September 11, 2008

The Secretary,

Senate Standing Committee on Rural and Regional Affairs and Transport

Parliament House

Canberra, ACT 2600

Dear Secretary,

Please find attached my submission for consideration of the Senate "Inquiry into water management in the Coorong and Lower Lakes".

I appreciate the opportunity to make comment on the Inquiry.

Yours sincerely,

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Senate Standing Committee on Rural and Regional Affairs and Transport

I am writing this submission as a concerned citizen who lives on the banks of the Finniss River and sees on a daily basis the dramatic changes that are occurring in the Murray-Darling Basin eco-system. I am also a committee member of the River, Lakes and Coorong Action Group and the Vice-Chair of the Finniss River Catchment Committee.

I fully endorse the submissions of the River, Lakes and Coorong Action Group (RL&CAG), Trevor Giles and Henry Jones. I add the following considerations.

I urge the Committee to examine the underlying assumptions of their inquiry. The Terms of Reference appear to support of view of the Murray-Darling Basin that makes water a commodity to be managed according to sound economic principles. I would suggest that the Murray-Darling eco-system be understood as a living whole wherein all parts of the system are connected and damage to one part has ramifications for other parts of the system and thus the system as whole.

In my view we cannot continue to look to engineering and technological fixes to solve what is basically a problem of over-allocation and mismanagement (see below 1(d)). We need to reconceptualise the Murray-Darling Basin and Coorong as a living system as Henry Jones urges, wherein each part functions to maintain the integrity of the whole system.

I further urge the committee to understand the environment as a "party" to any agreements or arrangements made concerning the eco-system. In my view, the interests of this "party", the environment, are not to be "balanced" or traded against other competing interests. The environment is of a qualitatively different order and must be given a priority if the eco-system is to survive. Only once the health of the whole system is established, can we begin to speak of managing the parts and sectional interests.

The shift in perspective I am suggesting would require a different approach to decision-making concerning the River, Lakes and Coorong.

Terms of Reference

1. On 27 August 2008, the Senate referred water management in the Coorong and Lower Lakes for inquiry and report by 30 September 2008.

(a) the volume of water which could be provided into the Murray-Darling system to replenish the Lower Lakes and Coorong:

We cannot make rational and evidence based-decisions regarding the volume of water that could be provided until we have an accurate account of the volume of water in the entire Murray-Darling eco-system. Therefore I support an independent audit of the water in the system.

It is essential that such an audit includes all water in the Murray-Darling eco-system, not just the water currently under the jurisdiction of the Murray-Darling Commission. The audit must include all tributaries, wetlands, ground water and surface water. Because a number of these sources is currently under the jurisdiction of individual states, an audit will require an exercise of federal authority that may require special measures to be put in place.

The test of whether we have sufficient water in the Lower Lakes is the Murray Mouth. If water is flowing through the Murray Mouth, then the system is functioning. If the dredges are still required to keep the mouth open, there is insufficient water. The amount required to keep the mouth open will vary at different times throughout the year. This must be the priority in any plan for sharing water in the eco-system.

(b) options for sourcing and delivering this water, including:

(i) possible incentive and compensation schemes for current water holders who participate in a once-off voluntary contribution of water to this national emergency.

If the Senate considers the situation to be a national emergency, as this term of reference implies, I would urge the Senate to exercise all available powers to declare a state of emergency in the Lower River Murray, Lakes and Coorong. Were the situation in the Lower Lakes, River Murray and Coorong the consequence of a bush fire, a state of emergency would have been declared some years ago. I understand that a national state of emergency would require a referral of powers from the states.

The Lower Lakes, River and Coorong are sites of international significance (see Ramsar) and are subject to the provisions of the federal EPBC Act. I urge the committee to honour Australia's international commitments under Ramsar and to uphold EPBC legislation in the national interest.

Incentive and compensation schemes will only work if they are fair, transparent and developed on the basis of inclusion of local stakeholders in the decision-making process. Here I am advocating more than consultation. I am advocating shared

decision-making as part of a sharing regime for the Murray-Darling Basin (along the lines proposed by Mike Young and Jim McColl 2004).

As part of my work with the RL&CAG and at various meetings concerning the MDC and allocations, I have heard irrigators say they would be prepared to forgo, relinquish, sell or lease water (held under a variety of entitlements), if they thought the burden was shared across all sectors. They understand that if the MDB is not healthy, ultimately their livelihoods will be also threatened.

(ii) alternative options for the acquisition of sufficient water:

It is an administrative enigma that with the MDB in crisis, and the Lower Lakes, River and Coorong at the point of ecological-collapse, there is water that can be bought on the market. All available water should be purchased, made available for the health of the eco-system and removed from the water-trading economy.

(iii) likely transmission losses and the most efficient and effective strategies to manage the delivery of this water:

I endorse RL&CAG submission I (c) and Trevor Giles' submission 1 b (iii).

(iv) Commonwealth powers to obtain and deliver water and possible legislative or regulative impediments:

I, along with a number of others concerned about over-allocation and mismanagement of water in the eco-system, had hoped that the referral of powers and the new IGA would make it possible for the new administrative body to address the needs of the eco-system as a whole. However, it appears what we have is another layer of bureaucracy and no political will to exercise what powers exist or to explore creative possibilities that might extend existing powers.

The Commonwealth and the states need to act to remove tax incentives with respect to permanent plantings that are unsustainable in times of drought. (See RL&CAG, 1 (f))

(v) assessment of the potential contribution of bringing forward irrigation infrastructure spending under the Council of Australian Governments agreement to deliver water to save the Coorong and Lower Lakes:

This will require the political will to act and to act quickly. All water savings achieved through such measures must be returned to the eco-system and not made available to the market. The system is dramatically over-allocated and a first priority must be transfer water from the use-category to the health-of-the-river-category.

(c) the impact of any water buybacks on rural and regional communities and Adelaide including compensation and structural adjustment:

I would reiterate my general point that any changes to the existing system must be fair, transparent and done with proper consultation with local stakeholders, see above 1 (a)(ii).

There are many ways in which Adelaide could reduce its dependence on the River Murray including rain water tanks for all homes, recycling water and other efficiencies in homes and industry. Once again the burden of these changes should be shared equitably by all water-users.

(d) any other related matters:

(i) All those making decisions regarding the Murray-Darling Basin and Coorong, should be required to spend some time in the region of the Lower Lakes and Coorong. They should be required to become familiar with the ways in which local knowledge has been deployed and local communities have coped. One size does not fit all. They should understand that economic decisions have social, cultural and spiritual ramifications for the people of the region. They need to appreciate the enormous responsibility that they carry in terms of making decisions regarding this precious and fragile land.

(ii) Under no conditions should salt water be allowed in through the barrages in order to bring the Lakes to operating level. The Lakes are currently below sea level. Salt water allowed in through the barrages will be trapped in the Lakes. It will not be flushed out to sea as it would have been before the construction of weirs and locks on the Murray-Darling system. Once trapped in the Lakes, the water will evaporate and the Lake water will become even saltier. For the past 7,500 years the Lower Lakes have been a predominantly fresh water environment (see Sim and Muller 2004). Water flowed out through the Murray Mouth 90-95% of the time. Fish and plants could tolerate the saltier water for short periods (see Henry Jones submission). Just a small amount of water is sufficient to allow the system to begin to recover. There are green shoots coming up through the acid sulphate soils around the Lakes. There are multiple small ways in which we can help the system to recover that do not involve killing a whole eco-system with salt water.

(iii) Building a weir across the River Murray below Wellington at Pomanda Island is not a solution for ensuring that the critical water needs of Adelaide are met.

- The weir will be an ecological disaster because it will prevent the wind-driven movement of water up the River where salts and nutrients are picked up and the flushing movement back down to the Lake and out to sea.
- The water behind the weir will become increasingly saline and algal blooms are highly likely. This water will need to be treated in order to be potable.
- The weir and its removal are likely to cost double the estimated $120million.

- The EIS is yet to be released and local communities are being asked to make decisions about the environment without access to the reasoning contained in the EIS.

(iv) Flawed proposals such as the Twin Lakes divert attention from finding solutions that will work.

2. The implications for the long-term sustainable management of the Murray Darling Basin system for inquiry and report by 4 December 2008, with particular reference to:

(a) the adequacy of current whole-of -basin governance arrangements under the Intergovernmental Agreement:

Inadequate.

See above 1 (b)(iv). The IGA as currently configured is inadequate. I endorse the proposal of Mike Young and Jim McColl (2008) for a new Murray-Darling Basin Agreement.

See RL&CAG 2(a).

(b) the adequacy of current arrangements in relation to the implementation of the Basin Plan and water sharing arrangements:

Inadequate

There needs to be action now to stop the Lower Lakes acidifying, to ensure that the eco-system can survive and eventually flourish.

See RL&CAG 2(b)

(c) long-term prospects for the management of Ramsar wetlands including the supply of adequate environmental flows:

The Commonwealth needs to take seriously its responsibilities under Ramsar and not bow to sectional interests and pressures. Rather than contemplating using the national interest clause to over-ride the EPBC Act, the Commonwealth should use the EPBC Act to protect the environment.

See RL&CAG 2(c)

(d) the risks to the basin posed by unregulated water interception activities and water theft:

The current regime is inadequate. The law is flouted. A fully integrated audit (see above 1(a)) is a first step in establishing a base line. The relationship between surface and ground water requires special attention.

(e) the ability of the Commonwealth to bind state and territory governments to meet their obligations under the National Water Initiative:

The Commonwealth is either unwilling or incapable of acting to meet its obligations under the NWI. The first possibility highlights the lack of political will and the second indicates the need to revisit the IGA.

(f) the adequacy of existing state and territory water and natural resource management legislation and enforcement arrangements:

There are too many layers of decision-making and local people and local knowledge are filtered out as information moves up through the hierarchy.

(g) the impacts of climate change on the likely future availability of water.

It is clear that we cannot sustain the current rates of extraction of water from the eco-system. Understanding the role of climate change will be critical. However the impact of climate change is an inexact science and politicians have a tendency to blame anything that is too difficult on climate change rather than recognising that human decisions have created the conditions of stress for the eco-system. We may be enduring years of low rainfall, but if the system had not been over-allocated, it would be able to recover (see Henry Jones' submission).

References

Young, Mike and Jim McColl (2008) *A future-proofed basin: A new management regime for the Murray-Darling Basin*. University of Adelaide.

Sim, Terry and Kerri Muller (2004) *A Fresh History of the Lakes: Wellington to the Murray Mouth, 1800s to 1935.* River Murray Catchment Water Management Board.