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CRAIG INGRAM MP
MEMBER FOR GIPPSLAND EAST

Friday, 30 January 2009

The Committee Secretary
Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators

Re: Water Amendment (Saving the Goulburn and Murray Rivers) Bill 2008

While I welcome the intent of the Bill to save the Goulburn and Murray Rivers and protect the Snowy River and the River Murray environmental water projects from use in other areas, I would like to raise the following matters of concern.

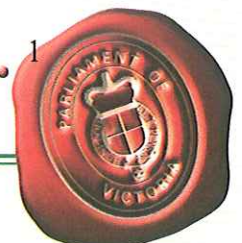
It is my view that the Bill, as presented to the Senate, would prohibit the delivery of environmental flows to the Snowy River above 21% of average natural flow (ANF).

As you are aware the Bill currently proposes in Section 21 (8) 'The Basin Plan must ensure that no water is taken from Basin water resources for use outside the Murray-Darling Basin unless, prior to 3 July 2008, water would have been taken from Basin water resources for that use.'

Subsection 8, together with the recognition of Water for Rivers initiatives, should protect the initial Snowy commitments under the Snowy Water Licence issued on 30 May 2002 and the Heads of Agreements (The Agreed Outcome from the Snowy Water Inquiry) issued on 6 December 2000. Section 1.2 of the Heads of Agreement adopted total environmental flows equivalent to 21% of ANF in the Snowy River. This water is currently being secured by Water for Rivers but the Bill still falls short in fully protecting all Government commitments to the Snowy above 21% ANF.




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Governments have no firm position, timeline or agreement for the delivery of environmental flows other than the allowance for this under Section 1.3 of the Heads of Agreement. Noting Water for Rivers is only funded to June 2012 to secure environmental flows up to 21% ANF.

If passed, as currently drafted, the Bill will prevent the Snowy River from receiving its scientifically determined minimum environmental entitlement of at least 28% ANF or any future flows above 21% as it would be difficult to argue that this water was committed to be delivered prior to 3 July 2008.

I believe subsection 11 (d) still results in considerable doubt given the inclusion of the wording in (d) 'all commenced and provisionally agreed'. In order to ensure the Snowy River environmental flows are protected it is imperative that subsection 11 (d) be amended to read 'Snowy River environmental flows are preserved and excluded from the provisions of subsections 21(8), 21(9) and 257(1).'

I have attached a copy of the Heads of Agreements and the Snowy Water Licence for information and am hopeful that this issue can be satisfactorily resolved.

I would be pleased to discuss and/or provide more detail on my concerns relating to the Bill, if required by the Standing Committee.

Yours sincerely

Signed by Craig Ingram

Craig Ingram MLA