



SUBMISSION TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE
ON AGRICULTURE, FISHERIES AND FORESTRY

**INQUIRY INTO FUTURE WATER SUPPLIES FOR AUSTRALIA'S
RURAL INDUSTRIES AND COMMUNITIES**

The Pastoralists and Graziers Association of Western Australia Inc (PGA) has been actively involved since 1907 with representing the interests of landholders in the pastoral and agricultural region. Its membership base ranges from the cattlemen in the Kimberley to the sheepmen at Esperance to the wheat growers at Merredin.

Water is a key strategic resource that both pastoral and agricultural industries absolutely depend upon. The PGA supports the concepts of sustainable resource development, including water. This Commonwealth Parliamentary Inquiry is welcomed, especially in light of widespread concerns about the continuing pattern of seasonal drought and low rainfall conditions throughout much of Western Australia.

The PGA is aware that several Acts of Parliament, both Western Australian and Commonwealth, are applicable to the determination of water supply allocations - the Environmental Protection Act 1986, Conservation and Land Management Act 1984, Wildlife Conservation Act 1950, Aboriginal Heritage Act 1972 and the (Federal) Native Title Act 1993. This submission focuses on the need to analyse the consequent State policies of (1) The Water and Rivers Commission of Western Australia and (2) The Environmental Protection Authority of Western Australia. In particular, the former's Environmental Water Provisions Policy for WA (Statewide Policy No.5, 2000), and the latter's draft policy Guidance for the Assessment of Environmental Factors – Assessment of Aboriginal Heritage (2001 draft).

When responding to a request for water allocations from a farmer, horticulturalist, local government, nurseryman, miner, pastoralist or other user, the Western Australian Government will possibly consider both policies before making a decision. As a consequence of there being no State Government policy which the PGA is aware of, it is uncertain how decisions are made about this very important process. The PGA submits that the Inquiry should consider this matter in its review of policies in Western Australia and the other States and Territories.

1. Water and Rivers Commission, 2000, Environmental Water Provisions Policy for Western Australia (Water and Rivers Commission, Statewide Policy No.5)

Both 'ecological, social and economic goals' are considered by the Commission in the process of calculating environmental water provisions (EWPs) for surface water systems (<http://www.wrc.wa.gov.au/public/policy5.pdf> -- see p.7). Regarding *ecological* goals, the policy document states (p.7) that to determine environmental flows, the Commission draws upon the work of a scientist, Arthington, A.H., but only as a basis for creating a "framework for more specialised techniques" which is not detailed in the document. There is only a brief and generalised mention of the

methodology used to calculate ecological water requirements (EWRs) and consequent EWPs.

Regarding *social* and *economic* goals, there is no text in the policy document describing how the Commission makes these two assessments. The PGA submits that there should be an extensive consultation process with industry and local government about these matters as well as the consequent range of possible outcomes arising from the Commission's implementation of Statewide Policy No. 5.

Further information is also needed about the extent to which (a) the Commission's approach varies from what is used in other States and (b) the Commission adheres to the COAG Framework Agreement on Water Resources Policy Reform (1994).

2. Environmental Protection Authority of Western Australia 2001 draft Document No 41 *Guidance for the Assessment of Environmental Factors – Assessment of Aboriginal Heritage*

The relevance of the Environmental Protection Act 1986 in Western Australia to water allocations is briefly reported in the Water and Rivers Commission's Statewide Policy No. 5 (see p. 2). However, the extent to which this Act applies to assessing the *social goals* referred to in Statewide Policy No. 5 remains uncertain. The EPA is yet to finalise its review of submissions about the August 2001 draft document which guides its decision-making on the very important issue of Aboriginal Heritage.

Conclusion

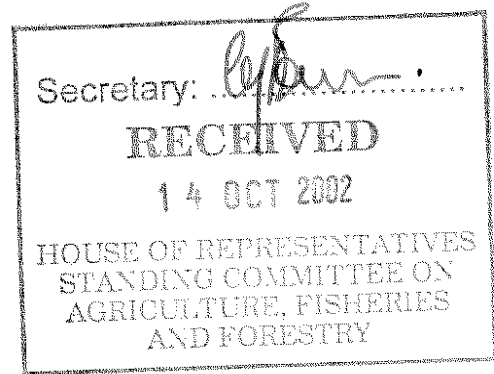
The PGA is becoming increasingly aware of the importance of understanding the extent to which the legislation and policies of both Federal and State Governments impact upon the allocation of water supplies for rural industries and communities. The PGA seeks to better inform the industry interests it represents on this issue. There are, however, shortages of information that limit its ability to accomplish this in an effective and timely manner. Without resolution to this, the PGA cannot explain to its members the impacts on their access to water from the combined influences of Federal and State Acts and policies on water resource management, environment, native title and aboriginal heritage. Parliamentary recognition of the uncertainties created by the extent of legislative ambiguities regarding water supply is needed to enhance the certainty of water allocation and management processes in rural WA.

Further, the PGA is also aware of the need to assess the relevance of research by other bodies into these matters such as :

- (1) ARMCANZ/ANZECC 1996 *National Principles for the Provision of Water for Ecosystems* (Occasional Paper #3 Task Force on Water Reform, Commonwealth of Australia).
- (2) ATSIIC and the Lingiari Foundation's Indigenous Rights to Water project ([http://www.atsic.gov.au/issues/Indigenous Rights/Indigenous Rights Water/default.asp](http://www.atsic.gov.au/issues/Indigenous%20Rights/Indigenous%20Rights%20Water/default.asp)).
- (3) The National Native Title Tribunal's legal report in response to the concerns of the PGA about the meaning of native title claims for rights in water, and access to water etc (NNTT 3 May 2002, *Native Title implications for existing and future water entitlements in Western Australia*).

The extent to which these three projects influence public policy-making is uncertain.

The PGA welcomes the opportunity to meet with the Standing Committee to discuss these issues in greater detail. The Committee's initiative to undertake this inquiry is appreciated.



FOR: Committee Secretary
Standing Committee on Agriculture, Fisheries and Forestry
House of Representatives
Parliament of Australia

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14 October 2002

REF: Inquiry into future water supplies for Australia's rural industries and communities

Here is the submission to the Inquiry from this Association.

I telephoned on 30 August and was advised that the deadline for submissions had been extended until 15 October.

I will appreciate your acknowledgement of having received this submission by either
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Thank you.