

## ***Feedback on the Guide to the proposed Basin Plan from the Finniss Catchment Group Incorporated, South Australia***

The Finniss Catchment Group is a well-established community organisation with a diverse membership working to restore the health of the Finniss catchment. We would like to congratulate the MDBA on your extensive and thorough work in the preparation of the Basin Plan to date. However, we would like to improve on it with the following suggestions.

It is clear on reading the guide that the MDBA has difficulty with adequately addressing all of the objects of the Water Act.

### **p.xii Guide to the proposed Basin Plan -**

“The Water Act establishes the Authority as the body responsible for developing and overseeing a framework for the management of the Basin’s water resources in the national interest.

The objects of the Water Act give the Authority clear guidance about the management of the water resources of the Murray–Darling Basin. The Authority is required to:

give effect to relevant international agreements

- protect, restore and provide for the ecological values and ecosystems services of the Basin
- promote the use and management of Basin water resources in a way that optimises economic, social and environmental outcomes
- ensure the return to environmentally sustainable levels of extraction for water resources that are overallocated or overused
- maximise net economic returns to the Australian community from the use and management of Basin water resources while protecting, restoring and providing for the ecological values and ecosystems services of the Basin.”

Our catchment group feels that not enough weight is being given to the requirement “to give effect to relevant international agreements”. Where the Finniss River flows into the Lower Murray is covered by the Ramsar Agreement but our experience so far with both state and federal governments is that little or no notice is taken of this commitment or of the other agreements with Japan, China and Korea. It would be useful for the MDBA plan to chart the expected affects on birds, fish and animals that are covered by these treaties with the different scenarios from 3000 Gigalitres returned to the environment to 7,600 Gigalitres, and indeed the risks if not even 3000 Gigalitres are returned. It is important to show this so it is clear exactly what the MDBA and the government are choosing and its impact on the environment and our relationships with other countries.

Our catchment group also feels that not enough weight is being given to the requirement to “protect, restore and provide for the ecological values and ecosystems services of the Basin”. We note that not only are you required by the Act to “protect...and provide for “ the environment of the Basin but also, and very importantly, you are required to “**restore**” it. Any restoration seems to have gone out the window when you considered economic and social outcomes and yet it should be obvious to all, that the economy, agriculture and a functioning society are all totally dependent on a healthy environment. We see it as imperative for successful communication to have a chart of the level of restoration that would occur with the different scenarios from 3,000 Gigalitres to 7,600 Gigalitres and above.

We note your requirement to “maximise net economic returns to the Australian community”. Long-term maximum economic returns are totally dependent on a healthy Basin. Short-

sighted ventures may be able to grab a few extra dollars while the environment declines. The MDBA and the government are responsible for the long-term health of future communities. One of our concerns is the increasing ownership of water in the Murray Darling Basin by large corporations like supermarkets, banks and multinational companies. As their ownership increases, economic returns to the Australian community decrease. We believe that the best option for “maximising economic returns to the Australian community” would be to support sustainable farming across the Basin. When farms are sustainable, then communities are sustained also.

It would make the situation clearer if there was information in the plan or its appendices showing who owns the water, how much they own as well as who trades it and when.

The Water Act requires that you will “ensure the return to environmentally sustainable levels of extraction for water resources that are overallocated or overused”. The Finniss Catchment Group is concerned that in your plan our region, the Eastern Mount Lofty Ranges, is described as in “good” health (see Guide, page 112) with regards to end of system flow. We find this astonishing given that the Rivers Angas and Bremer rarely flow at all, Currency Creek has so little flow that acid has eaten away the shells of the mussels there, and the Finniss River has been operating in recent years at a minor percentage of its natural capacity. We understand that you may have got your figures from the Water Allocation Plan for our area that has not yet been made public. If this is the case, then you need to consider that if the WAP for our area has not been made public then the community have not yet had a chance to correct it. We are worried that some of this information may be wrong. While averages and means and computer models have their place, they should always be tested against reality. And our reality is that, in our region, more water is extracted from the system than is sustainable. Some of this may be due to unmetered stock and domestic water use. This may not be fully accounted for in the calculations and is significant in this region because of the rapidly increasing population.

We are also concerned about your use of long-term averages. The past may well be wetter than the future and is therefore not a reliable base-line. We think that the rare wet years should be excluded from the data (e.g. 1956) to generate an average that is closer to reality.

The Finniss Catchment Group suggests that the MDBA look again at how it has weighted the requirements of the Water Act and modify its decision to only consider the range from 3000 Gigalitres to 4000 Gigalitres (page xxi). We believe it is important to show the consequences of each choice in whole range under consideration so that it is clear to the public and the government what can be gained or lost.

**Guide page xxix. The Phase-in period.** We are concerned about the length of time for the phase-in period - up to 5 years. The last few years of living with the effects of overallocation and drought here at the end of the MDB system has shown us that there is no time to lose. The return of water to the environment has to be very soon otherwise the Murray River will be dead. We have a moment of reprieve with the present good flows but this will not last.

**Guide page 22. Mining.** We are concerned that the impacts of mining in the Basin are not properly quantified. It is not sufficient to simply look at current use. At the moment, there are plans for thousands of bore holes being dug in the Basin with the potential to destroy aquifers and pollute rivers and streams as well as make some land no longer useable for

food production. Some effort must be made at quantifying this for the Plan, both in terms of volume but also water quality. As well, the social and economic impact of mining needs to be taken into consideration. To safeguard the Basin and its potential for future food production, the Plan needs to set limits on mining activities.

**Guide page 33. Climate change.** We cannot understand why the MDBA is not prepared to incorporate in the Plan the full effect of the 10% predicted decline in average annual water availability. Surely, the situation will only get worse and this is setting up a circumstance where water users will find it hard to adapt to a sudden large decrease in water availability. It is confusing here that you focused on surface water and provided no groundwater planning, when elsewhere in the Plan you talk about the connectedness between surface water and groundwater. In our catchment in particular there is a great deal of connection between ground and surface water and we know to see it as one connected system.

**Guide page 67 and Figure 6.6. “Good” flow in EMLR.** The notion that the EMLR has “good” environmental flows is nonsensical when the Angas and the Bremer Rivers generally do not flow at all, along with Currency Creek. Only parts of the Finniss sometimes provide for river flow in summer and that is patchy and very slight.

As a consequence of our knowledge that more work needs to be done on the figures for the EMLR, we are worried that this may mean that your figures on the other catchments are similarly overly optimistic. We suspect that the same or similar methodology was used to calculate their water availability. This leads us to the conclusion that the Plan as a whole is probably too conservative, that the condition of the Basin as a whole is worse than shown and that the range of 3000 to 7600 Gigalitres is too low.

**Guide page 74 Table 6.2. Environmental Water requirements.** The table shows that the MDBA think that there is no need to take more water for the environment from the EMLR irrigators. However, our on ground experience is different. There is a short section of the Finniss River that is home to several genetically unique species of native fish. In the summer of 2008, there was so much pumping from the local aquifers that the river simply sank into the ground. This was in an area of the river where there has previously always been permanent water (see photos below). Fortunately, we were able to rescue some of the native fish but it was just luck that we got there in time. Without a reduction in ground water usage, how are these fish supposed to survive? How many species of fish will be made extinct by the current plan?



**Guide page 75 International agreements.** On this page you say that with a long term average reduction of 7,600 GL/y, this will “achieve the objects of the Water Act, *including giving effect to relevant international agreements*”. But 3000GL/y will not. International agreements are not only important for Australia’s standing in the world but are crucial because of our unique responsibility for biodiversity of the Southern Hemisphere. Can you give a chart showing the rate at which international agreements can be met with differing reductions?

**Guide page 82. Only 3000 to 4000GL/y.** The argument for limiting the range to 3000 to 4000GL/y is too simplistic. It is hardly surprising that there are some communities that would be affected very negatively by sustainable limits on water use. However, the Plan does not reveal the social and economic impacts of not applying sustainable limits. The economic and social cost of killing the Basin is far greater than the short-term cost to these communities. You say that greater than 4000GL/y would be “beyond the range of acceptable reductions”. Would your grandchildren agree? How do you define “acceptable”? You mention the reduction of the gross value of irrigated agricultural production of up to \$1.1 billion per year. Have the reduced production levels in the lower part of the Basin, resulting from unsustainable current practices, been factored in? The problem with putting an observable dollar value as a priority is that other equally important factors (levels of pollution, health, morale, community cohesion, sense of security for the future of your business) are ignored.

All of us who farm consciously take a business risk with regard to water availability, yet, in this instance, it seems the MDBA and government are prepared to prop up bad business practice. We all knew the water was going to run out. But what about all the other Australian businesses that are taking equivalent risks in the city - is the government going to prop them up too? There needs to be some equity here. And what about the communities that will benefit from a greater than 4000GL/y reduction? What about the economic and other benefits for them?

**Guide page 98. Aboriginal interests.** The guide becomes very vague when it talks about Aboriginal interests. It seems that Aboriginal cultural rights over water are mentioned because it is politically necessary, rather than that you actually are paying the issue any real attention.

For every use or potential use of water you need to have figures. But there are no figures explaining the water needed to fulfill the requirements of the Aboriginal groups that live in the Basin. Their needs and uses need to be quantified in the same way as everyone else.

For example, the timing and amount of water required in the system for the Ngarrindjeri to go swan egging, or for the correct reeds to grow in the lakes for basketry can be quantified. Even if the water requirements for the Aboriginal groups are more than 7600GL/y it still needs to be said.

In a democracy, we need to have all the information to make decisions or to see whether our government has made the right ones. And there is no point in leaving some figures out because it all seems a bit hard or difficult to understand or makes it obvious how much we have destroyed our country.

If the Aboriginal requirements are 7600GL/y or greater to be returned, that needs to be said because that is the truth of it. We need to be truthful about what we take away from

them in the name of profit-making and looking after the dominant culture's political, social and economic needs.

**Guide page 107. Surface-water SDLs.** The Marne-Saunders catchment is described as hydrologically disconnected or only connected during rare flood events. Is this really correct? The Marne catchment contains a huge number of large dams and may be decommissioning some of these storages is required.

**Guide page 112. Figure 8.3** This figure, like figure 6.6, also shows the EMLR as in "good" condition with regard to end-of-system flow. (See our response to Guide page 67 above)

**Guide page 125. Scenario 1.** The adoption of the 3000 GL/y target would create considerable political problems. As environmental water would not be available for all sites there would be trade-offs "in many regions". This is where the politics comes in. It is unlikely that environmental assets in SA would be seen as important as assets in NSW or Victoria and therefore the Lakes and Coorong and Murray Mouth would miss out as has happened before. There is no guarantee that there would be any level of environmental benefit. In fact, there is no guarantee of any benefit for anyone. Irrigators would not have any certainty in dry years, insecurity and risks to communities will continue. As stated in the Guide, under this scenario Australia will not be able to meet its international obligations. Therefore Scenario 1 does not meet the requirements of the Water Act.

**Guide page 127. Scenario 2.** The adoption of the 3500 GL/y target still leaves the Basin in the position of having tradeoffs and not being able to meet international obligations.

**Guide page 128. Scenario 3.** The adoption of the 4000 GL/y target still leaves the Murray mouth with only 62% of without-development flows.

The Finniss Catchment Group would like to see scenarios for all of the rest of the range up to and including 7,600 GL/y . We would like to know when the international obligations are likely to be met, and how much the Murray mouth would be open. Also it would be good to see a graph cross-referencing water use in the basin under each scenario with not only long term average GL/year but also against the last ten years.

**Guide page 132. Table 8.3 to Table 8.5.** For the EMLR the difference in water reduction (26% - 35%) between the three scenarios is not that great. We would prefer to choose the higher number and feel more secure about the future.

**Guide page 141 Table 9.1. Overview of SDL proposals for groundwater.** As stated before it is not sensible for the EMLR to have no reduction when we can clearly see that it is required for groundwater and the health of the river.

**Guide page 147. Critical Human Needs water.** The Finniss Catchment Group is concerned about water for industry being included in Critical Human Needs water. How do you exactly define "non-human consumption needs which if unmet, would cause prohibitively high social, economic or national security costs"? This seems to allow industry too much leeway. Who is "essential"? What businesses are required to maintain "the social fabric of community"? Coca -Cola? Industry should be like sustainable agriculture and learn how to operate within the limits set by the weather. We suggest that Critical Human Needs water should be drinking water plus water needed for the maintenance of public health and emergency services.

**Guide page 165. Water Quality and Salinity Management** It seems that the MDBA is generally leaving decisions about quality to the state governments. However, salinity levels are critical in all aspects of water management and salt does not respect state boundaries. Being at the end of the river system, we are acutely aware of the importance of occasional large flows to flush the system. Our state was recently responsible for poor and expensive decisions in managing the end-of-river system. It claimed to create a “fresh water refuge” which turned out to be a highly saline pool (the Goolwa Channel), in which local species could not survive. All this was predictable and unnecessary, as the Acid Sulfate Soil hot spots could have been treated adequately without this destructive use of engineering. In general, the construction of weirs and other blockages to water flow have an adverse impact on water quality and prevent natural remediation processes.

**Guide page 167. Water Trading Rules.** The Guide says “a central tenet of water reform in Australia over recent years has been the use of water markets to facilitate the movement of water to its most productive use”. But what does this mean? If a person sells water that would have been used for growing hay and now it is used for growing truffles, because truffles are more expensive does that mean it is a more productive use? How does this help the nation, or communities? Our group is concerned that the increasing privatisation and commodification of water is being used to undermine small farmers, make sustainability harder to achieve and destroy the environment’s potential to service communities in the future. We would be more comfortable with a water trading scheme that is restricted to landholders within the Basin and only allows trading downstream, thereby benefiting the environment.

If the environment was a real participant in this water trading game, it would use its money wisely and target water that is flowing from a location where it is likely to provide maximum benefit to the environment. Where are these locations? Which waters would the environment most value for the whole system to become healthy?

**Guide page 180. Water trading.** It is disconcerting to see that Environmental Water Holders can trade water as well. This seems to be a recipe for corruption and politically driven decisions. You say ”An efficient and effective water market will move water to more efficient water uses.” This is not what has happened overseas, where water markets have disabled agriculture and merely made the well-off richer.

**Guide page 193. Issues Beyond the Scope of the Plan.** The Guide says “there are likely to be opportunities for implementing the Basin plan in a way that also contributes towards cultural objectives for Aboriginal people”. This can be done by quantifying the water needed by each group and including it in the Plan, as mentioned above. It is not too hard to work out the water required for particular tasks in food gathering, collection of plants for health care and basketry and so forth - these need to be in the plan.

**Volume 2 Technical Background, Part 1, pages 25-26. Aboriginal Interests in Basin Resources.** Again, the water for cultural flows needs to be quantified. The Guide explains clearly the importance of cultural flows’ but the amount needed to be “a sufficient and adequate quality and quantity to improve the spiritual, cultural, environmental, social and economic conditions of the those Aboriginal nations....” needs to be quantified in order to hold the same weight as arguments for other stakeholders in the document.

**Volume 2 Technical Background, Part 1, page 28. Basin Environment** It is not sufficient to only consider the lists of endangered and rare species in order to make decisions about the health of the Basin. All species need to be taken into consideration.

**Volume 2 Technical Background, Part 1, page 44. Table 2.13 Hydrologic connectivity.**

In this table the contribution of the EMLR rivers to flow out of the mouth seems to be zero. Since the breaching of the Clayton weir the Finniss River is now contributing to the flow out of the mouth and so are other rivers in the EMLR.

**Volume 2 Technical Background, Part 1, page 45. Environmental connectivity.**

This concept is an important one and it is vital that an expanded version of this statement is included in the final Plan.

**Volume 2 Technical Background, Part 1, page 112. Table 4.4 Environmental water requirements.** The statement in this table that there is no additional flow required in the EMLR is incorrect. The MDBA could easily put a gauge at the end of the Finniss to measure flow.**Volume 2 Technical Background, Part 1, page 114. Table 4.5 Reductions in diversions required.** In this table, again we would like to emphasise that reductions are necessary for the protection of key environmental assets and functions.**Volume 2 Technical Background, Part 1, page 194 Unassigned Water.** The Finniss Catchment Group is opposed to the notion that there could be water in the EMLR that is "unassigned" and yet to be exploited. It is clear to us that the EMLR is already over-allocated and there should be no water made available to be sold to the highest bidder.**Volume 2 Technical Background, Part 1, page 270. Plan review and amendment.**

To review plans every ten years is bad practice when there are so many variables and so little certainty. Reviews should occur much more often. This will also allow for the effects of climate change.

## Other Issues

**Equity.** It is important to our catchment group that water is distributed equitably through the system. Firstly, the environment needs to be made healthy so agriculture and economic and social requirements can be met. Secondly, the water that is then available for human use needs to be managed and distributed in a fair way. We question your assumption about the method of water sharing. Although on the surface a percentage reduction in catchments across the board seems fair, in fact, it may not be so. Water users do not come to the table in an equal way. Because of the privatisation of water since 1994 and the historical course of economic activity in Australian rural areas, there are large corporations like supermarkets and banks and multinational companies that have a disproportionate political and economic power and a disproportionate control over many aspects of Australian agriculture. Since this is the case, we think it is important to publish in the MDBA plan data that makes this situation clear - who owns the water, how much do they own, who trades it. We are concerned that the changes in the Plan may disproportionately benefit large corporations and agribusinesses and disadvantage family or small farmers and other small landholders who benefit the community and contribute to the nation.

The MDBA also needs to bear in mind that family farmers and other small landholders are the ones who do the bulk of the work in revegetation, fencing off watercourses and environmental care generally while the large corporations are mostly concerned with profits rather than caring for country. If the MDBA plan benefits large corporations then not only will a good deal of invaluable agricultural knowledge move to the city when farmers

are bought out but also the people who do most of the community and environmental work and care will be lost to the Basin. This will have a devastating effect on the Basin's environment.

**Stock and Domestic Water.** In line with our views on equity we believe that stock and domestic water should be included in the Plan. All water users need to take responsibility for what we all do and the system needs to be transparent.

### **Water Allocation Plan for EMLR.**

We have been waiting for more than seven years for our Water Allocation Plan, but it still is not available for public comment. This has meant we do not know what the state government intends for the EMLR. It would have assisted us if the WAP had been available before the MDBA plan came out.

**Water Quality.** We support the MDBA statements about water quality and would like you to emphasise this a bit more in the Plan. We monitor seven sites across our catchment and it is obvious to us that water quality is in decline. We are concerned about whether all water that comes to the Lakes and Coorong will be good quality water or not.

**Parallel Government Action.** We are concerned that there seems to be little in the way of action by government departments to assist farmers to work out what to do given the effect of the MDBA Plan. It would be helpful if the government saw the Plan as an opportunity to push strongly for sustainable farming. Irrigators need pathways to be able to shift practice and focus, and help from the government to do so. This could be in the form of tax concessions for existing sustainable activities and infrastructure and crop changes. Currently, it is difficult for any rural person to get a loan, so it would be helpful if the government set up a low or no interest loan system so farmers can shift to sustainable farming.

**Action now.** We would like to emphasize that we think that action to save the Basin is urgent. The River cannot live through another over-allocation drought. We are particularly concerned by the recent resignation of Mike Taylor, Chair of the MDBA, and calls by Victorian Ministers and others for a delay. We have been granted a small reprieve with the recent weather conditions but it is imperative that the moves towards change are taken NOW.