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# NSWIC Policy

## *Murray-Darling Basin Plan*

November 2019

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### **Disclaimer**

*This policy is not – and must not be interpreted as – endorsement or support for any of the legislation, plans or processes to which this document addresses.*

*This policy is not designed to favour any side of politics. As an apolitical entity, all NSWIC policies are designed based on evidence and robust consultation with irrigation farmers to which these issues affect most.*

*Policy positions must be passed through a motion at a NSWIC meeting by members. However, each member reserves the right to independent policy on issues that directly relate to their areas of operation, expertise or any other issues that they deem relevant.*

## 1. Introduction to NSWIC

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigation farmers and the irrigation industry in NSW. Our members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries. Through our members, NSWIC represents 12,000 water access licence holders in NSW who access regulated, unregulated and groundwater systems.

NSWIC engages in advocacy and policy development on behalf of the irrigation sector. As an apolitical entity, the Council provides advice to all stakeholders and decision makers.

Irrigation farmers are stewards of a wealth of tremendous local, operational and practical knowledge in water management. NSWIC through its members are a valuable and effective way for governments and agencies to access this knowledge.

The policies of NSWIC are intended to provide decision-makers with a source of advice, guidance and evidence for best-practice policy, not only *endorsed* by the industry, but *developed* by the industry. This provides decision-makers with an efficient, timely, and effective means to adopt and implement industry and community policy positions at local, state and federal levels.

All NSWIC policies are founded on our core principles (see Part 4).

## 2. Members of the NSW Irrigators' Council

The NSW Irrigators' Council has 25 member organisations that are located across the state. These member organisations include valley water users' associations, food and fibre producers, irrigation corporations and commodity groups from the rice, cotton, dairy and horticultural industries.

### Southern Valleys

- 1) Murray Irrigation Ltd.
- 2) Murray Valley Private Diverters Inc.
- 3) West Corugan Private Irrigation District
- 4) South Western Water Users' Assoc.
- 5) Western Murray Irrigation Ltd.
- 6) Murrumbidgee Private Irrigators' Inc.
- 7) Murrumbidgee Groundwater Inc.
- 8) Murrumbidgee Valley Food & Fibre Assoc.
- 9) Murrumbidgee Irrigation Ltd.
- 10) Coleambally Irrigation Co-operative Ltd.
- 11) Wine Grapes Marketing Board
- 12) YACTAC
- 13) Ricegrowers' Assoc. of Australia

### Lachlan Valley

- 14) Lachlan Valley Water

### Coastal Valleys

- 15) Bega Cheese Ltd.
- 16) Hunter Valley Water Users' Assoc.
- 17) Richmond Wilson Combined Water Users' Assoc.

### Northern Valleys

- 18) Border Rivers Food & Fibre
- 19) Gwydir Valley Irrigators' Assoc. Inc.
- 20) Namoi Water
- 21) Macquarie River Food & Fibre
- 22) Barwon-Darling Water

### State-wide

- 23) Cotton Australia
- 24) Dairy Connect NSW
- 25) NSW Farmers' Assoc.

### 3. Relevance to NSW Irrigators' Council's Strategic Plan

This Policy Paper supports the mission of NSWIC:

- To protect, secure and enhance the rights of irrigation farmers and water owners in NSW.
- To ensure the NSW irrigation industry is valued and recognized as efficient, responsible and sustainable.
- To effectively influence government policy formulation and decision making.
- To demonstrate clear value for members.

This Policy Paper specifically targets the Strategic Objectives to:

- Influence policy development and implementation at all levels of government and bureaucracy.
- Implement proactive and positive communication campaigns to promote the efficiency and sustainability of irrigation industries.

### 4. NSW Irrigators' Council's Guiding Principles

Integrity	Leadership	Evidence	Collaboration
Environmental health and sustainable resource access is integral to a successful irrigation industry.	Irrigation farmers in NSW and Australia are world leaders in water-efficient production with high ethical and environmental standards.	Evidence-based policy is essential. Research must be on-going, and include review mechanisms, to ensure the best-available data can inform best-practice policy through adaptive processes.	Irrigation farmers are stewards of tremendous knowledge in water management, and extensive consultation is needed to utilise this knowledge.
Water property rights (including accessibility, reliability and their fundamental characteristics) must be protected regardless of ownership.	Developing leadership will strengthen the sector and ensure competitiveness globally.	Innovation is fostered through research and development.	Government and industry must work together to ensure communication is informative, timely, and accessible.
Certainty and stability is fundamental for all water users.	Industry has zero tolerance for water theft.	Decision-making must ensure no negative unmitigated third-party impacts, including understanding cumulative and socio-economic impacts.	Irrigation farmers respect the prioritisation of water in the allocation framework.
All water (agricultural, environmental, cultural and industrial) must be measured, and used efficiently and effectively.			Collaboration with indigenous nations improves water management.

## 5. NSWIC Policy Positions on Murray-Darling Basin Plan

### Introduction

The Murray-Darling Basin Plan (the Plan) is an environmental policy initiative designed to reduce the volume of water extracted from river systems to a level determined to be sustainable – the *Sustainable Diversion Limit* (SDL). The Basin Plan, in essence, involves the voluntary transfer of water from irrigation farmers to the environment. The Basin Plan has received global recognition as a world-leading policy mechanism for the management of transboundary river systems.

The Plan has fundamentally changed the trajectory of irrigated agriculture and the communities depending on it. The Plan continues to be highly controversial given the impact that water recovery (reducing the pool of water available for irrigation by an annual average of 28%, as a result of the Plan and recovery from other programs such as The Living Murray) and enhanced water trading opportunities is having on communities and irrigated agriculture in the Murray Darling Basin.

The Basin Plan is now midway through implementation, commencing in November 2012 and due for completion by 2024.

### 5.1 Primary Policy Position

*NSWIC supports a healthy Murray-Darling Basin. Basin Plan policy is required to balance economic, social and environmental objectives. Whilst NSWIC historically (pre 2012) opposed the Basin Plan, since it has become implemented as law (post 2012), NSWIC works to ensure optimal implementation of the key individual elements. This involves balancing social, economic and environmental outcomes, and minimizing adverse impacts. Future implementation of the Basin Plan must acknowledge the impact so far on communities and our capacity to produce food and fibre. This means, going forward, implementation must be responsive and adaptive and value the importance of irrigated agriculture and rural communities to Australians.*

*It is the policy position of NSWIC that future implementation of the Basin Plan must involve no additional water recovery through buy-backs (unless part of community led strategic buy back and retirement), recognition that the remaining elements of the Plan present significant challenges and require increased flexibility in implementation, and greater adaptive management that acknowledges the issues facing the irrigation sector and communities.*

*Core principles for future implementation of the Basin Plan include:*

- Protection of property rights of entitlements for all water users;*
- No impacts on reliability, accessibility or yields;*
- No unmitigated third-party impacts;*
- Maximising environmental water outcomes with the least amount of water, including supporting complementary measures;*
- Increased flexibility in the delivery of the Basin Plan, such as through the SDLAM projects to improve outcomes for communities and the environment*
- Improved engagement with the irrigation and community sectors impacted by the Basin Plan*

*Irrigation farmers support and respect sustainable levels of water use in the working Murray-Darling Basin.*

### Background

Governments have sought to protect river environments by limiting the amount of water that can be extracted from river systems. This has involved shifting water, which was previously used for agriculture, to the environment (known as water recovery), essentially lowering the availability of water to farmers and thereby reducing food and crop production in Australia.

Water recovery commenced well before the Basin Plan. The MDB has undergone a long history of water reforms. This has included:

- **1995** – the **Murray Darling Basin Cap** (the Cap) on diversions which limited surface water extractions in each valley.
- **2000's** – **The Living Murray (TLM) Program** and the **Water for Rivers** (Snowy) investments recovered 782GL (500 TLM and 282 Snowy) from the Southern Basin. This represented approximately a seven percent reduction in diversions below the Cap.
- **2000s** – NSW Water Sharing Plan limits, 241GL reduction below the Cap.
- **2004** – Basin State governments signed the Intergovernmental Agreement on a **National Water Initiative** which has become the blueprint for water reform in Australia.
- **2007** – the **Water Act 2007** commenced.
- **2008** – water recovery under the Murray-Darling Basin Plan commenced.
- **2012** – the **Murray Darling Basin Plan 2012** was enacted which legislated new, lower levels of take across the Basin.

The Basin Plan aims to reduce the level of diversions from the river system from the *Baseline Diversion Limit* (BDL – the pre-Basin Plan level of diversions 2009) to a lower volume – the SDL. The SDL commenced on 1 July 2019. This involves water recovery from farmers, to the environment, in each valley. In total, the amount of water recovery required is 2,750GL<sup>1</sup>.

## 5.2 Sustainable Diversion Limit Adjustment Mechanism (SDLAM)

### *Policy Positions:*

- The SDLAM is crucial to minimising the social and economic impacts of the Basin Plan in the Southern Basin.
- NSWIC strongly supports well-designed and locally supported SDLAM projects to achieve the equivalent of 650GL of water recovery as the most critical component to future implementation of the Basin Plan, providing the lowest risk to communities, and realising targeted environmental outcomes.
- Flexibility and adaptability for new and improved projects are essential to success.
- All stakeholders and communities affected by projects must be effectively involved in development and delivery.

### **Background**

Flexibility was built into the Basin Plan via the Northern Basin Review (resulting in a legislated increase in SDLs in July 2018) which reduced the recovery volume from the Northern Basin by 70GL (although this review did increase some of the within-valley requirements in some catchments).

In the Southern Basin, flexibility was provided by the Sustainable Diversion Limit Adjustment Mechanism (SDLAM).

The SDLAM aims to achieve environmental outcomes with less water, thereby reducing the impact on farmers and communities.

The Adjustment Mechanism allows the Plan SDL (and associated total water recovery – 2750GL) to be increased or decreased by 5% (approximately 543GL). The SLDAM involves 'supply projects' (which aim to improve water infrastructure and operating rules, such as by managing constraints), and 'efficiency projects (which aim to improve water delivery systems, including urban and on-farm infrastructure) and resulting in an increase in the volume of held water entitlement by government.

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<sup>1</sup> The 2,750GL is a volume, each water entitlement recovered is converted by a specific factor reflecting the long-term diversion equivalent for that type of entitlement. The number of entitlements required to achieve 2,750GL is significantly more.

### 5.3 Menindee Lakes Reconfiguration (Menindee Lakes Water Savings Project)

*Policy Position:*

- NSWIC policy position is that any proposed changes to the Menindee Lakes (be they physical infrastructure or to rules under which the system is operated), must be assessed against agreed and transparent criteria (see Appendix 2).
- Any Menindee SDLAM project must result in improvements to the efficient capture, storage and management of water and should include assessment of impacts both up and downstream in Northern and Southern basin systems. This assessment should include collection of robust information and data to aid in meaningful consultation to provide transparency for all stakeholders, particularly around assumptions used in modelling.
- The project is likely to consist of a package of works to deliver a range of outcomes, and it is essential that all projects include assessment of third party impacts as no negative unmitigated third party impacts are acceptable.
- Menindee Lakes is an important part of the River Murray shared resource, which must be respected in the development of options.
- [Current Policy – see Appendix 1] Any credits resulting from the Menindee SDL project must be distributed proportionately to the southern valleys which will be most greatly impacted, including yield or reliability.
- Any shortfall in the SDLAM as a result of revising the Menindee Lakes Water Saving Project should be offset by alternative projects, not buy back.

Please see the NSWIC Menindee Lakes Policy for further information<sup>2</sup>.

#### **Background**

The Menindee Lakes (the Lakes) system is a crucial component of the Murray-Darling Basin. It is one of the four main storages that form the basis of regulated flows in the lower Darling and Murray River systems. In conjunction with Dartmouth, Hume and Lake Victoria, it underpins Murray water allocations across New South Wales, Victoria and South Australia.

There are 19 relatively shallow naturally occurring Lakes, but the storage system is a result of engineering intervention. Prior to the development of the storage system, the Lakes connected to the Darling River via short creeks which generally only filled in flood conditions. As floods receded, some water would return to the Darling system whilst significant volumes would evaporate leaving a series of smaller pools. The Lakes did at times dry out completely.

Four of the Lakes – Wetherell, Pamamaroo, Menindee and Cawndilla – have been configured to provide water storage. That is, they are natural lakes that have been augmented by the construction of regulating works.

The management of Menindee Lakes is important for all water users. Water Access License (WAL) holders upstream of the Lakes are affected by their operation given that water into the Lakes must come from that region. In particular, access in many upstream systems is suspended when storage levels in the Lakes drop below certain thresholds. WAL holders downstream are affected given that water coming from the Lakes both underpins their allocations (particularly on the lower Darling) and assists in maintaining the reliability of their allocations.

Control of releases is undertaken by the MDBA until the total water storage drops below 480GL. At this point, both control of releases and the volume in storage pass to NSW, and remain so until storages increase to greater than 640GL

Low water availability and poor water quality in the Darling River and fish deaths in 2018/19 have focussed attention on current and future management of the Lakes. An independent assessment of fish death in the lower Darling recommended the re-evaluation of the Menindee Lakes Water Savings Project to place greater emphasis

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<sup>2</sup> This document is to be updated.

on improving water security and environmental outcomes in the lower Darling, with NSW responsible for addressing any short fall in the SDLAM. Controversy exists around the management of the Menindee Lakes.

#### 5.4 Independent Assessment of Social and Economic Conditions

*Policy Position:*

- [Current Policy – see Appendix 1] Government must apply equal weighting to each element of the triple bottom line i.e. Social (people), Economic and the Environmental values, when considering Basin Plan implementation options and their associated consequences.
- NSWIC welcomes the appointment of an independent Panel to assess the social and economic conditions in the Basin.
- The findings and recommendations from this work should inform and drive change in implementation of the Basin Plan.
- The Panel should identify and provide evidence where the Basin Plan and associated water reforms are not achieving a triple bottom line outcome for irrigation communities and provide recommendations for improvements.
- NSWIC encourages the Panel to identify ways irrigation dependent communities can be more constructively involved in Basin Plan implementation.

#### **Background**

Water is the lifeblood of rural communities. The removal of water, without-question, has serious socio-economic implications.

Improving understanding of social and economic impacts of water reforms, and the changing condition of irrigation communities, has been a centrepiece of advocacy of NSWIC for many years. In March 2019, NSWIC called on both State and Federal Government to undertake a Socio-Economic Impact Assessment of water reforms, which contributed to the *'Independent Assessment of Social and Economic Conditions in the Basin* being announced in April 2019.

The Assessment will provide an independent view of social and economic conditions in rural and regional communities across the Murray-Darling Basin. The assessment will investigate impacts (positive and negative) of water reforms including the Basin Plan on the vulnerability, resilience and adaptive capacity of Murray-Darling Basin communities and their development potential. It will capture ongoing structural changes influencing different communities in the Murray-Darling Basin.

NSWIC considers the highest priority for the assessment is to gain an understanding of the likely future socio-economic impacts and options to improve outcomes. It is important for this assessment to differentiate itself from previous assessments by considering the full and compounding socio-economic impact of ongoing reform as well as constructive and implementable mitigation options.

Whilst not a review of the Basin Plan, it is critical that the findings from this assessment are used to inform and guide future implementation of key Basin Plan components such as the SDLAM, and the socio-economic criteria for future efficiency projects. It is also critical that these remaining elements of Basin Plan implementation are factored into the overall assessment of impact on water dependent communities.

It is vital that governments properly understand the value of water to rural communities and evaluate and weight this significance appropriately in policy and decision-making.

## 5.5 Efficiency measures '450GL up-water'

### *Policy Position:*

- NSWIC does not believe that an additional 450GL of water can be recovered in a way that is consistent with the social and economic criteria agreed by the Ministerial Council in December 2018. Diligent application of these criteria is a critical requirement of recovery of any of the targeted 450GL.
- NSWIC only supports progressing recovery through efficiency measures to maximise the opportunities of the SDLAM (currently 62GL), and this recovery should prioritize recovery of water entitlements outside the agriculture, for example conveyance, industry. Any water recovery measure (including the 450GL) must demonstrate the scientific basis for achieving enhanced environmental outcomes.

### **Background**

An 'efficiency measure' is a project that results in either an on or off-farm irrigation efficiency improvement. A portion of the water saved is transferred to the Commonwealth for environmental purposes and will become held environmental water.

The implementation of Efficiency Measures projects will lower the SDL. The total potential decrease to the SDL by 2024 is 450GL, which would result in 3,200GL equivalent of water recovery rather than 2,750GL.

The efficiency measures are intended to achieve enhanced environmental outcomes in the South Australian Lower Murray. The 2012 Basin Plan modelling that underpinned the development of Basin Plan Schedule 5 outcomes and the efficiency measures package made assumptions that have since been proven incorrect or changed. In particular, the modelling suggested that without easing constraints to allow higher flow rates, additional environmental water would have few additional benefits.<sup>3</sup>

The Murray Darling Ministerial Council in December 2018 agreed to a set of criteria to ensure that funded efficiency projects achieve neutral or improved social and economic outcomes. These have been released as part of the Commonwealth Water Efficiency Program and can be found <http://www.agriculture.gov.au/water/mdb/programs/basin-wide/water-efficiency>.

NSWIC has never supported the 450 up-water proposition and has focussed on negating any impacts if it is implemented, as evidenced by our push for the social and economic criteria agreed to by MinCo in December 2018.

## 5.6 Northern Basin Tool Kit

### *Policy Position:*

- NSWIC supports well-designed projects in the Northern Basin Toolkit, developed in consultation with the community.
- Toolkit measures aim to achieve tangible environmental outcomes that are not reliant on flows alone, a factor which NSWIC considers critical to a healthy and prosperous Murray-Darling Basin.

### **Background**

The Northern Basin is recognized as a substantially different system to the Southern Basin (in terms of hydrology, agriculture, climate and socio-economics), and implementation of the Basin Plan was amended to respect that difference.

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<sup>3</sup> Source: Productivity Commission, Murray-Darling Basin Plan: Five-year assessment, Inquiry Report. December 2018.

Following a review into the Northern Basin, projects (“toolkit measures”) were developed which resulted in a reduction of the water recovery target in the Northern Basin by 70GL to the new target of 390GL. The Northern Basin Amendment to the Basin Plan was made on 3 July 2018.

The toolkit measures include strategic acquisition of remaining water recovery in the Northern Basin, protection of environmental flows, addressing constraints in the Gwydir, investigating options to support event-based environmental water delivery, improving the management and coordination of environmental water, and environmental works (such as to promote fish movement and habitat such as fishways and cold water pollution control).

An independent Northern Basin Commissioner, Mick Keelty AO APM, was appointed in 2018 to improve governments’ understanding of the river system in the Northern Basin. This position was then replaced by the Inspector General for the Murray-Darling Basin, where the role now spans the full Basin.

### 5.7 Pre-Requisite Policy Measures (PPMS)

*Policy Position:*

- The implementation of PPMs should not impact on the yield and reliability of water entitlements and access to supplementary water.
- There should be increased transparency in the NSW Government’s management and reporting of implementation of PPMs, and this reporting should include evidence that implementation has not reduced yield, reliability or access to other water entitlement holders.
- The PPMs should not be extended to Planned Environmental Water unless as a supply measure that increases the SDL.
- [Current Policy – see Appendix 1] Government must develop environmental flow options and river operational rules under the Constraints Management Strategy and the PPMs to ensure no adverse or unmitigated impacts on the reliability of irrigation supplies or on private property. Options should focus on infrastructure investment to achieve environmental outcomes.

#### **Background**

Pre-requisite policy measures allow changes to the way that held environmental water is delivered. The Basin Plan assumed PPMs would be implemented in the Southern Basin, and NSW was required to have implemented the PPM policy by 1 July 2019. The Water Sharing Plans for the Murrumbidgee and NSW Murray Lower Darling Regulated River Water Sources, as required under the Plan, will include clauses that enable PPMs to be implemented.

The three key measures:

1. Allow the re-use of held environmental water across multiple sites, and in some cases re-crediting of return flows.
2. Provide the ability to piggyback or order held environmental water from a head water storage during a natural flow event.
3. Allow the environmental water holder the flexibility to nominate the storage they require their water to be delivered from.

The Department and river operators including WaterNSW and River Murray Water have been trialing PPMs for a number of years in the Murray, and more recently in the Murrumbidgee. Water users have had not transparency of these trials.

## 5.8 Under and over recovery

### *Policy Position:*

- NSWIC supports the return of over recovered water to the consumptive pool within the effected valley, subject to consultation with water users.
- NSWIC supports irrigation farmer led approaches for further water recovery where the local recovery target is under-recovered.
- Where Governments have failed to 'bridge the gap' and there is under recovery of the local target, the reasonable excuse provisions should apply and irrigation farmers in affected valleys should not be negatively impacted by Government failure to secure the required water.

### **Background**

The Basin Plan requires recovery of both a local volume and volume which is considered a shared contribution to downstream flows or connectivity. The shared recovery target in the Northern Basin includes the Barwon-Darling, NSW Border Rivers, Intersecting Streams Gwydir, Macquarie-Castlereagh, and Namoi. In the Southern Basin the lower-Darling, NSW Murray and Murrumbidgee contribute to the shared target.

To allow comparison between water entitlement types against long term diversions and historical use, the MDBA together with the states established Long-Term Diversion Limit Equivalent Factors (LTDLE). The LTDLEs in NSW were updated in order to ensure the planning assumptions were consistent across catchments and based on the Plan planning framework (1895-2009). The new LTDLE factors were finalised at the end of 2018 and the progress towards recovery now reflects the revised factors.

Consequently, as of 31 March 2019, there is over recovery in the Gwydir (5GL) and Macquarie-Castlereagh (38GL). There is a local target remaining in Barwon Darling (1,9GL), Namoi (9.5GL) and NSW Borders Rivers (5.1GL) and a shared volume in the Murrumbidgee (4.3GL) and NSW Murray (10.2GL).

## 5.9 Complementary Measures

### *Policy Position:*

- NSWIC strongly supports progressing complementary measures.
- Complementary measures should be considered as alternatives to volumetric water recovery in the Basin Plan.
- Water must be used in the most effective and efficient manner (e.g. using the smallest volume of water to achieve the greatest possible environmental benefit).
- NSWIC requires transparency of modelling which demonstrates the effectiveness of measures.

### **Background**

NSWIC supports investment in works and measures to utilise productive water and environmental water more efficiently. Complementary measures are an opportunity to explore alternative ways of achieving positive environmental outcomes without the detrimental social and economic impacts of reducing the consumptive pool. Complementary measures also include projects that seek to address non-flow related issues that are contributing to poor water quality and ecosystem health. Measures include carp control, improvements to fish passage through fish ways, restoration of the riparian zone, feral animal control, erosion control and nutrient run in to waterways.

The benefits of complementary measures were recognised during the Northern Basin Review, which resulted in a reduction in the recovery volume and agreement by NSW and Queensland to introduce the Northern Basin Took Kit.

The Plan does not recognise or acknowledge the environmental benefits that could be achieved through the further development and implementation of complementary measures, particularly in the Southern Basin. NSWIC

believes that complementary measures should be recognised and appropriately accounted for as part of any future Basin Plan implementation program.

### 5.10 Timeframes and flexibility

*Policy Position:*

NSWIC supports flexibility in timeframes for implementation of the Basin Plan, provided any changes are linked to improved implementation arrangements and a secure agreement by Government not to pursue buy backs.

#### **Background**

The Plan includes hard wired deadlines which are legislated. The new SDL commenced from 1 July 2019 and NSW has until December 2019 to submit its Water Resource Plans for accreditation. The key date of 2024 (1 July) for completion of agreed constraints measures and supply and efficiency measures is significant, as under current legislated arrangements and policy, any under-delivery of the SDLAM will result in further buy back.

Flexibility in implementation timeframes would allow environmental water managers to learn by doing, developing and implementing new and improved options for the use and management of environmental water. Communities could be more effectively engaged in the development of SDLAM projects, allowing new and adaptive approaches to be properly explored, ultimately resulting in an improved triple bottom line outcome.

### 5.11 Monitoring & Review

*Policy Position:*

- NSWIC supports the need for robust and on-going measurement and monitoring of social, economic and scientifically justified environmental objectives in preparation for the 2026 review.
- Together with Government, the irrigated agriculture sector must identify opportunities to best prepare the irrigation sector for the 2026 review and mitigate the risk of further reduction in the consumptive pool. The sector must be forward looking.

## 7. Recent & Ongoing NSWIC Activity

Recent submissions:

- July 2019 – Murray-Darling Basin Commission of Inquiry Bill 2019
- June 2019 – External review of the environmental watering plan (EWP) of the Basin Plan
- February 2019 – Water Amendment (Purchase Limit Repeal) Bill 2019
- February 2019 – Australian Freshwater Study
- November 2018 – Murray-Darling Basin Water Infrastructure Projects

## 8. Approval and Review Details

Approval and Review	Details
Approval Authority	Council [Policy Motions], Chair [Explanatory]
Review Period	Maximum 5 years, or as required earlier
Next Review Date	[DD/MM/YYYY]

Amendment History	Details
Original Approval Date	[first approved date DD/MM/YYYY]

Approval and Review	Details
Amendment Authority and Date	[Relevant approval authority DD/MM/YYYY]
Notes	

## 9. Contact Us

If you would like to give us feedback on this policy document, you can contact our office at [nswic@nswic.org.au](mailto:nswic@nswic.org.au) or call us during office hours on (02) 9264 3848. For more information about the Council and our work, visit our website [www.nswic.org.au](http://www.nswic.org.au).

**APPENDIX 1: Miscellaneous**

Current NSWIC Policy:

<b>Date</b>	<b>Title</b>	<b>Policy</b>	<b>Review</b>
Mar-08	<b>Memorandum of Understanding on Murray Darling Basin Reform</b>	<a href="http://www.nswic.org.au/pdf/policy_documents/Policy%20Paper%20for%20COAG%20MoU.pdf">http://www.nswic.org.au/pdf/policy_documents/Policy%20Paper%20for%20COAG%20MoU.pdf</a>	Lapse & Archive
Nov-09	<b>Trans-Boundary Agreement</b>	Our trans-boundary agreement is as robust as they come.  Australia needs to recognise that its Interstate Water Sharing Agreement (the Murray-Darling Basin Agreement annexed to the Water Act) is among the most robust in the world. All users – and interested parties – both upstream and downstream ought to recognise that reopening this debate will be debilitating to consistent effort toward sustainability across shared resources.	Remains (under Appendix 1)
Jul-10	<b>AnaBranch Pipelining Savings</b>	That NSWIC ensure that water savings generated by the pipelining of the AnaBranch water supply only be available to Living Murray when there are no adverse 3rd party impacts.	Remains (under Appendix 1)
	<b>Market Based Adjustment</b>	That NSWIC adopt a policy of supporting market-based adjustment in any event where government, state or Commonwealth, pursue the acquisition of water via entitlement or reliability adjustment. For the avoidance of doubt, this means that government ought to purchase water as a willing buyer in a marketplace from a willing seller. It does not contemplate 'compensation' for involuntary removal of either entitlement or reliability.	Remains (under Appendix 1)
Nov-10	<b>Triple Bottom Line</b>	In regard to the Basin Plan equal consideration is given to social, economic and environmental outcomes.	Duplication identified - merged with more recent July 2015 motion below which remains (under Socio-Economic Policy Position above).
Mar-13	<b>Menindee Lakes Policy</b>	That NSW Irrigators' Council adopt the Menindee Lakes Policy and any savings achieved from efficiency works should be shared based on the 'no negative third-party impact' criteria determined by Council. <a href="http://www.nswic.org.au/pdf/policy_documents/130307%20-%20Menindee%20Lakes%20Policy.pdf">http://www.nswic.org.au/pdf/policy_documents/130307%20-%20Menindee%20Lakes%20Policy.pdf</a>	Remains in principle as an updated version (under Menindee Lakes Policy).  PDF remains for additional information.

NSWIC Policy on Murray-Darling Basin Plan

Jul-15	<b>Water Act (2007) Triple Bottom Line</b>	That NSWIC request the Federal Government to indisputably give equal balance to the triple bottom line i.e. Social (people), Economic and the Environmental values, when considering Basin Plan implementation options and their associated consequences.	Remains with slight modification to be a policy position rather than action-item (under Socio-Economic Policy Position above).
Mar-16	<b>Salinity Targets</b>	NSWIC lobby to maintain Morgan as the official assessment point for Murray River salinity acknowledging the historic target at 800EC or below. Remove any requirement for New South Wales and Victoria to meet salinity targets in Lake Alexandrina under the Murray Darling Basin Plan.	Remains (under Appendix 1)
	<b>SDL Adjustment Mechanism</b>	NSWIC lobby to change current timeframes and project eligibility for the Sustainable Diversion Adjustment Mechanism under the Murray Darling Basin Plan. An allowance is incorporated within the scope of 650GL of SDL Projects to enable adaptive management and the development of further options to meet environmental outcomes.	Updated (Under SDLAM above)
	<b>CLLMM - SDL Targets</b>	NSW works with Victoria to encourage the development of projects with SA for the CLLMM on the basis that any investment help offset the shared downstream component for end of system flow objectives (971GL) under the Basin Plan. Project would be included in the SDL Adjustment Mechanism and benefit SDL targets for Victoria and NSW Southern Basin.	Remains (under Appendix 1)
	<b>Constraints Management Strategy</b>	NSWIC lobby the NSW Government for the development of environmental flow options and river operational rules under the Constraints Management Strategy and the Prerequisite Policy Measures (PPMs) to ensure no adverse impacts on the reliability of irrigation supplies and on private property with a focus on infrastructure investments to achieve environmental outcomes.	Remains (under PPMs above) with slight modification to be a policy position rather than action-item.
	<b>Coorong Connector</b>	NSWIC does not support the Coorong Connector until a full evaluation of options in the Coorong Lower Lakes Murray Mouth which includes SDL credit benefits for the Southern Basin.	Remains (under Appendix 1)
	<b>SDL Adjustment Mechanism</b>	Lobby to amend the Water Act 2007 to remove reference to the 450GL and delink from the Sustainable Diversion Adjustment Mechanism. Enable the \$1.77 to be used for other purposes.	Updated (Under SDLAM above)
Jul-17	<b>Menindee SDL</b>	Any credits resulting from the Menindee SDL project must be distributed proportionately to the southern valleys which will be most greatly impacted, including yield or reliability.	Remains (under Menindee Lakes Policy above)
Jul-19	<b>South Australian South East Drains and the Coorong</b>	The NSWIC seeks that the Murray-Darling Basin Plan must be inclusive of all contributing water systems. This includes the South-East catchment of South Australia (spanning the groundwater drainage system).	Remains (under Appendix 1)

<b>Basin Plan Implementation</b>	1) That the NSW Government engage an independent consultant be engaged to undertake an analysis of the 35 or more Basin Plan reviews undertaken to date. The purpose of the analysis would be to pull together the findings from these reviews and together with new information, devise an improved process for delivery of the Basin Plan. A key objective should be to determine a manner for future Basin Plan implementation that does not result in further negative social, economic or environmental impacts. The review should be undertaken with genuine consultation and collaboration with impacted communities, and in particular, the terms of reference for the review should be developed with affected stakeholders and community in conjunction with State Water Ministers.	Remains (under Appendix 1)
	2) A new co-operative and adaptive partnership model for future implementation of a Basin Plan should be developed which enables the fostering of long term environmental and community benefits across both water and landscapes. In particular, this model should include a capacity to incorporate flexibility, new information and adaptive management into decisions.	Remains (under Appendix 1)
	3) The current timeframes for the Basin Plan should be revised and extended where necessary.	Remains (under Appendix 1)
<b>Developing a NSWIC position on the Productivity Commission's Basin Plan five-year assessment, Inquiry Report</b>	That NSW Irrigators Council provides in-principle support of the findings of the Productivity Commission's 2018 Report on the Five-year assessment of the Basin Plan (subject to further investigation by NSWIC). This motion recognises that advice on Recommendations 4.1 - 4.4 in relation to supply measures should be obtained from member organisations affected by those measures."	Remains (under Appendix 1)

## APPENDIX 2: Menindee Lakes criteria to be considered

NSWIC believes that any and all proposed changes - be they to physical infrastructure or to the rules under which the system is operated - must be assessed against the following broad criteria. These criteria are not exhaustive. Each and every proposal will, by nature, have its own intricacies which must also be considered through extensive consultation.

### Criteria One – Efficient Capture, Storage and Management

NSWIC believes that change for the sake of change or to meet regulatory targets alone is not warranted and must be avoided. The problem to be addressed at Menindee is with respect to efficiency of capture and storage of water together with its management. With that in mind, NSWIC believes that all proposals for change must be assessed against a criterion to ensure efficiency of capture, storage and management. Any proposal that does not increase this capacity must be viewed negatively in the first instance.

### Criteria Two – No Negative Third-Party Impacts

Any change to the infrastructure or operation of the Lakes will necessarily result in third party impacts. NSWIC believes that negative third-party impacts must not occur.

Negative impacts may occur in a number of ways, including (but not limited to) impacts on access per se, reliability of access, volume of water available and inundation above and beyond that which currently occurs (both frequency and extent).

In limited circumstances, offset of third-party impacts may be acceptable subject to agreement with those affected. Offset may include alternative access arrangements or compensation in various forms.

### **Criteria Three – Meaningful Consultation with Potentially Affected Parties**

NSWIC is keenly aware that any changes to the Menindee system, be they physical infrastructure or operating rules, have the potential to create possibly unforeseen impacts. As a result, any proposed change must be the subject of extensive consultation with Water Access License holders both up and downstream.

Consultation must be in accordance with the NSWIC Consultation Expectations Policy, a copy of which is available on our website.

### **Criteria Four – Robust Information and Data**

NSWIC believes it is imperative that all proposals be made, assessed and examined against data and information that is robust, accurate and publicly available. Specifically, any and all assumptions used expressly or in models must be detailed and subject to external scrutiny.