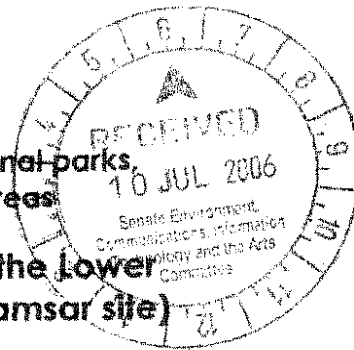


**Submission to the Senate Inquiry into Australia's national parks
conservation reserves and marine protected areas**

**Private landholders experiences in managing the Lower
Gwydir Wetland of International Importance (Ramsar site)**



This submission made by:

Mrs Terry Murphy-
Fleming and Phillip
Fleming

Mr Howard Blackburn

On 2 February 1999 (World Wetlands Day), we stood together with Senator Robert Hill (then Federal Environment Minister), the Hon Pam Allen (then NSW Environment Minister), the Hon Richard Amery (then NSW Minister for Land and Water Conservation) and representatives of WWF Australia and the National Parks Association, and signed a Memorandum of Understanding (MoU) for future cooperation with the management of our portion of the Lower Gwydir Wetland of International Importance. This was described by many as a landmark day. Private landholders seeking to have the special wetland values of their properties preserved by having them recognised as Wetlands of International Importance. A showcase of the Ramsar Convention's 'wise use' principle; a win-win situation, globally important wetlands being conserved in conjunction with commercial cattle grazing.

In the afterglow of that photo-opportunity the reality wasn't quite what was written on paper and it quickly emerged that despite the MoU, nothing much would change. Water would continue to be allocated or diverted up-stream, less and less making it to the Lower Gwydir, and the condition of our now Ramsar-listed wetland would continue to decline. With this lack of water on the floodplain, *Lippia* weed would progressively invade and out-compete the natural fodder upon which the viability of our grazing operations depends. The MoU contained the words, "Both Governments remain committed to maintaining appropriate hydrological regimes in the Gingham and Lower Gwydir Watercourses, particularly the provision of adequate, ecologically appropriate environmental flows to the wetlands.". These have proven so far to be hollow words.

It took nearly four years before the governments that were so keen to sign the MoU heard our cries for help. To his credit the NSW Environment Minister, Bob Debus, established the NSW Ramsar Managers Network, specifically to give us (and the other private Ramsar site managers in the state) the opportunity for face-to-face contact with the relevant government officials, both federal and state, so that our site management needs could be addressed expeditiously. The RMN had its first meeting in November 2003 and the list of issues and concerns aired by the private Ramsar site managers at that

meeting tells a lot about government performance in supporting us up to that point. This list of 'grievances' was as follows:

- No recognition of Ramsar [sites] in Water Sharing Plans;
- [Catchment] Blueprints do not give priority to wetland actions;
- Influence of irrigation industry on water sharing decision makers [is too great];
- Lack of awareness and commitment at high Government level;
- Lack of staff committed to Ramsar at State and Commonwealth levels;
- Poor communication- between and within Government agencies and between Government and landholders;
- Mismatch between commitment (legislation and policy) and action (management) relating to environmental flows;
- Lack of funding for management of Ramsar sites;
- Lack of assistance in managing on-ground issues e.g. weeds;
- Lack of recognition by the general public and Government about what Ramsar is;
- Despondency of Ramsar managers.

The RMN then set about addressing these concerns, or at least some of them. Minister Debus, and the head of his Department (Lisa Corbyn), have supported the process strongly and at the first of our (bi-annual) meetings he attended he gave us a public apology for the failures of the NSW Government in fulfilling their commitments under the MoU. The Commonwealth has not followed suit.

After he visited our Ramsar site, Minister Debus fought hard (we understand) to secure funds through the NSW budget for the Riverbank program and the Wetlands Recovery Plan; both of which we are now told will solve our problems. While we would like to believe this to be true, we are not holding our breath! To us it seems that so far only Minister Debus and Lisa Corbyn are taking their responsibilities seriously, and want to meet the commitments given in our MoU. Regrettably, there are still strong signals that neither the NSW Minister for Natural Resources (who has control over rural water in the state), the Federal Minister of Environment and Heritage, and their respective departments, are not taking this matter seriously. Federal bureaucrats use the Federation to pass the buck to the state and the NSW Minister for Natural Resources is seemingly not interested. It does make us wonder why the Federal Government introduced the *Environment Protection and Biodiversity Conservation Act 1999*, with its 'Ramsar trigger', if the same government now conveniently says that water management is a state issue and it can't help. Surely the buck stops with the Federal Environment Minister and to date he has been missing in action.

The current situation is that we continue to be told to be patient (6.5 years later!) and that the Riverbank program and the Wetlands Recovery Plan will solve our issues. Against this backdrop, the RMN commissioned a detailed assessment of the ecological character of our site in late 2005 and it confirms our view that the site has been significantly and detrimentally altered by the combination of reduced flows and invasion by the weeds *Lippia* and Water Hyacinth. The RMN also commissioned (in May 2006) an independent review

of the performance of itself to date. That review (available upon request) highlighted in particular our view that so far only one of the three Ministers (and their departments) that need to be involved is taking these matters seriously.

Reflecting on this sorry tale, we felt the need to pass on our experiences to you to help inform your inquiry. Ramsar listing has been for us a nightmare. It has cost us time, resources and heartache. We saw ourselves as responsible landowners that took a landmark step toward a new paradigm for Australia where grazing and wetland conservation could be seen as compatible, not as enemies. While we remain committed to that vision, it is clear to us now that the Governments (both NSW and Federal) of this country are unable, at this time at least, to support us in pursuing that vision.

Our frustration boiled over at the most recent meeting of the RMN (in May 2006) when we tabled a list of requests that some government bureaucrats have labeled as 'demands'. These we have provided below so you can see that we now feel there is no option but to be very direct and clear in what we believe is needed to start to put our Ramsar management experience back on track. We also felt the need to set firm deadlines for action, tired of being told to 'be patient'. If the governments that signed our MoU had been vigilant in meeting their commitments, it would not require us to have to table such a list of requests. To then have them labeled as 'demands' by the very people that should have been helping us, is insulting to say the least.

"WE WANT AS THE PRIVATE RAMSAR MANAGERS NETWORK
ACCOUNTABILITY AND TRANSPARANCY.....NOT SMOKE AND MIRRORS
AND OUR DEADLINE TO RECEIVE THIS IS ON OR BEFORE SEPT.1ST 2006.

[OUR REQUESTS ARE AS FOLLOWS]

1. FOR THE FEDERAL ENVIRONMENT MINISTER TO VISIT MACQUARRIE MARSHES AND GWYDIR RAMSAR SITES BEFORE SEPTEMBER 1ST.
2. A WRITTEN REPORT (1 PAGE SUMMARY) ON HOW MUCH WATER RIVERBANK HAS BOUGHT IN THE GWYDIR AND MACQUARRIE MARSH REGIONS....ON SEPTEMBER 1ST AND THEN QUARTERLY.
3. AS ABOVE FOR WETLANDS ACTION PLAN.....HOW HAS IT HELPED EACH OF THE PRIVATE SITES...ON THE GWYDIR AND MACQUARRIE MARSHES...REPORT ON SEPTEMBER 1ST AND THEN QUARTERLY.
4. DEH/DEC/DNR TO ADVISE RMN IN WRITING (BY SEPTEMBER 1ST) THAT THEY HAVE ADVISED THE 4 CMA'S THAT THEY WISH TO BUY RAMSAR 'OUTCOMES' IN THE NEXT ROUND OF INVESTMENTS.
5. MINISTERS-STATE AND FEDERAL TO RESTATE COMITMENTS TO MOU'S IN WRITING AND

I REPEAT SEPT 1ST 2006 IS OUR DEADLINE."

We have also written to the Federal Minister for Environment and Heritage advising of our disappointment with the performance of he and his Department in supporting our management challenges. We are hopeful that he will visit us in the near future to see our sites first-hand and appreciate that Australia should be embarrassed to have allowed them to become what they are today, weed infested and with most of their Ramsar values gone. We wonder how seriously the Minister and his bureaucrats would take us if these were World Heritage properties. Imagine the outcry if Kakadu was allowed to wither up and die due to government failings.

We hope that these insights into our Ramsar experience will help your inquiry. We remain in hope that our list of requests (above) will be met and that this will signal, at long last, full and meaningful engagement and support from Minister Campbell Federally and Minister MacDonald in NSW. Together with that already shown by Minister Debus in NSW, perhaps we will then see the actions that were expected to begin with the signing of the MoU in 1999. In particular, and to re-state it from above, the MoU contained the unequivocal words, "Both Governments remain committed to maintaining appropriate hydrological regimes in the Gingham and Lower Gwydir Watercourses, particularly the provision of adequate, ecologically appropriate environmental flows to the wetlands.". What we need now is for the relevant state and federal Ministers to take this commitment seriously, and to give us an iron-clad guarantee that this water will be provided for our wetlands now and in perpetuity, as is required by the Ramsar Convention and the EPBC Act. If this cannot be done then we will be forced to pursue de-listing of our Ramsar wetlands: something we are advised cannot be done. But, if we don't have a wetland, how can we have a Ramsar site?

Terry Murphy-Fleming

P.H. Fleming

Howard Blackburn

Science Review - Lower Balonne River System

Executive Summary

This Review was commissioned by the Queensland Government to evaluate the science underpinning decisions relating to the management of water resources in the Lower Balonne.

There are important ecological assets in the Lower Balonne that need to be managed. These include the biota of the rivers and distributary channels of the Lower Balonne and their associated wetlands, the internationally recognized Narran lakes, the National Parks of the Culgoa floodplain and the Darling River itself. At the same time, there are significant economic and social benefits to the community from the irrigation developments of the Lower Balonne. The irrigation community itself recognizes the importance of protecting these natural areas and stated in their submission that significant degradation of the protected natural areas would be unacceptable to them (SmartRivers, 9/9/02 P1).

The challenge for Government is to use the best available science to ensure management provides a wetting regime appropriate to protect these important ecological assets, and yet provide the maximum amount of water for irrigation that is possible without causing significant degradation of the system.

The aquatic invertebrates in the rivers do not at present indicate evidence of human disturbance either moving downstream, or in comparison to adjacent catchments. The fish communities do show a trend downstream, but it is not yet possible to say conclusively that this is due to water management or to natural changes that can occur in a distributary system. It is important to note that the Lower Balonne has not yet experienced the impacts of potential diversions from existing infrastructure, and that there are likely to be significant lag times before ecological impacts become apparent.

The rivers and wetlands of the Lower Balonne system are presently in a reasonable ecological condition, but this condition is expected to deteriorate if the present capacity to extract water from the system should actually be exercised.

The water gauging and flow modelling capacity of NRM accord with accepted industry standards and are quite appropriate for the regional water planning being undertaken.

Management targets expressed as a function of mean annual flow (MAF) are neither suitable nor practicable for the Lower Balonne. The extreme year-to-year flow variation makes the estimation of MAF uncertain, even without measurement error: this would be exacerbated for compliance monitoring of MAF-linked targets. The Panel advocate using an event based management approach tailored to meet the flow needs of downstream environments; its implementation would be achieved through scenario modelling to develop an event management policy.

The projected median annual flows in the Culgoa River and Narran River at the Border are 24% and 32% of simulated natural respectively (NRM Submission, P24). These, and other flow statistics, indicate that the flow attributes are highly modified from simulated natural.

Human activities have been having impacts on the ecology of the Lower Balonne since the various bifurcation weirs were constructed to divert water from the Culgoa to the various distributary channels to spread floodwaters across the floodplain. These diversions have seen

the Culgoa change from what was reported to be an almost permanent flowing stream to one that is now a flood pulse river like the distributary channels. This has obvious impact on restricting available fish habitat and refuges during dry periods. This situation will worsen when the current infrastructure is utilised to harvest water in the Lower Balonne.

Use of the current infrastructure to its full potential will result in the removal of small floods from the system and reduce medium floods to small floods. Extractions from larger floods, occurring on average every 10 years or so, will not have much impact. However, the Narran lakes would be expected to fill on average once in about seven years rather than once every two under pre development conditions. We agree with the contention that this will lead to significant long-term degradation of the Narran lakes as has been evident in other terminal wetland systems when their water supply is markedly reduced.

An interim finding by the Review Panel, to be reviewed once the ecological study of the Narran lakes is completed, is that the Narran lakes need to be, flooded on average once every 3.5 years if its ecological values are to be maintained. This estimate is based on the NSW NP&WS submission that degradation will occur if volume and frequency of flooding is reduced below 60% of pre-development (Section 6.5).

The Panel recommends that the target of wetting on average every 3.5 years for the Narran lakes, and appropriate frequency for the two Culgoa National Parks, be achieved through close consultation with the community, given the need for a cooperative approach to manage the large number of extraction points and individuals involved. With the calibrated model now available this can be readily achieved and such consultations should be completed within a period of three months (Section 7.1).

It is likely that the reduced flooding frequency will lead to further changes in the vegetation of the Lower Baionne floodplain. Already pastoralists report a reduction in productivity due growth from reduced wetting, and we expect the area of floodplain trees of red gum, Coolibah and lignum will be reduced and these species replaced with grasslands. Two important National Parks, established to protect these vegetation communities, will be at risk, and it is important that further scientific work to assess their wetting needs be undertaken. This work should start immediately since it may take a period of five years to obtain useful results.

The Panel is of the view that it is possible to reduce these impacts to acceptable levels by careful management of floods that ensures the various wetland assets, including Narran lakes and the Culgoa National Parks receive appropriate wetting.

While flow is seen as the most important stress in this system, there are other factors that can affect the health of the Lower Balonne and need to be managed effectively. These include land use practices that affect runoff, the contaminant and sediment load. The weirs and dams installed to control flow also can block fish movement and cause other impacts. The construction of levees to isolate parts of the floodplain for agricultural development will also cause impacts on river health.

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Senator The Hon Ian Campbell
Minister for Environment and Heritage
Parliament House
Canberra ACT 2600

28 July 2006

Re: Management of Ramsar-listed wetlands in NSW

Dear Minister,

WWF-Australia writes today to re-affirm our commitment to the 1999 Memoranda of Understanding (MoUs) for the Gwydir Wetlands Ramsar site and for the Wilgara Wetland addition to the Macquarie Marshes Wetlands Ramsar site. As you will be aware, both of these MoUs were also signed by your predecessor Senator Robert Hill on behalf of the Australian Government.

In 1999, WWF welcomed the Howard Government's commitment to the recognition, protection and enhancement of these important Gwydir and Macquarie Marshes wetland areas, and we remain committed to working with the Commonwealth Government, state agencies, regional managers and land-holders to achieve the objectives set out under the two MoUs.

Primary among the commitments given in the MoUs is to guarantee sufficient and timely availability of water to maintain the unique ecological character of these sites. This commitment reinforces Australia's obligation under the Ramsar Convention, which is also a key 'trigger' of the *Environment Protection and Biodiversity Conservation Act 1999*.

As an active participant in the NSW Ramsar Manager's Network (RMN) we hold significant concerns about whether the water sharing processes in the Gwydir valley cater appropriately for the needs of the Ramsar-listed wetlands in that system, and we are



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similarly concerned that the ecological integrity of the Macquarie Marshes is currently under significant and unsustainable pressure for the same reasons.

In addition, in our dealings with the RMN, we have come to understand that some of the Gwydir Valley Ramsar land-holders involved in the process may be considering withdrawing from the RMN, and also from the MoU; disillusioned about the failure of the NSW and Commonwealth governments to deliver on the promises made in the MoU.

In order to address these concerns we propose you consider a number of actions:

1. Visit the sites and meet with the land-holders

WWF believes the work and expertise of the NSW Ramsar Manager's Network (RMN) should be considered a significant asset to your Government in its efforts to fulfill the Commonwealth's responsibilities under *Part 15 Sections 325-336* of the *Environment Protection and Biodiversity Conservation Act 1999*.

At the last meeting of the RMN, the Gwydir Ramsar site landholders asked that you visit them in order to fully appreciate their situation and to hear their concerns first-hand. We hope that you will respond positively to this request.

At the same meeting they sought reassurances from their fellow signatories to the MoU that they remained committed to meeting the promises made at that time. Again, we urge you to respond favourably.

2. Commit funds to assist the NSW Government implement its Riverbank program, and extend the NSW Wetland Recovery Plan.

The NSW Government's Riverbank program is designed to help the state achieve its commitment under Section 23 of COAG's National Water Initiative:

23 (iv) complete the return of all currently overallocated or overused systems to environmentally sustainable levels of extraction.

The state's water sharing plans have proved an important first step, however WWF believes buying water from willing sellers in the state's most stressed hydrological systems is necessary. The NSW Government's Riverbank is designed to buy and manage water to improve the ecosystem function of



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wetlands and rivers, to rehabilitate wetland habitat and to contribute to meeting international obligations with respect to Ramsar wetlands. We understand the NSW Government has already applied for funding through the Australian Government Water Fund (AGWF) for matching funds for both Riverbank and the NSW Wetland Recovery Plan, and is already in the process of buying water in other stressed systems.

Given that the state framework already exists, WWF suggests you consider using Commonwealth funding to purchase water from willing sellers for the benefit of Ramsar sites in NSW.

3. Commit to ensuring that the Ramsar site management plans for the Gwydir and Macquarie Marshes sites provide an agreed framework for water allocation and on-going NRM-related investments through their respective catchment processes

Management plans for Ramsar wetlands must include robust inbuilt hydrological prescriptions developed in conjunction with the landholders, and endorsed by the catchment management authorities (CMAs) as well the NSW and Commonwealth governments. Contributing funds to the NSW Riverbank fund may also assist with the development of this important hydrological work.

We understand this model has worked successfully for the Banrock Station private landholder Ramsar site in South Australia and we believe there are significant opportunities to see it replicated for sites in NSW. Further, WWF encourages the Commonwealth to make future funding of the catchment action plans submitted by CMAs under the NRM program conditional on them demonstrating how maintaining the ecological character of their Ramsar sites is to be supported. Ideally, this could be agreed through the process of gaining CMA and government endorsement of Ramsar site plans, with their inbuilt hydrological prescriptions.

Again, we urge you to support the land-holders who signed MoUs in 1999 in the hope that they might achieve a similar vision to that which is thriving at Banrock Station, and at the same time underpin your Government's efforts to sustainably manage some of Australia's most important wetland areas.

WWF maintains that the smart sequencing of water projects will be critical for the success of the NWI. The NWI can only benefit from the collective contribution,



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experience and expertise of all stakeholders. WWF believes the RMN can play a leading role in demonstrating our collective ability to achieve environmental, social and economic outcomes.

Yours faithfully,

Dr Raymond Nias
Conservation Director

CC: The Hon Malcolm Turnbull, Parliamentary Secretary
Commissioner Ken Matthews, National Water Commission
The Hon Bob Debus, NSW Minister for Environment
The Hon Ian Macdonald, NSW Minister for Natural Resources, Primary Industries and
Mineral Resources
Members of the Ramsar Managers' Network