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**ANEDO Submission to the Murray-Darling Basin Authority regarding the  
*Draft Basin-wide Environmental Watering Strategy***

ANEDO is generally supportive of the Murray-Darling Basin Authority's (MDBA) *Draft Basin-wide Environmental Watering Strategy (Draft EWS)*. It is essential that the draft EWS contain substantive detail as to how the MDBA will determine annual environmental watering priorities, as well as specific conservation targets and general environmental water plan targets.

This brief submission addresses five key points that ANEDO are either concerned with or seek greater clarity on, namely:

- (1) The capacity of the draft EWS to meet the objects of the *Water Act 2007* (Cth) **(the Act)**,
- (2) The capacity of the draft EWS to meet the international obligations required under the Act,
- (3) The link between environmental outcomes and a statutory review of the EWS;
- (4) The use of improved scientific understanding in future reviews of the EWS, and,
- (5) Implementation details.

First, ANEDO remains concerned that the environmental water allocations are insufficient to meet the object of the Act to 'protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling Basin.'<sup>i</sup> ANEDO has previously submitted that this, along with implementation uncertainties and delays, may prevent the objects from being achieved.<sup>ii</sup> To this point, ANEDO submits that there is therefore a fundamental disconnect between the MDBP and the EWS given that the latter is set 'within the context of a healthy working Basin' and the MDBP reserves an arguably inadequate quantity of water for environmental purposes (2750GL).<sup>iii</sup>

Second, ANEDO is concerned that the draft EWS is unlikely to meet the outcomes required under the Act. These outcomes necessarily attach to Ramsar-listed wetlands given that much of the legal authority for the MDBP is derived from the international obligations recognised in the Act. ANEDO therefore submits that the draft EWS should more comprehensively describe the extent to which the strategies improve these wetlands and the explicit interaction with the Convention on Biological Diversity.

ANEDO's third point of concern addresses the connection to specific environmental outcomes and the mandatory statutory review that the EWS will undergo in 2019. The specific environmental outcomes described in the EWS are framed 'beyond 2019',<sup>iv</sup> and the intermediate targets up to 30 June 2019 require no loss or degradation (but also no *improvement*) in the same outcomes.<sup>v</sup> This is problematic because the EWS will undergo a mandatory statutory review in 2019, after which it would be expected that targets might change according to environmental changes that will have occurred in the previous five years. ANEDO submits that, in order to ensure the effective realisation of the environmental outcomes, the EWS should be framed in such a way that seeks to achieve more comprehensive and specific interim targets prior to the statutory review. This will ensure that the statutory review has relevance to achieving the overall goals of the MDBP and the Act by reassessing operational targets. To this point, the EWS refers to – without sufficient detail – the management constraints that might limit the capacity of the MDBA to effectively implement it. The specifics of these constraints should be more clearly detailed so that a more comprehensive analysis can be undertaken of the Strategy's capacity to meet its environmental targets and outcomes.

Fourth, ANEDO seeks clarification regarding the following statement in the EWS: 'it is expected that outcomes for other important elements will be progressively included in future revisions of the strategy as scientific understanding (particularly at the Basin scale) improves'.<sup>vi</sup> ANEDO submits that more specific detail is required regarding the areas that this detail might relate to and how it will inform a future EWS, particularly because of past challenges faced by the MDBA when purporting to rely on improvements to scientific understanding.<sup>vii</sup>

Finally, ANEDO seeks greater clarification on the implementation of the EWS. Further detail is needed in terms of which agencies or State departments will be responsible, what role regional bodies will have in delivering and monitoring regional and catchment outcomes, and how legislative instruments such as water resources plans will be utilised to ensure the effective operation of the EWS. To this point, the EWS recognises that "the Basin Plan requires environmental water managers to have regard to water quality targets..."<sup>viii</sup> ANEDO submits that the EWS is the best



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place to detail how water quality targets will be met, particularly given the inherent connection between water quality and the other listed environmental outcomes. The EWS should also contain further detail on the implementation of other complementary measures (such as management of pest fish species and stream bank stability) that will be necessary to ensure environmental outcomes are met.

For further information, please contact [rachel.walmsley@edonsw.org.au](mailto:rachel.walmsley@edonsw.org.au) or 02 9262 6989.

Yours sincerely,

**Australian Network of Environmental Defender's Offices**

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<sup>i</sup> *Water Act 2007* (Cth) section 3(d)(ii).

<sup>ii</sup> ANEDO, 'Submission to the statutory review of the *Water Act 2007* (Cth)' 9 July 2014, 2.

<sup>iii</sup> Murray-Darling Basin Authority, 'Basin-wide environmental watering strategy: draft for public comment' (August 2014), 8.

<sup>iv</sup> *Ibid* viii.

<sup>v</sup> *Ibid* 72.

<sup>vi</sup> *Ibid* 68.

<sup>vii</sup> For example, "the final SDLs are at the lower end of the water recovery scenarios modelled by the Authority and will involve considerably less water recovery than the range of scientific recommendations put forward by the Authority in the early stages of the planning process": Dr Anita Foerster, 'What's in the Basin Plan?' (2013) 28(3) *Australian Environment Review* 487, 488.

<sup>viii</sup> Murray-Darling Basin Authority, 'Basin-wide environmental watering strategy: draft for public comment' (August 2014), 10.