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27 November 2023

Submission from: The Upper Murrumbidgee Catchment Network

To the: Productivity Commission, Murray-Darling Basin Plan: Implementation review 2023 – Interim Report.

Dear Sir/Madam,

We are writing in response to the Interim Report released by the Productivity Commission on the Murray-Darling Basin Plan: Implementation review 2023.

Firstly, we feel that none of the issues raised with regard to the Upper Murrumbidgee River and other Montane rivers impacted by Snowy Hydro operations have been addressed at all, or even acknowledged in the interim report.

Canberra and the ACT is the largest city within the Murray Darling Basin. The region also includes centres such as Cooma and Yass, and is seeing increased population growth and demands for water from Queanbeyan, Googong and Bungendore. The ACT is a jurisdiction within the Murray Darling Basin, with its own Water Resource Planning area, and yet the issues facing the region have not been heard at all.

We'd therefore like to draw out a couple of key themes from the interim report to reflect how the Basin Plan has not seen improvements in water management for the region, while re-attaching our original submission for consideration again please. We know that the interaction between the Water Act 2007, Basin Plan and the Snowy Hydro operating space is complicated, but that should not mean this process ignores it. We feel that our region's needs for Critical Human Water, healthy waterways, strong cultural connections by First Nations, a river you can swim in, and one which continues to support regional towns and industries, are no more or less of an ask than what the Basin Plan is trying to achieve.

There are aspects of the Interim Report which we feel only strengthen our case to be heard. We refer to the following information:

“The success of the Murray–Darling Basin Plan (the Basin Plan) depends on effective institutional and governance arrangements for implementing the Plan, appropriate monitoring, reporting and evaluation processes, and meaningful community engagement (page 198).”

We could not agree more with this statement and suggest that effective institutional and governance arrangements need to be strengthened in our region, as well as appropriate monitoring, reporting and evaluation. We also support the need for further meaningful engagement from ACT, NSW and Commonwealth government agencies.

Under section 9.4, it states that:

“Implementation of the Basin Plan hinges on effective community engagement on a range of matters including environmental watering activities, the development of water resource plans, and how to best manage the impacts on communities of a reduction in the consumptive pool of water. When engagement is done well, it supports the community’s confidence and trust in the Basin Plan, and ensures that the views and knowledge of Basin communities are genuinely considered in Basin water resource management. Good engagement can also facilitate accountability through the sharing of information on the performance of Basin government institutions, and the achievement (or otherwise) of Basin Plan outcomes. (p 218)”

Again, we support this notion and suggest that the ACT and region should be factored into engagement activities run by either MDBA, DCCEW or the Productivity Commission in future. Given that the Upper Murrumbidgee Catchment network includes the ACT water resource planning region and part of the NSW Murrumbidgee water resource planning region, workshops and face-to-face engagement on Basin Plan implementation should engage with stakeholders in the upper Murrumbidgee catchment.

We are asking you to please revisit the submissions made on these matters, to highlight issues in the rivers of the Murray-Darling Basin which are impacted by the interaction with operations of the Snowy Hydro Scheme. We suggest that this could be done in your ‘interim findings’ section, by flagging that the complexity of how the Water Act and Basin Plan interact with Snowy Hydro arrangements has meant that the Montane rivers – including the upper Murrumbidgee – have been left behind by water reforms. The requirement for the Basin Plan ‘not to be inconsistent with’ Snowy Hydro operations has seen the continued managed decline of the upper Murrumbidgee River.

In practice, it has meant that:

1. Critical Human Water Needs (CHWN) are not prioritised for towns such as Cooma and the ACT;
2. There are no end-of-system flow requirements from NSW into the ACT, risking CHWN to the ACT and impacting the ecology through lack of longitudinal connectivity;
3. Environmental flows remain unprotected in the Upper Murrumbidgee River, eleven years after the Basin Plan came into effect. Flows can be protected on a temporary basis by the NSW Water Minister under s324 of the NSW Water legislation, and we note this method is being applied;
4. The ACT Water Resource Plan is powerless to address the lack of flows entering the ACT;
5. Water quality impacts continue, including elevated levels of enterococci;
6. The environmental outcomes set out in the Basin-wide Environmental Watering Strategy (BWS) cannot be achieved in the Upper Murrumbidgee River for:
 - a. Connectivity, including for base-flow and fresh targets.
 - b. Native fish, with one example being the objective for “no loss of native fish species currently present within the Basin.” We are doing the opposite in our region, with silver perch, trout cod, and likely two-spined blackfish all locally extinct within the Upper Murrumbidgee River. With significant populations of the EPBC listed Macquarie perch, and the only know population of mountain galaxias, the Basin Plan needs to have a focus on this region to avoid species loss;
7. Finally, environmental water management does not consider the principles for environmental water management set out in the Basin Plan, such as adaptive management and community engagement.

We would like to respond to the information request on page 34, under section 7.1: The Productivity Commission invites participants to comment on whether the Murray–Darling Basin Plan should do more to improve water quality and ensure critical human water needs are met in the northern Basin. What options should be considered by the Murray–Darling Basin Authority in the 2026 Basin Plan Review?

Although this request is for the Northern Basin, we suggest that this question also needs to be asked in the Upper Murrumbidgee Catchment, and that the Basin Plan should be doing more to ensure CHWN for this region via a review of Snowy Hydro operating arrangements for environmental flows.

Finally, we draw attention to this sentence on community engagement:

“We heard that engagement is often a ‘one-way conversation’ and participants do not feel that their participation is influencing key decisions (or even reaching ultimate decision-makers).” page 220.

It’s fair to say that when we read the interim report and saw that none of the issues raised for our region were included in the report, this sentence rang true. We ask that the next iteration of the report at least acknowledge the complexity of the issues in this part of the world, put the ACT and region on the map of agencies for face-to-face engagement as part of Basin Plan implementation, and acknowledge that the Water Act requirement for the Basin Plan ‘not to be inconsistent with’ the Snowy Hydro arrangements cannot simply continue in-practice as the managed decline of a system, and a known, yet unmitigated risk to Critical Human Water Needs of the region.

Kind regards,

Mr Andy Lowes

Chair

Upper Murrumbidgee Catchment Network, for and on behalf of the Upper Murrumbidgee Catchment Network Executive Committee.

Attachments:

Attachment A: UMCN Submission to the Productivity Commission, Murray-Darling Basin Plan: Implementation review 2023.