

Gippsland Lakes Participatory Design Process

Workshop 1: 8 September 2020 (online)

Introduction

The first workshop for the Gippsland Lakes participatory design process was held on Tuesday 8 September 2020. This was the first of a series of workshops aiming to discuss issues, visions, options and proposals for a new legal and governance approach to protection of the Gippsland Lakes. The workshop was attended by 18 participants, including members of six different community groups. The focus of this workshop was to identify and prioritise key issues relevant to law and policy reform for governance of the Gippsland Lakes.

Workshop program

Following welcome and introductions, the workshop opened with an overview of Environmental Justice Australia and the Gippsland Lakes law reform project. Professor Max Finlayson gave a talk about the Ramsar Convention and key issues for the Gippsland Lakes. The participants then moved into group discussions of key issues facing the Gippsland Lakes and priorities to be addressed by new legal and governance systems.

1. Professor Max Finlayson: Gippsland Lakes and the Ramsar Convention

Professor Max Finlayson's talk covered a range of issues faced by the Gippsland Lakes, a select few of which are outlined here (please contact EJA for the full presentation). The talk began with an overview of the Ramsar Convention and Australia's obligations under it, including obligations to maintain (or improve) ecological character and reporting obligations. Professor Finlayson highlighted a number of information gaps and the systemic lack of scientific monitoring of the Gippsland Lakes, including in updating the Ramsar Information Sheet. His talk also discussed the importance of ecological processes and ecosystem services and emphasised the importance of more attention to these aspects of the Gippsland Lakes. He pointed to the dredging of the entrance, increased invasive marine species, shellfish dieback and algal blooms as key environmental issues. Decisions around climate change and salination are necessary responses to the future of the Lakes. Professor Finlayson stressed the importance of a bottom-up, community led approach to the future of the Gippsland Lakes, concluding with a vision of the Gippsland Lakes as a 'model for engaging local communities in participatory processes, and for how we come to grips with our responsibilities, and for how we prepare for the future'.

2. Priority issues snapshot

In breakout groups, participants discussed the question: *'What do you consider the key environmental issues facing the Gippsland Lakes?'* Common concerns included salinity and its causes, including salination from dredging and reduced freshwater inflows. Impacts of logging, burning and mining and mine rehabilitation were also common themes. Broader governance and legal issues included the importance of First Nations in governance and management, a fragmentation of legal and bureaucratic processes and lack of transparency and accountability.

Group 1 (the Refuge)

- Entrance - dredging, reducing the depth
- Freshwater status of surrounding lakes - through engineering works/barriers
- Mining
- Irrigation
- No single decision-making body
- There has never been a debate as to whether the Lakes should be saline
- Climate change - sea level rise
- Lack of testing on water quality - lack of data, no monitoring
- Vegetation management - logging and burning, runoff into the Lakes
- Environmental flows - understanding of these flows and what is needed

Group 2 (Brolga)

- Salinity (caused by reduced water inflows and by storms and sea level rise)
- Pollution (including chemicals from agriculture)
- Lack of systematic, comprehensive and regular monitoring
- Lack of independent audit of the state of the Lakes
- Water extraction and balance in the catchment
- Pollution (e.g. mercury from coal mines, and waste from , zinc and copper from Stockman Mine, risk of tailings entering waterways, arsenic from gold mines)
- Pollution from forestry management (including clear felling, post-fire works etc.)
- Rights of Traditional Owners

Group 3 (the Old Salts)

- Excessive fuel reduction burns and excessive burns, including adjacent to lakes and roads, loss of habitat, old trees. Hazardous tree removal and logging.

- Impacts of tree and native veg clearing, especially in catchment. Public agencies doing extensive clearing using fire as alibi. Clearing remnant habitat trees. Contributions to sedimentation.
- Multiple and cumulative impacts on lakes
- Neglect and ignorance of Indigenous laws
- Human-centred model of laws
- Compliance and enforcement, holding government to account
- In Sale, impacts via La Trobe River and flow diversions
- Mine rehabilitation
- Water quality issues of using other water sources
- Duck hunting. If connected ecosystem services then accumulating contaminants in humans via consumption

After a short discussion, participants went back into breakout groups to discuss the question: '*what do you want news laws to achieve for the Gippsland Lakes?*'. Common themes included laws that reduce fragmentation, are enforceable and ensure compliance, and support First Nations and community-led governance of the Gippsland Lakes.

Group 1 (the Refuge)

We want laws that....

- Ensure honesty, transparency, accountability (including addressing conflict of interest)
- Give weight to Ramsar convention
- Ensure auditing/scientific information
- Support community-led assessment of the Lakes
- Reduce fragmentation between laws and agencies - integrated decision-making process

Group 2 (Brolga)

We want laws that...

- Comply with Ramsar reporting requirements.
- Protect the environment and apply the precautionary principle not just facilitate exploitation of the environment.
- Legislate the replacement and restoration of the damaged ecosystems, species and populations (e.g. a green and blue fund)
- Are legally enforceable, and that contain mandatory requirements rather than moveable policy.
- Can influence offsite drivers of change (e.g. at a catchment and flyway scale)

- Acknowledge the current state of aqua nullius and that restore Traditional Owners' rights (inc. cultural rights) and connection to the Lakes
- Recognise the value and beneficiaries of eco-system services for local communities

Group 3 (the Old Salts)

We want laws that...

- Support First Nations' views and options, and allow for Traditional Owner veto of projects and adverse activities
- Recognise waterways as their own entities
- Give legal rights to the Lakes as a person
- Reduced number of regulatory entities overseeing the Lakes and fewer 'moving parts'
- Give consideration to cumulative impacts
- Reduce fragmentation and facilitate better integration, dialogue and common governance

Next steps

The workshop concluded with an overview of next steps. The dates for the next workshops are 5-7pm Tuesday 6 October (Visions) and 5-7pm Tuesday 10 November (Models and Options).

Conclusion

This report covers the main content emerging out of the first workshop on proposals for reforming the laws and governance for the Gippsland Lakes. This workshop is a first step in preparing a set of proposals for improved protections or governance outcomes. For more information or to join the next Gippsland Lakes workshop, please contact Nicola Silbert (0488 165 252/nicola.silbert@envirojustice.org.au).