



National Irrigators' Council

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House Standing Committee on Regional Australia

Inquiry into the Water Amendment (Water for the Environment Special Account) Bill 2012

Submission by the National Irrigators' Council

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Introduction

The National Irrigators' Council (NIC) is the peak body representing irrigators in Australia. NIC currently has 32 member organisations covering all MDB states, regions and commodities. Our members represent water entitlements of about 7 million megalitres. While this document has been prepared by the NIC, each member reserves the right to independent policy on issues that directly relate to their areas of operation, expertise, or any other issues that they may deem relevant.

The National Irrigators' Council welcomes the opportunity to provide a submission to the House Standing Committee on Regional Australia inquiry into the Water Amendment (Water for the Environment Special Account) Bill 2012.

We are concerned that the Parliament would amend the Water Act to facilitate an SDL Adjustment Mechanism, which is linked to the operation of the Water Amendment (Water for the Environment Special Account) Bill 2012, when the details of the Mechanism, contained in the Basin Plan, have not been made public nor shown to stakeholders or Members of Parliament.

To have confidence in the SDL Adjustment Mechanism, which underpins the proposed Legislation we must understand the assumptions built into the mechanism's models, including the 'Initial Conditions of Development', that may affect the extent to which works and measures lead to SDL adjustments.

For this reason it is essential that the legality of how the SDL Adjustment Mechanism will work as detailed in the final Basin Plan be provided to the Parliament, stakeholders and the community before the Water Act is amended.

NIC cannot endorse the Bill until the details in the final Basin Plan have been released, along with any Intergovernmental Agreements and Regulatory Impact Statements underpinning the Basin Plan.

It should be recognised that the National Irrigators' Council has long argued that water buy-backs should be a last resort and that Government should be recovering water for the environment through infrastructure and 'environmental works and measures' which have previously been discussed in the NIC's most recent submission to the Committee. Such recovery from infrastructure will go some way to offsetting the social and economic damage that would otherwise be caused by removing consumptive water from communities.

We are pleased that the Prime Minister and the Government have now acknowledged that general tenders to buy-back water do have a negative outcome for communities both in a social and economic sense.

This was highlighted in [a joint media](#) release from the Prime Minister and the Minister for Sustainability, Environment, Water, Population and Communities which stated;

"The Gillard Government has today resolved to provide \$1.77 billion over ten years from 2014 to relax key operating constraints and allow an additional 450GL of environmental water to be obtained through projects to ensure there is no social and economic downside for communities."

"That's why we will invest primarily in on-farm efficiency works that generate water savings for the environment and other projects as agreed by states."

Minister for Sustainability, Environment, Water, Population and Communities, the Hon. Tony Burke told [ABC AM Program](#) when interviewed about the Bill that;

"They've also said if you want any additional water you should only be doing it through infrastructure projects. That's exactly the commitment that we're making today".

In relation to the Bill the Minister for Sustainability, Environment, Water, Population and Communities, the Hon. Tony Burke also told [ABC Rural](#);

“None of the money could be used for general tender buyback rounds or anything like that because the authority has reached the very strong conclusion that if you did it through general buybacks you do get downsides for the local communities.”

Notwithstanding the fact that we have yet to see the final Basin Plan, Intergovernmental Agreement, or the Regulatory Impact Statement, the National Irrigators’ Council believes that there needs to be amendments made to the Water Amendment (Water for the Environment Special Account) Bill 2012 in order for it to better reflect the Government’s stated desire to *‘allow an additional 450GL of environmental water to be obtained through projects to ensure there is no social and economic downside for communities’*.

1: Delete clause 86AD 2 (b)

The Federal Minister responsible for the Basin Plan has made it clear that there are ‘downsides for local communities’ from buybacks and has clearly stated that this Bill is designed to ensure that any water recovered from Basin communities above 2750 GL/y be confined to on-farm infrastructure, yet clause 86AD 2(b) makes it very clear that large scale water buybacks are still very much on the agenda.

To date the vast majority of the 1577 GL/y of water recovered since 2009 has been recovered through large scale indiscriminate and non-strategic buybacks. Many people have forgotten or didn’t realise that 959 GL/y of water was recovered from Basin communities during 2004 – 2009 and much of this was via water buybacks.

Given the social and economic damage that water buy backs inflict on communities, it is the NIC’s position that all further buy-backs should cease and all further water should be recovered through infrastructure and environmental works and measures which through proper analysis can be proven have no negative third party impacts.

If the buy-backs were part of an infrastructure project a special provision could be made to allow limited buy-backs where it was part of an infrastructure project; where it had the support of local communities; and where it could be proven that there will be no detrimental social or economic impacts.

Whilst the Government has said that it intends to ensure that Sustainable Diversion Limit Adjustment Mechanism will guarantee that water recovered above 2750 GL/y can only be done with no social and economic pain for communities, the Basin Plan has yet to be finalised and we cannot tell if this sentiment will be legislatively addressed in the Basin Plan. Either way the Clause should be removed.

2: Amend clause 86 AD 4 and

Clause 86AD 4 should be deleted and replaced with an amendment to allow the funding outlined in the Bill to be used for **all** water recovery, not just the ‘upward’ movement above the water recovery target in the Basin Plan which will almost certainly be 2750 GL/y.

This would ensure that there is sufficient funding available to guarantee there are no more water buy-backs because as the Government has clearly enunciated buy-backs have ‘downsides for local communities’.

Communities lack confidence with verbal assurances that *water* which is *‘to be obtained through projects to ensure there is no social and economic downside for communities’* will materialise until such sentiment is embedded in the Legislation.

The over-riding objective for Governments in recovering water for environmental purposes should be to do it in a way which does not have social and economic ‘downsides for local communities.’

3: Insert a clause which ensures all projects funded by this Bill are subjected to a ‘no detriment’ economic and social impact test before being approved.

Despite the Government’s stated intentions *‘that the additional 450GL of environmental water to be obtained through projects funded by this Bill to ensure there is no social and economic downside for communities’* there is nothing in the Bill which specifically guarantees the ‘upward movement’ will not cause social and economic downsides for communities.

The Bill should be amended so that it specifically states that all projects funded under the provisions of this Bill are subjected to a ‘no detriment’ economic and social impact test before being approved.

4: Amend Clause 86AA 3 (a) to guarantee that there are no third party impacts as a result of removing or relaxing the physical or regulatory ‘constraints’.

There are concerns that the potential third party impacts caused by removing or relaxing physical and regulatory constraints are not well understood by many policy makers and have not been adequately addressed in the Bill.

Third party impacts include but are not limited to the flooding of private property, homes and infrastructure. Other potential third party impacts could include the altering or killing of key environmental assets including wetlands because they are constantly inundated, or bank erosion caused by constant high flows.

Conclusion

While the National Irrigators Council is supportive of the principle of additional funding for on-farm works, it is impossible for the NIC to provide an endorsement of the proposed Bill until we have seen the final Basin Plan, the water recovery strategy document, the Intergovernmental Agreement, and the regulatory impact statement.

However, NIC Members call upon the Committee to elevate these concerns in a way that will see them addressed before the Bill enters the Senate.