



Environment Victoria submission to Senate Standing Committee on Environment and Communications

Water Amendment (Long Term Average Sustainable Diversion Limit Adjustment) Bill 2012

Environment Victoria is the state's peak non-government, not-for-profit environment organisation. Since 1969 we have worked with all Victorians to safeguard our environment.

Environment Victoria supports the principle of an adjustment mechanism that enables an adaptive Murray-Darling Basin Plan that can provide more water for rivers and improved environmental outcomes over time, and that can respond to and incorporate new knowledge and innovation. We are encouraged that the Bill requires any adjustment to sustainable diversion limits (SDLs) to reflect the environmentally sustainable level of take (ESLT) as defined in the Water Act.

However we are concerned that Bill does not allow for any Ministerial or Parliamentary scrutiny of the adjustment process, nor does it make any provision for public consultation. These failures set the amendment apart from the other provisions of the Water Act that establish the processes for the development and amendment of the Basin Plan, all of which require extensive consultation and place decision making in the hands of the federal Minister.

We recommend that the Bill be altered in the following ways:

1. The draft Bill requires the Minister to adopt any adjustment proposed by the Authority (s23 B(6)). The Minister should have power to independently verify and satisfy him/herself that the adjusted SDL meets the ESLT requirement and if it does not, to request an explanation from the Authority, and if still not satisfied, reject the adjustment.
2. The statement required at s23B should include a requirement for the Authority to show how the proposed adjustment reflects the ESLT.
3. There is no ability for public scrutiny of the adjustment process. A consultation requirement should be included at s23 A to allow for public comment on draft proposals, or at very least the statement required at s23 B should be made public for a defined period before being given to the Minister.

Nothing in this submission should be read as an endorsement of the adjustment mechanism criteria contained in the latest version of the Proposed Basin Plan (August 2012). The adjustment mechanism as currently proposed would result in significant public investment in infrastructure to increase water availability for irrigation instead of for the environment, even in situations where the Authority's scientific analysis shows that additional water is required to achieve a healthy river. Adjustments made according to these criteria would not reflect ESLT.

For more information, please contact Juliet Le Feuvre
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