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Water Act Review Secretariat  
Water Reform Division  
Department of the Environment  
GPO Box 787  
CANBERRA ACT 2601

Email: [wateractreview@environment.gov.au](mailto:wateractreview@environment.gov.au)

**Address** : The Conservation Centre  
Level 1, 157 Franklin Street  
Adelaide SA 5000

**Phone** : (08) 8223 5155  
**Fax** : (08) 8232 4782

**Email** : [general@conservationsa.org.au](mailto:general@conservationsa.org.au)  
**Web** : [www.conservationsa.org.au](http://www.conservationsa.org.au)

**ABN** : 22 020 026 644

Cc:

Hon Ian Hunter MLC, Minister for Sustainability, Environment and Conservation  
Allan Holmes, Chief Executive, Government of South Australia Department of  
Environment, Water and Natural Resources

**RE: REVIEW OF THE WATER ACT 2007**

Dear Review Committee

The Conservation Council of South Australia is pleased to provide input to the Review of the Water Act (2007)

Conservation Council SA is an independent, non-profit and strictly non-party political organisation representing around 50 of South Australia's environment and conservation organisations and their 90,000 members. Conservation Council SA has developed a comprehensive view of environment policy in *South Australia in a Changing Climate: A Blueprint for a Sustainable Future*<sup>1</sup>. This document sets out, at a strategic level, policy positions in six key environmental areas, including (water, planning and development) issues.

The Conservation Council SA together with other conservation, SA farming groups and the State Government advocated tirelessly for a better Murray Darling Basin Plan that was based on science and to protect the future of this vital river system and recognised South Australia's long established efforts to protect the Basin.

We strongly support the approach taken in Plan of a determination of the Sustainable Diversion Limit (SDL) applied to the use of the shared water resources of the Murray Darling Basin, and that the Basin be managed as a whole system.

Our view is influenced by both modelling outcomes and consideration by the Scientists including the Wentworth Group of concerned scientists. We believe that the 2750 GL established as the SDL together with a mechanism to achieve further

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<sup>1</sup> <http://www.conservationsa.org.au/blueprint.html>

benefits of 450 GL of flows per annum provides a necessary **but imperfect** solution that may still prove to allow too much water to be taken from the system. Our view is influenced by both modelling outcomes and consideration by the Scientists including the Wentworth Group of concerned scientists. For example, the current plan may still prevent the delivery of adequate water flows to increase water levels in the Coorong during the Spring period, which is the key to restoring Coorong ecosystems. We therefore look forward to the full implementation of the Basin Plan without any potential weakening of the SDL.

### Addressing the Terms of Reference

- a) having regard to the extent to which water resource plans are in transition, the review will conduct an assessment of the extent to which:
- (i) the management objectives and outcomes of the Basin Plan are being met; and
  - (ii) long-term average sustainable diversion limits are being met; and
  - (iii) targets in the Basin Plan are being met; and

In providing comment on whether the management objectives and outcomes are being met, including SDLs and targets, we acknowledge that the SDLs do not commence until 2019. Whilst it is not yet possible to comment on the outcomes of the implementation of the plan, it is important to assess whether progress towards this implementation by Government and other stakeholders is on track to deliver the required SDLs and intended outcomes.

At this stage, because of the way that the Murray Darling Basin Authority (MDBA) web pages on the Plan's implementation are presented, it is not possible to understand whether the progress towards implementing the Plan is on track or not.

Most stakeholders are not close to day to day activities to deliver the plan, and should therefore be provided with **concise yet adequate** system of reporting against key aspects and milestones via the MDBA Website. Some of these key aspects and milestones would present the latest annual data and updates on the significant issues that were discussed during the development of the Plan, including:

- A chart showing the three year rolling average of diversions in comparison with the agreed SDL of 2750 GL and additional 450 GL to be achieved through infrastructure improvements, updated.
- What is the difference between current levels of diversions (2013/14) and the established SDL (how much of the task lays ahead). Have there been further gains achieved through buy backs or infrastructure that have reduced the size of the challenge since the Plan was agreed in 2012. (There are some charts that show that there is 850 GL required to achieve the SDL and a webpage that shows water recovery progress yet this information is not presented in a 'dashboard' summary of how well the Plan is being implemented).
- A chart showing historic annual diversions, in comparison with the agreed SDL of 2750 GL and additional 450 GL to be achieved through infrastructure improvements, updated.

- An update of progress towards the additional 450 GL and expenditure of the \$1,77B funds allocated towards this objective. (There is almost no discussion on the MDBA website on progress towards the additional 450 GL. The web page on SDLs makes no mention and no link to the additional 450 GL objective).
- Any definitive variations proposed for the SDL adjustment mechanism.
- Progress towards state *Water Allocation* and *Watering* plans to be consistent with the MDB Plan.
- Progress towards the program for monitoring and evaluating the effectiveness of the Basin Plan.
- Progress towards the implementation of the Constraints Strategy. Has the Constraints Strategy led to any specific constraints management projects?
- Have the States have been delivering on their commitments to provide an adequate share of funding towards the implementation of the MDB Plan, and if not, why not?
- Is there any new information that should be considered towards future reviews?

It is suggested that a new approach be taken to regularly inform stakeholders with a summary of progress towards the implementation of the MDB Plan which can then help to inform whether the Objects of the Water Act (2007) are being achieved.

2) In addition, the review will examine and report on:

a) the effectiveness of the Act in achieving its objects, as set out in section 3 of the Act;

#### **No changes to the Objects of the Water Act (2007)**

At the meeting with the Review Committee, it was confirmed that there was no intention by any party to recommend changes to the Objects of the Water Act (2007). The Conservation Council strongly supports the Objects of the Act as they are written and is reassured that there will be no change to the objects as set out. In our view, compared with the MDB Plan, the Act better reflects the intent to ensure the return to environmentally sustainable levels of extraction, and to protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling Basin.

#### **Risk of not considering matters causing significant environmental harm**

It is important to understand that in addition to harm caused by over allocation of water sources, ecosystems can also be harmed by excessive water and poor quality of water released into a system. Whilst Section 3 Object (d) (ii) makes specific reference to “in particular, the impact that the **taking of water** has on the watercourses, lakes, wetlands, ground water and water-dependent

ecosystems that are part of the Basin water resources and on associated biodiversity", this does not limit the need to consider the potential harmful impacts of return water flows or new flows of poor water quality or timing.

To some extent the Review Committee provided assurance that where systems including wetlands are managed with infrastructure, the timing of return water flows and the water quality of those flows will be designed to minimise potential harm on the river channels. However, the Conservation Council SA would urge the Review Committee to consider situations where this may not be the case.

One such example is the uncontrolled release of water into the Southern Coorong from the Upper South-East Dryland Salinity and Flood Management Scheme. There has been concern that by allowing excess freshwater to enter the southern part of the Coorong via drainage infrastructure, a die-off event of the hyper saline ecosystem was triggered in 2012/14.

On 12 June 2014, South Australia's Minister for the environment announced that \$60M of new funding from the Federal and State Government for the Coorong South East Flows Restoration Project<sup>2</sup>. It is not well defined how the unregulated drainage flows differ from historic (pre drainage) ingress into the southern Coorong, particularly in relation to water quality, timing and diffusion. We recommend that any additional infrastructure for flows into the Coorong be undertaken only after a new comprehensive Environmental Impact Assessment to address additional risks to the Coorong.

We recommend that the Review Panel address the broader mechanisms to manage risks associated with the release of waters back into the Murray Darling system. Wherever infrastructure creates a change in flow, water quality or timing, then additional care must be taken to ensure that the environment is not further harmed. This is essential to achieve Section 3 Object (d) (ii) to protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling Basin.

For the southern Coorong, it appears likely that there may now be a risk of ongoing significant environmental harm caused by the permanent change to the inflow regime with no mechanism to turn off dangerous inflows to the southern system. There may be a need for a further investigation to determine how and where freshwater could be released into the Coorong to enable improvements to the upper system whilst preserving the hyper saline southern areas.

### **Integration with sustainability**

The Conservation Council SA encourages that the management activities associated with the MDB Plan are integrated with a greater effort to tackle climate change and to improve sustainability. The management of the River Murray contributes to anthropogenic climate change due to the large amounts

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<sup>2</sup> See Media Release \$60 million for Coorong South East Flows Restoration Project [http://www.environment.sa.gov.au/Home/Full\\_newsevents\\_listing/News\\_Events\\_Listing/140612-south-east-flows-project](http://www.environment.sa.gov.au/Home/Full_newsevents_listing/News_Events_Listing/140612-south-east-flows-project)

of electricity required for salt interception schemes, from the electricity consumed in offices, from the concrete, steel and piping materials used for infrastructure, and from the fuels used on sites and in vehicles.

We would encourage that the Review Committee consider under TOR 2 (b) that there be a greater commitment by those implementing the MDB Plan to set targets for energy efficiency, use of renewable energy, and lower emissions transport, projects and materials. This will contribute to and lead the way in tackling climate change which is by itself, a major risk to the sustainability of the Murray Darling Basin.

**b) opportunities to reduce or simplify the regulatory and/or reporting burden while maintaining effective standards**

The Conservation Council SA is concerned that simplification may not maintain effective standards particularly where standards are poorly defined and not properly developed. There must be a guarantee that short cuts won't be taken.

To assure an open and transparent process that regulatory and reporting frameworks are both efficient and effective, a transparent process to manage these requirements and any potential changes must be established. Where opportunities for streamlining are proposed, there should also be a Regulatory Impact Statement prepared to quantify the costs, benefits and any potential loss of standards that may result.

The Process should also describe how regulatory/reporting changes might be made and what level of consultation will be undertaken on proposed changes.

We thank the Review Committee for its efforts to engage with stakeholders during this review.

Kind regards,



Craig Wilkins  
Chief Executive