by the landholder which can be inferred from '(d) to undertake any measure or program to protect or improve the environment and (e) to restore any land or aspect of the environment to its previous state'.
- Land owners must be able to claim compensation from the SEDSOM Board or the Crown if an official 'order' (protection, interim restraining, etc) was issued and it was proven that there were no reasonable grounds for issuing of the order.
- The fencing of easements and the status and ownership of such fences need to be made clearer. Some sections of the Fencing Act relieve the Government of any responsibility.
- The current wording deems a person 'guilty', from which then they need to prove their innocence (Chapter 53). 'Presuming' the owner of the land was the person who undertook the offence wont always be the case as the general public are very capable of accessing the drainage works areas if they wanted to. If land owners who were 10's of kilometres away from the infrastructure were charged a levy as they received some benefit, then land owners who may be at distance from the drains may have issues with the drains and may choose to interfere with them.

In Australian law, the accused are considered to be innocent until proven guilty beyond all reasonable doubt. The SAFF does not tolerate the blatant disregard for common law that is written into the current version of the SEDSOM Bill.