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9 June 2010

Carolyn Littlefair
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Standing Committee on Natural Resource Management (Climate Change)
Parliament of New South Wales
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Dear Carolyn,

Sustainable Water Management Inquiry - Additional information

Thank you for inviting us to appear before the Standing Committee on Natural Resource Management (Climate Change) on 14 May 2010. We provide answers to the additional questions requested by the Standing Committee below.

1. What have been the implications of the amendment removing rigid requirements for Water Sharing Plans to provide environmental flows at all times? What was the reason for this change?

We noted in our submission that the *Water Management Act 2000 (WM Act)* was amended to remove the requirement to provide environmental flows “at all times” which we strongly opposed.

The amendment was made by the *Water Management Amendment Act 2004*. The Second Reading Speech by the Hon. Craig Knowles states the reasoning behind the amendment:

It is also unclear whether the environmental health water rules must specify a particular flow that must be present at all times, or that the rule must be operative at all times. It would be environmentally damaging in many rivers to require that all plans specify some constant flows that must be maintained at all times. Natural river ecosystems depend on variability in flows.¹

The EDO disagrees with the conclusion that providing some level of environmental water at all times would be environmentally damaging. We recommend that the Standing Committee requests scientific evidence that supports this claim from the NSW Government. The EDO submits that although the *volume* of environmental water present in systems will change depending on the variability of flows, it is imperative that all systems are guaranteed some environmental water at all times to maintain the integrity of systems.

This amendment has, in our opinion, contributed to the overall failure of Water Sharing Plans (WSPs) in NSW to provide adequate environmental flows. We discuss this in detail below.

¹ Water Management Amendment Bill 2004, Second Reading Speech. Found at: [http://www.parliament.nsw.gov.au/Prod/parliament/nswbills.nsf/0/3ddf71b95f395ccbca256e910035dcab/\\$FILE/A3904.pdf](http://www.parliament.nsw.gov.au/Prod/parliament/nswbills.nsf/0/3ddf71b95f395ccbca256e910035dcab/$FILE/A3904.pdf)



2. How effective do you believe Water Sharing Plans are for providing adequate environmental flows?

As our submission and evidence before the Committee demonstrates, the EDO is of the opinion that Water Sharing Plans (WSPs) in NSW are not providing adequate environmental flows. 6 WSPs are currently suspended and environmental allocations in these areas are now occurring on an ad hoc basis, if at all. Moreover, many river systems remain significantly over-allocated, which has led to considerable strain on water systems in NSW despite WSPs being in place for some time. This conclusion is supported by several studies. The *Sustainable Rivers Audit* of river health of June 2008 found that the majority of rivers in the Murray Darling system show signs of long-term ecological degradation, even though WSPs have been in place for several years.² The Wentworth Group of Concerned Scientists has also recently concluded that “there is insufficient water flowing through the Murray-Darling Basin to maintain the long-term health of its rivers and water dependent ecosystems and meet the aspirations of all users”.³

We also highlighted in our submission that the allocation of environmental water through WSPs under the *WM Act* is not being undertaken in accordance with the *National Water Initiative (NWI)* or the explicit priorities in the *WM Act* itself. This has led to the prioritisation of consumptive uses, with the environment often issued an allocation that constitutes the residue of remaining water. The EDO submits that the NSW Government should take action to address the deficiencies in environmental water allocations in WSPs prior to the finalisation of the Commonwealth Basin Plan. We discuss the prioritisation of environmental flows in further detail below.

We also bring to the Committee’s attention a report released this month (June 2010) by the Wentworth Group of Concerned Scientists entitled *Sustainable Diversion in the Murray Darling Basin* which analyses options for achieving a sustainable diversion limit in the Basin.⁴

3. How do you see a balance being struck between extractive water users and environmental flows?

As we indicated in our submission and in our evidence to the inquiry, the EDO takes a longer-term view of sustainability. Rather than focussing on short-term economic and social returns, the NSW Government must consider the *longer term* economic, social and environmental consequences of current water use practices in making decisions. This is consistent with principles of ecologically sustainable development (ESD). As we have submitted on several occasions, all consumptive and domestic uses of water rely on the ecological integrity of catchments. Thus, to ensure long-term sustainability of **all** uses, environmental flows must be assured as a priority.

The *NWI* currently requires that the environment be granted as least the same level of security as other uses. Despite this clear requirement, the *WM Act* is currently underpinned by a flawed allocation process whereby the environment may validly be granted allocations *after* all other uses are attributed, which in effect grants the environment lowest priority. As Ken Matthews, the chief executive of the National Water Commission recently observed “environmental water in Australia has too often been the poor cousin and hasn’t had the same degree of security as consumptive water”.⁵

² <http://www2.mdbc.gov.au/SRA.html> (8 March 2010).

³ Wentworth Group of Concerned Scientists (June 2010), *Sustainable Diversion in the Murray Darling Basin*. A copy of this report may be found at http://www.wentworthgroup.org/uploads/wg_sustainable_murray_darling_v8_WEB.pdf

⁴ *Ibid.*

⁵ ABC News, *Murray-Darling study recommends flow increase*, 11 May 2010. Found at: <http://www.abc.net.au/news/stories/2010/05/11/2896544.htm>



The EDO submits that there is a clear need for the water management regime in NSW to prioritise environmental flows to ensure resilient ecosystems that can sustain a variety of uses and communities in the long-term. This is consistent with recent recommendations from the CSIRO. Mr Ian Overton, a stream leader at the CSIRO Water for a Healthy Country, recently recommended that the Government “must prioritise the ecological health of the basin in any future plans”.⁶

4. How do you think water data collection and management could be improved? Do you have any examples of ‘best practice’?

As we indicated in our submission, water data collection and management could be improved significantly in NSW as there are currently many disparate methodologies and data sets used. Moreover, much of the information that underpins WSPs is not easily obtainable by the community. Our key recommendations in terms of water data collection are:

- The type of water data collected should be consistent across the state and nationally;
- All data and supporting information should be accessible online;
- All data and supporting information should be made available in timely fashion; and
- All data collected should be related to the performance indicators and plan objectives contained in water sharing plans

In terms of ‘best practice’, we are aware that the Bureau of Meteorology (BOM) is currently working on a project called the 'National Water Account' which is an annual publication that will be completed by December 2010. Through the *Water Act (2007)*, BOM has statutory responsibility for compiling and delivering comprehensive water information across Australia.

The NWA will provide information on water rights, water availability and water use. It also aims to transparently report on volumes of water traded, extracted and managed for economic, public and environmental purposes across Australia. This information has previously been difficult to access or unavailable to members of the public in a standardised form. The overarching aim of the NWA is to establish a national and standards-based approach to water resource reporting, which BOM is developing through the Water Accounting Standards Board. The EDO strongly supports the aims of this project in developing best practice water data collection and management across Australia.

However, there will remain a role for the NSW Government in cross-referencing NWA data back to the performance indicators and plan objectives contained in WSPs. Moreover, it is important that when making new plans or amending existing plans, that better records are kept of the data used, the process followed and the key decisions made. This information must be made publicly available.

5. How does double counting occur? How widespread do you believe this is in NSW?

In our submission we highlighted the potential problem of double counting stemming from the lack of integration of ground water and surface water. Double counting occurs where the same water is subject to both a surface water and groundwater plan. The effect of this is that the same parcel of water is allocated to both groundwater and surface water users, which affects the security of environmental flows.

For further information we would refer the Standing Committee to the extensive report prepared by Rick Evans, who is the Principal Hydrogeologist at Sinclair Knight Merz in Melbourne. The report, *The*

⁶ *Ibid.*



Impact of Groundwater Use on Australia's Rivers - Technical Report, was commissioned by Land and Water Australia, a federal government body.⁷ The report provides technical details relating to double counting and the lack of integration between surface water and groundwater resources. If the Committee wishes to contact Dr Evans directly his contact number is (03) 9248 3100.

If you require any further information please do not hesitate to contact me on (02) 9262 6989 or rachel.walmsley@edo.org.au.

Yours sincerely

Environmental Defender's Office (NSW) Ltd



Rachel Walmsley
Policy Director

⁷ The report may be found at: <http://lwa.gov.au/files/products/innovation/pr071282/pr071282.pdf>

