



The Hon. Tony Burke MP

T R A N S C R I P T

Interview with ABC - PM

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Subjects: Murray Darling Basin plan – water allocations - consultations

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MARK COLVIN: Well, as we've heard the Murray-Darling Basin Authority has been forced into a rethink. New legal advice says it has to consider social and economic consequences alongside environmental results in deciding water cutbacks. The Authority had previously argued that the Water Act prevented it from giving the three concerns equal consideration. But yesterday the Water Minister Tony Burke told Parliament he had legal advice contradicting that view.

Mr Burke is in our Canberra studio with Sabra Lane.

REPORTER: Tony Burke, welcome to PM.

TONY BURKE: G'day.

REPORTER: Do you still have confidence in the Basin Authority and its chairman Mike Taylor?

TONY BURKE: My concern was to make sure that we clarified what the legal situation was, and I said in the Parliament yesterday I didn't offer a criticism of the authority; what mattered was how they responded to the legal advice.

REPORTER: Right.

TONY BURKE: I'm not at all critical, and I don't have any lack of confidence in the response they've shown so far.

REPORTER: This though is a major flaw, is it not, the guide is being - hasn't given equal weight or consideration to social, economic and environmental effects in deciding sustainable water allocations. The consultation is now happening with a flawed document.

TONY BURKE: They have the independence to work out how they'd do the weightings. There was a live question as to whether or not they were allowed to give an equal weighting, and there was a question that the Water Act was allegedly preventing them from doing so.

What the legal advice clarifies is, it is completely open to the Murray-Darling Basin Authority to go down a pathway which optimises all three, optimises environment, social, and economic impacts.

REPORTER: So it's not a question of getting new legal advice, rather a reinterpretation?

TONY BURKE: Well I've asked for legal advice once. Before I knew what was in it I gave a guarantee that whatever it said I'd be making it public.

I received that advice for the first time yesterday, and within a few hours I was on my feet in the parliament tabling it. I figured the only way to make sure that there was true transparency here was for me to give the commitment that it didn't matter what the legal advice said - I'd be making sure it was made public.

And that's exactly what I've done.

REPORTER: Do Basin communities deserve an explanation here? I mean the authority has gone to exactly the same source, the legal advice, and we've got two different sets of interpretations?

TONY BURKE: Well the question is to the advice that they've sought is advice that would have been made available to them. Whether they asked identical questions to what I asked, I mean I've asked for one piece of legal advice, that's what I was presented with, and I made it public immediately.

REPORTER: From day one you've said that you would not intervene in the Commission's deliberations, but by effectively asking for this advice and making it public you've done just that.

TONY BURKE: No, because there is an issue within the Parliament, a discussion had started throughout many Members of Parliament and throughout the Australian community which was this question; did

we need to amend the Water Act if people wanted social and economic factors to be fully taken into account?

REPORTER: Are you worried about the enormous community confusion now about this?

TONY BURKE: Well I think the issue's settled, I think the issue is settled. It is completely open to the authority and ultimately to the Parliament which is where all this ends up at the end of next year, completely open to us to optimise all three.

I've got to say I don't necessarily see these issues as being always in competition. Irrigators need a healthy river and I do believe we can have a healthy river system, strong food production and strong communities.

REPORTER: The Authority's chairman says this new advice means now that the Authority will have to find less water for the environment than the minimum of 300 gegalitres that was set out in the guide to the draft.

Conservationists say they're quite alarmed by this because they say that that amount is the absolute bare minimum required to restore a healthy system. Are you prepared to accept that a figure below 3000 gegalitres will condemn parts of the Basin to death?

TONY BURKE: I'm committed to there being a healthy river system among the three things that I keep referring to. Now I'm not in a situation at this point to be able to give a definitive number and to do so would just completely undermine the consultation process that's on there.

Also remember what might be able to be done with efficiencies, whether it's how efficiently we manage our environmental assets or how efficiently we work through our central irrigation structures or our on farm irrigation. There are different things that can be done that do return the river to health without necessarily causing the economic hit that some people are fearing.

REPORTER: But can you do that? I mean that's been the problem that conservationists especially have argued for years that the river has been run something like a Formula One car, that we've tried to get every drop out of it for production and the environment has been the biggest loser. How can you say that you can balance all three, that there won't be a loser?

TONY BURKE: Well don't forget the first of the efficiencies I referred to was about how we manage our environmental assets. Make no mistake here,

we are determined to deliver the reform here, we are determined to restore the Murray Darling Basin to health. There was a question about what the Act allowed, and the Act does allow the environment, economic and social impacts to be optimised.

REPORTER: Mr Taylor, the Chairman of the Authority, says that your legal advice is different from the previous opinion that says the Authority was obliged, under international agreements, to give priority to the agreements and he's hinted that lower allocations now could mean that Australia might be in breach of those agreements.

TONY BURKE: The legal advice I tabled yesterday goes specifically to those international agreements including to a 2005 ruling about the definition of the word wise, but what it effectively goes to is the acknowledgement of development and sustainable development within those international instruments. So the legal advice says the Act allows you to look at all three priorities so too do the international instruments.

REPORTER: At the end of the day though all those interests aren't going to be 100 percent happy are they?

TONY BURKE: At a time of reform, reform's not easy, reforms not easy, and the challenge that's going to be faced by this Parliament is whether or not we do what Australia has done for generations, and that's continue to just push the environment and push the Murray Darling Basin to the limit.

The Basin has shown it's a very tough negotiator and it doesn't always negotiate back the way people would want it to. We need to get to a point of reform, there was a question about the interpretation of the Act, and I do think that's settled.

REPORTER: The COAG Reform Council handed down a report on Friday on water saving projects that are happening right now on the Basin saying that out of 17 projects only five have made substantial progress to the end of last year. This is now happening under your watch, what are you going to do to speed up progress?

TONY BURKE: Well the one thing that I won't do, and I've had some pressure on the Parliament - within the Parliament encouraging me to just get infrastructure projects out the door as quickly as possible.

They do need to pass due diligence, we do need to make sure that when we're investing in irrigation and investing in efficiencies that we're actually not just getting an improvement for an irrigators but an improvement for the river as well, and I'm not going to take, no

matter how much encouragement I get, I'm not going to be sending projects out the door if I don't believe the due diligence has been properly looked at.

REPORTER: But the river can't wait for ever.

TONY BURKE: This is true but we've got significant money committed to this, it's also the case that's it's a limited pool of funds and I want to make sure we spend it wisely. I won't be apologising for that.

REPORTER: Mr Burke thanks for your time.

TONY BURKE: Pleasure to be here.

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