



Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
Parliament House
Canberra ACT
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3 August 2021

Dear Committee,

RE: Submission to the Senate Rural and Regional Affairs and Transport Committee Inquiry into the Water Legislation Amendment (Inspector General and Other Measures) Act 2021

Thank you for the opportunity to submit to the inquiry into the and Transport Committee Inquiry into the Water Legislation Amendment (Inspector General and Other Measures) Act 2021.

Healthy Rivers Lower Murray is an independent group representing concerned communities in Adelaide and along the river corridor from Mildura to the Murray Mouth. Nevertheless, our members are concerned with the health of the whole basin and have been alarmed at some outcomes right across the basin. In preparing this submission, our group has worked collaboratively with other organisations around the Basin

Our group strongly supports the Murray-Darling Basin Plan 2012 but has been concerned that its progress has been frustrated by a lack of commitment to effective and efficient implementation by some jurisdictions. 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.

Our group welcomes the Water Amendment Legislation Act. The Act establishes the Inspector-General for Water Compliance (IG) as a statutory entity to monitor and provide independent oversight of

- the performance of functions and exercise of powers by Commonwealth and Basin State agencies under the Water Act and regulations, the Basin Plan and water resource plans;
- the implementation of a range of MDB intergovernmental agreements.

¹ <https://minister.awe.gov.au/littleproud/media-releases/new-inspector-general-basin>

The effectiveness of this role will depend on a number of factors including, how the Inspector-General maintains its independence to exercise discretion and whether the office is appropriately resourced to conduct in-depth investigations and assessments regarding allegations of non-compliance.

Water management is often a highly politicised topic and therefore having this role placed within a delivery department can negate its 'independence'. We are concerned that the Inspector-General's office is proposed to be located within the Commonwealth Department of Agriculture, Water and Environment. This will, no doubt, result in a conflict of interest. It is our belief that the Inspector-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 indicated that the role 'will seek to restore confidence for all stakeholders in the integrity of the Murray Darling Basin Plan'. The appointment of the current interim Inspector General appears to be overtly political having a background as a member of the National Party and ex-deputy premier of NSW.

Accordingly, we believe it would be more transparent to establish the inspector General independent of all other government agencies and political affiliations.

Recommendations to improve the act:

1. The office of the Inspect 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,

Bob Newman on behalf of HEALTHY RIVERS LOWER MURRAY