

DISCUSSION PAPER

Establishment of a Snowy Advisory Committee

February 2013

In 2002, the Snowy Initiative was formally established by the New South Wales, Victorian and Commonwealth governments to improve environmental flows into the Snowy, Snowy Montane and Murray River systems. Environmental water releases to the Snowy River commenced in 2002 and to the Snowy Montane Rivers in 2007.

In 2008, the Snowy Scientific Committee was established to advise the NSW Government on the regime for the release of environmental flows in accordance with legislative provisions that were developed several years earlier.

Ten years have now passed since the Snowy Initiative was established and the projected water recovery entitlements have been achieved, some substantial environmental releases have been made and the Snowy River is showing signs of improved river health.

**Picture: Snowy spring release 2011:
viewing during peak release period at Jindabyne Dam**



The NSW Government is reviewing the role and function of the former Snowy Scientific Committee to ensure the management arrangements are on a contemporary basis.

The intent is to create a Snowy Advisory Committee which will build on the strengths of the previous model and ensure the new governance arrangements are flexible and responsive to community and government needs.

These changes will require consultation with the community, and amendments to the legislation under which the Committee is established.

This discussion paper sets out the current arrangements, the water recovery program, the reasons for change, and seeks the public's views on the proposed arrangements and membership for the future Committee.

Background to the Snowy Scientific Committee

The *Snowy Hydro Corporatisation Act 1997* was enacted to reform the Snowy Mountains Hydro-Electric Scheme by corporatising the Snowy Mountains Hydro-Electric Authority. The joint shareholders of Snowy Hydro Limited are the NSW, Victorian and Commonwealth governments.

The Act is administered by the NSW Minister for Resources and Energy with the exception of section 57 which deals with the establishment of the Snowy Scientific Committee and is administered jointly by the Minister for Primary Industries and the Minister for Regional Infrastructure and Services.

The Snowy Scientific Committee was established by the NSW Government as a body corporate and includes NSW and Victorian nominees. The operation of the Committee and its support is currently funded by the NSW Government.

The role of the Committee as set out in the legislation is to:

- advise the NSW Government on the regime for the release of environmental flows under the Snowy Water Licence into the Snowy River and the Snowy Montane systems (the upper Murrumbidgee and tributaries of the Upper Murray)
- review the adequacy of releases
- review the programs for management and restoration of the catchments and
- produce an annual state of the environment report.

Section 57(6) of the Act outlines the membership of the Committee as:

- one member to be nominated by the NSW Environment Protection Authority
- one member to be nominated by the Director-General of NSW National Parks and Wildlife
- one member to be nominated by the NSW Catchment Management Authority under the *Catchment Management Authorities Act 2003* whose area of operations includes the Snowy Mountains area
- two members to be nominated by a Minister of the State of Victoria (one being a person nominated to represent environmental interest groups) and
- one member be an independent scientist with expertise in aquatic environments to Chair the Committee, nominated by the NSW Minister for the Environment.

Although the legislation made provision for the Committee, it was not formally established until 2008. This was due to a combination of factors including resourcing and operational arrangements and because little water was actually available for the environmental releases prior to this.

The Committee has advised the NSW Government on environmental releases up until 2012/13 water year and these recommendations have been adopted, except for some minor changes for operational reasons and for some flow trials undertaken by the NSW Office of Water. The Committee has also produced two reports on the adequacy of environmental flows to the Snowy River in 2008 and in the upper Murrumbidgee River in 2010.

In addition, an interagency committee, comprising NSW, Victorian and Commonwealth Government agency and Snowy Hydro Limited representatives also considers management options for environmental releases in the Snowy Mountains.

The NSW Office of Water carries out studies to assess the environmental changes in the Snowy River. This includes investigating long term changes in river condition and short term studies such as the measurement of the re-suspension of sediment into the water column, changes to the channel size and shape, the scour of sediment and biofilms from riffles, water quality, community composition of aquatic plants and animals, and the salinity dynamics in the Snowy estuary in Victoria.

Other processes are in place to advise on the water recovered under the Snowy Initiative for the Murray River and environmental water advisory committees advise on environmental releases below the major storages in the Murray and Murrumbidgee rivers.

Recovery of water for the Snowy and environmental releases

The Snowy Initiative was formally established by the New South Wales, Victorian and Commonwealth governments in 2002 to achieve improvements in environmental flows into the (i) Snowy River below Jindabyne (ii) Snowy Montane rivers and (iii) the Murray River.

The target was to recover 212 gigalitres (GL) for the Snowy River and 70 GL to the Murray River in a staged approach over 10 years. The recovery of 212 GL of entitlement for the Snowy was completed in July 2012.

Snowy Hydro Limited is required to provide environmental releases in the Snowy Montane Rivers (Gehee, Goodradigbee, Murrumbidgee and upper Snowy rivers) in proportion to the water recovered for the Snowy River.

Once a water recovery project was completed in the Murray or Murrumbidgee river catchments, the recovered water was converted into licensed water entitlements for the Snowy, Snowy Montane or Murray rivers.

These entitlements then receive water allocations each year for release in the following year. Initially the recovery of entitlement was slow as many of the water savings projects required significant time for completion and, as allocations are dependent on water availability, severe drought limited the associated annual allocations.

The annual allocations for the Snowy increased from 38 GL in 2002 to 181 GL in 2013. Over the last three years there has been sufficient water available to enable significant environmental releases to be made into the Snowy to replicate a small spring snowmelt flood.

Review of the Snowy Scientific Committee

Given that the full entitlement has now been recovered for the Snowy and that substantial scientific studies have been undertaken by the NSW Government, it is considered timely to examine how to avoid duplication in roles and to best use existing government resources.

The following examines the strengths and weaknesses of the Snowy Scientific Committee and is intended as a basis for community consultation.

Strengths

- Established under legislation.
- Operates as a single focus body.
- The nominating bodies to the Committee are defined in the legislation.
- Committee has experience in providing input and advice into the Snowy River flows.
- Committee membership has specialist environmental expertise.

Weaknesses

- Independent of government – research may not align with current work or may duplicate other work.
- Nominations are set by statute with limited flexibility to adapt to changing needs.
- Funding is discretionary and provided by a single funding source – the NSW Government.
- No mechanism to require other specialists (including water and fishery scientists, hydrologists and water modellers) to input sufficiently into the advice provided by the Committee.
- The Committee has not met the requirement to prepare an annual state of the catchment report as it did not have the resources for this role and it believed its primary task was to advise on environmental flow releases.
- Committee membership is inconsistent with other environmental water advisory committees in NSW which contain both government and community members.

It is now considered opportune to consider arrangements that would:

- provide improved linkages with the work of government agencies
- simplify the appointment process
- secure funding by law
- increase opportunity for community participation
- broaden the skill sets of the Committee and incorporate local cultural knowledge about the catchment.
- explore opportunities for greater consistency and interactions with other environmental water advisory committees
- ensure that state of the catchment reporting continues to be undertaken through a consistent, state-wide government monitoring and reporting program.

Proposal for a Snowy Advisory Committee

It is recommended that a new Snowy Advisory Committee be established that:

- has a greater focus on providing advice on the timing and pattern of release of environmental water for the Snowy River below Jindabyne Dam and the Murrumbidgee below Tantangara Dam
- removes the requirement to produce an annual state of the environment report as this duplicates other government processes
- has flexible representation that covers a broad skill set including hydrology, water resource management, geomorphology, cultural, aquatic and fisheries science
- comprises government and stakeholder representatives
- retains the requirement for some positions to be nominated by the Victorian Government
- be chaired by an independent chair nominated by the NSW Minister for Primary Industries to whom the Committee reports
- be an advisory committee created by statute rather than a statutory corporation as this is more consistent with its role and other advisory committees
- be funded by Snowy Hydro Limited and
- be subject to the administration of the NSW Minister responsible for Water, except to the extent of the content of any advice or reports to the Minister.

Extending the composition of the Committee will ensure a greater range of expertise and appropriate technical skills. In addition, it will provide a better community mix and enable the Committee to better access the resources and information of government agencies. This will provide additional and wider scope to advise on key Snowy River issues.

Public input

Advice is sought on:

- appropriate role
- membership of the advisory committee
- role of Chairperson
- reporting arrangements.

While amendments will need to be made to the existing legislation to reflect the changes, it is proposed that the details be included in a regulation rather than the legislation itself.

Submissions can be emailed to Snowycomments@water.nsw.gov.au by 1 April, 2013.

More information

www.water.nsw.gov.au

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