

WENTWORTH GROUP OF CONCERNED SCIENTISTS

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The Wentworth Group of Concerned Scientists welcomes this opportunity to provide input into the Murray-Darling Basin Commission of Inquiry Bill 2019. This Bill seeks to establish a Commission of Inquiry with the powers of a Royal Commission to investigate the management of the Basin water resources and the implementation and enforcement of the Basin Plan. Additionally the likely impacts of climate change are to be investigated.

Wentworth Group has advocated for improved management practices of Basin water resources and for improvements in implementation and enforcement of the Basin Plan from before the Plan commenced. We have also promoted the necessity of incorporating climate change impacts and adaptation pathways into the Basin Plan (for example Wentworth Group 2017 Review of Water Reform in the Murray-Darling Basin, Appendix E).

The Bill identifies allegations of fraud and misconduct, and repeated warnings from scientists that the Murray-Darling Basin Plan does not meet environmental requirements as the impetus for action. We agree that there is a need for urgent reform. Wentworth Group considers that Plan implementation improvements could be addressed in a more timely fashion through implementing recommendations from a variety of inquiries and reviews that have already been completed.

For example, the first review conducted on the Plan was undertaken by the National Water Commission (NWC) in 2013 less than a year after the Plan adoption date. In this review the NWC foresaw challenges involved in implementing the Basin Plan and identified key issues, such as Basin State compliance and constraints relaxations which remain unresolved six years later.

Since the adoption of the Basin Plan on 22nd November 2012 there have been over 39 reviews of various aspects of Plan implementation including the Productivity Commission five-year review, the South Australian Royal Commission and multiple independent scientific reviews and Senate Committee inquiries. Each of these voicing a range of expert scientific commentary and input from community groups including special interest groups such as irrigator and farmer lobbies.

The vast majority of governmental (Appendix A) and non-governmental reviews (Appendix B) have identified common findings and produced similar recommendations revolving around changes to critical implementation issues which continue to plague the Basin Plan, including:

1. Use best available science and not politics to guide decision making;
2. Improve transparency through monitoring, evaluation, auditing and reporting;
3. Improve governance structures and compliance actions;
4. Support for regional communities adapting to a future with less water; and
5. Allocate sufficient resources to fund these programs.

The majority of recommendations issued from these reports have never been adopted.

Three investigations are currently being undertaken (Appendix C).

Wentworth Group recognises that community groups affected by the Basin Plan are calling for a Commonwealth Royal Commission as a means to highlight current implementation issues and improve implementation of the rest of the Plan. We share and acknowledge these concerns, especially in light of the fact that they have been largely ignored over 39 reviews since 2012.

The primary strength of the inquiry in the proposed Bill over past investigations is the ability to compel Commonwealth agencies to participate and provide evidence. While this may bring to the fore various individuals as accountable for decisions or actions, it is unlikely to change the core recommendations found in the previous 39 reports. Our focus is required on the actions to protect the river system and its communities.

Improving Basin Plan implementation requires working collectively to make tough decisions based on the national interest. The immediate changes that need to be made are already known and are articulated across the 39 previous reports. A Royal Commission is likely to take a number of years and will halt or at the very least slow any progress and produce similar findings and recommendations.

The current severe drought adds urgency to the need to continue to deliver environmental outcomes and to support regional communities. Time is precious if we want to protect Basin ecosystems and communities from irreparable harm.

Wentworth Group have developed a series of recommendations which we consider if implemented would improve environmental outcomes and the lives of Basin communities. The list of core recommendations is attached in Appendix D.

Appendix A: Completed reviews, inquiries and reports

- 1) 2013: National Water Commission – Murray-Darling Basin Plan implementation: initial report
- 2) 2013: Senate inquiry into the Management of the Murray-Darling Basin (Heffernan inquiry)
- 3) 2014: National Water Commission – 2014 Triennial assessment of the National Water Initiative
- 4) 2014: Synergies, Economic Insights and Cardno – Independent review of the efficiency of River Murray Operations
- 5) 2015: Senate Committee on the Murray-Darling Basin Plan
- 6) 2015: ACCC – Review of Water Charge Rules
- 7) 2015: Warren Martin & Graeme Turner – SDL Adjustment Stocktake Report
- 8) 2015: Deloitte – Socio-economic impacts of Groundwater Amendments to the Basin Plan
- 9) 2016: KPMG – Northern Basin Community Economic Modelling
- 10) 2016: University of New England – Independent review of the social and economic modelling for Northern Basin Review
- 11) 2016: Murray-Darling Basin Authority – Northern Basin Review
- 12) 2017: Productivity Commission – Inquiry Report on National Water Reform
- 13) 2017: Senate Committee on Adequacy of the Regulatory Framework Governing Water Use by the Extractive Industry
- 14) 2017: Senate Committee Inquiry into Water Use Efficiency Programs in Agriculture
- 15) 2017: Murray-Darling Basin Authority – 2017 Basin Plan Evaluation
- 16) 2017: Murray-Darling Basin Authority – The Murray-Darling Basin Water Compliance Review
- 17) 2017: Murray-Darling Basin Authority – Murray-Darling Basin Plan SDL Limits of Change Review
- 18) 2017: Murray-Darling Basin Authority – Sustainable Diversion Limit Adjustment Mechanism: Draft Determination Report 2
- 19) 2017: Auditor General – New South Wales’ Protection and use of Environmental Water in the Murray-Darling Basin
- 20) 2017: Ken Matthews – Independent investigation into NSW Water Management and Compliance
- 21) 2017: NSW Ombudsman – Investigation into water compliance and enforcement 2007-2017
- 22) 2017: NSW Ombudsman – Correcting the record: Investigation into water compliance and enforcement 2007-17
- 23) 2017: Victoria Department of Environment, Natural Resources and Regional Development Committee – Inquiry into the management, governance and use of environmental water
- 24) 2017: Murray-Darling Basin Ministerial Council – Implementing the Basin Plan
- 25) 2017: Independent Expert Panel – Murray-Darling Basin SDL adjustment mechanism
- 26) 2017: Aither – Review of socio-economic neutrality in the context of Murray-Darling Basin Plan implementation
- 27) 2017: Bewsher – Independent Review of Hydrologic Modelling for SDL Adjustments
- 28) 2018: EY – Analysis of Efficiency Measure in the Murray-Darling Basin
- 29) 2018: Independent audit of Queensland non-urban water measurement and compliance
- 30) 2018: South Australian Murray-Darling Basin Royal Commission
- 31) 2018: Senate Committee Report on the Inquiry into the Management and Use of Commonwealth Environmental Water
- 32) 2018: Senate Committee Report on the Integrity of the Water Market in the Murray-Darling Basin

- 33) 2018: Productivity Commission – Murray-Darling Basin Plan: Five-year assessment
- 34) 2018: Murray-Darling Basin Authority – Basin Compliance Compact
- 35) 2018: University of New England – an independent review of the southern basin community modelling approach
- 36) 2018: Drew Bewsher and Greg Claydon – State water recovery - independent review reports
- 37) 2018: University for Melbourne – Return flows: Independent review
- 38) 2019: Independent Assessment of the 2018-2019 Fish Deaths in the Lower Darling
- 39) 2019: Australian Academy of Sciences – Investigation of the Causes of Mass Fish Kills in the Menindee Region NSW over the Summer of 2018-2019

Appendix B: Non-government reviews, inquiries and reports

- 1) 2014: Australian Conservation Foundation – Restoring Our Lifeblood: Progress on Returning Water to the Rivers of the Murray-Darling Basin
- 2) 2017: Wentworth Group of Concerned Scientists – Review of Water Reform in the Murray-Darling Basin
- 3) 2017: 4 Corners “Pumped”
- 4) 2018: Wentworth Group of Concerned Scientists – Requirements of SDL Adjustment Projects
- 5) 2019: The Australia Institute – Briefing note: First steps to fix the Murray-Darling Basin
- 6) 2019: Wentworth Group of Concerned Scientists – Water Flows in the Murray-Darling Basin: Observed versus expected
- 7) 2019: The Australia Institute – Owing down the river
- 8) 2019: Environment Victoria – This is how we can save the Murray-Darling Basin
- 9) 2019: The Lifeblood Alliance – Back on Track, Community Action Plan to Restore Integrity in the Murray-Darling Basin Plan
- 10) 2019: 4 Corners “Cash Splash”
- 11) 2019: The Australia Institute – Southern Discomfort: Water losses in the southern Murray Darling Basin

Appendix C: Upcoming reviews, inquiries and reports

- 1) Australian Nation Audit Office – Audit on Procurement of Strategic Water Entitlements
- 2) NSW ICAC investigation into Water Management
- 3) ACCC Review of the Southern Basin Water Market

Appendix D: Summary of Wentworth Group Recommendations

- 1) Guarantee recovery of at least 3,200 GL of water as a minimum step to ensuring that sufficient water is recovered to maintain or improve the health of freshwater ecosystems in the MDB
- 2) Ensure that application of best available science is central in all decision-making
- 3) Use compliance and regulatory powers under water laws to their full extent to deter and prosecute any illegal water use
- 4) Prepare for the future with less water in a changing climate by undertaking scenario assessments and developing adaptation policies
- 5) Build improved governance structures and rebuild trust through the public release of all advice, modelling and decision-making processes including expenditure of public funds
- 6) Deliver a structural adjustment package that supports transformation of regional communities impacted by water reforms