

NATURAL RESOURCES MANAGEMENT (REVIEW) AMENDMENT BILL – 9 February 2011

Adjourned debate on second reading (resumed on motion).

Mr PEDERICK (Hammond) (15:36): I rise to speak to the Natural Resources Management (Review) Amendment Bill. I note my interest, and that of my wife, in natural resources management. My wife was a staff member with the Murray Mallee task force and worked on the Integrated Natural Resources Management Plan in the Murray-Darling Basin out of the Murray Bridge office, and did work at a senior level with the natural resources management board. Sally does not work there any more because I indicated to her that it was my wish that our two young boys grow up recognising one of their parents.

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: The Minister for Correctional Services reckons she is the one that makes the rules in the house. I wonder if that is what happens in his house.

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: Absolutely; he agrees, and he may be right on my side of the ledger at times as well. He is having a very enjoyable time with his first child and I commend his family for what they have been through as far as health issues, etc., and I am glad that things are onward and upward for him.

Getting back to the bill, I declare that interest in natural resources management. It is interesting to note that, since the days that Sally worked there, money seemed to be more readily available, from both the state and federal governments, for natural resources management, under National Action Plan salinity programs. Now applications for funding go through the more competitive Caring for our Country process, which opens funds up a bit more and also limits the access of natural resources management boards to funds.

In light of that, another part of the problem is that bureaucracies have increased by a tremendous amount, and in some cases by about double the number of staff on the ground. This is causing major problems in actually getting funding from natural resources management to hit the ground. You might have a little project of \$250,000, for example, and by the time the dollars hit the ground, \$200,000 has been burnt up in bureaucracy. So, to get a \$50,000 outcome, you may burn up \$200,000.

We are also seeing a lot of these boards justifying their existence. There has to be accountability, but you wonder at what level, when plans are constantly put out year by year, some plans biannually, about what projects they want to put up and bidding for projects. It scares the heck out of me how much time and effort is put into the bureaucracy when we see so many issues out there on the ground, such as soil management, control of pest plants, weed management, fox management, etc.

Just as an aside, it is interesting to note that, with fox, or more like wild dog management, I should say, in pastoral country, you can put out dog baits from a utility, but it is not legal to drop them from the air. I would have thought that if you are going to do any type of program to control the ever-increasing menace of wild dogs getting through to pastoral country that should be relaxed, because there is that much country for these pastoral owners to get over. They know their country, they know where to put the baits, and it would be far more economical to do it from the air.

I would also like to refer to issues with natural resources management, where officers involved with this seem to think that they have more powers than the police. What is happening at times, when some of these officers turn up at people's places to enforce the law, as they see it, is just disgraceful.

I would just like to go through a story about Kevin Parker from McGee, between Swan Reach and Loxton. I believe there has been a bit of media work on this lately on the radio. This has been an issue for Kevin Parker's family since the 1980s. Going through some of the history, in 1988, his family applied to clear the property, and it took five years before actually receiving the approval paper. I note that the clearing permit for regrowth is for 10 years. As long as you keep it controlled every 10 years, it is a legal operation, I believe. Once approved, you must carry the permit on you when clearing.

In 1999—note the time difference, from 1988—he was contacted to say he had been approved. Compensation was paid, and he could clear, if he agreed to a heritage agreement on all vegetation. In 2001, a letter arrived admitting that the department had failed to send approval paperwork and to say that he now had a two-year extension. His understanding, therefore, was that he had the 10 years plus a two-year extension from the date.

He has at least four neighbours who are all concerned about what has happened. One neighbour still has 2,000 acres to clear, and he believes that if he cannot do this regrowth clearance, Elders may as well take their farm; he may as well put the farm on the market through Elders, or someone else.

Kevin contacted the office again the other day and said that they had been clearing some regrowth on their property during August. At 11:45am, he notes, six armed police arrived with officers of the Native Vegetation Authority—who stayed outside—wanting his paperwork on clearing and heritage agreements. They were there for four hours and treated Kevin Parker and whoever else was present like animals. They served a court order on him, banning him from any more clearing work on his property—this is 1,700 acres at McGee, half way between Swan Reach and Loxton. There is a heritage agreement for over 700 acres. They gave no information as to why they were there.

Kevin said that after several minutes he noticed that one of the men was carrying a tape recorder, and this man admitted that he was taping the conversation even though he had not advised Kevin of that. Kevin indicated that, 22 years ago, his father signed a clearing agreement that had no time limit on it to get a clearing permit. Part of the deal was that the department would fence the heritage area—and, of course, they never have, as they never do. He said that his father would not have signed any agreement with a time limit on it because the corresponding heritage agreement has no time limit.

The Native Vegetation branch is now saying that the permit expired 10 years ago. Kevin Parker says that they never got a copy of the permit at the time, but it appears that, whatever the department has, it does not show a time limit, otherwise the officers would have brought it with them.

He said that someone in the department had interpreted the agreement and decided that the agreements are now for 10 years and that theirs ran out a long time ago. They were not notified of this, if that is to be the case. Kevin believes that he is being victimised and that some local identities are keen to get him off his land. He had a number to call someone in the department but it did not work. He was very angry. He has spoken to his lawyer who says he would love to get the department in court. Why do we get to these levels of angst in the community?

What has happened at Kevin Parker's property is that a work order has been imposed so that he cannot clear this land. The section number that has been imposed upon is part of five other sections which, by law, were freehold under one title. The authorities turned up to serve the work order, which covers the cleared ground as well. He is still harvesting and, when the authorities turned up, police were involved. As I indicated, there were some plainclothes officers as well as armed officers (and I would not be surprised if the plainclothes officers were armed, as well), and there were native vegetation officers, I believe, up on the hill.

As I said, he is still in the middle of harvesting. He wanted to invest in a couple of more modern harvesters to reap his crop and get his contract harvesting business up and running again as it has been silent for a couple of years because of poor seasons. However, this man's problem is that he cannot borrow against a multimillion dollar asset, he cannot afford to get his grain carted (it is all stored on-farm), and he is worried about, just around the corner, sowing this next year's crop and financing it.

I call on the minister to have a look at this situation to see what is going on because it is basically forcing the Parker family out of business. They are jammed in a spot. They have tried to do the right thing over decades. You can almost understand why people do the wrong thing and do not worry about getting a permit because, when they try to do the right thing, they get buried in bureaucracy. Bureaucracy does not function, permits do not turn up on time and the next thing there are police on the property, victimising this poor family.

Mr Williams: They got turfed off a farm further down south in the Mallee.

Mr PEDERICK: They may have; I do not know.

Mr Williams: It was 25 or 30 years ago; the same family.

Mr PEDERICK: It could be. The member for MacKillop says he has had victimisation on another property further down the South-East.

Mr Williams: No, in the Mallee.

Mr PEDERICK: In the Mallee, sorry, about 30 years ago.

Mr Williams: It was 30 years ago—the same thing.

Mr PEDERICK: What I would like to ask is: what is going on here? As I said, I want the minister to investigate this case to see if we can get a decent outcome for this hardworking family in the Mallee who are doing it tough and have had it tough for very many seasons. The one year they get a chance to get a decent crop off, and they would have been able to get some contract harvesting, they are not able to take up all those options.

I also want to mention a constituent I did some work for—Mr Graeme Fischer—and this has made the media as well, and the minister would be aware of this. I note the involvement of the Hon. John Darley from the upper house. I want to put a couple of items on the record. Mr Fischer was convicted in 2006 and fined \$18,000 for stealing water from the Bremer River. In light of that he went to his local member (who was me) and made some allegations about how the departmental officers entered the land and as to whether they showed identification or not.

I wrote a letter to the Hon. Gail Gago in September 2006 as she was the minister at the time. It was indicated to me that the property had been raided late at night and the constituent indicated that he was not shown any identity cards and that the officers had forced their way onto the property. The answer from the minister stated:

Officers from the DWLBC (the Department of Water, Land and Biodiversity Conservation), including Investigations Unit staff, attended Mr Fischer's property at Hartley, on the evening of Friday, 18 August 2006, as a result of information received regarding allegations of unlawful irrigation of commercial crops on the property at that time.

Mr Fischer was clearly informed that officers in attendance on the property were working with the department concerned and an authorised officer identity card was shown to Mr Fischer, as well as an information sheet (Number 8477) being issued to Mr Fischer, pursuant to section 69 of the Natural Resources Management Act 2004 (NRM Act). A copy of an NRM Act Information Sheet is attached for your information.

DWLBC has informed me that neither Mr Fischer nor Ms Fischer are authorised to take water from the Bremer River for any purpose other than for stock and domestic use and that they are well aware that they cannot take water to irrigate commercial crops.

I am advised that the incident is a result of several months of offending by the Fischer family, after lengthy and repeated attempts by DWLBC staff to ensure compliance through consultation and voluntary measures. DWLBC's Investigations Unit is continuing to conduct an investigation into allegations of unlawful taking of water on the Fischer's property.

I also went in to bat in 2008. I wrote to the former attorney-general, Michael Atkinson, to see what sort of legal aid I could get to assist Mr Fischer. I am not for one minute indicating whether Mr Fischer is innocent of what he has been charged with. He has been found guilty in the Environment, Resources and Development Court; he has had to pay the fine. I am interested that it has come up in recent talkback discussion, but I just asked the question to the minister at the time if the proper actions were taken by Natural Resource Management officers in attending the property.

The minister indicated they were; so my concern is about whether the officers did operate in a proper way in attending the property. I said on the radio the other day that I would like the current minister to go over the file and let me know—it does not have to be in the reading of the bill—in the future and confirm that what the former minister Gail Gago iterated to me is a correct statement.

Here we have issues, and I go back to the Parker issue in Magee, up there near Mantung. The NRM officers probably need a map to find the place. This is where I believe inappropriate action was taken to enter a property, bringing a swag of armed police. What do they think farmers are? What do they think they are?

My background is farming and, generally, most farmers are good, law-abiding citizens wanting to look after their land. They do not want to cause trouble. I look at the Parker family. They are trying to do the right thing, go through the approvals process, but it appears that the department has not been timely, to say the least, in getting information to them, being accurate with information. When they want to hit with a hard hand in they go—bang—in they come to victimise these people. People need protection, and it should be addressed during the passage of this bill.

I just want to refer to a couple of other things in the clauses. Clause 16, which deletes section 72 of the current act, provides that a person can refuse to answer a question or refuse to provide documentation on the grounds of self-incrimination. So, now, if this section of the bill can go through, not only will you have armed police and native vegetation officers attend your property, but you also will not have the right not to speak. This is a basic human right.

You notice the Americans take it to the nth degree. You do not even have the right not to say anything, especially if these people have not had legal advice and if they are 'monstered', victimised by officers, not sure what is going on. People are trying to do their law-abiding work on their own land, and then they get told, 'No, you have to put up or you're in great strife because you won't make comment.' I believe that is something that has to be dropped out of the bill because it will put people in a very dangerous spot. I hope the minister can address it in his contribution later on.

As I said, there are many issues in natural resources management. There are issues about getting money to hit the ground—money that actually works for people, money that actually controls weeds and feral animals—and not this money that is just being burnt up because they are getting less and less of it, so there is a higher percentage of it being burnt up just paying staff to sit in offices or roar around in Commodores or utilities doing their job.

Even during the locust spraying time, I heard of two NRM officers being sent up from Murray Bridge to the Riverland to have a look. They went up Friday afternoon in two separate vehicles, decided it was pretty bad, and went back to work at Murray Bridge. If the locusts are there, you need to hit them then and there and you get on with the job.

So there needs to be some reality in the job. There are good people on NRM boards who are trying to do the right thing, but I also believe there are as many good people becoming disillusioned who would like to be involved but just look on it, as the deputy leader (the member for MacKillop) said, as just another level of bureaucracy coming down on their lives and telling them what to do.

Mr PEDERICK: I, too, want to speak against this amendment. I think it is draconian and I think it exemplifies the jackboot brigade that this government oversees. There is enough trouble happening out there now on the land with people turning up and over-exerting their powers, and under this power they will basically be able to turn up and, as the member for Schubert and the member for MacKillop have rightly said, just demand information. It is outrageous in this day and age.

This is the sort of stuff that happened in Nazi Germany in the forties. This is absolutely outrageous. People have the right to remain silent. They have the right to remain silent. I know the minister did not like my speech before when I talked about examples of people who have had heavy-handed tactics—a good, hardworking taxpayer of this state who can't get a mortgage over his farm and can't upgrade his harvesting equipment to keep his business going because he has a work order over his property. This is totally outrageous and the minister wants to preside over a bill that gives more powers to officers who are out of control, and he needs to remedy it.