



**THE MURRAYLANDS & RIVERLAND LOCAL GOVERNMENT ASSOCIATION**

Submission to;

**Murray Darling Basin Royal Commission**

**MURRAY-DARLING BASIN ROYAL  
COMMISSION TO INVESTIGATE THE  
OPERATIONS AND EFFECTIVENESS OF  
THE MURRAY-DARLING BASIN SYSTEM**

**April 2018**

## 1. Terms of Reference

The Terms of Reference are for a Commissioner to inquire into and report upon the following matters:

1. Whether the Water Resource Plans defined by the Act and Basin Plan (which are to include the long-term average sustainable diversion limits for each Basin water resource) will be delivered in full and in a form compliant and consistent with the Basin Plan by 30 June 2019.
2. If any Water Resource Plans are unlikely to be delivered in full and in a form compliant and consistent with the Basin Plan, the reasons for this.
3. Whether the Basin Plan in its current form, its implementation, and any proposed amendments to the Plan, are likely to achieve the objects and purposes of the Act and Plan as variously outlined in ss.3, 20, 23 and 28 of the Act, and the 'enhanced environmental outcomes' and additional 450 GL provided for in s. 86AA(2) and (3) of the Act, respectively.
4. Whether the underlying assumptions in the original modelling used to develop the objects and purposes of the Act and the Basin Plan have been sufficiently adjusted for the impact of improved technologies.
5. If the Basin Plan is unlikely to achieve any of the objects and purposes of the Act and Basin Plan and/or the 'enhanced environmental outcomes' and the additional 450 GL referred to above, what amendments should be made to the Basin Plan or Act to achieve those objects and purposes, the 'enhanced environmental outcomes' and the additional 450 GL?
6. Any legislative or other impediments to achieving any of the objects and purposes of the Act and Basin Plan and/or the 'enhanced environmental outcomes' and additional 450 GL referred to above, and any recommendations for legislative or other change if needed.
7. The likely impact of alleged illegal take or other forms of non-compliance on achieving any of the objects and purposes of the Act and Basin Plan, and the 'enhanced environmental outcomes' and the additional 450 GL, referred to above.
8. In relation to any found instances of illegal take or work, whether appropriate enforcement proceedings have been taken in respect of such matters and if not, why.
9. Whether, in any event, the enforcement and compliance powers under the Act are adequate to prevent and address non-compliance with the Act and the Basin Plan, and any recommendations for legislative or other change if needed.
10. Whether monitoring, metering and access to relevant information (such as usage data) is adequate to achieve the objects and purposes of the Act and Basin Plan and the 'enhanced environmental outcomes' and additional 450 GL referred to above.
11. Whether water that is purchased by the Commonwealth for the purposes of achieving the objects and purposes of the Act and Basin Plan and/or the 'enhanced environmental outcomes' and the additional 450 GL referred to above will be adequately protected from take for irrigation under water resource plans, and any recommendations for legislative or other change if needed.
12. Whether the Basin Plan in its current form, its implementation, and any proposed amendments to the Plan, are adequate to achieve the objects and purposes of the Act and Basin Plan, the 'enhanced environmental outcomes' and the additional 450 GL referred to above, taking into account likely, future climate change.
13. Any other related matters.

## 2. Introduction

The Murraylands and Riverland Local Government Association (MRLGA) welcomes the opportunity to provide a submission to the Murray-Darling Basin Royal Commission for the purpose of the investigating the operations and effectiveness of the Murray-Darling Basin system.

The MRLGA region is located in the Murraylands Statistical Region in eastern South Australia and is dissected by the River Murray. It covers a large area in excess of 50,000 km<sup>2</sup> taking in the areas from the Riverland in the north, agriculture areas in the central, west, south and east along the Victorian border, and south westerly to the coast and lakes. Rural based communities throughout the area share a common interest in agriculture/horticulture, with towns primarily servicing the farming and horticultural communities and supporting a growing tourism sector.

The Region has a population base of approximately 68,000 (approx. 4.6% of the State population). The MRLGA represents the strategic interests its eight Constituent Councils within the Murraylands and Riverland region. The MRLGA also collaborates with state and national governments and stakeholders on specific issues, including lobbying, advocacy and the provision of information regarding the a range of issues related to the regions infrastructure, economic, environmental and social needs.

The 1994 COAG Agreement on National Water Reform was the first national agreement on principles for water reform. This agreement instigated 23 years of reform in rural water management, particularly in the Murray-Darling Basin. Key foundations in the 1994 agreement included:

- clear water entitlements, separate from land that could be traded
- plans and processes to formally determine allocations or entitlements to water, including ensuring allocations for the environment based on the best available scientific information
- cost recovery water pricing, and
- institutional separation of the roles of water resource management, standard setting and regulatory enforcement and service provision

The principles of COAG Water Reform are important foundations of the cap and trade model of water management used in the Basin. Governments recommitted to these foundations when the National Water Initiative was agreed. The 2004 National Water Initiative reinforced and built on these principles.

Those principals are therefore a key to the ongoing prosperity and sustainability of our regional communities who are reliant on the River Murray and as such the delivery of the Murray-Darling Basin Plan both on time and in full.

## 3. MRLGA Position Statement

This position statement in relation to the Terms of Reference for this inquiry have been drawn from individual member Council comments as well a regional position that has evolved from a regional forum of key River Murray stakeholders held last year. The objectives of the forum were to provide Local Government representatives with up-to-date information on the MDBP so they can make informed policy and operational decisions into the future; and

The forum was facilitated by the Hon Karlene Maywald and attended by a broad range of dignitaries and experts representing the interest of the Murray-Darling Basin including Hon Neil Andrew, Chair, MDBA and David Papps, Commonwealth Environmental Water Holder to name but a few.

The following recommendations in part evolved from that forum for the MRLGA's consideration:

1. To develop and communicate a position on the MDBA's recommended adjustment to SDLs.
2. To provide a submission to the Commonwealth Environmental Water Office on its investment framework discussion paper. The SA MDBNRM Board was delegated to provide that submission.
3. To seek assurance from the State Government that appropriate mechanisms are in place to identify and prosecute non-compliance with the MDBP.
4. To provide a submission to the 5-yearly review of the MDBA and in doing so advocate for the resourcing and strengthening of the Authority's compliance function.

As can be seen from these recommendations, the MRLGA maintains a very active position in relation to many of the points requiring attention as part of the Murray-Darling Basin Royal Commission.

The Murraylands and Riverland Local Government Association has within its region the full length of the South Australia section of the Murray River as well as the Lower Lakes and Coorong. During the prolonged drought from 2006 – 2010, the River Murray towns in South Australia were significantly affected both from tourism, agriculture and business. The houseboat industry and other tourism operators were also significantly affected. Should the Murray-Darling Basin Plan not be implemented in full, it is contended there is the potential for significant harm to the economy, tourism, agriculture, environment and community from future droughts.

The implementation of the Murray-Darling Basin Plan, in particular, environmental water flows has ensured not only environmental, but the economic sustainability of tourism, agriculture and business for communities along the Murray River in South Australia.

The MRLGA strongly highlights that the implementation of the Plan must continue both on time and in full for the benefit of such regional communities. Indeed, good recent flows down the River Murray have provided huge environmental benefits to the system. Associate Professor, David Paton, an Ecologist from the University of Adelaide said while it was a step in the right direction, it would take years of similar flows to improve the wetlands.

"The quantum of water in the Murray-Darling Basin Plan – 3,200 gigalitres if delivered to the Coorong – will not secure the health of the whole system. The southern parts of the Coorong will struggle because water levels will be inadequate in most years", he said.

The MRLGA understands that the Basin Plan was put in place to ensure that all basin States, including South Australia, receive a fair share of water for all water users, securing the health and sustainability of the river system well into the future. Since the adoption of the Basin Plan, South Australia, strongly supported by the South Australian Murray-Darling Basin Natural Resource Management Board has been working hard to secure reliable and good quality water supplies that support healthy and productive industries, build community resilience and support our diverse ecosystems.

The Four Corners episode "Pumped" aired on the 24<sup>th</sup> July 2017 included a number of serious allegations related to illegal water extraction, allegations of the extraction of environmental water, and the allegedly corrupt behaviour of government officials.

Unresolved allegations of illegal water take and lax compliance systems are very concerning and have the potential to damage the public's confidence that water management approaches are robust and fair. It is therefore pleasing that the New South Wales Government has seen fit to rectify many of the compliance concerns that were demonstrated in the Four Corners report and later confirmed as part of the Interim Report by Mr Ken Matthews AO, the independent investigator commissioned by the NSW Government.

In relation to point 11 of the Terms of Reference, the MRLGA reinforces its position that environmental water is crucial towards restoring the River Murray's long-term health. Higher flows flush salt from the system and keep the Murray Mouth open. River Murray flows also need to be varied to ensure the rivers ecology thrives. Water allocations are necessary for the continuing success of River Murray restoration projects, including the Riverine Recovery Project and The Living Murray Program; one of the largest river restoration projects in Australia. Should the Murray-Darling Basin Plan fail to be delivered in its entirety, the whole region's future is at risk.

With regard to point 13 of the Terms of Reference for other matters to be raised, there is a strong view within the MRLGA that the entire Murray-Darling Basin should be managed as a single entity (potentially under a federation model). Such a model would deliver an unbiased approach the managing the river system and produce resultant economic and environmental benefits that would allow the river communities (and the broader Australian community) to grow and prosper.

The MRLGA therefore strongly considers that the Murray Darling Basin Plan should be implemented in full in accordance with specified deadlines and are conscious that any reduction in flows to South Australia may undermine agreed Basin Plan outcomes. The Murraylands an Riverland LGA would appreciate its submission being taken into account as part of the Review and looks forward to working collaboratively with the MDBA to achieve the delivery of the Basin Plan in full.

Yours sincerely,

Mayor David Burgess - Mid Murray Council  
**President, MRLGA**