



## Submission on the *Second Review of the Lake Eyre Basin Intergovernmental Agreement*

### Section A: General information

<b>Purpose of this form</b>	For individuals and organisations to provide feedback on the <i>Second Review of the Lake Eyre Basin Intergovernmental Agreement</i> .  Do not use this form to <a href="#">make a submission online</a> .
<b>Before making a submission</b>	See the <a href="#">Discussion paper on the review of the Lake Eyre Basin Intergovernmental Agreement titled 'The Second Review of the Lake Eyre Basin Intergovernmental Agreement'</a> .
<b>Closing date</b>	[4 weeks from launch date]
<b>To complete this form</b>	<b>Electronically</b> Save this Word file to your computer.  <b>Manually</b> Use black or blue pen. Print in BLOCK LETTERS. Mark boxes with a cross.
<b>Your submission must include</b>	<input checked="" type="checkbox"/> your written or typed signature in <a href="#">Section F</a> <input type="checkbox"/> where relevant, supporting information from organisations, written on official letterhead.
<b>Post or email (preferred) your submission</b>	Lake Eyre Basin Secretariat Water Division Department of Agriculture and Water Resources GPO Box 858 Canberra ACT 2601 Email <a href="mailto:lebsecretariat@agriculture.gov.au">lebsecretariat@agriculture.gov.au</a>

## Section B: Respondent

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**4 Which interest group do you primarily identify with? (select one or more boxes)\***

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Agriculture                             | <input checked="" type="checkbox"/> Environmental interests | <input type="checkbox"/> Indigenous community |
| <input type="checkbox"/> Tourism                                 | <input type="checkbox"/> Small business                     | <input type="checkbox"/> Local government     |
| <input type="checkbox"/> Mining / petroleum industry             | <input type="checkbox"/> NRM Board/catchment                | <input type="checkbox"/> Research / education |
| <input type="checkbox"/> Community group (provide details) _____ |   |   |
| <input type="checkbox"/> Other (provide details) _____           |   |   |

## Section C: Feedback on the current Agreement for consideration in the review

**5 The Review found that the Agreement is broadly achieving its purpose, which is to provide for the development and implementation of policies and strategies concerning water resources in the Lake Eyre Basin to avoid cross-border impacts. In what ways do you think that the Australian, state and territory governments can work together to continue to achieve this purpose?**

While the agreement is broadly achieving its purpose, there are several substantive and procedural changes that could be made to improve the quality of decision making and encourage a more proactive approach to Basin management.

In its current form the plan facilitates piecemeal monitoring programs that inform Basin wide assessments. Monitoring that is currently conducted should be considered within a broader adaptive management approach. Monitoring should be undertaken according to identified needs and connected to clear policy objectives that are listed within a clear plan of management.

Management actions and monitoring programs could be better coordinated across jurisdictional boundaries through developing a clear and holistic vision for the basin so that there are clear policy outcomes each state and territory is able to work towards. Management actions are largely reactive

at this stage, so the agreement should be amended in a way that enables agencies to take proactive actions in addressing threats and pressures.

The lack of clear guidelines and processes for dispute resolution in the agreement undermines effective decision making between jurisdictions. It is important that the agreement outlines a process for addressing disputes between States and the Territory. This could include a trigger to call meetings and the appointment of mediators or facilitators. Communication between jurisdictions is vital to identify conflicts as soon as they arise and be prepared to address them in a timely manner. This should include a section that outlines reparations and compensation due in the event of downstream or cross border impacts. The agreement should provide for the establishment of a dispute resolution body that is able to refer serious cross-jurisdictional disputes to the Commonwealth.

The ongoing effectiveness of the plan is threatened by inconsistent and uncertain funding arrangements. Each state and territory should be required to commit to clear long-term plans for their financial obligations and contributions. Collaborative processes, that form the basis of the plan must be adequately resourced through financial commitments by each party. Meetings and conference should be consistently conducted as required by minimum timelines within the agreement.

In its current form the Agreement does not provide for a truly basin wide approach because the basin assessment only includes river-based indicators and groundwater resources are not integrated into the agreement. There is also little evidence of compliance with the five-year action plan. The agreement must be able to demonstrate policy is leading to outcomes or there is little reason for community confidence in the process to protect the Basin.

Ground and surface water resources are connected in the Basin, but the extent and nature of this connection is not well understood. This uncertainty undermines the level of protection provided in the agreement. There may be potential groundwater impacts from stresses identified in the plan, but any potential interactions are not able to be incorporated into management of the basin. Ground and surface water sources are jointly managed in the NT under water allocation plans so the organisational structures and expertise are in place to allow for this integration.

Climate change should be explicitly recognised in the agreement as a whole of basin pressure. Incorporating climate change into the framework of the plan will allow for effective and coordinated climate change mitigation and adaptation actions by each jurisdiction.

In summary, the text of the Agreement should be amended to:

- Merge Great Artesian Basin and Lake Eyre Basin management
- Adopt a more proactive approach to monitoring through integrating principles of best practice adaptive management.
- Introduce a dispute resolution framework and complaints mechanism.
- Establish a clear framework that outlines the agreed financial contributions from each party.

- 6 The Review mentions that the assessment of the condition of the Basin's water resources occurs every ten years. The Review also suggests that there is value of having a monitoring framework that is more closely linked to resource assessment, research and policy outcomes. What are your thoughts on a monitoring strategy being developed to target priority areas? What improvements would you make to the Agreement in relation to the monitoring activities performed?**

**What are your thoughts on maintaining the current 10 year cycle of the reporting on the condition of the Basin and undertaking the review of the Agreement?** (Refer to recommendations i, xvi, xvii and Section 2.1, pg 16, Section 2.7, pg 33 and section 2.8, pg 34)

Monitoring strategy would be improved by establishing a clear process that ensures actions are taken according to identified policy outcomes and objectives. Monitoring in itself is valuable to obtain baseline data but it should be undertaken in order to address the objectives of the plan. There should be ongoing evaluation of monitoring to determine whether it is delivering positive environmental outcomes.

The monitoring program will only provide a true basin wide assessment of water resources by integrating surface and groundwater sources. Current stressors and pressures, such as climate change and mining will have impacts on both surface and groundwater sources, so it is important that proactive monitoring is undertaken that provides a clear picture on the interactions between water sources and can identify any potential negative impacts. Monitoring activities should provide data that informs performance indicators and progress against agreed objectives.

The ten-year reporting cycle on the condition of the basin and review of the agreement is adequate. It is what is done with the results from the review and reports that is most important in terms of policy outcomes. The agreement should provide a clear process for implementing and acting on recommendations identified in this review and actions taken in response to results from the assessment report. The assessment report is limited in its validity in terms of providing a basin wide picture as there are only four indicators. Indicators should be expanded to include catchment level processes such as riparian condition, geomorphology and sediment loads.

Monitoring should be:

- Connected to clear policy objectives and evaluated against agreed performance outcomes.
- Expanded to include a greater breadth of indicators such as riparian condition, geomorphology and invasive species.

- 7 The Review found that the Agreement does not include the triggers needed to raise management responses to emerging issues and recommends developing and using Key Performance Indicators to act as triggers. What changes do you think need to be made to the Agreement to effectively respond to the current and future threats and pressures?**

**What future scenarios should be explored to assess potential threats, pressures and opportunities in the Agreement? How should water demands across the Basin from development, agriculture and other industry be considered?** (Refer to recommendations ii, vi, vii, xi and xiv, section 2.4, pg 22 and section 2.5, pg 25-26)

To respond to future threats key development pressures should be modelled through scenario planning. This could provide a range of potential situations that will allow for a more targeted and proactive approach to management. Performance triggers should be introduced and linked with a range of acceptable changes that are agreed to through a broad process of consultation with the Community and Aboriginal advisory committees. Acceptable changes are a necessary reality under climate change, considering a level of warming is already occurring. It is therefore important to develop adaptation strategies through the agreement that are based on a clear understanding of acceptable changes across the basin.

There should be clear trigger levels that define key environmental risks so that the advisory committees are consulted on any significant development proposed in the region that will have potential cross border impacts. The agreement does not have consent authority, but it should empower the stakeholders within the basin to submit feedback on development in the basin that poses a significant environmental risk.

A shale gas trigger is needed under the *Environmental Protection and Biodiversity Conservation Act* to provide a critical level of environmental assessment of industrial development within the basin. Without a specific trigger the agreement will not be able to coordinate cross jurisdictional responses to potential impacts to water resources. Policy formation should be responsive to monitoring conducted within the plan. A shale gas trigger would encourage further bioregional assessments of the water reserves of the Basin, as has been completed for coal resources in the various geological basins.

The agreement should incorporate:

- Processes for scenario planning to promote proactive management.
- Key performance indicators related to agreed objectives and outcomes.
- Develop trigger levels for environmental impacts including a framework for truly adaptive and responsive management as information develops.
- Mandatory referral provisions for Basin membership over significant development proposals.
- Powers to provide policy recommendations that relate to the management of the Basin.

**8 The Review found the Agreement was lacking a specific outline of funding and reporting arrangements. As a stakeholder, what other matters relating to governance/management would you like to see included in the Agreement?** (Refer to recommendations iii and xv, section 2.2, pg 16 and section 2.6, pg 32)

*For example financial arrangements, decision making processes, clear budgets and best practice operations.*

Several legislative changes should be made to the agreement that allow for improved nimbleness, responsiveness and openness within the management of the basin. Funding and reporting arrangements should be formalised within the agreement with clear timelines. Advisory committees already operating in an informal way should be explicitly recognised within the agreement including commitments from states and territories for ongoing collaboration.

There needs to be a clear delineation in roles and responsibilities from the various State and Territory departments involved in cross border management. This could be included in a high-level

overarching plan for the Basin that provides a long term agreed vision that requires Ministerial approval. While the agreement outlines broad processes and responsibilities of parties, they are often vague and do not lead to specific regulatory or policy actions. The words of the agreement should be reviewed to create clearer obligations for each party and delegated lines of authority.

There needs to be a process for reporting on whether the roles outlined in the agreement are being effectively exercised and whether they are leading to positive environmental outcomes consistent with the purpose of the plan. More generally, there are no clear processes for assessing compliance under the plan or processes for remedying non-compliance.

Community engagement has in the past been effective and frequent, but this process is weakening and vital meetings, such as the Aboriginal advisory committee appear to be discontinued. This is undermining the transparency of the plan and the ability to provide for proper community participation.

Community engagement processes could be further streamlined and integrated into key decision-making processes in the agreement. The agreement should ensure that outcomes from advisory committees lead to definitive actions and are addressed by the Ministerial forum. Community participation should guide the development of policy priorities and contribute to the development of the long-term vision for the Basin.

The agreement should be amended:

- To establish clear funding responsibilities from the respective parties.
- Create clear process for acting on recommendations and outcomes of conferences, consultations and general engagement.
- Include a clear requirement for operations to be adequately financed so that actions are delivered in a timely manner.

## **9 The Review found the Agreement does not currently include a long-term action plan or strategic planning framework.**

**What changes would you incorporate into the Agreement to encompass a coordinated basin-wide approach for management of the Basin that addresses cross-border impacts?** (Refer to recommendations section 2.3, pg 19 and section 2.5, pg 26)

An overarching, high-level vision for the basin should be established that guides coordination across the region through managing cross-border impacts. This plan should include long term climate projections and mandate regular communication across jurisdictions. Collaboration could be improved through establishing conflict resolution procedures so that states and territories are able to raise specific management issues and develop appropriate strategies in response.

There are already significant resources and expertise on catchment management that exists within each jurisdiction, especially through natural resource management. The various natural resource management plans of each region should be integrated into basin wide management. In the interest of consistency, the objectives within those plans could be unified and included in the basin wide plan.

A strategic plan within the agreement should be developed that incorporates the priorities, actions, stressors and indicators from the various resource management plans. This long-term action plan

should include a process for committing financial resources and budgeting processes to ensure collaborative activities are ongoing. This strategic plan could provide a form of delegated authority to the various NRM agencies of the states and territories to act on issues that are identified through the advisory committees or other processes within the agreement.

The agreement should:

- Facilitate the development of a long term vision for the Basin with clear policy outcomes and objectives.
- Promote greater information sharing between jurisdictions to develop acceptable levels of change.
- Introduce a strategic action framework that includes performance indicators and routine reporting requirements.

**10 The Review shows a commonality in approach between the Lake Eyre Basin and Great Artesian Basin governance and management. In your opinion, what benefits do you consider there are in integrating surface and groundwater management, and bringing the Lake Eyre Basin and Great Artesian Basin governance, stakeholder engagement and monitoring activities together? (Refer to recommendation viii, section 2.5, pg 27)**

*This includes the part of the Basin between the current boundary of the Lake Eyre Basin and Murray Darling Basin.*

Integrating surface and groundwater management in the plan brings the agreement closer to a framework that reflects the reality of environmental and water governance. Surface and groundwater issues are often interconnected, and those relationships should be acknowledged within the agreement. This integration is consistent with the purpose of the plan to “provide for the development or adoption and implementation of Policies and Strategies concerning water and related natural resources”.

Integrating surface and groundwater governance will allow for a more holistic approach to basin management as it will be able to identify any issues that arise from development pressure. Groundwater Dependent Ecosystems (GDE) are fundamental to the ecological integrity of the entire basin. These systems are complex and our understanding is still improving. However, unless water governance acknowledges groundwater management, those systems will be inadequately protected. Integration could be achieved in a very practical way by allowing stakeholders or members of Great Artesian Management groups to be included in LEB meetings, conferences and consultation more generally.

Climate change adaptation requires consideration of the impact to groundwater resources, both quality and quantity. This will impact on the economic potential of the basin, so it is important that the community is able to input into the governance of groundwater resources as our understanding of recharge, quality and volumes develops.

Baseline data on the entire basin is vital to enabling informed decisions on development proposals in the region. Certain development types may pose unacceptable risks to groundwater resources, so it is important that decision makers within the plan can effectively assess proposals by being fully informed of their entire environmental impact. Integrating groundwater resources through

incorporating Great Artesian Basin issues will ensure that the plan provides for a true basin wide approach to management.

ALEC supports amending the agreement so that:

- Groundwater and surface water management is integrated.
- Climate change is incorporated as an overarching Basin pressure.
- Natural Resource Management organisations standardise their objectives and outcomes across the Basin.

**11 The Review suggests there is a need to strengthen the structures of the Agreement to allow it to operate effectively and improvements could be made to strengthen the collaboration between decision makers, community, industry and scientists. As a stakeholder, what details of how the Community Advisory Committee and Scientific Advisory Panel operate should be in the Agreement i.e. roles and responsibilities?**

**Including the Community Advisory Committee and Scientific Advisory Panel in the Agreement, what are your thoughts on providing them with the authority to create a sub-committee to advise on key issues? (Refer to recommendations ix and x, section 2.5, pg 26)**

The agreement should articulate the roles and responsibilities of members of the Community Advisory Committee and the Scientific Advisory Committee. This could include an outline of the expectations of members in terms of engaging with stakeholders and the broader community, organising for improved collaboration and minimum timelines for communication and reporting deadlines. There should be a concerted effort to expand the level of community engagement by developing publications and reports that outline the operations of each committee. This will provide for improved accountability and transparency in the management of the basin.

The secretariat, facilitator and other key roles should be clearly recognised in the agreement to formalise expectations within the advisory committees. Outlining the expectations of members within management of the basin will improve the public legitimacy of the plan and will likely increase community confidence and acceptance of any strategy that is developed, and the actions taken.

Sub-committees may be established if there becomes a clearly identified need to do so. Caution must be had however, to unnecessarily increasing the administrative burden within the plan. A climate change sub-committee is not supported. Climate change should operate as an overarching imperative within the entire framework of the plan. This reflects the significance of climate change and the scale of expected impacts.

The agreement should be revised to:

- Formalise the role and operation of the advisory committees
- Formalise processes for Aboriginal engagement.
- Clearly outline the roles and responsibilities of the key positions within the plan.

**12 In your opinion, what potential economic developments in the Basin should be explored, and where in the Basin would these developments be best pursued?**



Economic development that poses an unacceptable environmental risk should be prohibited within the plan. Any future development should be required to be consistent with the principles of ecologically sustainable, that is ESD should be applied not simply considered. The agreement should provide a process for preventing development that is inconsistent with the objectives and vision of the plan. This will prevent wasting resources used in assessing proposals that are clearly unacceptable on their face value.

Considering Australia's obligations to the Paris Agreement, and the LEB Agreement's commitment to observing international environmental law, any new gas or coal development should be prohibited in the Basin. The water resources of the Basin are too valuable to be put at risk from unconventional gas developments.

Potential economic development in the Basin includes;

- Carbon farming
- Tourism
- Value adding industries
- Horticulture and agriculture
- Cultural education

### **13 Do you have any additional comments on the Lake Eyre Basin Intergovernmental Agreement that should be considered as part of the Review?**

The agreement is vital to the proper management of a vast area that is highly significant for its water, ecological and cultural values. Ensuring the basin remains in good condition is imperative, considering the failures of management in the Murray Darling System. To ensure the system continues to be managed in a holistic and appropriate manner, the agreement should facilitate governance that is not beholden to electoral cycles and frequent fluctuations in collaboration activities.

The agreement should outline clear responsibilities for each state in terms of committing financial resources towards consistent collaboration, communication and knowledge sharing.

The Basin forum could operate as a valuable conduit for knowledge input to Federal policy initiatives. There should be scope in the plan for the committees to recommend policy reform that targets cross jurisdictional issues. Committees within the agreement are best placed to identify priority areas for policy reform.

Notwithstanding the above recommendations, the future viability of the plan rests on the ability to be adequately financed and resourced. Stakeholders, members and advisors should be supported to participate in the operation of the agreement to encourage consistent and balanced participation. There are unique challenges in dryland basin management that need to be acknowledged through the operation of the plan.

Proper engagement requires more than passive consultation. Engagement should be an active process that allows members to develop a shared understanding of the objectives of the plan and a mutually acceptable vision for the Basin. A renewed commitment for financial resources could support another whole of basin conference that is urgently needed to reinvigorate connections across the basin.

In summary ALEC supports amendments to the plan that:

- Provide for a more proactive and precautionary approach to management.
- Incorporates a clear outline of budgeting and financial commitments to ensure the actions and operations of the plan are adequately resourced.
- Introduce climate change as a whole of agreement issue rather than an issue for a sub-committee.
- Establish dispute resolution clauses that elevates conflict to decision makers before impacts arise.
- Integrate GAB and LEB management.

#### Section D: Confidentiality \*

The department will consider your submission as a public document unless you specify otherwise at Question 16, below. We reserve the right to accept or refuse such requests. We may publish or share information that you have not marked or had accepted by us as confidential.

##### 14 Is all of your submission confidential?

No

Yes  Clearly mark the submission 'In confidence'

##### 15 Is part of your submission confidential?

No

Yes  Clearly mark the relevant section(s) 'In confidence'

#### Section E: Publication of submissions on the department website \*

Unless you request otherwise, the department will publish your name, organisation and the title of your submission on its website. Your contact information will not be made available.

##### 16 Do you agree to your submission being made publicly available?

No  Go to question 16

Yes  Go to question 15

##### 17 Do you agree to your name and state/territory being listed?

No

Yes

##### 18 Do you agree to the department contacting you about your submission if required?

No

Yes

## Section F: Respondent declaration \*

To be completed by the person listed in section B of this submission.

I understand that:

- The Department of Agriculture and Water Resources reserves the right to accept or refuse my request to treat information as confidential and may publish or share information that I have not marked or had accepted by the department as confidential.
- A request may be made under the *Freedom of Information Act 1982* for a submission marked confidential to be made available. Such requests will be determined in accordance with provisions under that Act.
- Unless I request otherwise in [section E](#), the department will publish my name, organisation and the title of my submission on its website. My contact information will not be made available.
- The department reserves the right to refuse to publish submissions, or parts of submissions, that contain offensive language, potentially defamatory material or copyright infringing material.
- I have read [section G](#) and understand how the department uses and stores personal information.
- If I provide personal information about an individual other than myself, I must make that person aware of the privacy notice in [section G](#) of this form and draw their attention to the department's privacy policy.

Signature (type or sign your name) Alexander Read \_\_\_\_\_

Date (dd/mm/yyyy) 01/05/2018 \_\_\_\_\_

Full name: Alexander Richard Gunn Read \_\_\_\_\_

## Section G: Privacy notice

'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable.

The collection of personal information by the Department of Agriculture and Water Resources in relation to this submission is for the purposes of gathering information on the *Review of the Lake Eyre Basin Intergovernmental Agreement 2018* and related purposes. If you do not provide this information, the department will be unable to contact you to discuss your submission.

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