

## **GABCC SUBMISSION TO CONSULTATION DRAFT SMP – Oct 2018**

The Great Artesian Basin Coordinating Committee (GABCC) is pleased to submit its views on the Consultation Draft of the Great Artesian Basin (GAB) Strategic Management Plan (SMP) as part of the consultation process. This submission is approved for public release as part of the Draft SMP Consultation process.

This submission is in two parts:

- a description of the process that the GABCC was involved in to develop the Consultation Draft SMP, which outlines some of the reasons for our concern at this late stage of a very long planning process;
- comments on the Consultation Draft, with recommended changes for the final SMP to be considered by governments as part of the formal SMP consultation submission process.

Both parts provide information, to enhance understanding of some of the background and process, and to support meaningful feedback from stakeholders to governments

### **REVISING THE SMP – PLANNING APPROACH**

During the implementation of the first SMP (from 2000) the Basin-wide governance model within which the GABCC operated, worked well to enable substantial and well-documented contributions from the Committee. For most of the fifteen-year implementation period the GABCC membership represented the sectors of water users and other interests, as well as members from each of the managing agencies. It operated as an interactive and transparent forum that considered Basin-wide topics and made decisions on a consensus basis, with both governments and the community of interests working together. This process, facilitated by the GABCC, produced a range of advice, information and support to Ministers and other decision makers in government and industry, as well as facilitating strategic research and providing quality information to the Australian community.

However, throughout the implementation period the understanding of the Basin and its uses improved, resulting in changes to management conditions. As a result, Governments, user groups and other interests agreed that a major revision of the SMP would be required at the end of the 15-year implementation period.

The GABCC worked cooperatively with government and sector representatives, scientists and other interests involved in the use and management of the GAB to build a robust and evidence-based approach to underpin planning for the new SMP. Information gathering activities included:

- a mid-term review of the SMP that detailed both successes and shortcomings
- a wide-ranging GAB Futures Workshop (2013) and Future Directions paper (2015) that included input from both government and non-government interests (available via: <http://www.gabcc.gov.au/publications/briefing-note-no-4-working-toward-better-futures-gab> and <http://www.gabcc.gov.au/publications/gab-future-directions>)
- analysis of peer-reviewed technical and scientific papers and government policy and reports
- seeking information from users and other GAB interest groups.

By the end of that process the GABCC felt confident that the evidence collected provided a comprehensive foundation to develop a new SMP and began the SMP planning process with the following well-founded assumptions:

- The desired outcomes for the GAB will be most efficiently and effectively achieved through a Basin-wide framework that provides robust and timely information, and an inclusive interactive forum that improves understanding and assists in planning and decision-making

- The SMP Basin-wide planning and management framework needs to focus on working collaboratively with governments, industries and other GAB interests to assist policy development, planning and investment strategies that identify and respond to opportunities and risks in a timely manner
- State jurisdictions have the legislative responsibility to regulate the taking of water from the Basin and achievement of desired outcomes requires that industries and other users clearly understand their rights and responsibilities and comply with management regulations.
- Well-informed decisions being made by industries and other water users are just as critical as decisions of governments in optimising benefits accrued from water extraction and managing risks that result from human use of the Basin.
- Well-targeted, timely, complete and accurate information will be required to meet agreed outcomes as economic, social and environmental conditions change over the 15-year period of the SMP
- The GAB is Australia's most important groundwater resource and a continuous Basin-wide effort is required to ensure that Ministers, decision makers and the broader Australian community are aware of what, where and how important it is, as well as how it is being managed to continue providing benefits for the nation.

Unfortunately, the SMP development process has taken four years. However, throughout this period the GABCC welcomed the opportunity to work cooperatively with jurisdictions. During the planning process we were satisfied that most of what we considered essential was negotiated and included in the various drafts. However, summary changes were made between each version with little or no consultation or rationale provided.

As a result, the final Consultation Draft of the SMP contains material, and has omitted material, that causes great concern to the GABCC. These inclusions and omissions should be reconsidered and changed in the final revised SMP.

#### **COMMENTS ON THE CONSULTATION DRAFT SMP**

The GABCC strongly supports the foundation of the SMP on the set of agreed principles, while acknowledging that differences have emerged in interpretation of what some of those principles mean or encompass.

Whilst the Consultation Draft was prepared 'in consultation with' the GABCC, some of the GABCC advice was not incorporated into the Consultation Draft. It is important that the GABCC canvas the views of stakeholders on these matters that were omitted from the consultation draft.

The GABCC trusts that:

- citing the omitted matters in a submission, increases the likelihood that the final SMP will address important matters that the Consultation Draft has not addressed (noting that the submission process is the only avenue now available to improve the final SMP, and that this creates a public record); and
- provision of the comments at the draft stage has assisted the GABCC to communicate to stakeholders an accurate representation of their standing in relation to GAB management and the role of the SMP.

Should the recommended changes not be included in the final SMP, then it remains for jurisdictions to provide a more fulsome (and public) explanation of any omissions, certainly more comprehensive than the limited rationale provided during drafting of the Consultation Draft SMP.

## A) SUPPORT FOR ASPECTS OF THE CONSULTATION DRAFT SMP

The GABCC supports the Consultation Draft SMP in relation to:

- its foundation in the set of principles
- the provision of context around the principles
- its use of objectives and outcomes that suggest how those principles will be given effect.

## B) RECOMMENDATIONS FOR CHANGES TO BE EXPRESSED IN THE FINAL SMP

**Recommendation 1: Give due recognition and emphasis to the need for governments to work in partnership with community and industry stakeholders**

*[Most directly relevant to Principle 1, but affects the credibility and application of the entire Plan]*

1.1 The Vision includes ‘governments, communities and industries working together’, and the ‘Coordinated governance’ principle refers to governments working ‘in partnership with communities and industry partners’, also stating that: ‘The partnership would aim to provide advice to the governments that provides for productive, environmental and other public benefit outcomes to be achieved in a mutually beneficial way.’

Despite this sentiment, overall the Consultation Draft is framed as ‘a plan by government for government’. This tone and focus had been rejected very early in the drafting process on the basis that it would fail to appeal to, and would not engage, users and other interested parties in contributing to development and implementation of the plan. This was changed in the final stage of development, without further consultation to gain stakeholder perspectives.

Stakeholders will not readily connect with a focus that sees government regulators making decisions on Basin-wide management and then (after-the-fact) consulting with stakeholders, and only if consultation is deemed necessary.

On the one hand the plan seeks support and commitment, and talks of partnership and collaboration, while on the other hand it offers no real partnership model and shows no evident respect for the past and potential contributions of non-government stakeholders.

1.2 Earlier drafts referred to coordinated governance meaning: ‘governments, community and industry working together across the Basin to manage the resource in a way that meets the agreed needs of all stakeholders and enables desired outcomes’. That phrasing had been negotiated at length across representatives of government, community and industry sectors and reflected shared understanding.

With its deletion, reference in the definition of coordinated governance to ‘community and industry partners’ stands in isolation, with no indication of how such a partnership would be given effect e.g. by defining principles for (if not a model for) a coordinated governance mechanism.

True partnership recognises that all parties bring different and particular things to the table which, when taken together, enlarge on what parties acting individually could contribute.

The current approach is that ‘governance means governments’. This serves to minimise the role and standing of community and industry in helping to shape policy (as distinct from reacting to government-directed policy) and that is not an expression of partnership.

1.3 in the preamble to 'Information management, communication and education': 'Using information and dialogue appropriately during policy development, planning and implementation helps to build trust, transparency, accountability and acceptance between managers, industry and water users. Such relationships are a key to establishing the willing adoption of management measures and minimising the need for costly compliance enforcement and confrontation.'

Similarly, the preamble to 'Coordinated governance' states that: 'Information sharing and understanding across the Basin builds the levels of understanding, confidence and trust required for effective coordinated responses'.

The Committee agrees strongly with these kinds of statements. However, they appear to be sentiments only, not grounded in practice, because they are not evident in an outcome for any of the principles, and may therefore be unlikely to appear in Implementation Plans.

1.4 Earlier drafts explicitly acknowledged the dependence of arid zone communities and industries on Basin water. This is a fundamental aspect of the economic return from use of the Basin. Its deletion from the Consultation Draft reinforces a misguided perspective that the only stake in the GAB arises from holding formal entitlements to use GAB water.

1.5 The critical importance of social licence in water allocation should be emphasised as it was in earlier drafts. The Consultation Draft has deleted the concept of social licence and approaches this only as a matter of compliance with jurisdictional licence requirements. This fails to recognise the critical role of understanding, ownership and support that leads to willing compliance. It works against any sense of shared responsibility. For example, achieving outcomes under the principle of judicious use depends almost entirely on management actions, innovation and willing compliance by industries and other water users.

1.6 Earlier drafts recognised that some outcomes in the Plan rely heavily on actions undertaken by community and industry stakeholders as co-investors, i.e. these outcomes cannot be achieved by governments alone and cannot be achieved by government directives alone.

Rather, their achievement relies on participation of non-government stakeholders in development of Basin-wide policy and frameworks.

By contrast, the Consultation Draft minimises creative or generative roles for community and industry and emphasises the narrow view that these stakeholders can only play a role in reacting to government decisions after they have been developed.

1.7 Earlier drafts emphasised that investment will need to come from governments, industries and other interests, and will need to be sustained over the period of implementation.

The Consultation Draft suggests that governments are the primary investors, with others 'encouraged to consider the Plan' (but presumably not bound by it and not participating actively in shaping its implementation).

1.8 Earlier drafts referred to 'making decisions at all levels', and recognised that many choices and decisions made by stakeholders/users can have either positive or negative effects on Basin values.

Removal of this perspective suggests that the only decisions that matter are those made by governments.

1.9 The final SMP needs to embody genuine commitment to functional (not token) partnership and collaborative approaches, with an appropriate governance model that respects and values the contribution of non-government stakeholders, well beyond a marginalised and reactive role.

**Recommendation 2: Include details about Basin-wide governance mechanisms that assign roles, responsibility and accountability for implementation of the Plan, and timing and resourcing of Implementation Plans**

*[Most directly relevant to Principle 1 and the Implementation section, but affects the credibility and application of the entire Plan]*

2.1 The Consultation Draft offers very little detail around governance and implementation.

Guided by dialogue with community and industry stakeholders, the Committee has previously provided advice that this lack of detail would be unsatisfying to stakeholders, and would discourage stakeholder response and participation.

The Committee understands that governments do not want to distract stakeholders from the strategic principles within the SMP. However, the absence of any information on possible governance and implementation options may have the opposite effect:

it may focus stakeholder attention on the impression or inference that governments lack commitment to achieving the outcomes in the Plan, and that the community of interests will be permitted a very limited role in implementation.

Given that the SMP is a 15-year strategic document with no formal Ministerial accountability agreements, there is understandable concern that the Plan will have no mechanism to ensure that its implementation is enabled. This casts doubt on the value of the Plan beyond worthy ideals.

Unfortunately, trust in governments is at an all-time low and if assurance can be provided to stakeholders as to how the plan can be enabled it will have a higher chance of acceptance.

2.2 The Committee has previously recommended that an accompanying fact sheet on governance and implementation be attached to the plan when it goes out for consultation, to enable governments

to fill the void that currently exists. Regrettably the draft seen of that factsheet offered only

(in essence, *paraphrased*): ‘Governance will be a process between governments. There will be an “avenue” to send out government information and get comments back. Implementation will be carried out by governments.’ Such a frame actively works against stakeholders feeling empowered, or feeling a sense of shared ownership, or of partnership.

2.3 It is recognised that jurisdictions are currently working on options for future governance, likely to

include a whole-of-Basin mechanism. It is important that this mechanism be allowed to offer greater value to Ministers and other decision-makers as a generative or creative mechanism, and

not (as currently formulated) as merely a reactive body. The SMP needs to engender a sense of respect, confidence and trust if it is to be taken seriously by the community of interests in the GAB.

2.4 The Consultation Draft places detail on implementation – of vital concern to stakeholders – as a matter for subsequent Implementation plans prepared by governments, which may not be subject to the same kind of public consultation as the draft SMP.

The final SMP needs to include an Implementation section that indicates how (through what kinds of actions and targets) the objectives and desired outcomes can be achieved. In accordance with the Vision, this needs to be through collaborative efforts between governments and the community of interests.

**Recommendation 3: Recognise the risks inherent in future bore failure and the importance of ensuring on-going long-term maintenance**

*[Most directly relevant to Principles 4 & 5; also relevant to Principles 6 & 7]*

3.1 A key part of the previous SMP concerned bore rehabilitation and the elimination of bore drains.

Substantial progress has been made through significant investment under the GAB Sustainability Initiative (GABSI) and the implementation of new government policies and improved practices by

users. Although much has been accomplished, significant risks remain from uncontrolled or poorly maintained infrastructure. The SMP needs to stress the importance of completing capping and piping programs and developing long term ongoing maintenance standards, within Principle 5: Judicious Use.

- 3.2 The Committee has previously recommended that the SMP incorporate information from the GAB Bore Data study (*Summary of past drilling activity within the Great Artesian Basin*, available via <http://www.gabcc.gov.au/publications/gab-bore-data-factsheet>). While data was finalised after completion of the Consultation Draft, the implications to be drawn from the report were apparent and have not been changed by later data.

However, the Consultation Draft makes no mention of the study and its implications (or of bore data, bore survey or bore audit). Similarly (e.g. in Principle 5: Judicious use), the issue of on-going long term maintenance of bore infrastructure is mostly portrayed as a past issue, rather than as a significant (and increasing) risk in the future.

The SMP needs to provide explicit clear linkages to risks based on evidence, e.g. those identified in the Bore Data Study, including the nature and scale of risks, and potential measures to address these risks.

- 3.3 It would be appropriate for the SMP to identify more explicitly the kinds of regulatory measures that would be appropriate to minimise risk to groundwater from bore failure e.g. comprehensive construction & decommissioning standards for all bores, regardless of purpose. It could also explicitly encourage improved data on the location and status of bores across the Basin.
- 3.4 Although jurisdictions are currently working on options for long-term infrastructure maintenance, it would be both inexplicable and unfortunate if whatever is adopted is not explicitly placed under the umbrella of the SMP.

**Recommendation 4: Address concerns about third party impacts from new water users**

*[Most directly relevant to Principles 4 & 5; also relevant to Principles 6 & 7]*

- 4.1 The Committee has previously advised that the SMP needs to provide guidance for responsible planning and management in growing use of Basin resources, including management of third party impacts on users. This applies to both water supply and water quality. The Consultation Draft mentions these kinds of impacts in passing but does not offer a recognisable approach or pathway to address these and associated challenges in providing secure and managed access, beyond saying they need to be addressed in state/territory plans.
- 4.2 The ‘emerging issues, opportunities and challenges’ within the draft SMP identifies the potential growth in extraction of GAB water and new industries developing within the Basin. Having identified this, it is essential that the SMP provides a proactive mechanism to assist jurisdictions and industries to identify and manage the risks to existing users and GAB resources if these emerging issues come to fruition within the life of the SMP.

**Recommendation 5: Recognise risks to biodiversity and broader environmental values**

*[Most directly relevant to Principles 2 & 3; also relevant in part to Principles 4, 5, 6 & 7]*

- 5.1 The Committee has previously advised that the SMP needs to be more comprehensive in its reference to environmental values of the Basin. The Consultation Draft talks of this in passing as part of ‘a healthy resource’ and also in ‘information, knowledge and understanding’ (making use of environmental indicators). However, such references are rather vague and general, with specific references mostly confined to spring communities.

5.2 Under GABSI programs, the Cap & Pipe the Bore program has made a substantial investment of public funds to restore and maintain pressure in order to protect public interests. The pressure has risen in some areas. These programs have focused on high flowing bores and included bores situated near GAB springs. Maintaining pressure to sustain spring flows is essential but we have not yet addressed risks caused by disturbance to surface structures by humans and animals and the impact of grazing on biodiversity and cultural values in and around springs.

The capping and piping of bores needs to continue, so the many benefits for the western communities and landholders are achieved, and a rise in the pressure of the GAB continues.

5.3 The spreading of stock watering points as a result of closed delivery systems and the disposal of co-produced (formation) water by extraction industries both pose significant environmental risks.

The SMP needs to address the potential risks that arise where GAB groundwater comes to the surface, whether from bores, extractive industries or springs, especially in an otherwise arid landscape.

**Recommendation 6: Provide greater emphasis for the need to resource both: the collection and collation of data, information and evidence; and the sharing of information with stakeholders**

*[Most directly relevant to Principles 6 & 7]*

6.1 The GAB is Australia's most important groundwater resource, and collaborative effort is required to ensure that everyone understands its operation, its contribution and its importance.

6.2 The Committee has previously advised on the shared need for enhanced monitoring, evaluation and accountability (including management of third party access) and for collection, validation, and regular reporting of data and information on use of Basin resources. This has stressed the need for adequate resourcing of evidence gathering to enable jurisdictions, industries and other decision makers to deliver.

The Consultation Draft does not afford sufficient emphasis to this, and tends to portray information development as an isolated activity. This cursory treatment applies also to development and resourcing of information sharing across the Basin.

6.3 The Consultation Draft acknowledges that information sharing builds the levels of understanding, confidence and trust required for effective coordinated responses. However, it has deleted critical references in earlier drafts to decisions needing to be based on 'best available evidence for making decisions at all levels', and also references to information collection being used to inform management of the Basin groundwater system.

Without those explicit linkages, information development appears to be more discretionary than necessary, or an activity in/for itself rather than as an essential component of better management.

6.4 A robust and shared understanding of how the Basin operates, how it is used and the benefits that accrue from its use can be developed over time by governments and scientific organisations working together to develop knowledge. Providing accurate timely information in an appropriate level and format to those involved in GAB management and use is a key strategy of the Plan. However, this is currently a major deficiency in management of the GAB. Without timely, reliable and comprehensive information on the GAB resource as a whole, there is a risk that future management decisions will not identify risks to the GAB and address issues proactively as they develop or arise.

6.5 The SMP needs to offer a key contribution by articulating commitment to an enabling environment through the generation, assessment, management and sharing of strategic whole-of-Basin information.