



Ryde - Hunter's Hill Flora and Fauna Preservation Society

Member of Nature Conservation Council of N.S.W.



NSW Department of Industry
Amendments to water recovery accounting factors consultation
17 July 2018

ltdle@dpi.nsw.gov.au

Dear Sir/Madam,

We express our serious concerns about the transparency, intent and process regards the proposed amendments to water recovery accounting factors on exhibition until 17 July 2018.

We are a local conservation group based in Sydney whose members are concerned to see the ecological health of the Murray Darling River system improved through sustainable use of the system's precious water. Adequate environmental flows are critical if internationally important wetlands, waterways and native fauna habitat are to be protected within all of the numerous sub catchments within the basin. Well functioning ecosystems ensure good water quality, healthy soils and help facilitate a vibrant tourist industry for many regional NSW towns.

The Murray Darling is Australia's largest river system, a national icon and highly valued by the broader Australian public. Whilst cotton industry and sheep graziers are vocal in their demands for water access, the vision and intent of the Murray Darling Basin Plan was to balance competing demands and achieve sustainable extraction and use of Australia's scarcest resource, water. The dry riverbeds, algal blooms, dying redgums and collapsed ecosystems clearly demonstrating that too much water was being taken from the river and more water needed to stay in the rivers and wetlands.

However, the obvious imbalance the Plan aimed to correct, was undermined from the start with the setting of an initial low water recovery target, one that was lower even than the range of water recovery targets tested in the models used to develop the Plan. Often the voices of individuals and groups concerned to ensure adequate environmental flows within the MDB are ignored and their "stakeholder" status is dismissed as less important than the interests of economic stakeholder.

The capacity of the MDBP to achieve sustainable water use and extraction has been further eroded by arguments that untested projects to improve supply and unproven changes to the rules which govern water supply, can permit a further reduction in the water recovery target and still achieve the required environmental outcomes of the Plan. This reduction would

seem to be government response to these sectional interests but the recent media associated with unlawful water extraction by some NSW cotton farmers suggests both political influence and corruption is undermining the intent and effectiveness of the Plan.

To restore public confidence that Murray Darling Basin water is being used honestly and that the intent of the Plan is being properly met, the priority of the NSW government should be the improved transparency and clarity in all rules and procedures. An adequate and rigorous compliance system must be introduced as a matter of urgency.

We express our serious concerns that the two documents placed on exhibition are inconsistent and indecipherable to a group such as RHHFFPS which reflects the broader public interest in achieving sustainable use of water within the Murray Darling Basin.

GENERAL REMARKS:

1. We received no reply to requests for further information about the relation of environmental water and the SDL changes from both MDBA (via a phone call) and Department of Industry (via the online tally form set up for the consultation), however we did not follow up after our initial request.

CONSULTATION PAPER:

2. The Department of Industry website “invited water entitlement holders and other stakeholders to provide feedback on proposed amendments to long-term diversion limit equivalence factors for NSW (also known as cap factors), to replace those originally adopted in 2011.” Yet the issues requiring community feedback are on draft factors “being finalised over the coming months.”

This does not reflect a genuine public consultation process as clearly the factors could be completely changed post exhibition.

3. Two elements of the planning assumptions are stated as subject to the specific community feedback – estimates of supplementary and general security entitlements and historical usage. However, four planning assumptions are stated to have been established and then modelled to establish the updated factors, and presumably constitute the public exhibition. These being:

- historical usage of allocations, including carryover
- climatic patterns over the past one hundred years
- water trade patterns
- local rules associated with water access and allocation in each catchment area.

Later in the consultation paper water trade patterns are clarified to include “inter-jurisdictional change and trade between entitlement types.”

The consultation document on exhibition is vague and inconsistent regards on what it is seeking community comment.

4. The consultation paper states that “Water usage is the primary consideration in establishing the updated factors.” Yet surely it is historic water usage which has resulted in the chronic environmental degradation of the Murray Darling basin which the Plan is attempting to redress.

Until the NSW government has improved its compliance practices across all water use and introduced an effective metering system on all irrigated water use water usage should not be driving changes to the factors which determine the water recovery required to meet the outcomes of the Basin Plan.

5. The consultation paper does not include a glossary or definitions section. This makes public comment impossible on statements such as “Usage behaviour by supplementary and general security entitlements is linked, and this approach assumes that supplementary access will continue to occur opportunistically and will often substitute for general security usage.” Dependence for a public consultation on language which is presumably understood by a limited range of stakeholders is unfair to the broader public and their concerns about the poor environmental condition of the Murray Darling basin. Use of such esoteric language undermines trust and confidence by the broader community that government is committed genuinely to sustainable use of water within the basin.

It is in the public interest and essential for effective and equitable public consultation that the topics subject to the exhibition process are clearly defined and well presented.

6. The figures used in the water recovery information include water contracted but not delivered which we find odd. It would seem possible that projects not commenced, as appears the situation in NSW, could stay that way for a range of reasons eg lack of funding, technically not possible, failed design, not accepted by local communities etc.

If there is a genuine commitment by government to improved accountability in water recovery then relying on water which may be unavailable in the future does not seem very sensible or reliable.

7. Whilst the stated intent of the consultation is improved water recovery accounting it would seem that some changes have been made in the way water recovery accounting occurs. It is stated that “..... already revised agreed accounting for Nimmie-Caira recoveries – entire volume of this entitlement is now recognised for 'gap-bridging' purposes, adding an additional 40,300 ML/y to previously published recovery volumes of 132,600 ML/y.” Statements such as these must be backed by scientifically rigorous and transparent analysis which we did not find attached to the consultation paper.

Government must commit to comprehensive, consistent and robust water recovery accounting not accounting decision making “on the hop”.

TECHNICAL PAPER:

6. Overall we do not consider that the Technical Paper has addressed the vagueness and lack of clarity of the consultation paper. It makes presumptions and statements that are not supported technically and defy any meaningful or sensible critique. We reject outright the stated conclusion that “The results produced and documented in this report are transparent, robust and reliable, and produce an enhanced estimate of water recovery.”

The NSW government and MDBA must provide improved information and analysis to properly support any proposals to amend the water recovery accounting factors if there is a government intention for genuine public consultation.

7. As stated above we are concerned at inconsistent and ill defined content of the consultation paper. This is compounded in the technical paper. Attempts to understand why Supplementary water entitlements had increased across four SDL areas (255% in Gwydir, 280% Macquarie-Castlereagh, 270% Murrumbidgee, 262% Border Rivers) were unsuccessful. It would seem at the expense of stock and town supply reliability. We were especially concerned to understand the implications of these increases on RAMSAR listed wetlands but this is not explained in the technical document. The Gwydir and Macquarie marshes wetland were showing severe signs of ecological stress even prior to the current drought.

Government must use best available and scientific rigour in decision making regards any amended water accounting methods and guarantee that any changes will improve the accounting of environmental water reaching sensitive wetlands.

8. It would seem necessary and based on sound principles of total catchment management that water recovery and subsequent allocations are primarily considered within the context of a specific SDL area. Water reaching sensitive wetland areas especially in the northern basin would require this especially. The technical paper seems to be relying on a relaxation of the rules and allowing for water recovery to be accounted for across the whole basin. We found no attached report to clarify the environmental implications of such an approach and whether recharge is affected within specific SDL areas.

Government needs to improve transparency regards any cross basin water recovery accounting to ensure environmental water really does reach RAMSAR and sensitive wetland areas. Any amendments to rules affecting water recovery accounting must but be accompanied by scientifically rigorous assessment of the impacts of these changes in the immediate and longer term.

As previously stated we express our serious concerns at the approach taken by government in this public consultation. Government has demonstrated a lack of transparency, a vagueness in its intent and a sloppyness in its process regards the proposed amendments to water recovery accounting factors on exhibition until 17 July 2018. We urge that government commit to genuine consultation regards any changes in water recovery accounting and ensure the protection of both the public interest and environmental water within the nationally valued Murray Darling basin.

Yours sincerely
Cathy Merchant
RHHFFPS Committee Member