



Healthy Rivers Ambassadors

*Promoting a healthy, working
Murray Darling Basin for the future*

HEALTHY RIVERS LOWER MURRAY

Australian Government Productivity Commission

Email: basin.plan.2023@pc.gov.au

19 November 2023

Dear Commissioner Chong,

RESPONSE TO THE INTERIM REPORT OF THE PRODUCTIVITY COMMISSION IN RELATION TO THE MURRAY-DARLING BASIN PLAN: IMPLEMENTATION REVIEW 2023

Thank you for the opportunity to provide input to this interim report. Our comments are focused on supporting all recommendations for action to get the Basin Plan back on track and to ensure effective actions to support river and ecosystem health.

Who we are

Healthy Rivers Lower Murray is a group of Healthy Rivers Ambassadors and River Fellows who live along the Lower Murray Valley from the Darling Junction to the Murray Mouth, in western NSW, north-west Victoria and in South Australia. They also live in communities outside the Basin which depend on Murray River water, including Adelaide. Members of the group have been active since 2016.

General Comments

Weak accountability has been a fundamental flaw in the implementation of the Plan and the failure to deliver 'on time and in full'. This must be addressed with enforceable penalties for any further failure to deliver against the proposed extension of deadlines and additional funding.

A clear plan must be outlined for the reconciliation of the 605 GL and 70 GL offsets and how the shortfall of up to 315 GL will be made up. This should include enforceable deadlines for delivery.

A clear plan must be outlined for delivery of the balance of the 450 GL. This should include enforceable deadlines for delivery and requirements for reporting the environmental outcomes.

The separation of Constraints projects from Supply projects is strongly supported, and these should also have a clear implementation plan, with penalties for non-delivery or failure to meet deadlines. The Enhancing Environmental Flows Project should be re-categorised from Supply to Constraints. A key area that needs to be included in Constraints is a review of all operating protocols for upstream storages and river structures, to re-visit outdated triggers which are no longer appropriate and to challenge barriers to delivering small flood flows to key wetland and floodplain targets.

A clear implementation plan is needed for Constraints projects, staged in incremental steps to start the process with small gains, to build community trust and to demonstrate that environmental flows are not the same as damaging flood flows. This should include enforceable deadlines for delivery.

Action should occur immediately to delete SDLAM projects which will not deliver the promised offset volumes, rather than waiting until reconciliation. No new SDLAM projects should be allowed. The claimed equivalent environmental outcomes from SDLAM projects must be clearly demonstrated to justify the pre-approved offsets.

Adjustment assistance to communities to adjust to less available water is strongly supported.

Allocation of cultural flows for First Nations communities and meaningful involvement in regional water resources management is long overdue and should be given immediate priority.

The important factor of weak governance in the changing water market must be addressed, in order to ensure that future water demand can be met without environmental, economic or social damage. The negative social and economic impacts of trading on the water market should be highlighted, and contrasted with the actual social and economic impacts and benefits of water recovery under the Basin Plan.

Our responses to the Information requests are given in the table below.

Thank you for the opportunity to present our concerns and suggested actions. If further information is required, please contact Anne Jensen

On behalf of

Dr Anne Jensen Healthy Rivers Ambassador (2016) River Fellow (2017) [Redacted] [Redacted]	Bob Newman River Fellow (2018) Healthy Rivers Ambassador [Redacted] [Redacted]	Kate McBride River Fellow (2017) Healthy Rivers Ambassador [Redacted] [Redacted]
Janette Brooks Secretary River Lakes and Coorong Action Group [Redacted] [Redacted]	Charlotte Nitschke River Campaigner [Redacted] [Redacted]	

Specific Responses to Information Requests in Interim Report

Information request	Our comments
<p>2.1</p> <p>The Commission is considering the merits of establishing a new corporate Commonwealth entity to address the anticipated water recovery shortfall.</p> <p>The independent entity would initially adopt the existing Australian Government responsibility for water recovery, with a commercial approach to program delivery in closer partnership with Basin entitlement holders and irrigation networks. It would operate at arm’s length from government and be in place for a fixed time period.</p> <p>The Commission invites views on the merits and the design of the entity, including:</p> <ol style="list-style-type: none"> 1. the likely strengths and weaknesses of a government owned corporate entity compared to current arrangements 2. the role of the Ministerial Council in providing high level direction to the entity 3. the scope of its functions, including whether it should have a role implementing supply, constraints easing and toolkit measures 4. the entity’s guiding principles, such as ensuring value for money and minimising community impacts from water recovery. 	<p>An independent entity with clear reporting requirements would be of benefit in establishing separation from government agencies and increasing transparency of water recovery and accounting.</p> <p>Priority should be given to ensuring that entitlements recovered are of appropriate security to deliver the environmental water requirements of the local catchment(s).</p> <p>While seeking to minimise social and economic impacts on Basin communities, the first priority should be to recover sufficient secure entitlements to maintain minimum health and resilience in Basin ecosystems, including sufficient flow reserves to manage blackwater events and algal blooms.</p>
<p>4.1 Reporting on compliance and other arrangements</p> <p>The Commission invites comments on whether Basin state governments should continue to be required to report on compliance with their water resource plans (Murray–Darling Basin Plan, Schedule 12, Matter 19), and on any other ways the reporting arrangements for water resource plans should be improved.</p>	<p>Reporting systems to date have allowed state governments to report failure to deliver on outcomes and deadlines without penalty. The most important reform should be the inclusion of enforceable penalties and clear schedules for delivery of projects.</p>

Information request	Our comments
<p>6.1 Embedding climate change science into the Basin Plan framework</p> <p>The Commission is considering whether the Water Act 2007 (Cth) places sufficient emphasis on the application of climate change science to the development and implementation of the Basin Plan. For example, should section 21 of the Water Act, which is about the general basis on which the Plan is made and updated, be amended to make clear and explicit that the best available science about the impact of climate change on water availability, including climate projections, is part of the scientific knowledge on which the Plan should be based?</p>	<p>It is absolutely critical that the impacts of climate change be factored into the Basin Plan. The implementation of the Plan to date has failed to effectively address the fundamental issue of over-extraction that was identified in 2007. The predicted effect of climate change is that there will be even less water available in the future, so the Water Act needs to ensure that this unpalatable factor of not enough water is addressed effectively and built into the ‘environmentally sustainable level of take’.</p>
<p>7.1 Options to improve water quality and availability in the northern Basin</p> <p>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?</p>	<p>It is suggested that all tributary rivers in the Basin should have minimum flow reserves, sufficient to maintain ecosystems, water quality and town water supplies. This may require a review of the original sustainable diversion limits, also now taking into account the effects of climate change.</p>
<p>Any other general comments on findings and recommendations?</p>	<p>The Basin Plan needs to be brought back on track to achieve as much as possible of its original targets, particularly to reduce over-allocation of its water resources. The current amendments need to include sufficient powers of enforcement along with additional funding to make that happen by the extended deadlines. The next step is then to tackle the very serious implications of climate change in further reducing water availability and how to share that impact across Basin communities and ecosystems.</p>