
Productivity Commission (PC)

Five Year Basin Plan Review – Dec 2018 – Dec 2023

RGA Submission – July 2023

Introduction:

We appreciate the opportunity to contribute to this important – and incredibly timely – review. As implementation of the very first Murray-Darling Basin Plan approaches its completion, the provision of critical PC analysis and advice is much needed.

Basin communities are at extreme risk of a poorly executed, last minute finalisation of this reform; which is something that we believe must be avoided at all cost. We also argue in this submission that a ‘rush job’ is completely unnecessary. Many good outcomes are still possible for all of the Basin’s water users.

We have structured our submission in the following way:

1. Firstly, we’ll outline the importance of good water management for the Basin’s rice industry, and how we already contribute to multiple national policy goals.
2. We’ll comment on the recommendations from the PC’s last review, and how well they’ve been addressed. **Attachment A** to our submission informs this commentary.
3. Finally, we’ll tackle in some depth a number of the more pertinent questions put forward by the PC in its May 2023 paper¹ namely:
 - i. What needs to change to ensure water recovery targets are met and that supply and efficiency measures are delivered?
 - ii. Are the current arrangements for implementing the Murray-Darling Basin Plan operating effectively? How could the arrangements be improved?
 - iii. Have the governance and institutional arrangements for the Plan proved effective? What changes would you recommend?
 - iv. How well is the Plan responding to a changing climate? How should this be improved?
 - v. How well has community consultation and engagement been conducted? How can this be improved? What lessons should be learned from programs aimed at helping communities adjust to the Plan?

For all of these questions, and in-line with the PC’s specific request that *participants are encouraged to provide evidence to support their views*², our commentary is informed by our ‘Have Your Say’³ feedback, which forms **Attachment B** to this submission.

¹ [Murray-Darling Basin Plan: Implementation review 2023 \(pc.gov.au\)](https://www.pc.gov.au/research/other/inquiries/murray-darling-basin-plan/implementation-review-2023), p. 6.

² [Murray-Darling Basin Plan: Implementation Review 2023 - Public inquiry - Productivity Commission \(pc.gov.au\)](https://www.pc.gov.au/research/other/inquiries/murray-darling-basin-plan/implementation-review-2023-public-inquiry)

³ [Consultation hub | Delivering the Murray-Darling Basin Plan - Climate Change \(dcceew.gov.au\)](https://www.dcceew.gov.au/consultation-hub/delivering-the-murray-darling-basin-plan-climate-change)

Good Water Management and the Basin's Rice Industry:

Virtually all rice grown in Australia is concentrated in the Murray and Murrumbidgee Valleys of southern NSW. Like most irrigated agriculture, rice offers a good source of high-paid employment in these more remote locations.

Our success depends on reliable water access; however, water availability is not just tied to rainfall. Government policy strongly influences the reliability of our access as well.

Rice is an annual crop, that is typically switched 'on' or 'off' depending on water availability. There's a strong correlation between our expected access to water and the total rice area harvested in any given year.⁴ Notwithstanding the challenges, rice production has done an excellent job of establishing itself in the highly variable climate of the Murray-Darling Basin.

To illustrate, between 2008-2009 and 2018-2019, an average of 629,000 tonnes of rice was grown each year. This output was also achieved despite the consumptive pool reducing by one-third under the Basin Plan. By comparison, production was closer to 780,000 tonnes per year between 1998-1999 and 2007-2008, which included a year of almost zero production due to the Millenium Drought.⁵

Our rice production supports a well-trained and productive workforce across the Riverina – boosting incomes and living standards, and creating opportunities for those communities that rely heavily upon our success. These are all well-publicised employment outcomes for the current Federal Government.⁶

As an approximately 10 year annual average, we've contributed \$400 million into rice-growing communities, and provided 400 jobs across the Riverina.⁷ Over this time, the industry has also been recognised as one of the Riverina's major enterprises and key economic drivers, which – along with dairy in the Murray and horticulture in the Murrumbidgee – has traditionally made-up around 75% - 90% of farm businesses.^{8,9}

Our future in the Riverina is clear; however our ability to prepare for this future is severely inhibited by the Federal Government's approach to finalising the Basin Plan. We have no idea where we stand, because they won't tell us what they want, how they want to do it and when it will be done. This creates an impossible task for our business owners and the communities that rely upon them. We can't co-design anything to mitigate impacts if government doesn't know what it wants. This is a critical gap that must be urgently filled.

Recommendations From the PC's Last Review:

It's extremely disappointing that so many of the PC's 2018 recommendations have been ignored; especially by an incoming Federal Government that is adamant that it wants to re-set the business of how the Basin Plan is completed.

We've provided a detailed commentary on some of the PC's more pertinent recommendations at **Attachment A**; however some of this advice must be restated here.

⁴ [Rice farms in the Murray-Darling Basin - DAFF \(agriculture.gov.au\)](#).

⁵ [Australian rice markets in 2020 - DAFF \(agriculture.gov.au\)](#).

⁶ [Employment White Paper - Consultation | Treasury.gov.au](#)

⁷ SunRice, internal commercial data. The figure of '400 jobs' is direct employment; it doesn't reflect secondary employment.

⁸ [AppendixC_Murrumbidgee_community_profile.pdf \(mdba.gov.au\)](#), p. 899.

⁹ [AppendixC_NSW_Central_Murray_community_profile.pdf \(mdba.gov.au\)](#), p. 964.

Governments must extend the June 2024 deadline. This is the only way to ensure that good projects are delivered, and communities are not unfairly exposed to additional water recovery as a consequence of government inaction. Our advice on how this can be done – without the need for risky legislative change – is provided in the next section.

When compared to the Basin Plan's 2009 baseline, the southern Basin in particular has experienced six years of record-breaking, above-average flows. No work has been done to assess how these flows may have already met the 'enhanced environmental outcomes' the Commonwealth is seeking, hence negating the need for additional water recovery.

Detailed analysis by the Victorian Government when the Basin Plan was first proposed¹⁰ also warrants revisiting. It suggests that as a result of existing delivery constraints, there's little difference in the outcomes that can be achieved between 2400 GL of held water and 3200 GL. Given the length of time that will be needed to materially address delivery constraints across the Basin, this must be a factor in any remaining water recovery task.

Related to this, 10 years on from the Basin Plan's inception, the blunt instrument of 'more water' is no longer the most appropriate tool for achieving all environmental outcomes. We consider this, and give examples, on pages 3 and 6 of **Attachment B** to this submission.

We're also extremely dismayed by the continued practice of ignoring communities. Over the life of the Plan, the Commonwealth has remained fixated on water recovery, or delivery of projects in lieu of water recovery. There has been no strategic thinking – whatsoever – about the future of communities where water has been removed, what they actually want for their own futures, and what processes and structures would best support this. Early on, after the change of Federal Government, we were promised co-design. This has never been delivered, not in a single Basin community.

The principle of certainty must be reinstated. Communities deserve better consultation than what they've received to-date. They need a say in the decisions impacting their lives. We support the creation of region-specific roadmaps that are co-designed. They must articulate what will be done, by when and by whom. Ideally, these roadmaps would be further supported by a report-card system that specifically evaluates the achievement of: (i) priority outcomes; (ii) community involvement; and (iii) community certainty and trust.

What needs to change to ensure water recovery targets are met and that supply and efficiency measures are delivered?

Ultimately, we need a commitment to an extension of time, and it needs to be confirmed well before 31 December this year. This will allow all new and current projects to succeed, with full community support. This will also ensure reconciliation is avoided. We're also confident that this can be done without attempting a highly risky legislative change.

The Commonwealth has already indicated that projects contributing to the 450 GL can receive funding and be completed after 30 June 2024, without triggering the need for changed legislation.¹¹ It only seems fair this be extended to the entire SDLAM package.

¹⁰ [Microsoft Word - Final - V5 Final with Ltrs.doc \(water.vic.gov.au\)](#), p. 81.

¹¹ <https://www.dceew.gov.au/sites/default/files/documents/second-review-water-for-the-environment-special-account.pdf>, p. 14.

Delivery beyond 30 June 2024 should be further bolstered by the Basin Plan's reasonable excuse provisions (s.6.12(4)). Under this section of the Plan, non-compliance with SDLs is reasonable if caused by factors beyond a state's control.

With regard to 'reasonable excuse' the decade between November 2012 and November 2022 was characterised by four high-flooding years, and just over two years of extreme pandemic response. At a minimum, this should ensure that SDLs are not unfairly adjusted if reconciliation is triggered later this year.

Our key priority is ensuring that the 605 GL is delivered in full. It's highly likely that this may require the inclusion of new projects - as well as the amendment of existing projects so they're capable of receiving community support. Once more, we believe this can be done without triggering the need for legislative change.

Based on the Commonwealth's 450 GL advice¹² we can infer that Basin Plan clauses are open to wide interpretation. With this in mind, we note the 605 GL package can be amended (s7.12). Importantly, there is no specification of how narrow or broad those amendments can be. This should provide sufficient scope to consider new proposals.

We also note that under s7.15(2) the Basin Officials' Committee (BOC) can advocate for a new assessment method for projects that contribute to the 605 GL. There's no time limitation within the Plan for when this assessment approach can change.

With respect to any additional water recovery that may take place as part of finishing the Basin Plan, the RGA reiterates the position of its members that the 450 GL is fundamentally unachievable, and should not take place unless accompanied by neutral or improved socio-economic outcomes. Beyond this, we don't support buy-backs, we don't support any more licences being removed from the irrigation allocation pool, and we believe that the 'benefits' of water recovery efforts should be shared across users.

With the above context in mind, we were able to submit 7 pages of ideas to the Commonwealth's recent 'Have Your Say' process on the Basin Plan. We have provided a copy of our project list to this submission for your reference. It's at **Attachment B**.

Are the current arrangements for implementing the Murray-Darling Basin Plan operating effectively? How could the arrangements be improved?

In a nutshell, we would say 'no', the current arrangements are not operating effectively. There's substantial room for improvement, which would also achieve a much greater suite of outcomes for all water users. It's all reliant on the Commonwealth being serious about its commitment to practice innovation, based on best-available information.

Essentially, the Plan has morphed into an extremely unwieldy instrument that is unable to operationally respond to current climate variability across the Basin, let alone the vastly increased volatility we've been told to expect in the future.

It's concerning that the MDBA has been given such free reign to interpret vast swathes of the Plan in ways that it sees fit, and which are essentially divorced from the real-world of water management. The unwillingness to implement good public policy principles across the suite of its work has resulted in a huge and unnecessary waste of tax-payer resources.

¹² <https://www.dcceew.gov.au/sites/default/files/documents/second-review-water-for-the-environment-special-account.pdf>, p. 14.

The Australian Government itself has devoted substantial considered thinking to what 'good policy' means.¹³ One of the key components is how practical it is to implement. In our view, the amount of unnecessary content in the Plan, and the MDBA's poorly executed approach to Water Resource Plans (WRPs) are both examples of what not to do.

Drawing on the Australian Government's resource referenced here, we offer a quick, high-level evaluation of what we mean.

- *Are you solving the problem, and getting the outcome that's needed?*

The 'problem' as we understood it in 2012 was a perception of overallocation across the Basin. Arrangements were immediately implemented to ensure that new sustainable diversion limits (SDLs) would be met on 1 July 2019.

This was achieved with a 97% success rate in the first year, increasing to 99% in the second. Where SDLs weren't met, this was due to reasonable, methodological matters and not water theft.

WRPs weren't needed to achieve this outcome, let alone the 55 information requirements the MDBA thinks are necessary for their content, accompanied by thousands of pages of supporting documentation.

- *It's very rare that our first idea is our best idea.*

The framework that governments landed in 2012 represented the collective 'best idea' for how this ambitious reform could work. This first idea is no longer the best one in 2023.

We have substantially new – actual – weather information compared to what the Plan's 2009 baseline anticipated. In addition, we have eleven years of concerted project work across the Basin that tells us what is and isn't feasible and what communities will and won't accept.

We've also reached a point in our environmental water recovery and management – where – for many of the Basin's biggest threats, they will not be solved with more water. We provide examples of this last point on page 6 of **Attachment B** to this submission.

The Australian Government is clear in its advice as to what should happen when a policy task no longer reflects the 'best idea': *we need to ... allow ourselves room to make adjustments to get the best result*. That's absolutely what should be occurring with the Basin Plan at this point.

Have the governance and institutional arrangements for the Plan proved effective? What changes would you recommend?

The current power-balance does not work in terms of effective Basin Plan implementation. The MDBA's only role in the space should be solely as a technical advisor. Basin Governments – collectively – should be deciding on: (i) operational priorities as they relate to the Plan; (ii) how they will be met; and (iii) critically, what will be deemed 'good enough' in terms of the implementation task.

¹³ [Practical to implement | Policy Hub](#)

With the MDBA constantly running interference, and 'pulling rank' in terms of its view that the Plan is the final say on all things Basin water, Governments will never have the strategic space to do the work that is expected of them by their communities. The only 'resourcing' needed is a re-set of the current – highly ineffective – power imbalance between Basin Governments collectively and the MDBA.

How well is the Plan responding to a changing climate? How should this be improved?

Based on its current track-record, we're extremely concerned that the MDBA is at strong risk of significantly mishandling its approach to climate change. If this approach is then enshrined in the Basin Plan, the potential of perverse outcomes occurring – for all of the Basin's water users – is extremely high.

We understand the current prediction of climate change leading to 'less water overall'. What matters more to us, however, is how that trend expresses itself seasonally – which is the timeframe over which annual cropping decisions are made.

Taking the last 10 years as a case-in-point – four of those years have been characterised by extremely high rainfall. Our response to climate change must take this into account, allowing water access and use to be optimised in these wet years. This will be fundamental to ensuring we enter future dry years from a robust/resilient starting point.

To date, none of the MDBA's considerations of future climate change have been informed by this much-needed adaptive management approach. Instead, all we're being faced with is the threat of more and more water recovery, 'just in case' the environment needs it.

How well has community consultation and engagement been conducted? How can this be improved? What lessons should be learned from programs aimed at helping communities adjust to the Plan?

As noted in our earlier comments, we've been extremely disappointed with the Federal Government's consultation efforts over the past 14 months. We don't know where we stand as an industry, which makes it impossible to assess risks and offer alternatives.

We were promised co-design – this was never delivered. We were told we could offer project-based solutions in lieu of water purchase in the NSW Murray – our advice was ignored, with no explanation offered as to why our suggestions weren't good enough.

We keep being told to give the Commonwealth our ideas – and we keep providing them – yet we've never been told how they will be used, by whom, or when.

In terms of 'improvements' as a first step, the current Federal Government needs to be much more transparent about what it actually wants. This information must be articulated in a way that allows individuals, within individual communities, to understand what it means for them. A legitimate co-design process should then be opened that allows for those individuals and communities to advise on their preferred approach.

We're also sick and tired of being told we have to 'adjust' to the Plan. We're not going anywhere, and we've demonstrated our strength, resilience, determination and ingenuity time and again over the past 10 years. Government needs to meet us where we are, and support us to thrive. Good, transparent policy and fundamental respect would be a reasonable starting point, and one we shouldn't even have to ask for from government.

ATTACHMENT A

RGAs Commentary on the Recommendations from the PC's Last Review.¹



RECOMMENDATION	RGA COMMENTARY
<p>1. A process should be developed to return any identified over-recovery to consumptive uses (p. 36).</p>	<p>This has not occurred – and is something that should be dealt with as a matter of urgency.</p>
<p>2. Ensure that water recovery aligns with environmental requirements (p. 36).</p>	<p>We've lost sight as to whether or not this is occurring. We're aware that only certain types of outcomes are achievable without system constraints being addressed. We also understand that final modelling needs to take place to determine if what we thought would occur in 2012 has actually played-out in real-time. In addition, we now have a further decade of information about how to use environmental water efficiently; and we need to understand how our recent flood years have met requirements, potentially reducing the need for further recovery from the consumptive pool.</p>
<p>3. Assistance to communities should have clear objectives and selection criteria, and be subject to monitoring and evaluation (p. 37).</p>	<p>To our knowledge, there's been no assistance of this kind provided to communities. Over the life of the Plan, the Commonwealth has remained fixated on water recovery, or delivery of projects in lieu of water recovery. There has been no strategic thinking – whatsoever – about the future of communities where water has been removed, what they actually want for their own futures, and what processes and structures would best support this. Early on, after the change of Federal Government, we were promised co-design. This has never been delivered, not in a single Basin community.</p>
<p>4. Basin Governments should resolve governance and funding issues for supply measures, including risk sharing arrangements (p. 38).</p>	<p>Sadly this has not occurred, and we are fast running out of time. At this point, the public has no idea – whatsoever – about the future of the majority of supply measures within the current package. Given the threat of additional water recovery becomes real in five months, this is unacceptable.</p>
<p>5. Basin Governments should be open to the possibility of extending the 30 June 2024 deadline (p. 38).</p>	<p>This is effectively a 'no brainer'. It absolutely needs to happen to ensure that good projects are delivered, and communities are not unfairly exposed to additional water recovery as a consequence of government inaction. We also believe this can be done without the need for legislative change, and without triggering the reconciliation provisions under the Basin Plan. We discuss this in detail on page 5 of Attachment B to this submission.</p>
<p>6. Reconciliation should be undertaken in a way that: <i>accommodates projects to be delivered in realistic timeframes</i> (p. 39).</p>	<p>This is critical, and is a process that Basin Governments must provide for well before the current reconciliation trigger date of 31 December 2023. This is the only way to ensure good projects have the time needed to proceed, and communities aren't unfairly hit with unnecessary water recovery.</p>

¹ [Overview - Inquiry report - Murray-Darling Basin Plan: Five-year assessment \(pc.gov.au\)](https://www.pc.gov.au/inquiry/murray-darling-basin-plan/five-year-assessment)

RECOMMENDATION	RGA COMMENTARY
<p>7. The Murray-Darling Basin Authority (MDBA) should comprehensively update and publish modelling to confirm the ‘enhanced environmental outcomes’ that can be achieved with additional water recovery. The MDBA should also model the benefits of additional environmental water within existing delivery constraints (p. 41).</p>	<p>These are critical pieces of work that have not been undertaken. As noted above, when compared to the Basin Plan’s 2009 baseline, the southern Basin in particular has experienced six years of record-breaking, above-average flows. No work has been done to assess how these flows may have already met the ‘enhanced environmental outcomes’ the Commonwealth is seeking, hence negating the need for additional water recovery. Detailed analysis by the Victorian Government when the Basin Plan was first proposed² also warrants revisiting. It suggests that as a result of existing delivery constraints, there’s little difference in the outcomes that can be achieved between 2400 GL of held water and 3200 GL. Given the length of time that will be needed to materially address delivery constraints across the Basin, this must be a factor in any remaining water recovery task.</p>
<p>8. The Commonwealth should develop a strategy for achieving the outcomes at Schedule 5 of the Basin Plan. The strategy should (p. 41): (i) minimise adverse socio-economic impacts; (ii) plan for a range of constraints scenarios; (iii) phase recovery efforts so they align with new information; and (iv) outline processes to ensure ongoing engagement with local communities and industries.</p>	<p>Arguably this work should have been done back in 2012, so communities always knew exactly where they stood in relation to the 450 GL. Given our comments above, it also makes no sense for this recovery to take place in the absence of constraints lifting. Our position on the 450 GL is clear: (i) it’s fundamentally unachievable; and (ii) it should not take place unless accompanied by neutral or improved socio-economic outcomes. Beyond this, it’s reprehensible that the threat of the 450 GL has been hanging over our heads since May 2022, with no advice on how it will be done.</p>
<p>9. The Commonwealth should implement a regional-level monitoring and evaluation program to identify (over time) which regions are subject to substantial socio-economic impacts from additional water recovery (p. 42).</p>	<p>Once more, communities would have benefitted from this kind of considered work over the full 10 years of the Basin Plan’s implementation. In addition, the value of such a program would undoubtedly have come from a co-designed approach, where the purpose was to assess potential impacts and then work directly with communities to devise ways to avoid them. All regional communities are different, yet they are all robust, resilient, innovative and responsive in their own unique ways. What cuts them down is poor, opaque government policy. That is the case here. We do not know where we stand, because no one will tell us precisely what they want, how they want to do it and when it will be done. This creates an impossible task for business owners and communities. We can’t co-design anything to mitigate impacts if government doesn’t know what it wants.</p>
<p>10. Review of the Water for the Environment Special Account (WESA) should assess the benefits and costs (and feasibility) of other approaches to achieving the Account’s outcomes. The Commonwealth should use this review to: <i>determine whether there is a need to amend the Schedule 5 outcomes, or adjust the water recovery strategy to pursue those outcomes</i> (p. 42).</p>	<p>An approach like this is fundamental to all good public policy. Ten years on from the Basin Plan’s inception, the blunt instrument of ‘more water’ is no longer the most appropriate tool for achieving all Basin environmental outcomes. We provide specific consideration of this, and examples, on pages 3 and 6 of Attachment B to this submission. We believe the work under this PC recommendation should be undertaken as a matter of urgency.</p>

² [Microsoft Word - Final - V5 Final with Ltrs.doc \(water.vic.gov.au\)](#), p. 81.

RECOMMENDATION	RGA COMMENTARY
<p>11. An evaluation should enable assessment of the utility of Water Resource Plans (WRPs) for delivering the objectives and outcomes of the Basin Plan (p.44).</p>	<p>The MDBA's approach to WRPs has been an unmitigated disaster. We would argue it's the only reason NSW WRPs have still not been accredited. The level of scrutiny, and the sheer minutiae states are forced to include in these Plans bears no direct relationship to what they're meant to achieve – <i>the effective management of water resources within Basin Plan SDLs</i>. Even more concerning, we have examples of where the MDBA is using WRPs to recover additional water for the environment by stealth, and without compensation to licence-holders. The inconsistent approach, and unreasonable overreach displayed in relation to planned environmental water (PEW) is a case-in-point, and warrants further investigation/review.</p>
<p>12. The MDBA should review the Basin Plan salt export objective, and consider: <i>whether the objective should be respecified or abolished</i> (p. 46).</p>	<p>In our view – the salt export objective should be abolished as it has no place in this particular working river system. For 20+ years, the highly-effective approach to salt management in the southern Basin has been based around intercepting and removing it from the system at various points along the river.³ Introducing a concept whereby that salt should be diluted – in-stream – and then transported to the Murray mouth for discharge into the ocean makes no public policy sense whatsoever. It also ignores the fact that the Coorong, Murray Mouth and Lower Lakes are highly modified ecological systems, where they no longer reflect 'natural' inflow patterns, or the movement of salt and water.</p>
<p>13. The MDBA's five-year Basin-wide environmental watering strategy, commencing in 2019, should (p. 50): (i) include an objective that, where environmental outcomes are not compromised, environmental watering should seek to contribute to social or cultural outcomes; and (ii) provide clear guidance on potentially harmful flow regimes.</p>	<p>This is excellent advice that has unfortunately been ignored. There's no reason why 'multiple-use objectives' can't form part of a sophisticated, mature approach to environmental watering – especially in the face of the increased climate volatility. We provide examples of how this could be done on page 3 of Attachment B. In terms of adverse outcomes, we have severe concerns about the reach of the Murray within the vicinity of the Barmah Choke/Forest. Too often, ecological goals are sacrificed here in order to achieve outcomes further downstream. In the face of further government work to address issues at the Choke⁴, it's crucial that all knock-on, 'perverse' ecological outcomes are addressed and mitigated as well.</p>
<p>14. Basin Governments should demonstrate strategic leadership, take joint responsibility and direct the implementation of the Basin Plan. BOC should be responsible for managing the risks to successful implementation and ensuring effective intergovernmental collaboration. The MDBA's role is to provide technical support to Governments as they implement the Plan. Governments must be individually and collectively resourced to perform their roles (p. 58).</p>	<p>This advice is critical, and should be acted on immediately. The current power-balance does not work in terms of effective Basin Plan implementation. The MDBA's only role in the space should be solely as a technical advisor. Basin Governments – collectively – should be deciding on: (i) operational priorities as they relate to the Plan; (ii) how they will be met; and (iii) critically, what will be deemed 'good enough' in terms of the implementation task. With the MDBA constantly running interference, and 'pulling rank' in terms of its view that the Plan is the final say on all things Basin water, Governments will never have the strategic space to do the work that is expected of them by their communities. The only 'resourcing' needed is a re-set of the current – highly ineffective – power imbalance between Basin Governments collectively and the MDBA.</p>

³ [Basin Salinity Management 2030 – strategies and reports | Murray–Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/basin-salinity-management-2030-strategies-reports)

⁴ [Barmah–Millewa Feasibility Study | Murray–Darling Basin Authority \(mdba.gov.au\)](https://www.mdba.gov.au/barmah-millewa-feasibility-study)

ATTACHMENT B

Table One: RGA's Project List – As Discussed with DCCEEW Since October 2022.



AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Urban Efficiency.	<p>Operational in 2019, the Murray to Broken Hill pipeline moved the supply of Broken Hill's water from the Menindee Lakes to the River Murray, NSW. Removing Broken Hill's reliance on Menindee Lakes has resulted in 420 GL of water savings at the Lakes every year.¹</p> <p>The new pipeline has been operating for four years, yet none of its water savings benefits are being recognised under the Basin Plan.</p>	<p>The pipeline is operational. Its benefits aren't being recognised under the Basin Plan.</p>	<p>Completed – pipeline is operational.</p>	<p>The MDBA in particular has judged the Menindee Lakes SDLAM project very harshly, describing it as 'undeliverable'². To our knowledge no work has been done to assess the benefits of the Murray to Broken Hill pipeline, which was always part of the Menindee project and has been operational for four years.</p> <p>To support the pipeline's operation, its water comes from the NSW Murray, through the creation of a specific <i>Water Access Licence</i>, in the order of 10 GL. As a result of this action, the pool of water available to NSW General Security Licence holders has been reduced by 10 GL – with no compensation provided.</p>
Other.	<p>Work is currently underway to improve the <i>movement and efficiency of water delivery</i>³ through the Barmah-Millewa reach of the Murray River. One option under investigation is: <i>Optimising the timing and transfers of water from Hume Dam to Tar-Ru (Lake Victoria)</i>.⁴ A key objective is to minimise water loss, either from storage spills or increased conveyance.⁵</p>	<p>In 2002, operations at Tar-Ru were revised to minimise impact on Aboriginal cultural heritage values.⁶ A key priority was to: <i>reduce the impact on water resource availability</i>. Revised operations at Tar-Ru resulted in a 19 GL increase in flow to South Australia in dry years.</p> <p>Changed river operations often create water savings. The water savings created by the Barmah-Millewa Feasibility Study must be recognised under the Basin Plan.</p>	<p>Extensive consultation will take place as part of implementation of the Feasibility Study. None of it will need to be paid for from funding available for Basin Plan implementation.</p>	<p>The Commonwealth refuses to open its bulk River Murray operations to external scrutiny. There's also a very strong reluctance to consider and implement long-term efficiency measures. This means there's no way to explore how bulk operations can contribute to water savings under the Basin Plan. Given the substantial volumes being moved around the Murray system every year, this seems very unfair and a lost opportunity.</p>

¹ [Summary of final business case - Broken Hill Long-Term Water Supply Solution - October 2017 \(nsw.gov.au\)](#)

² [Sustainable Diversion Limit Adjustment Mechanism: 2022 Assurance Report \(mdba.gov.au\)](#)

³ [The Barmah-Millewa Program | Murray-Darling Basin Authority \(mdba.gov.au\)](#)

⁴ [The Barmah-Millewa Program | Murray-Darling Basin Authority \(mdba.gov.au\)](#)

⁵ [Review of impacts of system-wide drivers on Tar-Ru - Scoping report - Stage 1 \(mdba.gov.au\)](#)

⁶ [Lake Victoria Operating Strategy 27 MAY 2002 \(mdba.gov.au\)](#)

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Other.	Leading up to and following the millennium drought, there was a significant shift in river operations. Through Improved Regulation of the River Murray , it's possible to lock in place these improvements. This means: <i>an additional 110 GL/yr of operational losses will not be required.</i> ⁷ The result is an extra 110 GL of water savings being available each year.	This proposal has been under consideration for over 10 years. It has been included in the same process as all other SDLAM proposals.	This proposal has been subject to the same consultation requirements as all other SDLAM projects.	While this proposal sits in the package of notified measures under SDLAM, the MDBA refuses to assign it an off-set value. ⁸ Our comments about the Commonwealth's unwillingness to properly scrutinise its river operations apply here as well.
Urban Efficiency.	The NSW Government is implementing a Town Water Risk Reduction Program ⁹ , scheduled for completion at end-2024. Objectives include: (i) secure and sustainable water supply and sewerage; & (ii) innovative technology to give towns reliable, resilient and safe water. The Program's water saving opportunities have not been explored in terms of Basin Plan outcomes. This warrants further investigation.	Urban efficiency is a well-understood concept. The infrastructure supporting it also has a very long and successful history. The only component missing is a willingness to connect opportunities under this Program to the outcomes being sought under the Basin Plan.	Consultation will take place as part of the Program's implementation. The RGA would also be more than happy to facilitate the establishment of relevant connections, should the Commonwealth prove serious about pursuing this particular option.	As noted, the only component missing is a willingness to connect opportunities under this Program to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.
Other.	Associate Dean and Professor, Dr Kurt Schwabe, from the University of California has been awarded a Fulbright Distinguished Chair Fellowship to: <i>collaborate with Australian scientists to better capture and store water as the planet warms.</i> ¹⁰ Working in collaboration with CSIRO, Dr Schwabe's study will take place in the first half of 2024, and will look specifically at the establishment of 'groundwater banks' across the Murray-Darling Basin.	Managed Aquifer Recharge (MAR) is not new, and is already recognised for its benefits including ¹¹ : long-term storage for drought supply (consumptive and environmental); offering a low-cost, low-energy supply; and also offering a storage alternative with no evaporation. Alongside this, Commonwealth agency Geoscience Australia is conducting an in-depth study of the Basin's groundwater resources to 'support water management'. ¹²	The RGA has already reached out to Dr Schwabe in relation to his study, and expressed interest in being involved.	Given this study will be conducted in the first half of 2024, this opportunity sits well within the criteria set by this 'Have Your Say' process. It also strongly reinforces Minister Plibersek's call for 'bringing the science up-to-date' ¹³ to future-proof the Basin Plan. The only component missing is a willingness for Canberra to connect the threads of work being undertaken across a number of its agencies, and recognise the benefits under the Basin Plan.

⁷ [10-Improved-Regulation-of-the-River-Murray-IRRM-Current-notification-Amendment-1-Redactions-applied.pdf \(water.vic.gov.au\)](#)

⁸ [Projects \(water.vic.gov.au\)](#)

⁹ [The program | Water \(nsw.gov.au\)](#)

¹⁰ [Capturing heavier rains in an era of drought | News \(ucr.edu\)](#)

¹¹ [Managed aquifer recharge \(csiro.au\)](#)

¹² [Darling-Curnamona-Delamerian | Exploring for the Future | Geoscience Australia \(ga.gov.au\)](#)

¹³ [Minister's address – River reflections 2022 on Vimeo](#)

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
<p>Community Use.</p>	<p>A range of community-based initiatives within the RGA's footprint offer multiple benefits for the environment, first nations and other users.</p> <p>At the Werai Forest, in the Central Murray, from an environmental water perspective, primarily this would upgrade existing regulators. However, there are also strong potential benefits for First Nations at this site, along with a modest water recovery volume.</p> <p>For over 10 years, the RGA-supported Bitterns in Rice project¹⁴ has ensured survival of globally endangered Australasian Bitterns. We protect the breeding populations that descend on our rice crops each year. Our agricultural wetlands have a crucial role to play alongside traditional conservation reserves.</p>	<p>Community-led conservation projects have a multi-decadal history in the Riverina, which also provides testament of their success.</p> <p>What we don't have is a clear understanding of how projects like these can be incorporated into finalisation of the Basin Plan. We also must understand how these types of projects can be used to off-set the damaging impact of taking water out of the consumptive pool.</p>	<p>The RGA would be more than happy to facilitate the establishment of relevant connections, should the Commonwealth prove serious about pursuing this particular option.</p>	<p>As noted, the only component missing is a willingness to connect opportunities under this proposal to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.</p>
<p>Other/Market Based.</p>	<p>The approach of simply giving licences to the Commonwealth Environmental Water Holder (CEWH) is no longer what's needed to: <i>support the maturation of environmental water management</i>.¹⁵ As water availability across the Basin becomes more volatile, all users must be more flexible, efficient and adaptable. Two high-level principles are worth exploring here:</p> <ul style="list-style-type: none"> • Increasing the reliability of licence-types held by the CEWH would also increase the volume that its current portfolio holds. • If the CEWH could enter into more sophisticated commercial arrangements, it could negotiate mutually beneficial outcomes with other licence-holders. 	<p>The MDBA has acknowledged that the factors used to assess how much water has been recovered for the environment can change.¹⁶ By extension, projects that increase the size of relevant allocation pools would benefit all licence-holders who own that type of licence.</p> <p>For the second principle, there are also precedent-setting examples, including the recent <i>Narran Lakes Water Reimbursement Project</i> and the <i>supply-by-agreement</i> in place between the CEWH and Grampians Wimmera Mallee Water in Victoria.</p>	<p>The first step would be to confirm with relevant experts what actions are needed to give effect to a proposal such as this. The RGA would be happy to scope a list of case-studies, should the Commonwealth prove serious about pursuing this particular option.</p>	<p>The only component missing is a willingness to connect opportunities under this proposal to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.</p>

¹⁴ [About The Bitterns in Rice Project | Bitterns in Rice Project](#)

¹⁵ [Terms of reference - Murray-Darling Basin Plan: Implementation Review 2023 - Productivity Commission \(pc.gov.au\)](#)

¹⁶ [Factors for water recovery | Murray-Darling Basin Authority \(mdba.gov.au\)](#)

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Other.	<p>A ‘stock-take’ of older ideas would identify which projects are feasible now, given the drive to make the Plan’s finalisation innovative.</p> <p>A first-cut list would offer the following: <i>SDL Adjustment Stocktake Report, Aug 2015</i>¹⁷</p> <ul style="list-style-type: none"> • Existing Project Refinements (p. 24). • Improved Operating Tools (p. 24). • Lake Victoria Operating Rules (p. 25). <p><i>Murray-Darling Basin Plan: Five-Year Assessment, Dec 2018</i> (p. 136)¹⁸</p> <ul style="list-style-type: none"> • Logical Sequencing of Projects. • Integration With River Ops/Other Work. <p><i>Analysis of Efficiency Measures in the Murray-Darling Basin, Jan 2018</i> (p.154)¹⁹</p> <ul style="list-style-type: none"> • Icon Water – ACT (29 GL). • SA Desal Substitution (50 GL). • General Urban Opportunities (7.7 GL). <p><i>Supporting the Independent Assessment of Economic and Social Conditions in the Murray-Darling Basin, Aug 2019</i> (p, 50)²⁰</p> <ul style="list-style-type: none"> • Efficient Management/Measurement. • Behaviour Change/Reduce Consumption. <p><i>Advice to the Independent WESA Review Panel: Final, Dec 2021</i> (pp. 43, 51 and 52).²¹</p> <ul style="list-style-type: none"> • Stock/Domestic/Urban/Industrial (140 GL) • NSW Off-Farm (57 GL). 	<p>Suggestions provided come from independent, peer-reviewed work undertaken on behalf of Commonwealth agencies. We assume this means that the associated assessments of their viability are legitimate.</p>	<p>The RGA would be more than happy to facilitate the establishment of relevant connections, should the Commonwealth prove serious about pursuing this particular option.</p>	<p>The only component missing is a willingness to connect opportunities under this proposal to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.</p>

¹⁷ [SDL Adjustment Stocktake Report August 2015 \(mdba.gov.au\)](https://www.mdba.gov.au)

¹⁸ [Inquiry report - Murray-Darling Basin Plan: Five-year assessment \(pc.gov.au\)](https://www.pc.gov.au)

¹⁹ [Project title or company name \(mdba.gov.au\)](https://www.mdba.gov.au)

²⁰ [Literature review \(dccew.gov.au\)](https://www.dccew.gov.au)

²¹ [A4 Portrait Report \(dccew.gov.au\)](https://www.dccew.gov.au)

Table Two: Additional Ideas – As Prompted By The Recent ‘Have Your Say’ Process.



AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
<p>Timeframe Extension.</p>	<p>The Commonwealth has already indicated that projects contributing to the 450 GL can receive funding and be completed after 30 June 2024, without triggering the need for a legislative change.²² It only seems fair that this approach be extended to the entire SDLAM package.</p> <p>Delivery beyond 30 June 2024 should be further bolstered by the Basin Plan’s reasonable excuse provisions (s.6.12(4)). Under this section of the Plan, non-compliance with SDLs is reasonable if caused by factors beyond a state’s control.</p>	<p>As noted, the Commonwealth has already advised an independent review that Basin Plan delivery timelines are not legislatively binding.</p> <p>With regard to ‘reasonable excuse’ the decade between November 2012 and November 2022 was characterised by three high-flooding years, and just over two years of extreme pandemic response. At a minimum, this should ensure that SDLs are not unfairly adjusted if reconciliation is triggered later this year.</p>	<p>All three components of the SDLAM package – as defined by Minister Plibersek²³ – already have strong support. Extended timeframes is the only way to deliver the full package. Doing so without a potentially risky and rushed legislative amendment is highly desirable.</p>	<p>The only component missing is a willingness to connect opportunities under this proposal to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.</p>
<p>Other.</p>	<p>Our key concern with this ‘Have Your Say’ process is being confident that the ideas put forward will actually be utilised to finish Basin Plan implementation. For us, this means ensuring that the 605 GL is delivered in full.</p> <p>It’s highly likely that this may require the inclusion of new projects - as well as the amendment of existing projects so they’re capable of receiving community support. We believe this can be done without triggering the need for legislative change.</p>	<p>Based on the Commonwealth’s 450 GL advice²⁴ Plan clauses are open to wide interpretation.</p> <p>With this in mind, we note the 605 GL package can be amended (s7.12). Importantly, there is no specification of how narrow or broad those amendments can be. This should provide sufficient scope to consider new proposals.</p> <p>We also note that under s7.15(2) the BOC can advocate for a new assessment method for projects that contribute to the 605 GL. There’s no time limitation within the Plan for when this assessment approach can change.</p>	<p>Amended processes is the only way to deliver the full 605 GL. Doing so without a potentially risky and rushed legislative change is highly desirable.</p>	<p>The only component missing is a willingness to connect opportunities under this proposal to the outcomes being sought under the Basin Plan. This requires a commitment on behalf of the Commonwealth to take opportunities like these seriously.</p>

²² <https://www.dccew.gov.au/sites/default/files/documents/second-review-water-for-the-environment-special-account.pdf>, p. 14.

²³ (1) 605 GL of projects that deliver outcomes without water; (2) 450 GL of additional water – with no socio-economic impact; (3) constraints lifting to allow for higher flows.

²⁴ <https://www.dccew.gov.au/sites/default/files/documents/second-review-water-for-the-environment-special-account.pdf>, p. 14.

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
<p>Environmental Management.</p>	<p>At noted, the blunt approach of ‘transfer licenses’ is becoming obsolete. Non-water tools are often the only fix for many issues.</p> <p>Carp now make-up between 80% and 90% of all fish biomass in the Murray-Darling Basin.²⁵ Currently, this is arguably the biggest threat to native fish populations. None of the solutions under the <i>National Carp Control Plan</i> recommend recovering more water from the consumptive pool in order to address this issue. Instead, all options revolve around direct intervention within systems to remove carp.</p> <p>The last three years have been characterised by record-breaking floods. Above-average flows generated water quality problems that weren’t going to be addressed by adding extra water into the system. Instead, these challenges could only be addressed by direct intervention, for example through the creation of oxygenated refuges for native fish.²⁶</p> <p>The National Irrigators’ Council (NIC) has also highlighted the importance of infrastructure to improve fish migration from Menindee Lakes to the Murray. Once more, this can only be achieved through non-water methods.</p>	<p>These are all examples where the best available science is no longer recommending additional water recovery as the solution to the problem.</p>	<p>Requisite consultation either is, or is expected to take place as part of delivery and implementation.</p>	<p>Proposals like these deserve adequate recognition under current Basin Plan processes. Where this requires an amendment to the 605 GL package, or its assessment method, this should be undertaken as a matter of urgency. As we’ve highlighted, both can already be done without legislative amendment.</p>

²⁵ [National Carp Control Plan - DAFF \(agriculture.gov.au\)](https://agriculture.gov.au)

²⁶ [Murray valley annual surface water quality report: 2021-2022 \(nsw.gov.au\)](https://nsw.gov.au) (page 11).

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Other.	<p>The <i>Murray-Darling Basin Agreement</i> is the often-forgotten companion to the Basin Plan. In many ways, it made the Plan's job much easier, having already been the first to cap diversions, water iconic environmental sites and effectively deal with Basin salinity issues.</p> <p>It's the seminal document for state water sharing, storage operation and the movement of water along the full length of the Murray.</p> <p>Many of its provisions are decades old, and if modernised may more efficiently deliver the outcomes being sought under the Basin Plan.</p> <p>Examples of 'quick wins' include:</p> <ul style="list-style-type: none"> • SA's Entitlement & Storage Right. • Use of Lake Victoria. • Surplus Flow to SA. • Additional Dilution Flow – SA. • Losses. • Efficient Regulation of the River Murray. • Menindee Lakes Storage. 	As noted earlier, independent advice has already flagged the need to modernise aspects of the <i>Murray-Darling Basin Agreement</i> . ²⁷	The wholesale review of the Agreement is an outstanding activity that Basin Governments have long been reluctant to commit to. There are some obvious 'quick wins' that are possible under the Agreement, which could directly support Plan outcomes.	The strong reluctance on behalf of some governments to open up the Agreement, even though many of its provisions are no longer optimal after 10 years of Basin Plan implementation.
Environmental Management.	Minister Plibersek has two portfolios of direct relevance to the Plan: Water and Environment. A number of announcements the Minister has made in her 'environment' capacity are worth exploring for their ability to achieve outcomes under the Basin Plan. ^{28,29,30}	Suggestions provided come from Minister Plibersek herself. We assume this means all related assessments of viability are legitimate.	Extensive consultation should take place as each announcement is delivered. No funding would need to come from that available for Plan implementation. The RGA can facilitate establishment of regional connections if the Commonwealth is serious about pursuing this option.	What we don't have is a clear understanding of how projects like these can be incorporated into finalisation of the Basin Plan. We also must understand how these types of projects can be used to off-set the damaging impact of taking water out of the consumptive pool.

²⁷ [Project title or company name \(mdba.gov.au\)](#), p. 154.

²⁸ [Joint media release: Coordination key to driving down impacts of feral animals | Ministers \(dcceew.gov.au\)](#)

²⁹ [Nature Repair Market legislation introduced to parliament | Ministers \(dcceew.gov.au\)](#)

³⁰ [Joint media release: Biodiversity certificates to increase native habitat and support Australian landholders | Ministers \(dcceew.gov.au\)](#)