



The Goulburn Valley Environment Group Inc.

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Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
Parliament House
Canberra ACT

3 August 2021

Dear Committee,

RE: Submission to the Senate Rural and Regional Affairs and Transport Committee

Goulburn Valley Environment Group (GVEG) is one of the peak environmental groups in northern Victoria and our members have advocated for improved protection and management of the natural environment and native wildlife in the Goulburn Valley and Goulburn-Broken catchment since our formation in 1990.

GVEG welcomes the establishment of an Inspector General for water compliance. The effectiveness of this role will depend on a number of factors including; how the Inspector General chooses to exercise his discretion, whether the office is appropriately resourced to conduct in-depth investigations into allegations of non-compliance and whether the office maintains its independence. This independence will prove to be important in relation to possible allegations involving commonwealth water officials.

GVEG welcomes the compliance and enforcement functions previously held by the MDBA being separated and moved to the Inspect-General. When announcing the Interim Inspector-General in 2019 Minister Littleproud announced the position would be “a new tough cop on the beat across the Murray-Darling, with the powers needed to ensure integrity in delivery of the Basin Plan¹”. The Inspector-General will be required to hold the MDBA, Commonwealth and all basin states to account. GVEG is concerned that having the Inspector-Generals office located within the Commonwealth Department of Agriculture, Water and Environment it will result in a conflict of interest. Water management is often a highly politicised topic and therefore having this role placed within a department can negate its ‘independence’. It is our belief that the Inspect-General and associated office should be entirely separate from any water agency in order to avoid any real or perceived conflict of interests arising.

Furthermore, the terms of reference for the Inspector General said the role ‘will seek to restore confidence for all stakeholders in the integrity of the Murray Darling Basin Plan’. Notwithstanding Mr Grants past experience in law enforcement GVEG were disappointed

that the role to ‘deliver the highest accountability for water use’ was awarded to a member of the National Party and ex-deputy premier of NSW. Despite declaring this obvious conflict of interest, we believe the most appropriate course of action would be to establish a legislated Office of Compliance independent of all other government agencies. The broad discretion this position has allows for flexibility to conduct investigations however it is not clear within the Act what happens if the Inspector-General chooses not to exercise its discretion. An inclusion of a duty for the Inspector-General to exercise their functions consistently with, and so as to promote, the international treaties that underpin the Water Act would negate this issue. GVEG recommend that penalties for illegal water extraction be increased in order to reflect the serious nature of the offences. Current penalties are not commensurate with the damage that results from water theft.

GVEG Recommendations to improve the act:

1. The office of the Inspector General be moved to a separate and independent compliance and enforcement agency in order to avoid any real or perceived conflicts of interest
2. Adding a positive duty to act consistently with, and so as to promote international treaties which underpin the Water Act
3. Stronger penalties instated for individuals and companies that are found to be non-compliant. For example, penalties of three times the benefit obtained by committing the offence.

Thank you again for the opportunity to submit to the committee’s inquiry.

Yours Sincerely

GVEG President

