



Inland Rivers Network

Level 2, 5 Wilson St

PO Box 1132

Newtown NSW 2042

Ph: 02 8580 6609

Fax: 02 9290 2525

Email: admin@irnsw.org.au

www.irnsw.org.au

SUBMISSION

Senate Inquiry into Water Licences and Rights

1. Introduction

The Inland Rivers Network ("IRN") is a coalition of environment groups and individuals concerned about the degradation of the rivers, wetlands and groundwaters of the Murray-Darling Basin. It has been advocating for the conservation of rivers, wetlands and groundwater in the Murray-Darling Basin since 1991. Member groups include the Australian Conservation Foundation; the Nature Conservation Council of NSW; the National Parks Association of NSW; Friends of the Earth; Central West Environment Council; and the Coast and Wetlands Society.

IRN appreciates the opportunity to make a submission to the Senate Standing Committee on Environment, Communication and the Arts on the very important subject of water licences and rights.

2. Need for National Approach

IRN firmly believes that the Commonwealth Government has the ability to sustainably manage water resources across state borders and that it is urgently in the national interest to do so. In fact, we believe it is imperative for the future health of the Murray Darling Basin (the Basin). The long history of State non co-operation, competition and self-interest in managing water resources in the Basin has been a major factor in the degradation and loss of river health plaguing the system today.

Often discussions regarding the environment and the costs associated with mismanagement refer to the burden for future generations. We believe that current generations in Australia are now bearing a significant economic, social and environmental cost caused by poor management of water resources in the past. We are bearing the burden now and cannot continue to pass on the buck.

It is very much in the national interest for the sustainable management of water resources to be conducted in a robust and overarching framework that transcends sectoral differences.

The water sources and ecological functions of the Basin do not recognise state boundaries and should be managed as a whole. The framework must consider the variability of climate from the northern basin to the southern basin and particularly the high degree of variability within the Darling catchment, 'from drought to flooding rains'.

The bipartisan Water Act 2007 has achieved this aim by legislating for the Murray Darling Basin Authority (MDBA) to have greater powers to introduce a Basin Plan as a regulatory instrument.

The Basin Plan is the best opportunity available to 'get it right' to restore the health of the Basin river systems, wetlands, floodplains and other water dependent ecosystems. IRN fully supports the process being implemented by the MDBA. We look forward to commenting on the draft Plan and eagerly await its release.

No other generation will have this opportunity to get it right, before it is too late. The spectre of climate change is an additional challenge that must be met and planned for now.

3. Response to Inquiry Terms of Reference

a. the issuing, and sustainability of water licences under any government draft resource plans and water resource plans;

IRN does not support the issuing of new licences anywhere in the Basin. The over-allocation of water resources in the past has caused major damage to river systems. The restoration is now a very expensive exercise for the Australian taxpayer. Any remaining healthy catchments must be maintained with no or low extraction demands.

The draft resource plans or water sharing plans (WSP) in NSW have performed poorly in maintaining the 1994 cap limit and in restoring river health.

NSW is currently developing a floodplain harvesting policy. IRN supports the process to remove illegal and unapproved floodplain structures. IRN does not support the issuing of new water rights for floodplain harvesting. Any licensed floodplain harvesting must trade water in from existing supplementary licences.

Most of the planned environmental water in NSW regulated river WSPs ie 9000 GL, is managed and released by State Water as part of extractive water delivery requirements.

There are no environmental triggers or criteria used to guide determinations of when to release this water to the environment. Accordingly, much of the Planned environmental water allocated to the environment is 'wasted', ie released at a time when it is unlikely to meet ecological requirements.

Because a new drought of record has been reached in NSW, the modelling underpinning the WSPs is out of date. The environmental performance of all WSP in NSW needs to be reviewed.

NSW is lagging badly with the development of unregulated and groundwater WSP under the Water Management Act 2000. It is preferable for these plans to be guided by the Federal framework for the Basin within the new sustainable diversion limits (SDL) set by the Basin Plan.

Connectivity between surface water and groundwater must be recognised. No new groundwater licences can be allocated if the Basin is to be restored to a healthy condition.

b. the effect of relevant agreements and Commonwealth environmental legislation on the issuing of water licences, trading rights or further extraction of water from river systems;

The Commonwealth has important commitments under international conventions and agreements including the Ramsar Convention for wetlands of international importance (and to plan for the sustainable use of all wetlands); the migratory bird agreements with Japan, China and Korea and the Convention on Biodiversity (CBD).

These commitments are recognized under the Environmental Protection and Biodiversity Conservation Act 1999.

Any further consideration of extraction of water from river systems, issuing of new water licences or trading of water into an area with Ramsar listed wetlands or migratory bird breeding sites should be identified as a controlled action under the EPBC Act.

The current state of poor health of these internationally significant habitats in the Basin is an indictment on the past management of water resources and the Commonwealth's ability to fulfill its international commitments to the environment.

c. the collection, collation and analysis and dissemination of information about Australia's water resources, and the use of such information in the granting of water rights;

A systematic approach to data collection, collation and analysis is needed. The value of the water resources and ecosystem services of the Basin requires adequate funding for good research, monitoring and development of a compatible management information system across jurisdictions.

This information should be readily available as a community resource and should be useful in directing the re-allocation of existing water rights to areas where there would be least environmental impact.

There is a need to review modelling, based on data overtaken by recent protracted drought of record years and new information coming in on climate change implications. The recent publicity on revised predictions of Darling floods to reach beyond Menindee Lakes indicates that there is still much to be learnt on how the system works, how much is extracted, groundwater recharge and 'wetting' implications.

A robust monitoring and metering system is required to fully understand the implications of water extraction and its impacts on the environmental values and functions of water sources in the Basin.

d. the issuing of water rights by the states in light of Commonwealth purchases of water rights; and

The use of tax payers money to purchase back water which once belonged to the commons is a national burden. These water rights must be valued and protected. En-

environmental water purchased by the Commonwealth must not be restricted in its use for best environmental outcomes.

To enable water to be returned to the environment as effectively and efficiently as possible all barriers to trade must be removed, including volumetric constraints,

Purchased environmental water must be protected throughout the entire system and not be made available for extraction in downstream water sources. Well resourced environmental managers are needed with a clear and accountable mandate to protect river health.

e. any other related matters.

IRN is concerned that without an accelerated water reform process the environment will be bearing the brunt of climate change impacts by suffering a disproportionate share of water reductions.

The impacts of mining on groundwater systems and surface water flows must be adequately identified and included as 'take' in the development of the SDL for the Basin Plan.

Town water, stock & domestic and basic rights must also be included as 'take' when developing the SDL

IRN deplores any infrastructure stimulus package implications that override the intent of the National Water Initiative or Basin Plan.

COAG needs to rapidly deliver current commitments to national water reform and end the dangerous level of water extractions from rivers and groundwater systems.

4. Conclusion

The health of the Basin is dire and must be turned around as a matter of great national importance. Healthy economies and healthy communities cannot survive in a dying environment.

The need to safeguard those of our river systems that remain healthy, and address those under stress and decline for long term benefit of all Australians, is of paramount importance. Robust and resourced publicly accountable governance and management are critical to ensure private rights do not preclude essential environmental requirements.