



PO Box 216, DUBBO NSW 2830

email inlandriversnetwork@gmail.com

web inlandriversnetwork.org

ABN 34 373 750 383

Productivity Commission
GPO Box 1428
Canberra City ACT 2601, Australia

Submission

Interim Report

2023 review of Murray-Darling Basin Plan implementation.

Introduction

The Inland Rivers Network (“IRN”) is a coalition of environment groups and individuals that has been advocating for healthy rivers, wetlands and groundwater in the Murray-Darling Basin since 1991. IRN has been following the development and implementation of the Murray-Darling Basin Plan (Basin Plan) since before the adoption of the *Water Act 2007* (C’wlth).

We have been expressing concern about the delivery of improved environmental outcomes and putting forward solutions across the Basin since that time.

IRN welcomes the opportunity to provide feedback on recommendations made in the Interim Report on the 2023 review of the Basin Plan implementation. We thank the Commission for the approach taken and for the acknowledgement of issues and recommendations made in our previous submissions on the Basin Plan.

We submit the following comments on the interim recommendations of the review.

1. Interim Recommendations supported

1.1 Interim Recommendation 2.2

IRN strongly supports the recommendation to remove southern Basin constraints-easing projects from the supply measure package. This has been a key position of IRN in progressing and delivering important Basin Plan outcomes. Establishing a dedicated program with funding arrangements and sequencing is critical for delivery of recovered water onto floodplains.

The establishment of a scientific advisory body to help develop the implementation pathway is critical for the success of the constraints-easing projects.

There is an opportunity to trial lower flows to floodplains as a starting point in the sequence. Public funding to remove constraints for low to medium overbank flows will have an additional benefit for landholders and communities during times of natural flood events.

1.2 Interim recommendation 2.3

IRN strongly supports the recommendation to progress the northern Basin toolkit.

Implementing a monitoring framework, together with public reporting, to provide assurance of environmental outcomes for completed northern Basin toolkit is essential for the promised improved environmental outcomes from these complementary measures.

We agree that the stocktake should be along similar lines to the Sustainable Diversion Limit Adjustment Mechanism reconciliation as part of the 2026 Basin Plan review.

IRN strongly emphasises that funds allocated to water recovery should not be redirected towards implementing toolkit measures and that these complementary outcomes are not substitutes for water flow in rivers and wetlands.

There has been ongoing public comment around the importance of measures such as fish ladders, cold water pollution mitigation, removing stock from waterways, removing invasive species etc for as long as the water reform process has been undertaken since the mid 1990's and still many of these measures have not been adequately funded or implemented.

1.3 Interim Recommendation 4.1

IRN strongly supports that Water Resource Plans (WRPs) are simplified to make them more comprehensible to both those charged with implementing them and the general public. However, this process must include a template to standardise the content of all WRPs including a standardised definition of Planned Environmental Water and methodology for assessing 'no net reduction.'

The WRPs must include rules for the provision of end of system flows, and connectivity targets with upstream and downstream catchments and for Held Environmental Water to be protected throughout the entire Basin.

Requirements for First Nations consultation, engagement and consent must be clearly met and reported on.

1.4 The following Interim Recommendations are supported without further comment:

3.3, 3.4, 5.1, 6.1, 6.2, 6.3, 9.1, 9.2

2. Interim Recommendations partially supported

2.1 Interim recommendation 2.1

IRN strongly supports the need for improved transparency and reporting by both Federal and State Governments in regard to delivery of supply measures, constraints-easing and Nth Basin toolkit measures. We support the recommendation to include reporting requirements in amendments to the Water Act 2007 (Cth) and the Basin Plan and the withdrawal of a Commonwealth funded supply measure if it is not operational by the deadline.

However, the reporting requirements need to be clearly specified in amendments as well as having a report tabled annually. Improved transparency requires a clear outline of content and process for report development. The report must have clearly laid out consequences if projects are not delivered on schedule and an identification of who will be held responsible. It is critical that State Governments are also required to report to their own Parliaments so that the processes and any difficulties are clearly identified.

2.2 Interim recommendation 2.4

IRN supports a renewed approach to water recovery for the shortfall from failed supply measures. However, we have concerns about proposals to recover the 450 GL up water. The lifting of the 1500 GL cap on water purchases and the removal of the socio-economic criteria for efficiency measures is essential.

Proposals to offset the 450 GL through rule changes in the Northern Basin are not supported. The recovery of water licences for management by the Commonwealth Environmental Water Holder is critical for reversing the decline of rivers and wetlands across the Basin.

Rivers die from the bottom up and this has been demonstrated by threats to the Coorong and Lower Lakes systems and the Lower Darling/Baaka. It is essential that water is recovered and that appropriate transition and adjustment funding programs are developed with local communities most needing assistance to diversify.

2.3 Interim Recommendation 3.1

IRN supports that the Basin-Wide Environmental Watering Strategy include First Nations peoples' objectives and outcomes, under all water availability scenarios, for shared benefits from environmental water use (where compatible with environmental objectives) at the Basin-wide scale.

We also support that the watering strategy have a priority focus on achieving flow connectivity at a system-wide scale. This is key to achieving healthier rivers, wetlands and replenishment of groundwater sources.

However, we do not support that the environmental watering strategy should seek to achieve social outcomes. The paramount focus must be on environmental improvement and objectives.

We also have concerns about the proposal for the watering strategy to consider relative priorities of key Basin environmental assets. This is introducing an element of triage into decision-making when all key environmental assets are significant and should receive watering requirements under all water availability scenarios. The job of the Basin Plan is to ensure adequate environmental water so that this is possible, not to trade off its most important sites.

We strongly object to the consideration of natural resource management co-ordination being included in the watering strategy. The implementation of complementary measures is the role of other processes such as Catchment Management Plans developed by CMAs. The watering strategy must concentrate on the delivery of environmental water to achieve the objects of the Basin Plan. Other environmental measures need to be co-ordinated and developed through

planning processes that take the watering strategy into account. Fish ladders will not operate if there is no water flowing through them.

2.4 Interim Recommendation 3.2

IRN supports that Long-term Watering Plans include First Nations objectives and outcomes under all water availability scenarios for shared benefits from environmental water use (where compatible with environmental objectives) for each water resource plan area.

We strongly object to Long-term Watering Plans including natural resource management plans and actions such as invasive species control. As outlined under the above response, these complementary measures must have their own development processes and funding mechanisms that should take into account the delivery of environmental water.

It is essential that Long-term Watering Plans focus on achieving the best possible delivery of watering requirements for water dependent native species and ecosystems. Complementary measures must not be used as substitutes for water recovery and requirements. They are additional needs to achieve the best environmental outcomes.

2.5 Interim Recommendation 8.1

IRN supports the need for a comprehensive review of trading rules in the Basin.

It is essential that the review must consider the impacts of trade on the environment, including the impacts of Inter Valley Transfers and large movements of trade to areas where it is difficult to supply water orders. Socio-economic effects of water trading can also be very substantial and have been wrongly attributed to the purchase of and use of environmental water.

2.6 Interim Recommendation 9.3

IRN supports the strengthening of the community voice in Basin decision-making as long as this includes the full variety of community opinion and that information is based on evidence.

More transparency is needed about how the Basin Community Committee is appointed and its Terms of Reference. A balance of representation across all community perspectives is important.

3. Interim recommendations not supported

3.1 Interim recommendation 4.2

IRN does not support amendments to the Water Act to allow fast-tracking of amendments to water resource plans. That Act must be amended to include a provision for review of water resource plans. Under current arrangements water resource plans once accredited essentially exist in perpetuity. 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 review periods must be set in the Basin Plan or Water Act.

The discussion under Interim Recommendation 4.1 regarding the simplification and standardisation of water resource plans should be conducted under an initial review timeframe.

4. Information requests

4.1 Information request 2.1

IRN does not support the consideration of a new corporate Commonwealth entity to address the anticipated water recovery shortfall. A new Government-owned corporation creates an additional layer of governance in Basin Plan implementation. It will be costly and take time to establish. The finalisation of the Basin Plan needs to be implemented as soon as possible. DCCEEW has commenced work on a way forward including establishing principles and drafting programs with extensive consultation. A new entity would likely have to start from scratch and therefore cause a significant delay in achieving the required outcomes.

4.2 Information request 4.1

It is imperative that Basin state governments continue to be required to report on compliance with their water resource plans and meeting Sustainable Diversion Limits. As outlined above there needs to be improvements made to the process of developing and reviewing water resource plans.

There is a key role for the Inspector General in providing independent assessment of compliance with water resource plans. An adequate regulatory process must be developed and the language of the Water Act and Basin Plan changed (for example from ‘may have consideration’ to ‘must have consideration’) so that the Inspector General can hold the states to account.

4.2 Information request 6.1

It is imperative that climate change science is embedded into the Basin Plan framework. This has been argued since before the Basin Plan was adopted in 2012. These amendments to the Water Act need to happen now to inform the review of the Basin Plan in 2026 and the development of Basin Plan 2.

Climate change is already significantly impacting on water management and decision-making processes across the Basin with increasing extreme weather events and rapid swings between wet and dry periods. The risk of failure of meeting the challenge of climate change adaptation is already upon us and requires much more agility in response. Current river management operating rules are a key impediment that must become more flexible to allow for improved responses to rapidly changing conditions.

4.3 Information request 7.1

Options to improve water quality and availability in the Northern Basin include:

- Rules to protect all held environmental water crossing the border from Queensland
- Better protection of low flows in Queensland water resource plans
- Rules-based end-of-system flow targets based on scientific evidence in all NSW Northern Basin water resource plans

- The return of the 70 GL water recovery removed through the Northern Basin Review process that was not based on science, as is evident with the collapse of the ecological integrity of the Darling/Baaka River
- Return the 100 GL water savings from the failed Menindee Lakes supply measure to the Darling/Baaka to provide more capacity to improve water quality and prevent further large scale loss of native fish populations.

For more information on this submission please contact

Bev Smiles

inlandriversnetwork@gmail.com