Submission in Response to
Thirlmere Lakes inquiry draft report
16 July, 2012

I would like to provide a submission in response to the above named report, recently completed and provided to the NSW Environment Minister, Ms Robyn Parker.

Firstly I would like to make objections in relation to the Terms of Reference of this report and to what the report has actually achieved in this regard.

A. Terms of Reference

Below are the inquiry’s stated terms of references and in bold print are my objections.

Inquiry into recent variations in water level in Thirlmere Lakes

Under the authority of the Minister for the Environment, the Thirlmere Lakes Inquiry Committee is authorised to inquire into and report on the following matters concerning recent variations in water level in Thirlmere Lakes:

[The reference to the inquiry being in relation to the ‘recent variations in water level in Thirlmere Lakes’ is misleading as it is a well known fact that the drought in this area south west of the Sydney Basin ceased in 2006. It is also a well known fact that the drying up of the lakes took place before 2006. This is what one would expect to occur during a prolonged drought in relation to such an area which comprises of mainly groundwater fed lakes. To refer to the variations in water level as being recent infers an expectation that past factors which predate ‘recent’ times may not be important as relevant causative factors. Furthermore, 6 years past is not ‘recent’; and furthermore the ‘variations’ that are being referenced here are merely euphemisms for ‘drying up of the lakes’.

1. historical, paleo-climatological, and other scientific records regarding lake levels, rainfall events and other natural or land management data related to the condition and circumstances of the Thirlmere Lakes
2. identification of patterns in the relationship between water levels in the Thirlmere Lakes and known rainfall events, land management practices or other factors
3. an assessment of current water levels in Thirlmere Lakes against identified patterns

[The over reliance of the referencing of climatic factors such as ‘rainfall events’, ‘paleo-climatological’, and ‘identification of patterns in the relationship between water...
levels...and known rainfall events' shows that in some instances the inquiry was to be skewed into a predetermined outcome ie the inquiry did not begin with a sufficiently open-ended and unbiased term of reference; basically if you do not look for all possible answers from the outset you will not find them or conversely, you will find what you want to find if you sufficiently narrow your search. Based on the final outcomes of this draft report it appears that this is precisely what has occurred.

In addition to the above point and in contrast, the stark omission of any mention of probable cause of the drying of these lakes as linked to mining land management practices have been carefully concealed. One could argue that this was a deliberate formulation so as to remove any potential search bias towards any potential findings that mining land management practices were the cause of the lakes' depletion – however the same argument could be made in relation to the not omitted and several mentions of 'climatic factors' in this exact same context.

In short, the inquiry should have listed mining practices as being a potential contributor to the drying up of the lakes – just as it has listed climatic factors in this context. Had it done so such criticisms of bias could not be levelled at it. It was the ‘elephant in the room’ from the outset, and the committee effectively ignored it.

This is poor scientific research and process from the outset].

4. recommendations for management actions to address the factors identified as likely to have a direct or indirect effect on lake levels and/or on the natural and cultural values of Thirlmere Lakes National Park
5. recommendations for future studies to better understand the hydrology of the Thirlmere Lakes and provide better information for future management
6. any other matters the Inquiry Committee considers relevant to the reasons for or responses to water levels in the Thirlmere Lakes.

In preparing its recommendations the Thirlmere Lakes Inquiry Committee may have reference to a wide range of information sources including, but not limited to: scientific data and studies including paleo-climatological studies; expert opinion; climate or other modelling; comparative information across the region; data from similar water bodies; historical information; private records (such as family photos or private data collections); and submissions from the public.

[It is truly incredulous that the findings of the most comprehensive and most independent inquiry that has recently been completed on the Thirlmere Lakes system, ie the study and report prepared by Pells Consulting has not been adequately included in the conclusions of this draft report (in fact the findings of this report have been largely ignored) Do the members of the Inquiry Committee TRULY believe that such omissions of such an important and comprehensive report from the conclusions of the inquiry will in any way act to assure the wider public that BEST PRACTICE SCIENTIFIC RESEARCH has been incorporated into their draft report? I can assure you that it WILL NOT.

Not only will such an obvious omission NOT be accepted by the wider public (and neither for such reasons should it be accepted by the scientific community), but the effect of this omission has been exacerbated by the bald fact that the findings of two other reports, commissioned only after the inquiry itself was announced, and paid for by the OWNERS of Tahmoor Colliery, Xstrata Coal, HAVE BEEN incorporated by the inquiry
Committee into their conclusions (and hence their recommendations). This omission and these two subsequent inclusions are beyond the pale and unfortunately only serve to highlight the disdain (and wasted public resources) with which the Inquiry Committee has held not only best practice scientific research, but also the collective intelligence of the wider public).

The Thirlmere Lakes Inquiry Committee will consist of the following members:

- a chairperson with senior qualifications and expertise in hydrology, geology, geomorphology, climatology, paleogeography and/or related natural processes relevant to the inquiry

[The chair of this inquiry committee, Dr Steven Riley, does not have either senior qualifications or expertise in all of the above named disciplines. It is also noted that Dr Riley’s contributions to the references relied upon by this draft report number in the singular, and was compiled in 1985. This is clear and obvious proof that Dr Riley is not an expert in most of these areas].

- two members with qualifications and expertise in hydrology, geology, geomorphology, climatology, paleogeography and/or related natural processes relevant to the inquiry
- one member with qualifications and expertise in freshwater ecology, ecological management or natural sciences relevant to the inquiry
- one member with expertise related to mining practices and techniques including short and long term environmental effects.

[It is by now well known that Dr Wendy McLean is an employee of the influential consultancy known as Parsons- Brinckerhoff – a very large consultancy, who not only regularly gain lucrative project contracts from the NSW Government, but who also list many mining and energy companies amongst their employers eg AGL and Xstrata].

The Thirlmere Lakes Inquiry Committee will as expeditiously as possible, but in any case on or before 30 June 2012, deliver a final report on the results of the inquiry to the Minister for the Environment.

Secondly and finally I would like to make comments in regard to the so-called independence of this draft report.

**B. Independent Report**

The opening paragraph of the draft report states and is reproduced below:

“EXECUTIVE SUMMARY
In response to community concerns the NSW Minister for the Environment appointed an Independent Committee of Inquiry to establish the reasons for fluctuations in the levels of the Thirlmere Lakes and, if relevant, recommend actions to ameliorate these changes. The Committee was appointed in late October 2011 with a reporting date of 30 June 2012”.
With reference to the so-called independence of this committee, the above points clearly indicate that this report was not compiled by independent experts. For such reasons its findings should be put aside.

The obvious facts of the background of this report include that
- independently produced studies eg the study produced by Pells Consulting, have been ignored when final conclusions were made in this draft report;
- even more alarmingly, not only have such independent findings (which contradict the ultimate findings of this draft report) been ignored, but the contradictory findings of other reports eg reports compiled by Gilbert and Associates Pty Ltd and Heritage Computing have been relied upon for the report’s conclusions. These reports have been commissioned and paid for by Xstrata Coal, the owners of Tahmoor Colliery, being the colliery which is responsible for the longwall mining occurring within close proximity of the lakes; and finally
- it is clear that the influence of Dr Wendy Mclean cannot be under-emphasised with relation to the findings of this draft report; it has already been stated that Dr McLean is a paid employee of a large consultancy firm which lists Xstrata among its many mining and energy company clients.

Consequently, it is farcical to refer to this inquiry committee and its findings as being independent – their findings are not even based on the best quality research that was available to it.

I therefore call upon the Hon Robyn Parker, NSW Minister for the Environment to cease wasting taxpayers’ money on such committees and processes which do nothing to assure the NSW public that proper scientific scrutiny is occurring when it comes to the protection and conservation of our natural environment and its resources – and to dismiss the findings of this draft report.

Yours sincerely,

NSW 2570