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October 21, 2003

The Chairperson
Resource Management and Planning Appeals Tribunal
GPO Box 2036
Hobart, Tasmania 7001

Dear Sir,

**Great Forester Catchment Water Management Plan
Tasmanian Conservation Trust v. Minister for Department of Primary
Industries, Water and Environment**

Introduction

Dorset Waterwatch (DWW) support the grounds of the above appeal (Section 28 Water Management Act, Great Forester Draft Water Management Plan, Dorset Municipality, Tasmanian Conservation Trust v. Minister DPIWE), being that “The Plan does not comply with Principle 2 of the *National Principles for the Provision of Water for Ecosystems (ARMCANZ & ANZECC, 1996)* as required under Policy Principle 1 of the *Water for Ecosystems Policy (Policy #2001/1 of the Water Management Act 1999)*”.

Dorset Waterwatch has participated at all stages of the development of the Great Forester Catchment Water Management Plan (GFCWMP) since the project started in 1998. We continue to have concerns that the Environmental Water Provision¹ in the final GFCWMP (DPIWE 2003), as amended from the original *Great Forester Catchment Draft Water Management Plan (GFCDWMP)(2002)(page 2)*, does not incorporate the findings of rigorous scientific assessment. It was our understanding that the 30ML/day Environmental Water Provision (EWP) figure (*GFCDWMP 2002*, page 8) represented an interim, minimum, first year “stepping stone” only, allowing irrigators breathing space to consolidate water storage, while the intention was to set

¹ **Environmental Water Provision is defined in the GFCWMP, DPIWE, July 2003, as “that part of the Environmental Water Requirement that can be met; that is, the water regime preserved for the environment through agreement or negotiation”.**

incremental increases in the EWP to achieve environmental “moderate risk” levels, as defined in the study *Ecological Flow Requirements for the Great Forester River* (McKenny and Read, 1999). It is clear that this was the intent and focus of the original *GFCWMP* (DPIWE, January 2002).

Unfortunately, in the amended numerous draft versions and final draft of the *GFCWMP* (DPIWE, 2003), the operational period of the plan was reduced from five to three years, taking the focus off long term commitment to achieving “moderate risk” levels. As well, proposed incremental increases in the EWP were discarded for a flat 30ML/day EWP for the operational period of the plan, with no commitment to increases in the EWP without agreement of all stakeholders.

Dorset Waterwatch understands that the *Water for Ecosystems Policy* has determined that EWPs will be set taking into account the ecological, economic and social impacts.

DWW has studied the above McKenny and Read (1999) ecological study, conducted under a risk assessment framework, and noted the potential environmental impacts associated with the adoption of defined “high”, “moderate” and “low” risk EWP levels.

As well, DWW has studied the economic report *Great Forester Catchment – Irrigation and Water Reliability Project* by David Armstrong (2001), commissioned by DPIWE. We did not find this study to be a rigorous and robust analysis of potential economic and social impacts. This was also the conclusion reached by the National Competition Council (NCC) in its *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 - Water Reforms (see attachment 1.). In connection with the Armstrong (2001) report DWW has not seen any evidence of a detailed study on potential social impacts and clearly nothing that has been produced under a risk assessment framework. This, given the general tenor of the report, is clearly an unfortunate situation.

Our concerns do not rest there. DWW has advised DPIWE and the Minister of what we believed to be dysfunctional process in the establishment and composition of the proposed community advisory body, which assisted DPIWE in many aspects of amending the *GFCWMP* (DPIWE, 2003), including the revising of the EWPs. While we do not intend to make this a focus of this submission, we wish to point out that this matter is now the subject of a community based audit, which will also take in the entire process of the development and current appeal of the *GFCWMP*. The audit will be published in 2004.

Submission

DWW remains unsatisfied that an adequate risk assessment process, capable of integrating the risk factors for the three areas noted above (namely social, economic and ecological), was used in the revision of the EWPs in the *GFCWMP* (DPIWE, 2003).

Firstly, as indicated, the EWPs were re-set for the second and all subsequent drafts and the final plan without, it would seem, any clear basis in science. In fact, we can

find no clear rationale at all for maintaining a 30ML/day EWP for the operational period of the Plan when DPIWE declared this figure to be “The minimum acceptable environmental flow for the first year of the Plan...” in a discussion paper to the Great Forester Catchment Water Management Planning Group (see attachment 2.).

This is particularly concerning in light of the advice from the McKenny and Read study (1999, pages 23 & 24) which recommended adopting a “low risk” EWP for the protection of the habitat of the threatened species, *Astacopsis gouldi*, the giant freshwater crayfish. The *Astacopsis gouldi* population is in recovery following virtual decimation of its numbers as a result of the 1994 pyrethrum spill in the Great Forester River.

As well, McKenny and Read (1999) call for the adoption of a “low risk” EWP in order to maintain the habitat for brown trout, a priority species documented as important to recreational fishermen in *Great Forester Catchment Water Resources Information Package*, pages 18 & 19, (DPIWE, February 2001). (see attachment 3.) from information gathered at a 1998 *Community Water Values Workshop*. It remains unclear how it was appropriate to set a flat 30ML/day “high risk” scenario EWP in spite of advice from the 1998 *Community Water Values Workshop* and DPIWE’s own scientific report. In our view, there are serious questions regarding potential liability, as it is clear that the incorporation of the recommendations from the best available science has been ignored.

Secondly, we believe the economic assessment authored by David Armstrong (2001) was insufficient to form a convincing argument that widespread economic hardship was the only likely scenario if “moderate risk” EWPs were met. The report may not be representative in that it is based on interviews with only three irrigators, all very large enterprises and relatively high water users. The study itself does not appear to be supported by a risk assessment framework.

In its 2002 Assessment of the GFCDWMP (2002) the National Competition Council makes the following comments in regard to the Armstrong Report (2001):

“The Council has reviewed the Armstrong consultancy and has some concerns with the report and the possible direction Tasmania may be taking in relation to the determination of EWPs in water management plans.”

“The socio-economic study conducted by Armstrong Consulting is not considered to be a robust analysis of the issue.”

“The return of \$1,000 per megalitre seems to be high relative to returns elsewhere, and the extrapolation of losses to the State seems somewhat tenuous.”

“The Council is highly concerned....the use of socio-economic studies based on protecting current consumption (is) putting off or watering down the legitimate needs of the environment, resulting in ongoing degradation.”

And finally, “The Council does not want to see EWPs and the water management plan process diluted by the inappropriate use of socio-economic studies.”

An important question arises as a result of this assessment by the NCC. If DPIWE was aware of the critical comments by the NCC in its assessment published in 2002, what actions were taken to correct or clarify any of the socio-economic information disseminated to the public, and in particular, the Water Management Planning Consultative Group? This is a critical point, as the argument for re-setting the EWPs

downward from the “moderate risk” level to “high risk” was largely based on the information contained in the Armstrong report (Armstrong 2001).

Thirdly, it does not appear that any in-depth, relevant risk assessment-based social impact study was conducted, outside of the possibly flawed Armstrong report (Armstrong 2001) and information collected at the 1998 *Community Workshop on Water Values* (see attachment 3.). Had this information been available it would have contributed to the discussions over the balance to be struck between environmental, economic and social impacts in the setting of EWPs for the GFCWMP.

Certainly, if such information had been collected it would have posed revealing questions such as (but not limited to):

Who will pay for restoration works should erosion occur as a result of streambank vegetation decline due to low river levels from irrigation loss?

Who will compensate farmers if they experience financial losses as a result to having to meet EWPs set without adequate scientific assessment and input?

And who will compensate anglers in the event of loss of the Brown trout fishery?

Summary

As a volunteer water monitoring group working on behalf of the community, Dorset Waterwatch does not have the expertise to determine what levels the EWPs should be set in the GFCWMP (DPIWE, 2003). We can only rely on the information provided to us throughout the process by DPIWE and use our judgement to decide which of it is relevant, scientific and accurate. It is interesting to note DPIWE’s own words in a *Report on the Great Forester Catchment Draft Water Management Plan* (see attachment 4.). “Improvements in river health are only expected after there are significant improvements in river flow”. This statement confirms our fears that the current EWPs in the Plan will do little or nothing to advance ecological recovery in the Great Forester Catchment.

For our part, Dorset Waterwatch feel an obligation to the taxpayers, who funded this process, to ensure that the best possible outcomes, which pose the least likely risks to the environment and water users, are delivered. We do not wish to see continued ecological degradation nor have the community face the prospect of compensation payments to irrigators, should the EWPs based on “best guess” rather than arrived at through a full assessment of the attendant risks, cause material harm. It is also unacceptable, in our opinion, to allow another three years to pass without a firm commitment to independent peer reviewed scientific analysis contributing to the development of all aspects of EWPs in the future.

It seems prudent to deliver what the *Water for Ecosystems Policy* (2001) calls for - Environmental Water Provisions that are reflective of a balance between economic, environmental and social considerations and that bring value and benefit to the wider community who, as always, one way or the other, foot the bill.

References

ARMCANZ & ANZECC, 1996, *National Principles for the Provision of Water for Ecosystems*

Water for Ecosystems Policy (Policy #2001/1 of the *Water Management Act 1999*)

DPIWE, January 2002, *Great Forester Catchment Draft Water Management Plan*

DPIWE, July 2003, *Great Forester Catchment Water Management Plan*

McKenny and Read, 1999, *Ecological Flow Requirements for the Great Forester River* (DPIWE)

Armstrong, D. 14 July, 2001, *Final Report Tasks 1 & 2, Great Forester Catchment – Irrigation and Water Reliability Project*

National Competition Council, 2002, *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 Water Reforms

Attachments

1. *2002 Assessment of Governments Progress in Implementing National Competition Policy and Related Water Reforms*, Vol. 2 Water Reforms chapter 7, pages 26 – 28. (National Competition Council 2002)

2. *Great Forester Catchment, Water Management Planning Consultative Group, notes for meeting 19 June 2002*, page 2. (DPIWE, 2002)

3. *Great Forester Catchment Water Resources Information Package*, pages 18 & 19, (DPIWE, February 2001).

4. *Report on the Great Forester Catchment Draft Water Management Plan*, page 13 (DPIWE, 28 August, 2002)

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