

RIVER, LAKES & COORONG ACTION GROUP INC.

Winner of the 2009 Jill Hudson Environmental Award



Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600

18 March 2011

Re: *Senate Inquiry into the Provisions of the Water Act 2007*

Dear Committee Secretary,

The River, Lakes and Coorong Action Group Inc. (RLCAG) welcomes this opportunity to address matters concerning the *Water Act 2007*.

Summary: It is our view that the *Water Act 2007* is clear, does not need to be amended, and can achieve its objects to return extraction in the Basin to long term sustainable levels to support both the ecosystems that depend on the Basin and continued productive use of the Basin.

Who are we? The River, Lakes and Coorong Action Group Inc (RLCAG) is an independent community-based, action-oriented organisation with expertise in river ecology and a track record of engaging with MDB matters via submissions, symposia, meetings and campaigns.

RLCAG was established in January 2007

- *to protect, conserve and enhance the biodiversity of the River Murray, Lakes and Coorong;*
- *to liaise with appropriate bodies over the management of the River Murray, Lakes Alexandrina and Albert and the Coorong, and their immediate surrounds; and*
- *to educate the Community in River Ecology.*

The health of the Lakes Alexandrina and Albert, the Coorong and Murray Mouth is central to achieving the objects of the *Water Act 2007* and in a number of submissions re EPBC matters RLCAG has argued that maintaining connectivity is central to achieving a healthy, resilient river system.

Terms of Reference

(1) The provisions of the Water Act 2007 (the Act), with particular reference to the direction it provides for the development of a Basin Plan.

The RLCAG endorses the response to the Inquiry by Australian Network of Environmental Defender's Offices (ANEDO), March 2011, in particular, we note their comments regarding the wording of the 'Terms

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of Reference' of the Inquiry.

In our view the *Water Act 2007* does not need to be amended. What is necessary is that the scope of who is considered to be a 'stakeholder' in the process of drafting, consulting and implementing a Basin Plan be expanded to include other enterprises and those with interests in a healthy river system within the Basin and across Australia. In our view, it is a misrepresentation of the debate to pit irrigator against environmentalists.

We note that the concept of 'balance' is inherently political. Those with the power to prioritise their interests will be the ones who set the terms of what is to be held in the 'balance'.

- Currently, one set of interests is being represented loudly and clearly but the interests of the eco-system itself are poorly represented and the science on which sound decisions might be made lacks an integrative framework generated by questions over and above the particular 'risk analyses' undertaken by specific disciplines.
- In any attempt to 'balance' water use in the Basin, we must acknowledge that the river system has been over-used and must first be brought back to health before the eco-system can have anything like an 'equal' seat at a 'negotiating table' where 'balance might be achieved. The *Water Act 2007* was introduced to address imbalance and to restore water to the eco-system.
- The primary reason for the poor health of the MDB, as evidenced by the CSIRO reports of 2008 regarding sustainable yields was that we have been taking too much water and that the practices are unsustainable (see CSIRO re sustainable yields - <http://www.publish.csiro.au/paper/MF09043.htm>; and CSIRO Water for a Healthy Country Flagship submission re 'Guide to the Proposed Basin Plan', 17 December 2010).
- There are other 'interests' and 'stakeholders' from whom we have heard little but whose future relies on a healthy river system: young people (what is their future?); women (what is their role in the changing rural economy); immigrant populations; Indigenous populations.
- The research undertaken thus far with respect to socio-economic factors privileges the 'economic' over the 'social' and relies heavily on quantitative rather than qualitative research methods. Before we can hold any socio-economic factors in the 'balance', we need to undertake such research and to do so with a broadened base of who is understood to be a 'stakeholder'.

The Act came into being because there was consensus that the Murray-Darling River system was in crisis and that the levels of water extraction needed to be reduced. The *Water Act 2007* correctly prioritises the need to reduce water extraction and return water to the environment in order to support both the ecosystems and the communities that depend on them.

(2) That in conducting its inquiry, the committee should consult those with particular legal expertise in the area of water.

The RLCAG cannot and does not offer a legal opinion but is emphatic that the Inquiry should consult with a range of legal experts and should (to the extent the law allows) that those opinions available in full for public scrutiny.

Please do not hesitate to contact me if we can be of further assistance.

Prof Diane Bell, on behalf of the RLCAG.