



PARLIAMENT OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

**TONY WINDSOR MP**  
**INDEPENDENT**  
FEDERAL MEMBER FOR NEW ENGLAND

Shop 5  
259 Peel Street  
TAMWORTH NSW 2340

**All Mail:** PO Box 963  
TAMWORTH NSW 2340

**Ph:** (02) 6761 3080  
**Toll Free:** 1300 301 839  
**Fax:** (02) 6761 3380  
**e-mail:** Tony.Windsor.MP@aph.gov.au  
**Web Page:** www.tonywindsor.com.au

## MEDIA RELEASE

15 August 2007

# Windsor opposes Water Bill – the only one Here's why

### WATER BILL 2007 WATER (CONSEQUENTIAL AMENDMENTS) BILL 2007 Second Reading

**Mr WINDSOR** (New England) (5.27 p.m.)—I will not be supporting the [Water Bill 2007](#) or the [Water \(Consequential Amendments\) Bill 2007](#) and I would like to spend the next 20 minutes outlining why. On 7 February 2007, I put out a press release saying that I endorsed the proposed water plan that the Prime Minister was putting out. I was hopeful at the time that it was more about legitimate policy than politics. In the last few months, in terms of the outcome—or the 'nonoutcome'—of the original proposal and now the referral-of-powers outcome that has produced this piece of legislation, I think we are seeing quite clearly that this is not about policy at all; it is about politics.

We just listened for 20 minutes to the member for Gwydir and I think we can understand why the Prime Minister removed water arrangements from the National Party and gave them to the Liberal Party to try and see through this process. But I do not think the current Minister for the Environment and Water Resources has seen it through at all. In fact, I think he has fallen prey to the Prime Minister's pathway of trying to create some sort of wedge in relation to the Labor Party.

I do not think the Labor Party comes out of this looking good at all either. I have constantly heard today that this is the second-best option and I would agree with that. But if it is the second-best option, why are they supporting it? The Labor Party knows full well that this particular bill bears no resemblance at all to the original water security concept that the Prime Minister had. I do not think any of us in this place would agree that the way in which water policy was put in place over the years and the state boundary issues et cetera did not need to be addressed.

However, if any member whose electorate has water interests were to support this piece of legislation, with its motivation, with the good motherhood statement it contains that can be backed up by very little policy substance, with an associated intergovernmental agreement arrangement with the states that no-one has even sighted and with the way it addresses the issues at present—something like 26 amendments were introduced by the government today—I think they would be negligent to their electorate. For that reason, I will not support this bill and quite possibly I will be the only person in this place who will not support it.

There is the intergovernmental agreement. Victoria has not agreed to it and debate is occurring at the New South Wales level—I know that discussions are happening at the moment in Sydney—about whether it will come in, due to the rules being changed regarding who will meet the compensation arrangements. The bill's clause 255, which applies to compulsory acquisition, can be removed at the

---

**For further information contact Tony Windsor, Ph (02) 6761 3080 or 0427 668868**

stroke of a pen. The National Farmers Federation are of the opinion that clause 255 will suddenly remove some of the obstacles that they believe are within the general concept; but, particularly if there is no IGA in place, how will those things be driven?

This is a great piece of Labor Party legislation. This is the sort of thing that water users would have thought the Labor Party, with a centralist attitude, would have delivered in trying to gain control of a resource. In my view, the way in which this has been perpetrated—the lack of consultation there has been with stakeholders; the lack of consultation there was at the start with Treasury officials and others, such as members of cabinet; the way it was put together on a piece of paper; and the documents that were transferred from the Prime Minister to the premiers for consultation purposes—has been atrocious. I have seen those documents. The way they were presented was an absolute disgrace. It was as though it all happened within half an hour and someone scribbled something that said: 'We've got to do something about the Murray Darling because Rudd just did something about climate change. We've got to divert this argument to where we can gain something. So let's have a water bill. Let's do something with the Murray Darling. Let's blame the states.'

Let us blame the states. In 1994, a COAG process was put in place. The member for Gwydir spoke about this earlier; the minister and many others have spoken about it also. That process allowed for reform, one part of which was water reform. That process was through the Council of Australian Governments, with the states coming together and agreeing on reform for major areas, water being one of them. So we had that process to start with. What was the binding process with that? Why did they come together? The member for Gwydir talked about property rights being recognised. In 1994, it was put in place that two things essentially would happen—other things would also happen—so that competition payments would not flow to the states unless the states recognised a number of conditions. The two major conditions were: firstly, a market would be established; and, secondly, property rights would be recognised. Because of the nation's constitutional problems, the property rights would have to be recognised at a state level. The Commonwealth, through its control of the competition policy payments, had the whip hand. The deal that was done was that the money would not flow unless the states recognised their responsibilities under the deal or the arrangement; so the Commonwealth government, the Prime Minister turned around a few months ago and said, 'The states have been incompetent; we need to move in and take this thing over and get it right.'

Let us look at what the Commonwealth actually did over that period. I do not know how many intergovernmental agreements, bilateral arrangements and catchment management blueprints there have been—almost one a year. There is the National Water Initiative; the member for Gwydir was upset that the minister had forgotten that it had even happened. Myriad arrangements were put in place under the auspices of those guarantees. Hundreds of millions of dollars, billions of dollars, have been transferred from the Commonwealth to the states, when the states have not complied with the original arrangement. The Member for Parkes knows about all this.

[Mr John Cobb](#)—I wasn't here.

[Mr WINDSOR](#)—You weren't here, so that absolves you. Good, I am pleased about that. The arrangements that were put in place were that the Commonwealth would not transfer money unless property rights were recognised. Clause 77, removal and entitlements, and clause 255 in this piece of legislation—references back to the NWI and a whole range of other things—still relate to all that nonsense. A water quality and salinity intergovernmental agreement and numerous bilaterals were put in place. Our estimate is that the Commonwealth government has had at its disposal—or disposed of—up to \$8 billion since 1996 in the name of reform, of which water has been one part. Through the Natural Heritage Trust and the whole gamut, go back and add up the money that essentially they have transferred to the states for noncompliance with the original arrangements. Now we have the circumstance where the Commonwealth has turned around and said, 'The states have been incompetent; we're going to have to take it off them—and here's another 10 to bring in some of the bigger irrigators to drink from the cake tin.' That is the major reason that I am not supporting this particular piece of legislation.

The National Farmers Federation once again, as they did on Telstra, signed off on something in the belief that there was a document that suggested that there were guarantees of broadband and telephone services for country people. Barnaby Joyce and Peter Corish were delighted with the letter that the minister had written. The letter has never been sighted. It was to be enshrined in legislation, but it has never been seen. Now we have this nonsense that the minister might regulate

against Telstra for the provision of services to country people. The horse bolted; the gate was left open. I listened to Laurie Arthur giving evidence the other day to the Senate Standing Committee on the Environment, Communications, Information Technology and the Arts. I stayed back for part of that Senate inquiry. He was pushed by some of the senators. Essentially the NFF agrees with the bill.

Then there is a debate about what is in the IGA. What puts the teeth in this legislation? How do you drive it? 'Oh, that will be worked out with the states.' What is different? Is the \$10 billion going to be used this time to induce the states to concur with a whole range of other things? Is the commission—because it becomes an authority—going to have any real authority for this? Why would the National Farmers Federation sign off on something when they have only seen half the paperwork? Why would you trust the Labor Party with something like this, open-ended as it is? Clause 255 on compulsory acquisition is gone with just one amendment. We heard the member for Parkes, the Assistant Minister for the Environment and Water Resources, say, 'That won't happen; we would never do that.' But you are putting in place legislation that will allow it. You might not do it. You might tell people that you will not do it, but you told people you would not sell Telstra and you told people that there were guarantees of equity of access to broadband and telephone services. But those things are forgotten. And he said, 'I wasn't here.'

What happens in five years time? A lot of this does not come into play until 2015. There is a gap between September 2014 and January 2015 when anything can happen. That has not been closed up. None of us will probably be here then, but we are putting in place some sort of overarching arrangement that is based on motherhood that says state boundaries are nasty things in terms of natural resource management. Of course they are, but this is not the way to achieve the outcome. The way to achieve the outcome is to stop, review your motivation, bring the people into the tent and get the thing organised. It was a failure from the start. Treasury, the Murray-Darling Basin Commission and the former member for New England, who is the chair of it, had no idea what the Prime Minister said. Surely, something as important as this major water course through four states would have compelled someone with legitimate motives to ask the commission—the people who have been overseeing these things and who know where the savings are—'What do you think we should do?' But we have had none of that. I think it is an appalling process, and we have seen variations of the same theme with hospitals, Aboriginal children and a whole range of other things in recent weeks. I do not think that is good policy. It might be funny politics and it might look good. The bill says 'water' and 'Murray-Darling', and that is important, but there is no stomach to this legislation at all in the way in which it will work other than there will be another layer of bureaucracy called the authority. There are a number of issues there that are terribly important.

The minister said that the basin plan will essentially establish new plans over time. He talked about establishing a cap that relates to surface water and groundwater. That was as recently as yesterday. I received a letter from the minister today about the interconnectivity of groundwater systems with surface water systems and the scientific knowledge of what is going on in the ground. Bear in mind that this legislation is going to bring them both together so that there is essentially a cap of water sources, irrespective of where they come from. I have looked, and I know the member for Gwydir has looked—and I congratulate him for doing so—and I ask the minister to look, at a major coalmine cutting through the artery of a whole range of interlinked groundwater systems on the Liverpool Plains. It is some of the best land in the world. The minister says, 'That is a state planning issue,' completely bypassing what is being talked about. If we are serious about the Murray-Darling system, why is the Commonwealth not looking at the first major coal development in that essential drainage system that has a major groundwater aquifer in it and the impact that could have? 'No, we will leave that to a state based planning process. We will just look around a half dozen backyards to see if it affects outside. We can buy the little backyards.' We can buy 20,000 or 50,000 acres and destroy it if we want, but what happens to the land 100 kilometres away? What happens at Walgett 200 kilometres away, if there are interrelationships? Surely a government that was very concerned about South Australia getting water would do something about that. Has anybody in this place been to Lake Alexandrina? It is a major lake, 20 times the size of the seat of Wentworth, and it is a disgrace. What the barrages, as they call them, have done to the salinity around the lake is an absolute disgrace. The government is partly funding drainage schemes. It has been created by an artificial system. The dam's water is back 100 kilometres. The evaporation rate on Lake Alexandrina is half what the cotton industry in New South Wales uses. I agree with the member for Gwydir in his comments about people not understanding a lot of this issue. Of course, everybody goes straight to the cotton industry and blames it for everything. What about the end of

the system where there is an artificial dam? No wonder there is no water going out the Murray mouth. We have massive barrages that dam the water back to Murray Bridge. I do not have a lot of sympathy for the South Australian arguments that are put up.

I would suggest that this bill should not go through the House. I think the issue is far more important. Leaving the bill open-ended may be good politically for Malcolm Turnbull and others in the cities. As the member for Gwydir mentioned, there are a lot of misconceptions within our cities. I think this bill is aimed at those people rather than at the better management of water within the Murray-Darling system. This bill should be let to sit until after the election and then a real process of consultation should be engaged in, where people within the various states can play a real role, not a plastic role. Why should Morris Iemma and Peter Beattie speak for the rest of the people within their states and walk up to the Prime Minister and say, 'We'll sign off on this'? They represent all the people within their states. The Prime Minister is dancing around at the moment, saying, 'Beattie has removed democracy from Queensland.' Why not put up a proposal with the concurrence of state premiers and water users et cetera and put it to a vote within the Murray-Darling system? Oh, no, they could not that!

It is a major change that we are proposing—for good reasons; the motherhood stuff is good—but, surely, if the Prime Minister wanted to achieve a positive outcome, he would have had a consultative process rather than the rather obscene, hidden process from which various premiers, for all sorts of political motivations, want to remove themselves. It is quite obvious that Morris Iemma, who has had great difficulty—and Bob Carr before him—with the various overallocation issues in New South Wales, would want to get rid of this. He would see the Prime Minister as the greatest thing in 2,000 years; he has suddenly arrived with money and wants to take a problem away from him. The Premier is not particularly interested in what is happening in country New South Wales anyway, so whoopee! But that does not necessarily mean that the people within those catchments are happy with this. I think that, if it were spelt out to them, what you have here is a broadbrush piece of water legislation which has no stomach to it. That stomach, after this bill passes, will presumably be negotiated with the states through intergovernmental agreements. There is still no real security in the acquisitions issues. *(Time expired)*