



australian network of environmental defender's offices

SENATE INQUIRY INTO WATER MANAGEMENT IN THE COORONG AND LOWER LAKES

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The Australian Network of Environmental Defender's Offices (ANEDO) consists of nine independently constituted and managed community environmental law centres located in each State and Territory of Australia.

Each EDO is dedicated to protecting the environment in the public interest. EDOs provide legal representation and advice, take an active role in environmental law reform and policy formulation, and offer a significant education program designed to facilitate public participation in environmental decision making.

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ANEDO welcomes the opportunity to provide comment to the Senate Inquiry into Water Management in the Coorong and the Lower Lakes.

Basin Plan

Since European settlement, the administration of the Murray Darling Basin has resulted in the river system being cut into pieces at the expense of the Basin as a whole and at the expense of the environment.

Water has been shared unequally in the Basin since inception and this unequal “sharing” will remain in place until 2019 with respect to Victoria’s water sharing plans and 2014 with respect to New South Wales’ water sharing plans. Again, this is at a cost to the environment and is despite the fact that action needs to be taken immediately in order to preserve the Basin and its wetlands.

The federal Water Act was enacted more than a year ago. It includes the requirement that a strategic plan be drawn up for the Murray Darling Basin (“the Basin Plan”). This Basin Plan is to coordinate the integrated management of water resources in the Basin, including sustainable water use. As a result, it should address the issue of the over-allocation of water in the Basin.

However, the first Basin Plan is not likely to come into operation until 2011¹. This is far too late for many wetlands in the Basin and in particular the Ramsar listed Coorong and Lakes Alexandrina and Albert.

In order to preserve the Coorong and lower lakes, environmental flows need to be released to the area as a matter of priority. Fauna in the area such as turtles and marine crabs are struggling for survival and are suffering and dying prematurely from growths of marine worms and barnacles in an ecosystem which is transforming into a marine environment.

In the meantime, the major issue facing the Basin, that of over-allocation remains.

Environmental Flows & Provision of Information

The legislative scheme fails to require environmental flows on a mandatory basis. As a result, there has been limited water released throughout the basin for environmental flows for some time.

By way of example, there is insufficient water being released from the Warrego River into the Darling River in the upper reaches of the Basin. Due to these concerns, in 2007, the Darling River Action Group took proceedings in the Queensland Supreme Court seeking judicial review of the Queensland Government’s decision to auction 8,000 megalitres of the water from the Warrego River. Following the action being instituted, the auction was withdrawn.

Inadequate provision of information with respect to water resources creates difficulties in managing environmental flows. For example, the Snowy River Alliance has sought information in order to ensure adequate environmental flows for the Snowy River system, but have met with an 8 month delay and have received limited information.

Finally, current restrictions on trade such as the 4% cap on trades outside of certain irrigation areas limits the ability to purchase water for environmental purposes. We understand that the ACCC water trading rules will seek to address this issue which we fully support.

Unregulated water interception

Water is being removed from the Basin without sufficient regulation or control. An independent regulator needs greater power and more enforcement officers to scrutinize works being carried on in the Basin to ensure that any works or water removal is legal and sustainable. For example, development appears to continue in the Paroo River region despite an agreement and local plans to the contrary².

Conclusion

Tough decisions need to be made forthwith by State & Federal governments across the Basin with respect to:

- accelerating the Basin Plan so that precious wetlands around the Basin do not disappear;
- reducing the water allocations from the Basin and directing environmental flows to its wetlands;
- regulating and enforcing water interception and theft under current regimes.

The Australian Network of Environmental Defenders Offices has made submissions with respect to the Water Act and the proposed Amended Water Act and we also refer you to these submissions³.

Endnotes

1. Agreement on Murray Darling Basin Reform 3 July 2008
2. Paroo River Agreement, for the Resource Operations Plan for the Warrego, Paroo, Bulloo and Nebine and the Water Resource Plans.
3. See “Submission on the *Water Bill 2007*” by Australian Network of Environmental Defenders Offices Inc 9 August 2007 at http://www.edo.org.au/policy/water_bill070824.pdf and see “Submission to the Senate Rural and Regional Affairs and Transport Committee Inquiry into the *Water Amendment Bill 2008*” by Australian Network of Environmental Defenders Offices Inc 9 August 2007 at http://www.aph.gov.au/Senate/committee/rrat_ctte/water_amendment/submissions/sub02.pdf