



## Lifeblood Alliance submission to the Productivity Commission’s review of Murray-Darling Basin Plan implementation.

Lifeblood Alliance consists of environmental, Indigenous and community groups committed to keeping the rivers, wetlands and aquifers of the Murray-Darling Basin healthy for the benefit of current and future generations. Member groups and associated individuals of the Lifeblood Alliance span the breadth of the Basin and beyond and include landowners, farmers, irrigators, commercial and recreational fishers, nature tourists, Local Government representatives, Traditional Owners, ecologists, townspeople and conservationists.

Lifeblood Alliance has closely followed the initial development of the Basin Plan, its adoption and the processes of implementation.

We welcome the opportunity to contribute to the Productivity Commission’s review and answer the questions posed by the Commission in their call for submissions.

1. What needs to change to ensure water recovery targets are met and that supply and efficiency measures are delivered? What lessons can be learnt from past experiences?

### **Water recovery**

Current policy settings have made water recovery targets impossible to meet ahead of the 2024 deadline. Reliance on infrastructure projects to deliver both ‘Bridging the Gap’ water and the additional 450 GL has proven slow, uncertain and expensive and unlikely to deliver promised environmental outcomes.<sup>1</sup>

Before an extension of time for water recovery is considered, the following changes must be made:

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<sup>1</sup> See Environment Victoria (2023) ‘Doomed without a drink’ for full critique and references.

- The legislated (1500GL) cap on buybacks must be repealed
- Open tender, voluntary water purchases must be resumed as a key cost-effective and transparent mechanism for meeting water recovery targets across the Basin
- Reliance on infrastructure projects, both on and off farm, to recover water must be reduced, as these projects are high cost and low return in terms of environmental outcomes
- The socio-economic criteria attached to water recovery funded by WESA should be abandoned as unworkable and unproductive, and buybacks allowed to contribute to water recovery.

The Sustainable Diversion Limit Adjustment Measures (SDLAM) package, negotiated and agreed to by all states, contains three key elements, the 605GL supply measures adjustment, the 450GL efficiency measure (up-water) component and constraints management.

These three elements were not agreed to in isolation, but very much as a package each reliant on the others for agreed outcomes and are all integral components of the Basin Plan.

### **Supply measures**

Supply projects under the SDLAM have been a key focus for state governments since before the Basin Plan was made in 2012, with NSW and Victoria particularly enthusiastic proponents. But limited progress has been made and community and Traditional Owner support has been lacking. As MDBA Chief Executive Andrew McConnell put it recently, the projects “are like a credit for water users, at the expense of the environment. The credit has been banked, but the payment still needs to be delivered’.<sup>2</sup>

After 11 years of effort, the MDBA has found that ‘16 key SDLAM projects (are) unlikely to be operable by 30 June 2024, the Authority estimates a shortfall in water recovery of between 190 and 315 gigalitres’.<sup>3</sup> We do not believe that an extension of time should be given for supply measures to be completed, as this would keep the door open for additional measures to be proposed which would then just keep the process going indefinitely.

The time has come to draw a line under failing projects and for them to be withdrawn ahead of the 31 December deadline for reconciliation in 2024. We recommend that the Menindee Lakes, Yanco Creek and the Victorian Murray Floodplain Restoration projects in particular be withdrawn and replaced with water recovery and constraints management to enable best use of environmental water holdings.

### **Efficiency measures**

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<sup>2</sup> MDBA (2023) Address to the National Press Club

<sup>3</sup> MDBA 25 July 2023 [Authority advice on Basin Plan implementation | Murray–Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/news/authority-advice-on-basin-plan-implementation)

By contrast, state governments have been extremely reluctant to bring forward cost-effective proposals for efficiency measures, and have greatly limited the possible scope of projects. The Basin Plan requirement for efficiency measures to have neutral or improved socio-economic outcomes has been replaced by a highly restrictive set of criteria at the request of the Victorian and NSW governments. These criteria have resulted in the virtual suspension of water-use efficiency-on farm in NSW and Victoria.

Improving water-use efficiency – doing more with less - is a key Basin Plan strategy to address challenges and help regions transition and adapt to a different future. The utilisation of water efficiency projects to return water to rivers, wetlands and creeks to improve their health provides an added bonus for amenity, recreation and tourism in addition to the economic benefits of more efficient water use.

This set of criteria flies in the face of all productivity principles, causes landholders to miss out on opportunities to rationalise irrigation systems and denies communities opportunities to transition to a drying environment.

As an example, the criterion “not reduce any irrigation or associated jobs now and in the future”, if used across Australian industry would have ruled out any past productivity past gains and certainly, as evidenced, current and future gains.

We strongly recommend these criteria be abolished/modified and assessment of projects include neighbouring districts and the regional central hubs, projects to be targeted at districts and industries and where possible projects be encouraged to incorporate modern and emerging technologies.

Substitute program criteria and actions for consideration.

- Some relevant criteria that could be applied to on-farm project applications to ensure that projects support local, regional or industry development plans and community needs might include:
  - 1) Where a proposed project is located within an irrigation infrastructure operator’s network, the proponent must provide evidence that the proposal is consistent with the operator’s business or infrastructure/network plans. This evidence may be provided in the form of a letter from the operator indicating that the operator has no objections to the proposed project.
  - 2) Project proponents must provide evidence that the project is aligned with local government or regional development plans or strategies. This evidence may be provided in the form of a letter from local government / other organisation indicating that the organisation supports the project.

Additional actions

- The MDBWI Program could also take further steps to ensure that irrigators have access to the best available information and support to increase their productivity, and to ensure that industries and communities can capitalise on the opportunities afforded. For example:

- 1) The Australian Government could invite industry bodies to co-design industry-specific initiatives within the MDBWI Program. This process could focus on increasing water use efficiency in ways that address industry priorities, future needs and risks, and may include research and extension services.
- 2) The Australian Government could invite irrigation infrastructure operators to co-design combined off-farm and on-farm initiatives within the MDBWI Program. This process could focus on increasing water use efficiency in ways that address network or system priorities.
- 3) The Australian Government could invite local governments, or regional development organisations, to co-design region-specific initiatives within the MDBWI Program. This process could focus on increasing water use efficiency in ways that address local/regional priorities, future needs and risks, and may include research and extension services.
- 4) The Australian Government could make technical reports on completed projects available on the web and to inform the development of future projects.

### **Constraints management**

The SDL adjustment volume for supply measures was calculated on the assumption that constraints measures are in place. This has not been implemented and will not be completed by 2024.

The delivery of the Constraints projects – combined with the Enhanced Environmental Water Delivery (EEWD) project – are important to achieving the full 605 GL supply contribution under the SDLAM. Together, these measures contribute to approximately a third of the total supply contribution and are co-dependent on each other. Other supply measure projects are also dependent on the easing of constraints, which is integral to the successful implementation of the adjustment mechanism as a whole.

Environmental water needs to be able to get to the locations on the floodplain that need it most and to arrive downstream in sufficient volumes to flush salt out to sea and out of the system.

NSW and Victorian governments, under pressure from irrigation interests have deliberately undermined/delayed the implementation of constraints management and have prevented the responsible and effective utilisation of environmental water currently being held both federally and by the States.

Responsibility of the development of Constraint Management plans need to be taken up at Federal level as the States have failed and show little indication of being capable or willing to complete the program. The appointment of an independent panel to assess projects and develop pathways to implementation would be a valuable first step.

The Constraints Management Strategy is a project of national importance and should be treated as such with powers to enable agreed easements or compulsory acquisition of private land.

The removal of constraints to the delivery of environmental water is critical to the successful achievement of the Basin Plan, and have lasting private and public benefits, we have an obligation to maximise these benefits. Transfer of federal funds saved through discontinuation of supply measures to constraints measures would greatly enhance the chances of success. Other options for consideration include the acquisition of flood easements, various forms of options contracts, private land nature conservation, land acquisition and payments for ecosystem services to land managers, or leases and licensing arrangements for the supply of constraints relaxation as an ecosystem service. Basin state and territory governments should also consider how planning laws could be used to gazette flood zones for both natural floods and environmental flows.

2. Are the current arrangements for implementing the Murray-Darling Basin Plan operating effectively? How could the arrangements be improved? The Commission is particularly interested in the effectiveness of the arrangements for:

- developing, accrediting and reporting on water resource plans

**Water resource plans need to be uniform.** Requirements for water resource plans must be more prescriptive so states can't just put up a list of their own instruments, as has been the case.

*Recommendation:* That a template for water resource plans be developed, and all state water resource plans be remade for the commencement of the next Basin Plan in 2026.

**The Basin must be managed as a connected whole.** Water resource plans must be required to interact with adjacent plan areas. The connectivity includes plan areas that are side by side, as well as overlapping groundwater and surface water plan areas including in NSW where they seem to have been developed quite separately.

The Water Act states only that:

*s 63 (2) If the water resource plan area is adjacent to a water resource plan area located in another Basin State, the proposed water resource plan must be prepared in consultation with that other Basin State.*

'In consultation' is not descriptive of an adequate process to develop adjacent water resource plans with rules that prioritise and protect connectivity. Within state borders there is no requirement for adjoining water resource plans to have adequate connectivity described in the rules.

Rules such as end of system flow targets based on the environmental watering requirements of the downstream catchment should be developed, included in water resource plans, and activated or enshrined through state legal instruments. However, that power currently lies with the states and they are not required to include end of system flow targets in WRPs. The next iteration of the Basin Plan must

mandate that the states include rules that prioritise connectivity (like end of system flow targets), to address the impacts of climate change.

*Recommendation:* Adjoining water resource plans must include rules (such as end of system flow targets) that prioritise and protect connectivity between valleys, and between surface water and groundwater systems.

**Planned Environmental Water (PEW)** in the Cwlth Water Act and the Basin Plan has a different definition from those in state legal instruments. For example, PEW is not defined as such in Victoria, and is inconsistently defined in NSW. Within NSW, the definition of PEW is different in most regulated water sources to how it is defined in unregulated water sources, making it difficult to quantify and therefore to protect.

The poor performance of NSW under the previous Coalition government in relation to submitting water resource plans has been widely reported, and drawn strong commentary from the Inspector General of Water Compliance. One of the sticking points in the prolonged process of submission and rejection of NSW water resource plans has been the way PEW is defined. Many of the rejected Water Resource Plans contained definitions of PEW in the included water sharing plans that were not consistent with the definition in the *NSW Water Management Act 2000*.

*Recommendation:* That the water resource plan template requires PEW to be clearly and consistently defined by each state to ensure the Minister can be confident the rules allow for no net reduction in PEW.

**First Nations consultation for and on water resource plans is limited.** The extent to which states are required to consult with First Nations is restricted to the “Indigenous values and uses” components of the Basin Plan (Chapter 10, Part 14). States appear to only have responded to these requirements by tacking on First Nations consultation outcomes as standalone parts of their water resources plans, without any clear impact on their substantive water planning and rules to give effect to those outcomes. In this way, Chapter 10, Part 14 of the Basin Plan only requires tokenistic consultation with Nations.

First Nations have a role in providing advice to the MDBA when it considers and assesses whether a water resource plan meets the requirements of Chapter 10, Part 14, provided by the legal note at the start of this section of the Basin Plan. The Murray Lower Darling Rivers Indigenous Nations (MLDRIN) facilitates Traditional Owner representatives from each water resource plan area in the Southern Basin to provide this advice. While this is an incredibly important regulatory role for Nations, the MDBA is not bound to follow or comply with this advice. This has seen the MDBA recommend the Minister for Water accredit several NSW water resource plans – and the Minister for Water act on that advice – against the recommendation of local Nations<sup>4</sup>.

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<sup>4</sup> <https://www.mdba.gov.au/water-management/basin-plan/water-resource-plans/list-state-water-resource-plans> specifically: the NSW MDB Porous Rock, NSW MDB Fractured Rock and Macquarie-Castlereagh Alluvium WRP.

Currently, the MDBA is only required to seek this advice from Nations when states propose new water resource plans for accreditation (as per s 63 of the Water Act). When amendments of already accredited water resource plans are being considered by the MDBA (s 65 of the Water Act), there are no requirements that First Nations be consulted.

*Recommendations:* (a) the Basin Plan must require states to give local Traditional Owners the opportunity to provide input into any and all parts of new water resource plans and amended water resource plans, should they choose, based on free, prior and informed consent; (b) the legal note to Chapter 10 Part 14 must be extended to require the MDBA to seek the advice of Nations about the adequacy of future updates and amendments that states and territories make to their water resource plans; and, (c) this legal note must be strengthened so that the advice – indeed, authority – of local First Nations is respected and given effect to in the accreditation process.

Further matters relating to First Nations consultations are covered in MLDRIN's submission - please refer.

**There is no statutory requirement for water resource plans to be reviewed.**

While states can update water resource plans as state-based rules and instruments change, without a firm maximum lifespan in effect water resource plans have been accredited indefinitely. An example of an unacceptable outcome of this lack of a mandated review date is that states can indefinitely rely on materials provided during consultations that may be sub-par.

Water resource plans must be independently reviewed at regular intervals against (a) the objectives of the Basin Plan and the Water Act; (b) each state's performance against their own commitments in those water resource plans. Traditional Owner input must be a required inclusion in these mandated reviews.

*Recommendation:* Water resource plans must be regularly and independently reviewed to assess their performance against the objectives of the Water Act and Basin Plan as well as the state's commitments. Statutory expiry periods or maximum set review periods must be set in the Basin Plan or Water Act.

- environmental water planning and management.

Reviews of the CEWH have shown environmental water planning to be robust, effective and producing positive local results. However, basin wide outcomes remain elusive and difficult to achieve.

There are many reasons for this, partly due to the nature of the CEWH's water portfolio, which contains entitlements of varying reliability, some of them very low. This means that allocations against the portfolio are consistently lower than average. For example, even in the very wet year of 2022/23, the CEWH received a total allocation of 1464 GL<sup>5</sup> against 2000.5 GL of entitlements LTAAY.<sup>6</sup>

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<sup>5</sup> [allocations-carryover-may-2023.pdf \(dcCEEW.gov.au\)](#)

<sup>6</sup> [Environmental water holdings - DCCEEW](#)

A further major problem is the operating rules under which environmental water is delivered. The current approach of river managers is to emphasise water-security for productive use whilst protecting landholders and businesses on floodplains from inundation. The operating protocols prioritise maximising storage, optimising air space ahead of forecast further inflows and minimising flooding of floodplains. This represents a major constraint on delivery of essential environmental flows.

Over the period of high-water availability 2020-21, these operating protocols actively prevented overbank flows to the stressed Lower Murray and Lower Darling floodplains. It was only the extraordinary events of the third La Nina season of late 2022 that provided water to these areas. The CEWO has access only to water in storages and is not involved in managing the natural high flow events, which are seen as an essential component in achieving the outcomes of the Basin Plan.

3. Have the governance and institutional arrangements for the Plan – including the arrangements for compliance and monitoring, evaluation and reporting – proved effective? What changes would you recommend?

#### **Governance arrangements**

The 2018 Productivity Commission review of Basin Plan implementation commented on the lack of co-operation between partner governments and their refusal to support basin plan outcomes in the national interest, preferring to advance their own sectoral interests. While changes in government at the federal level and in South Australia and NSW have opened the door for a more united position and greater focus on environmental outcomes, disagreement on timelines and extensions continue. The Victorian government continues to argue that the 450GL up-water is not an integral component of the Basin Plan, rather a sop to bring South Australia to the table, and progress on constraints management is painfully slow with continued obstruction in both Victoria and NSW.

The current negotiations on extensions to timelines must be carried out in good faith and partners prepared to negotiate on outcomes. For example, if Victoria wishes to maintain its supply measures as part of the SDLAM, it must be prepared to support constraints management and the upwater component as equally important.

#### **MDBA position statements**

If MDBA provides position statements <sup>7</sup>again in the future, they must be consistent and set similar expectations for similarly worded water resource plan requirements.

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<sup>7</sup> [Tools for developing water resource plans | Murray–Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/tools-for-developing-water-resource-plans)



For example, section 10.28 of the Basin Plan requires that a water resource plan must ensure that there is no net reduction in the protection of planned environmental water, while section 10.55 requires that a water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses. The MDBA's Position Statement 6A (for section 10.28) requires a much greater level of justification by states to address the requirement *and* greater degree of Basin Plan compliance assessment by the MDBA compared with Position Statement 14A (for section 10.55) The latter simply requires that the "MDBA requires a statement outlining the level of protection (if any) of Aboriginal values and uses in transitional or interim water resource plans and how these are maintained or enhanced". MDBA assessments of now-accredited water resource plans show that the MDBA does not interrogate the accuracy of these statements, even when First Nations provide compelling evidence to the contrary. These different standards are unequal and unjustified. These disparities should be corrected in any revisions to the MDBA's position statements or equivalent policies used to implement the Basin Plan into the future.

**Compliance with water resource plans and sustainable diversion limits is difficult to assess.** There is no systematic approach for assessing compliance with water resource plans. It seems at the moment the Inspector General is checking on compliance by looking at the MDBA's Register of Take based on the evidence given by Daniel Blacker for the Inspector General's office at a Senate Estimates hearing in May 2023<sup>8</sup>.

Victoria is unique in that five Irrigation Infrastructure Operators (IIOs) are responsible for assessing compliance to the SDLs, and it is not transparent where the responsibility to comply with Basin Plan limits sits within the Victorian Department.

Given that NSW have only recently had five of their twenty water resource plans accredited, none of them being surface water plans, the Inspector General has not been able to assess compliance to the SDLs at all, and has to rely on NSW to sign a Memorandum of Understanding and check its own compliance. The Inspector General has indicated that the new Water Minister has been cooperative to date in committing to improving seven surface water resource plans so they can be accredited.

*Recommendation:* Systematic process for assessing compliance with water resource plans should be developed as part of the Inspector General's regulatory policy.

**Breaches of the legislation are difficult to enforce.** At a Senate Estimates hearing in May 2023, the Inspector General of Water Compliance Troy Grant said:

"The legislation has got more 'get out of jail' clauses and opportunities than a Monopoly board. It needs review."<sup>9</sup>

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<sup>8</sup> HANSARD SENATE ENVIRONMENT AND COMMUNICATIONS LEGISLATION COMMITTEE Estimates (Public) FRIDAY, 26 MAY 2023, page 10

<sup>9</sup> Ibid page 7

The Inspector General of Water Compliance must be able to hold each state to account for any breaches of legislation. Water resource plans (which include state based legal instruments, i.e. NSW water sharing plans) must be linked to the Water Act and the Basin Plan.

*Recommendation:* The language in the Water Act and the Basin Plan that refer to compliance with water resource plans must be strengthened, i.e., “May have consideration” changed to “must have consideration”.

#### 4. How well is the Plan responding to a changing climate? How should this be improved?

Unfortunately climate change was ignored in the initial formulation of the Basin Plan, and the historic record was used as a predictor of future conditions. This approach has proved wholly inadequate, with conditions in the last 20 years already well outside historic precedent<sup>10</sup> and water availability predicted to decline by 20-40% by 2050<sup>11</sup>. While the Basin Plan has been successful in increasing the pool of held environmental water, the vast majority of the environment’s share of available water is above cap or planned environmental water, so uniquely vulnerable to reduced inflows due to climate change. In other words, the environment continues to carry the lion’s share of the risk of climate change.

This situation must be acknowledged in the review of the Basin Plan in 2026 and rectified in Basin Plan 2. The SDL methodology should be adapted so that the rivers of the Basin are guaranteed a fair share of water under all climate scenarios and conditions. They should not be sacrificed to upstream extraction, as happened in the Darling Baaka in 2019. The recommendations of the Australian Academy of Science Panel investigating the Menindee fish kills in 2018/19 identified inadequate flows as fundamental cause and recommended maintaining baseflows was key to avoiding this type of event in future.<sup>12</sup>

Setting an end of system flow target as a component of the SDL could be one way to achieve this. The Wentworth Group of Concerned Scientists has set out suggested targets for the rivers of the northern Basin.<sup>13</sup> Site specific flow indicators developed by the MDBA in the development of the Basin Plan could also be useful here.

NCC’s submission (Part 2 f) deals with specific NSW issues.

#### 5. How well is the Plan addressing the interests of Aboriginal people?

**More than mere ‘regard’ to Indigenous interests is required** if an improvement in the cultural outcomes of the Basin Plan is expected. Part 14 s 10.52 to 54 of the Basin Plan lays the parameters for how the interests of Indigenous People are supposed to be addressed in water resources plans. The use

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<sup>10</sup> [iig\\_final\\_report.pdf \(igwc.gov.au\)](#) Interim Inspector-General (2021) *Impact of lower inflows on state shares under the Murray-Darling Agreement*

<sup>11</sup> [Climate change | Murray–Darling Basin Authority \(mdba.gov.au\)](#)

<sup>12</sup> [Investigation of the causes of mass fish kills in the Menindee Region NSW over the summer of 2018–2019 | Australian Academy of Science](#)

<sup>13</sup> [Recommended-NSW-FPH-flow-targets.pdf \(wentworthgroup.org\)](#)

of the term 'have regard to' is too vague to direct governments to take any steps other than the bare minimum.

At the barest minimum, s 10.52-54 of the Basin Plan must have stronger language than 'have regard to'. Additionally, these requirements need to be more specific to the rights and interests of First Nations and Traditional Owners, the self-governing, sovereign entities that have the right to speak for Country, rather than 'Indigenous peoples' or 'Indigenous organisations' more broadly.

The MDBA's *Position Statement 1B* sets out how to interpret 'have regard to' for the purposes of developing water resource plans. This statement specifies the level of additional obligation required to satisfy 'have regard to' depending on the section of the Basin Plan. When 'have regard to' is used in Chapter 10 s 52- 54, it is considered only a Category A level of additional obligation - the most basic level.

'Category A - a requirement to have regard to a specified matter, with no additional requirements'<sup>14</sup>

The MDBA's *Position Statement 14A Aboriginal values and uses* does not compel states to change how they manage water in response to any 'regard' they may or may not have accrued while consulting Traditional Owners.

*Recommendation:* At the barest minimum, the use of the term 'have regard to' in s 10.52 to 54 of the Basin Plan must be strengthened so that states are obligated to make improvements and changes to water management based on and to give effect to the outcomes of consultation with the local Traditional Owners who have the authority to speak for Country.

## 6. How well has community consultation and engagement been conducted? How can this be improved?

The previous Productivity Commission review outlined the problems with Basin Plan consultation, how communities felt over-consulted but under-heard, that agencies and governments were not listening to what they had to say and that most 'consultation' follows a set agenda with pre-determined outcomes. This situation undermines trust and allows unsubstantiated views to gain wide acceptance and power.

Unfortunately little has changed in the intervening period, with the same issues being raised again and again by the same people at consultation forums, and the Basin Plan continuing to be blamed for all manner of ills in the irrigation industry for which it is not responsible. The gap between supposed socio-economic considerations and environmental outcomes remains as wide as ever.

One potential reason for the continued problems is the myths perpetuated by governments and agencies. For example, both the NSW and Victorian governments and the MDBA have repeatedly

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<sup>14</sup> MDBA POSITION STATEMENT 1B – Interpreting 'have regard to'

claimed that the irrigation industry has done the ‘heavy lifting’ in Basin Plan implementation and therefore should not be asked to do anything more, while conveniently ignoring the fact that irrigators have been well compensated for any water they have returned to government, have been major beneficiaries in terms of improved services and equipment and that their businesses have become much more productive due to government investment. The position also overlooks the basic need and requirement of the Basin Plan to address overallocation which is damaging the environment and ultimately the irrigation industry itself, but has been welcomed and taken up as acknowledged fact by irrigator groups.

Trust and faith in implementation will not be restored until leaders admit the need for a Basin Plan is in the national interest and the fundamental problem of over-allocation in their patch. As far back as 2007 the Victorian government was seeking to blame overallocation on its northern neighbours and push the problem on to them to resolve<sup>15</sup>. Other governments and interest groups have followed suit with disastrous results.

The Productivity Commission has been clearer than most in what its consultation processes can or can’t achieve, and its independence is valued by communities. The Inspector General has the potential to achieve similar stature. Unfortunately, the MDBA sacrificed its independent role at the outset and is seen as part of the problem as much as part of the solution.

Better consultation would include clearer and simpler messages about what’s at stake, who is involved and who is responsible for making decisions. Improved water literacy is also key, and better understanding of who is responsible for what (for example, states are responsible for water allocations, not the MDBA or the Basin Plan). The Inspector General has called for a single, trusted source of information, but it’s hard to see amid the plethora of voices and ‘giggababble’ how that might be established. The CSIRO, the Academy of Science or Bureau of Meteorology are potential candidates.

## 7. What lessons should be learned from programs aimed at helping communities adjust to the Plan?

Lifeblood Alliance strongly supports investment in Basin communities to address issues such as human health, cultural values, liveability, household distress and mental health. Communities are in need of investment in health services, police, schools and digital infrastructure, which may create much greater value for money than investment in irrigation infrastructure. “Each dollar spent on human services created four times as many jobs as spending on infrastructure upgrades.”<sup>16</sup>

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<sup>15</sup> DSE (2007) National Water Reform - A comprehensive and balanced national water reform plan. A proposal by the state government of Victoria

<sup>16</sup> Modelling variants of the Murray-Darling Basin Plan in the context of adverse conditions in the Basin Glyn Wittwer Centre of Policy Studies Victoria University March 2020

In her essay 'Cry me a River' Margaret Simons poses this question "...what would have happened if Labor and then the Coalition government had continued a determined program of water buybacks as the main way of recovering water? The total amount would probably have been recovered by now - and at much less cost to the taxpayer. Which would have freed up money that could have been better spent. More water buybacks might have hurt rural communities already under strain. But what if this was part of bold rural and regional policies of wisdom and sophistication, well thought-out and well communicated? What if money saved was spent on health, education and schools in rural Australia?"<sup>17</sup>

We strongly support separation of funding for structural adjustment being separate from funding for water recovery. We support community conversations about real needs, rather than an assumption that irrigation infrastructure will automatically generate community wide benefits or support their long-term future.

## 8. Does the implementation of the Plan reflect a commitment to the best available scientific knowledge? How well is this knowledge communicated? What improvements should be made?

The use of science in the making of the Basin Plan and the setting of the ESLT and SDLs has been strongly critiqued by the South Australian Royal Commission into the Murray-Darling: 'In determining the Basin-wide ESLT and then SDL, the MDBA failed to act on the best available scientific knowledge in a number of respects, contrary to para 21(4)(b) of the Water Act.'<sup>18</sup>

The Commission further critiques the science base of the SDLAM as building on errors in the determination of ESLT, the MDBA's reliance on modeling rather than empirical outcomes and the shortcomings of the environmental equivalence methodology.<sup>19</sup> All these issues continue to play out in the implementation of the Basin Plan.

Problems with the use of science are compounded by a lack of consensus and public trust in what is best science. The controversy surrounding the true pre-settlement conditions of the Lower Lakes and Coorong is a case in point, with markedly differing views depending on where in the Basin the protagonist lives.<sup>20</sup>

Greater public understanding of the nature of science is required, which should come from trusted, apolitical sources, such as the Academy of Science. Rigorous peer review by independent experts is also key to avoid cherry picking among the plethora of so-called 'independent' reports.

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<sup>17</sup> Quarterly Essay 2020 "Cry Me a River. The Tragedy of the Murray-Darling Basin" Margaret Simons

<sup>18</sup> [murray-darling-basin-royal-commission-report.pdf \(environment.sa.gov.au\)](https://www.environment.sa.gov.au/murray-darling-basin-royal-commission-report.pdf) p54

<sup>19</sup> Ibid, p56-57

<sup>20</sup> See Margaret Simons 'Cry me a River' p93-96

## 9. Are there any other issues with Plan implementation that you wish to raise?

The Water Act and Basin Plan are a highly ambitious, and highly contested, program of reform. About two thirds of the mandated water recovery has been achieved but progress has stalled and the final third is proving the most difficult of all, with all kinds of reasons for delay being advocated.

All parties need to put aside their parochial concerns and act in the national interest, which is to refocus on the core elements of the Basin Plan - ending the overallocation of water resources, achieving an environmentally sustainable level of take, and protecting the ecosystems of the Basin.

Abbreviations used:

SDL	Sustainable Diversion Limit
WRP	Water Resource Plan
SDLAM	Sustainable Diversion Limit Adjustment Mechanism
MDBA	Murray-Darling Basin Authority
MDBP	Murray-Darling Basin Plan
MDBWI	Murray-Darling Basin Water Infrastructure

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Lifeblood Alliance Member Groups:

Australian Conservation Foundation, NSW Nature Conservation Council, Conservation Council of South Australia, Environment Victoria, Queensland Conservation Council, Murray Lower Darling Rivers Indigenous Nations, Northern Basin Aboriginal Nations, River Lakes and Coorong Action Group, Inland Rivers Network, National Parks Association of NSW, Goulburn Valley Environment Group, Healthy Rivers Dubbo and Central West Environment Council

31 July 2023