



## River Lakes and Coorong Action Group Inc

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Winner 2009 Jill Hudson Environmental Award

# Submission to Rural and Regional Affairs and Transport Legislation Committee Inquiry into the Water Amendment Bill 2018

## Introduction

RLCAG is an independent community-based organisation with expertise in river ecology and a track record of engaging with Murray-Darling Basin matters via submissions, symposia, meetings and campaigns. The organisation has a wide network throughout the community and with other environmental organisations throughout the Basin.

The River Lakes and Coorong Action Group Inc was formed in 2006 by people living in the region of the Lower Murray, Lake Alexandrina and Lake Albert, and incorporated in January 2007

- *to protect, conserve and enhance the biodiversity of the River Murray, Lakes and Coorong;*
- *to liaise with appropriate bodies over the management of the River Murray, Lakes Alexandrina and Albert and the Coorong, and their immediate surrounds; and*
- *to educate the Community in River Ecology.*

RLCAG has provided commentary and critique on policies that impact on the health of the River, Lakes and Coorong; conducted seminars; written some forty submissions regarding government inquiries and actions on EPBC matters; organised and participated in a range of events; campaigned for environmental water and bioremediation.

## Water Amendment Bill 2018

The purpose of the Water Amendment Bill is to facilitate the re-tabling of the Basin Plan (Northern Basin) Amendment Instrument 2018. The Water Amendment Bill has

implications for both the Northern Basin Instrument, which was disallowed by the Australian Senate on 14 February 2018, and the Basin Plan Amendment (SDL Adjustments) Instrument 2017.

RLCAG has made previous submissions on both these Bills.

### Concerns

Members of the River Lakes and Coorong Action Group are increasingly concerned at the apparent shift in the implementation of the Basin Plan away from a focus on environmental outcomes, as is the purpose of the Water Act, to siphoning off water intended for the environment for short term economic gains for a limited number of individuals.

As previously stated, the position of the RLCAG is that the Murray Darling Basin Plan should be implemented in full, as legislated, before any adjustments are made.

The amount of 3200GL to be returned to the environment was already a compromise when the peer-reviewed science found that a minimum of 7600 GL was required to return the Murray Darling system to long term health.

We are concerned that the Plan has been compromised since by:

- amendments to the Water Act in 2012 to include the adjustment mechanism which is designed to reduce the volume of actual water recovered for the environment by up to 650GL/year;
- amendments to the Water Act in 2013 which made the acquisition of 450GL of additional water discretionary, limited its acquisition to purported savings from on-farm efficiency projects and did not include an enforceable link to environmental outcomes in South Australia;
- amendments to the Water Act to impose a 1500GL limit on the purchase of water entitlements that are not connected to on-farm efficiency projects and purported savings from these projects, which among other things puts an unsupportable reliance on 'infrastructure projects'
- the push to use so-called 'complementary measures' as a substitute for environmental flows - despite the dearth of evidence supporting the use of these actions as offsets for actual water;
- closed-tender 'strategic' purchases of low security water entitlements of questionable environmental value - in some instances for well above market rate, as with Tandou Station water purchase

- the Northern Basin Review and associated recommendation by the Murray-Darling Basin Authority (MDBA) to reduce the recovery figure in the Northern Basin by 70GL.
- the publication of the Draft Determination for the purposes of Chapter 7 of the Basin Plan (the proposed adjustment volumes for affected water resource units).
- the recent passage of the AM Instrument which reduces the volume of actual water recovered for the environment by 605GL and authorises Basin State governments to implement the 36 associated supply measure projects. These projects carry with them a high level of uncertainty and consequently risk for Basin water resources and communities. This is in part due to either inadequate information or a lack of transparency in respect of these projects.
- recent suggestions that the licensing of significant volumes of floodplain harvesting in NSW can be accommodated within the Basin Plan framework by increasing Baseline Diversion Limits (BDL) and Sustainable Diversion Limits (SDLs).<sup>1</sup>

We feel that these amendments to the Plan undermine the integrity of the Plan. We question whether these amendments have a legal basis, in the light of evidence currently emerging from the South Australian Royal Commission and the analysis of the amendments carried out by the Environmental Defender's Office of NSW.

It is over - simplification to say that the system needs water, and 'wet' water to use the current terminology, to survive and this is to the benefit of all.

The state of the lower Darling River remains of extreme concern to all.

We note also that the condition of the Coorong RAMSAR listed wetland continues to deteriorate, with a 'complex and persistent' red tide in the Northern Lagoon of the Coorong reported by fishers and ecologist Dr Faith Coleman this week. While none of the dominant species in the provided samples were toxic to humans, they are known to cause damage to fish, particularly in the egg and larval stages.

The RLCAG continues to hold the position that the Murray Darling Basin Plan must be implemented as first legislated, in accordance with the Water Act.

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<sup>1</sup> The River Lakes and Coorong Action Group acknowledges the work of the Environmental Defender's Office NSW and supports the submission of the EDO NSW