

Ricegrowers' Association of Australia Inc.

Submission to the

Senate References Committee on Legal and Constitutional Affairs

Inquiry into the provisions of the Water Act 2007

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Comments on the terms of reference

The Ricegrowers' Association of Australia Inc (RGA) welcomes the opportunity to make a submission to the Senate References Committee on Legal and Constitutional Affairs inquiry into the provisions of the Water Act 2007. The RGA is a member of the National Farmers' Federation (NFF), the National Irrigators' Council (NIC), and the New South Wales Irrigators' Council (NSWIC), and fully supports their submissions to this Inquiry. We also make the following comments in response to the committee's terms of reference.

The RGA considers that the way in which the Water Act 2007 countenances balancing environmental, social and economic outcomes within the Basin Plan process is clearly ambiguous. Recent debates about the sort of Basin Plan that may or may not comply with the Act clearly demonstrate the varying interpretations of the Act's provisions. In particular, the extent to which the Act permits the environmental objectives that underpin the Commonwealth's power to exercise authority over water management to be traded off against the social and economic considerations that must also be taken into account under the Act.

As an organisation with no specific legal expertise in this area, RGA is unable to determine whether a Basin Plan that delivers a more balanced approach to water management in the Basin than currently proposed in the Guide, will be found to be compliant with the Act if the matter is tested before the courts. Like other stakeholders not privy to the legal advice sought by the government and not yet released publicly, we are in the dark as to whether the interpretation of Minister Burke is correct, and such an outcome would be legally valid, or that of former MDBA Chair Mike Taylor, who considers that the additional environmental flows currently proposed in the Guide are the minimum required to comply with the Act.

Therefore, RGA is calling for the Senate Legal and Constitutional Affairs Committee to disclose the legal advice the government has received, indicating whether it in fact clarifies the ambiguities raised above, or itself simply reflects the ambiguity apparent in the Act and the conflicting interpretations agricultural industries and local communities have been left to suffer under.