
From: CL O'Connor < >
Sent: Tuesday, 1 May 2018 7:45 PM
To: General Manager
Subject: Fwd: responses to your questions [SEC=UNCLASSIFIED]

Follow Up Flag: Follow up
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Sent from my iPad

Begin forwarded message:

From: Phillip Glyde <Phillip.Glyde@mdba.gov.au>
Date: 23 December 2016 at 11:19:05 am AEDT
To: "" < >
Subject: RE: responses to your questions [SEC=UNCLASSIFIED]

Sorry Phillip
Hope this works better!
Regards
Phillip

Questions from Phillip O'Connor, Mayor Brewarrina Shire Council

- 1. Why isn't South Australia being consulted on the Northern Basin Review?**
 - South Australia has been consulted on the Northern Basin Review. We have consulted with South Australia government representatives through the Basin Officials Committee, Basin Plan Implementation Committee and the Murray-Darling Basin Ministerial Council.
 - We also regularly briefed our Basin Community Committee and sought their advice on the Northern Basin Review. The BCC includes 3 representatives from SA.
 - Further to this, briefings with state officials, advisers and ministers were held with all Basin States in the lead up to finalising the Review. These briefings discussed the findings to date, and possible implications for each jurisdiction.
 - As the outcomes of the Northern Basin Review work program will primarily be implemented in NSW and Queensland, there has been a much higher frequency of engagement with these states.
 - The main impact for South Australia are the changes to flows across the border, which the MDBA estimates will be in the order of 4 GL less than under current Basin Plan settings. These numbers have been publicised as part of the findings of the Review and ongoing discussions are occurring.
- 2. The MDBA estimates that reducing the Northern Basin recovery target from 390 GL to 320 GL will reduce flows to Menindee by 35 GL and to South Australia by 20 GL. The full effect on South Australia has not been considered because there hasn't been modelling that reflects all of the proposed changes. is it possible to see an analysis of flows into SA that includes;**

Inflows into Menindee with the reduced NBR number;

 - The MDBA undertook some early analysis of the potential for changes in flows into Menindee from the proposed change in the northern Basin water recovery target. More detailed analysis (set out below) has since been completed.
 - The current settings in the Basin Plan are predicted to increase flows into Menindee by 154 GL per year on a long-term average annual basis.

- As a result of the proposed amendment, a 70 GL decrease in the water recovery target, flows to Menindee will still be 147 GL per year higher than before the Basin Plan.
- There will be a moderate decrease in flows when compared to the current Basin Plan, in the order of:
 - 7 GL less for Menindee
 - 4 GL less for South Australia
- Northern Basin Review modelling shows that, as a long-term average, the change in flows depends on both the location and type water entitlement recovered and the pattern in which it is used.
- The proposed 320 GL amendment represents a more efficient pattern of water recovery and use. A more targeted recovery strategy includes recovery of water from tributaries with connections that allow for different flows to be restored in the Barwon-Darling system.
- This is the main reason why a recovery reduction of 70 GL is likely to result in only small differences in flows reaching Menindee Lakes compared to the Basin Plan modelling.

The changes under the Barwon-Darling Water Sharing Plan;

- **Increased pump sizes for A Class licences**
 - **Relaxed storage provisions for A Class water**
 - **No Individual or Total Daily Extraction Limits**
 - **Increased carryover**
- There have been a number of rule changes in the Barwon-Darling over the last 20 years. These changes have been implemented by NSW in response to water reform, including the Cap, setting out rules in a water sharing plan (the BDWSP) and introducing an efficient water market.
 - The entitlement framework in the BDWSP restricts diversions to Cap levels over the long-term. The provision in the BDWSP to carryover unused account water can lead to irrigators extracting more than average Cap levels following a dry period where diversions have been restricted.
 - Modelling undertaken by MDBA as part of the Northern Basin Review indicates that the rule changes have a relatively small impact on the flow at key gauges, although MDBA acknowledges the limited accuracy of the modelling in the low flow range where these impacts occur.
 - While these changes need to be considered further as part of the improving protection of environmental flows, the modelling indicated that they do not significantly change the already small decreases in flows to South Australia referred to above.
- 3. Protection of environmental water in the Barwon-Darling is assumed in the modelling for the Barwon-Darling, although environmental water is not in fact protected. This being the case, how can the modelling results for the Northern Basin Review be relied upon?**
- Protection of environmental water has several different meanings. Under current Basin Plan settings, and the proposed water recovery target, flows into the Barwon-Darling will increase compared to those under current levels of water recovery. Commencing in 2019, these inflows will be protected by the Basin Plan's Sustainable Diversion Limits on a long-term, annual average basis rather than on an event-by-event basis.
 - Similarly, the entitlement framework under the current Barwon-Darling Water Sharing Plan restricts diversions on a long-term basis. There is currently no direct mechanism in the water sharing plan to provide event-by-event protection.
 - Increased inflows may result in more frequent opportunities for take, as pumping thresholds may be exceeded more often. However volumetric limits on diversions ensure that, in the long-term, limits are in place and diversions are reduced.
 - The hydrological modelling that underpinned the Northern Basin Review assumed that environmental water would be protected on a long-term, annual average basis. Neither the Basin Plan modelling, nor the modelling for the Northern Basin Review, assumed that environmental water would be protected on an event-by-event basis.
 - The Authority recognises that together with long-term protection of environmental water through the setting of Sustainable Diversion Limits, event-based protection is important to achieving environmental outcomes in the northern Basin. That is why the Authority included

this mechanism in the suite of ‘toolkit’ measures upon which the proposed amendment to 320 GL is based.

4. **Can you explain how environmental and socio-economic research and the concerns of Aboriginal communities were integrated to arrive at the reduction from 320 to 390 GL? How have the different models been integrated?**
 - The Northern Basin Review was guided by the need to balance the economic, social (including cultural) and environmental outcomes of water recovery for all communities across the northern Basin, as set out in the Water Act and Basin Plan.
 - The MDBA completed a significant research program for the northern Basin review, including environmental science, social and economic assessments and a survey of Traditional Owners in three communities in the northern Basin – Brewarrina, St George and Dirranbandi.
 - In the course of the review, MDBA consulted with range of people - some (including Aboriginal groups) who want more water than the Basin Plan requires returned to the rivers, and others who want current water recovery targets to drop significantly.
 - It is not possible to meet all of these competing needs.
 - In making their recommendation, the Authority looked at all of the evidence, including what we heard from northern Basin communities, the hydrological and economic modelling, and environmental research.
 - Comparing the evidence was a complex process and the Authority used their expert judgement to reach the balance needed between economies, communities and the environment.
5. **EDO advises that an SDL supply measure at Menindee requires that environmental flows be protected along the Baron-Darling, as well inflows from its tributaries. If this is correct MDBA has a legal lever to require DPI to implement the protection of environmental flows in the Baron-Darling. Why isn't MDBA using this lever?**
 - Under the SDL adjustment mechanism, supply measures must achieve equivalent environmental outcomes under the Basin Plan. This test is carried out by the MDBA in determining the final SDL adjustment outcome for the package of supply measures agreed by ministers.
 - NSW has put forward a supply measure for the Menindee Lakes (see <http://www.mdba.gov.au/basin-plan-roll-out/sustainable-diversion-limits/sdl-adjustment-proposals>), however the final configuration for the project is yet to be determined.
 - The Basin Plan defines the northern Basin Region as all rivers in the Basin upstream of the Menindee Lakes. The Basin Plan clearly separates the northern Basin and the southern Basin for the purpose of the SDL adjustment mechanism. Reflecting the differences in the knowledge base and hydrology, the Northern Basin Review was established to review the SDL and agree on any adjustment in the northern Basin. As this has been the focus in the northern Basin, no SDL adjustment proposals have been forthcoming in the region and thus the SDL adjustment mechanism will not operate in the northern Basin.
 - We think you are referring to EDO advice to the effect that under the Basin Plan SDL Adjustment Mechanism a supply measure proposed for Menindee Lakes will bring PPMs into play in the Barwon-Darling. We disagree with the EDO in this instance as a Menindee Lakes supply measure would be located in the southern Basin and hence the provision relating to the PPMs would not apply in the northern Basin (i.e. the Barwon-Darling). Nevertheless the Authority recognises the importance of improving the protection of environmental water in the northern Basin and has included this measure in its toolkit upon which the proposed amended northern Basin SDL is contingent.
6. **Implementation of some of the measures in the Northern Basin Advisory Committee ‘Toolkit’ (co-ordinated flows, protection of environmental water) are being used to support the reduction in the Northern Basin recovery volume from 390 GL to 320 GL. However, these have already been used to support the claim that 390 GL meets the targets of the Basin Plan. Having been used to justify 390 GL, they cannot be used again to justify 320 GL...**

- The Northern Basin Review focused on whether there was enough evidence for changing water recovery targets in the northern Basin.
 - During the development of the Basin Plan and throughout the review the MDBA has been aware that simply setting Sustainable Diversion Limits, and recovering water for the environment, will not meet all Basin Plan outcomes.
 - The measures in the 'toolkit' accompanying the Authority's proposed reduction to the water recovery target are actions recognised as being important and beneficial actions to achieving Basin Plan outcomes.
 - These measures are outside of our remit. We have sent the strongest message we can to the Commonwealth, New South Wales and Queensland governments to commit to action on the toolkit measures and will work closely with governments during public consultation to reach agreements on their implementation, including through the Northern Basin Programmes Taskforce (recently established by the Commonwealth Department of Agriculture and Water Resources).
7. **There have been many , and the Barwon-Darling in particular.**
- **What is being done about**
 - **How many investigating**
- (Copy of question incomplete, but appears to relate to compliance. See answers below.)
8. **It is understood that there a Northern Basin;**
- **Meters in the Barwon-Darling meters are being cannibalised for parts**
 - **Meters use technology that is decades old.**
 - **There is no metering of unregulated licences in NSW outside the BD**
 - **Water take in Northern NSW is self-reported and not being checked**
9. **What evidence does the MDBA have to conclude that NSW has a credible compliance regime?**
- MDBA realises that proper compliance is essential for effective management of the Basin's water and other natural resources, including successful Basin Plan implementation. Any level of illegal water use is unacceptable and should be addressed to the fullest extent possible under relevant laws. As States hold a stronger legal mandate and capability to administer water rules, States are and will remain primarily responsible. The MDBA expects that states will administer their water use rules, including the licensing, monitoring and compliance programs that underpin them, in a manner that achieves the intended outcomes of those rules. MDBA does have compliance and enforcement functions and powers, and will work with states consistent with MDBA's focus on Basin-level planning, management and outcomes.
10. **MDBA has a large spatial analysis capability. Has MDBA undertaken any investigations into allegations of water theft?**
- MDBA has not undertaken any direct investigations into allegations of water theft. States have day to day responsibility for compliance and any allegations that MDBA has become aware of have been referred to the relevant state authority. MDBA has carried out some spatial analysis as part of work to better understand flows and diversions along the Barwon Darling during periods when additional environmental water is flowing in the system. MDBA has and will continue to bring any information about potential unauthorised water diversions to the attention of the appropriate state authority.
11. **The proposal to reduce the volume of water recovery in the northern basin relies on policy changes that won't be implemented, either because the States will ignore their obligations (protection of flows) or because they are unrealistic (the coordination of flows). How can MDBA be confident that the policies will be implemented and is there any recourse if they aren't?**
- The MDBA has clearly stated that the proposed northern Basin SDL depends upon the Commonwealth, NSW and Queensland governments committing to implementing the toolkit measures. The precise mechanism for this commitment is not yet clear, but likely options are a new schedule to the existing IGA for Basin Plan implementation and/or a new or amended National Partnership Agreement. Regardless of the mechanism, the MDBA will

carefully consider the nature of any commitment made on the toolkit measures before recommending a final proposed amendment to the Minister.

12. **Is it true that water recovered from the tributaries of the Barwon-Darling for social and environmental purposes in the Barwon-Darling, Menindee and the Southern basin is available for extraction by two large irrigators between Walgett and Bourke?**
 - Environmental flows resulting from water recovered in tributaries can be diverted on an event by event basis when it reaches the Barwon Darling. As stated in answer to question 3, the entitlement framework under the current Barwon-Darling Water Sharing Plan restricts diversions on a long-term basis, but there is currently no direct mechanism in the water sharing plan to provide event-by-event protection. MDBA is aware that there has been a concentration of ownership along the Barwon Darling, although our interest is on the overall impact of entitlements and associated rules on flows. This includes MDBA's recommendation to improve protection of environmental flows and other 'toolkit' measures.

From: phillip.oconnor6 phillip.oconnor6 [<mailto:>]
Sent: Friday, 23 December 2016 10:55 AM
To: Phillip Glyde <Phillip.Glyde@mdba.gov.au>
Subject: Re: responses to your questions [SEC=UNCLASSIFIED]
can not open phill

----- Original Message -----

From: "Phillip Glyde" <Phillip.Glyde@mdba.gov.au>
To: "" <"" <>
Cc: "Frank Walker" <Frank.Walker@mdba.gov.au>; "Rebecca Thornberry" <Rebecca.Thornberry@mdba.gov.au>; "Brent Williams" <Brent.Williams@mdba.gov.au>
Sent: Friday, 23 Dec, 2016 At 10:23 AM
Subject: responses to your questions [SEC=UNCLASSIFIED]

Hello Phillip (Ocker)

Thanks for taking the time to meet with us in Brewarrina recently and for compiling the questions you passed on to me there. My apologies for the delay in getting back to you on them but I had get some answers from my staff and it's taken a little time to work through the system. Please find attached our responses. We've tried our best to answer the couple that were obscured but if we've got it wrong there please let me know.

Thanks for your continued involvement in the northern basin review process. We have noted your concerns but I strongly encourage you to send in a formal submission to make sure your views are recorded in the official process. You can lodge a submission through our [website](#), by [email](#) or you can post a hard copy to:

Basin Plan amendment submissions

Murray-Darling Basin Authority

GPO Box 2256

CANBERRA ACT 2601

The closing date for submissions is 5pm (AEST) on Friday 10 February 2017.

I would also encourage you to get in touch with the Department of Agriculture and Water Resources taskforce at northernbasin@agriculture.gov.au. They are looking into how achieve the remaining water recovery in the Northern Basin in ways that minimise the impact on communities. The taskforce plans to be out and about over the coming weeks and months. In addition to water recovery, the Taskforce will be looking into how best to develop and implement the toolkit measures we have recommended.

Regards

Phillip

Phillip Glyde

Chief Executive



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