



EDOs of Australia

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25 September 2015

Select Committee on the Murray-Darling Basin Plan  
PO Box 6100  
Parliament House  
Canberra ACT 2600

By email: [murraydarling.sen@aph.gov.au](mailto:murraydarling.sen@aph.gov.au)

Dear Sir/Madam

### Submission to the Select Committee on the Murray-Darling Basin Plan

EDOs of Australia welcomes the opportunity to provide the Select Committee on the Murray-Darling Basin Plan (**Select Committee**) with a submission to support its inquiry into the social, economic and environmental impacts of the Basin Plan.

We are a network of independent not-for-profit community legal centres that specialise in public interest environmental law. We have 30 years' experience advising Australian communities on using the law to protect the environment. This includes advice, casework, education and law reform. These services are fundamental to providing access to justice across the spectrum of federal and state environmental and planning laws.

EDO offices are located in the Basin states of Queensland, New South Wales, the ACT and South Australia. These offices service clients who live across the Basin, including farmers and community groups.

We have extensive experience advising on the *Water Act 2007* (**Water Act**) and Basin Plan. Our law reform and policy work includes submissions responding to the Draft Basin Plan, strategies made pursuant to the Basin Plan, and various amendments to the Water Act.

Based on this experience and on feedback received from our clients, we support implementation of the Basin Plan on time and in full. This includes acquiring 450 GL/year of additional water through efficiency measures with a view to achieving 'enhanced environmental outcomes', particularly in relation to the Coorong, Lower Lakes and Murray Mouth (**CLLMM**).<sup>1</sup>

The following part of our submission will briefly outline the importance of timely implementation of the Basin Plan. It is divided into four parts:

- **Part 1** explains the environmental and management challenges facing the Basin
- **Part 2** discusses the links between social, economic and environmental factors
- **Part 3** outlines why the Basin Plan must be based on best-available evidence
- **Part 4** refers the Select Committee to two submissions written by EDOs of Australia which address issues pertinent to this inquiry

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<sup>1</sup> Basin Plan, cl. 7.09 (e); Schedule 5.

## 1. Environmental and management challenges

Professor Richard Kingsford has described the Murray-Darling Basin as ‘the most developed river-drainage basin on the continent, with a long history of poorly integrated management by the States, which have often acted independently to the detriment of the environment.’<sup>2</sup>

The Murray-Darling Basin Authority (**MBDA**) summarises this history in the following terms:<sup>3</sup>

*Since European settlement of the Basin, our use of its resources has focused on securing water for our domestic and agricultural needs. We had little understanding of the water needs of the natural environment, and as a result, water has been over-allocated for human use.*

Signs of declining ecosystem health are numerous and include closure of the Murray Mouth in 1981 (and ongoing dredging since 2002 to keep the mouth open),<sup>4</sup> high levels of salinity in the Lower Lakes,<sup>5</sup> low native fish populations<sup>6</sup> and stressed forest and woodland areas (in particular river red gum and black box stands).<sup>7</sup> More generally, by 2007, 20 out of the 23 river systems across the Basin were assessed as being in poor or very poor health.<sup>8</sup> Future challenges include managing the impact of past allocation decisions, population growth<sup>9</sup> and climate change.<sup>10</sup>

Poor cross-jurisdictional management, overallocation of water resources and declining ecosystem health underpinned the Commonwealth’s decision to pass the Water Act in 2007 and the Basin Plan in 2012. This statutory framework was developed as a *specific response* to the ongoing challenges faced by the Basin. To that end, implementing the Basin Plan on time and in full is crucial if allocations are to be managed in a sustainable manner now and into the future. These issues are explored in greater detail in the documents attached to Part 4 of this submission.

## 2. The interconnectedness of social, economic and environmental issues

In our experience, people, business and the environment are often viewed as separate. However, we wish to highlight that social, economic and environmental issues are interconnected; that the ongoing prosperity of the Basin, within and across generations, depends on it being sustainably managed. Failure to do so may place the entire Basin and the communities which depend on its health at risk. This issue is explored in greater detail in the documents attached to Part 4 of this submission.

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<sup>2</sup> Kingsford, Richard et al, A Ramsar wetland in crisis – the Coorong, Lower Lakes and Murray Mouth, Australia, *Marine and Freshwater Research*, 2011, 62, p. 256.

<sup>3</sup> <http://www.mdba.gov.au/about-basin/basin-environment> (accessed 21 September 2015).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid, p. 258.

<sup>6</sup> Murray-Darling Basin Authority, *Sustainable Rivers Audit, The ecological health of rivers in the Murray-Darling Basin at the end of the Millennium Drought (2008-2010) – Volume 1*, pp. 121-139

<sup>7</sup> See for example: <http://www.mdba.gov.au/sites/default/files/pubs/stand-condition-report-2009.pdf> (accessed 21 September 2015).

<sup>8</sup> Davies PE, JH Harris, TJ Hillman and KF Walker 2008. *SRA Report 1: A Report on the Ecological Health of Rivers in the Murray–Darling Basin, 2004–2007*. Prepared by the Independent Sustainable Rivers Audit Group for the Murray–Darling Basin Ministerial Council, p. xi.

<sup>9</sup> <http://www.mdba.gov.au/about-basin/basin-environment/challenges-issues> (accessed 21 September 2015).

<sup>10</sup> See generally: CSIRO, *Climate variability and change in south-eastern Australia: A synthesis of findings from Phase 1 of the South Eastern Australian Climate Initiative (SEACI)*, 2010.

### 3. Basin Plan to be based on best-available evidence

The Murray-Darling Basin covers approximately 1 million square km and traverses four States and one Territory. Its diverse ecosystems, communities and industries deserve bipartisan regulation that is based on best-available evidence. This is in keeping with one of the core requirements of the Water Act: that the Basin Plan be developed on the basis of best scientific evidence and socio-economic analysis.<sup>11</sup> This is logical insofar as it is in the public interest to ensure that Australia's natural resources and ecosystems are managed on the basis of sound evidence, as opposed to opinion.

We further submit that ongoing assessment of socio-economic impacts associated with the Water Act and Basin Plan must be based on independent, peer-reviewed research. We are aware that research into possible impacts has been undertaken by consultants and universities.<sup>12</sup> However, gaps still exist. The Commonwealth should consider prioritising further studies aimed at addressing these research gaps with a view to ensuring that all policy and law concerning the management of Basin resources is evidence-based.

It may also be useful to commission an appropriate research body to conduct a literature review of:

- all existing peer-reviewed studies into socio-economic impacts associated with the Basin Plan; and
- all existing peer-reviewed studies which have assessed the impact of other factors (including positive factors such as ecosystem services and negative factors such as drought and salinity) on Basin communities and businesses.

These reviews would be a useful means of properly determining the cause of changes to communities and businesses over time.

### 4. Other submissions

We wish to refer the Select Committee to two submissions written by EDOs of Australia and which cover issues that are of relevance to this inquiry. These submissions concern the 2014 review of the Water Act and the Water Amendment Bill 2015. They are attached as PDF documents, **below**.

Please do not hesitate to contact us if we can be of further assistance.

**Yours sincerely,  
EDOs of Australia**



**Dr Emma Carmody  
Policy and Law Reform Solicitor**

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<sup>11</sup> Water Act, s. 21 (4) (b).

<sup>12</sup> See for example: Grafton, R. Quentin, *How to Increase the Cost-effectiveness of Water Reform and Environmental Flows in the Murray-Darling Basin*, Agenda: A Journal of Policy Analysis and Reform, Volume 17, Number 2, 2010; Marsden Jacob Associates, *Survey of water entitlement sellers under the Restoring the Balance in the Murray-Darling Basin Program: Final report prepared for the Department of Sustainability, Environment, Water, Population and Communities*, June 2012.

## ATTACHMENTS



Adobe Acrobat  
PDFXML Document

### **EDOs of Australia submission regarding the 2014 statutory review of the Water Act**

Also available online at:

[https://d3n8a8pro7vhm.cloudfront.net/edonsw/pages/1542/attachments/original/1406008769/140709\\_Water\\_Act\\_2007\\_review\\_ANEDO\\_submission\\_FINAL.pdf?1406008769](https://d3n8a8pro7vhm.cloudfront.net/edonsw/pages/1542/attachments/original/1406008769/140709_Water_Act_2007_review_ANEDO_submission_FINAL.pdf?1406008769)



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### **EDOs of Australia submission regarding the Water Amendment Bill 2015**

Also available online at:

[https://d3n8a8pro7vhm.cloudfront.net/edonsw/pages/2170/attachments/original/1438843517/EDOs\\_of\\_Australia\\_Submission\\_Water\\_Bill\\_2015.pdf?1438843517](https://d3n8a8pro7vhm.cloudfront.net/edonsw/pages/2170/attachments/original/1438843517/EDOs_of_Australia_Submission_Water_Bill_2015.pdf?1438843517)