

Submission of Tony Catanzariti MLC

The resignation of the Murray Darling Basin Authority Chair, Mr. Michael Taylor AO is indicative of the flawed nature of the entire MDBA process to date.

I am concerned that to simply replace the Chair without overhauling the Act or the Authority, will simply entrench a dysfunctional and deeply flawed process.

Indeed, I am concerned that the two inquiries underway will not result in any real changes to the system to date, given that the terms of reference require both inquiries to fundamentally support the Authority by acting as a stop gap measure to address areas the Authority has clearly neglected.

I believe this to be a misdirection of Parliamentary resources and effort. That you are required to augment the Authorities work so as to address its failure is an indictment upon the Authority.

As a bare minimum therefore, I believe that the inquiries must ensure that the MDBA goes back to the beginning, and restarts the process again; and doesn't simply use Parliamentary Committees as some type of secretariat or research arm.

Further, the need to do this is reflected in the announcement by the MDBA of the Chairs resignation¹ in a number of admissions.

The primary admission is the Chairs belief that the Water Act neither compels the Authority to take social and economic considerations into account, nor, given the primacy the MDBA places on the environment, allows the Authority to take these concerns into account.

Given the Act is explicit about the requirements to take these matters into account, and to maximise social and economic outcomes, one can only surmise that the MDBA and its staff have deliberately misread the intentions of the Act so as to maximise environmental outcomes, at the expense of even considering social and economic implications.

A second telling admission in the announcement regarding the departing Chair is the statement "since completing the Guide to the Proposed Basin Plan I have had the opportunity to engage extensively with a broad range of rural stakeholders and community groups throughout Basin.....".

How the Authority ever believed it could produce a Guide to the Basin Plan without having first undertaken proper consultations with rural stakeholders, is telling in itself of the regard that the Authority holds for these people.

While it is clear that environmentalists have been highly regarded by the Authority and consulted with, it is equally clear that the tens of thousands of people reliant upon the Basin for their livelihoods and security have been treated with considerable disdain.

¹ *Plan for the Murray-Darling Basin – Role of Authority Chair*, 7th December 2010 at http://www.mdba.gov.au/media_centre/media_releases/role-of-authority-chair

This behaviour is something I have had reiterated to me time and again throughout the consultation process, and the announcement at the first consultations that rural concerns weren't taken into active consideration because the word 'farmer' didn't appear in the Act was seen as contemptible.

It certainly put paid to the requirement in the Act at 21 (3) (a): promote the wise use of all the Basin water resources.

The Chairs call upon departing, given the economic and social impacts must now be considered, that these considerations "should not be delayed by the Authority's report on the sustainable diversion limits on water for human uses required by the final *Basin Plan*, due at the end of 2011" should be seen as a last ditch effort to undermine the rights and the security of those who depend upon Basin resources.

To urge that social and economic implications be explored and addressed without reference to the Authorities belief of what is a sustainable diversion is to continue to disregard the rights of rural communities, and would continue to treat them with contempt and disdain.

A final admission attributed to Mr. Taylor AO "that a sustainable plan for the Basin would require far more than a decision by the Authority " and that the Authority is "neither empowered nor equipped to undertake the entire complex task," illustrates the complete failure of the Authority to date.

If the Authority had not severely limited its role, and had honestly embraced the intents of the Act from the beginning, this statement would not be being made.

Even allowing for the serious constraints the MDBA chose to operate under, the fact that it proposed to trample certain international rights to enforce other international treaties and agreements highlights the flawed process to date.

It is generally accepted under international law that one treaty cannot be used to negate, or limit the provisions of another treaty.

The MDBA's total disregard therefore, for the rights enshrined Article 17 of the Universal Declaration of Human Rights highlights this failure.

An even greater failure however must be the Authorities complete dismissal of the National Interest provision in the Act.

The objects of the Water Act state:

Section 3. The objects of this Act are:

(a) To enable the Commonwealth, in conjunction with the Basin States, to manage the Basin water resources in the national interest: and

(b) to give effect to relevant international agreements (to the extent to which those agreements are relevant to the use and management of the Basin water

resources) and, in particular, to provide for special measures, in accordance with those agreements, to address the threats to the Basin water resources;

Clearly, as the Act recognises, "national interest" and "international agreements" are two very different things.

The Act is clear that it envisages both managing Basin water resources in the national interest and giving effect to international agreements. Yet when I examine the work of the Murray-Darling Basin Authority, it appears to me that the Authority believes that giving effect to international agreements is the national interest.

Addressing the national interest, such as food security, employment security, security of property ownership, the importance of agricultural exports to the nation, along with other national interest concerns such as engaging with foreign treaties and instruments, and protecting the environment would have allowed the Authority a greater capacity to meet the obligations it now says it is unable to comply with.

Further, addressing the national interest would have required the Authority to look at past endeavours of national significance, such as the Snowy Scheme, designed to protect the nation's food and energy security.

If this area of inquiry was not neglected by the Authority, I believe it would not have recommended such a huge take of water from the Murrumbidgee Irrigation Area.

A large proportion of that water was deliberately diverted into the Murray Darling Basin from the Snowy River specifically to address food security issues following the Federation Drought, and that the Authority thought it expedient to take it for the environment is concerning.

I believe that there is an ethos within the MDBA and other sectors of the community that see humans living in the Murray Darling Basin as a mistake that needs to be rectified.

A letter signed by 50 scientists offering qualified support for the Murray Darling Basin Plan recently, laments the media interest generated by rural communities and states "that discussions so far have been dominated by concern about negative, short term impacts".

I find this alarming given the fact that the scientists concerns are well represented in the Draft Basin Plan to the almost total exclusion of the concerns of rural communities.

That these scientists dismiss the security and livelihoods of tens of thousands of their fellow citizens, and the rightful expression of their concerns as "negative short term impacts" shows the vast divergence of opinion around the issue of the basins resources.

Clearly for these scientists, those who have invested generations of their family's assets and resources to building and supporting primary production in this country should not be allowed to have a voice.

Rural people in the Basin recognise that more needs to be done to improve the environment we live in.

The belief however that we should sit back, and passively allow ourselves to be administered; that our livelihood and aspirations should take a back seat to appease those who will never come to our regions, so they can feel better about their own resource and energy profligate lifestyles in their own horrifically degraded environments, is not something that should be informing or directing the activities of the Murray Darling Basin Authority.

That the Authority frames its message for urban Australians, and has failed to bring the Basin's communities along with it, is perhaps the largest indicator of its failure to date.