**UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT (EXTENSION OF PROJECT) AMENDMENT BILL 2009**

**Legislative Assembly, 15 October 2009, page 4362**

Second reading

**The Hon. J.W. WEATHERILL (Cheltenham—** **Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation, Minister Assisting the Premier in Cabinet Business and Public Sector Management):** 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 Upper South East (USE) Project was developed in the early 1990s to address community concerns about dryland salinity, waterlogging and the degradation and fragmentation of ecosystems in the Upper South East.

On 19 December 2002 the USE Project was given specific enabling legislation: the *Upper South East Dryland Salinity and Flood Management Act 2002*(USE Act).

The USE Act was extended in 2006 to ensure that construction of the drainage network could continue as it was considered essential to mitigate flood risk, remove saline groundwater to improve agricultural productivity, and provide fresh water to meet the requirements of wetlands and threatened species.

The Bill being presented today seeks a further three-year extension to the USE Act to 19 December 2012. A number of important events have taken place that contribute to the need to extend the Act.

In June 2006, a comprehensive proposal to part-fund the *Restoring Flows to the Wetlands of the Upper South East of South Australia* (REFLOWS) project, was submitted to the National Water Commission for consideration. REFLOWS involves construction of floodways to partially redirect historic environmental flows to the Upper South East. Its objective is to construct the infrastructure that will opportunistically manage excess flows created by significant episodic rainfall events. The floodways will encourage water flows back into the historic watercourses of the Upper South East, thereby managing flooding events and providing water to the environment. The project links the Lower South East drainage system to the Upper South East by diverting water to the north from Drain M (which currently flows out to sea). The intention is to provide benefit to wetlands along the watercourse and ultimately to the Coorong if the rainfall event is large enough.

In a further development, the Natural Resources Committee of Parliament tabled its annual report on the USE Act for the period July 2007-2008 in November 2008. The report made recommendations for further study and assessment of environmental risks of aspects of the Project. The Committee recommended that no further work be undertaken on the Bald Hill groundwater drain or REFLOWS floodways pending these studies.

Two reviews were therefore undertaken: an independent review of the environmental implications of constructing and not constructing the proposed Bald Hill drain and an independent review of community perspectives of the Bald Hill drain and REFLOWS project. The first of these reports revealed that if no action is taken further degradation of the West Avenue watercourse is likely to occur. The second report found there was majority support for construction of Bald Hill and REFLOWS.

While the two independent studies and the cessation of work on Bald Hill and REFLOWS has delayed construction, they have provided the certainty required to complete the Project, including the construction of REFLOWS.

In addition to seeking to extend the USE Act to provide adequate time for completion of both the Bald Hill drain and REFLOWS, this Bill also seeks to address issues relating to acquisition of land by easement to construct REFLOWS, simplify the revestment of land on completion of works, make consequential amendments to the compensation and fencing provisions to reflect the revestment of land and the establishment of easements, and update the interest rate provisions relating to non-payment of the levy.

I commend the Bill to Members.