



30 September 2008

Attention: Ms Kathryn Mitchell

Planning Panels Victoria – Victorian Desalination Project  
Level 1  
8 Nicholson Street  
East Melbourne, Vic 3002

Dear Madam

### **Desalination Project - Public Inquiry**

This submission is on behalf of Your Water Your Say Action Group Incorporated (YWYS).

As a result of the inability of the State and Federal Governments to make a decision as to whether they will pursue YWYS for court costs, which will determine in effect whether or not YWYS is to wind up, we are presently in an operational 'holding pattern'. Consequently, we are prevented from making a meaningful submission to this important inquiry.

The State Government announced on June 19<sup>th</sup> 2007 that this desalination plant "will be built" on the Bass Coast. Since that time they have espoused claims of "consulting" with the community and listening to their concerns. The State Government claims it supports the community to fully participate in the EES process but their failure to make a decision on the issue of court costs has meant that YWYS is effectively excluded from the very process they encourage us to engage in.

For the benefit of the Inquiry on June 13<sup>th</sup> 2008 Justice Heerey awarded costs to the Federal and State Governments a result of the action - *Your Water Your Say v Minister for the Environment, Heritage and the Arts & Anor; Federal Court Proceeding VID188/2008*. Since that time the State Government has been unable to decide what their course of action will be on the pursuit of costs against YWYS front.

Since its inception in 1978 the EES process was intended to inform decision makers to enable them to make decisions in full knowledge of the environmental consequences of a particular project. Given our present holding pattern constraints we would like to but cannot present to you a substantive submission on the fundamental flaw in the Victorian Desalination Project process, that the Government has declared at the outset that the plant "will be built" without any environmental studies having been completed.

In the result, the State Government has therefore turned the EES process on its head and undermined the value and integrity of the EES process itself. The process has been



## YOUR WATER YOUR SAY ACTION GROUP INC.

manipulated to achieve a pre-determined outcome and would highlight the following community concerns:

- The process deliberately excludes community involvement. Thirty working days for a community to evaluate 1600 pages of technical information is an impossible task.
- No financial support has been made available to the community to gain expert assistance in this process.
- The objectives of the Panel fail to allow a rigorous analysis as most are framed to “avoid or minimise to the extent practicable.”
- Land has been compulsorily acquired and the project has commenced before the Panel has even met thus pre-empting the Panel process.
- There is no provision for peer review of the “consultant” reports.
- Discussion of more cost effective or environmentally sustainable solutions are excluded from the Inquiry.
- Discussion of alternative sites is excluded from the Inquiry.

The Federal and State Governments are aware that YWYS is unlikely to be in a position to pay its significant legal costs and hence their apparent inability to make a decision on this front can only be interpreted as an attempt to further avoid community scrutiny of this project.

YWYS urges the Panel to restore the EES process to its correct sequence and ensure there is a thorough and independent examination of all the environmental consequences of this project. YWYS further urges the Panel to exercise their discretion and expand the scope of the inquiry to fully explore two critical issues that have been deliberately excluded from the review - alternative water augmentation options for Melbourne and potential alternative sites for the plant outside the Wonthaggi-Kilcunda area.

We urge the Panel to restore some degree of faith in the EES process.

Yours sincerely

Andrea Bolch

President

Your Water Your Say Action Group Incorporated.

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**WATER - YES!**

**DESAL - NO!**