

# **Submission on the Senate Inquiry into the Murray-Darling Basin Commission of Inquiry Bill 2019.**

## **Submitted to:**

Committee Secretary  
Senate Standing Committees on Environment and Communications  
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## 1.0 Who are Glenn Ogden and Tom Crothers:

Glenn Ogden is a Director of Ogden Properties Pty Ltd who have surface and groundwater irrigation entitlements on the Condamine floodplain of the Darling Downs and at Texas in the Border Rivers Catchment in southern Queensland. Ogden Properties access water from the following sources: Regulated “on stream” water harvesting, overland flow water harvesting and regulated groundwater extraction.

The access to surface and groundwater resources by Ogden Properties is controlled and managed by water planning instruments under the Queensland Water Act 2000 which is required to be compliant with the Murray Darling Basin Plan. Mr Ogden is a concerned water user who has a strong desire for effective and equitable water use between agriculture and the environment.

Tom Crothers is the sole Director of Stellar Advisory Services Pty Ltd – a consultancy firm that specialises in providing advice to a range of clients on rural water legislation and policy matters. Tom Crothers was the General Manager of the Water Allocation & Planning Group of the Department of Natural Resources and Mines from 2006 – 2011. He maintains a close interest in the impacts of water planning instruments and legislation on the entitlements of water users across Queensland.

## 2.0 What are the Submitter’s concerns with the Murray Darling Basin Plan and the management of water resources in the Murray Darling Basin.

The Submitters note that on 4 July 2019 the Senate referred the *Murray-Darling Basin Commission of Inquiry Bill 2019* to the Environment and Communications Legislation Committee for inquiry and report by **19 September 2019**. The Submitters also note that the deadline for submissions to the inquiry is **26 July 2019**.

The Submitters also note that the Explanatory Memorandum for the Murray-Darling Basin Commission of Inquiry Bill 2019, outlines that the Bill seeks to establish a commission of inquiry into the Murray-Darling Basin to investigate:

- misconduct;
- the legislative and administrative framework for implementing, managing, and enforcing the Basin Plan;
- the impact of its implementation on the environment, agriculture, and river communities;
- adverse effects of the legislative and administrative framework on water management;
- allocation of funds to implement the Basin Plan, and their impact on environmental watering; and
- the impact of climate change on Basin water resources and adaptation measures.

The Submitters express “in principle” support for the establishment of a Commission of Inquiry to investigate these matters and in particular the “impact of the MDB Plan’s implementation on agriculture and the environment”.

The Submitters are extremely concerned at the lack of a shared vision on water management between State Jurisdictions, the Commonwealth, water users and the community in the sustainable management of Murray Darling Basin’s water resources. Regrettably there is a strong focus on “compliance action” and not the sustainability of the water resource, or the water users, or the communities who live in the Basin and depend on it for a living.

The Murray Darling Basin Plan is now 7 years into its 12 year life and while there have been numerous inquiries into its effectiveness - stakeholders are more divided than ever whether it is delivering on its objectives. The Submitters note that there are currently a number of competing positions and actions in regard to the Basin Plan including: community disquiet over the fish kills earlier this year in the Darling River; an evolving class action being progressed on the sharing & management of water access below Menindee Lakes and the Greens continuing to advocate more water for the lower lakes in South Australia.

The Submitters are of the view that these actions clearly indicate that better management strategies are needed to deliver effective sharing of available water across the competing interests of agriculture, the Resources sector, Town Water Supplies, the environment and other industries dependent on the Basin’s water resources. One suggestion we would like to see investigated by a Commission of Inquiry is the installation of a series of measures to better manage the “in stream” environment for the benefit of ecotourism and river health. We would also support a robust investigation of environmental water needs which is based on the best available science as well as climate change modelling, to recalibrate the allocation of water between consumptive use and water for the environment.

The Submitters note that a number of the “key principles or objectives” of the National Water Initiative including: the provision of secure water entitlements, the facilitation of water trading, encouraging the highest and best use of water and the protection of water for the environment, are not being effectively delivered by the State Jurisdictions water planning instruments.

With the demise of the National Water Commission and the shifting of its functions back into the bureaucracy or Quasi Government Bodies – perhaps it would be an appropriate time to have a “fully independent” review on progress with the delivery of National Water Initiative principles or objectives within the Murray Darling Basin and how well they are being delivered.

From the Submitter’s experience there is a large disparity in how important water management matters are managed between the State Jurisdictions and across the entire Basin. Matters such as:

- the inconsistent management of overland flow take across State Jurisdictions.
- the inconsistent policy approaches to the management of Contaminated Agricultural Runoff (CAR) and CAR storages including tailwater management.
- policy provisions that don’t allow the use of old lagoons as water storages in some States and do in others.

- inconsistencies in water entitlement conversions to secure water allocations are being experienced and water users are losing entitlement without compensation.
- significant inconsistencies in water trading rules within a single Water Plan in Queensland.
- the removal of gauge boards and the use of “blunt instruments” such as gauging stations in Queensland to manage the take of water harvesting water.
- policy inconsistencies between the P&G Industry/Miners and Agriculture or other groundwater users’ access to groundwater in Queensland.
- the failure of the Basin Plan to include “effective drought management” strategies which offer protection to environmental water as well as support for water users and community resilience across the Basin.

Should the Terms of Reference for the proposed Commission of Inquiry into the Basin Plan and its operation, be sufficiently broad enough to investigate all of these issues – the Submitters support the Bill for the Commission’s establishment.

If the Commission of Inquiry is established, the Submitters will be supportive in lodging a Submission to expand on the matters of concern listed above.

Signed,

Glenn Ogaen.

Tom Crothers.

Glenn Ogden.

Tom Crothers.

Submitted on 26<sup>th</sup> July, 2019.