



MURRAY VALLEY WATER DIVERTERS ADVISORY ASSOCIATION (NSW) INC

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Submission to Murray Darling Basin Authority

Guide to the Draft of the Proposed Murray Darling Basin Plan
November 2010

The MVWDAA supports the NSWIC Submission as a detailed, critical analysis.

However, our Submission will be more as a local, grass-roots reaction to a proposal totally out of step with reality. This current Submission follows our input to the Issues Paper (November 2009) which had a series of suggestions and requests – which have been totally ignored and not even responded to.

No wonder Basin communities are totally disillusioned with this whole process. Perhaps the single, largest indictment of the MDBA was to release to the city media the obviously fatuous statement of an estimate of 800 job losses across the Basin, with the removal from productive use of 3000GLs of water as their stated minimum.

This intentionally misleading statement was floated at the time of the Guide's release, with the obvious intent to allay any concerns that may arise in the minds of the ill-informed urban population.

The message delivered to the MDBA throughout the Basin has been consistent and clear. The Plan is totally flawed in being able to deliver an outcome that balances the interests of the environment's real needs with the future productivity of a Basin that underpins Australia's food production and security. It also fails to acknowledge the obvious, horrendous social and regional devastation, which will inevitably flow on to the Nation as a whole, if the actions proposed were ever implemented.

For the MDBA to hide behind the totally biased 2007 Water Act, which contravenes the principles laid down in the NWI under the COAG Agreement, and to not publicly state to the Federal Government that unless the Act is amended the outcome will be unbalanced and against the National interest, is an indictment of the senior personnel and Board of the MDBA.

In any country except Australia, which has lost its way, it would be considered an act of treason for anybody to knowingly promote something against the National interest.

The Water Amendment Bill 2008

Within a year of the Water Act 2007, it was realised that it so over-stated the priority of the environment that in times of drought or low River flows, cities like Adelaide and Canberra and numerous other towns and farm households, could be starved of water. The Act failed to take into account the 'critical human needs' factor.

Hence, the Water Amendment Bill 2008 was passed – in large part to ensure the 'critical human needs' in times of low water availability. It showed that politicians can act quickly – if urban water is seen to be threatened.

Let the MDBA now do what it should have done at the outset as an independent body, and that is to inform Government that the Act must again be amended for a balanced outcome and to comply with the NWI COAG Agreement.

It is obvious that the same methodology and modelling which was so discredited as a totally flawed process, having 90% error factors in the science behind the Living Murray, has once again been used to portray a list of so-called degraded rivers that need saving. Promoting SDLs based on CSIRO modelling which once again have not been subject to outside scientific and hydrological scrutiny, is not good enough. Even State Government water departments have not been privy to the data and assumptions used. They and regional communities should have had a major input into this process. The people who live in the Basin know that the rivers are not 'degraded', but have been enduring a drought cycle which has occurred before and will occur again. Even Prof Peter Cullen on the Sunday TV Program shortly before his death, had to admit - quote ... "Well, yes the rivers are in quite good health!"

The Basin's health has nothing to do with over-allocation and over-extraction. For all of this drought sequence, extractions have been very low to zero whilst the rivers have had water flowing for the entire duration of the drought! Under natural conditions, without the foresight of storages, these same rivers would have ceased to flow for much of the drought period. This happened on a number of documented occasions prior to the construction of storage dams.

As with the Lake Eyre inflow events, the breaking of the drought this year has seen a massive restoration of environmental values. Let's get real - rivers don't die! They go through periods of stress and bounty in Australia's extremely variable rainfall and flow regimes.

River Health

All of the main indicators show improvement – not decline.

Salinity levels at Morgan, SA (the accepted monitoring point) have been declining for 20 years and are now at pre-WWII levels. Nutrient loads, both nitrates and phosphates, are static or declining. Native fish numbers are dramatically up and carp numbers are down. Turbidity levels have declined along with decline in the carp population.

Consequently, the assertion that all the Basin's rivers, bar the Paroo and Wimmera, are in a degraded state must be subject to serious, independent, scientific analysis. Any identified stress will most likely be due to the extended drought – irrigator extractions have been minimal or zero over this period.

The Over-Allocation Myth

It is critical that this myth be put to rest! There is obvious confusion at political, bureaucratic, media and urban levels on this issue.

State Governments issued the 'licences/entitlements' to water, BUT the use of these licences/entitlements has to be triggered by the granting of 'allocations'. Allocations (as a percentage of licence), are granted seasonally by governments in accordance with the available water in the Basin system. This is how variability is dealt with when water is short – allocations are low or non-existent.

The government's action in granting or not granting allocations is governed by a 'Water Sharing Plan' for each irrigation river in the Basin. These Plans take account of water availability for environmental, livestock and domestic needs before irrigation extractions are allowed. Whilst Water Sharing Plans are hotly debated by people pursuing various competing needs, it is a most sensible and effective approach.

This explanation was articulated in an article dated 26 October 2010 by David Boyd, now retired CEO/Managing Director of Clyde Agriculture. In effect, it is more an issue of levels of reliability.

Menindee Lakes and The Lower Lakes

It is incredible to have the MDBA and governments carrying on about relatively minor water savings in the Menindee Lakes system (which we agree with), but at the same time fail to quickly focus on the obvious which is to build the originally planned regulator between Menindee and Cawndilla Lakes. There is also a failure to acknowledge that although the Menindee Lakes system has a high evaporation factor, it is the first water used and this minimises the evaporation losses.

Even more damning is the failure to address the massive, on-going losses incurred in the Basin river system by sustaining an artificial, fresh-water lake system at the bottom end of the Basin (ie Lakes Alexandrina and Albert). This is particularly so in a drought sequence, when they could revert to their natural estuarine state at such times.

The unforgivable mismanagement of our water resources (annual evaporation loss of up to and over 1 million MLs), wiped out 50 dairy farms around the Lower Lakes, approximately 30% of the horticulture in the Riverland and Sunraysia areas, approximately 60% of the dairy farms in the upper areas and a devastating impact on irrigated grazing and cropping enterprises with the rice industry virtually shutting down.

The tragedy is that, but for government inertia, none of this had to happen. If the losses in the Lower Lakes had been minimised, as agreed by then CEO of the MDBC at the beginning of the drought, through the building of a weir at Wellington and piping of water to adjacent areas, more production could have continued.

All of South Australia's real needs for Adelaide, towns, industry, and irrigation could have been met (approximately 800,000 MLs). The savings of 1 million MLs could have been held in the upper storages and would have provided approximately 25 – 30% additional allocation during each year of the drought for the upper States. This would have prevented the devastation of farms, industries and regions that so needlessly occurred.

Of course, this means suspending the Water Sharing Plan agreement in a drought sequence. This was, in fact, done during this most recent drought. However, the Lower Lakes dried out needlessly when the obvious solution in the form of removal of the barrage boards (following construction of the Wellington weir) was resisted. The Lower Lakes could have interacted with the sea through the Coorong – the previously natural state.

The proposed freshwater solution for the Lakes aims to perpetuate the loss of approximately 1 million MLs annually - even in a drought sequence. This would result in little or no irrigation water once again in such periods.

5.

Contrary to frequent political statements, this is not a South Australian State issue – it is a national issue. Clearly, the main driver for the recovery of water from productive use primarily from the upper States is not environmental concerns, but fresh water for the Lower Lakes.

Louise Burge's paper on the Lower Lakes and Coorong clearly articulates the facts relating to this critical issue. A number of articles by the scientist Dr Jennifer Marahosy do the same.

I challenged Mike Taylor at the recent Deniliquin and Moama MDBA meetings about the MDBA asking the upper States to reconfigure their irrigation industries at massive cost in order to fix something that has not been established as actually needing a fix and that the Lower Lakes must have their future status given full consideration. He conceded the points needed addressing.

We must hold the MDBA and governments to this position. Unless we win this fundamental issue, the potential is for the upper States to lose massive amounts of water for no purpose other than to be evaporated from the freshwater playground that is the Lower Lakes, Hindmarsh Island villas and marinas.

Finally, the points raised and requests made in the MVWDAA Submission of November 2009 still stand if we are going to progress this issue to any conclusion acceptable by Basin communities.

Neil Eagle
Chairman
22 November 2010

MURRAY VALLEY WATER DIVERTERS ADVISORY ASSOCIATION (NSW) INC

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Submission to Murray Darling Basin Authority

Issues Paper: Development of Sustainable Diversion Limits for the Murray-Darling Basin November 2009

The above Association represents the Private Diversion Irrigators on the NSW Murray River and adjacent streams between Moama and Euston.

The MVWD supports the NSWIC submission in having covered the issues raised in the MDBA issues paper; however wishes to put before you these additional points and requests:

1. **The CSIRO sustainable yield assessments** - it is understood that this had to be based on the old generation, and different, hydrologic models in each State and MDBA, plus assumptions as to which is the appropriate climate change scenario/model to use in this future projection work.
 - . Can these old generation models be satisfactorily joined and made to sensibly talk to each other? What is the accuracy of this combined basin wide modelling?
 - . What are the assumptions as to user demand and diversion patterns – users are not confident that patterns really reflect what decisions they make during difficult times?
 - . Can the models be ‘out’ by say 5 to 10%? An error like this can mean that there could be 500,000 megalitres less water for productive use - contrary to the statement in the Act that balanced, equal consideration be given to the economic, social and environmental needs, it appears in the issues paper that there is an intended shift whereby the environment always gets its share first, and any extra water quantity reductions due to modelling errors is registered on productive users. Such a change is untenable.

Request: that two independent modelling/hydrology experts acceptable to NSW and Victorian water users sit with CSIRO experts for 2 to 3 days and interrogate the modelling results to provide water users and regional bodies with a better understanding of the sustainable yields project and results and limitations.

2.

2. **Assessments of environmental Needs of the System** – despite the large amount of media coverage about the scientists’ view that the health of the Murray River system is in a parlous state, water user groups and regional bodies have never had a proper opportunity to view or question the science and form a judgement as to the veracity of these scientific arguments. Native fish are supposedly in decline yet large catches of Murray cod and other natives are now occurring so one can see why there is scepticism. Regional communities also want healthy and productive river systems but they must be part of the debates and planning processes that are now going on with the development of the new MDB plan. It is just not acceptable to have a ‘final draft plan’ displayed in mid 2010 with little prior consultation, and then, at that time, with what then seems to be a limited or very structured form of consultation.

- . How solid is the science behind the assessment of environmental water needs?
- . What are the confidence limits or bounds around the science?
- . How does the science match up with actual river health and fisheries behaviour over the last 2 or so years (there seems to be improvements even allowing for the severity of the drought)?
- . What conclusions have been drawn from monitoring such as the Sustainable Rivers Audit?
- . How are the lower river, the lakes and the Coorong being factored into these environmental needs? Can we really ignore the huge evaporation losses from these artificial lakes which seem to be basically there for small scale irrigation, recreation or as an ‘urban development amenity’ (the water supply off-take for Adelaide can be solved by other upstream construction)?
- . What options, trade-offs have been explored between protection of the highly modified lower lakes and upstream wetlands in the Basin?
- . Has the option of removing the Barrages to restore a more natural environmental regime been fully explored?
- . How has the issue of assessing the aggregate demand of high value environmental assets been addressed? Clearly environmental requirements are probabilistic and do not have to be delivered uniformly over time. How is the concept of rostering environmental water being handled?
- . How is the difference in security of water required for the environment being factored into the Plan to minimise adverse socio-economic impacts whilst meeting environmental needs?

3.

Request: the science has to be documented and sufficient time allowed for it to be widely contested; firstly be two independent experts sitting down with MDBA experts to go through assessments, and then through a series of open briefings right across the basin but particularly in the Murray catchment (Victoria and NSW). Not because users and regional communities necessarily want it to be wrong; in fact, if it can be strongly supported then everyone will understand the issues better and all will be pulling in the same direction. They just want to understand how it was derived, how strong is it, how much personal judgement and preferences of scientific groups is in it, and how it fits together with local knowledge and observations.

3. **Socio-economic assessments** - the way the national Water Act seems to be written, the planning centres around identifying key environmental assets, determining the water requirements of these assets and then developing an environmental watering plan across all the basin – only after that are the likely socio-economic impacts of the water plan(s) assessed. This seems to be a strange way to do ‘integrated river basin planning’. It will not create a new integrated basin plan but a ‘non-integrated environmental watering plan’ with socio-economic impacts as an add-on.

- . Why is the Basin Planning process seemingly at odds with the NWI principles of water allocation planning which the States are required to follow, and which plans have ultimately to be reconciled with the Basin Plan? That is, why doesn't the process require a transparent process to arrive at an appropriate balance between environmental protection and socio-economic outcomes, having considered all values and stakeholders?
- . Why are socio-economic impacts (benefits and losses) not part of the overall planning process from the start?
- . Why are the socio-economic issues not assessed and evaluated in tandem with the environmental issues and needs so that open, transparent ‘trade-off’ debates and discussion can be held right around the basin?
- . Will not the national Minister and the various state ministers want the widest possible debate on ‘trade-offs’ between environmental gain and socio-economic pain before making decisions as to the shape and content of the plan? The regional social and economic impacts can be very severe and widespread from any water re-allocations so governments need to understand fully the ramifications of any such actions.

Request: that socio-economic issues are considered in tandem with the environmental assessments and watering needs, and that the broader regional communities be given the opportunity to contribute to, and context, these socio-economic assessments.

4.

4. **Water4Food** - there is a strong view in regional areas, and now spreading to the big cities, that the push for water re-allocation to the environment and also the longer term adjustments seen as necessary due to climate change, is neglecting the critical connection of the water needed for food production in a world of expanding needs. There does not appear to be any sign that the MDB planning process will take this into account, as it seems to be totally focused on environmental water planning, not integrated river basin planning.

There is presently a 'Water4Food' campaign driven by RAMROC (Riverina and Murray Regional Organisation of Councils). RAMROC represents the 18 local government councils and their communities in South Western New South Wales within the Murray, Murrumbidgee, Lachlan and Lower Murray Darling Catchments. Water4Food is a non-partisan community-driven program, seeking to highlight food production issues in the face of rapidly changing federal and state government water management, drought and climate change policies. The campaign is actively supported by a wide cross section of local businesses, media outlets and community groups.

Request: The MDBA planners commence a close dialogue with the Water4Food initiative (www.water4food.com.au) so that these economic issues and future food security needs are properly factored into the present basin planning activity.

5. **Real Participation and Consultation** - it seems that the intention for consultation is for it to mostly occur when the draft plan is released for comment, and for the MDBA's basin community advisory group to be the avenue to organise and run consultations. This is both too late in the process and not detailed enough in that it will not reach the many smaller regional centres that want to have a say in the basin planning process – not just when the draft plan is released but now, when the sustainable yield hydrology is being finalised, when the environmental assets and water needs are being assessed and when socio-economic impacts, and the relation to food security, is being determined.

And then regional communities will want to be part of the debate and discussions on possible trade-offs between environmental gain and socio-economic pain - there is no 'one right answer' to these trade-off discussions and it makes sense for there to be the widest possible consultations with all information 'out on the table' so that government ministers will ultimately have before them, the widest cross-section of views.

Request: that the MDBA consultation not just be focused on 'the draft basin plan' but on the whole planning process, nor just on a series of information sessions for the draft plan at say, 10 major centres across the basin. There needs to be workshops and participation sessions held at least 3 centres in each major sub-basin in the MDB (upper, middle and lower reaches as all have different water, social, economic and environmental perspectives) which might mean some 50 meetings – only then can consultation be seen as truly open, transparent and participatory.

5.

6. Recognition of existing property rights - one of the fundamental principles of the NWI and COAG reforms enshrined in statutory allocation plans is that once water shares for consumptive use have been allocated in perpetuity these should not be taken away by Government policy shifts without due regard to COAG risk assignment rules. Is the Basin Planning process proposing to modify or amend the risk assignment principles signed up to by COAG with the NWI, and what level of costs will irrigators be asked to bear with any reduction in allocations as required by the Basin Plan? Or is any reduction to be achieved through purchase from willing sellers or Government investment in water savings?

Trusting you will give the above points and requests so vital to the future of the regions and Australia your serious and favourable consideration.

Yours sincerely,

Neil J Eagle, AO

Chairman

NSW Murray Valley Water Diverters Advisory Assoc (NSW)

15 December 2009

MURRAY VALLEY WATER DIVERTERS ADVISORY ASSOCIATION (NSW) INC

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10 July 2010

Re: MDBA Basin Plan - the Consultation Process and Balancing Social, Economic and Environmental Needs

Attached copies of letters are for your information.

Yours sincerely,

Neil Eagle
Chairman

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To: Relevant NSW and Federal Politicians
Federal Parliamentary Enquiries

The attached two Submissions to the Murray Darling Basin Authority are being forwarded to you due to the extreme concern of not only myself, but also of communities throughout the Murray Darling Basin. This concern was clearly demonstrated at the series of meetings conducted by the MDBA in presenting their Guide to the Proposed Murray Darling Basin Plan.

Since the first of those meetings it has become clearly apparent, and reinforced by legal opinion, that the 2007 Water Act contravenes the COAG NWI basic premise that economic, social and environmental needs must be given equal weighting in balancing any competing claims for our water resources.

I am incredulous that such a flawed Act could have had bi-partisan support across the Coalition, Labor and Greens – with the sole exception being the independent, Tony Windsor.

Furthermore, to see the 2008 Amendment Bill also passed with the same level of support, primarily to address the realisation of the threat to 'critical human needs' supply in a drought or low river flow scenario, demonstrates the almost immediate acknowledgement that the 2007 Water Act was an ill-conceived disaster.

To not further realise the implications for the total Basin and Australia as a whole in regard to food production and regional and national impacts, is an indictment on our political representatives and their advisers.

Consequently, I am writing to you to request that you will publicly demand and actively campaign for the necessary further amendments to the 2007 Water Act in order to make possible the balanced assessment of economic, social and environmental needs in the Basin to conform to the COAG-agreed NWI basic principles.

It is not acceptable for any politician to purposely attempt to mislead the people of the Murray Darling Basin and the Australian public by claiming that under the existing 2007 Water Act a balanced outcome is possible! It is not!

Yours faithfully,

Neil Eagle, AO
Chairman

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