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Water Industry Legislation
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Dear Sir/Madam,

Re: Submission to Draft Water Industry Bill 2010

The Australian Civic Trust has been active in civic issues since 1969. For example it promoted the concept of an independent management authority for the Murray-Darling Basin before the Premier adopted this approach. Darian Hiles, the Chairman of the ACT, has been active in strategic planning for water since 2004.

Introduction

The timeframe for submissions to the bill is very tight and it contains fundamental problems. The following refers a small selection of relevant sections of the draft as examples, as a major rewrite is needed and this will require a different approach. It is agreed that a model for industry participation is needed but this must be in the context of the natural supply and need.

1. Preamble to Water Industry Bill 2010

The Preamble to the Water Industry Bill 2010 refers to facilitating planning in connection with water demand and supply but the water industry cannot be discussed without considering its place in the environment, as the environment is the major agent for the demand and supply of water. Natural rainfall, for example, is our ultimate source of water and even desalination must be in the context of the impact on the environment.

Hence the title "Water Industry Bill", explicitly covering demand and supply but ignoring the environment's role as the major agent, is fundamentally misconceived. Industry cannot be considered to be controlling the environment, in fact it is the reverse.

Thus an all-encompassing water bill can only be discussed in terms of what the environment can supply and what it needs to function.

The inherent assumption seems to be derived from an objective of Water For Good that claimed that Adelaide could be made independent of rainfall. This is not only physically impossible but also undesirable and as such should have been recognised in the beginning and not allowed to pass into print.

Recommendation:

Conduct a major revision of the Draft from first principles under the title "Water Bill 2011" and ensure that industry is considered in a viable, long-term context.

2. Objects of the Act

The objects of the Act include:

- planning associated with the availability of water within the State,
- response to demand within the community,
- various industry issues such as promoting efficiency, competition and innovation,
- pricing structures and standards,
- protecting the interests of consumers and
- ensuring effective management.

However these objects are distorted by the absence of the environment as the major agent of supply and demand.

Recommendation:

Undertake a major restructure of the Objects to place the environment in context.

3. Infrastructure and Land

Infrastructure is defined in the draft as pipes, conduits and associated fittings and apparatus, pumping stations, dams and reservoirs, etc. – i.e. all man-made assets.

However the topography and nature of the land provides the natural infrastructure that is the basis of the complete water cycle, including self-sustained water storage and flow, including seas, lakes, rivers and ground water. This infrastructure is based on natural maintenance which, if disturbed without understanding, will be directly detrimental to the State. Therefore it must be considered as part of the plan.

Similarly, land is defined simply as an estate or interest in land or a right or power over or in respect of land. This is far too limited to be of use in the wider context of the plan.

The environment provides an infrastructure framework far exceeding that listed and cannot be duplicated. Thus the items above must be placed in the environmental context.

Recommendation:

Include the natural land and waterways as the context of the Plan.

3. Water Planning (Part 2)

Once again, planning for the environment has been omitted. This does not reflect reality and is a guarantee of future disaster in South Australia's water management.

Recommendations:

- a. Fundamentally review the bill in terms of the environmental framework.
- b. Make water conservation a major part of planning.
- c. Recognise water as a common good.

4. Notice of work that may affect infrastructure, including discharge of unauthorised material (53, 57 & 58)

Once again, the environment has been omitted from these specifications.

Recommendation:

Develop parallel conditions for the protection of water and the environment, including regulators and advisory committees.

5. Management of land and infrastructure (Division 2)

These provisions are totally inadequate and appear to give undue powers to private operators.

Land is fundamental to the monitoring, protection and management of water and should be a major consideration as a key element of this Act, as should the atmosphere, particularly fluctuations in the weather and climate change.

Recommendation:

Redraft the Act to place in context air, land, water (including ground water mapping and management), weather and climate change.

SUMMARY

An urgent total redraft of the bill is required. This must be independent of vested interests, by people with genuine expertise in the role of water in the environment and the community and an unbiased understanding of the possibilities for the future.

This review should include as active participants all those who contributed to the feedbacks that are received.

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