

Murray-Darling Basin Royal Commission: The Wilderness Society submission

About Our Organisation

For over 40 years The Wilderness Society has campaigned to safeguard iconic Australian places and the wildlife and communities that depend on them. Our many successes include protection of the Tasmanian Wilderness, the Daintree Rainforest, Kakadu, Ningaloo Reef, Fraser Island, the Kimberley coast, and countless stands of old growth forest.

Our organisational goal for nature is to ensure Australia's nature is healthy and resilient to threats, is broadly valued for its essential contribution to our existence and has an engaged and visible constituency for its protection.

Comment on Murray-Darling Basin Plan (MDBP)

The Wilderness Society is concerned that, in its current form, the Murray-Darling Basin Plan (MDBP) is unlikely to achieve the objects and purposes outlined in the *Water Act 2007* (Cth) (the Act) and MDBP.

The 2016 *State of the Environment Report* reports that while there has been some local improvements in salinity, water quality and condition of freshwater species in river reaches receiving additional water, there has been no overall improvement in the condition of river systems covered by the MDBP.

Lack of adequate water, particularly for cultural flows to sustain and restore the River Red Gum forests of the middle reaches of the Murray as it flows through Victoria and New South Wales, is of significant concern. Cultural flows are broadly understood as watering or flood events to sustain all of life within the system it is supposed to nurture, and in and of themselves include reference to and practice of indigenous history, story and culture.

Of particular concern is the effect on RAMSAR sites along the river system. Under the Ramsar Convention on Wetlands, Australia has committed to protecting the ecological character of sixteen internationally recognised wetlands in the Murray-Darling Basin. For example, the Lower Murray Lakes and Coorong RAMSAR site continues to decline in ecological health due to a lack of environmental flows, placing Australia in breach of its international obligations under RAMSAR.

A long term UNSW study found a 72 percent decline in waterbird numbers over the 32 years to 2014 in the Murray-Darling Basin, with river flows and waterbird numbers closely linked, indicating reduced water flow due to dam construction and water diversion for irrigation was the primary reason for the

long-term declines in waterbirds in the Murray-Darling Basin¹. Similar outcomes have been seen in freshwater fish and frogs².

In addition, without the constant dredging of the river mouth, the Murray River would no longer flow to the sea. Closure of the Murray Mouth due to insufficient environmental flows will lead to the ecological collapse of the entire river system.

The Wilderness Society believes that a lack of will by federal authorities and systematic undermining of elements of the plan by state governments and irrigators has rendered the MDBP less effective. We can see these issues manifested in:

- *Unstable or changeable institutional arrangements*: in 2013, the Murray-Darling Basin Ministerial Council abolished the Sustainable Rivers Audit, a program that was established to measure the condition of the river systems in the Basin; and in 2014, the Commonwealth Government abolished the National Water Commission. These changes have reduced national oversight over water reforms and the delivery of the MDBP, and allowed states to make changes to water resources plans and rules that are either not aligned with the MDBP or do not adequately protect environmental flows³.
- *Insufficient priority given to guaranteeing environmental flows*: Environmental water has not been well protected by both existing water management rules and stakeholder actions. Illegal extraction of environmental water in the river is a major factor in reducing the overall volume of water that is available to achieve environmental outcomes in the Basin⁴, as well as a lack of coordinating action between regulated and unregulated water-dependent ecosystems (especially those that go across state borders)⁵.
- *Non-compliance with threatened species recovery plans*: The federal and associated state governments have failed to deliver sufficient environmental water and protection of river dependent ecosystems to support listed and near-threatened species in the Murray-Darling River system, including species such as the Mueller Daisy and Superb Parrot where there is a specific requirement in recovery plans to do to. The failure of the MDBP to deliver environmental flows is also inconsistent with recovery plan objectives for dependent ecological communities such as the Murray-Darling Buloke Woodlands.
- *Failures in transparency and compliance*: The Murray-Darling Basin Authority (MDBA), which has responsibility for the whole-of-basin outcomes, has not provided a clear statement of its

¹ Kingsford RT, Bino G, Porter JL. (2017) "Continental impacts of water development on waterbirds, contrasting two Australian river basins: Global implications for sustainable water use" *Global Change Biology* 23:4958–4969

² Wentworth Group of Concerned Scientists (2017) *Review of Water Reform in the Murray-Darling Basin* downloaded 27 April 2017 from

compliance role, and has not dealt adequately with allegations of compliance breaches leading in 2017 to revelations of possible water theft and meter tampering. Governments have not adequately measured return flows from farmer's fields to streams and aquifers, nor have they comprehensively accounted for the reduction in return flows from increased irrigation efficiency⁶.

- *Inefficient or counterproductive incentives:* Twice as much money has been spent on subsidies instead of buying back water rights with \$4.9 billion spent on infrastructure subsidies which have gone primarily to irrigators. There has been a lack of expert assessment and public reporting on the impact on stream flows or cost-benefit analysis resulting from these expenses, despite Government assessment that recovering water through infrastructure upgrades is between two and seven times more expensive than water purchase⁷.
- *Insufficient regulation of deforestation and land clearing in Murray-Darling Basin catchments:* Land management and land-use practices are key causes of water quality degradation in the Murray-Darling Basin, with associated salinity as one of the biggest threats to water quality. According to the Queensland Government, in 2015-16, the Murray-Darling drainage division had the highest woody vegetation clearing rate of all of the state's major drainage divisions (173 000 ha/year).⁸ Laws regulating land clearing have also been wound back in New South Wales, with little federal oversight of land clearing, even when the EPBC Act should apply. In Victoria, the headwaters of the Goulburn River, a major tributary of the Murray River, are still subject to clearfell logging, which is year on year is substantially reducing the amount of water flowing into the river system.
- *Insufficient attention given to long-term climate impacts on environmental health of the Murray-Darling estuary:* Climate change was not incorporated into the original assessment of sustainable diversion limits for the Basin plan, nor considered in subsequent reviews⁹.

Recommendations

We have the knowledge and resources to restore the Murray Darling Basin to health once and for all, yet today it is on the verge of broadscale ecological collapse. For Australia, this is both a tragedy and international embarrassment.

The fundamental problem within the Murray Darling Basin is the excessive over-allocation of water to irrigators. Only when total water diversions are reduced to a level the Basin environment can sustain, will collapse of the Basin be averted. The Wilderness Society recommends the following immediate actions:

- a) Guarantee recovery and delivery of at least 3200GL of environmental water, including the 450 GL of up-water, through the purchase of environment flows. The amount of water taken from the river must be reduced as a matter of urgency. Environmental

⁶ Wentworth Group of Concerned Scientists (2017), as above.

⁷ Australian Government (2014) *Water recovery strategy for the Murray-Darling Basin* Commonwealth of Australia: Canberra

⁸ Environment and Science, Queensland Government, [Land cover change in Queensland 2015-16: Statewide Landcover and Trees Study](#), p. 2.

⁹ Pittock, J., Williams, J., and Grafton, R.Q. (2015) "The Murray-Darling Basin Plan fails to deal adequately with climate change" *Water* 42(6): p. 28-34

flow recovery significantly beyond these figures may be required and should be informed by the latest environmental and climate science.

- b) Restore ecological health/environmental flows to the Murray Darling Basin estuary and river mouth in line with Australia's international obligations under the RAMSAR Convention. River systems die from their estuaries up, making the health of the Lower Murray Lakes and Coorong a critical indicator.
- c) An independent audit of the \$13.7 billion allocated to the MDBP, including environmental and social impacts and return on investment of taxpayers money.

Over the long term, significant reforms are needed to improve the environmental health and resilience of the Murray-Darling Basin. The Wilderness Society recommends that the Federal Government:

- d) Take primary responsibility for regulating and managing the Murray-Darling Basin on behalf of all jurisdictions, with the Environment Minister holding powers to lead this work to avoid conflicts of interest.
- e) Amend the Act to require all jurisdictions act in accordance with the objects and purposes of the MDBP.
- f) Reinststate a basin-wide river monitoring program to measure and publically report annually on the overall condition of the 23 river systems across the Basin as well as targeted programs reporting on progress towards specific MDBP objectives.
- g) The Federal Government must control logging, deforestation and land clearing in Murray Darling Basin catchments.
 - i) Firstly and urgently, the Federal Government must immediately enforce the EPBC Act as is, protecting "matters of national environmental significance" in the Murray-Darling.
 - ii) Secondly, the Federal Government should amend the EPBC Act to immediately bolster their powers to further prevent excessive logging, deforestation and land clearing.
 - iii) Finally, controls on logging, deforestation and land clearing should form part of the powers of the new EPA outlined at h) below.
- h) Establish a new independent National Environmental Protection Authority (EPA) with the authority to act as watchdog over environmental matters in which the Commonwealth has an interest, and provide it with sufficient authority to undertake transparent environmental assessments and inquiries as well as undertake monitoring, compliance and enforcement actions.
- i) Improve accountability with professional water accounting standards and independent auditing against standards, accompanied by publically available annual audits of expenditure of public funds and their impact and annual reviews of the MDBP's progress by an independent auditor.
- j) Incorporate long term changes in climate and water availability, and the impacts of extreme weather events, into the MDBP, including funding and planning for regional development programs to support affected communities adapt to changing water availability.