



**Murrumbidgee  
Irrigation**

Murrumbidgee Irrigation Limited ABN 39 084 943 037

Postal Locked Bag 6010, Griffith NSW 2680 Web [www.mirrigation.com.au](http://www.mirrigation.com.au)

Offices • 86 Research Station Rd, Hanwood NSW 2680 • Dunn Ave, Leeton NSW 2705

Contact T (02) 6962 0200 F (02) 6962 0209 E [info@mirrigation.com.au](mailto:info@mirrigation.com.au)

7 July 2023

Natural Resources Commission

**Via email:** [nrc@nrc.nsw.gov.au](mailto:nrc@nrc.nsw.gov.au)

### **Re: Review of Murrumbidgee Regulated Rivers Water Sharing Plan**

Murrumbidgee Irrigation is one of the largest private irrigation companies in Australia servicing over 3,000 landholdings owned by over 2,500 customers, the majority of whom are shareholders in the Company. Our core business is water distribution. We provide irrigation water and drainage services to the Murrumbidgee Irrigation Area (378,911 Ha). We recognise the Water Sharing Plan for the Murrumbidgee Regulated River Water Source (here after referred to as WSP) as the key regulatory instrument underpinning water sharing in our Valley and support the 2026 Plan Review.

We note that the WSP forms part of the Murrumbidgee Water Resource Plan which is yet to be approved by the Murray Darling Basin Authority. As such the Water Sharing Plan (as amended in December 2022) may still be subject to change for consistency with the Basin Plan. We would expect any such changes to be subject to consultation.

In our 2019 submission we noted that the Murrumbidgee WSP is one of the oldest and most comprehensive Plans in NSW and has for the large part served the Valley well. In that submission we raised a number of issues most of which are still unresolved and relevant to the 2026 review. A copy of our 2019 submission is attached for your ease of reference. In particular, we remain disappointed that preceding reviews have not enabled improvements around environmental flow rules and outdated trade limitations despite them being acknowledged throughout successive review processes.

Murrumbidgee WSP rules, including the 100GL IVT limit, the Barmah Choke trade restrictions, and pre-2010 Tagged Trade rules, were drafted in a pre-trade environment and prior to any concept of held environmental water or the Murray Darling Basin Plan. These rules are out of step with current trade and demand practices and are impacting on efficient operations. Murrumbidgee Irrigation maintains that they are an impediment to trade between connected systems and has long supported a review to determine if they can be relaxed or removed.

Similarly, we note that Transparency rules (and their complexity) were discussed at length as part of the 2016 review of the Murrumbidgee WSP. The then Minister initiated a Review, and a report was finalised in 2018 yet consideration of alternatives was not progressed through the 2020 WSP process. We encourage the NRC to ensure that the 2026 review provides a clear process and timeframe for unresolved issues to be addressed.

Yours sincerely

**Brett Jones**  
Managing Director



**12 July 2019**

## **Murrumbidgee Irrigation Ltd: Submission on the Murrumbidgee Surface Water Resource Plan including the Murrumbidgee Regulated Rivers Water Sharing Plan.**

Murrumbidgee Irrigation is one of the largest private irrigation companies in Australia servicing over 3,000 landholdings owned by over 2,500 customers, the majority of whom are shareholders in the Company. Our core business is water distribution. We provide irrigation water and drainage services to the Murrumbidgee Irrigation Area (378,911 Ha). We recognise the Water Sharing Plan for the Murrumbidgee Regulated River Water Source (here after referred to as WSP) as the key regulatory instrument underpinning water sharing in our Valley.

### **General comments on the WRP and SAP**

We note that comment is being sought on the Murrumbidgee Surface Water Resource Plan (WRP) including the WSP. Our submission will focus on the WSP, however, we recognise the challenges faced by NSW in ensuring consistency across all of the State WRPs and in meeting the new Basin Plan requirements. We note the WRP format, which clearly identifies what elements are required for accreditation under the Basin Plan and how that is being demonstrated. We remain disappointed that feedback on the WRP provided by the Stakeholder Advisory Panel (SAP) although not material has been routinely ignored.

In particular, Appendix A to the WRP which describes the plan location. Section 2.2 of this Appendix is clearly out of date. This advice was provided by several members of the SAP on several occasions. No amendment has been made. We note the matter is not material to the WRP itself. We raise it as an illustration of the disrespectful treatment of the advice of the SAP throughout the review process.

With respect to the SAP as a consultation forum – this has unequivocally failed. The make-up of SAP itself was heavily weighted to Agency staff. Indeed, at any Murrumbidgee SAP meeting there may be up to 25 people in the room of which at most 6 were NOT agency staff. Issues identified in 2014, when the WSP was due to be remade and subsequently reaffirmed through the status and issues papers and public review process over several years were not able to be resolved through the limited number of SAP meetings. The continual response from Departmental staff was that they did not have the time or resources to address these issues.

We note (and support) that a separate process to ensure aboriginal engagement was completed. Yet multiple requests for additional meetings and workshops on key issues for water users (eg more effective management of translucent flows and a review of trade rules) were made to functional and agency heads within DPI – these were all rejected. With respect to translucency rules a review was conducted and not progressed by Agency members without involvement of the full SAP despite this having been the agreed process.

In addition, the proposed changes to the trade rules that have appeared in the revised plan were not mentioned throughout the review period or the status and issues paper and not even shown to the SAP prior to public exhibition. There is no transparency as to who requested these changes or why. The claims that they couldn't be discussed or viewed by the SAP because of potential market

sensitivities are nothing short of disingenuous. These are suggested changes in a pre-public exhibition draft that, according to DPI, are not changing anything. To claim market sensitivity is purely ridiculous.

### **Comments on WSP**

We note the Department's efforts in revision of language and realignment of some sections which improves readability. We also note that the content and intent of the WSP remains largely unchanged. Comments on specific sections are provided below.

- **Clarity around priority for Carry Over with respect to other licenced entitlement types (section 41).**

The priority of allocation between carryover and other High Security licence remains unclear both in the WSP and the supporting Extreme Events Policy.

Section 41 of the WSP outlines the priority of allocation for water determination to be followed by the Minister. This includes water already in accounts (including General Security and Conveyance Carry Over) but does not distinguish order priority between the various high priority uses. It would seem appropriate that unused water from a previous year should have higher priority for allocation than any new allocation, at least while determinations are being made under an active WSP. Any order of allocation priority among high priority accounts should be made clear in the WSP. We note some confusion with the NSW Water Management Act (2000) which does not allocate a priority of allocation to water already in accounts. However, we note that Section 58(4) does require priorities established in a water management plan to be followed.

Similarly, the priority of water in accounts should be made clearer in the Extreme Events Policy. Specifically, reference to "high priority account water" referred to in Stage 2 should explicitly include water already in accounts. Further, a more upfront statement around Stage 3 criticality would be helpful. We understand the intention to be that water already in accounts (such as Carry Over) would only be restricted in an announced Stage 3 event and after the WSP has been suspended. If this is the intention it should be clearly stated rather than buried in a table on p.22.

- **Changes to Part 9 with respect to IVT and other trade rules**

As noted above, the proposed changes to this part were not mentioned throughout the review period or the status and issues paper and not even shown to the SAP prior to public exhibition. There has been no discussion or justification with respect to the removal of the 31 May Intra Valley close of trade or the insertion of reference to (currently non-existent) IVT Procedures.

We note that the Department have made a statement in their [Fact Sheet](#) that the introduction of these procedures is to "increase the transparency of water trading rules". However, it is also stated that "the operation of inter-valley trade between the regulated Murrumbidgee and NSW Murray and Lower Darling Rivers will not change and the intent of relevant rules governing the IVT will not change."

We are extremely concerned that, as the procedures do not appear to exist at present, we are unable to ascertain how this will impact existing rights and trade across Valleys. Further, there is no transparency as to what rules govern the procedures themselves, how often they can be changed, any limitations there are on change, whether there will be consultation before change is implemented or if the sole discretion lies with the Minister.

The inclusion of clause 56 (g) effectively increases regulation of allocation trade by potentially prohibiting trade that does not meet the procedures. This is disappointing given that the SAP discussion challenged the need for the IVT rules and requested that the Department look for ways to increase trade opportunities between the Valleys.

Rules, including the 100GL IVT limit, the Barmah Choke trade restrictions, and pre-2010 Tagged Trade rules, were drafted in a pre-trade environment and prior to any concept of held environmental water or the Murray Darling Basin Plan. The rules are intended to support Murray River operations and are restrictive on Murrumbidgee water users. Murrumbidgee Irrigation maintains that they are an impediment to trade between connected systems. We are seeking the review of these rules to determine if they can be relaxed or removed not an addition of procedures to protect them.

- **Request for feedback on Conversion of access licence from regulated to unregulated (Section 52)**

We note the included statement that this has had no discussion or review by the SAP despite the WSP review process spanning several years. Murrumbidgee Irrigation does not support the conversation of regulated river access licence to upstream unregulated river water sources. It is unclear how any such conversion and subsequent reduction in regulated river access licences would not have impacts on regulated users. Any further review should focus on enabling trade between connected regulated and unregulated systems rather than the arbitrary redistribution of water rights.

## **Conclusion**

Murrumbidgee Irrigation remains committed to the Murrumbidgee Regulated River WSP as the key regulatory instrument underpinning water sharing in our Valley. We note that it is one of the oldest and most comprehensive WSPs in NSW and has for the large part served the Valley well. We are extremely disappointed that the review process has not enabled effective engagement on improvements to the plan in particularly around environmental flow rules and restrictive trade practices. Specifically, we are seeking:

- Improved clarity around the allocation priority of carry over and other water in accounts under WSP provisions and in extreme events.
- Removal of the new clauses regarding non-existent IVT procedures and justification for the removal of the 31 May close of trade between Valleys.
- Further discussion on enabling trade between Valleys and systems not further regulation to reduce access licences and or restrict trade unnecessarily.
- A clear process and timeframe for unresolved issues to be addressed. It is not good enough to identify opportunities for improvements – wait 5 years – spend 3 years reviewing them and then do nothing because of limited time and resources.

Yours faithfully



**Brett Jones**  
Chief Executive Officer & Managing Director