To: NSW Natural Resource Commission
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Review of the 2012 Barwon-Darling Water Sharing Plan

As an individual who has taken an active interest in the Murray Darling system since the 1960s when living in South Australia, I submit the following points for consideration by the Natural Resource Commission in their review of the 2012 Barwon Darling Water Sharing Plan (WSP).

Firstly, it is manifestly obvious that the WSP is flawed. Recent extensive fish deaths in the vicinity of Menindee are a clear symptom of a river system in trouble. As the interim Independent Report produced by Dr Vertessy and his panel, and the separate report produced by the Academy of Sciences make clear, there are a number of causative factors, compounded by but certainly not only due to the current extended dry period. These events are the culmination of a long series of concerns over both compliance with and the validity of the rules WSP rules governing water extraction.

Secondly, revision of the WSP as regulatory element within the Water Resource Plan for the region is an essential step if the objectives of the NSW 2000 Water Act and the Federal Water Act 2007 with its mandated requirement to develop the Basin Plan are to be met.

Key aspects that need to be addressed in the revised WSP include:

- Native Title Rights and cultural flows
- Protection of low flows;
- Protection of community owned Environment Water;
- Connection to upstream and downstream water planning areas so that end-of-system flow targets are achieved;
- Floodplain harvesting does not adversely impact floodplain and in-channel ecosystems
- Recognition of basic riparian rights, stock and domestic needs, essential human and town water needs.

For the WSP to comply with the NSW Water Management Act of 2000, and the Federal Water Act of 2007, this will require inter alia:

- Return of A class licences to the original purpose, as per the publicly exhibited 2012 Draft WSP;
• Pump size requirements to be in-instated as per the original community agreement in the 2012 Draft BD WSP;
• Reversal of the last minute 300% access entitlement back to the previously agreed 2012 Draft BD WSP 100% level
• Reversal of unlimited carry over provisions to those as per the original and community agreed 2012 Draft

In addition new rules are needed to ensure the regulatory requirements of the Basin Plan are met, and to improve environmental, social and economic outcomes, including –

• Protection of first-flush flows;
• Total daily extraction limits;
• Individual Daily Extraction Limits and restrictions on trading of these;
• Protection of low flows through adjustment of A Class licence commence-to-pump.

Overarching general provisions also need to encompass key recommendations from the series of recent studies and reports such as acceleration of the no pump no take requirements and proper measuring and monitoring of floodplain harvesting.

Given the ‘rule book’ as a legislative instrument is complex, it is important that a simple plain English version is made easily available and accessible. This should accurately reflect set out the basic principles and their purpose.

Thirdly, revision of the WSP alone will not be sufficient restore the health of the water resource as is clear from the findings of the 2018 Productivity Commission Five-year assessment of the Murray-Darling Basin Plan and the SA Murray Darling Royal Commission as well as the findings of the NSW 2017 Matthews Report.

Mr Ken Matthews, whose report has already been responded in part, including by the establishment of this Commission, helpfully outlined five key points which constitute a risk to successful achievement. I highlight in particular point 4, - increasing pressure from certain stakeholders to ‘water down’ key reforms. This strongly resonates for me, as a past participant representing environmental concerns in a number of NSW Water Sharing Plan committees where this very strong pressure has been exerted directly and indirectly. I would further add that while compliance with ‘the rules’ is an important factor in building trust in water management arrangements, it is no way to build ‘social licence’ unless the rules are soundly based on up to date scientifically grounded evidence.

Concluding comment.

The changing approach to water management, in part through ‘commodifying’ water in the water resources to facilitate establishment of a water market, has led to a ‘highest and best use’ trading approach that has undoubtedly benefitted astute water extractors. However, in the absence of strong ‘ring fences’ around water as a tradeable commodity with full cost accounting for environmental impact, the ‘market’ as such will be focussed on economic to the detriment of social and environmental benefit. This has clearly been the case in recent years not least the separation of licence holding from water use such that water extraction has increased upstream to the detriment of down stream reaches –
compounded by the complexity of connectivity and recharge across the floodplains and braided watercourses.

Despite substantial changes to the ‘natural’ river, wetland and floodplain system since first settlement, it is still possible to aspire to maintaining a reasonable degree of the natural connectivity and variability essential to sustain the overall landscape character of the Barwon Darling, its terrestrial and aquatic wildlife and flourishing human settlements and enterprises. It was never going to be easy. However in the long run healthy communities depend on a healthy river system.

No review of WSPs can be expected to address these wider concerns, but at least good rules, respected and complied with, will go towards a better outcome more in keeping with the objectives of state and federal water legislation.

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