



THIRTY-SEVENTH PARLIAMENT

REPORT 6

**INTERIM REPORT OF THE
STANDING COMMITTEE ON
PUBLIC ADMINISTRATION
IN RELATION TO
THE INQUIRY INTO THE GOVERNANCE OF
WESTERN AUSTRALIA'S WATER RESOURCES**

Presented by Hon Barry House MLC (Chairman)

September 2007

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“7. Public Administration Committee

7.1 A *Public Administration Committee* is established.

7.2 The Committee consists of 5 members.

7.3 The functions of the Committee are to inquire into and report on -

- (a) the structure, efficiency, and effectiveness of the system of public administration;
- (b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
- (c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
- (d) any Bill or other matter relating to the foregoing functions referred by the House; and
- (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.

7.4 The Committee is not to make inquiry with respect to -

- (a) the constitution, functions or operations of the Executive Council;
- (b) the Governor’s establishment;
- (c) the constitution and administration of Parliament;
- (d) the judiciary;
- (e) a decision made by a person acting judicially;
- (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
- (g) the merits of a particular case or grievance that is not received as a petition.”

Members as at the time of this inquiry:

Hon Barry House MLC (Chairman)

Hon Vincent Catania MLC

Hon Ed Dermer MLC (Deputy Chairman)

Hon Nigel Hallett MLC

Hon Matt Benson-Lidholm MLC

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CONTENTS

1	INTRODUCTION	1
2	BACKGROUND TO THE WATER GOVERNANCE INQUIRY	1
3	WATER GOVERNANCE INQUIRY - TERMS OF REFERENCE.....	2
4	PUBLIC SUBMISSIONS AND HEARINGS	3
	Public Submissions - 2006	3
	Public Submissions - 2007	3
	Public Hearings	3
5	INQUIRY INTO THE WATER RESOURCES LEGISLATION AMENDMENT BILL 2006	6
6	ANTICIPATED LEGISLATION	8
7	CONFERENCES AND PUBLICATIONS.....	9
8	CONCLUSION	11
	APPENDIX 1 LIST OF PUBLIC SUBMISSIONS AS REQUESTED IN JUNE 2006	13
	APPENDIX 2 SUMMARY OF PUBLIC SUBMISSIONS AS REQUESTED IN JUNE	
	2006.....	15
	APPENDIX 3 LIST OF PUBLIC SUBMISSIONS AS REQUESTED IN JULY 2007	35
	APPENDIX 4 SUMMARY OF PUBLIC SUBMISSIONS AS REQUESTED IN JULY	
	2007.....	37
	APPENDIX 5 LETTER FROM THE MINISTER FOR WATER RESOURCES.....	55
	APPENDIX 6 AUSTRALIAN WATER ASSOCIATION, WA BRANCH,	
	CONFERENCE BROCHURE.....	57

INTERIM REPORT OF THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION

IN RELATION TO THE

GOVERNANCE OF WESTERN AUSTRALIA'S WATER RESOURCES

1 INTRODUCTION

- 1.1 The purpose of this report is to inform Parliament of the activities undertaken by the Standing Committee on Public Administration (**the Committee**) in relation to its inquiry into the Governance of Western Australia's Water Resources (**Water Governance inquiry**).
- 1.2 Water is a most precious resource in Western Australia. The Committee understands the value of water and the public interest in water issues.
- 1.3 The Government of Western Australia is set to table bills, in late 2007 or 2008, that introduce substantial changes to water legislation.
- 1.4 The Water Resources Legislation Amendment Bill 2006 was referred to the Committee on 7 December 2006. On 22 May 2007 the Committee presented *Report 5, Standing Committee on Public Administration: Water Resources Legislation Amendment Bill 2006* to the President of the Legislative Council to be tabled on the next sitting day.¹
- 1.5 The Committee has continued to educate and inform itself on matters within the Water Governance inquiry's terms of reference in order to be in a position to properly scrutinise and comment on the bills should they be referred to it.

2 BACKGROUND TO THE WATER GOVERNANCE INQUIRY

- 2.1 On 11 June 2003 the Legislative Council passed the following motion by Hon Norman Moore MLC, referring an inquiry to the Public Administration and Finance Committee (**the former Committee**):

*That the Public Administration and Finance Committee inquire into and report on the issues confronting Western Australia that arise from, or relate to, the present and future supply, retention, and maintenance of water services throughout the State.*²

¹ Western Australia, Legislative Council, Standing Committee on Public Administration, Report 5, *The Water Resources Legislation Amendment Bill 2006*, 29 May 2007, Tabled Paper No 2721.

² Hon Norman Moore MLC, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 11 June 2003, p8546.

2.2 The former Committee called this inquiry “Water Services in Western Australia” (**Water Services inquiry**).

2.3 The former Committee advertised the Water Services inquiry and wrote to identified stakeholders seeking submissions. The former Committee received 53 public submissions.³ A subcommittee appointed by the former Committee heard evidence from 38 witnesses.

2.4 On 11 November 2004 the former Committee tabled an *Interim Report of the Standing Committee on Public Administration and Finance in relation to Water Services in Western Australia*. The report recommended:

*That this inquiry and its evidence be taken up in the next Parliament by the Public Administration and Finance Committee, or another appropriate committee, and reported on fully.*⁴

2.5 In 2005 the former Committee ceased to exist and the public administration aspect of its role has been assumed by the Committee.

3 WATER GOVERNANCE INQUIRY - TERMS OF REFERENCE

3.1 On 21 June 2006 the Committee resolved to commence the Water Governance inquiry with the following terms of reference:

- a) responsibilities and accountability of public sector agencies, communities and the private sector in governance of water resources;
- b) the legal and regulatory framework and its impact on effective water governance;
- c) economic and environmental sustainability of the current approach to governance of water resources;
- d) demand for and equity of allocation of water resources; and
- e) any other matters deemed relevant.⁵

³ Western Australia, Legislative Council, Public Administration and Finance Committee, Report 8, *Interim Report of the Standing Committee on Public Administration and Finance in relation to Water Services in Western Australia*, 11 November 2004, Tabled Paper No 2883, Appendix 2, pp19-22, lists the public submissions received.

⁴ *ibid*, p7.

⁵ Hon Barry House MLC, Western Australia, Legislative Council, Standing Committee on Public Administration, *Parliamentary Debates (Hansard)*, 22 June 2006, p4123, Tabled Paper No 1627.

4 PUBLIC SUBMISSIONS AND HEARINGS

Public Submissions - 2006

- 4.1 In June 2006 the Committee advertised the Water Governance inquiry in *The West Australian* newspaper and wrote to a range of identified stakeholders, including those contacted by the former Committee, inviting submissions addressing the Water Governance inquiry's terms of reference by 11 August 2006.
- 4.2 The Committee received 36 submissions. **Appendix 1** lists the public submissions received by the Committee. **Appendix 2** summarises the public submissions.

Public Submissions - 2007

- 4.3 During the course of the Water Governance inquiry, the Committee became aware of concern regarding the present and future availability of skilled personnel and technical expertise in water resource management in Western Australia.⁶
- 4.4 On 27 June 2007 the Committee resolved to investigate the issue in depth.
- 4.5 In July 2007 the Committee wrote to a range of identified stakeholders, including those previously contacted by the Committee, inviting submissions on this specific issue by 24 August 2007.
- 4.6 An article about this aspect of the Water Governance inquiry was published in the Australian Water Association, WA Branch, Bulletin in August 2007.
- 4.7 The Committee has received 33 submissions on this aspect of its inquiry. **Appendix 3** lists the public submissions received by the Committee. **Appendix 4** summarises the public submissions.
- 4.8 The Committee intends to pursue this line of inquiry by inviting witnesses to appear before the Committee.

Public Hearings

- 4.9 On 1 November 2006 the Committee conducted a hearing with the following officers from the Department of Water (**the Department**):
- 4.9.1 Mr John Loney, Director, Policy and Planning; and
- 4.9.2 Mr Edward Hauck, Manager, Strategic Water Planning.

⁶ See, for example, Engineers Australia (WA Division), Submission to the Western Australia Legislative Council Standing Committee on Public Administration Inquiry into the Governance of Western Australia's Water Resources, dated August 2006.

4.10 Mr Loney and Mr Hauck gave evidence that:

- 4.10.1 The Department's aim is to plan, develop and manage the State's water resources on a sustainable basis.⁷ If Western Australia continues with its current growth, the pressures on water resources will continue.⁸
- 4.10.2 The National Water Initiative commits the State to a new form of licensing and to statutory management plans, which will have the status of subordinated legislation and will be binding on the government and water users.⁹
- 4.10.3 The Department is committed to cost recovery regarding the management of water resources and to the concept of a detailed state planning framework, which they are addressing with the State Water Plan and Regional Water Plans.¹⁰
- 4.10.4 The Department needed to know more about the State's water resources and had recently obtained increased funding for a Ground Water Investigation Plan, which had commenced.¹¹ Reuse of water is a major resource. The 2003 State Water Strategy sets a target that 20 per cent of all treated waste water should be reused. The current rate is 12 per cent.¹² The Water Corporation is exploring catchment thinning, that is, trying to improve the yields from the hills catchments.¹³ The State has committed to facilitating increased water trading.¹⁴
- 4.10.5 Over \$100 million has been invested by private people developing rural water supplies over the past 10 to 15 years.¹⁵ The Department believes that unless a good metering program is introduced, people will never know how much water they use.¹⁶ There is no intention to license household bores.¹⁷

⁷ Mr Edward Hauck, Manager, Strategic Water Planning, Department of Water, *Transcript of Evidence*, 1 November 2006, p2.

⁸ Mr John Loney, Director, Policy and Planning, Department of Water, *Transcript of Evidence*, 1 November 2006, p12.

⁹ *ibid*, Mr John Loney, p5.

¹⁰ *ibid*.

¹¹ *ibid*.

¹² *ibid*, Mr John Loney, p13.

¹³ *ibid*, Mr Edward Hauck, p16.

¹⁴ *ibid*, Mr John Loney, p5.

¹⁵ *ibid*, Mr Edward Hauck, p15.

¹⁶ *ibid*, Mr John Loney, p17.

¹⁷ *ibid*, Mr John Loney, p18.

- 4.11 On 30 May 2007 the Committee heard evidence from Mr Jeff Camkin. Mr Camkin has held a range of water management positions, was awarded the 2003 Churchill Fellowship to study water management overseas¹⁸ and is the President of the Australian Water Association, WA Branch. Mr Camkin has conducted water management studies in Argentina, Brazil, Chile, Peru, Mexico, the United States of America, France and South Africa.
- 4.12 Mr Camkin stated that:
- 4.12.1 The key finding in his studies was the need to have in place clear responsibilities for government agencies and a clear water policy that supports the fundamental principles for water management.¹⁹
- 4.12.2 There is no right or wrong water governance model or management system, it is about tailoring something that is right for Western Australia. The State Water Plan is a very good step forward.²⁰
- 4.12.3 The demand and challenges in water management in the future is a worldwide issue. Water management increasingly requires a large range of skill sets. Persons with biological expertise, ecosystem management and modelling skills are critical and in short supply. Economic expertise is important. More skills in each of these areas, and more integrated skills, are needed.²¹ The Australian Water Association has identified this as a significant national issue.²²
- 4.12.4 Water management is getting more complex and the challenge is how to deal with the complexities. Other countries are building their capacity to deal with the complexity of managing water. It is critical that the State continues reforming and finetuning the way we manage water, thinking more about where we are going and long term policy.²³
- 4.12.5 Getting the legislation right is critical. Having clear and less complicated legislation is critical.²⁴

¹⁸ Mr J Camkin, The Winston Churchill Memorial Trust of Australia 2003 Churchill Fellowship *Report to Study Strategic Approaches to Water Resource Management in South Africa, USA and Brazil*, dated 7 October 2004. Mr Camkin also submitted a written submission to the inquiry.

¹⁹ Mr Jeff Camkin, *Transcript of Evidence*, 30 May 2007, p2.

²⁰ *ibid*, p4.

²¹ *ibid*.

²² *ibid*, p5.

²³ *ibid*, p11.

²⁴ *ibid*.

4.13 The Committee extends its appreciation to all witnesses for their evidence. The Committee also acknowledges the services of *Hansard* in the transcription of evidence.

5 INQUIRY INTO THE WATER RESOURCES LEGISLATION AMENDMENT BILL 2006

5.1 On 7 December 2006 the Water Resources Legislation Amendment Bill 2006 (**the Bill**) was referred to the Committee.

5.2 On 22 May 2007 the Committee presented *Report 5, Standing Committee on Public Administration: Water Resources Legislation Amendment Bill 2006* to the President of the Legislative Council to be tabled on the next sitting day.²⁵

5.3 For the purposes of considering the Bill, the Committee conducted a hearing with three officers from the Department.²⁶ Their evidence is noted in the Report.

5.4 The Bill implements the recommendations of the Machinery of Government Taskforce with respect to water resources management administration. It abolishes the Water and Rivers Commission and transfers its powers and functions to the Minister for Water Resources and, in some cases, to the Chief Executive Officer of the Department.

5.5 The Report contained the following three recommendations:²⁷

5.5.1 “Recommendation 1

The Committee recommends that during debate at the Committee stage of the Water Resources Legislation Amendment Bill 2006, the Minister representing the Minister for Water Resources address the relative merits of prescribing in regulations specific persons or bodies to whom delegated authority may be given, rather than “any other person or body”, as stated in clauses 141 and 191 of the Bill.

(In clause 141 the reference to “any other person or body” is made in proposed sections 104(1)(f) and 105(1)(d).)

²⁵ Western Australia, Legislative Council, Standing Committee on Public Administration, Report 5, *The Water Resources Legislation Amendment Bill 2006*, 29 May 2007, Tabled Paper No 2721.

²⁶ Mr Paul Rosair, Director, Business and Regional Operations, Department of Water; Mr John Loney, Director, Water Resource Planning and Policy, Department of Water; Mr John Roberts, Project Director, Water Law Reform, Department of Water; *Transcript of Evidence*, 28 March 2007.

²⁷ Western Australia, Legislative Council, Standing Committee on Public Administration, Report 5, *The Water Resources Legislation Amendment Bill 2006*, 29 May 2007, Tabled Paper No 2721. Recommendation 1 at p28, Recommendation 2 at pp42-43, Recommendation 3 at p52.

(In clause 191 the reference to “any other person or body” is made in proposed sections 76(1)(f) and 77(1)(d).)”

5.5.2 “Recommendation 2

The Committee recommends that during debate at the Committee stage of the Water Resources Legislation Amendment Bill 2006, the Minister representing the Minister for Water Resources clarify the operation of clause 191 proposed section 80, in view of the Committee’s observations at paragraphs 12.23 to 12.45.

Depending on the Minister’s clarification, the Committee recommends that the Legislative Council consider one of the following options:

Option (a) - amending clause 191 in order to remove the reference to the Houses of Parliament. This can be achieved in the following manner:

Clause 191 (Proposed new section 80)

Page 100, line 24 - To insert after “public” - “.”

Page 100, lines 24 to 26 - To delete “, except where the document is to be laid before either House of Parliament by its own order.”

OR

Option (b) - amending clause 191 in order to clarify the operation of parliamentary privilege.

This can be achieved in the following manner:

Clause 191 (Proposed new section 80)

Page 100, line 24 - To insert after “public” - “.”

Page 100, lines 24 to 26 - To delete “, except where the document is to be laid before either House of Parliament by its own order.”

Page 101, after line 12 - To insert the following subclause - “(4) Nothing in this section affects the operation of the Parliamentary Privileges Act 1891.”

OR

Option (c) - by inserting a reference to parliamentary committees in the following manner:

Clause 191 (Proposed new section 80)

Page 100, line 25 - To insert after “Parliament” - “, or any committee of either House,” ”

5.5.3 “Recommendation 3

The Committee recommends that the Water Legislation Amendment Bill 2006 be passed subject to consideration by the Legislative Council of the issues contained in this report.”

5.6 Hon John Kobelke, Minister for Water Resources, advised the Committee by way of letter dated 6 June 2007, that he will amend the Bill in line with Recommendation 2, option (a).²⁸ See **Appendix 5** for a copy of the letter dated 6 June 2007.

5.7 As of 26 September 2007 the Legislative Council was continuing in its second reading of the Bill.

6 ANTICIPATED LEGISLATION

6.1 The Committee understands that the Bill was phase one of the legislative reform program.

6.2 Phase two of the legislative reform program “*will consist of a wide ranging legislative reform of water and water related Acts that will modernise and consolidate water resource management and water service statutes.*”²⁹

6.3 According to the Government of Western Australia’s *State Water Plan 2007*, the main objectives of the next phase of the legislative reform program are to:³⁰

6.3.1 Implement the Water Reform Program and the National Water Initiative in Western Australia;

6.3.2 Modernise and consolidate water resource management and water service delivery legislation; and

6.3.3 Optimise operational efficiency and streamline processes where possible.

6.4 The Committee understands that phase two of the legislation will consist of the following bills (**the Water Bills**):

6.4.1 Water Services Bill;

6.4.2 Water Corporation Act Amendment Bill; and

²⁸ Western Australia, Legislative Council, Standing Committee on Public Administration, Report 5, *The Water Resources Legislation Amendment Bill 2006*, 29 May 2007, Tabled Paper No 2721. Recommendation 2, pp42-43.

²⁹ Department of Water Submission to Water Governance inquiry provided under cover of letter dated 11 August 2006. The Government of Western Australia’s *State Water Plan 2007* also states that the next phase of further legislative reform “*will consist of wide ranging legislative reform to modernise and consolidate water resource management and water services statutes*”, p13.

6.4.3 Water Resources Management Bill.

- 6.5 The Water Services Bill will deal with the following: the powers, functions and regulation of all water service providers; the Government's ability to set policy; the ability of the Minister and Economic Regulation Authority to set codes to regulate and implement government policy; the Minister's power to set prices and charges directly by an Order or through by-laws.³¹
- 6.6 The following Acts will be consolidated into the Water Services Bill: *Water Agencies (Powers) Act 1984, Country Areas Water Supply Act 1947, Country Towns Sewerage Act 1948, Land Drainage Act 1925, Metropolitan Water Authority Act 1982, Metropolitan Water Supply, Sewerage and Drainage Act 1909, Rights in Water and Irrigation Act 1914, Water Corporation Act 1995, Water Boards Act 1904 and Water Services Licensing Act 1995.*³²
- 6.7 The Water Corporation Act Amendment Bill will amend the *Water Corporation Act 1995* to include the Bunbury and Busselton Water Boards. This will enable the Boards to provide the same range of services as the Water Corporation and bring the Boards under the same governance arrangements as the Water Corporation. The bill will repeal the *Water Boards Act 1904.*³³
- 6.8 The Water Resources Management Bill will deal with the implementation of the State Water Reform Program and the National Water Initiative.³⁴ The bill will deal with a range of critical issues including water governance, water entitlements, water planning, registration of entitlements, water resource management charges, environmental and other public benefit outcomes, resource investigation and monitoring, drainage, protection of public drinking water catchments, and waterways and catchment management.³⁵
- 6.9 The Committee understands that the Water Bills may be introduced into Parliament in late 2007 or 2008.

7 CONFERENCES AND PUBLICATIONS

- 7.1 To inform and educate itself on current water policy and issues within the Water Governance inquiry's terms of reference, Committee Members and staff have attended

³⁰ The Government of Western Australia's *State Water Plan 2007*, p13.

³¹ Ms Elizabeth Burns, Principal Policy Officer, Department of Water, *Legislative Reform Program*, dated 28 March 2007, pp7-8. Department of Water website at <http://portal.water.wa.gov.au/portal/page/portal/home> (as at 20 June 2007).

³² *ibid*, p6.

³³ *ibid*, p10.

³⁴ *ibid*, pp13-14. Western Australia signed the National Water Initiative on 6 April 2006.

³⁵ Submission No 25 from Department of Water, 11 August 2006, pp8-9.

- conferences and reviewed documents published by the Commonwealth and State Governments.
- 7.2 In July 2007 two Committee Members and staff attended the Australian Water Association, WA Branch, conference “*Water in the Resources Sector*”.³⁶
- 7.3 The conference included seminars on State water issues, management and strategy, and a seminar on the proposed bills. The conference was an opportunity to meet and discuss issues with key stakeholders. See **Appendix 6** for a copy of the conference brochure.
- 7.4 In August 2007 the Committee’s Advisory Officer attended World Water Week in Stockholm, Sweden.³⁷ The conference theme was “*Progress and Prospects on Water: Striving for Sustainability in a Changing World*”.
- 7.5 World Water Week is the leading global conference on water issues. The conference itinerary included a large number of full day workshops and half day seminars, conducted by world experts. The Advisory Officer attended the following workshops or seminars: Making Governance Systems Effective; Building Capacity for Future Challenges; Managing Future Consumer Demands; How to Trigger and Sustain Water Policy Change; Water, Politics and Development - Transforming Sanctioned Discourse into a Strategic Approach; Water Governance and Adaptive Capacity - The Need for Multi-Level Approaches.
- 7.6 The above conferences provided relevant, instructive and expert information and advice on matters within the Water Governance inquiry’s terms of reference.
- 7.7 Committee Members have reviewed a number of relevant Commonwealth and State Government documents including the Commonwealth Government’s *National Water Initiative* and the following documents published by the Government of Western Australia: *State Water Plan 2007*, *Western Australia’s Implementation Plan for the National Water Initiative* (February 2007), *Designing a sustainable water future: the South West Water Plan: An invitation to participate* (March 2007), *Water source options in the Collie-Wellington Basin* (May 2007), *A Blueprint for Water Reform in Western Australia* (December 2006) and *Government Response to A Blueprint for Water Reform in Western Australia* (February 2007).³⁸

³⁶ See Australian Water Association website at www.awa.asn.au, “Western Australia” link (as at 25 September 2007).

³⁷ See www.worldwaterweek.org for details of this conference and the extensive conference itinerary (as at 25 September 2007).

³⁸ The Government of Western Australia’s publications and the National Water Initiative can be viewed on the Department of Water’s website at <http://portal.water.wa.gov.au/portal/page/portal/home>, link “planning the water future” (as at 25 September 2007). The National Water Initiative can also be viewed at the National Water Commission’s website at www.nwc.gov.au (as at 25 September 2007).

8 CONCLUSION

- 8.1 The Water Bills are expected to consist of wide ranging legislative reform of water and water related Acts.
- 8.2 The Committee has continued to inform and educate itself on issues within the Water Governance inquiry's terms of reference, reflecting its commitment to the thorough scrutiny of water legislation.
- 8.3 The Committee considers that it is in the public interest that each of the Water Bills be thoroughly scrutinised. The Committee is in an informed position to undertake this task.
- 8.4 The Water Bills are expected to contain and implement a number of government policies of considerable public interest. The Committee is of the view that it is essential that, should the Water Bills be referred to the Committee, that the Committee also be empowered to comment on the policy of the Water Bills in order to properly scrutinise and report on their impact and effectiveness.

Recommendation 1: The Committee recommends that the proposed Water Services Bill, Water Corporation Act Amendment Bill and Water Resources Management Bill be referred to the Standing Committee on Public Administration immediately following the second reading speech of the Minister or parliamentary secretary with carriage of the legislation and the Committee be empowered to consider the policy of the legislation.



**Hon Barry House MLC
Chairman**

27 September 2007

APPENDIX 1

LIST OF PUBLIC SUBMISSIONS AS REQUESTED IN JUNE 2006

No	Name	Organisation	Date Received
1.	Mr Bill Hewitt Acting Chief Executive Officer	Fire and Emergency Services Authority of Western Australia (FESA)	25 July 2006
2.	Mr Mark L Chester Chief Executive Officer	Shire of Dardanup	1 August 2006
3.	Mr David Hartley Executive Director Natural Resource Management	Department of Agriculture and Food	2 August 2006
4.	Mr Don Punch Chief Executive Officer	South West Development Commission	7 August 2006
5.	Mr James Trail Chief Executive Officer	Shire of Augusta-Margaret River	8 August 2006
6.	Mr Ian Macrae Executive Director Development Services	City of Armadale	8 August 2006
7.	Mr Colin Heinzman Chair	Swan Catchment Council	10 August 2006
8.	Mr Damien Hills General Manager	South West Catchments Council	10 August 2006
9.	Associate Professor Jenny Davis and Ms Suzi Wild	Australian Society of Limnology Murdoch University	10 August 2006
10.	Mr Robert Hicks Chief Executive Officer	Goldfields Esperance Development Commission	10 August 2006
11.	Dr John Bailey Chairman	Conservation Commission of Western Australia	10 August 2006
12.	Mr Ben Deeley Environmental Officer	City of Bunbury	11 August 2006
13.	Mr Arron Minchin Acting Chief Executive Officer	Peel Development Commission	11 August 2006
14.	Mr Charles Johnson Chief Executive Officer	City of Wanneroo	11 August 2006
15.	Mr Mark Graham Convenor	Friends of the Yarragadee	11 August 2006
16.	Mr Lyndon Rowe Chairman	Economic Regulation Authority	11 August 2006
17.	Mr Trevor De Landgraft	WA Farmers Federation Inc	11 August 2006
18.	Mr Alan Bradley Chief Executive Officer	Northern Agricultural Catchments Council	11 August 2006
19.	Dr Geoff Syme	CSIRO Land and Water	11 August 2006

No	Name	Organisation	Date Received
	Theme Leader Society, Economy and Policy		
20.	Mr Geoff Oddy Chief Executive Officer	Aqwest	11 August 2006
21.	Mr Anthony Vuleta Manager Technical Services	Town of Victoria Park	11 August 2006
22.	Ms Lisa Baker Executive Director	Western Australian Council of Social Service Inc (WACOSS)	11 August 2006
23.	Mr Chris Tallentire Director	Conservation Council of Western Australia Inc	11 August 2006
24.	Mr Jeff Camkin		11 August 2006
25.	Mr Paul Frewer Acting Director General	Department of Water	11 August 2006
26.	Mr Keiran McNamara Director General	Department of Environment and Conservation	11 August 2006
27.	Ms Janice Lake Director	Engineers Australia WA Division	11 August 2006
28.	Ms Sarah Stark Manager Strategy	City of Perth	11 August 2006
29.	Dr Jim Gill Chief Executive Officer	Water Corporation	11 August 2006
30.	Dr Ray Wills Senior Adviser Industry Policy	Chamber of Commerce and Industry of Western Australia	11 August 2006
31.	Mr Rod Whittle Secretary	Leeuwin Environment	13 August 2006
32.	Mr Dave Wren Spokesman on Water	Pastoralists and Graziers Association	16 August 2006
33.	Mr Charlie Welker Chairman	Swan River Trust	17 August 2006
34.	Dr Neale Fong Director General	Department of Health	18 August 2006
35.	Mr Murray Nixon	Former MLC/Farmer	25 May 2007

APPENDIX 2

SUMMARY OF PUBLIC SUBMISSIONS

AS REQUESTED IN JUNE 2006

Submissions provided to the Standing Committee on Public Administration in relation to the Water Governance inquiry's terms of reference.

Department of Water

- Provides a comprehensive overview of the legislative and regulatory framework.
 - The *Rights in Water and Irrigation Act 1914* is the principal piece of legislation in relation to the allocation and management of water resources in Western Australia.
 - Catchment areas (which are generally declared in relation to surface water sources that feed into a reservoir) and water reserves (which are declared in relation to surface water sources that are not yet developed and in relation to underground water reserves) are constituted by the Governor under the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and the *Country Areas Water Supply Act 1947*.
 - The *Waterways Conservation Act 1976* provides for the management and conservation of water and, to a lesser extent, associated land within the State's five declared waterways management areas - Peel/Harvey Estuaries, Leschenault Estuary and associated rivers, Albany Harbour and associated rivers, Wilson Inlet and associated rivers and the Avon River. Separate powers apply with respect to the management area of the Swan River Trust under the *Swan River Trust Act 1998*. The management authorities were dissolved following the Machinery of Government review, their advisory, licensing and administrative functions transferring to the Water and Rivers Commission.
 - Under the *Metropolitan Water Authority Act 1982*, the Commission is responsible, in formal consultation with the Water Corporation, for strategic planning and overall administration of the arterial drainage scheme in the metropolitan area. The Water Corporation has control and management of main drains. Local drains are the responsibility of local government. The *Land Drainage Act 1925* provides for public drainage works in country areas.
- Advises that a major program of reform of water legislation is currently underway.
 - Phase one comprises the Water Resources Legislation Amendment Bill 2006 (passed by the Legislative Assembly in June 2006). This Bill: establishes the Water Resources Council to "facilitate representative engagement in water resource management, water use and conservation across a wide range of people"; establishes a Water Resources Ministerial body through which the Minister can exercise statutory functions that are more conveniently undertaken by a body corporate; requires the Minister administering the Water Corporation to consult with the Minister for Water Resources before approving the statement of corporate intent and strategic development plan for the Water Corporation, enables the Minister for Water Resources to direct the Water Corporation and Bunbury and Busselton Water Boards to have regard for the general policy of the Government relating to water resources.
 - Phase two of the legislative program will consist of "wide ranging legislative reform of water and water related Acts that will modernise and consolidate water resource management and water service statutes." The final structure of the legislation is yet to be determined, but it is expected that at least two bills will be drafted, a Water Resources Management Bill and one or more Water Services Bills. A new Water Resource

<p>Management Act will provide for implementation of the State water reform program and the National Water Initiative. The Bill is expected to cover governance, water entitlements, water planning, registration of entitlements, environmental and other public benefit outcomes, water resource management charges, protection of public drinking water catchments, resource investigation and monitoring; drainage; and waterways and catchment management.</p> <ul style="list-style-type: none"> • The Department of Water manages all the major groundwater and surface water resources in the State, a key component of which is the administration of approximately 18,000 licensed entitlements to surface and groundwater. Around 2,000 applications for renewal and new licences are assessed each year. • The total volume of water currently allocated for public and private use by the Department of Water is about 2,000 gegalitres per annum with demand rising. Approximately 81.5 per cent of water is allocated to the private sector (industry, irrigated agriculture, mining and local governments), with the remaining 18.5 per cent allocated for public water supply (through the Water Corporation, Aqwest and Busselton Water Board). • The Department of Water is currently reviewing the past practice of a “first in - first served” approach to water allocation. A “merit select” process has been adopted in several management areas through the development of Interim Sub-Regional Allocation Strategies whereby the first 70 to 90 per cent of total allocation will continue to be allocated on a first in basis and the remainder will be allocated on a merit select basis.
<p>Water Corporation</p>
<ul style="list-style-type: none"> • Advises that the Water Corporation manages an asset base of nearly \$10 billion. • Refers the Committee to A State Water Strategy for Western Australia (Feb 2003) and advises that since the development of this strategy the Government has “embarked on a comprehensive water reform program including governance, planning, policy and legislative initiatives.” Notes that the reform program has been strengthened by signing the National Water Initiative. • Refers the Committee to the State Water Plan Draft Policy Framework, which sets out reform objectives for water management. • Advises that the separation of water resources portfolio in 2005 and subsequent formation of the Department of Water in 2006 has separated environmental and water management responsibilities, providing greater clarity for water managers and users. • Submits that “the Corporation is confident that the new governance arrangements, together with the comprehensive program of policy and legislative reform, will deliver effective and sustainable water resources management for Western Australia’s future.”
<p>Department of Environment and Conservation</p>
<ul style="list-style-type: none"> • Advises that the Department of Environment and Conservation (DEC) manages water for the conservation of biodiversity at ecosystem, species and genetic level, and plays a key role in sustainable management and environmental protection of the State’s surface and groundwater resources. • Under the <i>Conservation and Land Management Act 1984</i>, DEC provides advice and support to Environmental Protection Authority (EPA), including assessment of environmental impacts of proposed developments. • DEC strongly advocates provision of water to the environment as priority allocation, through identification of water dependent systems and active resource management to ensure their long term protection. Notes that the National Water Initiative “provides a clear framework and direction for water planning and management which reflect these requirements”. States that the National Water Initiative provides national definitions for environmental outcomes (maintaining ecosystem function, biodiversity, water quality, river health targets) and other

public benefits (mitigating pollution, public health, indigenous and cultural values, recreation, fisheries, tourism, navigation and amenity values).
Economic Regulation Authority
<ul style="list-style-type: none"> • Advises that the responsibility and accountability for licensing and monitoring provision of water services rests with the ERA under the <i>Water Services Licensing Act 1995</i>. This is separate from the responsibility and accountability for licensing and monitoring allocation of water resources, which rests with the Department of Water under the <i>Rights in Water and Irrigation Act 1914</i>. • The ERA's role is consistent with National Water Initiative, which requires an independent regulator to either set or advise on water prices. A recent inquiry on country water and wastewater prices is expected to be considered during the 2007/08 budget. • All organisations that wish to provide water, sewerage, drainage or irrigation services in Western Australia must either obtain an operation licence from the ERA or an exemption from the Minister. The ERA is held accountable for its water and gas licensing decisions via an appeal process to the State Administrative Tribunal. All applications and decisions with regard to new or amended licences are published on the ERA's website. • All service providers are required to have regular independent third party reviews of their asset management system to ensure proper maintenance of assets. This process is overseen by the ERA. • The ERA also undertakes pricing inquiries to guide water pricing decisions. The ERA notes that from a physical perspective water is not scarce in the south west region of Western Australia - citing the National Land and Water Resources Audit in 2000 which found that total ground and surface water use in the south west region was well below maximum sustainable yields (at 40 and 22 per cent respectively). It is submitted however, that from an economic perspective, the concept of scarcity refers to the cost of developing new water sources, which is an important consideration in pricing. The concept of long run marginal cost (LRMC) has been developed as a measure to guide efficient water pricing. All future costs, including new source development, demand management programs and impacts on the natural environment should be included in the calculation of LRMC.
Department of Agriculture and Food
<ul style="list-style-type: none"> • States that governance arrangements for water resources are in a state of transition. Recommends that the Committee consults closely with the Water Reform Implementation Committee on the water reform program and results of the current public consultation process. • Asserts that the main principles of the National Water Initiative of implementing a tradeable water entitlements framework and establishing environmental water provisions for water systems will be the most significant actions that will benefit Western Australia. Supports the establishment of an effective water trading system, underpinned by sustainable limits of water resource systems established in statutory plans, a shared resource approach to water allocations, a value for water established through the allocation process, separation of water access entitlements from licences to use water, improved security of water access entitlements through long term water licences and through improved monitoring of use and impacts, and the establishment of a public water title registry to facilitate an efficient and well regulated market. • Advocates unbundling of water access entitlements. The current water licence specified under the <i>Rights in Water and Irrigation Act 1914</i> (RIWI Act) does not adequately separate water access entitlement from license to use water, and is still closely entitled to land unit where water occurs. • Submits that it will take many years for all priority water areas to have management plans completed thereby "effectively denying the majority of water users in WA a long term licence

<p>until the Department of Water catches up with management planning for water resources areas, a task that could take possibly 20 to 30 years.”</p> <ul style="list-style-type: none"> • With regard to management plans, submits that significant investment is needed to assess sustainable yields and environmental water provisions throughout the State, and that a high priority should be placed on preparation of management plans in the south of the State. • Asserts that part of the reason that Western Australia does not have good data on water availability and sustainable yields is due to “underinvestment in water management and investigations in the past.” • Provides the following statistics on water use and demand for water in irrigated agriculture: <ul style="list-style-type: none"> ○ In 2001 there was around 46,000 hectares of irrigation for agricultural purposes in Western Australia, although the areas planted to crops that are typically irrigated was higher at 52,000 hectares; ○ The Irrigation Review 2005 estimated that around 520GL of water was used for irrigated agriculture in 2001, from a total allocation of 720GL; ○ The Irrigation Review 2005 estimated that horticultural production in Western Australia is growing at around 5 per cent for vegetables and 10 per cent for fruit per annum and is progressively becoming more export oriented; ○ Expects continued growth in irrigated production over the next decade. Further, the opening of Ord Stage 2 will release an additional 50,000 hectares that will be developed for irrigated production over time. • Notes that in the past the Water and Rivers Commission has applied a “first in time” approach to allocation of available water entitlements. Submits that this approach risks denying higher value users from accessing water resources and fails to establish a scarcity value. • On the matter of re-use of wastewater, notes that the largest users of recycled wastewater in Australia are the mining and agriculture sectors (although there are currently no schemes in place in Western Australia to re-use wastewater in agriculture production). Further notes that in the near Perth region around 100GL of wastewater is disposed of through ocean outfall by the Water Corporation.
<p>Aqwest</p>
<ul style="list-style-type: none"> • Notes that State’s water resources manager has been through three restructures since 1996 and asserts that this lack of stability is not conducive to good governance. • Asserts that despite the intended separation of water resource management and water supply under water reforms, the majority of work being carried out in identifying water resources for public water supply purposes is via the Water Corporation under its “Security Through Diversity” program. • Argues that Aqwest and the Busselton Water Board require legislative change to “be able to compete fairly for water service provision to newly developed areas.” Draws the Committee’s attention to the water reform process in Victoria. Aqwest benchmarks with the Victorian Water Industry Association, as it considers their “competition-by-comparison” model the best practice standard in Australia.
<p>CSIRO Land and Water</p>
<ul style="list-style-type: none"> • Submits that interception by industrial or farmer dams is a poorly understood area of water resource management and that effective governance in this area could “significantly benefit from the development of a definition of water rights.” • Advocates greater economic and social research, particularly with regard to urban/rural water allocation issues and recognition of key potential regional transfers. • Commends the Government for establishing a sustainability panel to assess the South West Yarragadee proposal. • Draws the Committee’s attention to a program run by Eastern Metropolitan Regional Council

<p>which provides internal water metering for households. Considers that feedback (on tariffs and costs) offers considerable potential to enhance demand management. Supports a formal evaluation of such a program.</p> <ul style="list-style-type: none"> • Cites an experimental study in the 1990s showing “considerable adaptive tolerance” to alteration in household water pressure, which could lead to significant water use savings. Notes that 1990s study measured consumer satisfaction, not water consumption, and would need to be revisited from demand management perspective.
Department of Health
<ul style="list-style-type: none"> • Refers to a previous submission to the Inquiry into Water Services in 2003. Reiterates its concern that unless government identifies and secures defined water catchment areas within the State for drinking water collection and storage, there will be a continual degradation in the quality of raw drinking water. • Advises that experience from overseas and within Western Australia indicates that small water providers do not have the financial capacity to “employ the skill set required to address these expectations in a competent manner” and that, as the degree of complexity continues to increase, all water providers will subcontract to specialist organisations. Submits that unless the system is underpinned by a comprehensive legislative framework, critical areas can be overlooked with risk of major public health event. • Supports the development of innovative systems to augment or conserve drinking water supplies. Argues that there is a need for government to design management and legislative frameworks that develop community understanding of the limitations and precautions of such systems. Argues that regulatory agencies must be adequately funded to ensure that the public is not placed at risk.
City of Armadale
<ul style="list-style-type: none"> • States that its experiences during urban development in North Forrestdale has exposed concerns that water management responsibilities are unclear and, even where clear, are not being carried out. • Considers that the split between arterial drainage managed by the Water Corporation and local drainage managed by local government is unclear and causes difficulties and inequities. Considers that: <ul style="list-style-type: none"> ○ The split is ad hoc and leads to inequities in drainage costs borne by ratepayers. ○ The split results in no organisation assuming responsibility for catchment management initiatives to improve water quality. ○ Without clear responsibilities for catchment management, management initiatives will not be developed and implemented. • Considers the “third pipe” system, which uses “community” bores to provide water for irrigation of private gardens, a key management measure to reduce demand on potable (drinkable) water resources.
Shire of Augusta-Margaret River
<ul style="list-style-type: none"> • Raises numerous concerns with regard to the impact of the proposed extraction of 45GL from Yarragadee for metropolitan use. States that the: <ul style="list-style-type: none"> ○ The proposal does not satisfactorily consider future water resource needs of the South West. ○ Current management of Yarragadee is inadequate and the Water Corporation proposal must be considered in this context. ○ Proposal is not sustainable or economically sound. ○ Additional supply to Perth should be accompanied by requirements to reduce water demand through a range of sustainable strategies.

<ul style="list-style-type: none"> • The price of water to consumers should be increased to reflect the true worth and help reduce consumption. • The Blackwood River is under pressure from land clearing and salinity. Reduction in discharge will exacerbate these environmental problems. The extraction of water from Yarragadee should not be allowed to reduce summer flows of the Blackwood, Margaret and Scott Rivers. • Responsibility is not adequately defined in the Water Corporation ERMP/Sustainability Evaluation for mitigation of long term impacts. Measures proposed to mitigate future environmental impacts are not sufficiently detailed. • The Water Corporation ERMP/Sustainability evaluation does not adequately consider environmentally beneficial alternatives to extraction from Yarragadee. • The extraction of water from Yarragadee should include additional water supply to Ten Mile Brook Dam as part of South West’s future needs. • If the Yarragadee proposal is approved, a statutory monitoring body should be established and monitoring and management plans must be put in place to track environmental impact.
<p>City of Bunbury</p>
<ul style="list-style-type: none"> • Submits that the Water Corporation’s Yarragadee proposal is inconsistent with the aims of the State Water Plan and the principles of responsible natural resource management. • Submits that research by the Department of Water indicates that there is a severe risk that high value, water dependent ecosystems will suffer “terrestrialisation and encroachment of xeric species” in a number of areas. • Considers that there is a lack of certainty as to environmental impacts. Quotes comments from the South Yarragadee Aquifer Peer Review Panel Report on the South West Aquifer Modelling System. • Argues that a suitable review of the proposal’s impact on the reasonable needs of the people of the South West has not been undertaken. • Is concerned about the potential impact on Bunbury’s “currently sustainable groundwater supplies” through salination of bores up to one kilometre from the coast.
<p>Shire of Dardanup</p>
<ul style="list-style-type: none"> • Quotes the Draft Blue Print for Water Reform (July 2006) on domestic versus industrial use of water (18 verses 78 per cent respectively). • Argues that those in charge of water governance must state who the major users are and show the community that these users are also being asked to conserve water. • Considers that the Water Corporation is wasting resources in media campaigns when they have no competitors. • Advocates expedition of recycling programs for new residential developments and existing dwellings. • Is concerned about the lack of consideration of the South West community protests against the Yarragadee project. The South West community should have first priority for water from the Yarragadee.
<p>City of Perth</p>
<ul style="list-style-type: none"> • Advocates the use of waste water as an additional resource and indicates the City of Perth’s support for greater reuse of water, particularly for its own operations. Notes that local governments in Western Australia currently do not control any waste water assets. Calls for an investigation of current restrictions preventing effective reuse of waste water. • Refers the Committee to the Greenstar rating tool, produced by the Green Building Council of Australia. This is used to guide and benchmark sustainable design and construction of

<p>buildings, including water use and waste water reuse. Advises that the water element of the Greenstar rating tool is “fully exploited” in every state of Australia, except Western Australia, where legislative limitations restrict reuse of wastewater. Recommends examination of reuse of wastewater with a view to aligning Western Australia with other states.</p> <ul style="list-style-type: none"> • Advocates realignment of water pricing to reflect its economic value to the user, that is, greater charge for water used for commercial purposes and profit, versus water used to benefit the broader community.
Town of Victoria Park
<ul style="list-style-type: none"> • Advises the Committee that it is about to begin a stormwater management program. • Considers that the roles and responsibilities of all levels of government in water governance should be coordinated, equitable and seamless. • Raises concerns with regard to future increases in liability and responsibility at local government level.
City of Wanneroo
<ul style="list-style-type: none"> • Considers that it is imperative that further new water sources are developed as soon as possible to relieve pressure on Gnangara Mound. States that approximately 80 per cent of Perth’s public water supply and the extended Integrated Water Supply Scheme is sourced from Gnangara Mound. Groundwater stored in Gnangara Mound has been depleted by approximately 500 Gigalitres (GL) over the last 25 years. • Asserts that only in recent years has it been conceded that management of the resource has not been undertaken on a sustainable basis and that environmental values of the area are being adversely affected and are under continuing threat. • Strongly supports a desalination plant as a possible means of relieving pressure on Gnangara Mound. • Highlights the significance of irrigated agriculture in the Wanneroo district and considers that it should be protected. • Supplementary submission expresses concern at information recently provided by the State Government that the imminent commissioning of a desalination plant will have no effect on the demands placed on Gnangara Mound.
Conservation Commission of Western Australia
<ul style="list-style-type: none"> • Notes that as the Water Corporation does not appear to have an explicit requirement to consult over water resource developments, the Conservation Commission has experienced variable relationships - some project teams have been able to consult more effectively than others. • In the range of water resource projects currently implemented or under consideration, the Conservation Commission has not had an opportunity to engage in development of sustainability criteria beyond normal public consultation. For current proposals, the Water Corporation has set its own criteria and the community (including Conservation Commission) has been asked to comment. • Asserts that as the body with statutory responsibility for management planning and performance assessment under CALM Act, it should be engaged in setting environmental and sustainability criteria, which has not happened to date. <p>Submission to EPA on Yarragadee Proposal</p> <ul style="list-style-type: none"> • Considers that the “South West Yarragadee proposal has the potential for extensive unacceptable and unmanageable effects on both State forest, old growth forest, the CAR reserve system and rare and priority flora and fauna. The contingencies proposed are such that there is likely to be a lag between recognition of an issue of concern, deciding an appropriate action, and seeing the result of the actions some time after implementation. Such a lag is likely to lead to the deleterious effects being long term”.

<ul style="list-style-type: none"> • Notes that the proposed extraction of 45GL is to ensure that the risk level of a total sprinkler ban in Perth is reduced from 3 to 0.5 per cent and suggests a risk level of 1 per cent may be more appropriate and would allow time to consider a broader range of options for supplying the metropolitan area. • With regard to “adaptive management” asserts that the difficulty is the lag time before the impact of pumping is observed and confirmed as being related to the project. Further, once the matter is confirmed, there is likely to be debate about the appropriate course of action, particularly if that involves a significant reduction in extraction from the Yarragadee. Notes that in other bore fields where adaptive management has been adopted (Gnangara, Jandakot), concerns have been raised with them as to both the success of and compliance with the approach. • Recommends: “If an adaptive management approach was to be used ... prior to commencing the project there would need to be agreement as to who would be responsible for deciding that action was required and who was responsible for deciding on the nature of that action. These decisions should not lie with the Water Corporation alone.” • Concludes that “there is insufficient evidence that the project is environmentally acceptable in its current form. This is particularly the case when expected reductions in rainfall over the next 30 years are taken into account.”
<p>Conservation Council of Western Australia Inc</p>
<ul style="list-style-type: none"> • Considers that water allocated to maintaining natural water infrastructure and ecosystem services should be afforded the highest priority and that appropriate sharing between the consumptive and non-consumptive pool is vital to good management. • Does not support perpetual water rights. Contends that under the National Water Initiative there is scope for water rights without locking away water assets in perpetuity. • Submits that new drainage systems must avoid past mistakes such as: eutrophication and salinity in receiving environments; loss of biodiversity and remnant vegetation; loss of rural and agricultural landscapes and lifestyles as development pressure forces relocation from productive land; acidification of acid sulphate soils. • Considers that new water source development should be the last resort after exploring all avenues of water use efficiency, conservation, re-use, education and restrictions. • Believes water pricing should reflect scarcity, costs of water resource management and costs of alleviating environmental damage. • Submits that strong environmental protection legislation should be developed and strengthened and that Government agencies tasked with monitoring, researching and enforcing environmental compliance should be adequately resourced.
<p>South West Catchments Council</p>
<ul style="list-style-type: none"> • Raises serious concerns about the Water Corporation’s Yarragadee proposal, as presented in Environmental Review and Management Program (ERMP) prepared for consideration of EPA. Its greatest concern is the lack of contingencies and a “severely inadequate operating strategy” proposed by the Water Corporation. • Contends that “considerably more effort needs to be made to bring about a cultural shift in the community” with regard to water conservation and water use efficiency. Four major mechanisms for achieving this are pricing, incentives, education and regulation. • Argues for institutional reform to alter current practices, whereby both storm water and waste water are released into the environment, with the potential to cause environmental degradation, while “scarce drinking water is being used for flushing toilets and watering gardens” and water is being taken from environments that need it (river pools and streams) to irrigate public open spaces etc. Supports the use of “dual use” systems into new housing developments to reduce demand on urban drinking water and reuse by agriculture, or aquifer recharge, of nutrient rich

<p>stormwater generated by agri-business.</p> <ul style="list-style-type: none"> • Draws attention to the potential to use desalinisation to address salinity in the Wheatbelt and Woolbelt areas (due to excess water in landscape) while at the same time reducing potable (drinkable) water allocations being currently extracted from Darling Scarp dam. <p>Submission to EPA (May 2006) on South West Yarragadee Proposal</p> <ul style="list-style-type: none"> • Based on a “comprehensive review of the supporting technical documents”, presents a highly technical appraisal of the Water Corporation’s ERMP. Raises serious concerns with regard to <ul style="list-style-type: none"> ○ Insufficient data for assessment; ○ Problems with the assessment of environmental water requirements; ○ Impacts on high value vegetation and ecological communities; ○ Severe impacts on high value river and streams; ○ Problems with lithological model; ○ Problems with numerical model; ○ Problems interpreting model results; and ○ Lack of contingencies and inadequate operating strategy. • Also highlights alternative strategies (demand reduction; drain harvesting; reuse/recycling) and sources (Northwest Yarragadee, Wheatbelt desalinisation) that SWCC argues should be given further consideration prior to tapping the South Yarragadee. • Recommends a number of additional minimal requirements that should be imposed on the proposal as conditions of approval.
South West Development Commission
<ul style="list-style-type: none"> • Is happy with its involvement in consultations to date. Is confident that the State Water Plan and the South West Water Plan will address the issues of water governance.
Peel Development Commission
<ul style="list-style-type: none"> • Asserts that essential and non-essential uses of potable (drinkable) water in urban residential areas needs to be better addressed and that extraction of potable water from distant sources for non-essential uses (e.g. lawns) without due consideration of localised water recycling options may not provide the best use of the resource. • States that PDC has been the lead agency under the State and Commonwealth’s Coastal Catchments Initiative towards developing a Water Sensitive Design policy framework and technical guidelines for the implementation of improved urban design within the Peel Region.
Swan Catchment Council
<ul style="list-style-type: none"> • Contends that current governance arrangements are confusing, with areas of overlap and gaps. Specifically: <ul style="list-style-type: none"> ○ Roles of the Department of Water, the Water Corporation, the Swan River Trust, local government and developers in urban drainage are unclear and based on out of date legislation. ○ Monitoring and investigations of water resources have been poorly resourced until recently. • Advocates a number of regulatory/legislative changes: <ul style="list-style-type: none"> ○ Regulations may be required to prevent landholders from allowing their stock to graze uncontrolled in stream lines and apply quick release fertilizers close to streams. ○ Concerned about bore owners who wastefully use groundwater with little compliance monitoring of the 9am to 6pm restrictions. ○ Welcomes adoption of metering for most licensed water use in Gngangara area and supports wider adoption of meters. ○ Consideration should be given to amending water licenses to take account of low recharge years.

- Advocates the urgent development of policy to enable adjustments in groundwater allocations below initial Allocation Limits to accommodate reduced annual recharge rates resulting from climate change.
- Contends that all surface and groundwater resources in the Swan Region are either fully or over allocated. Considers there is a need to improve “water trading” mechanisms to increase awareness of value of groundwater and allow divertible water resources to go to “highest value” user.

Swan River Trust

- Cites the report of the Healthy Rivers Commission on management of NSW coastal rivers - “the greatest challenge in achieving healthy rivers is not lack of will, nor lack of science, but rather a lack of integrated effort” - noting its applicability to the Swan and Canning Rivers.
- Submits that the *Swan River Trust Act 1988* (SRT Act), which establishes the Swan River Trust, mainly focuses on control of development within and adjoining management area and that the powers of the Trust are unclear with regard to managing river environment, particularly where this involves activities outside of management area. Further submits that the SRT Act is silent on the roles and responsibilities of other government agencies and local governments whose activities affect the rivers.
- Advises that the *Swan and Canning Rivers Management Bill 2005* (SCRM Bill, before the Legislative Council), which will replace the SRT Act and the Environmental Protection (Swan and Canning Rivers) Policy 1997, is consistent with Health Rivers Commission approach to river management and increases the Trust’s ability to better coordinate management of activities that affect Swan and Canning Rivers.
- The SCRM Bill:
 - Establishes the Swan Canning Riverpark, consisting of waterways and adjacent Crown lands within existing management area.
 - Provides for setting of ecological, community benefit and amenity targets for protection of Riverpark.
 - Establishes the role of government agencies and local governments in achieving these objectives.
 - Defines the role of the Swan River Trust and assigns it overall responsibility for protecting the Riverpark.

Management of urban drainage

- Notes that drainage systems are an increasingly significant contributor to freshwater environmental flows.
- Under current statutory and operational arrangements, the Water Corporation and local governments share responsibility for managing drainage and shallow groundwater, but not in relation to environmental objectives.
- Citing recommendations of the Drainage Reform Group and the Swan-Canning Drainage Forum, advocates development of three tier governance model, with the Minister for Water Resources (policy and approval authority), the Department of Water (catchment manager) and the Water Corporation and local governments (regional and local service providers).
- Notes that drainage charges are currently only levied across 40 per cent of the area and, based on the current method of charging, likely to result in substantial cross study and inequity between and within commercial and residential properties. Considers that there is potential to establish an equitable polluter pays/beneficiary pays system by basing charges on a combined property area and water quality formula.

Management of environmental flows

- Notes that freshwater entering the rivers from Helena, Canning and Wungong rivers has been reduced by up to 90 per cent by Churchman’s Brook, Victoria, Wungong and Mundaring dams, which in turn have adversely affected riverine habitats, ecological function and the

extent to which saltwater marine life enters the rivers.

- Advises that the pattern of freshwater flows into the Swan and Canning Rivers has also been significantly altered by the urban drainage system, which is designed to reduce shallow groundwater levels and the duration of stormwater discharge.
- Notes that the environmental water requirements of the Swan and Canning rivers have not been determined and no provision has been made for environmental flows, although initial work has begun.
- Submits that proposals for water reuse and utilisation of additional sources of water must consider allocation of water for environmental purposes - the capture and re-use of drainage water, in circumstances where this water is an increasingly important contributor to sustaining environmental values, would need to be carefully assessed to avoid deterioration in environmental values.
- Submits that the principle of “fit for purpose” should apply, citing an example whereby potable scheme water is released into the Canning River during summer to enable riparian users to draw water, mainly for irrigation and stock watering purposes under licences or riparian rights, noting that a more appropriate approach would be to release untreated water from the dam.

Management of sewage

- Advises that Perth sewage system is highly effective in preventing contamination of shallow groundwater and rivers from nutrients and pathogens. At an average of four per annum, frequency of sewerage overflows to Swan and Canning rivers is low in comparison to other Australian capitals.
- Refers to advice from the Water Corporation, which indicates that in the 12 years to 2004, 289kg of nitrogen and 72kg of phosphorus entered the Swan and Canning rivers (representing 0.000004 and 0.00009 per cent of total nitrogen and phosphorus entering rivers annually).
- States that the Water Corporation estimates its Infill Sewerage Program has the potential to prevent 600 tonnes of nitrogen and 150 tonnes of phosphorus from entering shallow groundwater each year (shallow groundwater is a significant source of water entering the rivers directly or through drains). The Water Corporation has advised the Swan River Trust that the program is substantially completed for environmentally sensitive areas, however a significant number of households have not connected to the system and continue to use septic tanks. Considers that existing governance arrangements could be strengthened by providing a mechanism to ensure connections to the sewerage system occur in a timely manner.
- Submits that the responsibilities of the Water Corporation to provide and operate the sewerage system are well established, but responsibility and accountability for environmental performance have not yet been clearly defined. Advises that these responsibilities could be defined through the Water Corporation’s operating licence, or under the EPA or the SCRM Bill.

Management of shallow groundwater

- Notes that DEC and Department of Water both have roles in management of groundwater quality, but submits that their roles in relation to point source and diffuse contamination of groundwater need further clarification.
- Advises that most of the use of shallow groundwater is for domestic reticulation and is unregulated.

Management of the waterways and river foreshores

- Notes that responsibility for river management is currently shared between the Swan River Trust, 22 local governments and the Department for Planning and Infrastructure and a variety of other state agencies. The SCRM Bill will provide a framework for coordinating these responsibilities.
- Further notes that governance arrangements for river foreshores are fragmented, or lack clarity.

Northern Agricultural Catchments Council
<ul style="list-style-type: none"> • Asserts that the Department of Water is not in a position to monitor compliance of licences or investigate illegal abstraction of water and that greater resources are needed to ensure this function of the Department of Water is administered effectively. Further asserts that a fee should be charged for “each quantum of water allocation” to help reduce the volume of water being used and the number of licensed but unused allocations. • Highlights the growing demand for groundwater resources in the Northern Perth Basin and the limited information available to make accurate assessments as to sustainable yields. Submits that this situation is leading to “conservative allocations” being fully issued. • Considers that the Department of Water is currently better positioned for water licence determination than for monitoring compliance with licences or illegal abstraction of water from resources. Submits that as a result, some groundwater areas are fully allocated on paper, but the take does not meet licensed allocations, with potential users missing out as a result of the Department of Water’s ineffectiveness. • Argues that a “fee for each quantum of water allocation should be established to fund the appropriate administration requirements of the resource”, an arrangement that would assist to reduce the volume of water being used and the number of allocations that are licensed but unused.
Goldfields Esperance Development Commission
<ul style="list-style-type: none"> • Considers that the commercial cost of water is a critical limiting factor in business in the Goldfields - Esperance Region and the commercial cost of water should be negotiable as with any other business input. • Considers that there is considerable potential for increased expenditure on programs for intensive residential and commercial conservation and to assist heavy water use industries to better manage water. • Considers that the regional development presently curtailed by lack of access to adequate, reliable and cost effective water supplies and that regions should be viewed in their own right. If a community is located alongside a dam it should not be placed on water restrictions because of consumption patterns in the metropolitan area. • Asserts that water resource demand should be managed through reuse as a “first option” for growth. • Considers that there is a lack of available information on the Community Service Obligation (CSO) calculation, questions the continued use of CSO when the annual dividend paid to government virtually equates to CSO. Believes that the introduction of more sustainable water and wastewater management systems could reduce long term dependence on CSO payments. Local governments who have “excellent” waste water recycling programs should be considered for CSO payments made to the Water Corporation.
Western Australian Council of Social Service (WACOSS)
<p>Submission to ERA on Urban Water and Wastewater Pricing</p> <ul style="list-style-type: none"> • Stresses that “consideration must be undertaken to ensure that measures intended to reduce excess water consumption don’t unintentionally decrease access to the water supply for some elements of society and increase the level of poverty in Western Australia.” • Submits that current water prices and debt management practices already create difficulties for many low income and disadvantaged households and there is a risk that managing demand through price increases will increase the number of households being placed on restricted supply. • Does not support reduction in fixed charges offset by an increase in volume charges, as this would disproportionately disadvantage tenants (who pay consumption charges in rental

arrangement) and the vast majority of public housing and private rental tenants are on low incomes.

- Does not support a progressive tariff scale. Large low income families would be disadvantaged. Argues that system based on consumption allowance per individual in household would be more equitable.
- Advocates retro fitting of water saving devices for low income households, such as: low flow showerheads and dual flush toilets installed in all new public housing properties and when replacement required; all existing public housing to be refitted with water efficient fittings in time; installation of rainwater tanks in all future public housing projects; renovation of existing gardens to improve water efficiency.

Submission - ERA Issues Paper on Country Water and Wastewater Pricing

- Submits that cost-reflective pricing does not acknowledge the essential nature of water service nor the principle of affordability.
- Notes that current Community Service Obligations (CSOs) apply only to the Water Corporation, and not for other water providers, resulting in inadequate concessions for non-Water Corporation consumers; urges whole of government review of state concessions

Submission - ERA Draft Report on Country Water and Wastewater Pricing

- Notes that the inquiry focuses on provision of water services by the Water Corporation, while a significant proportion of citizens residing in country areas are either not provided water via a scheme or the Water Corporation is not their service provider.
- With respect to the ERA's comments on differentiating residential and commercial costs and on identifying the "forward-looking supply costs" for towns or groups of towns approaching capacity, WACOSS notes that the highest projected increase in water demand between 1999 and 2020 will be in irrigated agriculture and mining sectors, arguing that the commercial, rather than the residential sector, should be identified as the reason for the forward looking cost and water charges apportioned respectively.
- Argues against cost reflectivity for wastewater pricing. The higher costs of providing services and infrastructure in some regional areas is the responsibility of government, and should not be imposed on individuals.

Submission to ERA Urban Water and Wastewater Pricing Inquiry

- Highlights a number of issues identified by Emergency Relief Agencies and Financial Counsellors in relation to debt management, including: the removal of natural justice and the right to procedural fairness for customers who have had adverse decisions made against them; the use of water restrictions as a debt management practice; unrealistic expectations in relation to the repayment schedule that can be maintained by those with outstanding debts; increasing referrals to Emergency Relief Agencies by Water Corporation officers as a debt recovery method; the application of "unreasonably high interest rates" to outstanding debts.
- Supports the establishment of a Multi Utility Ombudsman to perform a dispute resolution function across electricity, gas and water.
- Highlights the fact that tenants, many of whom are low income earners, lack the opportunity to reduce consumption and costs, as they have no opportunity to install water efficient products, and suggests that the introduction of mandatory water efficient standards for rental properties could benefit tenants.
- Notes that Waterwise rebates are mostly inaccessible to low income families as many are unable to afford to purchase water saving devices, regardless of rebate, and therefore they are less able than higher income households to conserve water and reduce consumption. Supports an examination of the Waterwise Rebate Program.

WACOSS response to Draft Review Panel Report of the Water Services Coordination Act

- Argued that the issues of social inequity between consumers is not addressed through the ERA Bill, arguing that the matter required further attention. Pointed to Victorian Essential Services Commission, a key feature of which is that it has as its primary objective the protection of the

<p>interests of Victorian Utility consumers.</p> <ul style="list-style-type: none"> Argued that Western Australia demonstrates relatively poor practice in “the engagement and active, consistent participation of customers in the regulatory policy and planning process.” <p>Final Report of the Water Services Coordination Act Review Panel</p> <ul style="list-style-type: none"> The Review Panel identified sustainability of water resources, sustainability of the water services industry, and balancing pricing, efficiency and levels of service in an industry with natural monopoly characteristics as key challenges for Western Australia’s water services industry.
<p>Pastoralists and Graziers Association</p>
<ul style="list-style-type: none"> Raises concern that the Western Australian government is keen to tap into the financial and regulatory benefits of the National Water Initiative “without any real intent to recognise the obligations under the National Water Initiative to non-government stakeholders such as private landowners and irrigators.” Immediate concerns relate to: <ul style="list-style-type: none"> The State Government’s decision to substitute the National Water Initiative’s requirement to recognise perpetual entitlements to water for each non-urban land title or Crown lease with a proposed 40 year rolling lease. Failure to meet the National Water Initiative prerequisite for water allocation and sharing agreements to provide for base allocation of water for each land title or lease on proclamation. The State Government’s reluctance to acknowledge the National Water Initiative provision to compensate landowners if existing property rights to water are removed under the State Water Plan. Considers that the South West water plans must be completed and endorsed before the Yarragadee proposal is further progressed. Supports the principles of the National Water Initiative.
<p>WA Farmers Federation Inc</p>
<p>Submission to Legislative Council Standing Committee on Public Administration and Finance (August 2006)</p> <ul style="list-style-type: none"> Considers that communities and rural water users should be actively involved in the management of water resources in their respective catchments. Contends that economic sustainability is poor under the current governance arrangements, that a short term licensing system provides limited security value for financiers and that environmental sustainability is poor due to limited knowledge of groundwater resources across the State. <p>Submission to Productivity Commission on Rural Water Use and the Environment: The Role of Market Mechanisms (July 2006)</p> <ul style="list-style-type: none"> Supports the “broad thrust” of the State Government’s water market and trading agenda. Supports the allocation of “perpetual licenses” for water users. Notes that whilst the State Government identifies agriculture as a major water user, it is yet to fully acknowledge efficiency changes being made by rural water users and provide incentives to increase the uptake of water efficient practices. Notes concern over the National Water Initiative’s principles of full cost recovery and allocation to highest value usage as farmers are “price takers” in the market place and are unable to pass on these proposed costs. While licensing costs are generally accepted (in conjunction with simultaneous delivery of “rights and responsibilities”), volumetric costs will be strongly opposed if the farmers inability to pass on these costs is not fully taken into consideration. <p>Submission to the Western Australian Government on Draft Water Policy Framework (June 2006)</p>

- Argues that the best outcome for all parties will be achieved through simultaneous delivery of outcomes that recognise water user's rights and responsibilities.
- Supports draft water policy framework objective 1 (plan and manage water resources sustainably) but asserts that water resource management should only be undertaken on an "as needs" basis as some water resources are not under significant pressure.
- Raises concern with regard to objective 2 - protect water resources to conserve our environment - in light of the current Yarragadee proposal.
- Supports objective 3 - build knowledge and capacity through science and innovation.
- Supports objective 4 - develop water resources to support a diverse and vibrant economy - but proposes a contributory scheme to ameliorate the significant costs borne by private water users who are the first to develop water resources in an area.
- Supports objective 5 - enhance the security and certainty of water resources. WA Farmers policy position on security of water allocations is for perpetual licensing as provided for in the National Water Initiative.
- Supports objective 6 - deliver services to build strong and healthy communities.

Submission to EPA on South West Yarragadee Water Supply Development (May 2006)

- Asserts that the lowering of water tables on Gnangara Mound should serve as a precedent and the precautionary principle described in the *Environmental Protection Act 1986* should be strictly applied consistently across Government and the broader community.
- With regard to social implications, WA Farmers assert that regional communities view the Yarragadee proposal as an exercise to deliver short term gain to Perth consumers at the expense of long term pain for the next generation of farmers and community residents in the Yarragadee catchment.
- With regard to economic implications, concerns are raised about major impacts on pasture production and water availability for livestock, horticulture and viticulture industries.

Submission to Legislative Council Standing Committee on Public Administration and Finance (September 2003)

- In relation to "water resource management charges", considers that equity issues exist where only water licence holders in proclaimed areas would be charged in the proposed first phase of the introduction. Many irrigators are self sufficient in relation to on farm water supplies and have invested considerable resources in infrastructure for this purpose - at no cost to the Government. There is no justification for a management charge in these cases.

Leeuwin Environment

- Advocates fast tracking of water recycling opportunities.
- Submits that open, accountable, community based processes are essential to good governance and that sufficient funding needs to be made available for development and implementation of robust, precautionary water management plans.
- With regard to the Yarragadee proposal, submits that "there are numerous aspects of the way this major development proposal has proceeded that are deeply troubling... in a nutshell the process has been driven to procure the 45 gegalitres per year allocation, not assessed impartially to attain the statutory requirements for proper social and environmental outcomes."
- Argues that a number of aspects of the proposal have been improper:
 - The Water Corporation has "constantly misrepresented the social and environmental implications of the proposal in a propaganda exercise that has omitted scientific findings, distorted conclusions of reports and generally made unsupportable contentions as to the sustainability of the proposal..."
 - The Water Corporation has "always referred to its assessments as proving sustainability and to the proposal as going ahead, as if it were a foregone conclusion ... It is procuring the land for the pipeline, and reportedly, has bought the pipe. Such actions, which mislead the public, pre-empt the EPA decision and undermine proper process, should be regulated

<p>against. The behaviour is unacceptable, and the offence is made worse by the fact that the Corporation is a government institution.”</p> <ul style="list-style-type: none"> ○ The Water Corporation’s “skewed reports” have been, to a significant extent, accepted by the Department of Water. ● Argues that the peer review of the model was a very important process to “help attain fair and impartial outcomes.” Advocates third party appeal rights, which, it is claimed, “WA is alone in not having some version of.”
<p>Friends of the Yarragadee</p>
<ul style="list-style-type: none"> ● Raises specific concerns about the assessment of the Yarragadee proposal, including: <ul style="list-style-type: none"> ○ The process for assessing the impacts of the proposal has not been transparent. ○ The proposal will compromise the assessment of future abstraction applications. ○ Conditions set by the Water and Rivers Commission have not been met. ○ The impact of the proposal on Aboriginal Heritage Values has not been adequately studied. ○ The rigour of mitigation methods proposed by the Water Corporation to supplement flows in the Blackwood River and tributaries have not been adequately demonstrated. ○ Mitigation methods are in contravention of government policies.
<p>Australian Society of Limnology (Murdoch University)</p>
<ul style="list-style-type: none"> ● Limnology is the study of inland waters including rivers, creeks, billabongs, ponds, pools, swamps, lakes, salt-lakes and other wetlands. ● Urges the Committee to consider the importance of an environmental allocation of water to rivers, wetlands and groundwater. Cites CSIRO data which predicts a decrease in annual rainfall of 5 per cent by the year 2030. ● Also highlights adverse effects of falling groundwater levels due to climate change and abstraction on Gnangara Mound.
<p>Engineers Australia, WA Division</p>
<ul style="list-style-type: none"> ● Submits that to meet the challenges of climate change, population growth and prolonged drought “a new paradigm for the management of water resources is essential.” ● States that “Engineers are concerned that policy and management is seriously lagging technical know how. New technologies for better water management are continuously evolving and engineers are part of this trend and strongly support it. However, the availability of suitable technologies is not an impediment to more adequate progress with water reform. Management arrangements and policy development is more often the problem, reflecting outmoded views and imposing constraints which are unnecessary. Reforms to governance arrangements are critical to ensuring that such constraints do not hold back water reform in Western Australia.” ● Asserts that water pricing decisions must be firmly based on long term considerations and that water should be priced to reflect its scarcity value, to ensure that wasteful applications of water are minimised. ● Opposes the high fixed component in potable water prices and a fixed tariff for waste water prices. Asserts that until water and waste water prices are based on volumes of water, water will not be valued as a scarce resource. Supports the use of water pricing as a water demand/supply policy instrument arguing that there is strong evidence to support the view that consumers moderate their water use as prices rise. ● Advises that Engineers Australia has rated the Western Australian potable water system as B-, the wastewater system as B- and the stormwater system as C+, whereby a B rating means that some changes to assets are necessary so as to be fit for current and future use and a C rating indicates that major changes are required for the assets to be fit for current and future use.

- Supports an active role for independent regulators in promoting water reform, citing research by members of Engineers Australia which suggests that many water providers are “captives of their past and current ways of doing things and this causes them to be more limited in their perspective about possible water reform options.”

Chamber of Commerce and Industry of Western Australia

- Submits that water service pricing should reflect the full cost of supply.
- With regard to demand management, contends that markets are generally better than regulators at inducing efficient water use and that “secure, predictable tradeable water rights... will encourage inefficient water market participants to withdraw from the market in favour of efficient participants.”
- Raises a concern at the extent to which policy debate “emphasises the need to compel the community to change its behaviour to conform to water conservation agendas”, arguing that prohibitions, caps, targets and other proscriptive measures should be used only as a last resort to overcome short term problems or where there is clear evidence of market failure.
- Opposes any measures to earmark water resources for favoured clients (whether householders or particular industries), to impose more stringent reuse or conservation conditions on some users, or to treat some service providers less favourably than others.
- With regard to Community Service Obligations (CSOs), submits that the financing of CSOs should be equitable and transparent and should be achieved in a way that has the least impact on competition and economic efficiency.
- Broadly supports the objectives outlined in the Draft Water Policy Framework including the contribution of self suppliers in developing and managing water resources, inclusion of scarcity and opportunity costs in price setting (which would result in higher prices in some places than in others) and the development of an alternative strategy to subsidised pricing in remote and regional areas to foster competitive tensions and market innovation in commodity and service delivery.
- Encloses the below CCI submission documents.

Submission to ERA Inquiry into Country Water and Wastewater Pricing (January 2006)

- States that the “beneficiary pays” principle is an equitable and efficient means of recovering the costs of providing goods and services.
- Although recognising that providing services to some customer groups at prices below cost is a legitimate goal of government, states that in general it is preferable that such social objectives “be delivered in ways that minimise as far as possible the distorting of price signals and the economic inefficiencies and inequities that result.”

Submission to ERA Inquiry into Supply of Water to Kalgoorlie (July 2005)

- States that the cost and benefits of the proposed project (\$400 million Goldfields-Esperance Water Supply project) is “one for the project proponents and their financiers, not the regulator” and that the ERA’s role should be to determine under what circumstances and at what price the Water Corporation should buy water from the project.
- Notes that the project would offer relief to Perth water supplies by providing alternative supply to the Goldfields.
- The ERA should “approach its tasks with a greater presumption in favour of competition” and further that “the ERA’s role is not to act as gatekeeper, determining which projects deserve to go ahead and which do not.”

Submission to ERA Inquiry into Urban Water and Wastewater Pricing (September 2004)

- Asserts that the level and type of regulation should be carefully considered. Generally opposes prescriptive regulation, although acknowledging that a number of features of the water and wastewater industry, coupled with unpredictable and variable rainfall, establish a priority case for regulation.
- With regard to economic regulation, submits:

<ul style="list-style-type: none"> ○ Prices should reflect the cost of supply and there should be no difference in the pricing regime between the Water Corporation, Aqwest and Busselton Water. ○ The current pricing structure for domestic supply is not appropriate, nor is the use of prescriptive regulation to limit demand. Pricing should, as far as is practicable, reflect the actual costs of providing a service. ○ Water management charges should reflect actual management costs associated with consumption industry initiatives (for example, private company defines water resource, installs bores and undertakes monitoring). This constitutes a public good and should be recognised in any charging regime. ○ A two tiered approach to water entitlements is appropriate. The traditional approach of fixed term, non tradeable water entitlements would be used with regard to water resources that cannot be properly determined or where there are a small number of low diversity of users. Where the catchment or aquifer is nearly fully allocated and there is a large number and diversity of users, fully tradeable water entitlements would represent a perpetual share of available resources. ● Submits that multiple water source development is required, seeking “a comprehensive review of options and costs, co-ordinated across government agencies and across appropriate ministerial portfolios - with ministerial responsibilities clarified - to ensure the best outcome for the State.” ● Submits that the Water Corporation should have no legislated monopoly power and it should not be the sole or major carrier of costs associated with researching, managing and rationing the State’s water resources.
<p>Fire and Emergency Service Authority of Western Australia</p>
<ul style="list-style-type: none"> ● Submits that water should continue to be made available free of charge for fire-fighting and emergency services.
<p>Mr Jeff Camkin</p>
<ul style="list-style-type: none"> ● Mr Camkin has extensive experience working on water issues within government and was awarded the Churchill Fellowship to examine strategic approaches to water resource management in various countries. ● Considers that the “window of opportunity” for action on water is closing fast as water use across the State doubled between 1985 and 2000 and current use is running ahead of predictions that it will double again by 2020. ● Summarises the results of his 2004 Churchill Fellowship Report on Strategic Approaches to Water Resource Management in South Africa, Brazil and USA. ● Study conclusions include: <ul style="list-style-type: none"> ○ Water resource management in Western Australia is relatively simple as few of the State’s water resources are over allocated and the community is, in general, capable of paying for good management of water resources. ○ Water managers and Government are often so busy addressing current issues that insufficient attention is being paid to long term direction. Considers that there is a need for better analysis of long term policy options and better coordination of policy at the strategic level. ○ The key to success is the establishment of community based organisations that promote a collective sense of responsibility and provide opportunities for local communities to develop solutions to water problems. ○ Representative and consultative structures for water users in Western Australia are as yet underdeveloped by comparison with other jurisdictions. ○ Water resource management capacity in Western Australia will need to increase to match the growing complexity of the task.

- The rate of change in water issues is very high and unless flexibility is built into water legislation, frequent legislative change may be necessary.
- Maintaining good databases can provide flexibility for quick decisions as required and community confidence in supporting data is critical to achieving acceptance of the need to change.
- In some jurisdictions direct government involvement in water trading is central to movement of water to higher value. Historically, Western Australia has tended to take a hands off approach to water trading.
- The relationship between water rights and water use efficiency is generally unclear and is currently being debated in many jurisdictions.
- Acceptance of water use fees increases if funds are used for management in the area they are collected, if setting of fees and decisions of expenditure of revenue are made locally and with stakeholder involvement and the fees are introduced slowly as community understanding of benefits increases.

Mr Murray Nixon

- Outlines the history of common law and property rights as they relate to water.
- Submits that one of the principles of property rights is that the owner can use the land in any way, provided that use does not unreasonably impact or interfere with the use of and enjoyment of the property rights of neighbours.
- States that section 51(XXXI) of *The Constitution* clearly spells out that property can only be acquired on “just terms”. Over the years the Courts have upheld this clause. Considers that property rights are a bundle of rights, which includes not only the ownership of property, particularly land, but the right to use and enjoy the property.
- Submits that governments can legislate to change the law, and hence the use of property, but if a property owner loses the right to use and enjoy property for the common good compensation must be made on fair and just terms.
- Submits that it is obvious that through the process of gradualism many of the constitutional rights of property owners have been and are continually being eroded. Says that Court rulings clearly state that rain that falls is the property of the landowner. Attaches extracts from the following cases: *Commonwealth v New South Wales* (1923) 32 CLR 200; *Acton v Blundell & Anor*, 152 Eng. Rep. 1228; *Chasemore v Richards* [1843–60] All ER Rep 77; *Gartner v Kidman* (1962) 108 CLR 12; *Kennedy v Minister for Works* [1970] WAR 102; *Johnson v Graham’s Lessee v William McIntosh* 21 US 240 (1822).
- Considers that the question facing the community, and hence government, is how to fairly allocate water resources if one sector requires more water than falls on their property.
- States that if water falls on Crown land, which in the case of Western Australia is the far greater portion, the water clearly belongs to the Crown. On the approximately 7 per cent of land held fee simple, that water right depends on the original title at the time of issue. Says that there appears to be no case for restricting the use of a water resource that is derived from rain that fell on the property.
- Considers that it would be most unjust if a government were to allocate to one property owner a greater share of water from an aquifer than another, above what was generated on that property. If an irrigator required water over and above that which is rightfully theirs, it should be leased from the neighbours or the Crown depending on the situation.
- Submits that there is no doubt that there should be no loss of property rights without compensation on fair and just terms.

APPENDIX 3
LIST OF PUBLIC SUBMISSIONS
AS REQUESTED IN JULY 2007

No	Name	Organisation	Date Received
1.	Mr Kevin Bentley Managing Director	Valuwood International Pty Ltd	30 July 2007
2.	Mr Wade DeCampo Shire President	Shire of Manjimup	13 August 2007
3.	Mr Bruce W Manning Chief Executive Officer	Great Southern Development Commission	14 August 2007
4.	Mr Jim Limrick Director General	Department of Industry and Resources	15 August 2007
5.	Mr Rod Whittle Secretary	Leeuwin Environment	15 August 2007
6.	Mr Keiran McNamara Director General	Department of Environment and Conservation	17 August 2007
7.	Mr Mark L Chester Chief Executive Officer	Shire of Dardanup	17 August 2007
8.	Mr Brian Wyatt Executive Director	Goldfields Land and Sea Council	20 August 2007
9.	Ms Bev Clarke Shire President	Shire of Busselton	21 August 2007
10.	Mr Peter Clarke Chief Executive Officer	Shire of Yilgarn	21 August 2007
11.	Mr Ray Colyer Deputy Shire President	Shire of Augusta-Margaret River	22 August 2007
12.	Mr Murray Nixon	Former MLC/Farmer	22 August 2007
13.	Mr W Andrew Bruce Executive Director, Technical Services	City of Armadale	23 August 2007
14.	Mr Trevor De Landgraft President	WA Farmers Federation Inc	23 August 2007
15.	Ms Dorte Ekeland Acting Director General	Department for Planning and Infrastructure	24 August 2007
16.	Mr Wayne Bergmann Executive Director	Kimberley Land Council	24 August 2007
17.	Dr Kathy Meney Director	Syrinx Environmental PL	24 August 2007
18.	Mr Greg Stewart Chair	Irrigation Association of Australia Ltd	24 August 2007
19.	Mr Len Baddock President, WA Chapter	International Association of Hydrogeologists	26 August 2007
20.	Dr J I Gill Chief Executive Officer	Water Corporation	27 August 2007

Public Administration Committee

No	Name	Organisation	Date Received
21.	Mr Tim Shanahan Chief Executive	Chamber of Minerals and Energy	27 August 2007
22.	Mr Lee Farrell Chief Executive Officer	Shire of Chapman Valley	28 August 2007
23.	Dr Neale Fong Director General	Department of Health	28 August 2007
24.	Mr Daniel Simms Acting Chief Executive Officer	City of Wanneroo	30 August 2007
25.	Mr Dennis B Gibson General Manager Water Resources	Rio Tinto Iron Ore	31 August 2007
26.	Ms Janice Lake Division Director	Engineers Australia WA Division	31 August 2007
27.	Ms Jo Harrison-Ward Chief Executive Officer	Fire and Emergency Services Authority of Western Australia (FESA)	6 September 2007
28.	Mr Neil Bartholomaeus	Manjimup and Pemberton Landowners	18 September 2007
29.	Mr Paul Frewer Acting Director General	Department of Water	21 September 2007
30.	Dr Jim Ross Chair	Earth Science Western Australia and the University of Western Australia Geoscience Foundation	21 September 2007
31.	Mr J N Warne Acting Chief Executive Officer	Shire of Three Springs	24 September 2007
32.	Mr Damien Hills General Manager	South West Catchments Council	24 September 2007

APPENDIX 4

SUMMARY OF PUBLIC SUBMISSIONS

AS REQUESTED IN JULY 2007

Submissions provided to the Standing Committee on Public Administration in 2007. The Committee advised stakeholders of the Water Governance inquiry's terms of reference and sought submissions on:

1. Whether Western Australia has the skilled personnel and technical expertise to implement progressive, long term and strategic water resource management.
2. What further action could be taken to improve and develop such expertise.

Department of Water
<ul style="list-style-type: none">• The Department of Water states that the issue of adequately trained and available people with the skills and expertise to undertake water resource management is an important challenge in Western Australia, in both the private and public sectors.• A skilled workforce is essential if the Department of Water is to protect and enhance the water environment and maintain the quality and standard of living to which citizens aspire.• The Department of Water has approximately 550 staff dealing with water issues for Western Australia. The Department of Water employs highly skilled personnel with expertise in hydrogeology, hydrology, water science, water planning, public participation, water allocation and river restoration.• Because of the increasing demand for water and the expanding resource sector a skills shortage now exists in some areas of expertise.• The skills shortage is not just an issue in Western Australia. Australia is one of many countries facing a chronic skills shortage in this area. The situation has been substantially worsened by the coincidence of the drought and climate change across many parts of the country. The expanding role of the Commonwealth in water resource management and water resource data is also leading to increased demand for water professionals across Australia.• To improve and develop expertise the Department of Water is:<ul style="list-style-type: none">○ Initiating recruitment and retention actions such as the Student Vacation Employment initiative, developing a Graduate Development Program and commencing a workforce plan to look at supply and demand issues.○ Providing a stimulating and supportive workplace. The Department was recently awarded Preferred Employer status at the 2007 Australian Business Awards.○ Looking at fostering a post graduate program in water resource management centred in Western Australia. There is currently little coordination of post graduate study in Western Australia, with separate universities offering part or no studies in water resource management. The post graduate program could be part of a research partnership with Western Australian universities and CSIRO that not only targets research into Western Australian issues but trains the next generation of hydrologists, hydrogeologists and water resource managers.

Water Corporation
<ul style="list-style-type: none"> • The Water Corporation is confident that the Department of Water has a clear plan and the appropriate resources to deliver sustainable water resource outcomes for Western Australia. • Is aware of the aging and limited skill base in water resource management in Western Australia. The Water Corporation and the Department of Water, together with the Australian Water Association and Engineers Australia, are working with the education and industry sectors to attract and retain water industry professionals. This strategy includes recruiting internationally. • Will provide more information or appear before the Committee if the Committee wishes.
Department of Industry and Resources
<ul style="list-style-type: none"> • The issue of adequately trained and available people with the necessary skills and expertise relating to strategic water resource management is an important challenge, particularly when there is significant economic development. This is an important issue given the State's hydrogeological circumstances and size, the new water management and service legislation, and demands flowing from signing the National Water Initiative. • The Department of Water is well placed to provide specific information concerning personnel and technical expertise in the short to medium term.
Department of Environment and Conservation
<ul style="list-style-type: none"> • The Department of Environment and Conservation considers it very important that Western Australia has the skilled personnel and technical expertise to implement progressive, long term and strategic water resource management. • The Department of Water is best placed to advise the Committee on this matter.
Department for Planning and Infrastructure
<ul style="list-style-type: none"> • The Department of Planning and Infrastructure has experienced difficulty obtaining professional services of skilled practitioners, particularly in this boom period. • There is a need for enhancing the skills and resources across a broad range of water resource related topics in a variety of disciplines including engineering, scientific economic policy and the social sciences. There is a need for practitioners who can develop integrated water cycle management solutions that require new and contemporary thinking (often referred to as water sensitive urban design). • Some actions to develop adequate levels of expertise might include: a more coordinated approach to research and development relating to water sensitive urban design; financial commitment to research and development; support for professional development; review of teaching programs offered by universities identifying gaps and market needs; support for young professionals including scholarships; greater level of dialogue between the Government and professional institutes in order to obtain feedback relating to industry needs.
Department of Health
<ul style="list-style-type: none"> • The pressure to establish and maintain an adequate and competent governance framework to protect public health continues to increase as a result of the following: <ul style="list-style-type: none"> ○ An aging workforce in the water industry and water governance structures. ○ Competition from other industrial sectors, particularly the mining industry. ○ The development of more complex risk management and best practice which govern water management. ○ The pending introduction of complex and potentially high risk alternate water supply and infrastructure systems, which require an increased level of technical expertise that

<p>currently does not adequately exist in the water resource industry or government and educational institutions.</p> <ul style="list-style-type: none"> ○ An increased burden that will be placed upon the existing management and governance structures following the implementation and integration of alternative water resource opportunities in addition to drinking water management. ○ The potential fragmentation of the water industry in response to competition policy. ○ The continuing and increasing desire from the community for assurance that water services are safe, competently managed and openly reported. <ul style="list-style-type: none"> ● It is questionable if the competency standards in the water industry will be sufficiently robust to adequately protect public health given the introduction of new forms of water resources, such as non potable (non drinkable) third pipe irrigation schemes, water recycling and drinking water augmentation. ● Would be pleased to appear before the Committee.
Shire of Augusta-Margaret River
<ul style="list-style-type: none"> ● The Shire of Augusta-Margaret River says it is taking a leadership role in increasing sustainability of water resources. ● Local government has a broad range of expertise that is required for holistic management of water resources including engineering expertise, environment management and communication networks with strong links to local community. The extent of the expertise is greatest in areas where local government has established service or regulatory functions. Where it is identified that local government can play a larger role in effectively managing water resources and supplying water services, local government is well placed to expand its resources and expertise to respond to these challenges. ● There are a range of existing organisations that provide excellent training and development opportunities. Barriers to developing local government expertise include: <ul style="list-style-type: none"> ○ Industry silos - there is often a communication breakdown between different organisations managing different components of the water cycle. It would assist if water governance engendered a more integrated approach toward the complete water cycle. ○ Responsibility - for many aspects of water resource management there is no clear responsibility for local government. ○ Peroquialism and distance - these create a barrier to learning expertise. ● Initiatives such as the Water Symposium and development of the State Water Strategy bring people together to share knowledge. Continuing these initiatives, communicating them to a broader range of local government officers, making expertise accessible to local government staff through regional forums and funding local demonstration projects would be valuable. ● The Shire also provided submissions on other matters. ● Wheatbelt salinity should be considered a disaster of state and national significance. This requires considerable research and funding and the best chance of recovery is a partnership between national, state and local government. State Government assistance is crucial. ● The ability of local government to manage arterial systems is compromised in many instances by the size and resourcing of local government and the lack of a coordinated approach to catchments and drainage systems that cross local government boundaries. ● Water quality is arguably a more significant issue than capacity. State assistance could assist in changing practices by builders and earthmoving contractors that frequently result in sediment loading entering stormwater systems, creeks and rivers.
Shire of Busselton
<ul style="list-style-type: none"> ● The Shire of Busselton considers that Western Australia does have skilled personnel and technical expertise to implement progressive, long term and strategic water resource

<p>management but is severely limited and very reliant on local personnel with extensive local knowledge.</p> <ul style="list-style-type: none"> • With the boom times and the gradual retirement of personnel the Government has not carried out succession planning/skilled resources investigation to ensure that this gap does not widen. • Possible actions to improve expertise could include importing expertise from interstate and overseas, exchanges of professionals in this area to further experience and knowledge, and working in partnership with national and state water authorities. • It is imperative that the State Government legislate to commit funds to implement initiatives effectively and to ensure nationwide synergy in progressive, long term strategic water resource management.
<p>City of Armadale</p>
<ul style="list-style-type: none"> • The City of Armadale considers that the number of skilled personnel and technical expertise are two separate aspects of the governance of Western Australia’s water resources. • In relation to technical expertise, there is no doubt that this is sound in all areas of water resource governance and management. The expertise is in the private and public sector, including local government. Large consulting engineering companies have access to national and international expertise. • In relation to skilled personnel, the effective and efficient purchasing of complex, inter disciplinary water projects by the public sector requires a very high skill level in conceptualisation, scope definition and description and a sound, extensive practical understanding of the issues and their management. It is at this point that the State’s capacity for widespread, high quality water governance breaks down. • The number of people working in all technological fields is decreasing because fewer people enter the field than leave. The water sector suffers more than other branches due to the inter relatedness of a number of technological areas such as hydrology, hydraulic design, structural engineering and environmental sciences. The frequent entry and departure from the field is sub optimal for long term resource and governance. • The threat to capacity and capability across technological areas is being addressed by technological and scientific learned societies and professional organisations. This journey has only commenced and will take a generation to reverse. • The Institute of Engineers Australia and the Institute of Public Works Engineering Australia have instituted programs to attract and retain young people. These programs alone will not resolve the issue of the number of people working in the field without a strong redirection of school educational programs addressing numeracy, literacy and self management to ensure the pool of potential staff does not continue to shrink. • Wishes to appear before the Committee.
<p>Shire of Dardanup</p>
<ul style="list-style-type: none"> • The Shire of Dardanup is unable to answer whether Western Australia has the skilled personnel and technical expertise to implement progressive, long term and strategic water resource management. • To improve and develop such expertise the experience gained by the research into the Yarragadee should be built upon. Personnel should have the opportunity to investigate successes and failures nationally and internationally. • Provides further comments relating to the Water Governance inquiry’s terms of reference. There is confusion about water rights and property rights and these issues need clarification. The Shire strongly opposes any call on local government to police State imposed water restrictions and strongly opposes local government taking on the resourcing, management and liability for Wheatbelt draining systems and urban water quality.

Shire of Manjimup
<ul style="list-style-type: none"> • The Shire is not in a position to have a view on the appropriate level of skilled personnel in Western Australia but raises two issues within the Water Governance inquiry's terms of reference. • There is a lack of long term planning and investment in water resource management. The towns of Northcliffe and Walpole illustrate this. The towns have the highest rainfall in the State but have run out of water over the last two summers requiring water to be trucked in from elsewhere • Local residents concerns about diminishing water supplies, raised many years ago, appear to have been disregarded. Centralised decision making and resource allocation has resulted in an obvious lack of understanding of regional circumstances. This needs to be addressed. • Long term planning and investment is retarded by a lack of genuine understanding of planning and development within the region. For example, planning is based on information from the South West Development Commission which is out of date. A better option would be to assess water resource demand for long term planning using information available from the Department of Planning and Infrastructure and local Shires. • There has been a lack of capital investment in water resources over the last 10 years. It is ludicrous that no worthwhile expansion of water management capacity has occurred in this region when the State Government is swamped with surplus funds. • There is a lack of research and detailed localised water catchment modelling. It became evident during the Council's "Plantation and Agro Forestry Policy" review that more local research is required in regional Western Australia to develop understanding and localised models.
Shire of Yilgarn
<ul style="list-style-type: none"> • The Shire of Yilgarn addressed the Water Governance inquiry's terms of reference. • Adequate supplies of water must be provided to ensure that the growth of the State is not stifled. • Water should be available in quantity and not through restrictions. • Competition for the supply of water should be encouraged.
Shire of Three Springs
<ul style="list-style-type: none"> • The Shire of Three Springs addressed the Water Governance inquiry's terms of reference. • As far as possible water resources should be in the hands of or be controlled and regulated by government. Private enterprise should not control the supply of water or set the price for water. • On no account should the State Government water supply, or any part of it, be sold to private enterprise. • The current approach to sustainability of water supplies appears to be satisfactory but a greater reliance on underground supplies should not be allowed, nor should an increase in irrigation. Emphasis should be on harvesting water from rainfall while maintaining flows in rivers and reducing usage.
Shire of Chapman Valley
<ul style="list-style-type: none"> • The Shire of Chapman Valley says that the Yuna pipeline project provided the Shire with an opportunity to assess the ability and planning of the Water Corporation. The project managers consider that: <ul style="list-style-type: none"> ○ The infrastructure of the Water Corporation has not been upgraded to meet the needs of the next twenty five years. Staff build services and cater for the present rather than incorporate these in long term plans.

- Western Australia is too expansive for a blanket management strategy and the current staff do not have sufficient experience to manage water resources in the northern agricultural area where needs and requirements are vastly different.
- Staff lack experience in modern methods of switch and pumping communications systems and use old unreliable telecommunications for the new services instead of satellite technology.
- Developing younger engineers in the Water Corporation will introduce updated and longer term planning and management strategies. Planning is on an ad hoc basis, rather than long term, and does not encompass the broader picture.
- The development of Oakajee in the Mid West will create a water supply issue and further development will occur. The Mid West economy will be severely affected by poor planning.

City of Wanneroo

- The City of Wanneroo addressed the Water Governance inquiry's terms of reference and, in particular, issues relating to Gnangara Mound.
- It is imperative that new water sources are developed as soon as possible to relieve the pressure the Gnangara Mound groundwater resource is under.
- Approximately 80 per cent of Perth's public water supply and the extended Integrated Water Supply Scheme is sourced from Gnangara Mound. Over the last 25 years the groundwater stored has been depleted by approximately 500 gegalitres. The reduction in rainfall has been a significant cause of this but the amount of water abstracted from the mound by the Water Corporation for public water supply has been significant. It is only in recent years that it has been conceded by relevant agencies that the management of the resource has not been undertaken on a sustainable basis and the environmental values of the effective area are being adversely impacted and are under continuing threat.
- The basic approach in the past, that Gnangara Mound is an easy and cheap source of water and in a dry year back up is needed, needs to change.
- The cause of the problems is not to do with the skills and expertise of water resource managers, which appear to be quite adequate, but the higher level decisions made by senior Government who give regard to financial and political considerations. For example, the preference to put increasing and unsustainable demands on Gnangara Mound rather than increasing unpopular demand management measures on the community, such as stricter sprinkler bans. Many decisions made in managing Gnangara Mound have been made in full knowledge of the adverse consequences that these decisions will have on the resource.
- Water resource governance systems need to adequately recognise and provide for the water requirement of the City of Wanneroo's agricultural industries.
- The proposed treated wastewater project, involving using treated wastewater from the Beenyp Wastewater Treatment Plant (WWTP), and the proposed Alkimos WWTP for agricultural industries and industrial areas, should be fully and properly considered and not be derailed by a cost effectiveness assessment which may not fully consider all potential benefits and options. Reusing wastewater from WWTP, rather than discharging it to the ocean, should be strongly supported and implemented.
- Water resource governance systems in general need to be suitable for investigating and promoting innovative solutions to the current water supply problems. This could include investigating household "third pipe" systems, the capture and reuse of stormwater drainage and rainwater tanks.

Great Southern Development Commission

- The Great Southern Development Commission considers that Western Australia's demand for water professionals is currently outstripping supply.

- There are concerns of a serious water skills shortage when current water industry professionals, aged between 30 and 45 years, retire or seek alternative employment options. The Australian Water Association's (AWA) view, that there is a lack of skilled personnel and technical expertise to implement strategic water resource management, is echoed by the South Coast Region Department of Water.
- There is a general skills shortage in a number of areas including hydrogeology, water science, water planning and groundwater modelling.
- The Centre for Excellence in Natural Resource Management (CENRM), under Professor Peter Davies, has the skilled personnel and technical expertise to implement progressive, long term and strategic water resource management.
- AWA has been working on what further action could be taken to improve and develop such expertise. The Industry Capacity Development Committee's main initiative is a "skills supermarket" online database. This provides subscribers with access to information on nationwide water related courses and programs.
- The Great Southern Development Commission is a strong supporter of CENRM and its being developed into an internationally recognised Water Resource Management Centre. CENRM, in collaboration with the University of Western Australia, University of Queensland, Griffith University and Monash University, has identified a key need to establish an international water centre. They have developed a Business Plan with a core business to address building for sustainable water and catchment management.

South West Catchments Council

- The South West Catchments Council state that they know from experience that there is a capacity shortfall in government agencies.
- Government agencies are fully stretched simply implementing existing initiatives with no extra capacity to do what is needed for the long term management of our water resources.
- There is a need for a Centre of Excellence, within the South West campus of Edith Cowan University, to provide targeted research and education in collaboration with the Department of Water. The South West Catchments Council would welcome such an initiative and support it in any possible way.

Goldfields Sea and Land Council

- The Goldfields Sea and Land Council addressed the Water Governance inquiry's terms of reference.
- As the Native Title representative body for the Goldfields-Esperance region, they want to ensure that programs for water management and governance in the area take into account the significant impact that mining, and its associated use and disposal of water resources, has on the native title rights and the interest of native title holders, claimants and traditional owners.
- Insufficient account has been taken of the extent of the impact of mining activity on water resources in the region, particularly in relation to the extraction of water from underground sources and the discharge of excess water into fragile, and in some cases, marginal ecosystems.
- The impact of the mining industry has not been adequately studied or analysed to gauge the level of environmental degradation that inevitably occurs.
- Recommends that active input, expertise and knowledge of Indigenous people in the region be obtained.
- Attaches an Environmental Damage Report. Says this illustrates the lack of consideration for environmental damage caused by a mining company. Technical expertise personnel in the public sector will need to effectively deal with this.

Kimberley Land Council

- Western Australia has limited skills and expertise to engage fully with the Kimberley Aboriginal people on many issues, including water.
- The reasons for this include: non Indigenous consultation processes are not conducive to Indigenous engagement; Indigenous engagement in a large region is resource intensive; Indigenous people and organisations are under resourced; effective Indigenous engagement is not understood; traditional knowledge and understanding is often not highly valued.
- It would appear to be difficult to implement progressive, long term and strategic water management in the Kimberley without tapping into the immense resource of knowledge and experience of Aboriginal people.
- Further action that should be taken to improve and develop expertise include government acknowledging that there is significant Indigenous knowledge, experience, and interest in the Kimberley water related issues, and taking steps to ensure that Indigenous people are properly engaged in all areas of water policy development and implementation.
- Initiatives that could assist in improving and developing expertise include:
 - Government recognising the primary importance of the aspirations, rights and interests of Indigenous people.
 - Government promoting Indigenous knowledge and expertise and effective engagement with Indigenous people.
 - Adequately resourcing Indigenous people and their organisations to engage with government and provide consultation services, research and policy development.
 - Designing research and policy development initiatives to ensure effective Indigenous input.
- Resources need to be directly applied to facilitate Indigenous engagement. When government expects organisations such as the Kimberley Land Council to provide services without proper resourcing the whole Indigenous consultation process may break down.
- Attaches the Kimberley Appropriate Economies Roundtable report. This forum, held in October 2005, developed a sound basis from which to begin assessing land and water planning and development opportunities for the future. The report includes the paper Indigenous Economic Opportunities and Water Resource Planning, authored by a Senior Research Scientist, CSIRO, Darwin.
- Will appear before the Committee if required.

Fire and Emergency Services Authority of Western Australia

- In 2003 the Fire and Emergency Services Authority (FESA) and the Water Corporation established a Joint Interagency Project Team (JIPT) to provide a more formal framework to share emerging trends and review water supply processes that impact on emergency operations, particularly firefighting.
- The Community Development and Justice Standing Committee, in their Inquiry into Fire and Emergency Services Legislation Report (2006), commended the establishment of the JIPT. They recommended that this team continues to expand to incorporate other water providers, such as the Busselton Water Board and Aqwest, for the purposes of implementing the transfer of hydrant responsibility (FESA want to transfer total ownership of these) and interagency communication.
- The expanded working party met for the first time in May 2007.
- Since this joint working party has been operating, the level of cooperation, consultation and knowledge sharing from key Water Corporation staff has been greatly appreciated by FESA. Advice and guidance on network capabilities has allowed FESA to shape firefighting processes to meet community needs.

WA Farmers Federation Inc

- WA Farmers considers that if the Government continues down its recently adopted road of token consultation and dictating water reform outcomes to water users then Western Australia does not have the skilled personnel and technical expertise to implement progressive long term and strategic water resource management.
- The Government can improve and develop such expertise by engaging water users. The skills and technical expertise of regional water users and their catchment management groups, in conjunction with Department of Water personnel who understand the needs of irrigated agricultural industries and adhere to Government's sustainability platforms, will achieve the implementation of progressive, long term and strategic water resource management.
- In relation to water licence fees, it does not oppose equitable water licence fees but considers the current fees inequitable. A more considered approach to licensing and measurement is required as outlined in their submission to the Minister of Water Resources *Licence Fees and Measurement for Self Supply for Water Users*.
- The Government has implemented fees that require self supply water users to fund a state wide water management process while exempting metropolitan domestic bore users and peri urban hobby farmers from any costs.
- The fee has caused considerable angst amongst regional water users, particularly self supply irrigators who have invested considerable capital to establish irrigation infrastructure and managed water resources at a catchment level for generations.
- The Department of Water has lost any credibility it had with regional water users. This will have severe impacts on its ability to undertake its core business activities for many areas.
- In relation to the Water Resources Management Bill, the Water Law Reform Reference Group convened to consider the Bill has been given approximately 12 weeks to have the legislation ready for introduction into Parliament in late 2007. WA Farmers is extremely concerned at the brevity of the proposed timeline to undertake the task at hand given the importance of the Bill to the future management of the State's water resources and its potential impact on the future sustainability of WA Farmers' members and the State's irrigated agriculture industries.
- Urges the Committee to conclude its inquiry as early as possible so the outcome of the inquiry will become a fundamental component of the forthcoming parliamentary debates on the Bill.
- Would welcome the opportunity to appear before the Committee.

Irrigation Association of Australia, WA region

- The Irrigation Association of Australia (IAA) is very active in developing and implementing training and professional certifications for the Australian irrigation industry. It has been pivotal in developing units of competency in irrigation used in a range of Agriculture and Horticulture qualifications. Its professional certifications cover all aspects of irrigation, including the design, management, operation, installation and auditing of irrigation systems.
- Implementing the State Water Plan will have a significant impact on workers throughout the water supply chain. There are significant issues with regard to existing human capacity throughout the water supply chain. There is already evidence that even the early stages of implementing the plan are exposing deficiencies in current numbers, skills and competency of water personnel.
- IAA is actively working with stakeholders to improve the skills and competency of existing workers and train new workers. Areas of particular concern include:
 - Engagement of irrigation professionals. It is essential that governments encourage the preferential use of individuals with IAA's Professional Certifications. With this support

- the standard of irrigations systems and water use efficiency will be raised.
- Development of Water Conservation Plans. IAA is concerned that there is an insufficient number of professionals to develop these plans which are required by licence holders and others in order to renew or modify licences.
- Achieving 20 per cent rural water use efficiency gains by 2011. This can only be achieved if the irrigation industry plays a much larger role than it currently does. Long term sustainable improvement in rural water use efficiency is only achievable if the private sector becomes the primary deliverer of irrigation advice, training and service delivery. Government activities should be designed to support and complement these private sector activities. The Government should encourage rural irrigators to demonstrate competency in using water efficiently by becoming Certified Irrigation Operators and Certified Irrigation Managers.
- Absence of restricted licences. Installing and commissioning irrigation systems require a combination of competencies. In many regional areas it can be near impossible to find persons to legally install, commission and repair irrigation systems. In remote and regional places it makes sense to permit irrigation professionals the opportunity to be licensed in very narrow skill sets. These restricted licences could be managed through the appropriate licensing board (electrical and plumbing).
- Further actions that could be taken to improve and develop such expertise include:
 - Retaining and further training existing workers. This is the most important strategy.
 - Recruiting workers from local, national and international pools.
 - Recognising and supporting industry activities. It is essential that the Government understands, acknowledges and supports training initiatives developed and managed by industry organisations such as the IAA. IAA is keen to enter into further dialogue with government departments about supporting our Professional Certification Framework and developing quality management systems that provide “traction” for the framework and drive the uptake of training initiatives.
 - Water use efficiency in local government. The IAA is very impressed with the ICLEI Water Campaign, which is primarily about training local government to become better managers. IAA is working with ICLEI to ensure irrigation professionals help local government achieve their water use efficiency goals. The IAA sees opportunities for local government using the water campaign’s continual improvement approach to begin working with rural water users. Additional support for the campaign, especially from rural councils, would increase the workforce addressing the challenge of improving rural water use efficiency.
 - The State Water Forum should consider establishing a Water Workforce Planning Group that periodically meets to consider the training, skills and competency needs of the water supply chain and management team.
- The water use side of the water chain must receive the same attention as the water supply side of the chain. Skills discussions in the water industry appear to be dominated by the water supply side. Given that irrigation uses approximately 50 per cent of urban residential and agricultural water, it is imperative that the water use side receives the same attention.
- In relation to the Water Workforce Planning Group, the State Water Plan activities should not be rushed beyond a realistic expectation of the capacity of the existing workforce (government and private).
- If the Government is concerned, or is aware of any meeting to discuss training needs for the water supply chain, the IAA would appreciate being invited to the meeting.
- Would appreciate the opportunity to appear before the Committee.

Chamber of Minerals and Energy

- The Chamber of Minerals and Energy submits that:

- Hydrogeological skills are in short supply. This is symptomatic of a broader skills issue within Western Australia.
- It is critical that Western Australia has sufficient graduates to manage groundwater resources.
- There have been limited undergraduate or postgraduate hydrogeology courses offered in Western Australia. The Chamber of Minerals and Energy understands that the University of Western Australia (UWA) will run a Masters of Science (Hydrogeology) course in 2008. This has not been previously available due to a lack of teaching staff. Curtin University of Technology and UWA offer some units at an undergraduate level as part of a broader geology, science or engineering degree.
- Consideration could be given to reviewing current courses available with a view to recommending improvements.
- The Chamber of Minerals and Energy understands that a database and management system for course information has recently been developed. This development is welcome.
- The remainder of the submission addresses the resources sector's water use and management and water resource governance, current policy and legislative directions.
- Resource companies have played a key role in discovering and developing water resources across regional and remote areas of Western Australia. The resources sector provides around 95 per cent of its own water needs, with the remainder sourced from licensed water providers. The development of water resources involves significant investment. Around 60 per cent of water used in the industry is low grade and unsuitable for non industrial purposes. All mining industry water is metered and licence conditions are imposed to ensure that water is used and managed sustainably.
- The Government's intention to bring the Water Resources Bill and Water Services Bill before the Parliament of Western Australia by the end of 2007 is concerning as this timetable has unduly contracted the consultation process.
- Given the primacy of the resources sector within the Western Australian economy, it is critical that all policy and legislative developments take account of the special circumstances of the industry and allow flexibility in these arrangements.
- The Chamber of Minerals and Energy does not support water resource management charges either on a volumetric or licensing administration basis. The Chamber strongly disputes the link between allocated volume and administrative charge, particularly where there is a high degree of self management.
- The resource industry contributes significantly to the investigation and management of Western Australia's water resources. The resource sector's water use and management is contributed by the industry on a "user pays" basis.
- In contributing \$1.5 billion in royalties to the State Government annually the industry maintains a valid expectation that the State will continue to fund core regulatory services such as those associated with managing the water licensing system.
- The Chamber of Minerals and Energy is disappointed by the emergence of a regrettable trend towards industry levies amounting to cost shifting on behalf of the Government without a stated policy.

International Association of Hydrogeologists

- The International Association of Hydrogeologists is a professional association for people within disciplines related to groundwater, its occurrence, utilisation, testing and management.
- Groundwater supplies 80 per cent of Perth's water needs and virtually all water used in the mining industry.
- There is an increasing need for a reliable source of well qualified hydrogeologists in

Western Australia. There is an acute strategic need in the key areas of hydrogeology education and research. There is a need for wide ranging hydrogeological expertise in management, research and investigations to underpin sustainable management and use of Western Australia's groundwater resources. The needs are increasing in the following areas:

- Groundwater resource management. More intense monitoring, modelling, assessment and research is needed on the impact of climate change.
- The National Water Initiative. More work is required in relation to groundwater. National Water Initiative funding is likely to remain unspent because of a lack of skilled personnel.
- Minesite hydrogeology. There is an increasing need for minesite hydrogeology expertise as mine production increases and mines go deeper.
- Contaminated sites legislation. This legislation has resulted in an increased need for skilled personnel.
- Dryland salinity. Rising saline water levels in the Wheatbelt valleys are threatening the viability of agriculture.
- Neither Curtin University of Technology nor the University of Western Australia (UWA) has a hydrogeologist on the geoscience staff. The constraints of the current university funding models indicate that such specialised recruitment is unlikely for some time.
- Most hydrogeologists in Western Australia have been recruited from overseas or interstate.
- While there are some excellent skilled professionals within State government bodies, there are too few to be effective.
- A significant portion of senior technical personnel have departed the organisations over the last several years. It has not been possible to replace these with equivalent senior professionals.
- The Department of Water is not able to fully implement groundwater investigations to assist in long term planning that they have funding for because of the shortage of hydrogeologists.
- The Association has initiated action to establish a Masters in Hydrogeology by coursework at UWA, with components provided by industry hydrogeologists. This course, with a small number of students, is scheduled to commence in 2008. The course may prove to be an important stopgap, but it is not a viable long term solution for an acute strategic problem.
- For more than two years Earth Science Western Australia and the UWA Geoscience Foundation have identified hydrogeology as one the key strategic weaknesses in tertiary geoscience education and research in Western Australia. There is a combined effort to achieve a joint appointment in hydrogeology as soon as possible. The appointee will provide undergraduate teaching at both Curtin University of Technology and the University of Western Australia, establish a joint masters by coursework program and commence an active research program. The proposed appointment is only part of the solution. Increased research capacity, through research fellows, post doctoral appointments and PhD scholarships, is required.
- Although tertiary education is chiefly a Commonwealth government role, State government support will be important in establishing hydrogeological education and research to alleviate the technical shortage within Western Australia.
- Would be pleased to appear before the Committee.

**Earth Science Western Australia and the
University of Western Australia Geoscience Foundation**

- Earth Science Western Australia and the University of Western Australia Geoscience Foundation are organisations devoted to the strengthening of geoscience in Western Australia commensurate with the State's strategic needs.
- There is an acute need for hydrogeology teaching and research programs in Western

Australia.

- A proposal addressing this acute need has been prepared by Earth Science Western Australia and the UWA Geoscience Foundation for submission to the Commonwealth Department of Education, Science and Training.
- The proposal - *Hydrogeology teaching and research in Western Australia: A critical strategic need at the state and national scale*, dated August 2007 - was prepared by Earth Science Western Australia and UWA Geoscience Foundation on behalf of Curtin University of Technology and the University of Western Australia.
- Earth Science Western Australia and the UWA Geoscience Foundation have joined forces to raise cash commitments of \$445,000 to date, and considerably more in kind, to fund the joint appointment at UWA and Curtin University of Technology of a senior lecturer in hydrogeology. The submission to the Commonwealth is necessary because matching cash of at least \$525,000 is required to make the appointment and provide a supporting research fellow.
- There is widespread support for the proposal from the Department of Water, Water Corporation, the two universities, CSIRO, the minerals industry and the groundwater consulting industry. This highlights the widespread recognition of the problem.
- Additional support from the State Government would be helpful, particularly as the forthcoming Commonwealth election may strongly effect the positive encouragement received to date.
- Recent arrangements about State Government science funding may have made it difficult to define a pathway to request significant financial support within a reasonable time frame. Perhaps the Committee can assist in this regard.
- The proposal - *Hydrogeology teaching and research in Western Australia: A critical strategic need at the state and national scale* - is attached to the submission. The proposal states that:
 - Western Australia uses more groundwater than any other state. About one third of the estimated 600 hydrogeologists in Australia are employed in Western Australia. 10 to 15 new graduates are required in Western Australia every year.
 - Issues such as sustainability of supplies, climate change and heightened concerns about groundwater pollution are increasing the need for hydrogeologists to undertake the detailed investigations required and supporting high level research.
 - Neither Curtin University of Technology nor UWA has a hydrogeologist on their staff.
 - The current situation will not be addressed in the short to medium term without external intervention.
 - The appointment of a senior lecturer and some initial research support are the minimum required to establish effective teaching and research programs and begin to build the critical mass of academic expertise that the State requires.
 - The proposal is that a Senior Lecturer be engaged for an initial 5 year period, and a supporting Research Fellow be engaged for 3 years (as a minimum, the preference is 5 years). It is estimated that the appointments will cost about \$1.05 million (to \$1.25 million). The Commonwealth is being asked to fund 50 per cent, the other 50 per cent is being sourced from the two universities, the State Government and industry (as outlined at page 4 of the proposal).
 - The appointments are urgently required.
 - The support will benefit the State's mineral industry and the National Water Initiative and enable high level hydrogeological research of considerable strategic value to the State and Australia.

Engineers Australia, WA Division

- Currently, the Western Australian university system is unable to produce the required

- number of engineering graduates for all local industries, including water resources.
- The majority of engineers working in the water industry have undertaken study in Civil Engineering. Potentially, only one quarter of civil engineering graduates from Western Australian universities have specialised in hydraulic or water engineering. Based on Australia wide percentages, potentially only 28 students graduating each year from Western Australian universities will have specialised in Water Engineering.
 - Many civil engineers are being pulled into the building, construction and mining industries through high salaries driven by the current skills shortage. Graduation growth is not meeting industry needs.
 - The ability of the water resources system in Western Australia to provide high quality services to citizens will be determined by the availability of high quality engineering skills.
 - The current shortage of engineers in Western Australia has the potential to significantly undermine the growth of the economy.
 - Changes to education and training systems are the key factors in ensuring that adequate engineering skills are available to support Western Australian industry, including those operating in the water resources.
 - The shortage of professional engineers is not just an education problem, or an economic or industry problem. Solutions will only be found through coordination at the highest levels of government and the involvement of education, industry and technology portfolios, industry and the engineering profession.
 - The following are recommended to address the engineering shortage:
 - Long term planning needs to be undertaken. Data needs to be collected.
 - More secondary students need to be studying high level mathematics and science subjects. Australia wide there has been a decline in students studying sciences. The current participation rates in mathematics and the enabling sciences needs to be dramatically increased if Western Australia is serious about ameliorating skill shortages and increasing its innovative capacity and international competitiveness.
 - Ensuring that no secondary mathematics and science teachers teach “out of field”, that is, are not trained to second year tertiary level in the subjects they teach.
 - Engineering graduation numbers need to be increased.
 - The Western Australian Government needs to take on a coordination and facilitation role to support and strengthen existing programs facilitated by community and professional associations which inspire and encourage students towards a career in engineering. The Government has an opportunity to build on the work of community organisations and professional associations like Engineers Australia. (Examples of programs promoting the sciences and mathematics are given).
 - Research into what influences students to undertake further study in engineering is needed. The results should give guidance to how best to design and deliver programs promoting engineering education. Research into student motivators should be done as a matter of urgency. The Western Australian Government needs to take the lead.
 - Water resources companies need to consider scholarships and cadetship programs.

Rio Tinto Iron Ore

- Rio Tinto Iron Ore is one of the world’s largest producers of iron ore. In 2006 they generated almost US\$5.8 billion in export revenue, 64 per cent of which was spent in Western Australia. Water is a significant factor in resource production and processing. The management of groundwater resources is a key component to Rio Tinto Iron Ore’s operations, especially in the Pilbara.
- Rio Tinto Iron Ore employs more than ten per cent of Western Australia’s hydrogeologists.
- Rio Tinto Iron Ore is acutely aware of the problems regarding the availability of suitably skilled personnel. Supply of suitable hydrogeological expertise in Western Australia has

been unable to fully meet the growing demand for these skills. This situation is likely to be exacerbated by much of the existing supply of skilled personnel either approaching retirement or having less than 10 years experience (most of which are qualified overseas).

- The impact of the shortage of skilled personnel is not limited to the direct employment of hydrogeologists by Rio Tinto Iron Ore. The company has an interest in the Government's ability to sustainably manage and use groundwater resources. Hydrogeological research and investigations are critical to underpin the State's effective management of and use of these resources. While Commonwealth Government funds are being made available for this type of research, the relevant State Government agencies may not have the capacity in terms of skilled personnel to take full advantage of this funding.
- There is a need for relevant government departments and regulators to directly employ sufficient hydrogeological skills so they have in house capacity to ensure the proper development, management and licensing of water resources.
- It is concerning that opportunities for training hydrogeologists and hydrologists within Western Australia do not exist at present. The International Association of Hydrogeologists estimates that 10 to 15 new hydrogeologists are required every year to meet increasing demand and losses due to retirement.
- There is no stand alone course in Western Australia specialising in hydrogeology. The importance of groundwater to Western Australia's water needs and the opportunities for a variety of employment opportunities across numerous sectors would suggest that Western Australia should be a prime location for a Centre of Excellence in Groundwater Studies through an appropriate tertiary institution.
- Rio Tinto Iron Ore urges the Government to take urgent action to address the need for hydrogeologists. High quality, specialised hydrogeologists will need to be recruited to teach for a long term contract (of at least five years) to ensure that quality students may be attracted from interstate and overseas.
- The Government should actively support the establishment of a relevant and targeted course of study in Hydrogeology at a Western Australian university, with Western Australian relevant study programs.
- Rio Tinto Iron Ore supports the development of graduates with appropriate mining industry skills through its graduate program and is committed to working with key stakeholders, including government, to ensure this need is adequately addressed.

Leeuwin Environment

- Leeuwin Environment does not have knowledge of the skills required for the various facets of water management or of the composition of the current skills base and therefore can't comment on this issue.
- In relation to what is needed to obtain technical expertise and skilled personnel, the following are suggested:
 - Landowners and the community in general will need to be educated in the various aspects of sustainable water management if it is to be part of Western Australia's future.
 - Incentives to study the relevant disciplines, such as scholarships for TAFE and university being offered.
 - Support for the regional NRM council's (such as the South West Catchments Council) strategic and education programs.
 - Support for the education programs in schools such as Ribbons of Blue.
 - Courses on relevant subjects, such as surface water and groundwater management, being open to members of the public.
- Leeuwin Environment also addresses the following matters in their submission.
- A significant positive contribution to water management in Western Australia is being made

by community based natural resource management (NRM) thought the Commonwealth and State funded “regional delivery model”. However, present uncertainty of State funding and the undermining of the regional structure by senior State bureaucrats in favour of a Perth centric agency run system (as set out in the Council of NRM Agency Chief Executives discussion paper), is having detrimental impacts across the sector. It is extraordinary that an initiative showing so much success in a few short years can be subject to a concerted effort to stymie community involvement and return to past inaction. The push to scrap the regional model is short sighted and threatens the fresh and productive cooperation occurring in the regions. The Western Australian Government should commit funding for post 2008 NRM equivalent to the Commonwealth government contribution.

- The Draft State Water Plan relies too much on large scheme water projects and insufficiently on reuse and effective use of water and community education.

Manjimup and Pemberton Landowners

- Manjimup and Pemberton Landowners’ submission addresses the Water Governance inquiry’s terms of reference.
- There is an apparent lack of accountability in the Department of Water in setting water licence administration fees. The administration fees appear to have a tax component, have a confused and confusing basis, facilitate cross subsidies, and are not accompanied by performance indicators for the services. This demonstrable lack of accountability is detrimental to effective water governance.
- The Government has promoted the licence administration fees in the Rights in Water and Irrigation Amendment Regulations 2007 as reasonable payment expected from water users in return for promised improved security of entitlement to water. However, there is no improved security associated with the regulations and any improvement in security may arise from the yet to be drafted Water Resources Management Bill. It is not clear how security can be delivered through “in perpetuity” or 40 year licences, especially with a drying climate.
- There is some legal and regulatory confusion because the Rights in Water and Irrigation Amendment Regulations 2007 came before the proposed Water Resources Management Bill. It is intended that the Crown vesting provisions in the *Rights in Water and Irrigation Act 1914* will be expanded beyond rivers and streams and underground water to include all “natural” waters, adding spring water flowing to the surface on private land, water in privately owned wetlands, and all floodplain and overland flow. The Department of Water, without legislative authority, has prior to July 2007 licensed dams based on springs and overland flow or “run off”. Invoices now served for licence fees on these dams would be fraudulent. From 2008 these dams might be required to be licensed if spring and run off water is vested in the Crown. This pre-emption of legislation is detrimental to effective water governance.
- Asks the Committee to inquire into matters raised in the submission and the Rights in Water and Irrigation Amendment Regulations 2007.

Syrinx Environmental PL

- Syrinx Environmental PL is a multidisciplinary environmental and design company who conceive and implement sustainable solutions to the challenges of the natural and built environment. They specialise in a number of areas including wastewater treatment. Their submission addresses the Water Governance inquiry’s terms of reference.
- Applicants for unallocated water are required to apply for a 26D (section 26D of the *Rights in Water and Irrigation Act 1914*) permit to undertake feasibility studies before they are granted a section 5C licence to take water. Government hydrogeological knowledge on Western Australia’s groundwater resources is extremely poor and much of the collective

knowledge comes from private feasibility investigations undertaken as part of the water allocation process. These studies involved considerable time, cost and risk. The Government needs to appreciate the importance of these investigations to the State and has an obligation to provide applicant's with certainty that they will be granted a 5C allocation.

- The Department of Water is failing to provide certainty in this process. In groundwater sub areas 26D permits hugely allocate above the volume of unallocated water. Approval in some cases is taking two years or more. The process is unclear and inconsistent advice is given. Applicants making large volume applications are being told that their 5C approval will be made by the Minister only after they have completed further investigations.
- Allocation of unallocated water should be on a "first come, first served" basis, contingent upon the applicant demonstrating the technical, economic, environmental and social feasibility of the proposal. If there is a foreseeable possibility that a 5C water allocation may be denied on political or technical grounds the Government has an obligation to assess the political acceptability before the applicant commits to a costly feasibility investigation. Should a proposal be denied on political grounds, the Government has an obligation to refund the cost of the feasibility investigations.
- In relation to water resource management, if the goal is to achieve sustainable and efficient development of the State's water resources, management should be outsourced to self managed user groups with the Department of Water's role becoming that of facilitator. The Department should set and agree the key environmental and social performance indicators with the local community using the "water table response" management system employed in the Namoi Valley in New South Wales. Government should establish criteria for efficient water resource management, a strong monitoring system, penalties for non compliance, strong regulatory liaison with local communities and an incentive system to reinforce correct behaviour in terms of efficient water use. A pilot area should be established.
- In relation to recycled water resource management, the Water Corporation is not institutionally driven towards favouring decentralised wastewater treatment and reuse systems because direct recycled water is "worth less" than indirect recycled water (aquifer injection for instance) and the scale of decentralised systems is too small to meet their commercial interests. Neither the Department of Health nor any other government agency has the technical resources (people and facilities) to undertake the required testing. An enormous level of technical capacity in the private sector is being hamstrung by existing legislation and political agendas.

Valuwood International Pty Ltd

- Valuwood International Pty Ltd advise that they are a forestry industry consulting company who assist in the professional management of native forest and plantations to support a range of sustainable community values.
- There is a shortage of qualified professional foresters with years of experience for implementing scientifically based thinning and burning programs that can guarantee significant increases in water runoff into existing reservoirs and distribution networks. The Institute of Foresters of Australia seeks financial support for its Forestry Scholarship Endowment Fund to address a nationwide shortage. Support for Western Australian students is particularly needed because of the addition cost for them to attend forestry degree courses in other states.
- Urges the Western Australian Government to:
 - Amend water resources governance to bypass the bureaucratic biodiversity blockage that presently stands in the path of sensible actions by amending the Forest Management Plan 2004-2013 and the 100 year Biodiversity Strategy to allow water to be the dominant value of the forested metropolitan water catchments.
 - Make a substantial contribution to the Forestry Scholarship Endowment Fund that is

managed by the Institute of Foresters of Australia.

- Present Government policy as set out in the 100 year old Biodiversity Conservation Strategy and the 2004-2013 Forest Management Plan appear to make biological diversity dominant over all other forest values in each and every situation. This is unrealistic and not compatible with human occupation of the environment.
- Urgent action is required to conduct more regular fuel reduction burns and to thin the overstocked regrowth jarrah forests that dominate the metropolitan water catchment areas as this will significantly increase water runoff. Waiting for the result of the 12 year \$20 million Wungong Dam thinning project is not required to justify the well proven facts that fuel reduction burning and reducing the tree cover to something approaching the original virgin forest tree cover will significantly increase water runoff. In a response from the Honourable A J Carpenter MLA, Premier, to a letter forwarded on this, the Premier stated that “the environmental benefits of this management activity are yet to be fully tested, which is why a staged approach to the proposal is being adopted”. Specific management plans for forested water supply catchments that provide the maximum protection of the water resources will enhance the restoration of the forest health and vitality. Overstocked and unburned regrowth forests are trapping the water before it gets into the reservoirs.
- Most of the research on water flows from forested catchments was done more than twenty five years ago by the former head of the Department of Conservation and Land Management Dr Syd Shea. In a 2002 article in *The West Australian* he stated: “claims by the Water Corporation spokesmen that thinning 10,000 ha of catchment would increase yields by 10 gegalitres are conservative ... Water flows into metropolitan catchments have declined by between 50 and 60 per cent in recent times, while the rain flows have declined by around 10 to 15 per cent”.
- The environmental benefits of thinning and regular low intensity fuel reduction fires are well known - more water flows into underutilised reservoirs and infrastructure and more open forest with reduced risk of uncontrollable fires. Professional forest management will enhance the restoration of biological diversity and produce more and better quality timber. Any adverse environmental effects will be short term and can be readily managed.
- Opting for energy hungry desalination plants while procrastinating over sound scientific research into improved forest management with virtually no environmental downsides suggests that priorities are wrong.

Mr Murray Nixon

- Mr Nixon refers to his previous submission to the Committee regarding common law water rights.
- The submission encloses an article from *Queensland Country Life* dated 21 June 2007 and refers to the statement from the Federal Minister for the Environment and Water Resources, the Hon Malcolm Turnbull MP. The article notes that the lobby group AgForce has disendorsed the Commonwealth Government’s National Water Plan. The Hon Malcolm Turnbull MP is quoted as saying “Landowners have a legal right to access water on their property - on the surface or underneath - for stock and domestic purposes and there is no proposal to change that right in any way at all ... I can assure farmers that the right to an unlimited amount of water for stock and domestic purposes is part of the water law in this country ... there is no plan to change those laws”.
- Submits that it is unclear if the Minister for the Environment is referring to Commonwealth legislation, which would override State legislation, or to legal precedents on common law rights.
- Would be pleased to appear before the Committee.

APPENDIX 5

LETTER FROM THE MINISTER FOR WATER RESOURCES



Government of Western Australia

Hon John Kobelke BSc DipEd JP MLA

Minister for Police and Emergency Services; Community Safety; Water Resources; Sport and Recreation
Leader of the House in the Legislative Assembly

Our Ref: 14-16153



Hon Barry House MLC
Chairman
Public Administration Committee
Parliament House
WEST PERTH WA 6005

Dear Chairman

WATER RESOURCES LEGISLATION AMENDMENT BILL 2006

Thank you for advising me of the tabling in the Legislative Council of the Standing Committee on Public Administration's Report 5 Water Resources Legislation Amendment Bill.

I appreciate your Committee's efforts in completing your report early and have examined the Committee's recommendations.

With respect to Recommendation 1 referring to clause 141, the use of "any other person or body" provides flexibility to delegate powers in special circumstance, such as to water advisory bodies. This power currently exists under the *Water and Rivers Commission Act 1995*. A more specific wording could limit the ability to delegate. Examples of other Acts with this provision for delegation include the *Offshore Minerals Act 2003*, the *Emergency Management Act 2005* and the *Taxation Administration Act 2003*.

With respect to Recommendation 2, I am happy for the Bill to be amended in line with your Option A.

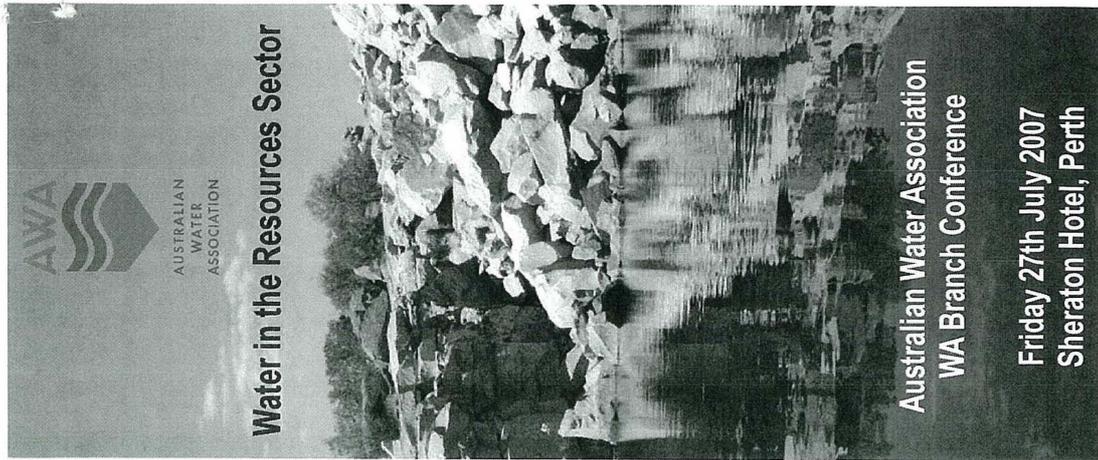
Yours sincerely

JOHN KOBELKE MLA
MINISTER FOR WATER RESOURCES

cc Leader of the Government in the Legislative Council

- 6 JUN 2007

APPENDIX 6
AUSTRALIAN WATER ASSOCIATION,
WA BRANCH, CONFERENCE BROCHURE



Registration Form/Tax Invoice ABN: 78 096 035 773
Please keep a copy for your records

Delegate	Title (circle) First Name Surname	Prof Dr Mr Ms Mrs
Organisation	Company Street Address Suburb/Pcode Phone/Fax email Diet/Other	
Dinner Only	Title (circle) First Name Surname Diet/Other	Prof Dr Mr Ms Mrs
Costs	\$198 \$275 \$75 \$60	Full Registration - member Full Registration - non member Student/Retired Day Only Dinner Only
Please Note	Full Registration fee includes morning coffee, lunch, afternoon tea, pre-dinner drinks and dinner. All prices include GST.	
Payment Details	I attach a cheque/money order made payable to Australian Water Association. or	
	Please debit \$_____ to my Bankcard/Mastercard/Visa	
Name on Card	_____	
Card No	_____	
Expiry Date	_____	
Signature	_____	
Please send form with payment to:	Australian Water Association WA Branch PO Box 356 West Perth WA 6872	
Or Fax To:	08 6210 1675 / 08 9443 9465	
contact:	Cath Miller, Ph: 0416 289 035 Email cmiller@awa.asn.au	



The Australian Water Association, **Western Australian** Branch in association with the Chamber of Minerals and Energy has developed a conference looking at Water in the Resources Sector.



Water in the Resources Sector

Friday 27th July 2007, Sheraton Hotel, Perth

08.30 Registration and Coffee

Session 1

09.00 Welcome and Opening
09.15 Keynote Speaker
09.45 State Water Reform Roadmap
10.15 National Water Scene – Beyond the Murray Darling!

Jeff Camkin, AWA WA Branch President
 Tim Shanahan, Chamber of Minerals and Energy
 Paul Frewer, Department of Water
 Kerry Olsson, National Water Commission

10.45 Morning Tea

Session 2

11.15 Framework for Strategic Water Management in the Minerals Industry
11.35 Strategic and Statutory Water Plans - Pilbara Case Study
11.55 Rio Tinto's Water Strategy and its application to the Pilbara
12.20 The future of private sector involvement in water in WA

Mike Balfe, Dept Industry and Resources
 Paul Rosair, Department of Water
 Dennis Gibson, Rio Tinto
 Greg Watkinson, Economic Regulation Authority

12.45 Lunch

Session 3

14.00 Competing for Water in the South - West
14.20 Opportunities for integrated water cycle management at minesites
14.40 ReInjection of mine dewatering discharge
15.00 Towards tomorrow – new water resource management legislation

Tom Busher, South West Development Comm.
 Kresho Zic, KBR
 Jed Young, MWH
 Daniela Tonon, Freehills

15.20 Afternoon Tea

Session 4

15.50 Future Focus
 Geo-thermal Energy - with low temperature geothermal case study
16.10 Uranium Mines - The US Remediation experience

Stuart Brown, Parsons Brinkerhoff
 Lou Miller, MWH

16.30 Q&A and Discussion Session

17.30 Pre-Dinner Drinks
18.30 GALA Dinner - Includes Presentation of Don Montgomery and Best Paper Awards

