

Senate Standing Committee on Environment & Communications – Inquiry

Water Amendment (Restoring Our Rivers) Bill 2023

RGA Submission – September 2023

Introduction:

We thank the Standing Committee for conducting an inquiry. We're frustrated by the rushed process¹; and the unwillingness to meet impacted communities. We're fighting for our future. We must be invited to give evidence when hearing dates are confirmed.

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. We use 50% less water to grow one kilo of rice, when compared to the world average.² We've also set ourselves the ambitious target of further boosting our efficiency to 1.5 tonnes of rice per megalitre (ML) by 2026.³

Like most irrigated agriculture, rice offers a dependable source of high-paid employment in the Basin's regional and remote areas. 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.⁴

Our success depends on reliable water access; however, 'reliable access' is not just tied to rainfall. The quality of government policy is strongly influential as well.

Rice is an annual crop, that typically switches 'on' or 'off' depending on water availability. There's a strong correlation between our expected access to water and the total area harvested in any given year.⁵ Notwithstanding the challenges, rice 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. Over this time – annually – we've contributed \$400 million into rice-growing communities, and provided 400 jobs across the Riverina.⁶ We've 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.^{7,8}

¹ No terms of reference provided; no advice on hearing dates; no clarity on how inquiry recommendations will be used.

² [Rice-and-Water-2014_Web.pdf \(rga.org.au\)](#) – We use approx 12 ML/hectare; world av is 15-20 ML, getting as high as 50 ML.

³ [New structure announced to accelerate rice breeding in Australia | AgriFutures Australia](#) – we currently av 1 tonne of rice per ML.

⁴ [Employment White Paper - Consultation | Treasury.gov.au](#)

⁵ [Rice farms in the Murray-Darling Basin - DAFF \(agriculture.gov.au\)](#).

⁶ SunRice, internal commercial data. The figure of '400 jobs' is direct employment; it doesn't reflect secondary employment.

⁷ [AppendixC_Murrumbidgee_community_profile.pdf \(mdba.gov.au\)](#), p. 899.

⁸ [AppendixC_NSW_Central_Murray_community_profile.pdf \(mdba.gov.au\)](#), p. 964.

Our High-Level Concerns With The Bill:

Our primary concern with this Bill is the **lack of certainty**. While it's clear the intent is to remove water from our community, we have no idea: (i) how much water will be taken from the region; (ii) how this water will be taken away; and (iii) when this will be done.

We're extremely frustrated the Albanese Government has **re-written history**; especially in terms of the high-level parameters of the original 2012 Basin Plan agreement.

It's also very unfair that the Bill legally binds discreet aspects of the remaining Basin Plan implementation task, while ignoring others. This **uneven distribution of legal weighting** makes it impossible for any irrigation industry to effectively advocate for its future.

Re-Writing History

At the highest level, Basin Governments decided ten years ago that – collectively – under the Basin Plan they would: *agree to a package of measures that comprises those that address system constraints, supply measures and efficiency measures*.⁹

This Bill does none of the things mentioned in the previous paragraph.

In an embarrassingly clumsy and confusing way, the Bill attempts to get rid of efficiency measures altogether, and replace them with something new, called *Held Environmental Water*, or HEW. The Government can't explain: (i) where efficiency measures end and HEW begins; or (ii) why HEW is so significant that it must be pursued at all costs, and in a way that ignores long-standing agreements, and disregards the impact that will be felt by communities.

1. Our strong recommendation is **all references to HEW be removed from this Bill**. Our specific drafting advice is provided at Att A.

The RGA's long-standing position is that a full 450 GL of efficiency measures can't be achieved under the Government's desired approach¹⁰ without causing unacceptable social and economic impacts. Despite this, we've been able to provide the Albanese Government with 7 pages of advice (Att B), that maps out how we think water can be recovered, while allowing our industry to continue.

2. This Bill lacks an **adequate efficiency measures roadmap** that forces Government to: (i) appropriately justify its drive for more water; (ii) approaches its task with full respect for all existing socio-economic protections; and (iii) agrees with communities exactly how recovery will be done. Our specific drafting advice is provided at Att A.

Unfortunately for industry, the Government clearly has no intention of approaching the 605 GL of supply measures in any serious way. While constraints measures remain part of the 605 GL, we already know there'll be a shortfall in the order of 200 GL, with nothing in the Bill specifically aimed at addressing that gap.¹¹

3. This Bill lacks an **adequate supply measures roadmap**, that has an express intent of delivering the full 605 GL of supply measures by the new extended timeframe of 31 December 2026. Our specific drafting advice is provided at Att A.

⁹ [jga-on-implementing-water-reform-mbd-9-august-2019.pdf \(federation.gov.au\)](#), p. 11.

¹⁰ Large-scale, non-strategic buy-backs; held entitlements predominantly from irrigators.

¹¹ The Bill gives constraints a 3 year extension, despite these measures needing closer to 10 years to achieve full completion.

Also concerning, in its devastating and unreasoned pursuit of the 450 GL, the Government seems to want to fully decouple it from the original 2012 Basin Plan agreement.

The original drafting was carefully crafted to confirm the fact that environmental benefit from the 450 GL was only ever likely to be realised if constraints were adequately addressed – something that is now impossible, thanks to this Bill.

The relevant Part of the existing legislation is clear, the 450 GL is meaningless unless system constraints are 'eased or removed'.¹²

4. All attempts to re-write the policy history of the 450 GL should be removed from this Bill. Our specific drafting advice is provided at Att A.

Lack of Certainty

Unfortunately, this Bill substantially ramps up the uncertainty our industry faces. Once more, this is a unilateral re-writing of the Basin Plan's original intent by this Government.

The 10 year old agreement was clear – every Basin Government was committed to *providing farmers and communities with more confidence to plan for a future with less water*.¹³ Fundamental to this is knowing: (i) how much water will be stripped from communities; (ii) what instruments will be used to take this water away; and (iii) exactly when this 'future with less water' is expected to commence.

This Bill achieves precisely none of the requirements described in the previous paragraph.

The amendments we've suggested at points 1, 2 and 3 of Att A would serve to deal with this issue effectively.

Uneven Distribution of Legal Weighting

The Government is using this Bill to cherry-pick the parts of the 2012 agreement that it wants to take seriously – subsequently seeking to bind them in this legislation. The biggest risk is the power for Commonwealth agencies to buy whatever water they want.

Reinforcing this, is the glaring omission of any Commonwealth market accountability during the window where we expect its agencies to be the most 'market active'. By waiting up to 3 years for critical protections to start¹⁴, the Commonwealth is essentially giving itself free reign in the water market in the interim, with the ability to impact water markets regardless of intention.

States must be allowed to protect themselves from the unreasonable powers being given to the Commonwealth under this Bill. In addition, the public must be certain that the Commonwealth will immediately hold itself to the same standard as everyone else that is subject to compliance arrangements across the Murray-Darling Basin.

5. Our suggested amendments at Att A serve to: (i) temper the Commonwealth's unreasonable powers under this Bill; and (ii) ensure the Commonwealth will be subject to timely market scrutiny.

¹² [Water Act 2007 \(legislation.gov.au\)](http://www.legislation.gov.au), s86AA(3).

¹³ [jga-on-implementing-water-reform-mbd-9-august-2019.pdf \(federation.gov.au\)](http://www.federation.gov.au), p. 2.

¹⁴ [23109b01.PDF fileType=application/pdf \(aph.gov.au\)](http://www.aph.gov.au) Schedule 3/Pt 2: Insider Trading; & Schedule 3/Pt 3: Market Manipulation.

Att A

RGA Drafting Advice



AREA OF CONCERN	RGA ADVICE
<p>1. HEW & Efficiency Measures.</p>	<p><u><i>All References To HEW Be Removed From This Bill</i></u></p> <p>Either remove or edit the following numbered paragraphs, as currently contained in Schedule 2 of the Bill¹: 11 (keep (a), remove (b)); 12; 13; 16; 19; 21 (especially 7.08B); 23; 26 (keep everything except (1)(a) and the following words from Note 3 ‘or an additional HEW entitlement has been registered’); 31 (keep everything except for (1)(b)(iii), (2)(c) and (4)); 32; 39 (keep everything except the note); 40; 41; 45; 46; 47; 48 (keep everything except (2)(c), (3)(a)(B) and (4)(b), remove the words ‘and the additional HEW entitlements’ from (3)(a)(i)(A), and delete everything after ‘varying HEW contribution’ from (5)); 53; 54; 55; 56; 57; 59 (keep everything except ‘and additional HEW contributions over time’); 60; 63; 64; 65; 67; 68; 69; 70; 71; 72; 73; 74.</p> <p><u><i>Efficiency Measures Implementation Roadmap</i></u></p> <p>Add the following to Schedule 2 of the Bill:</p> <p><i>Efficiency Measures Implementation Roadmap</i></p> <p>(1) The object of this section is to assist the Commonwealth and Basin States to work in partnership with communities to identify efficiency measures that:</p> <ol style="list-style-type: none"> recognise all existing socio-economic protections; maximise the benefit of efficiency measures that exist outside of the irrigation allocation pool; and comply with the limit on the size of proposed adjustments under subsection 23A(4) of the Act. <p>(2) To avoid doubt, efficiency measures do not require the transfer of a held entitlement, if the recovered water provides an equivalent degree of access/use.</p> <p>(3) The Commonwealth must prepare the Roadmap for the purpose of achieving the object of this section by 31 December 2024.</p> <p>(4) The Roadmap, and any substantive amendments to the Roadmap, must be prepared in consultation with the Basin States, Commonwealth Agencies and the public.</p> <p>(5) Roadmap implementation will:</p> <ol style="list-style-type: none"> prioritise the management of impacts on third parties; and be strongly informed by regular reporting, transparency and public accountability. <p>(6) The Commonwealth must publish the Roadmap on a relevant Agency website.</p> <p>(7) If the Roadmap permits buy-back, the Commonwealth must also advise the Authority of all likely purchases for the purposes of the register described in section 7.13 of the Basin Plan.</p> <p>Add the following to Schedule 1, Part 2 of the Bill: To avoid doubt, water recovered under this Part does not require transfer of a held entitlement if equivalent access/use is provided.</p> <p>Remove the following numbered paragraphs, as currently contained in Schedule 1 of the Bill: 5; 14.</p>

¹ [23109b01.PDF;fileType=application/pdf \(aph.gov.au\)](#)

AREA OF CONCERN	RGA ADVICE
<p>2. Supply Measures.</p>	<p><u><i>Supply Measures Implementation Roadmap</i></u> Add the following to Schedule 2 of the Bill: <i>Supply Measures Implementation Roadmap</i></p> <p>(1) The object of this section is to assist the Commonwealth and Basin States, in partnership with communities, to deliver 605 GL of supply measures by 31 December 2026. (2) The Commonwealth must prepare the Roadmap for the purpose of achieving the object of this section by 1 July 2024. (3) The Roadmap, and any substantive amendments to the Roadmap, must be prepared in consultation with the Basin States, Commonwealth Agencies and the public. (4) Roadmap implementation will: a. prioritise the management of impacts on third parties; and b. be strongly informed by regular reporting, transparency and public accountability. (5) The Commonwealth must publish the Roadmap on a relevant Agency website.</p> <p>Remove the following numbered paragraph, as currently contained in Schedule 2 of the Bill: 37.</p>
<p>3. Re-Writing the 450 GL's History.</p>	<p>Remove the following numbered paragraphs, as currently contained in Schedule 1, Part 2 of the Bill: 2; 3; 4; 5; 6; 7..</p>
<p>4. Temper Cth Power. Immediate Cth Scrutiny.</p>	<p><u><i>Temper the Commonwealth's Power Under this Bill</i></u> Edit the following numbered paragraphs, as currently contained in Schedule 2 of the Bill: 4 (keep everything except (3)(b), Note 1; Note 2); 6 (keep everything except (3)(b), Note 1; Note 2).</p> <p>Add the following to Schedule 1, Part 2 of the Bill: Water purchase will be treated as a tool of last resort under this Part, with its use to be determined in agreement between the Commonwealth, Basin states and impacted communities. If purchase occurs under this Part, the Commonwealth must advise the Authority in accordance with the purposes of the register described in section 7.13 of the Basin Plan.</p> <p>Add the following to Schedule 2 of the Bill: Section 12.18 – Repeal the current heading. Insert: <i>Restrictions Allowable for Physical, Environmental or Socio-Economic Reasons.</i> After section 12.18(1)(d), insert: (1)(di) unreasonable socio-economic impacts resulting from Commonwealth water purchase.</p> <p><u><i>Immediate Commonwealth Scrutiny</i></u> To be included in the most relevant Schedule of the Bill. At the commencement of this Bill, the Commonwealth will immediately publish a <i>Market Involvement Strategy</i> that clearly articulates how it is complying with sections:</p> <p>(a) 101JG – Market Manipulation; (b) 101JH and 101JJ – False Trading and Market Rigging; and (c) 101JK – Illegal Offers, Trades or Transfers.</p>



Att B: 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>	The pipeline is operational. Its benefits aren't being recognised under the Basin Plan.	Completed – pipeline is operational.	<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>	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.	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.

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
Community Use.	<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 <i>Bitterns in Rice</i> 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>
Other/Market Based.	<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:</p> <p><i>SDL Adjustment Stocktake Report</i>, Aug 2015¹⁷</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</i>, Dec 2018 (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</i>, Jan 2018 (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</i>, Aug 2019 (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</i>, Dec 2021 (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/sites/default/files/publications/SDL_Adjustment_Stocktake_Report_August_2015.pdf)

¹⁸ [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)

¹⁹ [Project title or company name \(mdba.gov.au\)](https://www.mdba.gov.au/sites/default/files/publications/Project_title_or_company_name.pdf)

²⁰ [Literature review \(dcceew.gov.au\)](https://www.dcceew.gov.au/water/publications/literature-review)

²¹ [A4 Portrait Report \(dcceew.gov.au\)](https://www.dcceew.gov.au/water/publications/a4-portrait-report)



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

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Timeframe Extension.	<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 Plihersek²³ – 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>
Other.	<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.dcceew.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.dcceew.gov.au/sites/default/files/documents/second-review-water-for-the-environment-special-account.pdf> p. 14.

AREA	DESCRIPTION	PROOF OF CONCEPT	CONSULTATION	CHALLENGES
Environmental Management.	<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>	These are all examples where the best available science is no longer recommending additional water recovery as the solution to the problem.	Requisite consultation either is, or is expected to take place as part of delivery and implementation.	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.

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

²⁶ [Murray valley annual surface water quality report: 2021-2022 \(nsw.gov.au\)](#) (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 \(dcceew.gov.au\)](#)