HEALTHY RIVERS LOWER MURRAY SUBMISSION TO THE PRODUCTIVITY COMMISSION IN RELATION TO THE MURRAY-DARLING BASIN PLAN: IMPLEMENTATION REVIEW 2023

The Healthy Rivers Lower Murray group is an informal e-network which advocates on current issues relating to the implementation of the Murray-Darling Basin Plan as relevant to the Lower Murray. The group is a member of the Conservation Council of South Australia. It is also a signatory to the Lifeblood Alliance of voluntary community groups through the Murray-Darling Basin with similar interests in repairing and maintaining healthy rivers in the Basin.

Response to Question 1:
What issues are important to you in implementing the Basin Plan?

The Basin Plan was intended to bring over-allocation of water back to an ecologically sustainable level of take. The Plan was signed in November 2012 and this intended outcome was due to be delivered by 2024.

In reality, delivery has fallen far short of the outcomes set out in the Plan. Extraction of water is still at unsustainable levels and actual recovery of water for river health is far short of the volume required to halt continued decline, let alone for improvement in condition of key parameters, as required in the Plan.

During the implementation process, a series of negotiations have undermined progress in reducing volumes extracted or increasing real volumes available for environmental recovery.

Challenges to the unproved notion of 'environmentally equivalent outcomes' from engineered SDLAM projects have been ignored, but in 2023 it has already been clear for more than 12 months that very significant volumes will not be delivered from these projects. A clear process is needed for the speedy recovery of water to offset the 605 GL and 70 GL credits already granted.

Upstream states continue to refuse to take any action to deliver the 450 GL of 'up' water which was a clear requirement of the 2012 agreement. This volume would benefit all river communities from its various sources along the routes to the river mouth, but is being wrongly characterised as being only for the benefit of South Australia.

A major re-set and re-commitment is needed to get the Basin Plan back on track to achieve a sustainable level of take. This needs to happen before the next phase of incorporating the impacts of climate change on future water availability, predicted to reduce by 30-50% in the next few decades.

Response to Question 2:
What lessons should be learned from programs aimed at helping communities adjust to the Plan?

The implementation of the Basin Plan was seriously undermined during the development of the Guide and then formulation of the Plan by the failure to include a supporting program to assist communities to adjust to change and any impacts from water trading and other measures under the Plan. Every negative impact in river communities has been blamed on the Plan, regardless of the actual causes such as drops in commodity prices, decline in rural services and move of young people to cities for greater employment opportunities. These factors were well-documented in background documents for the Sefton report but the findings were not acknowledged or incorporated in the main report.

Serious attention should be paid to promoting environmental water as 'water for river health', to emphasise that it benefits all river communities as it flows through river systems, that it is repeatedly re-used and the benefits flow to the $11 billion nature-based tourism industry as well as local river towns along the way. It is important to emphasise that environmental flows will always be small and limited in area. They cannot reproduce floods, they can only provide limited watering to specific sites to tide them over dry times. Only nature can produce floods across whole floodplains. There is a serious campaign of mis-information that needs to be countered with positive stories about the benefits of environmental flows to all river communities.

Response to Question 3:
How well is the Plan addressing the interests of the Aboriginal people?

The Plan has failed to address the interests of the Aboriginal people in any satisfactory way. The promise of $40 million to purchase water has been delayed for so long that it will now only buy about 60% of the original potential volume. The Water Resource Plans in New South Wales have been returned repeatedly for failure to consult in a meaningful way with traditional owners. This issue needs to be addressed urgently, with priority given to the Darling-Baarka system to change management protocols in order to avoid further fish kills and blackwater events in the Lower Darling.

Response to Question 4:
How could a Basin Plan water recovery be done better?

The Productivity Commission already identified in 2018 the steps necessary to get the Basin Plan back on track and warned of the economic consequences if action was not taken. Unfortunately, the government of the day chose not to take up those recommendations, which are now more urgent than ever. These should be re-visited in the current review.

Actions which should be considered include:

- Accelerate actions to recover the 450 GL of 'up' water, including effective penalties for failure to deliver by set deadlines
- Remove the 1500 GL on buy-backs and prioritise purchases from willing sellers
- Increase the number of high security licences held by CEWO, to balance the unreliable low security licences held

- Declare failed those SDLAM projects which it is already known will not deliver their offset volumes, and accelerate the process to determine how those volumes will be found against the 605 GL and 70 GL credits
- Identify key constraints projects which are holding back delivery of environmental flows and accelerate their implementation
- Increase monitoring and accounting of claimed return flows from efficiency projects
- Change river operating rules to ensure that ecosystems are watered in wet times, in order to build resilience for future dry times, particularly for the Lower Murray and Lower Darling valleys
- Do not accept toolkit measures such as carp control or the Better Baarka and Better Bidgee packages as substitutes for real water recovery.

Response to Question 5:
What needs to change to deliver infrastructure and efficiency projects under the Plan

More effective deadlines and penalties for failure to deliver are needed. In the early days of the National Water Initiatives, significant progress was made in the separation of land and water titles and the development of the water market through the pressing incentive of Commonwealth tranche payments being tied to delivery of agreed actions. A similar incentive system is needed to get delivery of commitments back on track. Too many crucial actions required to deliver the Plan have been allowed to slip by for months and years, without any significant penalty.

The office of the Inspector-General needs to be truly independent, with powers to investigate all serious breaches, whether failure to deliver projects, water theft or other actions undermining the security of the Basin Plan.

Response to Question 6:
How is environmental water improving the health of the Basin?

Environmental water has supported the ongoing recovery of river and floodplain ecosystems from the devastating effects of the Millenium Drought. Strategic application of environmental water has sustained the benefits of flood events during subsequent dry periods. For example, in the Lower Murray Valley the 2010-12 floods triggered mass germination of black box seedlings at intermediate levels on floodplains. This event had the potential to produce the largest recruitment of black box since the 1956 flood. Selected sites were watered during dry seasons 2013-mid 2016 and again 2017-2021. Watered black box saplings grew to 2-3 times the height and diameter of non-watered saplings and showed a much-enhanced burst of growth in response to the 2022-23 floods.

In the Lower Murray valley, watered wetland sites have produced very large numbers of threatened Southern Bell frog tadpoles, as well as all of the more common regional frog species. At one saline site, hundreds of thousands of threatened Murray Hardyhead fish thrived in response to freshening by environmental watering, enabling translocation of seed populations to upstream sites near Mildura. Near Milang, migratory shorebirds including threatened Latham's snipe were able to feed in suitable wetland habitat created by environmental watering. Management of environmental flows at the barrages led to breeding of black bream, and lamprey have been detected migrating upstream as far as Renmark. All watered wetlands showed substantial positive responses in growth of floodplain and aquatic plants, and breeding events in fish, turtles and waterbirds.

Response to Question 7:
What more could be done to support a healthy working Basin?

The greatest need is to promote the story that the Basin Plan benefits everyone, and that we need to reach an ecologically sustainable level of take in order for everyone to survive. The water resources of the Basin are not a magic pudding that will just keep giving, they are finite and will decline in the future. The message needs to come from the top very strongly that we are already taking too much water and that there will be even less available in the future.

The existing over-allocation needs to be addressed before tackling the future effects of climate change on diminishing water availability.

Particular actions to support a healthy working Basin could include:

- Changing the MDBA operating priorities to allow controlled minor spills from storages for environmental benefits, particularly to provide periodic overbank flows to the Lower Murray and Lower Darling valleys
- Investigate whether such environmental flows might be considered as credits towards water recovery, as an offset for failed deliveries against the 605 GL and 70 GL credits
- Invest significantly in social support programs to help communities to adjust to change and to understand that recovered water is of benefit to all river communities, including the $11 billion nature-based tourism industry
- Require permanent plantings to purchase sufficient water to support mature crops, rather than relying on temporary trades
- Require Water Resource Plans to include a minimum end-of-system flow to downstream reaches
- Give priority to real and effective engagement with Traditional Owners and deliver the $40 million for cultural flows immediately.

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

Yours sincerely

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