

25<sup>th</sup> of July 2023

## **Murray-Darling Basin Plan: Implementation Review 2023**

Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601, Australia

Dear Productivity Commission,

My name is Mervyn John Gordon and I present the following submission in response to your recent 'Call for Submissions'. It is offered under the headings listed in the call for submissions paper published in May 2023, and is documented with a focus on my lived experience as a water access licence holder living on the Darling River at Bourke, NSW.

### **Basin Management Arrangements**

#### **Water Resource Plans (WRP).**

The implementation of the Basin Plan relies on the NSW State government developing catchment-level WRPs. Given that the water minister, the Hon Rose Jackson MP, has withdrawn the Barwon-Darling WRP, it is not possible for the commission to assess the effectiveness of the implementation of the Barwon-Darling WRP.

The Barwon-Darling WRP is at extreme risk of remaining not-fit-for-purpose and non-compliant before June next year, potentially placing the entire Basin Plan at risk. To be accepted and trusted, the Barwon-Darling Water Resource Plan needs to adhere to the stakeholder signed 2006 Heads of Agreement and be historically recalibrated. This will eliminate the existing water agency culture of ignorance to past community agreements and adhere to the core NSW governance principles of transparency, notification, and accountability.

#### **Critical Human Water Needs and Water Quality**

The commission states that concerns continue to be raised about water quality and security in some areas. An example of political water security ignorance since the last Productivity Commission review is the Bourke weir upgrade. The Bourke community has been proactive with presentations since the last drought and unfortunately, governments at all levels have not delivered a single workable solution.

This now leaves the Bourke community unfairly exposed and vulnerable to the forecasted extreme dry seasons ahead.

#### **Environmental Water Management.**

There is a conversation disjoint when the Commonwealth Environmental Water Office engages with my local community. A good example of this disconnection is the commonwealth's view that there has been no commonwealth recovery in my river management zone of the Barwon Darling (CEWHO Management Plan 2023). Hence, the Commonwealth sights that their community impact from previous recovery programs has been minimal.

This misconception will be factually transformed when the Sustaining the Basin Irrigated Farm Modernisation (STBIFM) efficiency units are eventually reallocated to their exact point of recovery. The 2006 Barwon Darling CAP recovery also needs to be acknowledged by federal agencies to provide a factual understanding of the genuine socio-economic impacts of water recovery on my water access licence and supporting the irrigation industry.

## Governance and Institutions

### Governance (Compliance, evaluating, and Reporting)

In 2018, the Commission found that the institutional and governance arrangements for the Plan had major shortcomings that posed a significant risk to the Plan. Since 2018 the MDBA established the Inspector General of Water Compliance, and other complex frameworks to improve credible mechanisms for transparency, integrity, conflict management, and accountability.

However, until the Barwon-Darling WRP is accredited, there is no direct or indirect role of the Inspector-General of Water Compliance in ruling over the Water Sharing Plan I still operate under.

### Water Trading Rules

In February 2021, the Australian Competition and Consumer Commission published a report on Basin water markets and found that 'decisive and comprehensive reform was needed'.

Since 2018, and including the February legislation this year of clause 42.3A, there has actually been a deterioration in trading rules within the Barwon-Darling. Once again removing financial wealth and social capital from my local community.

This deterioration includes;

- A reduced value of account water
- A specified limit restriction on trade
- An introduction of complex policy criteria that creates bias within similar licence classes
- Policy amendments that selectively favour individual licence holders over the licenced collective

## The Future of the Plan

### Aboriginal Nations in the Basin

The plan seeks to ensure Aboriginal people can participate in water resource management and planning. The local Bourke Aboriginal community have been promised water access licencing for decades and they are still to receive entitlement shares from Federal recovery schemes.

The Federal Water Minister, The Hon Tanya Plibersek MP, needs to urgently fulfil this promise if all departments are to expect the local First Nations community to sit at the planning table as true equals.

### Community Engagement

In recent years there have been over 30 reviews relating to the implementation of the Plan, most of which have included some form of community consultation. With 5 federal departments and 4 state departments working in the same space, the Bourke community has consultation fatigue. Community trust and confidence in water management are completely eroded as the Bourke community keeps asking for tangible action, however, they are met with a raft of summits, conferences, and working parties obsessed with review annotation and not practical outcomes.

Basin community engagement continues to falter for the following reasons;

- There continues to be an acceptance of federal consultation culture that is selective, dismissive, and reliant on invite-only engagement (recent DCCEEW buyback sessions findings)
- Interested parties continue to be inadequately consulted as government departments rely on out-of-date community engagement platforms (no framework for panel feedback to be provided to the community grass roots).

## Helping Communities Adjust

The commission is interested in what is being done or could be done to help communities successfully adjust to the Basin Plan and the changes attributed to its implementation. It wants to know what can be learnt from past programs and from communities that have adjusted successfully. The commission needs to understand and accept that it's fine to take the high road and jump on what works, but who's accountable when policy creators get it wrong?

I have sadly endured 17 years unsupported in this space. Having had 70% of my family's licencing equity garnished for the environment in 2006, not one dollar was forthcoming to my family's business, and its supporting community, for industry readjustment.

The Commonwealth negligently refuses to offer targeted personalised support for communities that are impacted by federally funded water recovery projects. There has never been financial and intellectual capital provided to protect and reskill the displaced employees in my family business.

## Previous Review Outcomes

### Conclusion

There has been negligible to regressive progress experienced since the last productivity commissioned review. This has largely been due to the failure to achieve accreditation of the Barwon-Darling Water Resource Plan, coupled with slow water agency acknowledgement and uptake to numerous commissioned bureaucratic review findings.

The following outcomes highlight a political culture of resistance and inaction over the last 5 years which have sadly been magnified by poor ministerial leadership by both state and federal water ministers.

**Outcomes experienced since the last Productivity Commission review are;**

- 1. The Barwon-Darling WRP has been withdrawn from accreditation.**
- 2. Local community water security has not improved.**
- 3. Commonwealth Environmental Water Management has not improved community respect and trust.**
- 4. There has been no tangible federal influence on compliance, evaluation, and reporting.**
- 5. Market access, accountability, and transparency has deteriorated.**
- 6. First Nations water entitlements have not been issued.**
- 7. There has been a weakening in water agency engagement.**
- 8. There has been no adjustment programs introduced to water access licence holders and industries that remain impacted by multi-jurisdictional environmental water recovery schemes.**

Thankyou for the opportunity to provide this submission.

Sincerely,

Mervyn John Gordon

Barwon-Darling Water Access Licence Holder  
Bourke Community, BDWSP River Management Zone 10