

# **LONG TERM PLAN – HIGH RISK OF SUB-OPTIMISATION**

Issue Date  
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**South Australian Department of Environment and Heritage**

**A Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth**

**"Long Term Plan - High Risk of Sub-Optimisation"**

**By**

**John E. Caldecott**

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### About the Author

John Caldecott grew up in Port Pirie and moved to Henley Beach in 1970 to complete an Electrical Engineering degree at SAIT, now University of SA. For a significant part of his career John worked for electronics and software engineering Defence companies in South Australia. Since establishing Consultants in Quality Pty Ltd in 2001, John has been a self-employed independent consultant specialising in providing strategic advice in regard to quality systems, quality assurance and quality control strategies, methods and techniques.

In December of 2008 John was elected as President of Friends of Gulf St Vincent and was instrumental in forming a coalition of community organisations to stage the successful Community Water Summit at the Alan Scott Auditorium University of South Australia in March 2009. This committee also arranged to bring Maude Barlow, the International Water Activist to Adelaide in April of 2009. The Community Water Summit went on to form the Water Action Coalition which was launched in July 2009 of which John is the current Convenor.

John was invited by the Conservation Council of South Australia to attend MDBA Basin Plan Peak Bodies Forum on 14<sup>th</sup> & 15<sup>th</sup> December 2009. This submission not only reviews the Draft Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth but includes observations made at that Forum.

John E. Caldecott  
PO Box 190  
Henley Beach SA 5022

Mob 0427 976 503  
caldecott@ozemail.com.au

### Feedback Form for the Securing the Future document – Special Comment

It is of considerable concern that submissions made by the public are planned not to be published by the Murray Futures project and only a summary of submissions will be published. Considerable public money is being spent on this project and all submissions should be published to fully inform the media, public and promote debate. Not to do so only adds to the public and community scepticism that surrounds this project. It is recommended that all submissions, unless otherwise requested by the author, be published in the public interest and to respect the effort on the part of the individual.

This document contains an Executive Summary and selected comment has been provided to some sections of the DLTP and is documented in Appendix A.

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## 1 EXECUTIVE SUMMARY

The Lower Lakes and Coorong has been a natural part of the River Murray for thousands of years. Evaporation from these Lakes is part of the natural water cycle. Water is not a resource or commodity, but a natural resource to be nurtured and respected. The water cycle is too complex for the market to manage as it is primarily motivated by profit. The continuing construction of blocking dams in the Lower Lakes is destroying our environmental inheritance, the public amenity and utility of our water ways. It is time, once and for all, we stood together to demand a fair share of the River Murray for South Australia under all climate scenarios. We don't need increased obstruction to natural flows; we need better management and prioritisation of the entire Murray-Darling Basin (MDB).

I believe the core issue to be the clandestine privatisation of water. Rather than seeking to determine public opinion on this policy, successive federal and state governments have simply referred to the change as "water reform" and promised to save the environment by buying back water in the new national water market. The chief reason is to give irrigators a soft landing when the proposed MDBA Basin Plan is established. Parliament has been misled and South Australians have been deceived by a process initiated by the Council of Australian Governments (COAG) in 1994. I believe it has become the biggest scandal and disaster of our time. In South Australia the scale exceeds that of the State Bank Disaster in terms of its economic, social and environmental significance.

State governments are responsible for water licensing and setting allocations. They have also been responsible for setting up the new water market. Markets need demand and they also need water. One way of creating demand is to unnecessarily reduce allocations. One way to obtain water is to cut off areas deemed of no real economic value, such as the Lower Lakes, and use pipelines to supply the water from further upstream.

The drought has provided the perfect cover to establish the new water market to create this demand or what economists call water scarcity. Water to the Lower Lakes was cut-off in early 2007. South Australian irrigators can purchase as much water as they need, provided they have the financial resources to do so and can access it. Of course this also means that the State Government did not act in their and our best interests in slashing allocations when water was clearly still available. It is also clear this action was used in part to facilitate the creation of the new water market. The South Australian government has since used these low flows to justify their actions in the Lower Lakes and to build the Adelaide Desalination Plant. Adelaide coastal waters are not being saved. The Lower Lakes and Coorong are not being saved. The new privatised water market has been allowed to flourish. If this is not fraud I don't know what is.

Historically, water allocations have been set in response to lack of available water. The operation of the new water market in the MDB has exposed that there is water, and as much as you can afford to buy. This is the reality of water privatisation. On the very day that International water activist, Maude Barlow, gave her speech in Sydney on 1<sup>st</sup> April 2009 at the Australian Water Summit, American investors purchased 10 GL of high reliability water for \$20 million which they plan to lease back to farmers. This is totally unacceptable. In December 2008 when annual water diversions from the MDB were a low 3,913 GL, the National Water Commission proudly announced, in its first market report, that over 2,515 GL of water was traded of which 1,594 GL was temporary water. According to a recent report from a water-broker quoted in *The Australian* in early October 2009, 1,800 GL of temporary water was traded in 2008/09 in the southern part of the MDB. These figures do not add up.

In the eleven years since 1996/97, the total volume of water diverted was approximately 97,824 GL and South Australia's share of this diversion was a meagre 6% or an average of 549 GL/year, for a total of 6,037 GL. There are 65 major storages and over 600,000 private dams in the MDB, capable of diverting one and half times the average flow of every river in the basin and 25,560 km of irrigation supply and

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drainage channels. Clearly there are too many man-made channels. Just the channel and pipe loss has been estimated to amount to 1,238 GL by the CSIRO which is approximately two-thirds of South Australia's minimum flow entitlement without counting the water required to fill the channels and pipes. As a point of principle, the storage capacity of the basin should be managed as a whole to enable an emergency, such as South Australia is currently experiencing, to be managed without abandoning our environmental heritage that has survived droughts over thousands of years. Water must be prioritised to meet Australian needs first before it is made available to those targetting overseas markets.

Of course it is not only the irrigators of South Australia who have been deceived by this government; the people of Adelaide have also been deceived into acceptance of a desalination plant they do not need. The billions of dollars involved could have been better spent on water conservation projects. Adelaide coastal waters do not need an additional source of pollution; it is already an environmental disaster as a result of years of pollution from wastewater nutrients and stormwater turbidity. The priority for the South Australian and all other state governments should be water conservation, maximising the recycling of stormwater and wastewater, and thereby also preserving coastal waters and our Gulfs. There is a significant economic upside to this approach and now is the time to do it.

These same governments have allowed the unbundling of water licences from property so water can be traded; licences which were originally granted free of charge. Water has been turned into a commodity to be traded on world financial markets. State governments have guaranteed the transfer of water that is bought and sold. It can also be carried-over for use in future years. Public reservoirs have been turned into water banks for the private sector. Here in South Australia water is very simply privatised by the signature of the Minister when water allocation plans are approved, without a whimper from Parliament. The public has made and continues to make substantial investments in the infrastructure of the Murray-Darling Basin. It should not be used to give irrigators and global financial markets a free ride who now look at our rivers as rivers of gold. Have Australian governments learnt nothing from the Great Financial Crisis of this decade?

The Rann Labor Government does not deserve to be re-elected as a result of its mismanagement of South Australia's water and its environment; a disaster with considerable social, economic and environmental implications. South Australians must demand both a National State of Emergency Commission, to take over the short-term management of the MDB, and a National Public Commission of Inquiry into its management to properly inform the proposed MDBA Basin Plan and plans such as this plan which is the subject of this submission. To do otherwise will lead to a high risk of sub-optimisation with dire consequences for the Murray below Lock 1, The Lower Lakes and the Coorong. There are many questions to be answered; the public has been kept in the dark for too long. The water market should be immediately suspended during the emergency and irrigators paid just compensation for any water diverted to meet higher order priorities. The findings of the recent High Court decision of *ICM Agriculture vs. the Commonwealth* confirm that water is a natural resource the common property of Australians. Put simply, Australian domestic water needs must take priority over water to be used for export markets and, above all, the river must be allowed to flow to the sea; it should not be required to pay for the water it needs to survive.

The Parliament of South Australia should also empanel a Public Commission of Inquiry into the management of water and the environment of this state. Laws must be amended to ensure Governments uphold the "public trust doctrine" to protect the public's right to the utility and amenity of our waterways, both freshwater and marine. A referendum should also be called, to define whether South Australians wish their water to be privatised or alternatively held in public trust for the common good, as intended by our founding fathers, in drafting the Australian Constitution, and specifically section 100. South Australians deserve to know where our politicians and their political parties stand on these issues, particularly whether they support the privatisation of the nation's water – and we must know before the next election.

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### REFERENCES

#### 2.1

#### Documents & Publications Referenced and of Interest

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[2]	ISBN 978 0 9596627 8 8	RSSA 2008	Natural History of Gulf St Vincent <a href="http://www.adelaide.edu.au/rssa/pub/">http://www.adelaide.edu.au/rssa/pub/</a>
[3]	Sustainable Focus Pty Ltd	Sept 2008	Report on Sustainable Water: Options for Adelaide <a href="http://markparnell.org.au/campaign.php?campaign=25">http://markparnell.org.au/campaign.php?campaign=25</a>
[4]	ISBN 0-646-45013-1	2005	Water Proofing Adelaide Strategy <a href="http://www.waterproofingadelaide.sa.gov.au/WPA/Publications/">http://www.waterproofingadelaide.sa.gov.au/WPA/Publications/</a>
[5]	ISBN 978-0-642-71992-8	10 October 2008	Senate Committee Report Rural and Regional Affairs and Transport: Water management in the Coorong and Lower Lakes <a href="http://www.aph.gov.au/senate/committee/rrat_ctte/low_lakes_coorong/index.htm">http://www.aph.gov.au/senate/committee/rrat_ctte/low_lakes_coorong/index.htm</a>
[6]	Hansard Report Parliament of South Australia	8 <sup>th</sup> October 2008	Environment, Resources and Development Committee: Desalination Inquiry <a href="http://www.parliament.sa.gov.au/Committees/Standing/HA/EnvironmentResourcesandDevelopmentCommittee/EnvironmentResourcesandDevelopmentCommittee.htm">http://www.parliament.sa.gov.au/Committees/Standing/HA/EnvironmentResourcesandDevelopmentCommittee/EnvironmentResourcesandDevelopmentCommittee.htm</a>
[7]	61st Report Coastal Development Inquiry	20 <sup>th</sup> November 2007	Environment, Resources and Development Committee: Coastal Development Inquiry <a href="http://www.parliament.sa.gov.au/Committees/Standing/HA/EnvironmentResourcesandDevelopmentCommittee/EnvironmentResourcesandDevelopmentCommittee.htm">http://www.parliament.sa.gov.au/Committees/Standing/HA/EnvironmentResourcesandDevelopmentCommittee/EnvironmentResourcesandDevelopmentCommittee.htm</a>
[8]	Waterlines Occasional Paper No 9	October 2008	Emerging Trends In Desalination: A Review UNESCO Centre for Membrane Science and Technology University of New South Wales <a href="http://www.nwc.gov.au/www/html/893-emerging-trends-in-desalination-a-review-.asp?intSiteID=1">http://www.nwc.gov.au/www/html/893-emerging-trends-in-desalination-a-review-.asp?intSiteID=1</a>
[9]		2005	Water Proofing Adelaide: A thirst for change 2005 – 2025 <a href="http://www.waterproofingadelaide.sa.gov.au/WPA/">http://www.waterproofingadelaide.sa.gov.au/WPA/</a>
[10]		15 <sup>th</sup> October 2008	The University of Adelaide Water Wednesday <a href="http://water.adelaide.edu.au/events/">http://water.adelaide.edu.au/events/</a>
[11]		2004	A Fresh History of the Lakes: Wellington to the Murray Mouth, 1800s to 1935 by Terry Sim and Kerri Muller. PDF can be downloaded from Goolwa to Wellington Local Action Planning group <a href="http://www.gwlap.org.au/publications.php">http://www.gwlap.org.au/publications.php</a>

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[13]	WAC-D-001	Draft 0.1b 1/12/2009	South Australian Public Commission of Inquiry Water and Environment management Terms of Reference <a href="http://www.civictrust.net.au/PublicInquiryToR.pdf">http://www.civictrust.net.au/PublicInquiryToR.pdf</a>
[14]	CiQ-FWUA-001	2.0 18/11/2009	National Public Commission of Inquiry into the Governance and Management of the Murray-Darling Basin <a href="http://www.fairwateruse.com.au/">http://www.fairwateruse.com.au/</a>
[15]	CiQ-FWUA-002	2.0 18/11/2009	National State of Emergency Commission of the Murray-Darling Basin <a href="http://www.fairwateruse.com.au/">http://www.fairwateruse.com.au/</a>
[16]		Nov 2009	<a href="http://www.mdba.gov.au/media_centre/media_release/mr-water-extraction-limits">MDBA Issues Paper: Development of Sustainable Diversion Limits for the Murray-Darling Basin</a> <a href="http://www.mdba.gov.au/media_centre/media_release/mr-water-extraction-limits">http://www.mdba.gov.au/media_centre/media_release/mr-water-extraction-limits</a>
[17]		11/12/2009	<a href="#">Review of Cap Implementation 2008-09</a>
[18]		Dec 2009	Securing the Future A Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth Draft for public comment <a href="http://www.environment.sa.gov.au/cllmm/the-long-term-plan.html">http://www.environment.sa.gov.au/cllmm/the-long-term-plan.html</a>
[19]	ISBN 978 1 85617 684 2	6th Edition 2009	ISO 9000 Quality Systems Handbook David Hoyle
[20]	MDBC Technical Report 2001/11	Nov 2001	Options for Water Savings from the Lower Lakes for improved flows in the Coorong and through the Murray Mouth <a href="http://thelivingmurray2.mdbc.gov.au/_data/page/1482/FinalLowerLakes-28-11-011.pdf">http://thelivingmurray2.mdbc.gov.au/_data/page/1482/FinalLowerLakes-28-11-011.pdf</a>
[21]			Commonwealth of Australia The Australian Constitution "Section 100 - Nor abridge right to use water" <a href="http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/framelodgmentattachments/DA4C5EE438A954BCCA25728A00001A67">http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/framelodgmentattachments/DA4C5EE438A954BCCA25728A00001A67</a>
[22]	ISBN 978 186287 633 0	2007	Water Politics in the Murray-Darling Basin Daniel Connell, Federation Press <a href="http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862876330">http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862876330</a>

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## 2.2 Definitions And Acronyms

### 2.2.1 Definitions

Term	Description
Gigalitre (GL)	One Gigalitre is 1,000 ML or 1 billion litres and represents a volume of water one square kilometre by one metre deep. When full, the Hope Valley reservoir holds about 2.8 GL and the Happy Valley Reservoir holds 11 GL.
Hectare	Equivalent to an area of 10,000 m <sup>2</sup> or 2.471 acres
WORD	Microsoft® Word 97, or later, the preferred word processing application.

### 2.2.2 Acronyms

Acronym	Description
ACWS	Adelaide Coastal Waters Study 2007
CCSA	<a href="#">Conservation Council of South Australia</a>
CEO	Chief Executive Officer
CLLMM	Coorong, Lower Lakes and Murray Mouth
COAG	Council of Australian Governments
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DEH	SA Department of Environment & Heritage
DLTP	Draft Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth (The subject of this submission)
ERDC	Environment, Resources and Development Committee Parliament of South Australia
GSV	Gulf St Vincent
MDB	Murray-Darling Basin
MDBA	<a href="#">Murray-Darling Basin Authority</a>
MLC	Member of Legislative Council
OWS	Office Water Security (South Australian Government)
SDL	Sustainable Diversion Limits
WAC	Water Action Coalition <a href="http://civictrust.net.au/page25.htm">http://civictrust.net.au/page25.htm</a>
WPA	Water Proofing Adelaide

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## A Selective Review – Draft: A Long-Term Plan for the Coorong, Lower Lakes and Murray Mouth

Ref	Reference	Findings / Questions	Recommendations	Remark (s) / Supporting Reference
A.	Foreword	<p>The statement "no one should be surprised" should be quantified as to whom the authors of the report are referring. They in themselves have not been disclosed.</p> <p>Many concerned citizens in the community, including myself, have been surprised at just how far the South Australian Government has been prepared to go to justify its actions not only in the Murray system but in Gulf St Vincent to build the 100 GL Adelaide Desalination Plant . It also supports the new National Water Market which is privatising the waters of the Murray.</p> <p>This report does not detail the full range of actions that need to be taken by Government to address what should have been a declared State of Emergency of the Murray as soon as flows across the border into South Australia were reduced below the minimum entitlement in response to the drought.</p> <p>This plan reads like a story to justify actions either already taken or planned to be taken to disconnect the Murray from the Lower Lakes and Coorong. These actions in the main are short-term corrections designed to address the immediate consequences ("current circumstances") of the reduction in the minimum entitlement of flows across the South Australian border and in particular below Lock 1. Proper long-term corrective action can only result from a full and open public inquiry into the MDB to determine the root causes requiring long-term corrective action.</p> <p>The Plan provides no traceability to the findings of a Public Inquiry that has been conducted with the powers of a Royal Commission that would give the community confidence that DLTP is intended to address the correct set of actions. The plan as a consequence is not fully informed as to the systemic causes that have created the "current circumstances" and as such this represents a major failing of the DLTP.</p> <p>This Plan fails to discuss the threat of water privatisation that has allowed water licenses to be traded to the highest bidder irrespective of the needs of the environment, residents and irrigators of South Australia.</p>	<p>The DLTP needs to identify its authors and exactly who, including third parties have contributed to this plan.</p> <p>As a South Australian citizen, I am concerned that DEH lacks the independence to fully critique the actions of politicians, particularly since the implementation of the COAG water reform agenda established in 1994. There needs to be a separate and comprehensive inquiry into the operation of the South Australian Public Service including any Ministerial Offices that been allowed to act outside of the Public Service Act.</p> <p>This plan needs to fully inform the South Australian public as to what actions need to be taken by Governments to address the causes of the emergency of the River Murray in South Australia.</p> <p>A State of Emergency in the Murray should have been called by the South Australian Government as called for by The Advertiser and supported by concerned citizens in the Community.</p> <p>There has been substantial failure of public duty that can only be addressed by a full and open public inquiry with the powers of a Royal Commission to inquire into water and environmental management as called by the <a href="#">Water Action Coalition</a> rally on the 10<sup>th</sup> October 2009 and voted on by the South Australian Legislative Council on 3<sup>rd</sup> December 2009.</p> <p>In addition DEH together with other Government agencies should be demanding a National State of Emergency be declared in the MDB together with a National Public Inquiry into the MDB with the powers of a Royal Commission.</p> <p>The Plan makes no reference to the National Water Commissions National Water Market Reports that were released in December of 2008 and 2009. These reports demonstrate that water was available; its prioritisation was left to those who had the most money instead of the needs of South Australians and the environment entrusted to them.</p>	<p><b>COAG</b> is not part of our parliamentary system and its meetings are held in secret instead of in public and recorded in Hansard.</p> <p><b>Hon Mark Parnell MLC</b> moved a motion for council to vote on the principle of holding a Public Inquiry called for by the <a href="#">WAC Rally Proclamation</a></p> <p><a href="#">WAC Motion SA Legislative Council - 3rd December 2009</a></p> <p><a href="#">Mark Parnell's Speech – 3<sup>rd</sup> December 2009</a></p> <p><a href="#">Michelle Lensink's Speech – 3<sup>rd</sup> December 2009</a></p> <p><a href="#">David Winderlich's Speech – 3<sup>rd</sup> December 2009</a></p> <p><b>Experts demand River Murray declared in state of emergency</b> <b>The Advertiser 30<sup>th</sup> July 2008</b></p> <p><b>"Experts are demanding a national state of emergency be declared to force an immediate plan of action to save the dying River Murray.</b> <i>The Advertiser</i> today publishes the ideas of 16 eminent experts and river-users who have accused governments of acting too slowly to avert the crisis. They have developed 37 immediate initiatives to help save the river, with most saying the state and federal leaders' plan delivered too little and too slowly."</p> <p><a href="http://www.news.com.au/adelaidenow/story/0,22606,2410,9474-2682,00.html">http://www.news.com.au/adelaidenow/story/0,22606,2410,9474-2682,00.html</a></p> <p><b>Recommended Terms of Reference</b> for Commissions:</p> <p>South Australian Public Commission of Inquiry Water and Environment management [13]</p> <p>National State of Emergency Commission of the Murray-Darling Basin [15]</p> <p>National Public Commission of Inquiry into the Governance and Management of the Murray-Darling Basin [14]</p>

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Ref	Reference	Findings / Questions	Recommendations	Remark (s) / Supporting Reference
B.	Executive Summary	<p>"The failure to discharge the salt is a problem which is owned by all of the states in the Murray-Darling Basin."</p> <p>This statement underscores the need for a Public Inquiry into the MDB.</p>	<p>The amount of salt above a trigger level in the Lower Lakes needs to be used as a feedback system that results in increased flows to South Australia from up stream states and a reduction in allocations to irrigator districts contributing the most salt. This principle needs to be address by the MDBA Basin Plan.</p> <p>Ref A</p>	
C.	Executive Summary	<p>"Its target is to ensure that the amount of water diverted from the Basin should not compromise its key environmental assets, key ecosystem functions, the productive base or key environmental outcomes of the water resource."</p> <p>The "current circumstances" give South Australians no confidence that this principle will be adhered to above all else.</p>	<p>The failure of the Commonwealth, the MDBA and the MDB Governments to take any real actions to address the Emergency of the Murray below Lock 1 makes a mockery that a national approach will save South Australia. It is time for the Commonwealth and the Government of South Australia to walk the talk and realise that the Murray river has crashed and needs not only immediate emergency action but a full and open Public Inquiry.</p> <p>For South Australians to have confidence in the voracity of the MDBA's principle, the MDBA, Commonwealth and MDB Governments should have already declared a National State of Emergency in the MDB and drawn up plans to ensure the principles of section 100 of the Australian Constitution are achieved under all risk scenarios of the MDB; flood, normal, low flows, drought and emergency conditions.</p> <p>There is an urgent need for a comprehensive report of how all water that has fallen in the MDB has been used in not only the regulated systems but the unregulated systems including all water held in the 23,000 kms of irrigation channels, private dams and harvested directly from the flood plain during the drought. Since the introduction of water trading, water has been allowed to be unbundled from property, carried over and forward sold. This also needs to be disclosed including the water licenses that are now in the hands of overseas investors.</p> <p>Ref A</p>	<p>Emergency conditions would mean that for South Australia, all 16 rivers systems of the MDB that flow to the Murray mouth must be prepared to help supply South Australia to relieve and or prevent the emergency. For example the NSW Floods of December 2009 / January 2010 would result in immediate water sharing of the flood events to a previously defined water sharing plan.</p>

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D.	Executive Summary	<p>"An adaptive approach to management is proposed. This will continue to use the best available science in developing management actions, and monitoring closely the effect of those actions through the crisis period and a future of climatic uncertainty."</p> <p>This is an incorrect use of the word "adaptive", the correct word to use is "reactive" or simply "fire-fighting".</p> <p>"Climatic uncertainty" is a fact of life of normal Australian climatic variation. If this is meant to refer to the CSIRO Sustainability Yields Project climatic models it needs to be borne in mind that no likelihood of occurrence was assigned to these models, they where ranked in terms of effect not uncertainty.</p>	<p>A suggested proper approach to adaptive management would entail the development of different management strategies for each of the risk scenarios of the MDB previously mentioned in Ref C whilst factoring in priority of water use principles outlined in the Terms of Reference [13] , [14] &amp; [15]:</p> <ul style="list-style-type: none"> <li>- <b>Flood</b> – All weirs and barrages in South Australia would be open and the Blocking Dams constructed in the Lower Lakes emergency would be immediately removed. Priority of Water Use principles are not applicable.</li> <li>- <b>Normal</b> – Priority of Water Use principles apply however all license holders will receive between 60% and 100% of their entitlement depending upon normal variability. Permanent and Temporary Water Trading allowed within irrigation districts.</li> <li>- <b>Low Flows</b> - Priority of Water Use principles apply however all license holders will typically receive between 30 and 60% of their entitlement. Temporary Water Trading allowed within irrigation districts.</li> <li>- <b>Drought</b> – Priority of Water Use principles apply and there is no threat to ecology; Suspension of Water Allocation Plans and Water Trading suspended, all upstream catchments required to provide assistance unless they are in drought or under an emergency. Government control. Compensation to all irrigators whose water allocation is directed for critical domestic needs however viable permanent plantings used for export are able to be kept alive.</li> <li>- <b>Emergency</b> – State of Emergency Declared as Water Allocations are less than 30%, ecology of the Murray is threatened by the continuing consequences of a drought and urban water supply requires restrictions. Drought provisions apply and MDBA has the authority to direct water from any part of the MDB to address the Emergency.</li> </ul>	<p>Surface water, including groundwater, shall be provided for use in the following order of priority [13] :</p> <ol style="list-style-type: none"> <li>1. Water required by South Australian river systems and related water courses to ensure their ecological health.</li> <li>2. Water required by those dependent upon the River Murray for their domestic water supply.</li> <li>3. Water for use by irrigators to produce foodstuffs for residents of Australia.</li> <li>4. Water for use by other industries to produce goods and products for domestic use.</li> <li>5. Water for use by irrigators and industries to produce goods and products for export.</li> </ol> <p>Nominal figures have been used for the purpose of the illustration. The Low Flow figure of 30% should be that which allows viable permanent plantings to be kept alive for future export markets but water required for domestic food production is fully available.</p> <p>The MDB must be respected as a living being that needs to be kept alive by Australians working together and not in self-interest or competition. This latter aspect has been exacerbated by allowing irrigators to sell their water licenses on the open market – the water reform movement has given irrigators the impression that they own water likes a property right which of course they do not. This is the reason the recommendations are couched in collective terms instead of what markets produce, self-interest, competition and sub-optimisation.</p> <p>Any change in overall entitlements of irrigation districts is subject to the agreement of the states involved and the MDBA.</p> <p>The actions associated to address an Emergency in any part of the MDB require the collective teamwork of all water sharing regions and states. The objective is to lift the Emergency condition as soon as is practicable. Drought conditions declared following two consecutive years of Low Flows and the outlook is for continuance of Low Flows.</p>

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E.	Executive Summary	<p>"Envisaged in the goal are:" and including the following sub-sections that state actions.</p> <p>The stated goals lack any meaningful specification to hold anybody accountable. There is no indication of the intention to enshrine properly specified goals in legislation.</p> <p>The majority of goals relate to corrective or remedial actions and not long term corrective action [19] designed to return the Lower Lakes, Coorong and Murray Mouth.</p> <p>Lack of properly defined corrective actions traced to systemic or root causes is a major failing of this plan. This is a result of an inadequate public inquiry, with the powers of a Royal Commission, to determine the systemic causes of the over-allocation, management problems of the MDB for the plan and decisions that have created the emergency.</p>	<p>Those entrusted with the management of the MDB need to respect applicable common laws such as the "Public Trust Doctrine" which has been blatantly ignored in building the Blocking Dams of the Lower Lakes.</p> <p>Ref A.</p> <p>In terms of monitoring, it is in South Australia's interests to monitor the implementation of all Water Allocation Plans by upstream states and this should be addressed by the plan.</p>	<p>Appendix B "The Story of Mono Lake and the Public Trust Doctrine."</p>

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F.	Executive Summary	<p>"Priority adaptation actions that have been identified include:"</p> <p>This section is mostly "spin" for permanent management of the Lower Lakes in the manner envisaged by this plan.</p> <p>For example the plan fails to disclose the privatisation of the pipeline project referred to in the plan at considerable expense to the public which contributed the majority of the funds to the project. Privatisation means that this is not a remedial action but a long-term corrective action that is based on the assumption of the continuance of low levels in the Lower Lakes that are too salty for growing vines. It also exposes the privatisation agenda of the Rann Labor Government.</p> <p>"Research is also currently underway to inform an Environmental Impact Statement into the potential introduction of a minimum amount of seawater to avert acidification."</p> <p>This is an outrageous action when other high level actions such as a State of Emergency have been ignored by Governments and by this plan. South Australians are entitled to know whose interests are being served by water reform because it is not the general public of South Australia?</p>	<p>This plan needs to be honest about Langhorne Creek pipeline as private investors would not give up their existing infrastructure for a so called adaptive action that is clearly intended to be permanent. In addition the privatisation helps support the Office of Water Security plans for a Water Industry Act to formalise the privatisation of public infrastructure that has already taken place during the term of the Rann Labor Government.</p>	<p><b>Salt cut as water pipeline flows</b> ABC News 3<sup>rd</sup> November 2009</p> <p>"A pipeline from Jervois near Tailern Bend to Langhorne Creek and Currency Creek has been completed and is pumping water to properties. It has cost about \$95 million to build, most of it federal funding. The Creeks Pipeline Company has officially assumed control of the pipeline this week." <a href="http://www.abc.net.au/news/stories/2009/11/03/2731600.htm?site=adelaide">http://www.abc.net.au/news/stories/2009/11/03/2731600.htm?site=adelaide</a></p> <p><b>Irrigation Water to Langhorne Creek &amp; Currency Creek</b> Fact Sheet <i>Murray Futures</i> July 2009 <a href="http://www.murrayfutures.sa.gov.au/factsheets_details.php?ID=23">http://www.murrayfutures.sa.gov.au/factsheets_details.php?ID=23</a></p> <p><b>The Creeks Pipeline Company Ltd</b> <a href="http://creekspipelineco.com.au/index.htm">http://creekspipelineco.com.au/index.htm</a></p> <p><b>Angas Bremer Water Management Committee</b> (ABWMC) Climate   Irrigation Management   Environmental Strategies</p> <p>"At Langhorne Creek, the use of electric pumps to extract groundwater for irrigation began in 1950 when electricity first became available in the Angas Bremer district. By 1970 well water levels were falling and the salinity of the irrigation water was rising because the volume of groundwater being extracted had increased to about four times the volume recharged to the aquifer each year." <a href="http://www.langhornewine.com.au/region/environment/irrigation.asp">http://www.langhornewine.com.au/region/environment/irrigation.asp</a></p>

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G.	Introduction	<p>"Years of over-allocation of the water resources of the Murray-Darling Basin combined with the recent severe drought across most of the catchments have led to severe impacts upon the CLLMM. Water levels in the Lower Lakes are now well below sea level, as the amount of water entering the lakes in recent years has not matched evaporative losses."</p> <p>This plan fails to acknowledge miss-management and the introduction of a national water market that has put self-interest and free market principles as the real priority of Governments of the MDB. It also fails to identify the real systemic causes. The plan does not disclose that it has been an objective of the MDBC since 2001 to reduce the size of the Lower Lakes [20] .</p>	Ref A & D	<p><b>Appendix D (selected quotes)</b></p> <p>"Since 1997 MDB average inflows have been 5,700 GL/year vs. previous average inflows of 11,600 GL/year. MDB diversions for consumptive use during this period of time have averaged 8,893 GL/year. The total volume of water diverted is approximately 97,824 GL and South Australia's share of this water was a meagre 6% or an average of 549 GL/year for a total of 6,037 GL. There are 65 major storages and 600,000 private dams in the MDB capable of diverting one and half times the average flow of every river in the basin and 25,560 km of irrigation supply and drainage channels."</p> <p>"In 2007-08 despite diversions being the lowest in the last eleven years and amounting to just 3,913 GL, the first market report of the National Water Commission reported that an extraordinary 921GL of permanent water access entitlement and 1594 GL of temporary water allocation was traded in that year."</p>
H.	Introduction	<p>"With water not having flowed through the barrages for several years, salts and pollutants are not being flushed from the system and water quality is continuing to decline. Lake Alexandrina has become a sink, collecting salt, sediment and dissolved materials from all states across the entire Murray-Darling Basin."</p> <p>This is grounds for an immediate State of Emergency</p>	<p>The DLTP needs to disclose on a scale the trends the level of salts and pollutants which in themselves should include trigger points that provides for immediate an mandatory emergency releases of water from upstream states.</p> <p>Ref A</p>	
I.	Introduction	<p>"Water levels have not fallen to this extremely low level since sea levels rose some 7,000 years ago. There is therefore no precedent for dealing with environmental impacts on this scale."</p> <p>This is evidence of an environmental disaster created by Australian governments and not by climate change. Governments at all levels have failed to adapt management practices to match natural variation. This is grounds in itself for an immediate Public Inquiry with the powers of a Royal Commission at both a National and State level.</p>	<p>The relative level of water use needs to be capped to no more than 60% during Low Flow, Drought and Emergency Conditions.</p> <p>Ref A</p>	<p><a href="#">Water Availability in the Murray-Darling Basin Report</a></p> <p>The whole of basin report from the CSIRO Murray-Darling Basin Sustainable Yields Project – page 33 table "Time series at Wentworth (integrating the MDB) of total effective surface water use (including downstream use), total without-development flow and relative level of surface water use under the historical climate.</p> <p>- Shows that in time of flood relative level of water use can be below 20% whilst during low flows can be as high as 80%.</p>

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J.	Purpose and context	<p>"While this is a long-term plan, it also proposes a number of short-term actions and interventions, because without these our longer term goals for the CLLMM will not be achieved."</p> <p>Strongly disagree this is a long-term plan. The long-term plan is to continue fire-fighting actions for the next 20 years to address the current man-made "current circumstances". This is unacceptable.</p>	<p>The Governments of the MDB, including government departments and agencies such as DEH have a responsibility to manage in trust our public heritage for future generations of not only South Australians and Australians but the interdependent ecology that depends upon the sanctuary of the Lower Lakes and Coorong.</p> <p>Ref A &amp; D</p>	<p>It is inevitable that a Public Inquiry will be held with the powers of a Royal Commission into the MDB and the management of water and the environment in South Australia.</p>
K.	Purpose and context	<p>"... the Australian Government has invested substantially in buying back water for the Murray-Darling Basin"</p> <p>The Australian Government is not purchasing the right water, such as temporary water, but permanent water entitlements that will retain their original license condition baggage which largely only provide genuine water for the environment in times of floods and normal flow. What water purchases of the Australian Government has flowed to the Lower Lakes during this emergency? As the irrigators noted at the MDBA Peak Bodies Forum on 14<sup>th</sup> &amp; 15<sup>th</sup> December 2009 in Canberra, the Commonwealth water purchases are designed to give irrigation districts a soft landing when the MDBA SDL are defined in the proposed Basin Plan.</p>	<p>All water sharing plans that are planned to be established in the MDB must provide for a greater share of flows for the environment and not less as currently provided by existing water sharing plans.</p> <p>Ref A &amp; I</p>	<p>It is important to be aware that CSIRO Sustainability Studies used current water sharing plans in their models and they also did not address the impact of the National Water Market.</p>

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L.	Purpose and context	<p>"This plan does not exist in isolation. A wide range of legislation, international agreements and policies influence the CLLMM area and its management."</p> <p>This plan fails to acknowledge the Australian Constitution and specifically section 100 [21] and common law principles that is applicable to Australia and relevant to the management of water and the environment in the public interest.</p>	<p>This plan needs to be consistent with a recent High Court Ruling <b>ICM Agriculture Pty Ltd v The Commonwealth</b></p> <p>It is time for honesty in public affairs by all parties contesting the forthcoming state election to declare their position with respect to water privatisation and the privatisation of water services.</p> <p>This point was made when section 100 of the Australian Constitution was framed by the Victorian delegate, Isaac Isaacs, a future Commonwealth Attorney –General, Chief Justice of the High Court and the first native-born Governor General and to quote "Isaacs stressed the need for a decision to be made on its merits from a national perspective, given that rivers "by their very existence and course, are the common property of Australia." [22]</p> <p>A fundamental principle that must be established for the management of the MDB is that water is part of the common property of Australia.</p>	<p><b>ICM Agriculture Pty Ltd v The Commonwealth</b> [2009] HCA 51 (9 December 2009)</p> <p><i>High Court of Australia</i> 9<sup>th</sup> December 2009</p> <p><a href="http://www.austlii.edu.au/au/cases/cth/HCA/2009/51.html">http://www.austlii.edu.au/au/cases/cth/HCA/2009/51.html</a></p> <p>Clause 55 "The second point of interest is that the language of the 1896 Act and the 1912 Act does not disturb the common law notion that water, like light and air, is <b>common</b> property not especially amenable to private ownership and best vested in a sovereign state[55]."</p> <p><b>Water Justice Advocate: Don't Privatise</b></p> <p>But leading environmentalist Robert F. Kennedy Jr., founder and president of the Waterkeeper Alliance, told Amanpour the privatization of water supply -- what Kennedy called "the commoditization of water supply" -- is morally wrong. "It's intrinsically a government function. It has to remain in the hands of the government. The government has a responsibility to all the people, and that this is part of the commons," he added. "And the law of the commons is that whether you're rich or poor, everybody has the right to the public trust asset," Kennedy said. "Nobody has the right to use it in a way that will diminish or injure its use and enjoyment by others."</p> <p>Appendix C</p>

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M.	If you want to know more than is in this document	<p>"Just as this Long-Term Plan exists within a broader legal and policy framework, it also exists among a wide range of supporting and complementary documents."</p> <p>Not clear what this means as plans implement requirements and do not define requirements themselves.</p>	<p>The plan needs to be specific about what legislation it implements and under whose authority it is approved.</p> <p>The substance and actions of this plan need to be subject to Parliamentary processes to ensure public accountability.</p> <p>Plans are implementation of requirements documented in separate documents. The requirements that this plan addresses need to be approved by Parliament .</p> <p>Plans to allow sea water into the Lower Lakes and to allow the long-term actions covered by the plan to continued need to be sanctioned by a referendum that is held following a Public Inquiry with the powers of a Royal Commission.</p> <p>Ref A</p>	
N.	<b>Recent water allocation history within South Australia</b>  <b>Page 8</b>	<p>"In recognition of the stressed condition of the River Murray, South Australia imposed a freeze on further irrigation entitlements following the drought of 1967-68."</p> <p>Given the long track record of South Australia, why did South Australia accept a reduction of flows during the drought to create the problems in the Murray and scare the population of Adelaide into building the Adelaide Desalination Plant?</p> <p>In addition the Plan needs to disclose the impact on areas under irrigation as a consequence of water reform. The Government has allowed the expansion of vineyards during a long and protracted drought.</p> <p>Given that rainfall in the Eastern Mt Lofty Ranges for 2009 was above average, why did it take so long for the creeks and rivers of this system to flow to the Murray and the Lower Lakes? This issue was raised a number of times by the <a href="#">ABC 7.30 Stateline Report</a> during 2009.</p>	<p>South Australians need to know whether the Government accepted a reduction in flows to create an emergency for South Australians to facilitate its political objectives and those set by the Commonwealth.</p> <p>In particular what financial rewards will the Commonwealth pay should the State Government be successful in permanently reducing the size of the Lower Lakes and fully achieving water reform?</p> <p>South Australians need to know why a State of Emergency was not declared and why negotiations for a contribution from all water sharing plans to supply the minimum needs of South Australia to ensure the river flows to the sea has not been negotiated by the Government.</p> <p>South Australians also need to know why the findings of CSIRO Sustainability Yields Project for the Murray Region were ignored by the South Australian Government as the actions taken Below Lock 1 and the Building of the Adelaide Desalination Plant are not justified by the conclusions of this CSIRO report.</p> <p>Ref A &amp; D</p>	<p>Murray-Darling Basin Regions (17) <a href="http://www.csiro.au/partnerships/MDBSYReports.html">http://www.csiro.au/partnerships/MDBSYReports.html</a></p> <p><b><a href="#">Water Availability in the Murray-Darling Basin Report</a></b> The whole of basin report from the CSIRO Murray-Darling Basin Sustainable Yields Project. (68 pages)</p> <p><b>Presentation of Results from the Murray Region:</b> CSIRO Murray-Darling Basin Sustainable Yields Project</p> <ul style="list-style-type: none"> <li>- " Adelaide and SA rural town water supply would be unaffected under this or any 2030 climate scenario"</li> <li>- "The modelling indicates that levels in the Lower Lakes would not fall below mean sea level under any 2030 climate scenario, although minimal lake areas would be lower than under the historical climate in very dry years."</li> </ul> <p><a href="http://www.csiro.au/resources/MurrayPresentation.html">http://www.csiro.au/resources/MurrayPresentation.html</a></p>

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O.	<b>Recent water allocation history within South Australia</b> <b>Page 9</b>	<p>"There is a fundamental issue with the current Murray-Darling Basin Agreement provisions for meeting system dilution and loss requirements which differ upstream and downstream of the South Australian border. Upstream they are met on a real-time basis from the shared resource. Downstream of the border, a set dilution and loss volume (696 GL) is included in the flow allocated to South Australia. This volume is not adjusted for, and does not meet, real time dilution and loss requirements to the river mouth (between about 950 GL and 1 350 GL per year)."</p> <p>"Because of the freeze imposed by South Australia in the 1960s the State does not use all its non-dilution and loss (consumptive) allocation from its 1850 GL Entitlement Flow. Part of South Australia's non-dilution and loss allocation is therefore used to meet part, or all, of the shortfall. Unregulated flows through the system have also assisted to maintain flows into the Lower Lakes. However, in dry periods when South Australia's Entitlement Flow is less than the minimum entitlement under the Agreement, and/or losses is high, this shortfall can not be met."</p> <p>Why has the Rann Labor Government failed to address this anomaly when it has had 8 years to do so?</p>	Ref A & D	<p><a href="#">Water Availability in the Murray-Darling Basin Report</a> The whole of basin report from the CSIRO Murray-Darling Basin Sustainable Yields Project. (68 pages)</p> <p>Refer to Page 31, Table "Average surface water delivery efficiencies between key locations across the MDB for without-development conditions under the historical climate.</p> <p>This indicates that 54% of the water that reaches Menindee would make it the Murray Mouth.</p>
P.	<b>Recent water allocation history within South Australia</b> <b>Page 9</b>	<p>"For the last three years, South Australia has received barely enough water to meet its critical human water needs and support critical allocations to irrigators necessary to prevent the collapse of the industry."</p> <p>This is more evidence of the failure of the South Australian Government to negotiate a fair share given its emergency situation.</p>	<p>It is quite clear that urban South Australians need to be very concerned that the management of the MDB has been steered to the establishment of a National Water Market based on sharing principles of who has the most money. The self-interest of the market has stopped both the States and the Commonwealth from working together in the Australian way. Again this requires a Public Commission of Inquiry.</p> <p>Ref A &amp; D</p>	<p>Review of Cap Implementation 2008–09 <a href="http://www.mdba.gov.au/services/publications/more-information?publicationid=40">http://www.mdba.gov.au/services/publications/more-information?publicationid=40</a></p>

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Q.	<p><b>Recent water allocation history within South Australia</b> <b>Page 9</b></p>	<p>"In November 2009 the South Australian Government agreed to allocate, subject to inflows during 2009-10, a minimum of 120 GL towards a Lower Lakes Environmental Reserve (in addition to 50 GL purchased during 2008-09). Delivery of this water will commence as soon as possible according to an optimised delivery pattern. This water would have historically been allocated to irrigators.</p> <p>This environmental reserve lessens the risk of acidification in the Lower Lakes and saline wedges entering the main channel above Wellington, thereby reducing the impact of potential back-flow events on potable water supply extraction points. Maintaining higher water levels below Lock 1 also mitigates adverse impacts on river banks, levee banks and floodplains, and lowers salinity in the Lower Lakes."</p> <p>This is a very welcomed initiative however to be initiating this just before an election due on 20<sup>th</sup> March 2010 is not good enough and is political grandstanding to the extreme.</p>	<p>The evidence that the South Australian Government has failed to negotiate a fair share on behalf of South Australians continues to mount – this needs to be immediately addressed. It is clear from the Australian Water Market's report that despite the "protracted drought in the southern connected Murray-Darling Basin" there is plenty of water available to have ensured that SA low flow entitlement was not compromised.</p> <p>It is also clear that there are many irrigators who are no longer interested in irrigation but making a quick dollar from what is a natural resource, the common property of Australians, created by significant investment in public infrastructure. The new National Water Market also makes a mockery of Water Sharing Plans, irrigation water security status and the need to prioritise water during Low Flows, Droughts and Emergencies.</p> <p>Ref A &amp; D</p>	<p><b>Australia's water markets show record trade activity</b></p> <p>Media release - 10 December 2009</p> <p>The CEO of the National Water Commission Ken Matthews today released the <i>Australian Water Markets Report 2008-2009</i>, saying that it charts the remarkable growth of Australia's water markets.</p> <p>Mr. Matthews said, 'This authoritative national statement of trade volumes, prices and trends is particularly important given the increasing role of government water purchasing programs and the impacts of 4% limit on entitlement trade.'</p> <p>This year's report finds that in the 2008-09 year, the trade of water entitlements almost doubled (1800 GL compared to 920 GL in 2007-08), and that allocation trade continued to grow significantly (2158 GL compared to 1594 GL in 2007-08).</p> <p>'Predictably, given the protracted drought in the southern connected Murray-Darling Basin, this major market has continued to grow', explained Mr. Matthews.</p> <p><a href="http://www.nwc.gov.au/www/html/2698-australian-water-markets-report---dec-2009.asp?intSiteID=1">http://www.nwc.gov.au/www/html/2698-australian-water-markets-report---dec-2009.asp?intSiteID=1</a></p>
R.	<p><b>Recent water allocation history within South Australia</b> <b>Page 9</b></p>	<p>"Irrigators have a legal entitlement to water, are a key industry supporting regional communities and must be considered in the provision of critical water needs."</p> <p>Irrigators do not have a legal entitlement to water. They can expect reasonable use under section 100 of the Constitution but so can residents of the State.</p>	<p>Ref A, D &amp; L</p> <p>The South Australian Government must seek the approval of the public to privatise water and water services by holding a referendum. It is time democracy returned to decisions of state importance and public infrastructure which is the common property of South Australians. Water is not the common property of Parliament to give away to appease stock exchanges.</p> <p>A cap must be placed on water during Low Flows, Droughts and Emergencies that is used for export purposes. Plans need to be drawn up to address the scenarios outlined in Ref D to ensure South Australians and our precious environments are never again subjected to an event that has never previously happened in 7,000 years.</p>	<p>It is nonsense to suggest that the rights of foreign owners of irrigation properties who are producing products for overseas markets rank ahead of Australian needs when there is a shortage of water, such as during Low Flows, Droughts and Emergencies.</p>

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S.	<p><b>Figure 5 Murray-Darling Basin Inflows</b></p> <p style="text-align: center;"><b>&amp;</b></p> <p><b>Figure 6. River Murray discharge at the barrages from 1968 to 2009.</b></p>	<p>The distribution is not normal and it is clear that the statistical average of inflows is a biased statistic.</p>	<p>The DLTP needs to clarify the type of distribution and includes all statistics that are required to allow a full understanding of the nature of variation. In addition if the median is less than the average, the median statistic should be used as use of the average statistic will contribute to great level of extractions than is the norm.</p>	
T.	<p><b>4.4 Climate Change</b></p>	<p>"Climatic uncertainty" is a fact of life of normal Australian climatic variation. If this is meant to refer to the CSIRO Sustainability Yields Project climatic models it needs to be borne in mind that no likelihood of occurrence was assigned to these models, they where ranked in terms of effect not uncertainty.</p> <p>This means that the median 2030 climate was simple the middle of the models not the middle of what is likely. The DLTP does not detailed the assumptions the models are based i.e. the models used are based on continuance of Water Sharing Plans which are biased against the environment particularly when river flows are below normal.</p>	<p>The DLTP needs to clarify the assumptions used by the CSIRO Sustainability Yields Project and modelling needs to be carried out that reflect proposed Water Allocation Plans to be established by the South Australian Government to address the SDLs of the MDBA Basin Plan. These should be made available at the same time as when the MDBA publishes it draft Basin Plan for comment.</p> <p>Also recommend a statistician be used to review the correct use of statistics and conclusions drawn from the statistics used by the DLTP. The median statistic needs to be used together with the average statistic.</p>	
U.	<p><b>6. What is the latest science telling us?</b></p>	<p>"Short-term management actions are thus critical to ensuring that there is a viable long term future for the site"</p> <p>Short-term actions by definition are actions to contain the current situation and largely address symptoms not root-causes that can only be surfaced by a Public Inquiry with the powers of a Royal Commission.</p>	<p>Ref A</p>	

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Ref	Reference	Findings / Questions	Recommendations	Remark (s) / Supporting Reference
V.	<p><b>6. What is the latest science telling us?</b></p>	<p>Page 37 "The introduction of seawater onto already oxidised acid sulfate soils increased contaminant (acid, metal, metalloid, nutrient) release compared to freshwater, in field and laboratory experiments (i.e. it makes matters worse)."</p> <p>Page 38 "Because of limited tidal mixing through the Murray Mouth, the introduction of large amounts of seawater to Lake Alexandrina has been modelled to lead to hypersaline conditions rather than a healthy marine environment, in less than two years. The Murray Mouth is likely to become more congested with sand to the point that water would not be able to flow in and out of Lake Alexandrina with the tides. Without adequate freshwater flows, letting seawater enter Lake Alexandrina on a long term basis is not likely to result in a healthy estuarine or marine ecosystem, but an increasingly degraded hypersaline ecosystem."</p> <p>"The introduction of large amounts of seawater into Lake Alexandrina could also threaten the supply of water for Adelaide and many country areas. Should seawater be introduced in any large volume on a permanent basis, a permanent structure to prohibit seawater entering the off-takes for the potable water supplies, and or a desalination plant would be required."</p> <p>It is beyond belief that this plan and the Government continue to pursue a seawater solution instead of adequate freshwater flows down the River Murray?</p>	<p>Ref A</p>	<p>Page 40 "To flush the salt carried down to the site by the River Murray out of the system, there needs to be an adequate head of water above the prevailing sea level to drive a flow through the barrages. Current modelling indicates that River flows substantially below 3,500 GL per annum are insufficient to flush salt to the sea and that the salinity levels in Lake Alexandrina will build up. Even at an end-of-system flow of 3,500 GL per annum, salinity in Lake Alexandrina would be about 1,000 EC units, based on an annual load of two million tonnes of salt."</p>

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## **B THE STORY OF MONO LAKE AND THE PUBLIC TRUST DOCTRINE**

### **B.1 The [Mono Lake](#) Story**

"In 1941, the Los Angeles Department of Water and Power began diverting Mono Lake's tributary streams 350 miles south to meet the growing water demands of Los Angeles. Deprived of its freshwater sources, the volume of Mono Lake halved, while its salinity doubled. Unable to adapt to these changing conditions within such a short period of time, the ecosystem began to collapse. The photo at left was taken in 1962, after the lake had already dropped almost 25 vertical feet. Islands, previously important nesting sites, became peninsulas vulnerable to mammalian and reptilian predation. Photosynthetic rates of algae, the base of the food chain, were reduced while reproductive abilities of brine shrimp became impaired. Stream ecosystems unravelled due to lack of water. Air quality grew poor as the exposed lake bed became the source of air-borne particulate matter, violating the Clean Air Act. If something was not done, Mono Lake was certain to become a lifeless chemical sump. The photo at right was taken in 1968. The one below was taken in 1995, at a lake level over 40 vertical feet below the pre-diversion level."

<http://www.monolake.org/about/story>

#### **B.1.1 Political & Legal Chronology**

Over the years the Mono Lake Committee, working with the National Audubon Society and CalTrout, has pursued litigation which can be divided into two broad categories:

- a. The protection of Mono Lake through the enforcement of the Public Trust Doctrine. Dating from the time of Roman law, this ancient legal doctrine protects navigable bodies of water for the use and benefit of all the people. In a 1983 precedent-setting decision, the California Supreme Court ruled that the state has an obligation to protect places such as Mono Lake "as far as feasible," even if this means a reconsideration of past water allocation decisions.
- b. The protection of fisheries in the streams tributary to Mono Lake through the enforcement of California Fish and Game codes. These codes, which can be described as a legislative expression of the Public Trust, were previously unenforced. Section 5937 states: "the owner of any dam shall allow sufficient water at all times to pass over, around, or through the dam, to keep in good condition any fish that may be planted or exist below the dam." Section 5946 states: "no...license to appropriate water (in portions of Mono and Inyo counties) shall be issued...unless conditioned upon full compliance with section 5937."
- c. These legal principles are the basis of the landmark 1994 decision made by the State Water Resources Control Board, in which the Department of Water and Power's (DWP's) water licenses were amended. In the decision, the state had to comply with Fish and Game code requirements for Mono Lake's tributary streams, and, on top of the water needed to protect the fisheries, ensure that the lake's public trust values (such as air quality, scenic and wildlife values) were protected.

<http://www.monobasinresearch.org/timelines/polchr.htm>

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## **B.2 The Public Trust Doctrine**

### **B.2.1 California State Lands Commission - Origins Of The Public Trust**

The origins of the public trust doctrine are traceable to Roman law concepts of common property. Under Roman law, the air, the rivers, the sea and the seashore were incapable of private ownership; they were dedicated to the use of the public. This concept that tide and submerged lands are unique and that the state holds them in trust for the people has endured throughout the ages. In 13th century Spain, for example, public rights in navigable waterways were recognized in Las Siete Partidas, the laws of Spain set forth by Alfonso the Wise. Under English common law, this principle evolved into the public trust doctrine pursuant to which the sovereign held the navigable waterways and submerged lands, not in a proprietary capacity, but rather “as trustee of a public trust for the benefit of the people” for uses such as commerce, navigation and fishing.

[http://www.edo.org.au/edonsw/site/pdf/presentations/coastal\\_solutions\\_forum.pdf](http://www.edo.org.au/edonsw/site/pdf/presentations/coastal_solutions_forum.pdf)

### **B.2.2 Perception Of Water In Australian Law: Re-Examining Rights And Responsibilities**

#### **B.2.2.1 Academy Symposium 2003 - Australian Academy Of Technological Sciences And Engineering**

Introduction: Changing Perceptions of Water in Australia

Patterns of Australian life since European colonisation have been characterised by periods of ‘boom and bust’. Many of these cyclical trends have been linked to the periodic droughts that affect the Australian continent.<sup>1</sup> Water and its availability has long been a key issue in Australian society. A significant proportion of Australia’s public resources and private investment has been devoted to overcoming perceived deficiencies in water supply and/or its distribution.<sup>2</sup> As Australia continues to be heavily dependent on primary industries,<sup>3</sup> and as the demands for urban water supply continue to grow,<sup>4</sup> water will remain a sensitive issue in economic, social and political terms. In many ways, water is a more acute indicator of trends in development and conservation than the land itself, even though the interrelationship between land and water is now beginning to be given due acknowledgement.<sup>5</sup> The more diffuse interaction between water, environmental sustainability and human quality of life arguably remains largely under explored. However, the recent attention directed to water issues in Australian society highlights, yet again, how integrally water is connected to a diverse range of human and environmental outcomes.<sup>6</sup>

<http://www.atse.org.au/index.php?sectionid=629>

#### **B.2.2.2 Diving Into The Deep: Water Markets And The Law**

Poh-Ling Tan\* Institute of Public Affairs

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"Introduction - The central objective of the current reforms - to develop a water market - has triggered polarised debate between the advocates of markets and advocates of regulation. Yet in western USA, where water markets have been recommended since the 1960s and a common reality since the mid 1980s, water practitioners have accepted a role for both markets and regulation. The problem is to identify for what purposes each should be used. A purely regulatory approach did not work, but neither would a pure market approach, if only because of the need to provide for environmental flows. The two approaches need to be integrated."

[http://www.ipa.org.au/library/0804paper\\_tan.pdf](http://www.ipa.org.au/library/0804paper_tan.pdf)

### **B.2.2.3 Metropolitan Region Scheme Amendment No 1001/33 South West Districts Omnibus (No 3a) Jervoise Bay**

Motion for Disallowance WA Legislative Council

"... having lost over eight per cent of the Sound's seagrass habitat since 1970 we are gravely concerned at the prospect of losing still more of what remains".

"We are opposed to this development in relation to both location and design. We are sure that the contemporary view is that it is simply no longer acceptable to have such valuable community recreational asset taken away, irreversibly changed and downgraded. The Commonwealth Government in the light of its coastal protection pledge, funded by the sale of Telstra, would need to be cautious of partly funding a potential environmental disaster. This project should go straight back to the drawing board and an appropriate consultative process be developed for alternative solutions, particularly in view of the proposals for further harbours in Cockburn Sound. This could incrementally destroy this wonderful area".

The footnote reads -

\*RECFISHWEST represents Western Australia's 520,000 recreational fishers.

In terms of the spokesperson's comment that it is simply no longer acceptable to have such a valuable community recreational asset taken away, irreversibly changed and downgraded, I will read an item from "Earth 2000" of 12 January 1998. It was looking at this issue which was dealt with by Robert Kennedy Jnr and John Cronin in a book and who are experts in environmental law and were representing the work of a group named Hudson Riverkeeper Inc in the United States. An article in The West Australian dated 12 January 1998 stated -

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In their book, Cronin and Kennedy say the rights of fishermen and other river users are enshrined in the New York State constitution and statutes but are based on the oldest body of law on which so many English-speaking democracies rest - the Public Trust Doctrine. "Appearing in the English Common Law and Roman Law before it," write the pair, "that doctrine establishes public ownership of certain natural resources and is one of two ancient principles that underlie modern environmental law and virtually all Riverkeeper's work. "According to the Public Trust Doctrine, the public owns common or shared environments. Government trustees are obligated to maintain the value of these systems for all users - including future generations. Like other rights, public trust rights are said to derive from 'natural' or God-given law. They cannot be extinguished." These rights, enshrined in the Magna Carta, ensured public access to clean natural resources for ever.

That is a principle which does not seem to be familiar to this Government. It seems to think that our community assets belong to certain key interest groups from which the Government receives most of its election funding.

<http://www.parliament.wa.gov.au/hansard/hans35.nsf/16ab30a0303e54f448256bf7002049e8/e8ce49e4dfb5508c4825673d002db441?OpenDocument>

## **B.3 Public Trust Doctrine**

From Wikipedia, the free encyclopedia

The public trust doctrine is the principle that certain resources are preserved for public use, and that the government is required to maintain it for the public's reasonable use. Origins - The ancient laws of the Roman Emperor Justinian held that the seashore that were not appropriated for private use were open to all. This principle became the law in England as well. In the Magna Carta in England centuries later public rights were further strengthened at the insistence of the nobles that fishing weirs which obstructed free navigation be removed from rivers. These rights were further strengthened by later laws in England and subsequently became part of the common law of the United States as established in *Illinois Central Railroad v. Illinois*, 146 U.S. 387 (1892). In that case the Illinois Legislature had granted an enormous portion of the Chicago harbor to the Illinois Central Railroad. A subsequent legislature sought to revoke the grant, claiming that original grant should not have been permitted in the first place. The court held that common law public trust doctrine prevented the government from alienating the public right to the lands under navigable waters (except in the case of very small portions of land which would have no effect on free access or navigation). In subsequent cases it was held that this public right extended also to waters which were influenced by the tides regardless of whether or not they were strictly navigable. This concept also has been found to apply to the natural resources (mineral or animal) contained in the soil and water over those public trust lands.

[http://en.wikipedia.org/wiki/Public\\_trust\\_doctrine](http://en.wikipedia.org/wiki/Public_trust_doctrine)

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### C **'WATER JUSTICE' ADVOCATE: DON'T PRIVATIZE**

Tom Evans, *CNN* January 8, 2010 (Video Available)

Selected quotes:

#### **MAUDE BARLOW**

"When you add the for-profit motive into water supplies, some people are going to die," Barlow told *CNN*'s Christiane Amanpour Thursday. "Water must be declared to be something that belongs to all of us, which is not that it's a free-for-all, but that it must be equitably divided and shared -- and only government can do that." Barlow, who is one of the most outspoken advocates of what activists call "water justice," said water is a public trust and must not be privatized."

#### **ROBERT F. KENNEDY JR**

"But leading environmentalist Robert F. Kennedy Jr., founder and president of the Waterkeeper Alliance, told Amanpour the privatization of water supply -- what Kennedy called "the commoditization of water supply" -- is morally wrong. "It's intrinsically a government function. It has to remain in the hands of the government. The government has a responsibility to all the people, and that this is part of the commons," he added. "And the law of the commons is that whether you're rich or poor, everybody has the right to the public trust asset," Kennedy said. "Nobody has the right to use it in a way that will diminish or injure its use and enjoyment by others."

<http://edition.cnn.com/2010/TECH/science/01/07/water.justice>

#### **MAUDE BARLOW COUNCIL OF CANADIANS**

##### **UPDATE: Maude Barlow challenges Aquafed on CNN**

Selected quotes from Interview

"On the program, Maude said, "Christiane, listen, here is the issue that we're dealing with. We are a world running out of freshwater. It's something we learned in — in — grade school that couldn't happen, but we are, in fact, a world running out. If there were all the water in the world, it wouldn't matter if some people made a lot of money in it. The reality is that there is more demand than supply, and that — that increase in demand and the decrease in supply is growing. So it makes a big difference how we're going to decide who's going to allocate water. Mr. Payen and those who believe in privatization, it's also water markets, water bottling, all sorts of other ways, believe that it should be based on the market, like Coca-Cola or running shoes, and it should go to those who can pay. We believe very deeply that it's a public trust. Water must be declared to be something that belongs to all of us, which is not that it's a free-for-all, but that must be equitably divided and shared and only governments can do that. When you add the for-profit motive into water supplies, some people are going to die. And right now, every eight seconds somewhere in the world, a child dies from waterborne disease because their parents cannot pay for water that Mr. Payen and his colleagues are selling."

<http://www.canadians.org/campaignblog/?p=2626#more-2626>

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### FULL TRANSCRIPT

"Maude was on Christiane Amanpour's CNN program today discussing water along with Robert Kennedy Jr. of the Waterkeeper Alliance and Gerard Payen, president of Aquafed, a group representing private water companies. 'Amanpour' is broadcast on CNN International to more than 257 million households in more than 212 countries."

<http://www6.lexisnexis.com/publisher/EndUser?Action=UserDisplayFullDocument&orgId=574&topicId=100007219&docId=1:1104043063&isRss=true>

### ROBERT F. KENNEDY JR.

President of Waterkeepers Alliance

Selected Quote from Bio

"Robert F. Kennedy, Jr.'s reputation as a resolute defender of the environment stems from a litany of successful legal actions. Mr. Kennedy was named one of Time magazine's "Heroes for the Planet" for his success helping Riverkeeper lead the fight to restore the Hudson River. The group's achievement helped spawn over 190 Waterkeeper organizations across the globe.

Mr. Kennedy serves as Senior Attorney for the Natural Resources Defense Council, Chief Prosecuting Attorney for the Hudson Riverkeeper and President of Waterkeeper Alliance. He is also a Clinical Professor and Supervising Attorney at Pace University School of Law's Environmental Litigation Clinic and is co-host of Ring of Fire on Air America Radio. Earlier in his career he served as Assistant District Attorney in New York City.

He has worked on environmental issues across the Americas and has assisted several indigenous tribes in Latin America and Canada in successfully negotiating treaties protecting traditional homelands. He is credited with leading the fight to protect New York City's water supply. The New York City watershed agreement, which he negotiated on behalf of environmentalists and New York City watershed consumers, is regarded as an international model in stakeholder consensus negotiations and sustainable development."

<http://www.waterkeeper.org/ht/d/sp/i/10558/pid/10558>

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## D AUSTRALIAN WATER NETWORK MEDIA RELEASE 21/4/2009

**MEDIA RELEASE:** Tuesday 21<sup>st</sup> April 2009

**Murray Darling Basin (MDB) has been mismanaged and requires an immediate Rescue.**

The Australian Water Network fully supports the Open Letter to the Prime Minister of Australia Kevin Rudd prepared by Ian Douglas of Fair Water Use (Australia)<sup>2</sup> on the 7<sup>th</sup> April 2009 and the call for an immediate State of Emergency and Royal Commission based on community terms of reference posted by Fair Water (Use Australia).

Since 1997 MDB average inflows have been 5,700 GL/year vs. previous average inflows of 11,600 GL/year<sup>3</sup>. MDB diversions for consumptive use during this period of time have averaged 8,893 GL/year. The total volume of water diverted is approximately 97,824 GL and South Australia's share of this water was a meagre 6% or an average of 549 GL/year<sup>4</sup> for a total of 6,037 GL. There are 65 major storages and 600,000 private dams in the MDB capable of diverting one and half times the average flow of every river in the basin<sup>5</sup> and 25,560 km of irrigation supply and drainage channels<sup>6</sup>.

For the Murray Darling Basin Authority (MDBA) head Rob Freeman<sup>7</sup> (Former CEO of the SA Department of Water, Land and Biodiversity Conservation) to question whether there is enough water to supply the South Australian urban and industry users in the year ahead is an admission that the MDBA and its predecessor the Murray Darling Basin Commission has failed to effectively manage the most critical resource to South Australians during a protracted drought.

According to statistics published by the Australian Bureau of Statistics for pastures and crops irrigated in the Murray-Darling Basin for 2006-07<sup>8</sup>, there is a continuing failure to prioritise water use based on critical Australian domestic needs vs. using water for export crops during the worst drought in recorded history. Of the 4,458 GL of water used for irrigation in the MDB in 2006-07, the ABS estimates that 1,058 GL of water was used for rice and cotton, 534 GL used for grapevines, 1,093 GL used for pasture and 690 GL for cereal crops.

In 2007-08 despite diversions being the lowest in the last eleven years and amounting to just 3,913 GL, the first market report of the National Water Commission reported that an extraordinary 921GL of permanent water access entitlement and 1594 GL of temporary water allocation was traded<sup>9</sup> in that year.

The management of the resource by Australian governments and their agencies is an international disgrace. There has been a systemic failure to effectively adapt to the drought as it evolved and minimise environmental, social and economic consequences. It seems if you have the money, water is not a problem as demonstrated by the lawns of two Canberra schools, one public and the other private<sup>10</sup>. Effective water sharing plans are required immediately and not in 2014. Not only is the environment being abandoned and disadvantaged by existing water sharing arrangements but irrigation communities built by families over generations are being abandoned in favour of corporate irrigation farms offered tax incentives by the Federal government<sup>11</sup>.

Compounding the management malaise has been the water reform agenda to secretly privatise water in Australia without telling and asking the permission of the Australian people. The water market itself lacks any strategic focus. The process works by state governments allowing the unbundling of water licenses from property and then by allowing those licenses to be traded on the free market as a free gift from the government<sup>12</sup> without reference to Parliament and the people.

### **Water privatisation is no longer a Secret**

In the depth of the most protracted drought in recorded history, an American investment company has recently purchased a permanent entitlement of 10 GL of high security water<sup>13</sup> for \$20 million – an action that has enraged Australians. In an ironic twist the purchase makes redundant the \$1.4 Billion 50 GL/year Adelaide Desalination Plant with estimated annual operating costs of over \$100 million. What is already a very bad environmental idea for a Gulf not open to the ocean is also a very bad economic idea. The

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money saved would be better spent on stormwater harvesting and recycling waste water for industry use. This would save the endangered Adelaide Coastal Waters in the Gulf of St Vincent where 9,000 hectares of old growth seagrass has already been wiped out<sup>14</sup>.

Maude Barlow Senior Advisor on Water to the President of the United Nations General Assembly at the Australian Water Summit on 1<sup>st</sup> April 2009<sup>15</sup> exploded the secret onto the world stage and called on the Australian Government to "declare its water to be a public trust. It is time for the national government to re-instate the public ownership of water."

Australian politicians to a man and women have been strangely silent, a clear sign democracy and section 100 of the Australian Constitution<sup>16</sup> have both been compromised. They are too embarrassed to own up. Make no mistake communities across Australia will be holding politicians accountable at the next election who have dispossessed them of their public water rights and their environments.

## **The Lower Lakes and Coorong is a National Disgrace and Responsibility**

The remedial action being planned by the South Australian Government to address specific problems in the Lower Murray, Lower Lakes and Coorong created by the mismanagement of the Basin defies belief and current science<sup>17</sup>. The actions planned fail to identify and addresses the systemic causes that has resulted in the current state of affairs.

The largest research project ever carried out by the CSIRO's Murray-Darling Basin Sustainable Yields Project investigated the likely impact of climate change on surface and groundwater yields. This project was carried out with the full cooperation and scrutiny of federal and state government agencies. The following conclusions documented in the stakeholder presentation for the Murray region<sup>18</sup> support the community case of gross mismanagement for which the South Australian government shares a significant part of the responsibility for failing to adapt to the drought and to demand a viable share of the water resource as allowed for under section 100 of the Constitution:

- " Adelaide and SA rural town water supply would be unaffected under this or any 2030 climate scenario"
- "The modelling indicates that levels in the Lower Lakes would not fall below mean sea level under any 2030 climate scenario, although minimal lake areas would be lower than under the historical climate in very dry years."

CSIRO has reported that some southern areas of the basin are experiencing a once in a 300 year drought<sup>19</sup> This is not cause for panic but sound management practices of the resource are required.

Critically the full report Water Availability in the Murray states the following on pages 57 and 107<sup>20</sup>:

Page 57 - "The combined impact of future climate change and development on end-of-system flows is large, because in terms of average diversion volumes, current water sharing arrangements protect consumptive water users from much of the impact of reductions in surface water availability."

Page 107 - "Importantly, during low flow periods, levels in the Lower Lakes are very sensitive to South Australian irrigation allocations. The current modelling of South Australian irrigation allocations in MSM (Monthly Simulation Model) does not adequately reflect actual low flow irrigation allocations and so is not well suited to assessing short-term management options for the Lower Lakes."

The South Australian Government has failed to demand better water sharing arrangements for the MDB during the drought. It has failed to place a moratorium on growing demand for River Murray water. Instead it has allowed itself to be captured by the economic ideas of a water market and unconstrained growth. The Hon Karlene Maywald stated at the recent Australian Water Summit in Sydney "We are investing over \$3 billion dollars in water infrastructure at the moment." In common with most states of the MDB public funds on water infrastructure could be much better spent and targeted particularly on stormwater harvesting and waste water recycling.

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## Contact information:

### **Bernard Eddy**

Convenor (NSW) Australian Water Network.

[bernard.awn@southernphone.com](mailto:bernard.awn@southernphone.com)

Mob: 0447 605 057

### **Maude Barlow**

Patron (Canada)

[mbarlow@canadians.org](mailto:mbarlow@canadians.org)

### **John Caldecott**

Author and SA Spokesperson

[jec@ciq.com.au](mailto:jec@ciq.com.au)

Mob: 0427 976 503

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<sup>1</sup> Major findings of the National Water Commission Australian Water Markets Report 2007-2008  
<http://www.nwc.gov.au/www/html/956-first-national-water-markets-report---17-dec-08.asp>

<sup>2</sup> Australia's Water is Neither a Political nor a Corporate Resource – Open Letter to the Prime Minister of Australia by Ian Douglas of Fair Water (Australia). [http://www.fairwateruse.com.au/component/option.com\\_frontpage/Itemid,1/](http://www.fairwateruse.com.au/component/option.com_frontpage/Itemid,1/)

<sup>3</sup> South Australia Water Security – Presentation 1<sup>st</sup> April 2009 Australian Water Summit by Hon Karlene Maywald MP Minister for the River Murray, Minister for Water Security

<sup>4</sup> Murray Darling Basin Commission Murray Darling Drought Update Issue 15: September 2008. Average and total diversions estimated from Figure 5. Basin-wide diversions for the years 1991-98 to 2007-08.

[http://www.mdbc.gov.au/\\_data/page/1366/Drought\\_Update\\_Issue\\_15\\_-\\_September\\_2008.pdf](http://www.mdbc.gov.au/_data/page/1366/Drought_Update_Issue_15_-_September_2008.pdf)

<sup>5</sup> TAR-RU The Story of Lake Victoria - MDBC 1st January 2003 – Quote from former CEO of the MDBC Don Blackmore

[http://publication.mdbc.gov.au/product\\_info.php?products\\_id=179&osCsid=70d19167c9d599f9af3ca2d911b2a4f3](http://publication.mdbc.gov.au/product_info.php?products_id=179&osCsid=70d19167c9d599f9af3ca2d911b2a4f3)

<sup>6</sup> Professor Wayne Meyer, School of Earth and Environmental Science University of Adelaide "Finding innovative ways to reduce water use by 30 to 50%" <http://water.adelaide.edu.au/events/2008/event5.html>

<sup>7</sup> Murray too low to meet basic needs - Asa Wahlquist 14<sup>th</sup> April 2009

<http://www.theaustralian.news.com.au/story/0,25197,25330834-2702,00.html>

<sup>8</sup> Australian Bureau of Statistics 4618.0 - Water Use on Australian Farms, 2006-07

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4618.02006-07?OpenDocument>

<sup>9</sup> Major findings of the National Water Commission Australian Water Markets Report 2007-2008

<http://www.nwc.gov.au/www/html/956-first-national-water-markets-report---17-dec-08.asp>

<sup>10</sup> [Google Maps - Melrose High School & Marist College in Pearce Canberra](#)

<sup>11</sup> Australia's Dry Run – Robert Draper National Geographic April 2009.

<http://ngm.nationalgeographic.com/2009/04/murray-darling/draper-text>

<sup>12</sup> John E. Caldecott: Market Privatisation of the Murray-Darling

<http://www.fairwateruse.com.au/content/blogcategory/903/55/>

<sup>13</sup> Yanks raid Aussie water market - Peter Hunt *Weekly Times* 1st April 2009

[http://www.weeklytimesnow.com.au/article/2009/04/01/67451\\_water.html](http://www.weeklytimesnow.com.au/article/2009/04/01/67451_water.html)

There's Summit about our water - Editorial *Weekly Times* 1st April 2009

[http://www.weeklytimesnow.com.au/article/2009/04/01/67451\\_water.html](http://www.weeklytimesnow.com.au/article/2009/04/01/67451_water.html)

<sup>14</sup> Community Water Summit – Alan Scott Auditorium University of SA 14<sup>th</sup> March 2009

<http://www.saveourgulf.org.au/watersummit.htm>

<sup>15</sup> Notes for Opening Keynote Australian Water Summit 1<sup>st</sup> April 2009

[http://www.canadians.org/about/Maude\\_Barlow/UN/KEYNOTE-AWS2009.pdf](http://www.canadians.org/about/Maude_Barlow/UN/KEYNOTE-AWS2009.pdf)

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<sup>16</sup> Commonwealth of Australia The Australian Constitution "Section 100 - Nor abridge right to use water"  
<http://www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/frameodgmentattachments/DA4C5EE438A954BCCA25728A00001A67>

<sup>17</sup> Public comment sought on the proposed blocking banks in the Goolwa Channel and tributaries, SA  
<http://www.environment.gov.au/epbc/notices/assessments/lower-lakes.html>

<sup>18</sup> Presentation of Results from the Murray Region: CSIRO Murray-Darling Basin Sustainable Yields Project  
<http://www.csiro.au/resources/MurrayPresentation.html>

<sup>19</sup> Presentation of Results of Water Availability in the MDB <http://www.csiro.au/resources/MDBSY-final-report-presentation.html>

<sup>20</sup> Murray region: CSIRO Murray-Darling Basin Sustainable Yields Project  
<http://www.csiro.au/org/MurrayOverviewMDBSY.html>