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# Submission to the Coalition Dams and Water Management Task Group

## 110601

Mark Moore  
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## **Introduction**

NSW Irrigators' Council (NSWIC) represents more than 12,000 irrigation farmers across NSW. These irrigators access regulated, unregulated and groundwater systems. Our members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries.

This document represents the views of the members of NSWIC. However each member reserves the right to independent policy on issues that directly relate to their areas of operation, or expertise, or any other issues that they may deem relevant.

## **Background**

The recent floods in Queensland, New South Wales and Victoria have again focused attention on how Australia captures, manages and utilises some of its water resources.

The Coalition's Dams and Water Management Task Group terms of reference are:

*To provide a policy development forum which will develop a plan for dams as part of Australia's water management systems, including priorities for new and expanded dam sites<sup>1</sup>.*

*The Task Group will examine the various functions of dams including:*

- *As effective forms of water storage for general consumption;*
- *For food production and for environmental flows;*
- *As flood mitigation infrastructure;*
- *Their role is low-emission power generation;"*

*The Task Group will identify priority dam sites for investment and implementation.*

NSWIC supports exploration of all options for water storage, regulation and availability and is therefore happy to assist with any technical expertise we can.

Attached to this submission is our "Consultation – The Expectations of Industry" policy. We attach this as it is important to understand what industry is looking for and hope it provides some guidance when implementing your consultation strategy.

## **Dams and Water Management**

NSWIC appreciates the opportunity to make a submission to The Coalition Dams and Water Management Task Group as they examine this issue.

We understand that dams will be the main focus of the Task Group and that related areas of water management will also be given consideration. The identification of sites where dams can mitigate flood impacts must be a priority, but should not be limited to this. Dams in areas which are subject to high flows can help underpin water security for towns, the environment, industry and agriculture.

The newest dam being built in Australia (Wyaralong Dam, QLD) is now in the final stages of completion and was luckily at a safe stage when it filled and spilled in January 2011. The benefit of having this dam in place may be hard to judge as it performed the way it was designed to. Had it not been there however, the results may have been dramatically different.

The last attempt to build a dam in NSW (Tillegra Dam) was cancelled in November 2010 after not receiving Planning Approval. Tillegra was not being built as a flood mitigation structure.

As far as we are aware, there are no further plans to build any more dams.

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<sup>1</sup> The Hon Andrew Robb AO MP – letter introducing the Task Group and Terms of Reference – 23 March

## **Dams**

It is vital at the planning stage to clearly identify what purpose a dam will serve. Is it solely for flood mitigation, for regulation to enhance availability or a combination of the two? Without identifying this, management and operational arrangements cannot be clearly set and agreed to by all.

The ability to protect people and assets from flooding is vital. There are several means by which to accomplish this, including weather monitoring and reporting equipment, river gauges and warning systems, and water diversion or water capture structures.

NSWIC believes a combination of these tools is what is ultimately required. The ability to warn of an impending flood is crucial for communities to have time to evacuate and or prepare. This however does not mitigate the damage which can be inflicted during a flood. The ability to minimise a natural disaster will go much further in protecting life, property and land.

The best structures to achieve this of course are dams. Dams however require a great deal of land, are very costly to build, operate and maintain, and unless they address a myriad of social, economic and environmental issues will always have opposition.

Potential land use conflicts or a high biodiversity conservation value are only some of the issues dams will encounter. If a cost benefit analysis or strategic assessment might be the means by which a determination will be made of a dam proceeding, then it must be based on a lengthy term for a true assessment to be reflected.

NSWIC Members would support the construction of dams and use of water management tools regardless of the dams purpose, provided the cost of building, maintaining and operating them is not solely borne by water access licence holders. Dams must be seen as a benefit to all and therefore the costs shared by all.

## **Water**

The capture and efficient use of water will surely carry even greater importance if predictions of climate change are correct. We agree that the climate is continually changing, but if this means the possibility of even longer dry periods interrupted by severe weather events, then we need to seriously look at all the options available in order to mitigate these scenarios.

Australia is already considered the driest inhabited continent and if there is a possibility of this getting worse, then we need to better manage our situation which will require substantial planning and foresight. We believe there is the ability to balance the needs of all stakeholders while protecting what we have already achieved.

The single most important resource for every stakeholder in this discussion is water. Without capturing it and doing all we can to protect this valuable resource, not much else will matter.

Capturing and storing water for use in times of shortage will benefit all stakeholders and give us the opportunity to underpin some security with this resource.

## **Consultation**

NSWIC is very pleased to see that *“The Task Group will consult widely with state and local government, the scientific and engineering communities, land owners as well as land management, environmental groups and other relevant stakeholders”<sup>2</sup>*.

There will be substantial public and stakeholder interest in this issue. We cannot emphasize enough the importance of working with communities and stakeholder groups to identify key issues and then implementing a plan to address these issues.

A balanced outcome will only be achieved once all long term implications of dams are addressed.

## **Conclusion**

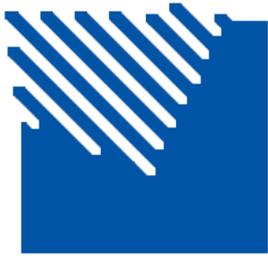
Planning for a future which prepares us for various climate change scenarios means a serious and rational approach to mitigating these events while giving us the opportunity to efficiently utilise them for everyone’s benefit.

Australia’s predicted population growth and the continued demand for fresh water will mean an ever increasing need for security of our water resources.

A dam and water management strategy must be about balance. With the proper identification of purpose, consultation, planning and implementation it is possible to better protect vulnerable areas of the country while also providing a safe and secure water supply for the future.

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<sup>2</sup> The Hon Andrew Robb AO MP – letter introducing the Task Group and Terms of Reference – 23 March



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# **Consultation**

## **The Expectations of Industry**

### **090303**

Andrew Gregson  
Chief Executive Officer

## **Introduction**

NSW Irrigators' Council (NSWIC) represents more than 12,000 irrigation farmers across NSW. These irrigators are on regulated, unregulated and groundwater systems. Our members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries.

This document represents the views of the members of NSWIC. However each member reserves the right to an independent view on issues that directly relate to their areas of operation, or expertise, or any other issues that they may deem relevant.

## **Executive Summary**

This document sets out the consultation process that the irrigation industry expects from Government on policy matters affecting the industry.

Specifically, the industry expects that the contents of this document inform the consultation process with respect to preparation of the Basin Plan by the Murray Darling Basin Authority.

## **Background**

Industry has been critical of consultation processes entered into by both State and Commonwealth Government entities in the change process with respect to water policy. Irrigators have significant sums invested in their businesses, all of which are underpinned by the value, security and reliability of their primary asset – water.

Irrigators recognise the imperatives for change and are content to provide advice on policy measures to ensure effective outcomes for all involved.

In light of these two factors, it is not unreasonable that irrigators request adequate consultation.

Recent consultation efforts have ranged from excellent to woeful<sup>3</sup>. Irrigators believe that a method of consultation should be determined prior to the commencement of a policy change process. To that end, this document sets out the methods which we believe are acceptable and ought be adopted by Government both State and Commonwealth.

In particular, this document aims to inform the Murray Darling Basin Authority in its work developing the Basin Plan.

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<sup>3</sup> See case studies later in this document.

## **Forms of Consultation**

We consider two forms of consultation to be acceptable – Direct and Indirect. The preferred option will be dictated by circumstances.

### Direct Consultation

This method involves engaging directly with affected parties, together with their representative organisations. As a default, it ought always be considered the preferred method of consultation.

Irrigators acknowledge that practical exigencies must be considered to determine if Direct Consultation is possible. Such considerations will include:

- The number of affected stakeholders (the smaller the number, the more ideal this method);
- The timeframe available for implementation (the longer the timeframe, the more ideal this method)<sup>4</sup>; and
- The geographical distribution of stakeholders (the closer the proximity, the more ideal this method).

### Indirect (Peak Body) Consultation

This method involves engaging with bodies that represent affected parties. NSW Irrigators Council is the peak body representing irrigators in this state. The National Irrigators Council is the peak body in respect of Commonwealth issues.

Irrigators acknowledge that there will be occasions on which consultation with peak bodies is necessary for practical reasons. Such reasons may include:

- An overly large number of affected stakeholders;
- A short timeframe (not artificial) for implementation;
- A large geographic spread of stakeholders; and
- An issue technical in nature requiring specific policy expertise.

This form of consultation requires some specific considerations that must be addressed in order for it to be considered acceptable;

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<sup>4</sup> Although note specifically that artificial timeframes, such as political necessity, will not be well received by irrigators.

- Timeframes

Indirect Consultation is, in essence, the devolution of activity to external bodies. That is, the task of engaging with affected stakeholders to assess their views and to gather their input is “outsourced” to a peak body. That peak body cannot operate in a vacuum and, as such, must seek the views of its members lest it become unrepresentative. Dependent on the nature of the issues and the stakeholders, this may take some time. It is vital that peak bodies be requested to provide advice on necessary timeframes prior to seeking to engage them in an Indirect Consultation model.

- Resource Constraints

Peak bodies do not possess the resources of government. In most instances – and certainly in the case of irrigation industry peak bodies – their resources are gathered directly from members and hence must be well accounted for.

Peak bodies engage in a significant range of issues and activities, many of which feature their own time constraints.

Prior to commencing the consultation process, discussions with peak bodies must be held to ensure that the needs of stakeholders with respect to resourcing and timeframes are respected. This may include ensuring that consultation does not occur during times of known peak demand; coordination with other government agencies to avoid multiple overlapping consultation processes; and coordination with peak bodies existing consultation mechanisms (for example, NSWIC meeting dates are set annually and publicly available. These are an ideal forum for discussion as they provides access to key stakeholders with no additional cost to stakeholders).

## **Stages of Consultation**

Irrigators believe that a multi-stage consultative model, in either the Direct or Indirect applications, is necessary.

- (i) *Identification of problem and necessity for change*

Irrigators are wary of change for the sake of change. In order to engage industry in the process of change, an identification of its necessity is required. This should take the form of a published<sup>5</sup> discussion paper as a minimum requirement.

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<sup>5</sup> We accept that “published” may mean via internet download, but require that hard copies be made available free of charge on request.

(ii) *Identification of solutions and method for implementation*

With a problem identified and described, a description of possible solutions together with a proposed method of implementation should be published.

It is imperative that the document clearly note that the proposed solutions are not exhaustive. The input of stakeholders in seeking solutions to an identified problem is a clear indicator of meaningful consultation.

It is likely, in practice, that steps (i) and (ii) will be carried out concurrently. This should take the form of a document seeking written submissions in response. The availability of the document must be widely publicised<sup>6</sup>. The method for doing so will vary depending on the method of consultation. As a threshold, at least 90% of affected stakeholders ought to be targeted to be reached by publicity.

(iii) *Summary of submissions, identification of preferred approach*

Subsequent to the closing date, a document ought to be published that summarises the submissions received in the various points covered. It must also append the full submissions.

Acknowledgement of a consideration of the weighting of submissions must be given. As an example, a submission from a recognised and well supported peak body (such as NSWIC) must be provided greater weight than a submission from a small body, an individual or a commercial body with potential commercial interests.

There are no circumstances in which submissions ought to be kept confidential. Whilst we recognise that identification of individuals might be restricted, any material on which a decision might be based must be available to all stakeholders.

The document must then identify a preferred approach, clearly stating the reasons why that approach is preferred and why alternate approaches have been rejected.

Where the need for change has been questioned by submissions, indicating that a case has not been made in the opinions of stakeholders, further discussion and justification of the necessity must be made in this document.

(iv) *Explanation of interim determination and final feedback*

The document prepared in stage (iii) must now be taken directly to stakeholders via forums, hearings or public discussions. All stakeholders, whether a Direct or Indirect model is chosen, must have an opportunity to engage during this stage.

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<sup>6</sup> Regional newspapers, radio stations and the websites of representative groups and infrastructure operators are useful options in this respect.

The aim of this direct stage is to explain the necessity for change, to explain the options, to identify the preferred option (together with an explanation as to why it is the preferred option) and to seek further input and feedback. Further change to a policy at this point should not, under any circumstances, be ruled out.

(v) *Publication of final determination*

Subsequent to stage (iv), a document must be published summarising the feedback received from that stage, identifying any further changes, identifying why any particular issues raised across various hearings at stage (iv) were not taken into account and providing a final version of the preferred solution.

### **What Consultation Is Not**

“Briefings” after the fact are not consultation (although they may form part of the process). Stakeholders will not be well disposed to engagement where prior decisions have been made by parties unwilling to change them. Briefings in the absence of consultation will serve to alienate stakeholders.

Invitations to attend sessions with minimal notice (less than 10 days) is not consultation. Consideration must be given to the regional location of parties involved, together with the expenses and logistical issues of travel from those regions.

## **Case Study One**

### **Australian Productivity Commission (Review of Drought Support)**

#### ***Getting it Right***

During 2008, the Australian Productivity Commission commenced a review of Government Drought Support for agriculture. The review commenced with the publication of a document to which submissions were sought. A significant period of time was allowed for submissions.

Subsequent to the close of submissions, a draft position was published which took into account written submissions that were received, identified issues raised in submissions and identified a number of changes considered subsequent to submissions.

The Commission then engaged in a large series of public hearings in areas where affected stakeholders were located. Parties were invited to provide presentations in support of their submissions. Parties who had not lodged written submissions were also welcome to seek leave to appear. The meetings were open to the public, who were also given the opportunity to address the hearing.

A series of “round tables” in regional areas was conducted with identified and self-disclosed stakeholders. These meetings gave those who were unable or unwilling to provide presentations in public the opportunity to have input. At the same time, no submissions were kept confidential, the Commission recognising that the basis for its determinations must be available to all.

Importantly, present at the hearing were three Commissioners. It is vital that the decision makers themselves are available to stakeholders, rather than engaging staff to undertake this task.

We understand that a final publication will be made available in 2009.

## Case Study Two

### CSIRO (Sustainable Yields Audit)

#### *Getting it Wrong*

In early December, CSIRO (in conjunction with a number of other Government entities) conducted a regional “consultation” series with respect to the Sustainable Yields Audit. The series was, in our opinion, ill-informed, poorly organised, poorly executed and poorly received.

In late November, CSIRO sought advice from NSWIC over the format and timing of the series. We provided advice that:

- The series did not cover sufficient regional centres to engage all stakeholders. In particular, Northern NSW had not been included;
- The series should not be by invitation, but should be open to all comers given the implications not only for irrigators but for the communities that they support;
- Ninety minutes was vastly insufficient to cover the depth and breadth of interest that would be raised by attendees; and
- That the timeframe between invitation and the event was insufficient.

None of that advice was adopted.

Invitations were sent to an undisclosed number of stakeholders who had been identified by an undisclosed method. In the short space of time available to advise attendance, CSIRO threatened to cancel a number of sessions on the basis of low responses. Given the limited notice and invitation list, NSWIC became aware of a number of stakeholders who wanted to attend but were unable to.

During the sessions, information was presented as a “briefing” despite being described as consultation. As such, extremely limited time was available was questions to be addressed – a key feature of consultation. Moreover, where information that was presented was questioned, a defensive stance was taken – a key feature of lack of willingness to engage stakeholders in a consultative fashion.

In particular, NSWIC is particularly concerned at the lack of willingness to engage on factual matters contained within the report. Where glaring inaccuracies were pointed out, defensiveness was again encountered. In several instances, inaccuracies that had been advised by stakeholders were perpetuated in later documents.

Further, several presenters were clearly not aware of the full range of detail surrounding the matters that they discussed. It is imperative that those seeking feedback on a subject understand that subject in depth prior to commencing consultation.