



**The Hon. Tony Burke MP**

**T R A N S C R I P T**

**Interview with Kieran Gilbert, Sky**

**7 December 2010**

Subjects: Murray Darling Basin plan – resignation of Mike Taylor

E&OE only

KIERAN GILBERT: First there was the public backlash with the protests throughout the Murray-Darling Basin over the draft plan for water allocations. Now the Basin Authority chairman has quit, taking a shot at the government's approach on the way out.

JULIA GILLARD: He believes that the overriding outcome that should be sought from these reforms is the environmental outcome. As Prime Minister my view is that we must optimise across the environmental, social and economic areas of work - that is the aim of these reforms is to ensure we've got a healthy river, we've got food production, and we've got viable regional communities.

KIERAN GILBERT: The Water and Environment Minister Tony Burke was asked recently about the performance of the now outgoing chair of the Basin Authority.

DAVID SPEERS: But do you as Minister have confidence in him?

TONY BURKE: I want to see how he responds to the legal advice. Certainly to date my work with him has been good and effective. I'm not at a stage at the moment of showing any lack of confidence. But I do want to see how they respond to this advice.

KIERAN GILBERT: Joining me now on the program, the Minister Tony Burke. Mr Burke, thanks for your time.

TONY BURKE: G'day Kieran.

KIERAN GILBERT: You said you wanted to see how he responded to the advice. You've got the answer.

TONY BURKE: Ultimately Mike Taylor had a different view on the legal situation with the Water Act to what the government's view is. This Government has the same view as the previous government, same view that Malcolm Turnbull had when the Water Act went through - and that's that the job of water reform is to optimise your economic, your environmental, your social outcomes. And that's how you deliver the three outcomes that the Prime Minister spoke about.

KIERAN GILBERT: So Mr Taylor isn't just the public service official made a scapegoat in the face of the fierce public backlash in the basin against the government's handling of the issue.

TONY BURKE: Well Mike Taylor has chosen to resign, and that's a decision that he has taken. In his departure, he has reiterated that he has a different view of the legal status of the Water Act to what both sides of politics have under this government and under the previous government.

KIERAN GILBERT: But instead of saying at the time of the release of the draft report, okay, that's the authority's view on the science of this - we as the government will consult. Didn't the government hang him out to dry on this?

TONY BURKE: Well no. I made a decision once we realised that there were different views about what the Water Act was asking us to do. We had the view that you were meant to optimise all three things. We had the view - which was also the view of the previous government, it's the view of my department, and the Murray-Darling Basin Authority appeared to have a different view. So what I did was, I said, well, I'll go out and seek legal advice, but I'll announce in advance that whatever that advice says I will table in the Parliament. And made it clear to the Australian Government solicitor that whatever advice they gave me I intended to make public.

That advice came through. I tabled it the day I received it.

And so you know, when you announce whatever it says, I'm going to make it public, it's hardly an agenda where you're positive that it's going to agree with you. It did agree with our view and the view of the previous government.

Now make no mistake, this doesn't mean that there isn't an environmental reform on the way. People in Australia have pretended for years that the Murray-Darling Basin somehow takes notice of state borders - and they've negotiated harder and harder with the river system and found that eventually, the river negotiates back, and when it does it's a brutal negotiator.

KIERAN GILBERT: But in terms of the legal advice, Mr Taylor in his statement as his, you know, his departing statement, he says that he sought advice as well - and his advice reaffirms that they're on the right track. He says that over the next 12

months the - in developing the proposed basin plan and the basin plan itself, it will necessarily mirror and refine what has already been done by the authority to date. So given the Murray-Darling Basin Authority's advice is very different to your own are you concerned now - or do you expect further resignations from the authority?

TONY BURKE: I want to work on the basis that our job is to work within the Water Act. And the Water Act says in its own language - in fact in the objectives of the Act - that the job is to optimise all three things, that we want to have healthy rivers. We want to have food production. We want to have strong communities.

Now the act says that's what it's intending to do. Both sides of politics have always said that's what needs to be done. But this isn't to pretend that we don't also have an important environmental objective to be able to achieve here. Irrigators and communities as much as anyone need to have a healthy river system.

And you get to a point where we had so much over-allocation and over-extraction from the system that the river started to negotiate back, and did so brutally.

KIERAN GILBERT: Well you say both sides of politics believe that. Barnaby Joyce, your opposite number, says the parliamentary inquiry looking into the basin needs to now look at the act and the ambiguities which he says are in the act.

So there's not a bipartisan position on this.

Will you have the inquiry - look at that, those ambiguities, and are you 100 per cent confident in the legal advice you have.

TONY BURKE: Let's face it. Barnaby's not just arguing with me. Barnaby's arguing with Malcolm Turnbull. Barnaby's arguing with the Howard Government. And Barnaby's doing what he does - what he's done ever since he got into Parliament, and arguing with most people he's having a conversation with.

KIERAN GILBERT: But he's pointing to the ambiguities, which are clearly there, if Mr Taylor, who's an expert in the field, believes something very different to what you do.

TONY BURKE: What I've been saying this act is about is contained within its objectives. It's the advice that we received from the Australian Government Solicitor; it's been my view as Minister; it was Malcolm Turnbull's view when he was water minister.

KIERAN GILBERT: So the inquiry won't look at this?

TONY BURKE: And - let's...

KIERAN GILBERT: The inquiry won't look at the ambiguity?

TONY BURKE: Now let's not joke around with what Barnaby's wanting to do. What Barnaby wants to do is delay a needed reform. And politically at the moment, it's an easy time for people to say, let's delay the reform, because there's a whole lot of water in the Basin, and you don't have the same political pressure at the moment.

But right now, when you have more water in the Basin, is actually the easiest time to have the transition for communities, to make sure that we do start to use water more efficiently.

KIERAN GILBERT: So the inquiry will not look - the parliamentary inquiry will not look at any ambiguities that might be there in the act?

TONY BURKE: You're presuming that an act, which I believe is clear, is not. The act is clear. The legal advice that I tabled in the parliament made it absolutely clear that, ever since Malcolm Turnbull introduced this legislation, it has allowed us to optimise all three things.

KIERAN GILBERT: And you're 100 per cent confident of that legal advice?

TONY BURKE: Yes, that's why I tabled it in the parliament.

KIERAN GILBERT: Alright, and do you expect further resignations then from the Authority? Given what is a very clear statement from Mr Taylor about their view on the act.

TONY BURKE: I've got no indication as to whether what you've described will happen, but can I just make one thing very, very clear. And that is, there will be different attempts from people to try to delay reform, and use this as an excuse to say, well, there you go, we don't need to conduct water reform in the Murray-Darling Basin.

I was agriculture minister during the last drought. I saw what it's like when you get your water policy wrong in your irrigation districts. I don't know how long it will be before we have the next drought, but I am determined it doesn't look like the last one.

KIERAN GILBERT: Okay, what about - beyond the act itself - Mr Taylor says, the Authority has an important part to play, but it's neither empowered, nor equipped, to undertake the entire complex task.

Are you confident that the Authority is equipped, and empowered, to do what you're asking it to do?

TONY BURKE: Oh, in terms of the work that they're empowered to do, absolutely. And if there's issues...

KIERAN GILBERT: So you disagree with him on that as well?

TONY BURKE: If there's issues about individual resources, about scientific research, if there's issues on anything like that the Authority's welcome to have that conversation with me. Water reform is bigger than the work of the Murray-Darling Basin Authority.

There's particular work in infrastructure investment, the Water for the Future program, the water buybacks, and trying to be more efficient with our handling of environmental assets. All of that just isn't driven by the Authority, that's driven directly by my work with my department.

So water reform itself is bigger than the work of the Authority, but they play an important critical role and a statutory role in that pathway.

KIERAN GILBERT: The Prime Minister was described as the River Queen in one of those *Adelaide Advertiser* headlines during the election campaign, and she promised to buy back essentially all the water necessary to save the river. Obviously of enormous importance to South Australia and Adelaide in particular, does this limbo that we're now in, with the chairman gone, does this have any implications for that commitment, or does the Gov...

Sorry, can we clarify, does the Government remain committed to buying back all the water necessary to save the river?

TONY BURKE: Yes we are. And right at the moment, in the Lower Balonne, and also in the southern connected system - which goes through parts of the Murray and the Murrumbidgee - there's a tender out on water buy back at the moment. We will not compulsorily acquire water; we will only buy water from people who have put their water on the market, and the Prime Minister again, today, affirmed our commitment to making sure that we have healthy rivers. The buyback is one of the measures in doing that, infrastructure investment is another part of that.

KIERAN GILBERT: Okay. And is it fair to say the next chairperson of the Murray-Darling Authority, if they're going to apply they should see what the Government's position is, rather than have a situation now - as we've seen with Mr Taylor - where you're at loggerheads?

TONY BURKE: Well, certainly, I wouldn't overstate the relationship between myself and Mike Taylor; we had a great conversation last night. He told me of his intention to make this announcement today.

KIERAN GILBERT: Where was the breakdown though? Where was the breakdown? You're saying it's so clear; he didn't get it, obviously he didn't agree with you.

TONY BURKE: Oh, he...

KIERAN GILBERT: Where is the breakdown here?

TONY BURKE: He had a different view; he's reaffirmed that view in the letter. My view is the same as the view of the minister who preceded me, in Penny Wong, the minister who preceded her, in Malcolm Turnbull. The view, that you have to optimise all three, is contained specifically in the language of the act, and we are determined to get healthy rivers, strong communities, and continued food production in the Murray-Darling Basin.

KIERAN GILBERT: Well, we've seen the passionate protests up and down the river, as we mentioned earlier, it created a lot of headlines at the time, a bit of a backlash then, do you concede, you know, with this resignation now, that this whole process does look a bit chaotic?

TONY BURKE: The process of water reform has never been easy, but let's not forget, for about 50 years, every step, year after year, was just to extract more from the river. Every step, year after year, for generations, was to decrease the health of the Murray-Darling Basin.

Each year now we're improving the health of the Basin; we're improving the efficiency of irrigation; we're improving our management of the environmental assets. You cannot look at the Murray-Darling Basin without seeing that at the moment, for the first time in many, many years, its health is heading in the right direction.

KIERAN GILBERT: Minister Tony Burke, I always appreciate your time. Thanks.

TONY BURKE: Pleasure to be here.