

Otway Water Book 33

A Breakdown in Governance.

(Victorian Government 2016)

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December 2016.

Introduction.

One of the special things inherent in a democratic system is the ability of such a society, and the belief it generates, that the “people” have a real say in the directions its government takes. Unfortunately, this is not the case with the governance of groundwater extraction by Barwon Water out of the Barwon Downs Borefield.

This book continues the compilation of this sorry saga, citing a few of the recent examples highlighting the breakdown of the democratic system of governance.

Checks and Balances.

The ultimate responsibility of managing the water law in the state of Victoria is the Water Minister. This is a huge responsibility involving a multitude of varied tasks spread over a diverse ranges of circumstances and situations. Consequently, the Minister relies heavily on bureaucratic advisors for advice and assistance. Unfortunately, sometimes the checks and balances break down and decisions made by the Minister become counterproductive placing in many situations an unlawful burden on the very people the Minister represents.

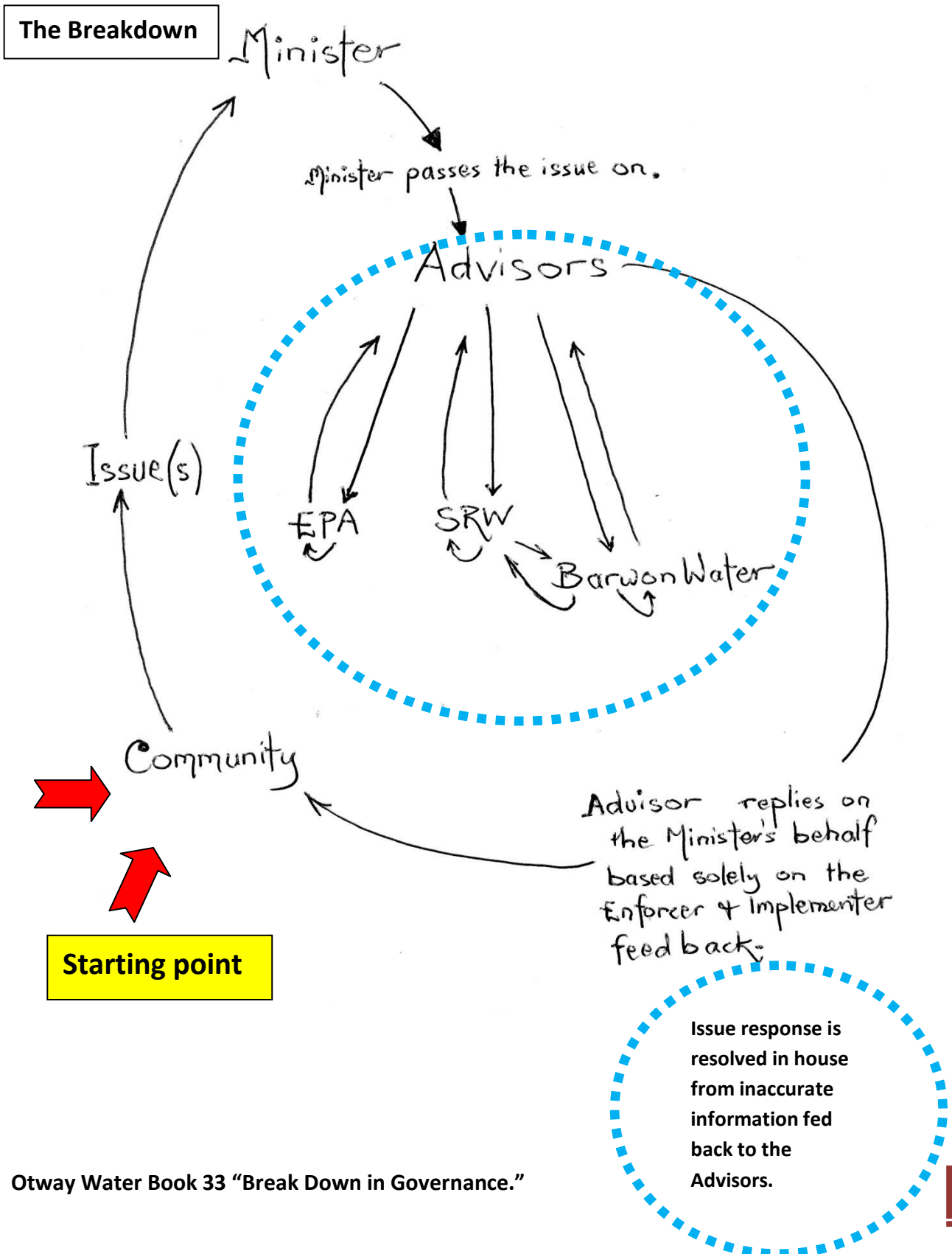
The Breakdown Under the Present Administration System.

1. When initiating a piece of legislation the Minister seeks advice and guidance from her *Advisors* expecting to receive advice based on the law, fairness, truth, honesty and integrity. (the *Advisors* being bureaucrats of 8 Nicholson, Melbourne.)
2. The Minister takes into consideration this advice when making and deciding on legislation.
3. Once a decision has been made & legislation is passed the Minister once again relies on the *Advisors* to develop policy, rules and regulation regarding this legislation.
4. Based on this work the *Advisors*, the Minister then delegates the responsibility of implementing and enforcing the policy, rules, law and regulation to the Enforcers and Implementers (In this case the *Enforcers* are Southern Rural Water and the EPA, and the *Implementers* are Barwon Water).
5. The *Enforcers* ensure the *Implementers* carry out their task appropriately.
6. The *Implementers* pass on the benefits of the Minister's wisdom and decisions so that the Community prospers and flourishes.
7. Throughout this process there are inbuilt checks and balances down to the Implementer level.
8. The Minister, *Advisors*, *Enforcers* and *Implementers* can easily counsel, meet for discussion, make appeal or have recourse regarding issues related to the initial decision of the Minister.
9. However, the *Community* (made up of locally impacted persons) at the bottom of the tree, too often do not have the same privileges and lines of communication open to them.

And, this is the area of breakdown where the checks and balances can be thwarted and rendered useless. For the lack of a better descriptive dialogue the "rogues" and "cowboys" within the system can successfully deny the Minister a true and accurate representation of an issue.

Denying direct access by Community members to the Minister, allows bias and undemocratic processes to flourish.

This diagram attempts to show how Community issues sent to the Minister can never be given due consideration by the Minister if the full facts of the issue are masked, downplayed or kept from the Minister. Examples presented in this book demonstrate that unless the Minister fully knows and understands what is happening nothing will indeed change..



It is also possible that the Minister's "minders" screen and delegate the issues to the Advisors on the Minister's behalf in an effort to reduce the Minister's work load.

Whatever the process the Community input too often is minimised or downplayed and the Water Minister denied the chance to make an informed decision.

It may have taken 30 years of dealing with the Advisors, Enforcers and Implementers to realise that until the person with the power to make decisions is fully informed, the Minister, nothing really changes. And, an organisation like Barwon Water will continue to act in a fashion that portrays the impression that Barwon Water is a law unto itself and that the Minister sanctions such action.

Otway Water Book 10, November 2009, "Waves of Obfuscation," and Otway Water Book 17, April 2012, "Truth, Honesty and Integrity or the Slippery Dance of the State Authorities – Time for a Bureaucratic Revolution," outline some of the earlier futile dealings with government authorities.

Following are examples that confirm and highlight the realisation that the Minister is still being kept in the "dark" and unless she can be "reached" nothing will change.

Example One. First Attempt to Talk With the Minister Neville.

Being relatively unsuccessful in bringing about change in the way Barwon Water and other State government authorities treated our local community, and on advice, an attempt to speak directly with Water Minister Lisa Neville, was requested on 30 January 2015. This request was made through the Geelong Office of the Water Minister. The receptionist being Kim.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Groundwater extraction.
Date: 30 January 2015 at 11:45
To: lisa.neville@parliament.vic.gov.au

Hello Kim/Lisa,

I would like to meet with you Lisa, and discuss the management of water resources in the Otway Ranges and in particular the impacts on the Gellibrand River Catchment.

A total water balance audit has never been conducted for our catchment and there is considerable evidence to suggest that groundwater extraction from the Barwon Downs Borefield is having a much larger and ongoing impact on the region than any authority is prepared to investigate or admit.

Many of the concerns involved in this issue are best summed up at www.otwaywater.com.au, in Book 25 pages 4-6.

Hoping to meet and talk soon.

Kind regards,
Malcolm.

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A series of phone calls followed prompting this email below to be sent on 10 April 2015.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Groundwater management in the Otways,
Date: 10 April 2015 at 14:48
To: lisa.neville@parliament.vic.gov.au

Hello Lisa,

I realise you are very busy but I would appreciate it if you have no intention of meeting with me and one or two representatives of our Landcare Group then I wish you would instruct your "minders" that a meeting will never take place. And we can both move on.

I first spoke to Kim in Geelong on 30 January 2015 and sent through an email as requested, on the same day.

Rang Kim on 11-2-2015. She said not to expect a reply for 28 days, however, Chris Owner rang 18-2-2015 and left a message.

Same day I rang back. Emily said Chris was out.

24-2-2015 rang 1:50 pm, Chris in a meeting til 4.

24-2-2015 rang at 4:40. Chris In another meeting.

26-2-2015 Chris in Parliament this time.

26-2-2015 Chris rang back when I was down getting the mail.

26-2-2015 Got onto Chris and he said he would ring the next day with place, dates,time to meet in Geelong. To meet with him and a water speciliast.

2-3-2015 Chris not in but Emily would remind him of his last Thursday's promise.

12-3-2015 Chris not in, Katrina would send him an email.

13-3-2015 Emily said Chris not available. Asked her to pass a message on saying if he says he will do something I would appreciate him doing it or at least contacting me. If he can't keep his word then he should never give it.

16-3-2015 I rang Chris and he said parliament next week but he will ring with a date for a meeting for the week after, week ending 27 March.

10-4-2015 rang at 1:57 pm and Chris is at lunch. Left my phone number again with Katrina.

It is now 2:45 pm.

As stated earlier if you have no desire to have anyone meet with me, then, that is the way it is, but I would appreciate knowing this so that I do not continue to waste my time.

A reply in an email would be appreciated.

This prompted an immediate reply.

On 10 Apr 2015, at 16:29, kirsten.shelly@minstaff.vic.gov.au wrote:

Dear Mr Gardiner,

I have recently commenced as Minister Neville's water adviser.

My apologies for the lack of response from our office. I would be happy to meet with you next week in Melbourne to discuss groundwater management in the Otways.

Alternatively we could make a time to talk via phone.

Please let me know if Tue/Wed or Thursday afternoon works for you.

Kind Regards

Kirsten Shelly

Senior Adviser - Water

Office of Lisa Neville

Minister for the Environment, Climate Change and Water

p: 9637 9654 | e: kirsten.shelly@minstaff.vic.gov.au

As a result four members of LAWROC met with Kirsten Level 17, 8 Nicholson Street Melbourne the next week, 14 April 2015.

From: Malcolm Gardiner otwaywater@yahoo.com.au
Subject: Thanks
Date: 14 April 2015 at 21:13
To: kirsten.shelly@minstaff.vic.gov.au

Hello Kirsten,

Thanks for your time today.

On the trip home we came up with some follow up comments that I will get to you as soon as. I think you did say that would be OK to do.

Anyway we really appreciate the way in which you gave us time to explain things to you.

Kind regards,
Malcolm.

The meeting with Kirsten was extremely cordial, notes taken and a sense of hope that things would change with local input gaining some recognition and

status. The LAWROC Group met. The meeting in Melbourne was discussed and the following letter was emailed to the Water Minister's office in Melbourne.

From: "Kobaust" <kobaust@bigpond.com>
Date: 16 April 2015 14:06:38 AEST
To: <kirsten.shelly@minstaff.vic.gov.au>
Cc: "'Malcolm Gardiner'" <otwaywater@yahoo.com.au>, "Neil Longmore " <nlongmore@netspace.net.au>, "andrew mclennan" <andrewkmclennan@gmail.com>, <robertjmaxwell@bigpond.com>
Subject: LAWROC Landcare Group Feedback

Good afternoon Kirsten,

Malcolm Gardiner reported back to our Landcare Group last night and as a result, after much discussion, felt you may appreciate the following comments.

Regarding the West Barwon Reservoir and Gerangamite Groundwater System.

1. Amalgamate Barwon Water into Melbourne Water.
2. Link the Greater Geelong and District into the desalination plant.
3. Dismantle the antiquated, wasteful and costly to maintain the 50 kilometres of open channel, and associated water infrastructure that extracts water for Geelong. At the very least fully pipe the earthen channel.
4. Close down the groundwater extraction Borefield.
5. Link the West Barwon Reservoir into, and make secure, the Colac reticulation water supply into the next century.
6. Have, at the very least, Barwon Water investigate recycled water to drinking standard.

Members of our Landcare Group are prepared to act as "guinea pigs" for a mini experimental drinking water standard from recycled water. Our Group has volunteered this many times over

the years. Barwon Water should look at commercial recycled water as well.

If talking to Barwon Water

1. Ask why the 2013-2014 financial year report on the Gerangamite Borefield has not been made available. Under the licence conditions this report has 60 days to be completed after the financial year ends. Still not being released - in draft form.
2. This is just one of many requests for reports/data being denied. Any report being denied because it is in draft form should have a set time to be completed. And, such reports should not have to be found out about through the "back door." Lack of Transparency and access to reports etc are huge stumbling blocks to healthy community relations.
3. Why a meeting with farmers from along Boundary Creek who have had their S&DOMESTIC water supply dried up, is being made so difficult to organise. Extremely difficult restrictions on how such a meeting should proceed are demanded by Barwon Water.
4. It would be great to obtain a copy of the SKM/JACOBS report prepared for Barwon Water on the Western Flank that looks at the possibility of impacts on the Kawarren Gellibrand groundwaters from the Barwon Downs Borefield. This is a 100 page report and the Barwon Water Groundwater Community Reference Group is expected to make informed decisions about this report on a very limited summary of the report. The report has been denied the Group because it is in draft form and has not been cleared by Barwon Water. The report has been on the table for months. We would like it in its entirety.
5. Discuss the quality and quantity of the impacted water along the Barongarook Creek that flows into Lake Colac. The headwaters of the creek originate in the area impacted from groundwater extraction, and, consequently study the impact on the Colac Lake. Intensive farmers along this creek are experiencing reduced water availability and salt intrusion problems.

In General

1. The water register should include ALL water entitlements. At present most S&DOMESTIC rights are not taken into account when new water Licence allocation are being considered. Consequently water is allocated from a resource that appears to be available when in fact it is already allocated. Because Stock & Domestic water does not have to be registered it is poorly calculated on the debit side of the resource.
2. The only Total Water Balance Audit done in the Otways has been done/attempted by our Landcare Group. Not one authority would assist us with that project. We conducted it on Loves Creek and found that if the landholders exercised their rights to Stock & Domestic, the creek would be dried up.
3. As part of issuing a new water extraction or dewatering licence Southern Rural Water should consider the Hydrogeological Assessment (EPA) manual, doc. 668.
4. There needs to be something done about SRW relying on surviving on the revenue received from licences it issues. Conflict of interests is seen as a very real problem here.
5. Adjoining and possibly affected landholders/stakeholders, should be involved in the initial and development stages of a project. Not be given token involvement after the brief and direction of action has been set and already set in motion.
6. Water being an essential service, it appears that the organisations supplying this service have developed, over time, the belief and culture that whatever is done is in the best interests of the community without having to be accountable to that community.

7. Also, this "closed shop" interest group attitude does not look good when the Chair of SRW in the 2000s when the bad decisions to grant a 20000 ML/year extraction licence was made, is now the chair of the Barwon Water Community Reference Group looking at the renewal of the 2019 licence. Added to this the husband has been the chair of the Corangamite CMA., is now the president of the Upper Barwon Landcare Group. Barwon Water provides sizeable funds to both the CCMA and the UBLN. Add to this that the Upland Freshwater Actual Acid Sulfate Soil site is in both the CCMA and the UBLN backyard, and they are doing nothing about the site, does not look good.

8. No one environmental flow has been allocated to any stream/river in the Otways. This is critical with EPBC listed Grayling being recorded in the Gellibrand Catchment.

9. Somehow the conflict between urban and rural communities over water needs attention.

I have included a pdf that discusses how the Gellibrand Groundwater Management Area has missed out in having its PCV recognised by the previous Water Minister Walsh. I think the pdf explains how this has happened. The PCV was temporarily lifted by Minister Holding for 13 months but was never reinstated after the 13 month period - an oversight. Could you look into this, please?.

As you probably guessed there are numerous other issues, concerns and problems that we could have covered and much of it is covered in the books found on the site www.otwaywater.com.au

Also Barbara Beach, phone 52362055 and Nellie Shalley, 52335403, are willing to chat to you about their agricultural pursuits and reliance on water.

Barbara's enterprise is under threat from the dewatering of the quarry proposal Malcolm spoke of, where the quarry is going 15 metres below the water table. Nellie's family has farmed the Boundary Creek farm since 1912 and also as with Barbara, have a wealth of historical knowledge.

Kirsten, we extend an invitation to you and Minister Lisa Neville to our part of the world and be shown around the areas of concern. We anticipate this would be a full day's activity and should prove extremely invaluable background information.

Hoping this is of help to you and we look forward to hearing from you as things develop.

Kind regards

Tricia Jukes
President
LAWROC Landcare Group
Gellibrand

This letter threw up many of the issues facing the LAWROC Landcare group community and are not restricted to the renewal of the groundwater extraction licence for the Barwon Downs Borefield. Of the many issues

mentioned some solutions were suggested, and it is possible the Minister's office passed on a "please clean up your act" request. Barwon Water certainly made a concerted effort to meet and discuss the plight of the Stock and Domestic issues along Boundary Creek. But, little else has changed and the farmers with the Boundary Creek issue have been waiting patiently for Barwon Water's latest response.

No direct contact has taken place with the Water Minister and therefore the Community has no idea whether she has been fully briefed of developments.

Example Two. Water Minister Peter Walsh's administration was no better...

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
 Subject: Victoria Auditor General's Report
 Date: 23 April 2015 at 22:35
 To: kirsten.shelly@minstaff.vic.gov.au

Hello Kirsten,

Thought you may be interested in the VAG's report " Sustainable Management of Victoria's Groundwater Resources." October 2010.

Especially when on page vii in the conclusions section it states,"The Department of Sustainability and Environment (DSE) and water corporations do not know whether groundwater use is sustainable."

I don't think much has changed.

When picking up a hard copy at the VAG's office I asked what happens after such a scathing report is tabled in Parliament, the four secretaries at the time sitting at the desk all said in unison, "Nothing."

Unless a politician takes up the cause nothing changes.

This report and the one on the EPA might be worth a read.

Kind regards,

Malcolm.

Malcolm Gardiner

Email otwaywater@yahoo.com.au

www.otwaywater.com.au

Phone +61 3 52358325

The groundwater report and secretaries' comment emphasise three things.

1. Much needs to be done regarding groundwater management, and
2. A Minister needs to be proactive, and
3. Nothing will change if the Minister isn't kept informed.

The previous Water Minister Peter Walsh (Liberal/National party) appeared to do any of these things before or after these VAG reports. In fact he successfully oversaw the dropping of the Permissible Consumptive Volume listing of the Gellibrand Groundwater Management Area from legislation (see Example Seven, page 43).

The following two questions asked in April 2015 have only just been answered in September 2016 and form the basis for Example Six page 41.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Any progress?
Date: 11 May 2015 at 14:11
To: kirsten.shelly@minstaff.vic.gov.au

Hello Kirsten,

I was wondering if there have been any developments on the discussion we had regarding the management of water resources in the Otways?

Have you had any luck finding out why the Gellibrand Groundwater Management Area has not been included in the latest Order listing GMAs, completed by Peter Walsh when he was Water Minister?

Kind regards,

Malcolm.

Malcolm Gardiner

Email otwaywater@yahoo.com.au

www.otwaywater.com.au

Phone +61 3 52358325

Still no meeting with the Minister.

Example Three. Another Attempt to Talk to Water Minister Lisa Neville.

Early in 2016 Lisa Neville was considering starting up the desalination plant. If this action stopped Barwon Water from extracting groundwater at Barwon Downs then starting up the desalination plant seemed an excellent idea. However, if the Minister was being fed the same misguided and incorrect information about groundwater as the LAWROC Landcare Group was given, then a true and informed decision could not be made.

With this thought in mind, and it may have been the Advisor's reply to the cost of re-instating the Stream Flow Gauging Stations (see Example Four), but whatever it was, the information that was given to LAWROC Landcare Group by the Advisor was so glaringly wrong it prompted the following email dated 8 January 2016.

Once again a request was made to speak directly with the water Minister Lisa Neville.

On 8 Jan 2016, at 15:25, Malcolm Gardiner <otwaywater@yahoo.com.au> wrote:

Dear Lisa,

I need to speak directly and face to face with you.

The advisor you referred my latest query to, is either incompetent or down right dishonest. If you are being given incompetent advice and the same type of half truths, inaccurate and wrong information as is sent our Landcare Group, then I think the vested interests working against you will stop you from getting the desalination plant up and going to supply Geelong.

The case against groundwater extraction from the Otway Ranges is overwhelming and can be the trigger needed to turn on the desalination plant. If you cannot arrange time to meet at least, please, read Book 15 on FIRE, at www.otwaywater.com.au.

Hoping you can find some time to meet.

Kind regards,

Malcolm.

Malcolm Gardiner

Email otwaywater@yahoo.com.au

www.otwaywater.com.au

Phone +61 3 52358325

Follow up emails were then sent 13 January 2016, 18 January and 25 January asking had the 8 January email been received. The 25 January request prompted a phone message left by a Grace Mitchell on 28 January. However, she left no contact number and did not ring again as she indicated.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Could send this on, please?
Date: 1 February 2016 22:39
To: kirsten.shelly@minstaff.vic.gov.au
Bcc: David Juke kobaust@bigpond.com, Keith Armistead khmaarmistead@bigpond.com, Neil Longmore nlongmore@netspace.net.au, Martin Calvert info@agrifoodconsulting.com.au, Stuart Hart shart@gotalk.net.au, andrew mclennan andrewmclennan@gmail.com, Malcolm Gardiner otwaywater@yahoo.com.au, Bel & Stu Gardiner belandstu@aapt.net.au

Hello Kirsten,

Thanks for having Grace Mitchell contact me. However, when she left a phone message last Thursday morning she left no way of contacting her. She said she would contact me in the afternoon or Friday morning. I waited as long as I could Thursday afternoon and all of Friday morning. No contact. It is now late Monday after ensuring someone was close to the phone today to take a call and bring me to the phone.

It would be good of you if you could pass the following topics on to her regarding the discussion needed to be discussed regarding groundwater extraction at the Barwon Downs Borefield and the water resource management of the Gellibrand Groundwater Management Area.

1. The State Government response to the success of Victoria's effort towards achieving the goals of the National Water Initiative.
2. Stygofauna studies.
3. Barwon Water's definition of groundwater extraction sustainability.
4. The overarching objective of the present New Monitoring Program being implemented by JACOBS on behalf of Barwon Water.
5. Lack of scientific scrutiny of JACOBS studies.
6. Lack of total water balance studies.
7. Fire.
8. Accessibility to reports.
9. Southern Rural Water's role, responsibilities and enforcement of regulation.
10. Meaningful community involvement.
11. Coal Seam Gas/Unconventional Gas.
12. Stream flow gauging stations.
13. Environmental flows.
14. Impacts on the Gellibrand from the Barwon Downs Borefield extractions.
15. Farmer Stock and Domestic water rights.
16. Vertical leakage.
17. Upland Freshwater Actual Acid Sulfate Soils.

18. The Khouri and Duncan report.
19. Perched swamps.
20. Hydrologically sensitive vegetation studies.
21. Reference points/periods/dates. The question being 2013 as the main point of reference as appropriate.
22. The Permissible Consumptive Volume level for the Gellibrand GMA.
23. Utilisation of the Geelong to Melbourne pipeline.
24. Urban water tank regulation and urban sprawl.
25. Lake Colac.
26. Piping of the Wurdee Boluc Inlet Channel.
27. The present no flow of the Barwon River.
28. Artificial Storage and Recovery.
29. A desalination plant for the Greater Geelong.

These topics should provide enough to get started.

Hoping you can pass this on to Grace.

Kind regards,
Malcolm.

Malcolm Gardiner
Email otwaywater@yahoo.com.au
www.otwaywater.com.au
Phone +61 3 52358325

With so many issues these 29 areas of concern were written down without having to think. They only “scratch the surface” of the multitude of issues outstanding, but at least there appeared to be enough to set the scene for worthwhile discussion.

Dr. Sabine Schreiber was the next to make contact by email.

From: **Sabine.Schreiber@delwp.vic.gov.au**
Subject: Barwon Downs Borefield query
Date: 2 February 2016 at 12:24
To: Malcolm Gardiner otwaywater@yahoo.com.au

Dear Mr Gardiner,

I understand you are keen to discuss a broad range of topics with DELWP regarding groundwater extraction at the Barwon Downs Borefield and the water resource management of the Gellibrand Groundwater Management Area?

I would be keen to hear your concerns and explore how we can be of assistance. To that end I have just rung and left my mobile number for you. In addition, please find below my full contact details.

I look forward to hearing from you at your convenience.

with best wishes,

Sabine

Dr Sabine Schreiber | Manager - Strategic Planning and Projects | Water Resources

Water and Catchments | Department of Environment, Land, Water & Planning

Level 10, 8 Nicholson Street, East Melbourne, Victoria 3002

M: 0417 058 406 | **E:** sabine.schreiber@delwp.vic.gov.au

www.delwp.vic.gov.au



I spoke with Sabine the same day this email arrived, 2 February 2016, with a 30 minute phone discussion. Beside convincing Sabine that there was substantial data and evidence to support problems not being dealt with in regard to the 29 listed topics, the major concern was the lack of contribution by the community at the decision making level. Excluding the community from meaningful and worthwhile participation throughout the developmental and implementation of a project sets the scene for a multitude of problems. This is especially so when the Enforcers and Implementers are not doing their job as set down in the rules, regulations, legislation etc.

On 16 February 2016 Sabine and Randal from 8 Nicholson Street (Advisors) met with Community members Tricia Juke (LAWROC Pres.), Belinda Gardiner (Sect.) and myself for 3.5 hours of discussion.

It was emphasised on more than one occasion that meeting with only SRW and or Barwon Water would be a no better solution than has taken place in the last 30 years. The people with the power to make changes must be present when the Community discusses issues at the Enforcer and Implementer level so that the Minister can be fully briefed.

Meeting Notes

Groundwater extraction at the Barwon Downs Borefield and the water resource management of the Gellibrand Groundwater Management Area

Colac DELWP office, 16 February 2016; 11:30 am – 3 pm.

Attendees:

LAWROC Landcare group: Malcolm Gardiner (member of Barwon Downs Community Reference group), Patricia Jukes, Belinda Gardiner;
DELWP(Water Resources Division): Sabine Schreiber, Randal Nott

Notes from meeting:

Prior to the meeting Malcolm Gardiner had provided a list of topics for discussion (Attachment 1).

At the meeting Sabine provided an overview of Victoria's approach to developing water policy as background for the discussion (Attachment 2).

Discussion then focussed on the detail of implementation of state wide policy in water resource management at the local and regional level. There were two broad levels of concerns identified at the meeting:

- A loss of trust between the community represented by the Landcare group and Barwon Water, and
- A number of technical concerns with the Barwon Downs Licence renewal process that had not yet been adequately addressed.

Loss of trust:

The LAWROC Landcare group representatives outlined their concerns across a wide range of issues, including both past issues and current issues, that were not satisfactorily resolved for the community and hence have resulted in a loss of trust between, in particular, the Landcare group and Barwon Water.

The group is keen to re-build this trust. DELWP committed to following up with Barwon Water to facilitate a process that can start to re-build this relationship – this is likely to include a meeting between the Landcare group and Barwon Water in the first instance.

Specific issues of concern in relation to the current Barwon Downs licence renewal process:

Questions in regards to the licence renewal that have not been addressed for the group at this stage included the following:

What is the overarching process for the review of the licence?

How are past and current issues taken into account and how can the community be assured that the process is rigorous?

How can the community be assured that technical work is appropriately, independently and adequately reviewed and considered in the licence review and renewal process?

What is the technical oversight of the process?

How are matters of state wide policy taken into account in reviewing the licence?

How are environmental values considered, assessed and included in the licence renewal process?

Next steps:

DELWP to facilitate meeting of LAWROC Landcare representatives with Barwon Water to reach a common agreement of the issues and identify a way to address them.

Attachment 1. Topics for discussion provided.

(The Attachment 1. is a list of the 29 issues found on pages 14 and 15.)

The LAWROC Landcare Group met and endorsed that the following email be sent and was particularly insistent that any meeting with Southern Rural Water and or Barwon Water must have representatives with very close ties with the Water Minister, representatives without fear nor favour and with the power to bring about change.

Trust as mentioned in Sabine's summary was also discussed at length. It was extremely difficult to raise one thing supporting the notion that Barwon Water could be trusted.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Re: Draft of meeting notes for your review
Date: 7 March 2016 at 18:22
To: Sabine.Schreiber@delwp.vic.gov.au
Cc: David Juke kobaust@bigpond.com, Bel & Stu Gardiner belandstu@aapt.net.au, Neil Longmore nlongmore@netspace.net.au, Stuart Hart shart@gotalk.net.au, **andrew mclennan** andrewkmclennan@gmail.com, keitharmistead@bigpond.com, Martin Calvert info@agrifoodconsulting.com.au, **Malcolm Gardiner** otwaywater@yahoo.com.au

Hello Sabine,

Your summary looks fine. Our LAWROC Landcare Group would like you to go ahead and organise the meeting with BW as suggested. If it could be after the school holidays that would be great.

The Group is strongly of the opinion that an independent mediator and note taker is present. Randal and yourself would be ideal.

It would be good to give BW time to look at your summary and queries our Group would like to focus on. The sustainability of the Borefield is perhaps the most important. Specifically on what basis was the 20000 ML/year extraction based on, and whether, in retrospect, this has been appropriate. What is the expected level of extraction in light of this, considering...

- A. the 1995 studies recommended no more than 4000 ML/year, and
- B. BW has 20 years of observable data to draw on.

We would like BW to justify the sustainability of the Borefield using the definition of sustainability as found in the Water Act and as Randal quoted at our meeting.

We would also like some indication of what involvement BW plans for the Big Swamp. Does BW plan to be proactive regarding future investigations?

Kind regards,

Malcolm.

On behalf of LAWROC Landcare Group.

Malcolm Gardiner

Email otwaywater@yahoo.com.au

www.otwaywater.com.au

Phone +61 3 52358325

Due to holidays etc., the next email arrived 24 May 2016.

The 24 May email below explains...

- Sabine and Randal have briefed up on the issue internally.
- Will be briefing SRW within a few days.
- Spoke with Barwon Water.
- Then the intention would be to facilitate a meeting with LAWROC, Barwon Water and possibly Southern Rural Water.
- A DELWP facilitator to be present.

From: Sabine.Schreiber@delwp.vic.gov.au
Subject: Re: Please clarify.
Date: 24 May 2016 at 16:17
To: Malcolm Gardiner otwaywater@yahoo.com.au
Cc: David Juke kobaust@bigpond.com, Bel & Stu Gardiner belandstu@aapt.net.au

Hi Malcolm,

No I hadn't intended to impose two more meetings on your group - following Randal and my meeting with you, Patricia and Belinda, we have briefed up on the issue internally and also spoke with Barwon Water - and in the process realised that it makes sense to also brief SRW on it.

This is now scheduled for this Friday.

The intention was then to have the meeting with you, Patricia and Belinda, the DELWP facilitating rep, Barwon Water and possibly SRW - however, I'll mention your email at the meeting with SRW on Friday and get back to you in regards to the response.

regards,

Sabine

**Dr Sabine Schreiber |Manager - Strategic Planning and Projects | Water Resources
Water and Catchments | Department of Environment, Land, Water & Planning
Level 10, 8 Nicholson Street, East Melbourne, Victoria 3002
T: 03 9637 8541 |M: 0417 058 406 | E: sabine.schreiber@delwp.vic.gov.au**

LAWROC Landcare Group representatives would have most definitely attend any number of meetings in an effort to move forward.

The meeting with Southern Rural Water took place with no Community members present.

From: Sabine.Schreiber@delwp.vic.gov.au
Subject: update
Date: 3 June 2016 at 16:01
To: Malcolm Gardiner otwaywater@yahoo.com.au, David Juke kobaust@bigpond.com, Bel & Stu Gardiner belandstu@aapt.net.au
Cc: Randal.Nott@delwp.vic.gov.au

Hi Malcolm,

Just a quick update:

We have met with SRW last Friday and had an opportunity to raise the issues identified in our meeting with you in Colac earlier this year.

SRW are keen to start planning the Barwon Downs licence renewal process.

They are proposing to develop a work plan and will be seeking stakeholder comment on a proposed draft process soon.

They will be getting in touch shortly (I will keep you posted) to set up a meeting with you (and, I believe, Randal and/or myself).

best regards,

Sabine

Soon after this email there was the lengthy fish kill down the Barwon River. A copy of the concerns was sent to Sabine. The first part of her reply refers to the fish kill email that she sent off to Southern Rural Water.

From: Sabine.Schreiber@delwp.vic.gov.au
Subject: Re: Massive Fish Kill
Date: 21 June 2016 at 16:35
To: [Malcolm Gardiner](mailto:Malcolm.Gardiner@otwaywater@yahoo.com.au)
Cc: Randal.Nott@delwp.vic.gov.au

Hi Malcolm,

Thank you for your email below.

I sought some information from the Catchment group on this and understand that the EPA, Corangamite CMA and DELWP Catchment group are already looking into this matter.

I have forwarded your email to SRW, as we met with them (as you know) about a month ago regarding the establishment of a rigorous process for the Barwon Downs licence renewal process, including engagement with the community.

SRW have advised that acid sulfate soils will be an element that is covered during the renewal process and that they are currently finalising the proposed licence renewal process for discussion with Barwon Water.

It is my understanding that they will be seeking stakeholder comment on the draft process and intend to meet with the community shortly.

I am about to go on leave for a week and hence have cc-ed Randal in to this email as well.

best regards,

Sabine

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Early July Sabine was asked will a meeting be going ahead as per request.

From: Sabine Schreiber/DSE/VICGOV1
To: [Malcolm Gardiner](mailto:Malcolm.Gardiner@otwaywater@yahoo.com.au)
Cc: [Bel & Stu Gardiner](mailto:Bel&Stu.Gardiner@aapt.net.au), [David Juke](mailto:David.Juke@bigpond.com)
Date: 07/07/2016 12:37 PM
Subject: Re: Is a meeting planned

Hi Malcolm,

Yes absolutely. The agreement was that the meeting was to be called by SRW with Barwon Water, DELWP and yourselves.

I will chase it again and get back to you asap.

Sabine did chase this up and followed with this email, below.

From: **Sabine.Schreiber@delwp.vic.gov.au**
 Subject: Fw: Is a meeting planned
 Date: 19 July 2016 at 11:26
 To: Malcolm Gardiner otwaywater@yahoo.com.au
 Cc: Bel & Stu Gardiner belandstu@aapt.net.au, David Juke kobaust@bigpond.com

Hi Malcolm,

Just wanted to keep you in the loop:

I believe SRW and BW are talking with each other this week in terms of working up some concrete material to come to you with.

Currently I am trying to get you the key name in SRW for further information - my understanding is that SRW as the resource manager will be the lead on organising the next meeting.

regards,

Sabine

However, the LAWROC Landcare Group did not want to continue this 30 year “battle” attempting to get anything concrete from a combined “snow job” from these two bodies. Why would anything have changed? Not being involved in the above mentioned meeting sends a message that the “concrete material” will be a joint same old same old going down like a lead balloon.

Eight days later there is another twist or two

- with Southern Rural Water given the responsibility as the lead, and
- the Community’s concerns and issues being perceived as concerns and issues related **solely** to the renewal of the licence process.

Channelling the Community issues into the Groundwater Reference Group process excludes many of the Community’s issues. Also, the functioning of this group is dictated by the very Implementers who have created and are steadfast holding to poor decisions. The Barwon Water Groundwater Community Reference Group is not the forum that will bring about the change that LAWROC is seeking.

From: **Sabine.Schreiber@delwp.vic.gov.au**
 Subject: Re: Fw: Is a meeting planned
 Date: 27 July 2016 at 14:19
 To: Malcolm Gardiner otwaywater@yahoo.com.au
 Cc: Bel & Stu Gardiner belandstu@aapt.net.au, David Juke kobaust@bigpond.com, Randal.Nott@delwp.vic.gov.au

Hi Malcolm,

Southern Rural Water and Barwon Water are meeting on the licence renewal process, including the concerns by the community on the licence renewal process, on the 9th of August.

The next step then will be for SRW to arrange to meet with you, DELWP and Barwon Water - Trevor McDevitt on 0438 681 219 is the direct contact in SRW for this,

I am also of course happy to continue to be available for updates on progress.

best regards,

Sabine

Dr Sabine Schreiber | Manager - Strategic Planning and Projects | Water Resources
 Water and Catchments | Department of Environment, Land, Water & Planning
 Level 10, 8 Nicholson Street, East Melbourne, Victoria 3002
 T: 03 9637 8541 | M: 0417 058 406 | E: sabine.schreiber@delwp.vic.gov.au

www.delwp.vic.gov.au



SRW and BW may have a list of 29 concerns but to maintain the stance that they know best what the Community needs by excluding it from the 9 August discussions is seen as once again, same old same old.

The misdirection continues. A Southern Rural Water representative was to make a presentation to the Barwon Downs Groundwater Community Reference Group in October. A poor substitute for a meeting with the LAWROC Group. However, October came and went and SRW missed the October Reference Group meeting.

LAWROC members Belinda and the President Tricia, involved in the discussions with Sabine and Randal have, as a consequence, been cut out of any planned sequence of discussions. Not a bad technique of exclusion, but very rude.

From: **Fiona.Spruzen@delwp.vic.gov.au**
Subject: **Barwon River**
Date: **12 September 2016 at 15:57**
To: **Malcolm Gardiner otwaywater@yahoo.com.au**

Dear Mr Gardiner,

Thank you for your email dated 7 September regarding the Barwon River and Big Swamp.

This blanked out section will be used in the Fish Kill Example.

Southern Rural Water have confirmed that they will be meeting with the Barwon Downs Community Reference Group to discuss the Barwon Water licence renewal process before the end of October. If you need more information about this, please contact Patrick O'Halloran, Manager, Licensing- Groundwater and Unregulated Systems, Water Resources Division,

DELWP, T: 03 9637 8068 IE: patrick.o'halloran@delwp.vic.gov.au

If you have any questions, please feel free to contact me.

kind regards,

Fiona Spruzen

Dr Fiona Spruzen | A/Assistant Manager Waterway Health | Integrated Water and Catchments

Water and Catchments | Department of Environment, Land, Water & Planning

Level 11, 8 Nicholson St, East Melbourne, Victoria 3002

T: 03 9637 9962 | E: fiona.spruzen@delwp.vic.gov.au

www.delwp.vic.gov.au



please note I am unavailable on Tuesdays

This email below puts things in back in perspective highlighting the futility of leaving SRW and BW in charge of making things “right.”

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: A meeting of the big wigs?
Date: 13 September 2016 at 10:48
To: Fiona.Spruzen@delwp.vic.gov.au

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Thanks for your email, Fiona, much appreciated.

Having SRW talk to the Reference Group in October will be welcomed but it does not overcome the belief our Landcare Group holds, that unless the decision makers above SRW and BW stop making decisions on what they are told from these two bodies nothing will change. The truth appears to us as token local input, decisions, directions and projects decided upon regardless of the environmental and local community impact. BW set up the Reference Group, manipulates the agenda, sets objectives, makes access to documents difficult (documents on which decisions are being made, sight unseen) and are guilty of allowing poor scientific vigour in their data collection.

Another little thing noticed on the BW web site last updated 15 April 2016, had this to say about their monitoring program. Misdirection.

- . Possible acid Sulfate soils at Yeodene peat swamp.
- . Possible increased fire risk.

A small "whinge" but there has never been any doubt since 1997 re the fire problem and since 2008 re the acid Sulfate soils issue. This is a misrepresentation of the facts and is only a mild example of the spin disseminated by BW.

SRW and BW continue to act like "Cowboys" being unaccountable to anyone. The people that should be keeping these two authorities accountable need to do more than ask SRW and BW are they doing the right things.

Once again our Landcare Group asks that the decision makers "sit around a table" with our Group, SRW and BW and discuss incompetence, failure to follow licence conditions, poor scientific research data collection and lack of openness and transparency to actions being taken.

Fiona, I am not sure whether the majority of this email should be directed to you or Patrick O'Halloran. If not your area of concern could you pass this on, please?

Fiona probably feels like the meat in the sandwich. This being the third time she has been asked to respond to an issue not fully briefed. The fish kill fiasco involves the other two.

From: **Fiona.Spruzen@delwp.vic.gov.au**
Subject: Re: A meeting of the big wigs?
Date: 14 September 2016 at 09:03
To: Malcolm Gardiner otwaywater@yahoo.com.au
Cc: patrick.o'halloran@delwp.vic.gov.au

Hi Malcolm,

thank you for your response, and I understand your concerns.

I have forwarded your email onto Patrick O'Halloran as the Licensing- Groundwater Manager, as this falls within his responsibility.

kind regards,

Fiona

Dr Fiona Spruzen | A/Assistant Manager Waterway Health | Integrated Water and Catchments

Water and Catchments | Department of Environment, Land, Water & Planning

Level 11, 8 Nicholson St, East Melbourne, Victoria 3002

T: 03 9637 9962 | E: fiona.spruzen@delwp.vic.gov.au

www.delwp.vic.gov.au

S

Unfortunately Patrick O'Halloran was no better and started to feed the LAWROC Landcare Group the same type of spin and misdirection.

From: patrick.o'halloran@delwp.vic.gov.au
Subject: Fw: A meeting of the big wigs?
Date: 20 September 2016 at 18:11
To: Malcolm Gardiner otwaywater@yahoo.com.au
Cc: Fiona.Spruzen@delwp.vic.gov.au

Dear Mr Gardiner,

Thank you for your email to Fiona Spruzen.

Barwon Water's Barwon Downs groundwater licence in the Gerangamete GMA is due for renewal in June 2019. SRW has recently drafted the proposed renewal process. SRW will consult the Community Reference Group on the draft process by the end of October. A transparent and robust process is proposed to ensure relevant issues are identified and addressed by Barwon Water's technical investigations/assessments, the technical work is independently reviewed, the community is consulted and has access to the technical work and independent review.

As a member of the Community Reference Group you will have the opportunity to ensure your concerns are raised and addressed by the renewal process.

Kind regards,

Patrick O'Halloran | Manager - Licensing - Groundwater and Unregulated Systems | Water Resources

Water and Catchments | Department of Environment, Land, Water & Planning

Level 10/8 Nicholson St, Melbourne, Victoria, 3000

T: 03 9637 8068 | M: 0458 385 069 | E: patrick.o'halloran@delwp.vic.gov.au

www.delwp.vic.gov.au



Examining some of the statements made in Patrick's email. Statements that appear to have been taken from and written in answer to concerns voiced in the email found on pages **17 & 18**.

1. **"...the community is consulted..."** To consult includes taking counsel; seeking information or advice, but it should not be perceived or assumed that this automatically makes any difference to a predetermined program that involved no community consultation. For instance the expanded monitoring program leading up to the licence renewal should have had local input at the 2012 program development stage. Then when this \$2.9 million program was downgraded to a \$1.5 million program in 2013 there had still been no community consultation.

The die was set. Token community consultation became the order of the day once the die was set. ^(Bk 26)

2. ***“As a member of the Community Reference Group you will have the opportunity to ensure your concerns are raised and addressed by the renewal process.”*** Yes, ample opportunity to raise concerns but doubtful and limited opportunity to gain change. ^(Bk 26, Bk 4444)
3. ***“...access to technical work...”*** Patrick has no idea how frustrating it is to obtain access to the most basic technical work from Barwon Water through the FOI process. In one instance where the access fees was 30 cents short it took Barwon Water 30 days, nearly to the end of the waiting period, to work out whether to ask me for 30^c or waive the amount. Once this was finally sorted, by waiving the 30 cents, Barwon Water then had another 30 odd day period before a reply was due. Barwon Water used every one of those days. The saga of dealing with both SRW and BW is littered with like examples.
4. ***“...independent review...”*** I would be most surprised if Patrick could provide one piece of technical work that has been independently reviewed. None has been forthcoming at the Barwon Water Groundwater Community Reference Group meetings.
- ***“A transparent and robust process is proposed...”*** It means very little if Southern Rural Water and or Barwon Water are the ones in charge of this transparent and robust process of renewing the groundwater extraction licence. It must also be kept in mind the LAWROC Landcare Group have numerous other concerns that have little to nothing to do with the renewal process and discussion over these issues should be conducted with the LAWROC Landcare Group, as requested.

The transparent and robust process of the licence renewal is seen by LAWROC Landcare Group as shallow and hollow if past experience of transparent and robustness is any example. When the very same process took place with Barwon Water wanting to gain a groundwater extraction licence for a \$200 million project at the Kawarren Borefield, the following process transpired between 2006 and 2009.

- The \$200 million development plan and documentation was drawn up with no community consultation.
- Before implementation the adjoining land holder was advised that there were works taking place but there would be “no problems.”
- Once aware of this and until local protest demanded it, the Community most impacted, was also to be denied any involvement in the implement stages.

- A letter dated 23 July 2007 was delivered to some landholders, my long passed mother being one when I received nothing, were informed SKM were designing a test pump and once it was finalised locals **would be informed how it was to proceed.**
- Illegal dumping of groundwater into streams took place.
- Follow up reporting contained inaccurate data that has not been rectified and stands as historical factoid.
- In August 2007 a Regulatory Reference Group of stakeholders in the Kawarren Borefield investigations was established. Ten government authorities were on this Group. It met spasmodically with one meeting August 2007 and none up to February 2009. No local community representation. Minutes had to be gained through FOI.^(Bk 17)
- As part of Southern Rural Water's ***transparent and robust process*** the following transpired...^(Bk17)
Southern Rural Water placed ***one*** advertisement in the Colac Herald 1 February 2008 calling for submissions regarding Barwon Water's "Expression of Interest regarding pump testing of a groundwater bore." The address to send any submissions to was ***incorrect*** on the advertisement. Over 30 written submissions opposing the expression of interest were sent to SRW. Southern Rural Water then decided to put aside a day and night session for these objectors to verbally present their cases. This was held on 10 April 2008 in the Colac COPAC building. Approximately 23 objectors took up this opportunity.

The community involvement and engagement appeared at long last to be happening. However, 14 days after these verbal submissions, on the 24 April 2008 Minister Tim Holding made it abundantly clear that there was to be no community involvement, engagement or discussion of any consequence. The Southern Rural Water consultative process was simply tokenism, farcical and elaborate window dressing, kidding local communities into thinking that a democratic process was being followed. Minister Holding wrote this.

"The licence will be issued for 13 months and will allow Barwon Water to pump groundwater from an existing bore at Kawarren."^(Bk17)

Unfortunately, months went by before this was made known to the majority of objectors who continued to spend time, energy

and angst responding to Southern Rural Water's follow up community consultation process that stretched out until October 6 months after the Minister had already made the autocratic decision for Barwon Water to go ahead.

In October 2008 Southern Rural Water granted the licence to Barwon Water to extract water at the Kwarren Borefield.

Late in 2009 twenty four hours before going to VCAT, over the granting of this licence, the application was withdrawn.

It is the contention of the local community that if there had been meaning dialogue and community engagement 2 years earlier much of the expense, energy and angst could have been avoided.

If people such as Patrick were given the "full" story and facts, then truly informed decisions could be made.

The italic blue comments made at the start of points 1-4 are only words; words that have been bandied around so many times before; words that in the past have had no substance and have amounted to nothing other than to break down any trust in the authority writing or speaking them.

5. *"SRW will consult the Community Reference Group on the draft process by the end of October."* This Group met in Colac on the 4th of October 2016. SRW was not present. October, November and December 2016 have come and gone. Perhaps this consultation is planned for October 2017.

In regard to one of the many issues AWROC members wish to speak with the Water Minister, on Remembrance Day 11-11-2016, Water Minister Neville wrote that she will not meet with members of the local community Landcare Group and... *"I have also asked Southern Rural Water (SRW) to make sure LAWROC are aware of any activity in the Gellibrand groundwater management area."* (see page 53).

The transparent and robust process has already taken one huge hit. No consultation with the Community LAWROC Landcare Group. No meetings as promised. No dialogue as promised. No involvement in meaningful discussion. No "independent" arbitrator. A step back from the process by the Advisors. A

passing of the “bridge building” responsibility back to the very authorities this whole problem is directed at. Six months later and no sign of any redemption. Another break down in trust and no meeting with the Water Minister.

Example Four. Attempts to Re-instate the Stream Flow Gauging Stations on the Ten Mile and Porcupine Creeks.

Encouraged by Water Minister Lisa Neville’s words found in the introduction to a 2015 Landcare Magazine,

“The Andrew’s Labour Government is focused on restoring the health of our environment to support strong, productive economy and liveable Victoria. To do this we need to enable and support environmental action across the state,”

Being inspired by this statement, the LAWROC Landcare Group members sent details to the Minister regarding a Community environmental action. A huge data black hole was created when the Stream Flow Gauging Stations on the Ten Mile and Porcupine Creeks had been decommissioned.

- 4 June 2015 Thiess was asked to prepare a quote to re-instate and maintain the Stream Flow Gauging Stations.
- 12 June Thiess quoted that to re-instate a station would cost a maximum of \$6760 plus GST and \$4950/year plus GST to maintain each site.
- However, much of the infrastructure is still in place at both stations and the cost to re-instate would be substantially less.
- 13 June 2015 an email including this quote and a request was sent to the Water Minister’s office to consider the re-instatement of these two stations.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Stream Flow Gauging Stations: Site Costing estimates
Date: 13 June 2015 11:31
To: kirsten.shelly@minstaff.vic.gov.au

Hello Kirsten,
Hope you are well and enjoying your life down here in the south.

I have attached a costing to re- instate stream flow gauging stations in our area. The re-Instatement of the Ten Mile and Porcupine ones will be easy and much less cost than the attached quote from Thiess, as much of the infrastructure is still in place. The Yahoo Creek station has been ripped out. Our Landcare Group would like to see the Ten Mile and Porcupine sites up and data collecting going.

The data these sites would collect is vital to understanding impacts from the Barwon Downs Borefield; the survival for the Victorian iconic blackfish species of the Gellibrand River and for the establishment of an accurate data base that is essential on which to base future water management decisions.

Also, Kirsten have you had a chance to sought out why the Gellibrand GMA PCV has been omitted from government gazetting of the State GMAs?

P.S. If it would help we can gather supporting documentation from researchers and other authorities.

Kind regards,
Malcolm.
Malcolm Gardiner
Email otwaywater@yahoo.com.au
www.otwaywater.com.au
Phone +61 3 52358325

- At the July meeting of LAWROC it was decided to gain letters of support from the Corangamite Catchment Authority, Barwon Water, Deakin University Warrnambool, Arthur Rylah Institute, the Colac Otway Shire and the Central Otways Landcare co-ordinator. After much prompting the only affirmative action received came from the Barongarook Landcare President on behalf of the Central Otways Landcare Network. This letter focussed on other issues that the Barongarook Group wanted to achieve and without support from the other bodies this confusing support lost its impact and consequently was not used.
- The great reluctance of those institutions supposedly vitally interested in the environment was quite revealing. Contrary to how the “authority” bodies went about development and implementation of studies, the

Community based LAWROC Landcare Group made every effort to involve the Advisors, Enforcers and Implementers, but to no end.

- From 21 September numerous reminders and phone calls to the Water Minister's office were made. Late in October one of the Minister's receptionists suggested that the June request was sent again as a reminder. This was done, 28 October 2015.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Fwd: Stream Flow Gauging Stations: Site Costing estimates
Date: 28 October 2015 at 17:43
To: kirsten.shelly@minstaff.vic.gov.au

Hello Kirsten,

Daniel at your office, today, suggested that I resend you a reminder about the topic below. I have rung your office on numerous occasions since June and have had no success gaining an appointment with you to talk about this and other items. I am sending you this in the hope that you can give our Landcare Group an answer to whether we can have an interview with you, and at the least an answer whether there is any chance that the Ten Mile and Porcupine Creek stream flow gauging stations can be reactivated before this coming summer kicks into full swing.

Without these stations operating there is a gaping black hole in stream flow data. The ongoing cost to maintain these two stations amounts to around \$8000 pa. He fully the Minister will help out and reinstate these sites.

Cheers,

I have attached a costing to re- instate stream flow gauging stations in our area. The re-Instatement of the Ten Mile and Porcupine ones will be easy and much less cost than the attached quote from Thiess, as much of the infrastructure is still in place. The Yahoo Creek station has been ripped out. Our Landcare Group would like to see the Ten Mile and Porcupine sites up and data collecting.

The data these sites would collect is vital to understanding impacts from the Barwon Downs Borefield; the survival for the Victorian iconic blackfish species of the Gellibrand River and for the establishment of an accurate data base that is essential on which to base future water management decisions.

- After another period of "silence" members of the local community were asked to contact Lisa Neville's office asking that a reply be given to the long outstanding request.
- 18 November one of the local community members received a reply from an Advisor.
- On 18 November 2015, and not aware of the above mentioned reply, I emailed the Water Minister once again.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Stream Flow Gauging Stations
Date: 18 November 2015 at 11:37
To: lisa.neville@parliament.vic.gov.au

Hello Minister,

On behalf of the LAWROC Landcare Group I have been attempting to gain an answer to a request since July this year. I have made many phone calls to your Melbourne number and sent several emails to Kirsten Shelly regarding the reinstatement of the Ten Mile and Porcupine Creeks stream flow gauging stations. It is our Landcare Group's belief that the data to be obtained from these two stations is vital to the appropriate management of the surface and groundwater resources in our area of the Otway Ranges.

Our Group would appreciate it if you could follow this request up and provide us with some feed back.

Kind regards,

Malcolm.

Vice President,

LAWROC Landcare Group.

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- Two replies came 20 November 2015 by email. This being the first reply to the 5 month old request to the Minister.



- The Advisor's email that followed contained several gems.

On 20 Nov 2015, at 14:14, Paul.Wilson@delwp.vic.gov.au wrote:

Malcolm

I have been asked by the Minister for Environment, Climate Change and Water's office to respond to your email inquiry.

Our investigations suggest the sites were first installed by the Rural Water Corporation in the 1980's for ground water investigations and not for monitoring the surface water resource. Water quality monitoring at these sites ceased in 1994 and water levels in 2009.

The cost to reinstate the monitoring sites would cost around \$25,000 - \$30,000 each, with ongoing monitoring costs of approximately \$9,000 per year. For these stations to be reinstated, some local authority would have to agree to cover these costs. Southern Rural Water have indicated that they have no interest in these two streams and these two streams are not listed as priority streams for the Corangamite CMA. Another approach could be to monitor the streams as part of the Waterwatch network. Waterwatch is a volunteer network that monitors local streams. The Corangamite CMA will be able to give you further information on Waterwatch activities.

Both these streams have very small catchments and hence small stream flows. As this past year has been especially dry in this part of the state, these streams could naturally have low water levels. I have asked the waterway manager from the Corangamite Management Authority (Trent Wallis) to look into whether there could be any other reason for the streams being dry.

Please let me know if you need further information.

Thank you for your inquiry

Paul

Paul Wilson | Acting Manager, Water Resource Monitoring
 Water and Catchments | Department of Environment, Land, Water & Planning
 Level 10, 8 Nicholson St, East Melbourne, Victoria 3002
 T: 03 9637 9483 | E: paul.wilson@delwp.vic.gov.au

1. ***“Southern Rural Water have indicated that they have no interest in these two streams...”***
2. A Corangamite Catchment Management Authority officer has been asked to follow up on an issue. (November 2016 and no clarification whether this has been done.)
3. ***“The cost to reinstate the monitoring sites would cost around \$25,000 - \$30,000 each, with ongoing monitoring costs of approximately \$9,000 per year.”*** Unless a local authority was prepared to cover the cost the gauging stations would not be reinstated.

4. “...*for the streams being dry.*” These two streams have never been dry.

(Otway Water Book 29 deals with the attempts to re-instate these two Stream Flow Gauging Stations in detail.)

This example highlights a few things...

1. The Advisor has quoted drastically wrong information.
2. The Water Minister’s office or the Advisor has chosen to ignore Thiess’s quote.
3. The Water Minister is extremely reluctant to meet with her constituents.
4. The Labour Government has failed to supported and enable “...*environmental action across the state...*” in this instance.

Example Five. Access to the 2013-2014 Gerangamete Groundwater Extraction Report.

Gaining access to the 2013-2014 report took until June 2015. By early June 2015 and continuing to have the usual delays when attempting to gain these groundwater reports I decided to call on the State Ombudsman’s assistance. The report that should have been completed by 1 September 2014 was finally accessed on 29 June 2015.

On reading the report it was once again obvious that the report was littered with mistakes. One section contained a cut and paste from the previous year’s report. Impossible? No, the same type of mistakes had been done in earlier reports. There were many questions asked of the report but only a few of the explanations could stand up to scrutiny.

Efforts were made to keep the Water Minister’s office informed of developments, and it appears most possible the Minister had intervened as the 2014-2015 report was the first report in ten reports that can claim to have anything close to a 90% accuracy rate of complying with the licence conditions.

If the Water Minister is responsible for this massive change in the yearly reporting of the Gerangamete Borefield Groundwater Extraction, then there is every hope that other issues can be improved in a similar fashion.

The most important thing to note in this particular example is to realise that if local involvement is taken note of, and acted upon, then positive

improvements can be made in the manner in which water resources in the Otway Ranges is managed.

As has been stated in earlier Otway Water Books there are sufficient rules, regulations and set procedures to manage water resources appropriately. The problems are in the implementation and enforcement of the rules, regulations and law.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: COmplaint against Barwon water and Southern Rural Water
Date: 8 June 2015 at 15:02
To: ombudvic@ombudsman.vic.gov.au
Cc: kirsten.shelly@minstaff.vic.gov.au

EPA File No. C/15/9499

Hello Ombudsman,

This complaint is in regard to Southern Rural Water's groundwater extraction licence Number 893889 given to Barwon Water.

I have been asking unsuccessfully for the 2013-2014 financial report Barwon Water sent to Southern Rural Water regarding the groundwater extraction conducted at the Barwon Downs Borefield, Gerangamete.

The Licence clearly states (Section 6.4 Reporting) that Barwon Water must furnish a report to Southern Rural Water within 60 days of the end of the financial year - i.e. the first of September or thereabouts.

The Licence also states (Section 10.1 Information) that within 7 days of submitting this report to Southern Rural Water that it must be made available to the public. This would be at the very latest 10 September 2014.

The following attachment summarises, I believe, a reasonable and polite effort made to gain this report.

I would also like it noted that I believe this situation of not providing the report as requested, is a breach of the Licence conditions. I would like your comment on this and would also appreciate your assistance to gain a copy of this report.

Yours sincerely,
Malcolm Gardiner.

Malcolm Gardiner
1805 Colac Lavers Hill Road
Kawarren
Vic 3249
ph (03) 52 358 325
www.otwaywater.com.au

(The 2014-2015 report took some time to be released and it took until the 19th of October 2016 to gain a copy of the 2015-2016 report.)

Example Six. The Unprecedented Upper Barwon River Fish Kill.

Otway Water Book 32 is devoted to the June 2016 Fish Kill down a 30 km reach of the upper Barwon River. Supporting documentation for statements made in the following discussions can be found in Book 32.

Once notified of the kill the EPA made one cursory visit along the Barwon River and declared the kill was “...*most likely due to a natural acid water event.*”

This declaration was based on conjecture and scant information.

Eight government authorities then made a gigantic leap in their media releases with the definitive statement that it was a natural occurrence.

Two of the top recreational fishing groups also supported this stance. After reading the media releases and confirming the contents with a contact at Barwon Water this statement was made “*From the responses I received I am comfortable with the theory that the recent fish kill is due to a natural occurrence.*” At least it is seen as a theory by this fisher.

Due to past experience where numerous statements have been portrayed as fact, attempts were made to gain the scientific data and a clarification of the process on which it was established that this fish kill was indeed a natural occurrence.

The Water Minister was asked to provide the data and the process used to reach and substantiated this decision. The response was passed onto an Advisor, Paul Bennett, and he regurgitated the same media spin. He also passed on a contact at the Colac DELWP office if additional reference was required. This person had no idea where I could obtain the data requested. She referred back to the Advisor who then suggested a contact in SRW (Maffra). The SRW contact had no idea and referred the request onto another SRW officer, who also had no idea. In the process the Advisor put his name to another “gaff” stating that there were “*Extensive studies in the area have been unable to determine the reason why the swamp has dried.*”

When asked to also provide the documentation supporting this statement as well as the evidence supporting a naturally occurring fish kill, Dr. Fiona Spruzen rang, another Advisor.

Paul had passed the research of his answers onto Fiona. After a lengthy phone discussion Fiona sent the following email.

Fiona agreed that if the Advisor is given incorrect information from the Enforcers and Implementers and then passes this information on as fact to the Community that knows better, this only makes the Advisor and or Water Minister seem incompetent.

From: **Fiona.Spruzen@delwp.vic.gov.au**
 Subject: **Barwon River**
 Date: 12 September 2016 at 15:57
 To: Malcolm Gardiner otwaywater@yahoo.com.au

Dear Mr Gardiner,

Thank you for your email dated 7 September regarding the Barwon River and Big Swamp.

As per the email from Paul Bennett dated 31 August, a study was undertaken by La Trobe University to investigate acid sulphate soils in the Corangamite Catchment Management region (including Big Swamp). However, as per our discussion this morning I can confirm that we are not aware of any studies that have been undertaken to determine the cause of Big Swamp drying out. The Corangamite Catchment Management Authority also confirmed this.

In the email from Paul Bennett, dated 31 August, the information about Barwon Water's monitoring program was from the Barwon Water website and Barwon Water.


Southern Rural Water have confirmed that they will be meeting with the Barwon Downs Community Reference Group to discuss the Barwon Water licence renewal process before the end of October. If you need more information about this, please contact Patrick O'Halloran, Manager, Licensing- Groundwater and Unregulated Systems, Water Resources Division, DELWP, T: 03 9637 8068 IE: patrick.o'halloran@delwp.vic.gov.au

If you have any questions, please feel free to contact me.

kind regards,

Fiona Spruzen

Dr Fiona Spruzen | A/Assistant Manager Waterway Health | Integrated Water and Catchments
 Water and Catchments | Department of Environment, Land, Water & Planning
 Level 11, 8 Nicholson St, East Melbourne, Victoria 3002
 T: 03 9637 9962 | E: fiona.spruzen@delwp.vic.gov.au
www.delwp.vic.gov.au



please note I am unavailable on Tuesdays

★ Fiona sourced her information from the Barwon Water web site, and, what this “boils down” to, is that **there is nothing** supporting the assertions the authorities have made that the “naturally occurring fish kill” is a natural event. Also there is **absolutely no authority that has completed a study** supporting



the statement that there is the existence of extensive studies done on the cause(s) of the Big Swamp drying out.

Example Seven. Delisting of the Gellibrand Groundwater Management Area Permissible Consumptive Volume.

In 2008 Water Minister Holding, with strokes of a pen, legislated that the zero groundwater extraction limit for the Gellibrand Groundwater Management Area was to be lifted and Barwon Water would be granted an extraction licence for a test pump at Kawarren. However, Barwon Water withdrew the application 24 hours before the issues was to be dealt with at VCVAT.

After a change of state government Water Minister Peter Walsh decided that all of the various pieces of legislation in regard to Groundwater Management Area Permissible Consumptive Volumes be amalgamated into one piece of legislation. By this time the 13 month limit Minister Holding had placed on the granting of a licence to extract water by Barwon Water, had elapsed.

Somehow, Minister Walsh overlooked the Gellibrand Groundwater Management Area (GGMA) and the new legislation did not include the GGMA. All trace of the zero allocation for the Gellibrand Groundwater Management extraction limit had completely disappeared.

Then came another change of government.

Water Minister Neville first had this Gellibrand Groundwater Management Area issues pointed out to her 16 April 2015 (see email, page **10**). Follow up requests to look at this omission were made...

- 15 May 2015 (see email, page **12**),
- 1 February 2016 (see page **15**),
- 13 June 2016 (see page **33**), and
- 10 August 2016.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Gellibrand Groundwater Management Area
Date: 10 August 2016 at 22:48
To: lisa.neville@parliament.vic.gov.au

Hello Minister Neville,
Peter Walsh, when bringing all of the Groundwater Management Area extraction rates under the one document he did not include the Gellibrand Groundwater Management Area. The Gellibrand GMA was previously set at zero. Could you look into this omission, please?
Kind regards,
Malcolm.

Malcolm Gardiner
Email otwaywater@yahoo.com.au
www.otwaywater.com.au
Phone +61 3 52358325

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Office of the
Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9654
DX210098

Mr Malcolm Gardiner
otwaywater@yahoo.com.au

Ref: MIN019542



Dear Mr Gardiner

GELLIBRAND GROUNDWATER MANAGEMENT AREA

Thank you for your email dated 10 August 2016 addressed to Minister Neville regarding the Gellibrand Groundwater Management Area.

Your correspondence is currently under consideration and will be addressed shortly.

Yours sincerely

David Griffith
Chief of Staff

16 / 8 / 2016

Advisor Randal Nott was eventually passed the task of answering this query.

From: Randal.Nott@delwp.vic.gov.au
Subject: Permissible Consumptive Volume for groundwater in Gellibrand
Date: 24 August 2016 at 17:13
To: Malcolm Gardiner otwaywater@yahoo.com.au

Hi Malcolm


As requested please find details on the Permissible Consumptive Volume (PCV) for groundwater in the Gellibrand area as follows:

- There is currently no PCV prescribed for groundwater in the Gellibrand area.
-
- Any potential use of the groundwater resource would likely require testing of the aquifer.
-
- A PCV has not been set to enable testing of the aquifer.

Please contact me if you have any queries.

Regards R

Randal Nott|Manager Resource Assessment and Planning, Groundwater|Water Resources Division
Water and Catchments | Department of Environment, Land, Water & Planning
8 Nicholson Street, East Melbourne, Victoria 3002
T: 03 9637 9005 | M: 0418 567 074 | E: Randal.Nott@delwp.vic.gov.au
www.delwp.vic.gov.au



This email did not really answer why the original PVC allocation had not been restored, and if a 2010 SKM report was to be believed the GGMA was still classed as allowing 625 ML over a 13 month period of extraction.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Re: Permissible Consumptive Volume for groundwater in Gellibrand
Date: 26 August 2016 at 11:48
To: Randal.Nott@delwp.vic.gov.au
Bcc: Malcolm Gardiner otwaywater@yahoo.com.au

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Hello Randal,

I have attached a pdf that includes three pages from an SKM report prepared in part for the Victorian Government, including SRW and Wannon Water, dated 23 September 2010.

Page 84 of the SKM report states that on July 2008 the PCV for the Gellibrand GMA was set at 625 ML/13 months at all depths (set during Tim Holding's time as Water Minister).

The page 102 table states the current PCV allocation for the Gellibrand GMA is 625 ML/13 months.

These two statements and your email below has me a little confused.

I have also included the copy of a letter from Minister Holding dated 24 April 2008, 3 months before the PCV was set at 625, that states... "This licence will be issued for 13 months and will allow Barwon Water to pump groundwater from an existing bore in Kawarren." Up until this time in April the PCV for the Gellibrand GMA was set at zero.

The 625 ML, I believe, was the amount to be extracted during this 13 months, as a test pump putting the Kawarrewn/Gellibrand aquifer under stress to see how the aquifer reacts. When the liberals took over government Peter Walsh decided to put all of the GMA PCV allocations in the one document. This he did but overlooked and did not include the Gellibrand GMA allocation. There is no mention of the GGMA at all, either for 625 or zero; nothing.

The query is still what is the current PCV allocation for the Gellibrand Groundwater Management Area? Is it 625 ML/13 months, zero, as it was pre Tim Holding's period as Water Minister, or is it some other figure?

If it is 625ML/13 months, is this figure set for a one off test pump as it was originally designed, to revert back to zero after the test pump concluded and until results of the test pump were determined?

OR is there no allocation for the GGMA because there is no mention of the GGMA? If this is the case on what basis is the GGMA to be omitted from GMA allocations?

Perhaps you can clarify this for me.

Thanks,
Malcolm.

Malcolm Gardiner

Randal replied 1 September 2016.

From: Randal.Nott@delwp.vic.gov.au
Subject: Permissible Consumptive Volume for groundwater in Gellibrand
Date: 1 September 2016 at 13:34
To: Malcolm Gardiner otwaywater@yahoo.com.au

Hi Malcolm

I apologise for the delay in responding to you.

As you are aware the Water Act provides for the Minister to declare a Permissible Consumptive Volume (PCV). A PCV comes into effect by being published in the Government Gazette. The history of the Gellibrand PCV and relevant Government Gazettes is as follows:

1. A permissible consumptive volume (PCV) of "0" was fixed for the Gellibrand groundwater management area (GMA) in the PCV Order signed by the Minister on 25 October 2006. This took effect on the day it was published in the Government Gazette (Victoria Government Gazette G44 2 November 2006 at p2397).
2. The Gellibrand PCV Order 2008 was signed by the Minister on 4 July 2008 and took effect on publication in the Government Gazette (Victoria Government Gazette G28 10 July 2008 at page 1664). This Order provided for the deletion of the reference to the Gellibrand GMA in the PCV Order 2006 and declared a PCV for the Gellibrand GMA of 625 ML. This PCV was to apply for a period of 13 months commencing on the date the Order took effect.
3. The thirteen month period provided for in the 2008 PCV Order was completed in 2009 and the PCV elapsed. No further PCV has been declared for the Gellibrand GMA and consequently there is no PCV that currently applies to the Gellibrand GMA.

I hope this provides the historical context and clarifies the explanation that there is currently no PCV prescribed for groundwater in the Gellibrand area.

Regards R

This still did not answer the question why the zero groundwater extraction allocation had not been reinstated, especially if there had been no further research or investigations indicating there should be a change from the original zero calculation.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Re: Permissible Consumptive Volume for groundwater in Gellibrand
Date: 1 September 2016 at 19:45
To: Randal.Nott@delwp.vic.gov.au

Thanks, Randal,
This explanation is extremely clear. Your efforts are appreciated.

How do we go about having the allocation of a PCV for the Gellibrand GMA revisited?

Has there been any additional research that has changed thus changing the earlier findings of the allocation being anything other than zero.

Bearing in mind the 625 was set to allow a test pump of the Kwarren Borefield to be conducted. Surely the allocation should revert to zero if there has been no additional research conducted.

Looking forward to your further comment.

Kind regards,
Malcolm.

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Randal suggested that Southern Rural Water be approached regarding this question.

From: **Randal.Nott@delwp.vic.gov.au**
Subject: Re: Permissible Consumptive Volume for groundwater in Gellibrand
Date: 2 September 2016 at 11:00
To: **Malcolm Gardiner** otwaywater@yahoo.com.au

Hi Malcolm

Thank you for your email.

Southern Rural Water generally propose PCVs for groundwater. Therefore I suggest you contact Southern Rural Water to have the PCV for the Gellibrand GMA revisited.

Regards R

Randal Nott|Manager Resource Assessment and Planning, Groundwater|Water Resources Division

[Water and Catchments](#) | Department of Environment, Land, Water & Planning

8 Nicholson Street, East Melbourne, Victoria 3002

T: 03 9637 9005 | M: 0418 567 074 |E: Randal.Nott@delwp.vic.gov.au

www.delwp.vic.gov.au



From: Malcolm Gardiner [<mailto:otwaywater@yahoo.com.au>]

Sent: Friday, 2 September 2016 10:33 PM

To: Angus Ramsay

Subject: Gellibrand GMA

Hello Angus,

Randal Nott suggested I contact SRW regarding the allocation of a PCV for the Gellibrand GMA.

Pre 2008 it was set at zero. Tim Holding set it for 13 months at a rate of 625 ML in 2008. This has since lapsed but nothing has been done in regard to the GGMA other than not to include an allocation when Peter Walsh combined all of the GMA allocations into one piece of legislation. The GGMA never got a guernsey.

Does SRW plan to revisit this and revert the allocation for the GGMA PCV back to zero? Unless there has been recent investigations and scientific work that points to a different allocation it would seem appropriate that the zero allocation be reinstated.

What are SRWs thoughts?

Kind regards,
Malcolm.

Malcolm Gardiner
Email otwaywater@yahoo.com.au
www.otwaywater.com.au

Phone +61 3 52358325

From: Angus Ramsay <AngusR@SRW.com.au>
Date: 13 September 2016 at 15:46:59 AEST
To: 'Malcolm Gardiner' <otwaywater@yahoo.com.au>
Subject: RE: Gellibrand GMA

Hi Malcolm,

Thankyou for the inquiry about the Gellibrand PCV.

You are correct that the PCV reverted back to 0.0 ML's. There are no plans currently to recommend any limits on the GGMA PCV.

Also for clarification, the Gellibrand GMA is not included as part of the Otway Lower Aquifer (OLA) review being undertaken presently by SRW in order to develop a Local Management Plan (LMP). (please find attached map of the proposed OLA LMP extent)

At present SRW have not scheduled to review the GGMA individually. It will be part of a review of the Lower Aquifer (Dilwyn) that extends beyond the GGMA to the east and north east.

Please don't hesitate in getting back to me on the GGMA or the current development of the OLA LMP.

Regards

The Permissible Consumptive Volume for the Gellibrand Groundwater Management Area has reverted back to zero. It is hoped this is the case.

From: Malcolm Gardiner <otwaywater@yahoo.com.au>
Subject: Fwd: Gellibrand GMA
Date: Today at 00:03
To: Randal.Nott@delwp.vic.gov.au

Hello Randal,

I took your advice and asked for a clarification from SouthernRural Water on the present plans for the allocation of groundwater extraction per year for the Gellibrand Groundwater Management Area. Below is the request and reply.

Thought you may be interested in this.

Thanks again for your help.

Kind regards,

Malcolm.

All that needs to be done now is have the Water Minister put this back into legislation.

From: **Malcolm Gardiner** otwaywater@yahoo.com.au
Subject: Gellibrand Groundwater Management Area PCV
Date: Today at 23:28
To: lisa.neville@parliament.vic.gov.au
Cc: **David Juke** kobaust@bigpond.com, **Keith Armistead** khmaarmistead@bigpond.com, **Stuart Hart** shart@gotalk.net.au,
info@agrifoodconsulting.com.au, **Neil Longmore** nlongmore@netspace.net.au, **Bel & Stu Gardiner** belandstu@aapt.net.au,
Randal Nott randal.nott@dse.vic.gov.au, **Angus Ramsay** AngusR@SRW.com.au

Dear Minister,

This is a formal request that you legislate that the Permissible Consumptive Volume for the Gellibrand Groundwater Management Area be reinstated as it was pre 2008 when Minister Holding legislated a 13 month change.

Our LAWROC Landcare Group believes this would not be contrary to the email correspondence I have had with Randal Nott and Angus Ramsay over the last few weeks.

On behalf of the LAWROC Landcare Group I ask once again that you kindly find time to meet with a deputation from the Group.

In anticipation of your reply.

Malcolm,
Vice President LAWROC.

Malcolm Gardiner
Email otwaywater@yahoo.com.au
www.otwaywater.com.au
Phone +61 3 52358325

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This issue has “bubble” away since 16 April 2015 when the Minister’s office was first asked to look into why the zero Permissible Consumptive Volume for the Gellibrand Groundwater Management Area had not been reinstated. If logic dictates, this issue should have been resolved the day after the 16 April email arrived at the Minister’s office.

The following reply from the Minister’s office, 6 October 2016, indicated there was to be action regarding the formal request for an act of legislation.

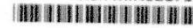


Office of the
Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9654
DX210098

Mr Malcolm Gardiner
Vice President
LAWROC
otwaywater@yahoo.com.au

Ref: MIN021717



Dear Mr Gardiner

GELLIBRAND GROUNDWATER MANAGEMENT AREA - PERMISSIBLE CONSUMPTIVE VOLUME

Thank you for your email dated 4 October 2016 addressed to Minister Neville regarding the permissible consumptive volume for the Gellibrand Groundwater Management Area.

Your correspondence is currently under consideration and will be addressed shortly.

Yours sincerely

David Griffith
Chief of Staff

6/10/2016

Randal Nott phoned 14-10-2016 letting me know what was happening regarding the zero PCV issue. A meeting was set with the licensing branch for the week ending 21 October. The meeting with Minister Neville was not part of his agenda. The responsibility to answer this query was not given to him.

However, a month later the following email letter arrived clearly naming Randall as the contact if there were any follow up general queries. Southern Rural Water should be able to answer specific questions. SRW states the Gellibrand Groundwater Management Area Permissible Consumptive Volume is zero even though the Minister will not make it official.



Hon Lisa Neville MP

Minister for Police
Minister for Water

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 9637 9654
DX210098

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Mr Malcolm Gardiner
Vice President
LAWROC
otwaywater@yahoo.com.au



Dear Mr Gardiner

GELLIBRAND GROUNDWATER MANAGEMENT AREA - PERMISSIBLE CONSUMPTIVE VOLUME

Thank you for your email of 4 October 2016 about the Gellibrand Groundwater Management Area (GMA).

I appreciate the work of the Land and Water Resources Otway Catchment (LAWROC) Landcare group and unfortunately I am unable to meet with you at this time.

I share your interest in the sustainability of all of Victoria's water resources. That is why the recently released *Water for Victoria* includes an action to begin the review of the Central Region Sustainable Water Strategy this year. The management of Gellibrand GMA will be considered as part of this review. I have asked the Department of Environment, Land, Water and Planning (DELWP) to involve the LAWROC in consultation opportunities that the review process provides next year.

I have also asked Southern Rural Water (SRW) to make sure LAWROC are aware of any activity in the Gellibrand groundwater management area.

Please continue to liaise with SRW on the PCV for the Gellibrand GMA. Should you have any further questions concerning PCVs in general, please contact Mr Randal Nott, Manager Resource Assessment and Planning, at DELWP (randal.nott@delwp.vic.gov.au or (03) 9637 9005).

Thank you again for writing.

Yours sincerely

Hon Lisa Neville MP
Minister for Water

11/11/16



The LAWROC Landcare Group will wait patiently in anticipation. The Water Minister will not meet; Southern Rural Water makes no contact and actions as promised are not being kept.

CONCLUSION.

Until Water Minister Lisa Neville includes and places a high value on Community input in regard to the management of the water resources in the Otway Ranges catastrophic management mistakes will continue to be made.