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University of South Australia | Centre for Comparative Water Policies and Laws

Incorporating plantation forestry as a Water Affecting Activity into Water Allocation Plan in transboundary aquifer South eastern Australia

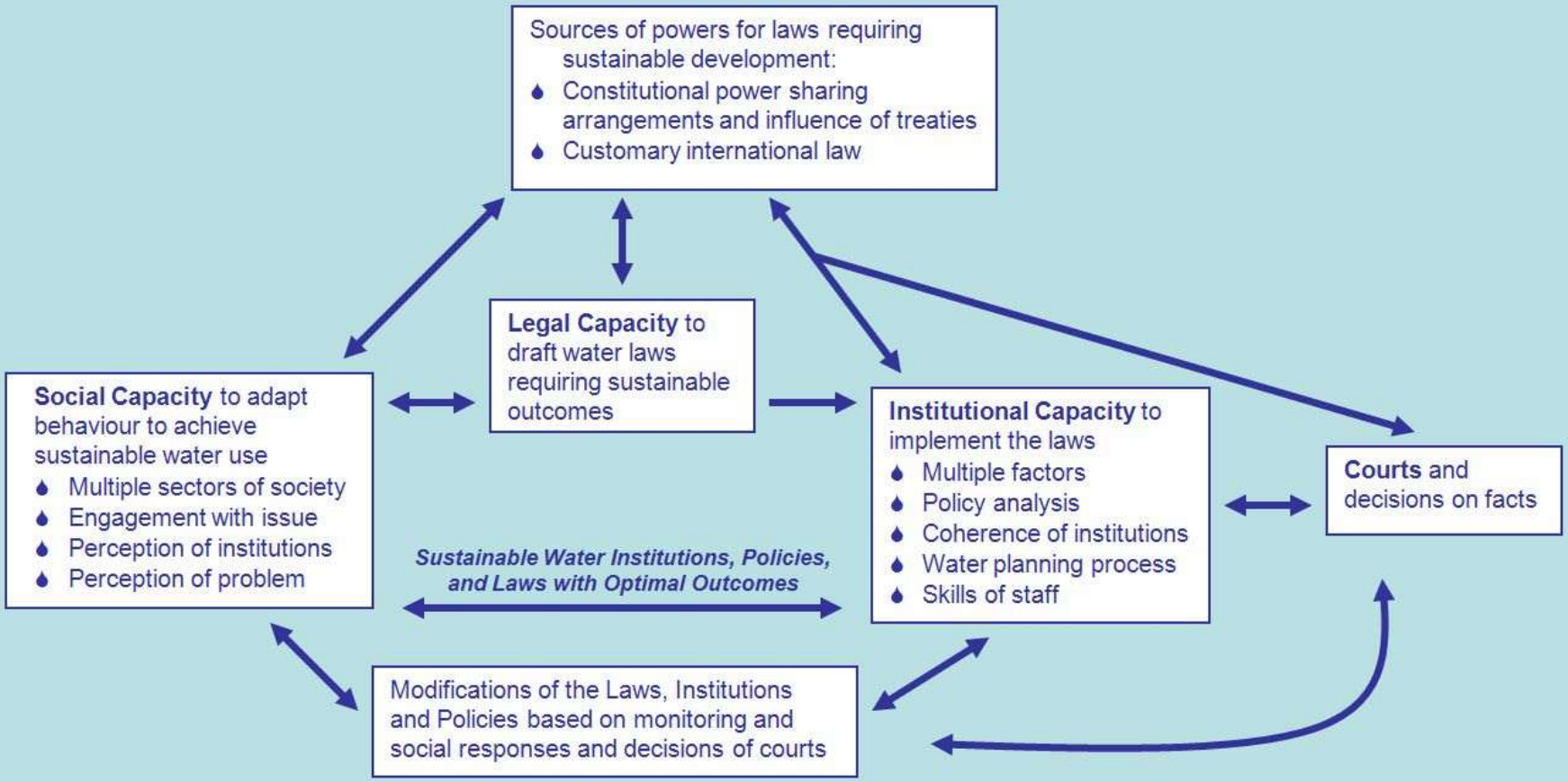
Work in progress


DO NOT DRINK

Sustainability its legal meaning

- 3 case studies
- 3 innovative adoptions of policy 1985, to 2007
- aims to get a fully specified system, environment first critical human needs then consumptive pool shared.
- Conclusions will be drawn as the legal norms transmitted to international law by Australian

Framework to Evaluate Individual Preferences and Collective Outcomes of Sustainable Water Institutions, Policies, and Laws



McKay 2008, Adapted from text by Bickers and Williams, 2001 "Public Policy Analysis". Houghton Muffin. Inspired by Daly and by adaptive management and the concept of strong sustainability.

Strong sustainability means that some things such as green plants, water cycles, and biodiversity are critical and must be retained at all costs. Daly and Cobb. 1989 "For the Common Good". Beacon Press Boston

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Groundwater- forgotten

- Groundwater is the Cinderella of water regulation in Australia in that is was regulated under State laws which came after attention was paid to surface water.(McKay 2007)
- However, now we have several administrative licencing systems the latest in 1960 Vic. Very little trading in south Australia.

near Universal metering since 1980s

LAWS Context

- In 1997, South Australia enacted the *Water Resources Act 1997* with a view to facilitating the privatisation of water delivery services and setting up rural farmer coops to manage irrigation. Earlier had set up NRM BOARDS to manage waters and this was enhanced due to national Govt funding.
- here is a case study of a maturing groundwater management policy and its implementation. Forestry asa water affecting activity
- [19]

Conjunctive use as a matter of policy (China, India)

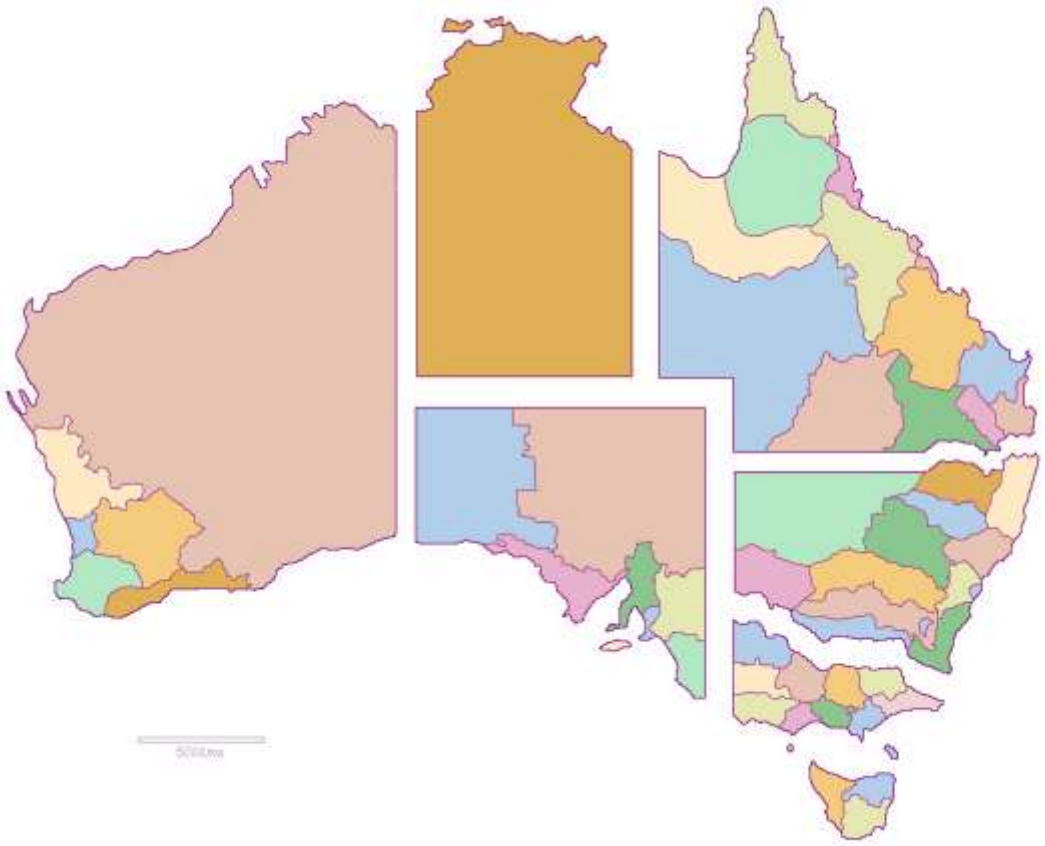
Conjunctive use as a matter of domestic legislation (USA States, Jamaica)

Inter-basin water transfers as a means to relieve groundwater stress (Spain)

Laws elsewhere

Controlled trading/leasing of groundwater extraction rights, within the agriculture sector, and from agriculture to other sectors of economic and social development (Mexico)

56 NRM regions – since 2000



South Australia- Victoria oldest scheme trans-boundary aquifer

The current share

(Groundwater licence entitlements along the SA/Vic border)

South Australia	Victoria
172 GL	53 GL


© 2008 MapData Sciences PtyLtd, PSMA
Image © 2009 DigitalGlobe
Google
34°56'53.23" S 140°58'04.83" E
elev 55 m
Aug 15, 2006
Eye alt 4.52 km

Farmers can see the *conflicts my enemys enemy is my friend*

"These trees are being harvested, in this case for the manufacture of toilet paper. Whilst not irrigated it is evident that forests do draw on the water aquifer as well as eliminating recharge. Sustainable?"

es and debates in water allocation policies

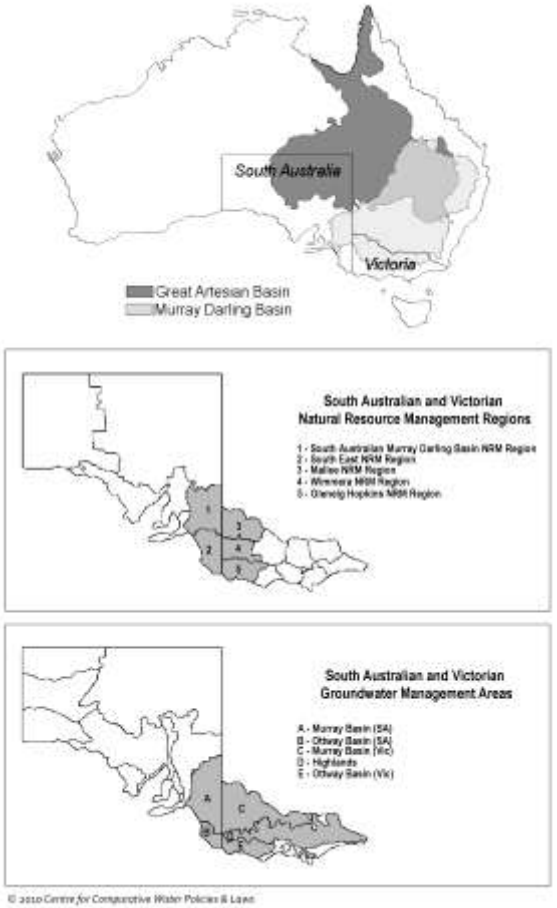
Law in South Australia

- The key features of the Act with respect to **groundwater** are: it expressly abolishes common law rights to **groundwater** ; it introduces a series of statutory rights; it ensures that the Crown has primary access rights to **groundwater** and it does not expressly vest any rights to **groundwater** in the Crown

SA- Vic

- The area 20 km either side of the South Australian Victorian border has been managed under a cooperative agreement since 1985 under legislation called Victoria - South Australia groundwater (Border Agreement Act 1985 Vic 1985 SA 1985).

Border region GW areas



words used

- The Agreement of 1985 between the Premiers of South Australia and Victoria had the aim of making provision to protect the Groundwater resources adjacent to the border between the State of South Australia and the State of Victoria and to provide for the cooperative management and equitable sharing of those resources and to guard against the undue depletion or degradation thereof.

Permissible annual volume

- The Acts set up a Committee which has roles to determine “Permissible annual volume” (PAV) which means the permissible annual volume of extraction specified for each zone in the Second Schedule, or in relation to a particular zone, such other volume as has been determined by the Committee under clause 28(2

PAV changed to reflect ESD

- The committee consists of 4 members; 2 appointed by each State.
- In the designated area a management plan was created under relevant state laws.
- The management plan for the designated area has the power to
- proscribe the enlarging of any bores in the area.

later in 2006 NWI

- Later after SA has done this the National government praised SA and inserted forestry as a water affecting activity into it strategy for the States.

Forestry policy in SA

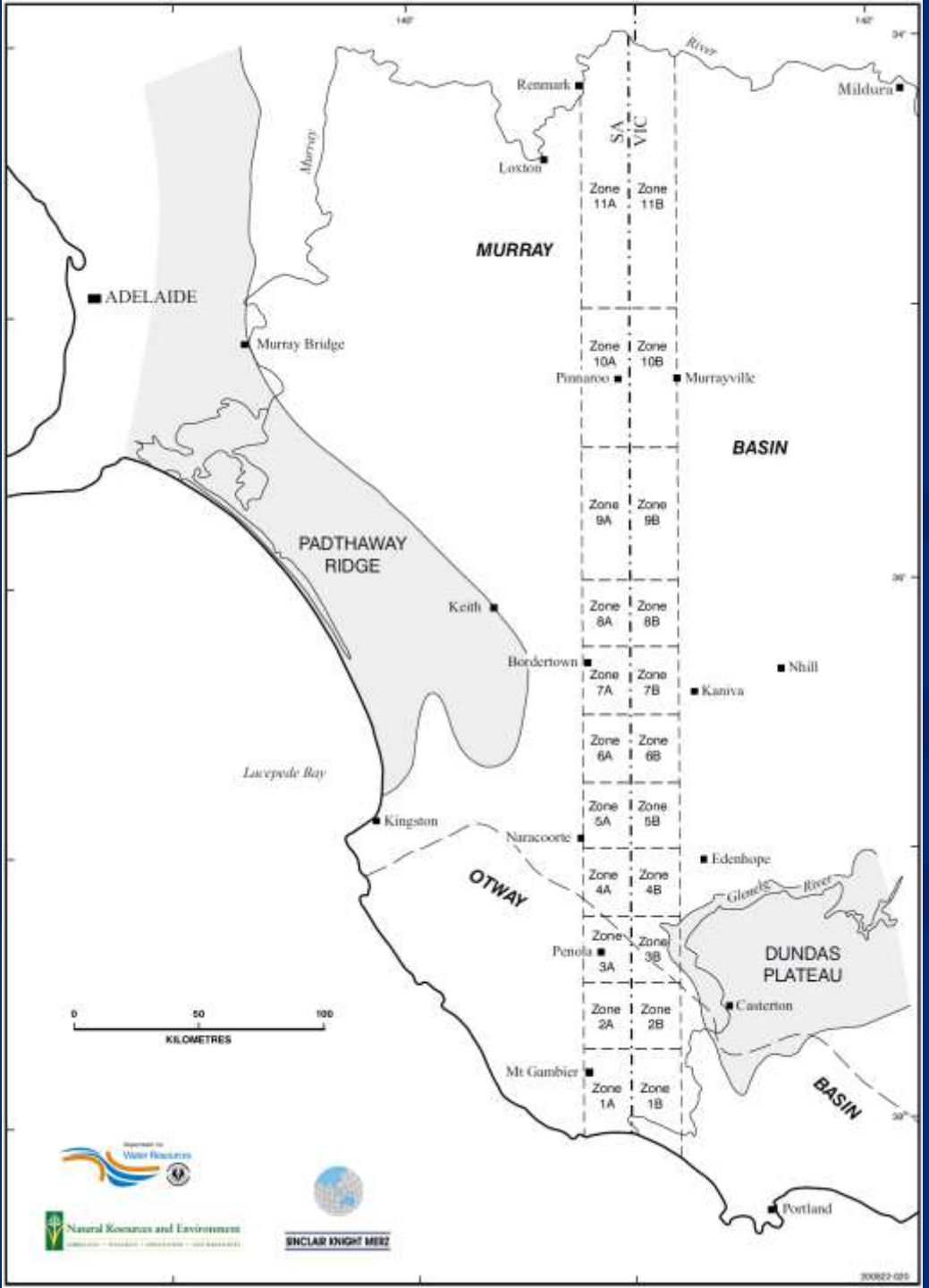
- in South Australia was to require commercial forestry (planted for paper and pulp and for carbon credits) to account for its water use.
- Two polices have been proposed, accounting for rainfall interception of forests which reduced recharge, and direct extraction of water from shallow aquifers(less than 6 meters).

Mechanisms - SA

- On the 17 February 2004, the Minister for Environment and Conservation announced that the South Australian State Government would adopt a management proposal prescribing commercial forestry in the lower South East of the State as a ‘water affecting activity’, requiring a permit under the repealed Water Resources Act 1994

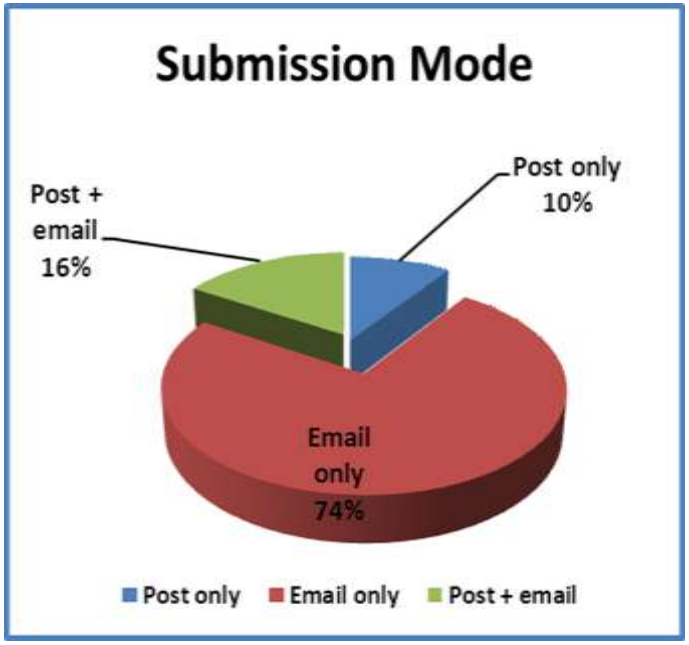
Not matched in Vic yet

- This innovation in South Australia has not been matched (as yet) in Victoria
- so despite this agreement have major difference


Renmark
Loxton
Murray River
Mildura
SA
VIC
Zone 11A
Zone 11B
MURRAY
ADELAIDE
Murray Bridge
Zone 10A
Zone 10B
Pinnaroo
Murrayville
BASIN
Zone 9A
Zone 9B
PADTHAWAY RIDGE
Keith
Zone 8A
Zone 8B
Bordertown
Zone 7A
Zone 7B
Nhill
Kaniva
Zone 6A
Zone 6B
Lacepede Bay
Zone 5A
Zone 5B
Kingston
Naracoorte
Edenhope
Zone 4A
Zone 4B
OTWAY
Glenelg River
Zone 3A
Zone 3B
Penola
DUNDAS PLATEAU
Casterton
Zone 2A
Zone 2B
Mt Gambier
Zone 1A
Zone 1B
BASIN
Portland
0
50
100
KILOMETRES
Natural Resources and Environment
SINCLAIR KNIGHT MERZ

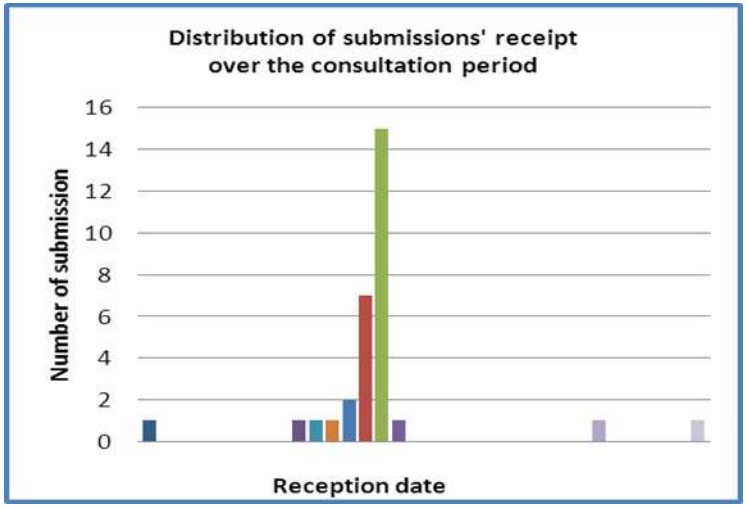
Submissions to plan suggesting this policy-reception Phd student work

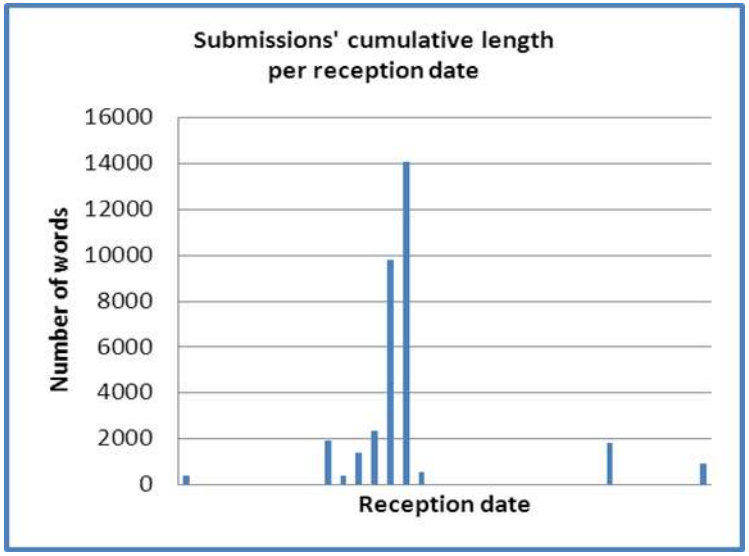
Submission Mode	Number of Submissions
Post only	3
Email only	23
Post + email	5



Submissions-length

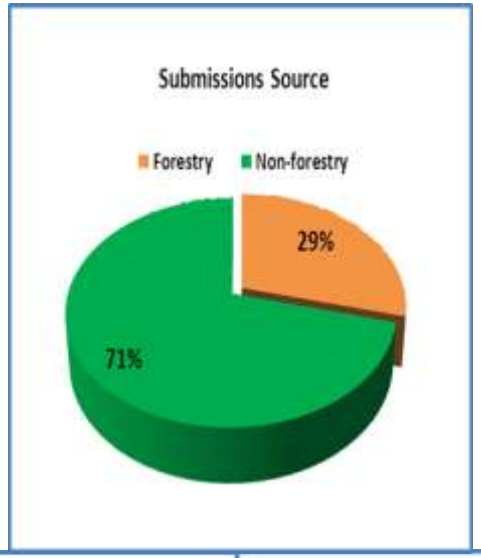
Reception Date	Number of Submissions	Number of Words
6-Apr-12	1	410
7-Apr-12	0	
8-Apr-12	0	
9-Apr-12	0	
10-Apr-12	0	
11-Apr-12	0	
12-Apr-12	0	
13-Apr-12	0	
14-Apr-12	0	
15-Apr-12	1	1899
16-Apr-12	1	385
17-Apr-12	1	1406
18-Apr-12	2	2368
19-Apr-12	7	9826
20-Apr-12	15	14095
21-Apr-12	1	554
22-Apr-12	0	
23-Apr-12	0	
24-Apr-12	0	
25-Apr-12	0	
26-Apr-12	0	
27-Apr-12	0	
28-Apr-12	0	
29-Apr-12	0	
30-Apr-12	0	
1-May-12	0	
2-May-12	0	
3-May-12	1	1841
4-May-12	0	
5-May-12	0	
6-May-12	0	
7-May-12	0	
8-May-12	0	
9-May-12	1	916
Total	31	33700

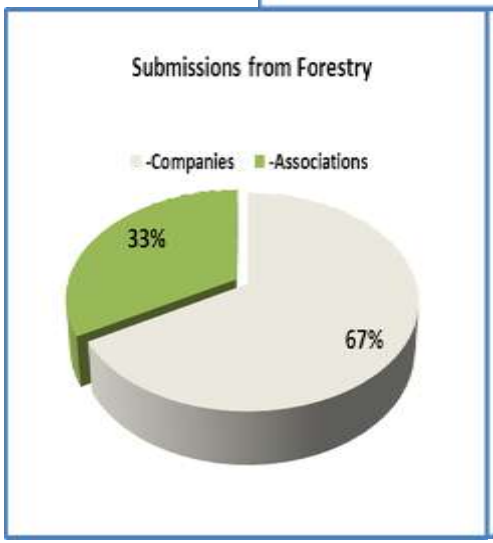


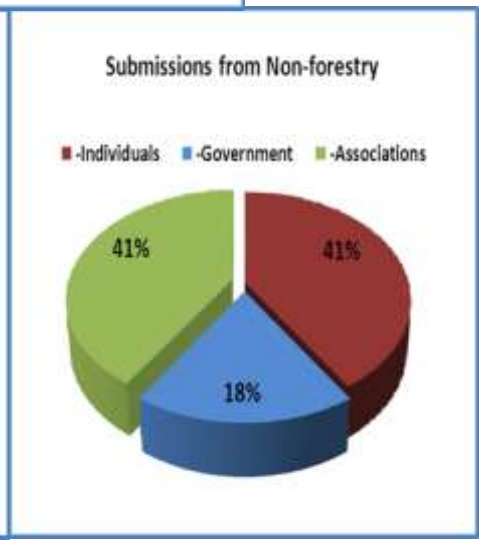


Submissions-Source

Respondent Groups	Number of Submissions
Forestry	**9**
-Companies	6
-Associations	3
Non-forestry	**22**
-Individuals	9
-Government	4
-Associations	9
Total	**31**

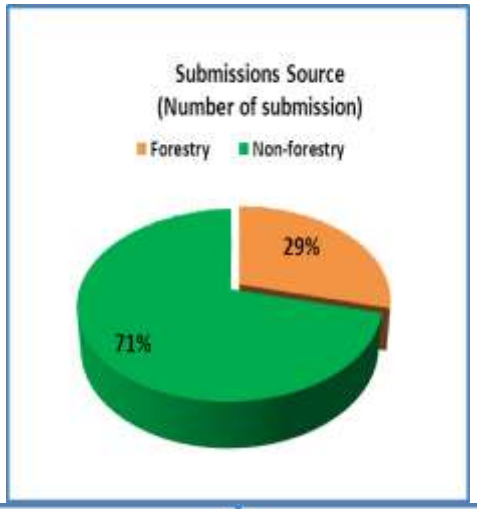


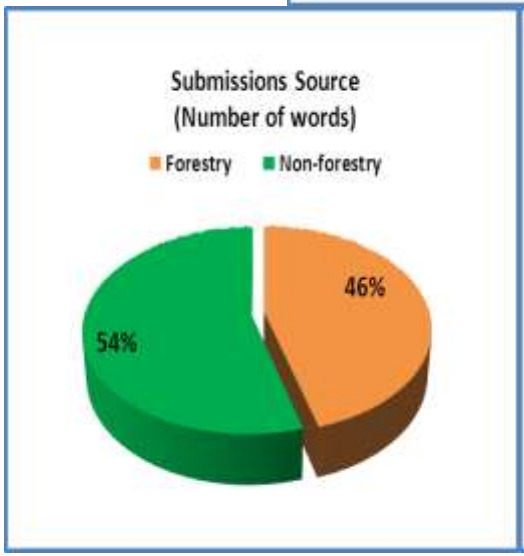


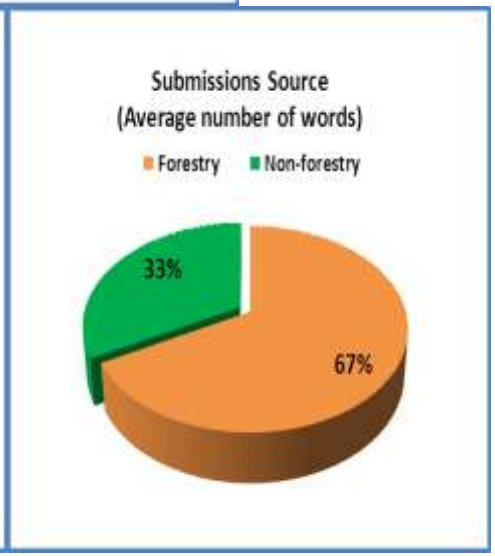


Submissions-Source 2

Respondent Groups	Number of Words	Average number of Words
Forestry	**15346**	**1705**
-Companies	6903	1151
-Associations	8443	2814
Non-forestry	**18354**	**834**
-Individuals	6007	667
-Government	2396	599
-Associations	9951	1106
Total	**33700**	**1087**







Submission-themes

Lessons

Implementation of the incorporation of forestry as a water affecting activity has been slow.

leadership in the region has been at a high level from government and the private sector looking for a long term solution.

NRM Board and forester leading it key to sustaina a common vision

self funding partly the board

Despite The next state not moving SA did

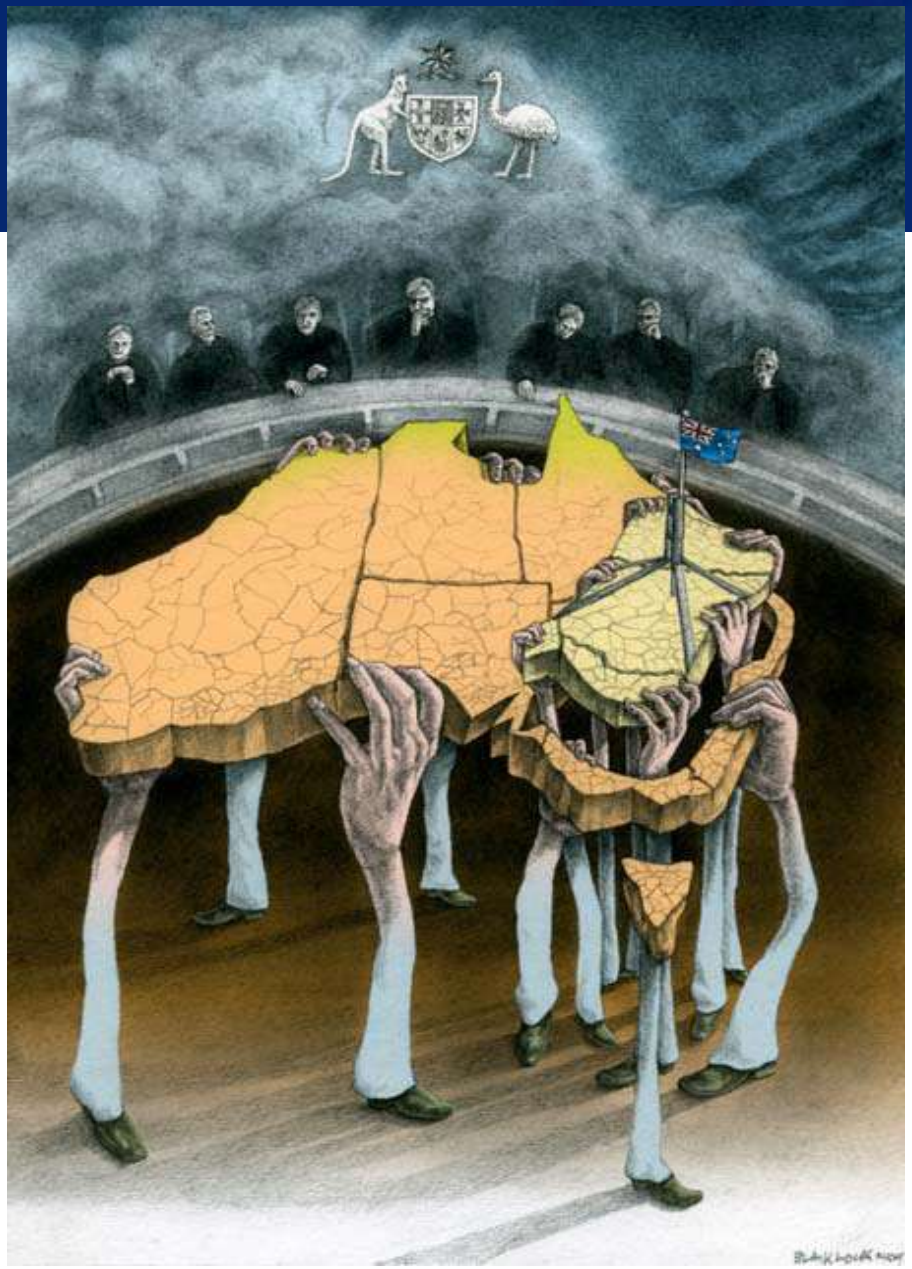
Lessons

- weak accountability to national govt. water allocation for forestry is a national objective but this in the only example so far.
- vic not accountable for not doing it

This article argues that fragme
making structures can generate major
can centralized structures. The fra
Congress is shown to facilitate inno
eral water pollution control legisla
of four dimensions of costs and bene
disjointed innovation since it "prom
ages competition, minimizes the cost
legitimacy...."

INTRODUCTION. This article challen

one outcome



Thank you ☺