LEX 20393
Document 1

s22

s22

From: s47F
Sent: Thursday, 9 July 2020 4:31 PM
To: Minister Pitt
Subject: National Irrigators' Council advocacy for jobs in the Murray Darling Basin

Dear Minister

On behalf of the National Irrigators' Council I attach letter to you advocating a suite of projects, which are ready to go, and designed to provide jobs and an economic boost for communities across the Murray Darling Basin.

Similar letters have been sent to the Prime Minister and The Treasurer, the Hon Josh Frydenberg.

We thank you in advance for your consideration of these matters.

Yours sincerely

s47F
Policy & Strategy
National Irrigators' Council
NFF House: 14-16 Brisbane Avenue
BARTON ACT 2600
s47F
Work days: Tues, Wed, Thurs

National Irrigators' Council

Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600
Ph. 02 6273 3637

Ph: 02 6273 3637
ABN: 92133308326

1 July 2020

The Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
Parliament House
Canberra ACT 2600

Dear Minister

Re: **Proposed stimulus measures ready to go to benefit river systems and rural communities**

The National Irrigators' Council (NIC) would like to propose a suite of quick starting, low cost, labour intensive projects which would generate economic activity in regional communities – and which would contribute to improving the health of Murray Darling Basin river systems.

Many of these measures are essentially shovel ready, will be non-controversial and would assist with achieving the intended results of the Basin Plan with no negative impact on farmers and communities.

The measures we advocate are known as "complementary measures" which improve the river environment by enhancing conditions for native fish, improving riparian zones and tackling weeds and feral animals.

These are the types of initiatives previously undertaken by Landcare, Caring for Country and other similar programs. They gain great community support and have the capacity to employ people immediately.

Recommendation
NIC recommends a suite of complementary measures designed to enhance the environment of river systems and to deliver economic growth and jobs to rural and regional communities.

NIC will provide further information as required on the following complementary measures which we believe would readily build on existing environmental interventions and terrestrial work underway in the Basin. Many of these measures already have well advanced planning in place:

a) Funding of **all** Toolkit projects put forward by the NSW and Queensland Governments as part of the response to the Northern Basin Review.
b) Complementary measures across the broader Basin:
    - Improvement of fish migration with many small local projects including removal of obsolete infrastructure; installation of fish ways and improvements to weirs;
    - Appropriate management of cold water pollution (larger scale capital works projects)
    - Restoration of native fish habitat with river improvements (including things like re-snagging) and enhancement and development of native fish hatcheries;
    - Feral animal control in wetlands along the system including Narran Lakes, Gwydir Wetlands and Macquarie Marshes (with feral pigs a high priority);
    - Riparian land management, and
    - Weed eradication.

NIC believes that complementary measures will enhance existing Basin Plan environmental objectives and implementation over the short, medium and long-term and add value to the environment of river systems and ensure native species have the greatest opportunity to thrive.

We highlight that the Productivity Commission has also, on a number of occasions, included conclusions and draft recommendations relating to the need for environmental water planning to include more than just water flow rates. Measures improving riverine and riparian outcomes have been routinely delivered through successive federal government programs such as Caring for our Country and the National Landcare Program.

These measures are reasonably labour intensive with relatively small investments needed to generate high multiplier impacts in local economies.

Without complementary measures, the environmental water reserved for the river and the environment will not in itself produce actual environmental outcomes. A flow target is not an environmental outcome, but just one part of the mechanism to achieving an outcome.

Complementary Measures (also known as toolkit measures in the Northern Basin) would facilitate:

- delivering equivalent ecological outcomes required to meet Basin Plan objectives that will not be met through existing water recovery measures
- supporting the rehabilitation of native fish species
- improving productivity within aquatic ecosystems
- increasing the resilience of threatened species
- improving social and economic prosperity from aquatic resources
- contributing to the achievement of cultural water objectives.

This approach will deliver the Basin Plan's environmental objectives over time without additional collateral damage to regional communities. Such measures fall into two categories, fundamental interventions or actions required to achieve improved ecological outcomes in our river systems, or new opportunities for operation and management of environmental resources.

Further background information is provided at *Attachment A* for your reference.

We thank you for your consideration of these stimulus measures and would be pleased to provide further detail.

Yours sincerely

Steve Whan
CEO

A similar letter has been sent to:

The Prime Minister
Hon Scott Morrison
Parliament House
Canberra

The Treasurer
Hon Josh Frydenberg
Parliament House
Canberra

Attachment A

Background

Prolonged drought conditions continue to place the Murray Darling Basin Plan in the spotlight, with some individuals and groups suggesting there must be a pause, or a scrapping of the Plan. While the Basin Plan has four years to run and there are important elements yet to be secured, NIC does not support diverting in any significant way from the Plan. Irrigated agriculture industries and communities must be afforded certainty in knowing that Plan implementation will complete its course.

Against the backdrop of Australia's water reforms, it is important to recognise the adaptability and the initiative demonstrated by the irrigated agriculture sector, but also the level of sacrifice made by the sector and dependent communities, giving up access to water. And the evidence is clear regarding the impacts of the removal of water from communities over the eight year period of the Basin Plan.

Notwithstanding good rainfall in some regions across parts of the Basin during the 2020 late summer/autumn period producing a flow into the Darling River system, recent years have seen repeated unwanted records for low inflow into the Murray Darling river system. What the Basin Plan does do is seek to improve the environment by building resilience.

NIC supports a Basin Plan which ensures healthy rivers, healthy communities and a continuing capacity to produce food and fibre for Australia.

The Basin Plan is eight years into its twelve year implementation and it would be premature to assess the success of the Plan half way through. Environmental recovery will take decades. However, we know from early reports that there have been some significant improvements in key indicators of environmental health across the Basin.

Basin Plan progress report and snapshot of work underway

There is a significant level of work underway as part of the implementation of the Murray Darling Basin Plan (2012-2024), with the key elements including:

- Water Resource Plans:
    - Plans from Victoria, Queensland and South Australia assessed and recommended for accreditation
    - NSW Water Resource Plans: Initially slower progress, however, agreement now to submit all plans by 30 June 2020.
- Water Recovery *(Bridging the Gap):* targeted local and shared recovery to be fast tracked to ensure compliance and conclude the program.
    - As at March 2020, more than 98% of water recovery is completed – with 2098 GL/y recovered.
- Sustainable Diversion Limit (SDL) adjustment mechanism: *supply and constraints projects*: as of March 2020, of the 36 supply and constraints projects:
    - 16 projects have made good progress and are under construction, undertaking operational trials or in operation
    - 14 projects have made some progress with project design and implementation, though could experience ongoing delays due to stakeholder concerns.
    - 6 projects are at significant risk of not being operational by June 2024.

  The projects not on track make a significant contribution to the overall adjustment, estimated to be at least 150 GL/y. *(noting that the SDL projects are estimated to deliver around 605 GL/y)*
    - Efficiency Measures Program to recover a further 450GL: little progress to date. The report of the Independent Panel on Social and Economic Conditions in the Basin (the Sefton report) released in March 2020 found that the 450GL water recovery program is causing concern and anxiety across Basin communities; and that most communities are supportive of the socio-economic criteria – with the draft report

recommending ‘the robust socio-economic neutrality criteria should be rigorously tested and applied’.

- Northern Basin initiatives: projects are at various stages, with some projects on track providing confidence to communities, while some projects are delayed.
- Compliance: This review followed concerns raised on ABC 4 Corners program in 2017 regarding compliance issues. Basin states are making good progress against the compact commitments.
- Planning and delivery of environmental water. Progress is good, though improved communications and transparency are necessary to provide communities with confidence that water for the environment is achieving the desired outcomes.

A significant amount of progress has been made, however there is slow progress on some more difficult aspects of the Basin Plan, and the COVID-19 pandemic has slowed down some elements that require the necessary community consultation.

Our strongly held view is that water alone will not create a healthy environment in Basin rivers. The complementary measures we advocate will support an environment that is conducive to native fish and animals and provide healthier cleaner rivers to benefit all.

LEX 20393
Document 2

09/07/2020 03:53:29 PM

s47F
NFF building, 14-16 Brisbane avenue
Barton
ACT 2600
AU

s47F

ATT:610943 Stimulus projects for irrigated agriculture communities

Dear Prime Minister
I am pleased to attach letter from National Irrigators' Council advocating a suite of Toolkit and other complementary measures projects across the Murray Darling Basin, designed to provide an economic boost with associated jobs, for those communities in the Basin.

Yours sincerely
s47F
Policy Adviser
National Irrigators' Council

National Irrigators' Council

Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600
Ph. 02 6273 3637

Ph: 02 6273 3637
ABN: 92133308326

1 July 2020

The Hon Scott Morrison MP
Prime Minister
Parliament House
Canberra ACT 2600

Dear Prime Minister

Re: **Proposed stimulus measures ready to go to benefit river systems and rural communities**

The National Irrigators' Council (NIC) would like to propose a suite of quick starting, low cost, labour intensive projects which would generate economic activity in regional communities – and which would contribute to improving the health of Murray Darling Basin river systems.

Many of these measures are essentially shovel ready, will be non-controversial and would assist with achieving the intended results of the Basin Plan with no negative impact on farmers and communities.

The measures we advocate are known as "complementary measures" which improve the river environment by enhancing conditions for native fish, improving riparian zones and tackling weeds and feral animals.

These are the types of initiatives previously undertaken by Landcare, Caring for Country and other similar programs. They gain great community support and have the capacity to employ people immediately.

Recommendation
NIC recommends a suite of complementary measures designed to enhance the environment of river systems and to deliver economic growth and jobs to rural and regional communities.

NIC will provide further information as required on the following complementary measures which we believe would readily build on existing environmental interventions and terrestrial work underway in the Basin. Many of these measures already have well advanced planning in place:

a) Funding of **all** Toolkit projects put forward by the NSW and Queensland Governments as part of the response to the Northern Basin Review.
b) Complementary measures across the broader Basin:
    - Improvement of fish migration with many small local projects including removal of obsolete infrastructure; installation of fish ways and improvements to weirs;
    - Appropriate management of cold water pollution (larger scale capital works projects)
    - Restoration of native fish habitat with river improvements (including things like re-snagging) and enhancement and development of native fish hatcheries;
    - Feral animal control in wetlands along the system including Narran Lakes, Gwydir Wetlands and Macquarie Marshes (with feral pigs a high priority);
    - Riparian land management, and
    - Weed eradication.

NIC believes that complementary measures will enhance existing Basin Plan environmental objectives and implementation over the short, medium and long-term and add value to the environment of river systems and ensure native species have the greatest opportunity to thrive.

We highlight that the Productivity Commission has also, on a number of occasions, included conclusions and draft recommendations relating to the need for environmental water planning to include more than just water flow rates. Measures improving riverine and riparian outcomes have been routinely delivered through successive federal government programs such as Caring for our Country and the National Landcare Program.

These measures are reasonably labour intensive with relatively small investments needed to generate high multiplier impacts in local economies.

Without complementary measures, the environmental water reserved for the river and the environment will not in itself produce actual environmental outcomes. A flow target is not an environmental outcome, but just one part of the mechanism to achieving an outcome.

Complementary Measures (also known as toolkit measures in the Northern Basin) would facilitate:

- delivering equivalent ecological outcomes required to meet Basin Plan objectives that will not be met through existing water recovery measures
- supporting the rehabilitation of native fish species
- improving productivity within aquatic ecosystems
- increasing the resilience of threatened species
- improving social and economic prosperity from aquatic resources
- contributing to the achievement of cultural water objectives.

This approach will deliver the Basin Plan's environmental objectives over time without additional collateral damage to regional communities. Such measures fall into two categories, fundamental interventions or actions required to achieve improved ecological outcomes in our river systems, or new opportunities for operation and management of environmental resources.

Further background information is provided at *Attachment A* for your reference.

We thank you for your consideration of these stimulus measures and would be pleased to provide further detail.

Yours sincerely

Steve Whan
CEO

Copy letters have been sent to:
The Hon Josh Frydenberg
The Treasurer
Parliament House
Canberra

Hon Keith Pitt
Minister for Resources, Water and Northern Australia
Parliament House
Canberra

Attachment A

Background
Prolonged drought conditions continue to place the Murray Darling Basin Plan in the spotlight, with some individuals and groups suggesting there must be a pause, or a scrapping of the Plan. While the Basin Plan has four years to run and there are important elements yet to be secured, NIC does not support diverting in any significant way from the Plan. Irrigated agriculture industries and communities must be afforded certainty in knowing that Plan implementation will complete its course.

Against the backdrop of Australia's water reforms, it is important to recognise the adaptability and the initiative demonstrated by the irrigated agriculture sector, but also the level of sacrifice made by the sector and dependent communities, giving up access to water. And the evidence is clear regarding the impacts of the removal of water from communities over the eight year period of the Basin Plan.

Notwithstanding good rainfall in some regions across parts of the Basin during the 2020 late summer/autumn period producing a flow into the Darling River system, recent years have seen repeated unwanted records for low inflow into the Murray Darling river system. What the Basin Plan does do is seek to improve the environment by building resilience.

NIC supports a Basin Plan which ensures healthy rivers, healthy communities and a continuing capacity to produce food and fibre for Australia.

The Basin Plan is eight years into its twelve year implementation and it would be premature to assess the success of the Plan half way through. Environmental recovery will take decades. However, we know from early reports that there have been some significant improvements in key indicators of environmental health across the Basin.

Basin Plan progress report and snapshot of work underway
There is a significant level of work underway as part of the implementation of the Murray Darling Basin Plan (2012-2024), with the key elements including:

- Water Resource Plans:
    - Plans from Victoria, Queensland and South Australia assessed and recommended for accreditation
    - NSW Water Resource Plans: Initially slower progress, however, agreement now to submit all plans by 30 June 2020.
- Water Recovery *(Bridging the Gap):* targeted local and shared recovery to be fast tracked to ensure compliance and conclude the program.
    - As at March 2020, more than 98% of water recovery is completed – with 2098 GL/y recovered.
- Sustainable Diversion Limit (SDL) adjustment mechanism: *supply and constraints projects*: as of March 2020, of the 36 supply and constraints projects:
    - 16 projects have made good progress and are under construction, undertaking operational trials or in operation
    - 14 projects have made some progress with project design and implementation, though could experience ongoing delays due to stakeholder concerns.
    - 6 projects are at significant risk of not being operational by June 2024.

  The projects not on track make a significant contribution to the overall adjustment, estimated to be at least 150 GL/y. *(noting that the SDL projects are estimated to deliver around 605 GL/y)*
    - Efficiency Measures Program to recover a further 450GL: little progress to date. The report of the Independent Panel on Social and Economic Conditions in the Basin (the Sefton report) released in March 2020 found that the 450GL water recovery program is causing concern and anxiety across Basin communities; and that most communities are supportive of the socio-economic criteria – with the draft report

recommending ‘the robust socio-economic neutrality criteria should be rigorously tested and applied’.

- Northern Basin initiatives: projects are at various stages, with some projects on track providing confidence to communities, while some projects are delayed.
- Compliance: This review followed concerns raised on ABC 4 Corners program in 2017 regarding compliance issues. Basin states are making good progress against the compact commitments.
- Planning and delivery of environmental water. Progress is good, though improved communications and transparency are necessary to provide communities with confidence that water for the environment is achieving the desired outcomes.

A significant amount of progress has been made, however there is slow progress on some more difficult aspects of the Basin Plan, and the COVID-19 pandemic has slowed down some elements that require the necessary community consultation.

Our strongly held view is that water alone will not create a healthy environment in Basin rivers. The complementary measures we advocate will support an environment that is conducive to native fish and animals and provide healthier cleaner rivers to benefit all.

LEX 20393
Document 3

s22

From: s47F
Sent: Wednesday, 1 July 2020 11:32 AM
To: Robertson, John
Subject: Thursday 16 July 2020: 2pm [SEC=UNCLASSIFIED]

Hi John

A quick note to confirm that you're available to meet with NIC members via Zoom on **Thursday 16 July 2020 at 2pm – 3 pm** – for your presentation (say 25 min) followed by Q&A discussion with members. As discussed your presentation could cover:

- the work underway on the Toolkit measures
- any updates on progress on complementary measures
- Vertessy report response measures
  - St George and Menindee hatcheries
  - Toorale Water Infrastructure Project and
  - $15m for northern Basin riverbank fencing – for water quality and fish outcomes.
- Other related work underway.

Also, any updates on what's happening with the carp control program. Four years ago when the $15m was announced, to do further research and consultation to develop a plan for the potential release of the cyprinid herpes virus - NIC supported the concept, at least, to look into the feasibility of cleaning up carp.

Thanks John – if there's anything I've missed that might be of interest to our members – don't hesitate to include.

Regards
s47F

s47F
Policy & Strategy
National Irrigators' Council
NFF House: 14-16 Brisbane Avenue
BARTON ACT 2600
s47F
Work days: Tues, Wed, Thurs

From: Robertson, John s22
Sent: Wednesday, 24 June 2020 3:54 PM
To: s47F
Subject: RE: many thanks [SEC=UNCLASSIFIED]

Hi s47F

I am no longer available in the afternoon of 9 July 2020, but 8 July 2020 still works for me.

Cheers

John

From: s47F
Sent: Wednesday, 24 June 2020 11:09 AM
To: s22
Subject: many thanks [SEC=UNCLASSIFIED]

Hi John

A quick note to pass on my contact details – and to thank you for your time this morning, very helpful.

Regards
s47F

s47F
Policy & Strategy
National Irrigators' Council
NFF House: 14-16 Brisbane Avenue
BARTON ACT 2600
s47F
Work days: Tues, Wed, Thurs

------ IMPORTANT - This email and any attachments have been issued by the Australian Government Department of Agriculture, Water and the Environment. The material transmitted is for the use of the intended recipient only and may contain confidential, legally privileged, copyright or personal information. You should not copy, use or disclose it without authorisation from the Department. It is your responsibility to check any attachments for viruses and defects before opening or forwarding them. If you are not an intended recipient, please contact the sender of this email at once by return email and then delete both messages. Unintended recipients must not copy, use, disclose, rely on or publish this email or attachments. The Department of Agriculture, Water and the Environment is not liable for any loss or damage resulting from unauthorised use or dissemination of, or any reliance on, this email or attachments. If you have received this e-mail as part of a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered ------

LEX 20393
Document 4

s47F

The Honourable Keith Pitt MP
Minister for Resources, Water and Northern Australia
M145
Parliament House
Canberra, ACT, 2600

23 June 2020

Dear Minister Pitt,

Thank you for taking time out to join the National Irrigators Council Zoom Meeting a few weeks ago. During the meeting, I asked a question on returning over-recovered water in the Macquarie valley. Subsequently I have had an excellent conversation with s22 on the subject, outlining our proposed solution. It is disappointing that the subject has remained off the radar to date, despite being acknowledged in MDBA water accounting tables and listed in Recommendation 3 of the Dec 2018 Productivity Commission 5-year Review[1].

Therefore, I write to follow up the positive dialogue with s22 and yourself, by proposing our approach to resolving the over-recovery and to request a meeting to further discuss the approach, possible alternatives, and the resolution to the excess volume of environmental water in the Macquarie. I note that I have support from MRFF, NSWIC and NIC in pursuing the resolution of this issue, in the context of the irrigation industry's commitment to the implementation of the Basin Plan in full.

Environmental water over-recovery is the most significant issue for all Macquarie valley water users and as such, is also the key driver affecting socio-economic conditions in our irrigation dependent communities. Almost twice the volume of environmental water determined as required was recovered prior to the 2016 MDBA Northern Basin Review. In fact, the Macquarie was over-recovered before the end of the Millennium drought in 2009, prior to the MDBP and during a period where financial institutions were leaning on individuals to pay off debt. This water has been in public ownership ever since. A decade on, the perverse outcomes of these pre-emptive purchases are profound.

In the past the NSW Government solution to over committed river systems was to issue more licences for the environment which only exacerbated the situation. In 1996 the Carr Government issued an additional 75,000 ML of General Security entitlement in the Macquarie, as part of Macquarie Marshes Water Management Plan. This water was issued as a Wildlife Allowance (WLA), which now totals 160,000 ML, to be used directly out of stored Burrendong Dam water. This was done without compensation or acknowledgement of third-party impacts. At the time it was very nasty and divisive as impacts on the security of existing licences and the welfare of rural communities were not considered.

By the time the Water Sharing Plan was implemented in the early 2000's the consumptive pool was less than 23% of total flows. Here we are in 2020 after another exhausting round of water reform, with the Macquarie Consumptive pool at around 16% of total Flows. Due to the over-recovery, the Macquarie cannot come within a "Bulls Roar" of reaching our Sustainable Diversion Limit (SDL) set by the MDBA. The Macquarie is the victim of a highly damaging, over-zealous reform process where there has been no avenue to date, to reset any errors, or incorporate new science.

In simple round numbers, from NSW Department of Industry Water Reform Technical Report: Derivation of LTDLE Factors in NSW, May 2018 (Please refer to Appendix A for relevant report tables)

Regulated Macquarie BDL	382 GL
MDBA Recovery target	57.6 GL
Actual Recovery Nov 2018	102.5 GL
Over recovery	44.9 GL

[1] Productivity Commission Murray-Darling Basin Five Year Assessment, Productivity Commission Inquiry Report No 90, 19 Dec 2018)

As documented by the Productivity Commission Five Year Assessment, Dec 2018, Warren was listed as one of the most vulnerable communities in the Basin, prior to the Basin Plan, undoubtedly due to several large scale pre-emptive environmental water purchases. Sadly, history has shown the effects of the loss of this water on economic activity, employment, and business prospects in irrigation communities of Narromine, Trangie and Warren. The Macquarie cannot be expected to carry the economic burden for other valleys in the Basin, especially considering its limited connectivity downstream to the Darling, now acknowledged in the Basin Plan; the Macquarie's shared responsibility to contribute to Northern Basin flows into the Darling is now only 2.6 GL.

There is a solution to the over-recovery that is both simple and politically manageable, avoiding the need for the usual complex process of navigating Basin Government agreements and the Basin Plan. The recommended approach will also go a long way to rectifying State Government failings in water policy over many decades. We are recommending that a portion of the NSW Government held WLA is retired, in order to balance the books. This allows the commitments of the Basin Plan to be upheld, the CEWH to keep its existing portfolio and all water entitlement holders including the environment, to benefit from the subsequent increase in reliability. This will in turn aid in reducing the boom/bust cycles that both extractive users and the natural environment have endured in recent decades. This is a win/win solution for all parties, including our local communities, who thrive when water is available.

Rather than delving any further into specific numbers in this letter, we ask instead for you as Federal Minister for Resources, Water and Northern Australia, to approach the NSW Minister Melinda Pavey, to resolve the over-recovery in the Macquarie and Gwydir valleys.

With transparency in mind, a first step would be to negotiate a "source" model run to balance the books. Once this number is adequately tested and peer reviewed, it is a simple matter of adjusting the WLA in the WSP. The NSW Minister has the power to amend any of the WSP's as required, to conform with the WRP's. This can be all managed at Ministerial level.

We understand the current draft Macquarie Water Sharing Plan 2020 has been submitted to the MDBA for accreditation. It would no doubt provide security for all if the over-recovery adjustment is able to be ratified prior to the finalisation of the Commonwealth accreditation process.

In these times of severe struggle for rural communities such as ours, affected by drought and repeated rounds of water reforms, and now in the context of great concern by the Australian Government for supporting rural and urban communities, through the Covid 19 virus impacts, we believe the time is right and the will is there, for Governments to act on this issue.

We have considered alternative approaches for addressing the over-recovery and would welcome the opportunity to provide further input as required. It is hoped that your office can continue the dialogue that has commenced so positively with us on this issue & we look forward to meeting with you to further discuss a resolution in the near future.

Yours sincerely,

s47F

Executive Member, Macquarie River Food & Fibre
MRFF Representative, NSW Irrigators Council
MRFF Representative, National Irrigators Council

Appendix A: Relevant Tables from Water Reform Technical Report: Derivation of LTDLE Factors in NSW, NSW Department of Industry, May 2018

Table 14: Macquarie–Castlereagh entitlements, 2011 factors, 2018 factors derivation and BDL shares by entitlement class

Entitlement type	BDL entitlements (shares)	2011		2018			
		Factors	BDL share (ML/y)	Average reliability	Utilisation factor	Factors	BDL share (ML/y)
Domestic and stock	6,000	0.85	5,100	1.000	0.29	0.29	1,741
Local water utility	18,805	0.85	15,984	1.000	0.681	0.681	12,799
High security	17,900	0.85	15,215	1.000	0.668	0.668	11,957
General security	632,400	0.42	265,608	0.605		0.516	326,070
Supplementary access	50,000	0.21	10,500			0.588	29,398
TOTAL	725,105		312,407				381,965

Table 15: Summary of Macquarie–Castlereagh environmental entitlements, the LTDLE volumes under the 2018 factor and the difference between the 2018 and 2011 factor volumes by entitlement class

	NSW environmental entitlements register (ML)	Other entitlements (ML)a	Total environmental entitlements (ML)	2018 factors	Recovery under 2018 factors (ML/y)	Recovery under 2011 factors (ML/y)	Change in recovery amount (ML/y)
Domestic and stock	-	-	-	0.29	-	-	-
Local water utility	-	-	-	0.681	-	-	-
High security	-	5,475	5,475	0.668	3,657	4,654	-996
General security	174,643	5,893	180,536	0.516	93,086	75,825	17,261
Supplementary water access	9,744	-	9,744	0.588	5,729	2,046	3,683
	184,387	11,368	195,755		102,472	82,525	19,947

a) As nominated by MDBA and DAWR

Table 25: Water recovery targets at a valley scale under accepted and proposed Basin Plan amendments (2018) showing recovery volumes under the 2011 LTDLE factors and BDL factors

	As per SDLAM amendment and proposed NBR amendments (Basin Plan 2018)								
	Local reduction amount (ML/y)	Shared reduction amount (default) (ML/y)[a]	Apportioned supply contribution (ML/y)	2075 GL recovery target by valley (ML/y)[b]	Recovery under 2011 factors (ML/y)[c]	Recovery under 2018 BDL factors (ML/y)[c]	Net change due to factors (ML/y)	Local recovery shortfall / excess (ML/y)	Shared recovery shortfall/ excess (ML/y)[a]
Intersecting Streams	0	0	0	0	8,106	8,106	0	0	
Barwon–Darling	32,000	3,200	0	35,200	32,582	32,582	0	0	
NSW Border Rivers	7,000	3,300	0	10,300	3,302	4,247	944	-2,753	
Gwydir	42,000	5,200	0	47,200	46,859	54,656	7,796	0	
Namoi	20,000	5,500	0	25,500	11,539	11,205	-334	-8,795	
Macquarie–Castlereagh	55,000	6,800	0	61,800	82,525	102,472	19,947	0	
Northern Basin	156,000	24,000	0	180,000	184,913	213,267	28,354		44,816
Lachlan	48,000	0	0	48,000	49,555	46,699	-2,856	-1,301	
NSW Murrumbidgee	320,000	243,000	-162,000	401,000	439,982	428,686	-11,296	0	
NSW Murray	262,000	208,000	-124,800	345,200	353,355	311,822	-41,533	0	
Lower Darling	8,000	7,000	0	15,000	20,044	22,334	2,290	0	
Southern Basin	590,000	458,000	-286,800	761,200	813,380	762,842	-50,538		1,642
Total NSW	794,000	482,000	-286,800	989,200	1,047,848	1,022,809	-25,040	-12,850	46,458

LEX 20393
Document 5

Level 5, 491 Kent Street,
Sydney NSW 2000

PO Box Q640,
Queen Victoria Building NSW 1230

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Tel: 02 9264 3848
nswic@nswic.org.au
www.nswic.org.au

ABN: 49 087 281 746

22 June 2020

The Hon Keith Pitt MP
Minister for Northern Australia, Resources & Water
Government of South Australia

SDL Adjustment Mechanism and Impact on NSW Irrigation Farmers

Dear Keith,

Following the release of the *MDBA June 2020 Report Card*, and *the Annual Progress Report 2020 – Sustainable Diversion Limit Adjustment Mechanism* (SDLAM) and Friday's MinCo meeting, we are writing to you to share our concerns for the implementation of the SDLAM.

As you know, the SDLAM is crucial to minimising the social and economic impacts of the Basin Plan in the Southern Basin. It is our view that the SDLAM is the most critical component to future implementation of the Basin Plan, providing the lowest risk to communities, and realising targeted environmental outcomes.

The NSW Irrigators' Council (NSWIC) wants the SDLAM to progress so that our communities can avoid the social and economic devastation caused by buy backs. Already in NSW the Murray Darling Basin Plan (the Plan) has resulted in the recovery from agriculture of up to 28% of the water previously available. Having done much of the heavy lifting, we now want to avoid further buy backs by finishing the Plan with well thought through and locally supported flexible projects. I know you want the best for your State and your farmers, as does Minister Pavey for NSW, so we are taking this opportunity to seek your support for getting the SDLAM achieved through the right projects and without unnecessary delays.

The issue is that many of these projects in NSW were poorly designed, and thus understandably lack the support of local communities. The only way to progress the SDLAM (and thus protect our agricultural water supply for years to come), will be through flexibility to improve these projects (or develop new projects), so they can be well-designed, locally supported and get implemented.

We realise that this flexibility to improve projects may require an expansion of timeframes for the SDLAM, which would be supported provided this change is linked to improved implementation arrangements and a secure agreement by Government not to pursue buybacks at the current 2024 timeframe.

We therefore ask you as the Federal Minister to assist by supporting:

1. Flexibility in the Basin Plan to allow for new and improved SDLAM projects that can be well-designed and thus can be supported by local communities;

2. Negotiation of timeframe extensions for the SDLAM (with a secure commitment not to pursue buybacks at the current 2024 timeframe) to alleviate the burden on our farming sector of additional water recovery due to Government implementation delays.

We hope these measures provide a constructive and meaningful way forward in the implementation of a critical component of the Basin Plan, to protect our farming communities, and to maintain the integrity of this component.

Thank you for your consideration of this matter.

Yours sincerely,

Jim Cush
Chair

s22

From: Coulton, Mark (MP) [mailto:Mark.Coulton.MP@aph.gov.au]
Sent: Friday, 15 May 2020 3:02 PM
To: Minister Pitt
Subject: FW: Meeting Minister Pitt - Namoi Water

Dear Minister

Further to our phone call of May 1st, please find the below correspondence from Jon-Maree Baker of Namoi Water.

Jon-Maree has summarised her concerns regarding the Namoi Water Sharing plan in the below email.

I would appreciate your consideration of this matter and a response that I can pass on to my constituent.

Regards

Mark

Hi Mark,

Thank you for your time today, I think the issue remains the confliction of Government positions between maintaining support for the principle that valleys can use up to the Sustainable Diversion Limit and the ability to make changes within management rules of a plan to allow access up to this limit.

It is clear the Namoi is currently 6% below under the long term limit, yet the ability to make practical (sensible) changes of less than 1% change is blocked by the MDBA through a challengeable view of legislative interpretation.

I am not sure where to from here unless the Minister obtains a range of advice in relation to accreditation he will have a singular view from the authority regarding the need for an “effectiveness test”. The Barma Water Resources Report (copy attached) clearly demonstrates a different view on “effectiveness test”. The MDBA will point out they are now using Long term environmental watering plan EWR’s as the new metric regardless the EWR’s pass or fail rate is the same quantum of change and that is the change to 50/50 flow sharing with the increased flow thresholds is a minor change (ie: water is delivered 39 days out of 40).

Namoi Water does not dispute the need for the volumetric limits to be adhered to (SDL) which meets the requirements of all states and regions contributing to the Basin flows. However our issue as discussed with Minister Littleproud is that we are giving more water to the environment than is required and there are sensible ways to move forward.

Unless there is a process whereby the single source of advice to the Minister is addressed he would be hard pressed to make a decision outside the view of the authority.

Is there an ability for the Minister to seek independent advice from the Attorney General on the issue of the Basin Plan requiring “no net reduction” extends to both volumetric limit (SDL) and “effectiveness” (timing of access) as at 2012.

In relation to the other issue not covered today the remaining recovery volume, perhaps it is worthwhile having a discussion concurrently with the Macquarie River Food and Fibre to discuss their over recovery?

Thank you for your efforts and time.

Regards
Jon

Jon-Maree Baker
Executive Officer
Email: s47F
s47F
Twitter : @Namoiwater
Disclaimer
The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

An effectiveness test for a reduction in Planned Environmental Water – Draft Report

JUNE 2017

Draft Report submitted by:

Daren Barma
Director
Barma Water Resources Pty Ltd
ABN: 22 131 938 782

Address all correspondence regarding this tender to:

Daren Barma
s47F

Barma Water Resources

Contact Details

1. Name: Barma Water Resources Consulting Pty Ltd
2. Contact person: Mr. Daren Barma
3. Address: s47F
4. Telephone Number:
5. E-mail address :
6. ABN : 22 131 938 782

Conflict of Interest Statement

BWR Pty Ltd has no conflict of interest in performing this project.

Table of Contents

1 Introduction

Barma Water Resources was engaged by DPIWater to develop an effectiveness test for a reduction in Planned Environmental Water (PEW). The project has the following requirements:

1. To draft a process for NSW to assess any changes in PEW for:
   - Legal protection;
   - Quantity; and
   - Effectiveness.

2. To prepare, a worked example in order to test the process based on a recent change in PEW in the water sharing plan for the regulated Namoi River (the Plan).

1.1 Background

On 14th August 2015T the Murray Darling Basin Authority (MDBA) released a draft position statement 6A that states that:

A water resource plan must ensure that there is no net reduction in the protection of PEW. This means that one of the following must apply –

1. *The water resource plan identifies PEW and associated rules and arrangements relating to or in any way affecting PEW, that are unchanged from those that were in place under state water management law on 23 November 2012.*

2. *The water resource plan identifies PEW and associated rules and arrangements that are different from those in place under state water management law on 23 November 2012, and these arrangements result in no net reduction in the protection of PEW since 23 November 2012.*

The position paper outlines two possible cases that may exist. The first is where the proposed WRP adopts the PEW arrangements that were in place under state law on 23 November 2012. The second is where the state changes PEW arrangements. For either scenario – documentation should include a comparison of the arrangements that applied at 23 November 2012 and those that apply under the proposed WRP.

This report focuses on the second case. If PEW and associated rules and arrangements have changed – documentation will need to demonstrate how the WRP ensures that there is no net reduction in the level of protection of PEW that was provided at 23 November 2012. Supporting documentation will need in particular to demonstrate –

- That the quantity and effectiveness of PEW are at least maintained by the WRP. At a minimum, information will be required that establishes –

    1. That there is no net reduction in long term average annual volumes of PEW. A state should model or estimate the total long term average annual volume of PEW under two scenarios: PEW arrangements in place under state law on 23 November 2012, and PEW arrangements in the proposed WRP.

    2. That there is no net reduction in environmental outcomes from those intended to be achieved by the PEW as at 23 November 2012, and no net reduction in the likelihood of providing such outcomes. For example, if PEW arrangements are no longer capable of providing the same environmental outcomes as that intended for the water previously (for example, because it is available at different times, or in different circumstances, from previously), this may indicate a net reduction in the protection of PEW

In developing a process for assessing changes in PEW arrangements are a number of considerations that need to be taken into account. These include:

i) Whether there is an agreed definition for PEW, and if not whether consensus can be reached upon a definition between DPIWater and MDBA

ii) How legal protection of PEW is identified and considered to be maintained by both DPIWater and the MDBA?

iii) How the quantity of PEW is considered to be defined and assessed?

iv) The choice of hydrologic and/or ecological metrics to be used in assessing any potential alteration in the effectiveness of PEW.

v) The validity of any changes in hydrologic and ecological metrics. In other words are the changes real? This will particularly be the case, where any metric changes calculated using a hydrologic river system model is from a combination of changes in PEW rules and alterations in water user behaviour. Drivers for the change in user behaviour need to be identified and justified. Drivers could include but not be limited to changes to allocation and accounting arrangements, and changes in cropping practices.

The above considerations form the basis for development of the assessment framework and its application to the worked example in this report. The assessment framework is applicable to all inland regulated rivers within the capacity of DPIW and current available data.

In undertaking this project BWR has:

- Consulted the key DPIW staff to understand the position of NSW.
- Reviewed MDBA position papers 3a and 6a to understand the position of the Commonwealth.
- Consulted the lead modeller of Namoi IQQM and DPI Water Science teams as part of development of the framework and worked example.

The following chapters outline the process for assessing whether there is no nett reduction in the protection of PEW. Chapter 2 summarises the MDBA and DPIW positions and describes the proposed NSW approach for assessing changes in PEW arrangements, Chapter 3 then presents the proposed approach in the form of a flow diagram, whilst Chapter 4 trials the approach in a rule change on the Namoi Valley.

2 Planned Environmental Water

2.1 Definition

MDBA Position

MDBA Position Paper 3a states that when considering whether a water resource plan identifies Planned Environmental Water (PEW), the MDBA is bound by the definition of PEW in s6 of the *Water Act 2007* (Cth).

This definition applies irrespective of any language used or not used by a state in this regard. In s6, PEW is water which meets the following criteria:

1. the water is committed by a plan made under a State water management law or any other instrument made under a law of a State, or is preserved by a law of a State or an instrument made under a law of a State; and

2. the water is committed or preserved for the purposes of achieving environmental outcomes or, in the case of committed water, other environmental purposes specified in the plan or instrument; and

3. the water cannot, to the extent to which it is committed or preserved for such purposes, be taken or used for any other purpose.

NSW Historic Position

Section 8 of the NSW *Water Management Act 2000* establishes two forms of environmental water. The first is "planned environmental water". This is specified by rules in Water Sharing Plans. These may for example:

- set aside a physical volume of water in a dam to be used for environmental purposes, such as an Environmental Contingency Allowance (ECA),
- protect natural flows at particular times by prohibiting or restricting extractions by water users,
- require release of water from dams for environmental purposes,
- require specified flow targets to be met at specified locations and conditions from dam releases or natural inflows,
- set long-term limits on volumes that can be taken from the water source, reserving all that is in excess of this for the environment.

The second is "adaptive environmental water". This is water that is committed for specified environmental purposes, either generally or at particular times, according to the conditions of an access licences. It is important to note that the licence category does not change, all that happens is that some or all of the allocations available to the licence holder must be used as specified by the licence conditions. Water Sharing Plans must

specify the rules governing planned environmental water and must contain provisions relating to adaptive environmental water.

Proposed NSW Assessment Process

The MDBA definition allows for a more realistic assessment of changes in PEW by not limiting PEW to water associated with rules, and expressing PEW as a long term average volume. The MDBA definition means that all water that cannot be committed or used for any other purpose is effectively PEW. As such this would indicate that PEW is all water outside of the Basin Plan SDL or the WSP Longterm Average Annual Extraction Limits (LTAAELs) as of 23 November 2012.

In line with the MDBA definition, NSW proposes that for the purposes of assessing whether there is no nett reduction in the protection of PEW, that PEW is defined as all water outside a WSP or WRP LTAAEL.

2.2 Legal Protection

MDBA Position

MDBA position statement 6a states that where there is a change in PEW arrangements, supporting documentation will need in particular to demonstrate that the level of legal protection given to PEW is at least maintained by the WRP. Examples of changes in Legal protection include:

- if PEW arrangements are moved from a statutory instrument into a policy, this may constitute a reduction in legal protection of PEW. Changes that commit or preserve PEW to a lesser extent (eg, by permitting greater access to PEW for other purposes) would be likely to constitute a reduction in protection of PEW.

- changes between ‘must’ and ‘may’ in language identifying PEW or the rules which impliedly preserve PEW, introducing discretion into decisions about the management of PEW, or enabling flexibility in PEW arrangements, are all factors that will be considered in terms of their effect on the level of legal protection provided to PEW.

NSW Historic Position

Given the proposed definition of PEW for assessment purposes outlined in section 2.1, NSW DPI Water considers legal protection of PEW to be achieved through compliance to the LTAAEL contained within its Water Sharing Plans. All current plans set an LTAAEL that is similar to the following:

The lesser of:

1. *the long-term average annual extraction from this water source that would occur with the water storages and water use development that existed in 1999/2000, the share components existing at the commencement of this Plan and the water management rules defined in the Plan, or*

2. *the long-term average annual extraction from this water source that would occur under Cap baseline conditions.*

In all cases computer modelling at the time of formulation of the current plans indicated that the limit imposed by a) was lower than the limit imposed by the Murray Darling Cap limit referred to in b).

If assessments indicate long-term extractions have increased to a level that exceeds the specified limit, most plans require that the maximum volume of water allocated to supplementary access licences must be decreased. If the supplementary access licence limit has been reduced to zero, and the long-term limit is still being exceeded, then the maximum volume of water allocated to regulated river (general security) access licences must be decreased. In the Lachlan regulated river system there are no supplementary access licences. There, any exceedance of the long-term limit set by the Plan results in a cut to the maximum allocation for general security licences.

Proposed NSW Assessment Process

NSW DPIWater's proposed position for demonstrating that the level of legal protection given to PEW is at least maintained by the WRP is by showing through use of the relevant river system model that the WRP produces longterm average annual extractions that are equal to or less than the WSP LTAAEL or the Basin Plan Valley Sustainable Diversion Limit (SDL).

2.3 Testing for Quantity and Effectiveness

MDBA Position

MDBA's position statement 6a states that where there is a change in PEW arrangements, supporting documentation will need in particular to demonstrate that the quantity and effectiveness of PEW are at least maintained by the WRP. At a minimum, information will be required that establishes –

- That there is no net reduction in long term average annual volumes of PEW. A state should model or estimate the total long term average annual volume of PEW under two scenarios: PEW arrangements in place under state law on 23 November 2012, and PEW arrangements in the proposed WRP.

- That there is no net reduction in environmental outcomes from those intended to be achieved by the PEW as at 23 November 2012, and no net reduction in the likelihood of providing such outcomes. For example, if PEW arrangements are no longer capable of providing the same environmental outcomes as that intended for the water previously (for example, because it is available at different times, or in different circumstances, from previously), this may indicate a net reduction in the protection of PEW.

  The key indicator that environmental outcomes are maintained is maintenance of the appropriate flow regime to provide such environmental outcomes, including in terms of the range and frequency of different flow components.

Flow components that are demonstrably linked to environmental outcomes should be converted to hydrology metrics, which are then modelled or estimated under two scenarios: PEW arrangements in place under state law on 23 November 2012; and PEW arrangements in the proposed WRP.

All hydrology metrics would be summed to create a flow stress ranking for both scenarios. Where PEW arrangements in place under state law on 23 November 2012 are linked to broad environmental outcomes (e.g. river health), there would be no net reduction if there is no change to the flow stress ranking between the two scenarios.

Where PEW arrangements in place under state law on 23 November 2012 are linked to specific environmental outcomes (e.g. fish breeding), then the hydrology metric(s) most applicable to that environmental outcome must also experience no net reduction between the two scenarios.

MDBA's preferred method by which states will calculate possible change in environmental outcomes and likelihood of meeting them is that used for calculating change in flow stress developed for the Sustainable Rivers Audit – hydrology theme (http://www.mdba.gov.au/sites/default/files/SRA2-REPORT-VOL-1.pdf).

If a state uses a different method to demonstrate no net reduction in flow stress, they should provide independent expert advice to the Authority to verify that the method used is fit-for-purpose.

If adverse changes in the level of protection of PEW are claimed by a state to be offset by positive changes, the offset, including the way it is protected under state law, must be identified. **For the purposes of assessing whether or there is a change in the protection of PEW, MDBA does not consider that increases in flow stress can be offset by non-flow based measures, e.g. infrastructure improvements.**

NSW Position

NSW DPIWater's position is that provided extractions remains within its WSP LTAAEL and/or WRP Sustainable Diversion Limit (SDL) then no net reduction in the quantity of PEW has occurred.

In terms of demonstrating that environmental outcomes are maintained, there are many potential metrics that can be used. NSW DPIWater agrees with the MDBA that the metrics selected should demonstrate maintenance of the appropriate flow regime to provide environmental outcomes, including the range and frequency of different flow components. In this regard DPIWater proposes using the Basin Plan Site Specific Flow Indicators (SFIs) and Key Ecosystem Function (KEFs) Metrics unless it feels that some or all of these metrics are inappropriate. In this instance NSW will update the metrics with

more appropriate metrics and include reasons for the change. NSW DPIWater also does not consider integrating the metrics to create a single rank to be appropriate. NSW would rather any positive and negative trade offs between individual metrics be assessed through a combination of quantitative and qualitative analysis.

Proposed NSW Assessment Process

The proposed DPIWater process for assessment of PEW effectiveness consists of the following steps:

Step 1: Select the relevant metrics for the relevant valley.

Step 2: Develop the relevant Baseline Diversion Limit (BDL) model scenario (equivalent to the WSP Plan Limit Model) and Current Conditions (CC) model scenario showing PEW arrangements in the proposed WRP.

Step 3: Prepare documentation to demonstrate robustness of the step 1 model scenarios including showing:

- How well the BDL and CC scenarios replicate observed diversions over a historic period in which user behaviour, infrastructure, allocation, and accounting arrangements are somewhat static and representative of the levels of development assumed in the scenario. For the CC scenario this will be from the CC year to a prior year (eg 08/09). For the BDL this will be from 99/00 to a future year.

  If the scenarios are shown to replicate historic diversions well, then the scenarios can be considered robust and fit for purpose. If the scenarios show differences between simulated and observed diversions then either the differences will be explained or the scenarios will be adjusted until simulated and observed diversions match each other.

Step 4: Use modelled flows from each scenario to evaluate selected metrics.

- If metric results are all better or maintained for the CC scenario than for the BDL scenario then there is no net reduction in flow stress and the effectiveness of PEW is either improved or unchanged.

- If some metric results are better and some are worse, an ecological assessment of the benefits of improved metrics versus the costs of diminished metrics should be undertaken. This ecological assessment should relate each metric to its environmental desired environmental outcome and should incorporate a combination of qualitative and quantitative analysis.

3 Assessment Framework

The proposed NSW assessment process is illustrated in a flow chart in Figure 1 with legal protection of the quantity of PEW ensured through implementation of the NSW Growth in Use Strategy and no net reduction in environmental outcomes ensured by assessment of SFI and KEF hydrologic metrics which are then related to the specific environmental outcomes specified in the supporting Basin Plan literature.

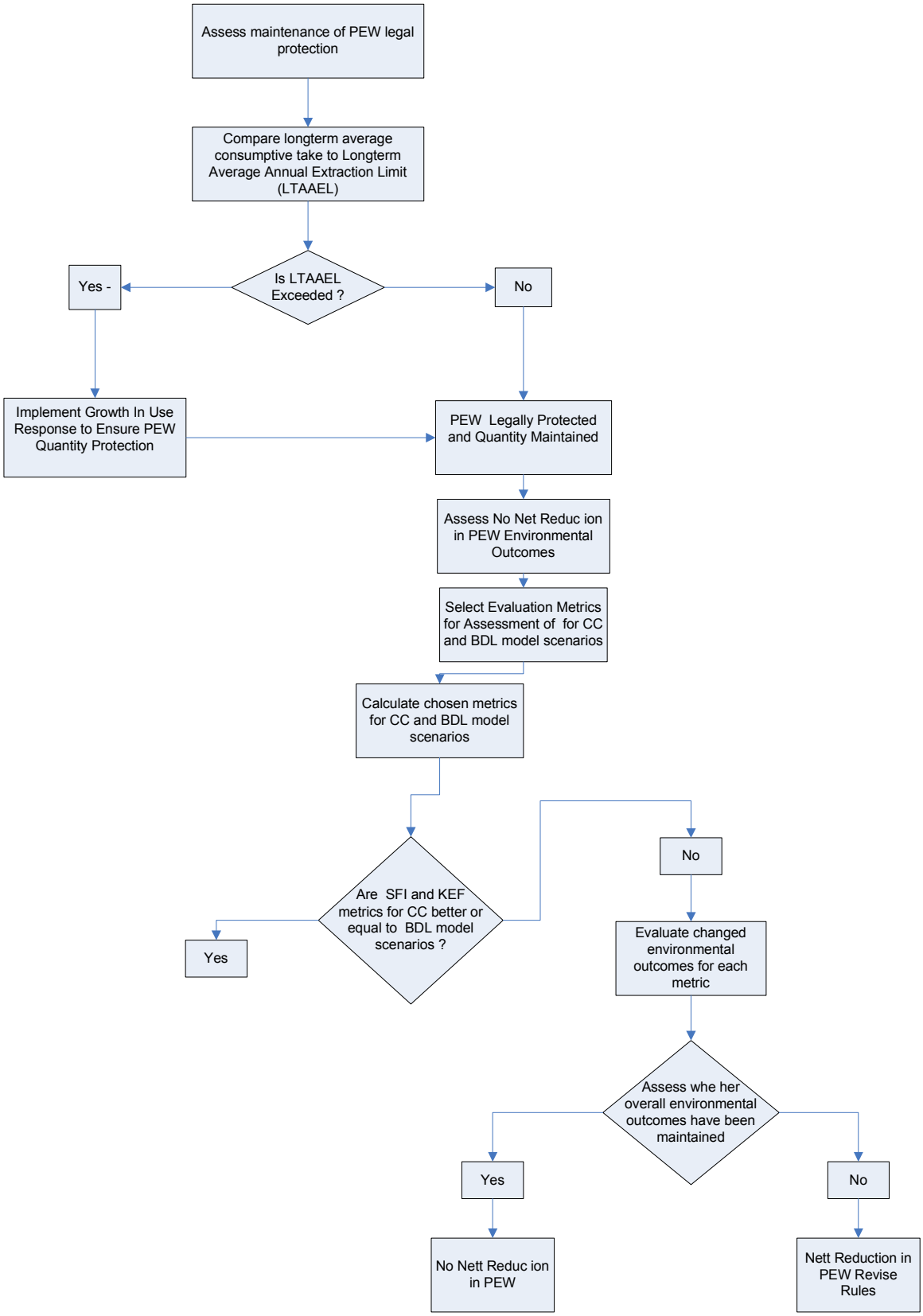


Figure 1 – PEW Assessment Framework

4 Case Study

4.1 Namoi Case Study

Using the flow chart presented in Figure 1, the process for assessing whether there is no net reduction in the protection of PEW has been trialled for a supplementary access rule change in the Namoi Valley from a 90:10 event sharing arrangement to a 50:50 event sharing arrangement.

Legal Protection and Maintenance of Quantity

Long-term Average Annual Diversions for the Pre Basin Plan 90:10 scenario and the Pre Basin Plan 50:50 scenario are compared to the Namoi Long-term Average Annual Extraction Limit (the BDL Scenario) in Table X. As can be seen from the table, longterm average annual diversions under both the 90:10 and 50:50 Scenario are below the LTAAEL (BDL). Therefore NSW would consider that both the legal protection and the quantity of PEW have been maintained.

Table 1 – Long-term Average Annual Extractions

Category	Scenario		
	BDL (LTAAEL)	PBP (90:10)	PBP (50:50)
Entitlements or Use Type	long term average usage (GL/y) [1895 - 2009]		
General Security	191.4	150.8	149.9
Supplementary Access	44.3	59.5	62.5
Flood Plain Harvesting	18.5	17.5	17.0
Utilities, Domestic & Stock	1.6	3.5	3.5
Audit Total	255.8	231.3	232.9

PEW Effectiveness

Assessment of the maintenance of the effectiveness of PEW has involved an assessment of both the 90:10 and 50:50 scenario relative to the BDL Scenario. The BDL Scenario represents the effectiveness of PEW that is intended to be achieved as at 23 November 2012. An additional comparison, in order to assess the effect of the supplementary access rule change on PEW effectiveness has also been made by comparing the 90:10 scenario to the 50:50 scenario.

The first effectiveness test has involved an assessment of how the achievement of the Namoi Basin Plan Specific indicators have changed under the three scenarios. Results are presented in Table 2. As can be seen there is no difference as a result of the

supplementary rule change to 50:50 from 90:10. Furthermore, both the scenarios result in improvement in event achievement in the 500 to 1800ML/D range.

Table 2 – Namoi Site Specific Flow Indicators

Site-Specific Ecological Targets	Site Specific Flow Indicators					
	Minimum Flow rate required in the Namoi	Duration	Timing	BDL	PBP (90:10)	PBP (50:50)
Provide a flow regime which ensures the current extent of native vegetation of the anabranch communities is sustained in a healthy, dynamic and resilient condition	4,000	45 days total (with 7 day minimum)	Events preferably clustered in late spring/summer as well as winter but timing not constrained.	21	21	21
Provide a flow regime which supports recruitment opportunities for a range of native aquatic species (e.g. fish, frogs, turtles, invertebrates)	1,800	60 days total (with 6 day minimum)		36	38	38
Provide a flow regime which supports key ecosystem functions, particularly those related to longitudinal connectivity and transport of sediment, nutrients and carbon	500	75 days total with a 25 day minimum)		42	50	50

The second effectiveness test has involved an assessment of key ecosystem function metrics at a number of gauges along the Namoi. These metrics have calculated for the three same scenarios using the BIGARKW software package which was provided by MDBA. Metrics have been calculated for the following indicators:

- Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009
- Zero flow 2 - Average number of spells per year Jan-May 1895-2009
- Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009

- Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009
- Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009
- Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009

- Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May
- Fresh 2 - Average number of freshes per season 20th %ile Jan-May
- Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009
- Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009
- Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009
- Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009

- Base flow indicator 0th %ile Jan-May 1895-2009
- Base flow indicator 20th %ile Jan-May 1895-2009
- Base flow indicator 50th %ile Jan-May 1895-2009
- Base flow indicator 80th %ile Jan-May 1895-2009
- Base flow indicator 0th %ile Jul-Nov 1895-2009
- Base flow indicator 20th %ile Jul-Nov 1895-2009
- Base flow indicator 50th %ile Jul-Nov 1895-2009
- Base flow indicator 80th %ile Jul-Nov 1895-2009

- ARI volume 1.5 yr Jul-Jun 1895-2009
- ARI volume 2.5 yr Jul-Jun 1895-2009
- ARI volume 5.0 yr Jul-Jun 1895-2009

Results are presented in Tables 3 to Tables 8. A number of observations are apparent. Firstly even though the quantity of PEW have been maintained under both the 90:10 and 50:50 scenario, there are changes in the metric values for all gauge locations. The proportion of metrics that reduce is similar across the three comparisons (See Table 3). However, as can be seen from the metric results in Table 4 to Table 8, the magnitude of change in metrics is considerably more for the 90:10 and 50:50 scenario relative to the BDL than for the 90:10 scenario compared to the 50:50 scenario, where most changes are within 5%.

Table 3 – Summary of Key Ecosystem Function Metric Changes

	comparison of 90:10 to BDL	**comparison of 50:10 to BDL**	**comparison of 50:50 to 90:10**
Indicator Improvement	51	50	35
Indicator No Change	13	12	36
Indicator Reduction	51	53	44
Proportion of Metrics that Reduce	44%	46%	38%

Based on the results of the SFI and KEF metric analysis the following conclusions relating to the maintenance of PEW effectiveness can be made:

- The effectiveness of PEW is improved under both Scenarios relative to the BDL for the SFI Indicators.

- A number of KEF metrics reduce under the 90:10 scenario relative to the BDL, and thus PEW effectiveness may be altered. However, as the associated rules in the 90:10 scenario are unchanged from those that were in place under state water management law on 23 November 2012.any change in the effectiveness of PEW is a result of changes in user behaviour only.

- Changes in the KEF metrics for scenario 50:50 relative to scenario 90:10 are very small, and mostly within 5%. Thus the rule change associated with moving from a supplementary flow access arrangement of 90:10 to 50:50 is unlikely to diminish PEW outcomes.

4.2 Case Study Conclusions

Based on the Namoi case study analysis the following conclusions can be drawn:

- Both the 90:10 and 50:50 scenario maintain both the legal protection and quantity of PEW.

- The effectiveness of PEW is improved under both scenarios relative to the BDL for the SFI Indicators.

- Whilst KEF metrics reduce under the 90:10 scenario relative to the BDL, the associated rules in the 90:10 scenario are unchanged from those that were in place under state water management law on 23 November 2012, thus any change in the effectiveness of PEW is a result of changes in user behaviour only.

- Changes in the KEF metrics for scenario 50:50 relative to scenario 90:10 are very small, and mostly within 5%. Thus the rule change associated with moving from a supplementary flow access arrangement of 90:10 to 50:50 is unlikely to diminish PEW outcomes.

- The analysis would indicate that a change in supplementary access from 90:10 to 50:50 results in No Nett Reduction in PEW.

Table 4 – Key Ecosystem Function Metric Results (D/S Keepit)

	BDL	90_10	50_50	90:10 Relative to BDL	50:50 Relative to BDL	50:50 Relative to 90:10
D/S Keepit						
Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Zero flow 2 - Average number of spells per year Jan-May 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009	0.0	0.0	0.0	0.00%	0.00%	0.00%
Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May 1895-2009	107.0	107.0	106.0	0.00%	-0.93%	-0.93%
Fresh 2 - Average number of freshes per season 20th %ile Jan-May 1895-2009	6.0	5.1	5.3	-14.91%	-12.43%	2.92%
Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009	5.1	5.9	5.8	17.39%	14.03%	-2.87%
Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009	101.0	98.0	95.0	-2.97%	-5.94%	-3.06%
Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009	4.3	3.4	3.5	-22.11%	-19.68%	3.12%
Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009	7.1	9.1	8.8	28.39%	24.57%	-2.97%
Base flow indicator 0th %ile Jan-May 1895-2009	140340.0	183140.0	182430.0	30.50%	29.99%	-0.39%
Base flow indicator 20th %ile Jan-May 1895-2009	1294.0	1791.0	1786.0	38.41%	38.02%	-0.28%
Base flow indicator 50th %ile Jan-May 1895-2009	73.0	130.0	129.0	78.08%	76.71%	-0.77%
Base flow indicator 80th %ile Jan-May 1895-2009	10.0	10.0	10.0	0.00%	0.00%	0.00%
Base flow indicator 0th %ile Jul-Nov 1895-2009	112420.0	104970.0	103940.0	-6.63%	-7.54%	-0.98%
Base flow indicator 20th %ile Jul-Nov 1895-2009	954.0	605.0	605.0	-36.58%	-36.58%	0.00%
Base flow indicator 50th %ile Jul-Nov 1895-2009	46.0	10.0	10.0	-78.26%	-78.26%	0.00%
Base flow indicator 80th %ile Jul-Nov 1895-2009	10.0	10.0	10.0	0.00%	0.00%	0.00%
ARI volume 1.5 yr Jul-Jun 1895-2009	6907.6	8586.6	8586.6	24.31%	24.31%	0.00%
ARI volume 2.5 yr Jul-Jun 1895-2009	11794.6	14058.1	13821.0	19.19%	17.18%	-1.69%
ARI volume 5.0 yr Jul-Jun 1895-2009	20487.4	25898.6	26087.5	26.41%	27.33%	0.73%

Table 5 - Key Ecosystem Function Metric Results (Goangra)

	BDL	90_10	50_50	90:10 Relative to BDL	50:50 Relative to BDL	50:50 Relative to 90:10
Goangra						
Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009	68.0	60.0	63.0	-11.76%	-7.35%	5.00%
Zero flow 2 - Average number of spells per year Jan-May 1895-2009	1.4	1.1	1.0	-22.36%	-29.19%	-8.80%
Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009	13.6	9.4	10.2	-30.87%	-24.97%	8.53%
Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009	62.0	32.0	30.0	-48.39%	-51.61%	-6.25%
Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009	0.9	0.4	0.4	-49.51%	-51.49%	-3.92%
Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009	17.1	8.5	9.1	-50.00%	-46.89%	6.23%
Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May 1895-2009	91.0	95.0	96.0	4.40%	5.49%	1.05%
Fresh 2 - Average number of freshes per season 20th %ile Jan-May 1895-2009	1.5	1.7	1.7	13.10%	13.10%	0.00%
Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009	17.9	18.2	18.2	1.37%	1.28%	-0.09%
Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009	83.0	85.0	83.0	2.41%	0.00%	-2.35%
Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009	1.6	1.7	1.6	4.32%	1.08%	-3.11%
Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009	18.9	18.1	18.7	-4.15%	-1.07%	3.21%
Base flow indicator 0th %ile Jan-May 1895-2009	86366.0	87522.0	87410.0	1.34%	1.21%	-0.13%
Base flow indicator 20th %ile Jan-May 1895-2009	925.0	787.0	808.8	-14.92%	-12.56%	2.77%
Base flow indicator 50th %ile Jan-May 1895-2009	174.0	163.0	162.5	-6.32%	-6.61%	-0.31%
Base flow indicator 80th %ile Jan-May 1895-2009	34.0	15.0	15.0	-55.88%	-55.88%	0.00%
Base flow indicator 0th %ile Jul-Nov 1895-2009	99265.0	98063.0	98063.0	-1.21%	-1.21%	0.00%
Base flow indicator 20th %ile Jul-Nov 1895-2009	1451.8	1624.8	1545.8	11.92%	6.47%	-4.86%
Base flow indicator 50th %ile Jul-Nov 1895-2009	168.0	239.0	239.0	42.26%	42.26%	0.00%
Base flow indicator 80th %ile Jul-Nov 1895-2009	20.0	32.0	32.0	60.00%	60.00%	0.00%
ARI volume 1.5 yr Jul-Jun 1895-2009	10926.7	11068.6	10969.3	1.30%	0.39%	-0.90%
ARI volume 2.5 yr Jul-Jun 1895-2009	16149.8	15230.9	15256.4	-5.69%	-5.53%	0.17%
ARI volume 5.0 yr Jul-Jun 1895-2009	29390.3	28567.6	28490.5	-2.80%	-3.06%	-0.27%

Table 6 - Key Ecosystem Function Metric Results (Mollee)

	BDL	90_10	50_50	90:10 Relative to BDL	50:50 Relative to BDL	50:50 Relative to 90:10
Mollee						
Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009	23.0	3.0	4.0	-86.96%	-82.61%	33.33%
Zero flow 2 - Average number of spells per year Jan-May 1895-2009	0.3	0.0	0.1	-84.85%	-81.82%	20.00%
Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009	1.8	1.8	1.8	-2.62%	-0.82%	1.85%
Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009	6.0	1.0	1.0	-83.33%	-83.33%	0.00%
Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009	0.1	0.0	0.0	-83.33%	-83.33%	0.00%
Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009	2.3	1.0	1.0	-57.14%	-57.14%	0.00%
Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May 1895-2009	111.0	108.0	109.0	-2.70%	-1.80%	0.93%
Fresh 2 - Average number of freshes per season 20th %ile Jan-May 1895-2009	3.9	3.4	3.5	-13.39%	-12.05%	1.55%
Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009	7.7	8.9	8.8	15.46%	13.74%	-1.49%
Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009	98.0	99.0	100.0	1.02%	2.04%	1.01%
Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009	3.0	2.8	2.8	-5.33%	-5.62%	-0.31%
Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009	10.3	10.9	10.9	5.63%	5.99%	0.34%
Base flow indicator 0th %ile Jan-May 1895-2009	197110.0	212920.0	212510.0	8.02%	7.81%	-0.19%
Base flow indicator 20th %ile Jan-May 1895-2009	1873.8	2248.8	2228.0	20.01%	18.90%	-0.92%
Base flow indicator 50th %ile Jan-May 1895-2009	538.5	689.5	706.0	28.04%	31.10%	2.39%
Base flow indicator 80th %ile Jan-May 1895-2009	126.0	154.0	155.0	22.22%	23.02%	0.65%
Base flow indicator 0th %ile Jul-Nov 1895-2009	219120.0	219120.0	219120.0	0.00%	0.00%	0.00%
Base flow indicator 20th %ile Jul-Nov 1895-2009	1776.6	1838.8	1841.0	3.50%	3.62%	0.12%
Base flow indicator 50th %ile Jul-Nov 1895-2009	575.0	411.0	414.0	-28.52%	-28.00%	0.73%
Base flow indicator 80th %ile Jul-Nov 1895-2009	206.0	193.0	194.0	-6.31%	-5.83%	0.52%
ARI volume 1.5 yr Jul-Jun 1895-2009	27878.6	27929.9	27929.9	0.18%	0.18%	0.00%
ARI volume 2.5 yr Jul-Jun 1895-2009	42144.5	44840.5	45263.8	6.40%	7.40%	0.94%
ARI volume 5.0 yr Jul-Jun 1895-2009	75217.5	75226.9	75227.6	0.01%	0.01%	0.00%

Table 7 - Key Ecosystem Function Metric Results (Bugilbone)

	BDL	90_10	50_50	90:10 Relative to BDL	50:50 Relative to BDL	50:50 Relative to 90:10
Bugilbone						
Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009	18.0	7.0	8.0	-61.11%	-55.56%	14.29%
Zero flow 2 - Average number of spells per year Jan-May 1895-2009	0.3	0.1	0.1	-68.97%	-62.07%	22.22%
Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009	7.8	13.9	12.1	79.01%	55.84%	-12.95%
Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009	20.0	1.0	0.0	-95.00%	-100.00%	-100.00%
Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009	0.2	0.0	0.0	-96.00%	-100.00%	-100.00%
Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009	4.6	1.0	0.0	-78.45%	-100.00%	-100.00%
Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May 1895-2009	98.0	101.0	100.0	3.06%	2.04%	-0.99%
Fresh 2 - Average number of freshes per season 20th %ile Jan-May 1895-2009	1.9	2.1	2.0	7.27%	4.55%	-2.54%
Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009	15.7	14.6	15.0	-6.81%	-4.38%	2.61%
Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009	90.0	90.0	88.0	0.00%	-2.22%	-2.22%
Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009	1.9	1.9	1.9	1.38%	-1.38%	-2.73%
Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009	16.1	15.9	16.3	-1.34%	1.43%	2.80%
Base flow indicator 0th %ile Jan-May 1895-2009	132750.0	138590.0	138390.0	4.40%	4.25%	-0.14%
Base flow indicator 20th %ile Jan-May 1895-2009	660.0	697.0	710.0	5.61%	7.58%	1.87%
Base flow indicator 50th %ile Jan-May 1895-2009	170.0	186.0	183.0	9.41%	7.65%	-1.61%
Base flow indicator 80th %ile Jan-May 1895-2009	35.0	41.0	39.0	17.14%	11.43%	-4.88%
Base flow indicator 0th %ile Jul-Nov 1895-2009	135890.0	135470.0	135470.0	-0.31%	-0.31%	0.00%
Base flow indicator 20th %ile Jul-Nov 1895-2009	1370.8	1579.0	1502.0	15.19%	9.57%	-4.88%
Base flow indicator 50th %ile Jul-Nov 1895-2009	177.0	242.0	243.0	36.72%	37.29%	0.41%
Base flow indicator 80th %ile Jul-Nov 1895-2009	46.0	64.0	63.0	39.13%	36.96%	-1.56%
ARI volume 1.5 yr Jul-Jun 1895-2009	17062.0	17734.0	17693.7	3.94%	3.70%	-0.23%
ARI volume 2.5 yr Jul-Jun 1895-2009	28805.8	27387.8	28157.9	-4.92%	-2.25%	2.81%
ARI volume 5.0 yr Jul-Jun 1895-2009	42399.6	39211.2	39019.3	-7.52%	-7.97%	-0.49%

Table 8 - Key Ecosystem Function Metric Results (Waminda)

	BDL	90_10	50_50	90:10 Relative to BDL	50:50 Relative to BDL	50:50 Relative to 90:10
Waminda						
Zero flow 1 - Number of years with at least one spell Jan-May 1895-2009	112.0	109.0	109.0	-2.68%	-2.68%	0.00%
Zero flow 2 - Average number of spells per year Jan-May 1895-2009	7.6	7.0	7.0	-8.06%	-8.29%	-0.25%
Zero flow 3 - Average duration of spell (days) Jan-May 1895-2009	7.7	9.5	9.5	23.71%	23.68%	-0.03%
Zero flow 1 - Number of years with at least one spell Jul-Nov 1895-2009	106.0	94.0	94.0	-11.32%	-11.32%	0.00%
Zero flow 2 - Average number of spells per year Jul-Nov 1895-2009	9.3	5.5	5.5	-41.34%	-41.15%	0.32%
Zero flow 3 - Average duration of spell (days) Jul-Nov 1895-2009	5.9	9.3	9.3	58.37%	58.02%	-0.22%
Fresh 1 - Number of years with at least one fresh 20th %ile Jan-May 1895-2009	86.0	90.0	90.0	4.65%	4.65%	0.00%
Fresh 2 - Average number of freshes per season 20th %ile Jan-May 1895-2009	2.5	2.8	2.8	14.54%	14.18%	-0.31%
Fresh 3 - Average duration of freshes (days) 20th %ile Jan-May 1895-2009	7.5	6.0	6.0	-19.95%	-19.79%	0.21%
Fresh 1 - Number of years with at least one fresh 20th %ile Jul-Nov 1895-2009	86.0	90.0	90.0	4.65%	4.65%	0.00%
Fresh 2 - Average number of freshes per season 20th %ile Jul-Nov 1895-2009	2.8	3.6	3.6	28.57%	28.57%	0.00%
Fresh 3 - Average duration of freshes (days) 20th %ile Jul-Nov 1895-2009	7.0	5.6	5.6	-18.86%	-18.86%	0.00%
Base flow indicator 0th %ile Jan-May 1895-2009	34102.0	19080.0	19070.0	-44.05%	-44.08%	-0.05%
Base flow indicator 20th %ile Jan-May 1895-2009	180.0	140.0	140.0	-22.22%	-22.22%	0.00%
Base flow indicator 50th %ile Jan-May 1895-2009	33.0	33.0	33.0	0.00%	0.00%	0.00%
Base flow indicator 80th %ile Jan-May 1895-2009	1.0	1.0	1.0	0.00%	0.00%	0.00%
Base flow indicator 0th %ile Jul-Nov 1895-2009	31775.0	31607.0	31607.0	-0.53%	-0.53%	0.00%
Base flow indicator 20th %ile Jul-Nov 1895-2009	170.0	147.0	147.0	-13.53%	-13.53%	0.00%
Base flow indicator 50th %ile Jul-Nov 1895-2009	20.0	41.0	41.5	105.00%	107.50%	1.22%
Base flow indicator 80th %ile Jul-Nov 1895-2009	3.0	10.0	10.0	233.33%	233.33%	0.00%
ARI volume 1.5 yr Jul-Jun 1895-2009	2930.0	2879.6	2880.6	-1.72%	-1.69%	0.03%
ARI volume 2.5 yr Jul-Jun 1895-2009	3819.4	5862.2	5862.2	53.48%	53.48%	0.00%
ARI volume 5.0 yr Jul-Jun 1895-2009	10208.1	11969.6	11969.6	17.26%	17.26%	0.00%

Fair and Sustainable Supplementary access for Namoi Communities and the Environment

Supplementary access rules help manage the shares between water users and the environment. Working in partnership with Namoi Water there is an opportunity to deliver a win-win outcome.

Fairer sharing of supplementary access ensures our community can be sustainable both prior to and after a drought requiring less government support, whilst still protecting vital flows for fish.

The option we have proposed provides substantially increased protection for pre-spring pulse important for fish, it increases the trigger from 2000 ml per day to 6000 ml per day flow in July and August.

This means substantial protection for the environment yet on the rare occasion we have a winter high flow it allows access for farmers and our community helping us be more drought resilient.

In 2016 when we trialled 50/50 flow sharing it made all the difference to our community kept us out of drought for at least 12 months, helped keep people in jobs and businesses open. In any one year all our access can come from tributary inflows not out headwater dams.

Historically supplementary flows were shared 50/50 between environment and the irrigation. The trigger heights for access provide the all-important sharing and protection for the environment.

The option put forward in our new draft water sharing plan is compliant with the Sustainable Diversion limit and CAP limits. The change is less than 1% in long term average annual access, it ticks every box required under the Basin Plan 2012.

Yet it is still possible we will fail our community as the MDBA have already provided a preliminary assessment that our proposed rule change fails the “no net reduction test”.

The introduction of the changed supplementary flow sharing and trigger thresholds cannot be said to have the effect of reducing the protection of planned environmental water, for the reason that taking supplementary water is not determined under NSW law as “planned environmental water”.

This is evidenced in the recently presented final report by NSW Department Appendix C which is provided to meet the requirement of the Basin Plan “no net reduction test”.

There is nothing to prevent you as Minister accrediting the draft Namoi Water Resource plan that is submitted including the win-win outcome of the improved supplementary access rules.

The Modelling report by Barma Water Resources an independent modeller would provide substantial evidence for your consideration of this issue as an alternative to the authority’s advice.

There is no real impediment to achieving good outcomes for our communities.

LEX 20393
Document 7

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Level 5, 491 Kent Street, Sydney NSW 2000
PO Box Q640, Queen Victoria Building NSW 1230
Tel: 02 9264 3848
Fax: 02 9264 3969
nswic@nswic.org.au
www.nswic.org.au
ABN: 49 087 281 746

8 May 2020

The Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
Parliament House
CANBERRA ACT 2600

ACCURATE INFORMATION AND THE TRUTH IN THE WATER DEBATE

Dear Keith,

On behalf of the NSW Irrigators' Council I am writing to you in reference to the Interim Inspector General's report and the specific matter of accurate information within the debate on water policy and management.

I don't need to tell you the reality of the current drought effected challenge of Murray General Security farmers not having access to water for over two years. Most farmers are normally only interested in their farming operation and have left the policy and advocacy to organisations like NSWIC or our member organisations. With no water, little income and increasing levels of desperation, they have more time on their hands and there are increasing numbers of loud people, outside the Peak bodies, providing them with information. That information is provided under the influences of local politics, vested interests and desperation. While the providers of that information may have an objective of helping and finding solutions, too often the information and suggestions result in the advancement of a series of unrealistic solutions and incorrect assertions.

The use of social media and the subsequent acceptance of so many incorrect assertions has resulted in unrealistic hopes about the proposed solutions. These circumstances are made worse by the work of some highly motivated organisations, the loud people, who also seek to advance their cause by the intentional undermining public confidence in institutions and government agencies responsible for administering the law and water management. The work of these loud organisations are the antithesis of responsible management. They aim at undermining the property rights of higher priority water users with misinformation. Theirs is a disregard for the triple bottom line sustainability, the responsibility towards stakeholders and through their misinformation and bullying of those who dissent, an unethical approach. The deliberate efforts to undermine institutions such as the MDBA does not improve the prospects of better policy, management or debate.

There is nothing wrong in an advanced democracy, in being critical of governments and policy, however the deliberate intention to undermine public confidence in institutions that administer the law and provide factual information, serves to confuse the debate. If those agencies that actually do know the information, the facts and figures, are totally dismissed, then how can any truth be grounded? It certainly appears that the motivation for the misinformation and undermining is political and/or personal gain, yet regardless of the motivation or who actually benefits, the result is that having undermined reliable sources of information, the assertions of the loudest voices unfortunately become the common belief.

These circumstances have resulted in division, mistrust and a lack of confidence in the institutions central to water policy and management. I believe that there is a need to recognise the need to create new narratives and meanings to alter the thinking on the issues. In order to address this situation and following highlighting of these specific issues by the Interim Inspector General, I propose a joint venture organisation of agencies and water related agricultural Peak bodies, which could identify specific incorrect or misinformation, and then ascertain the facts, before endorsing the correct information. Such a body or organisation, is clearly intended to re-establish confidence in the facts and figures, whilst directly countering misinformation.

Literally such a body, perhaps called the Murray Darling Basin Information Council (MDBIC), would promulgate the commonly agreed facts and figures, whilst refuting incorrect information. This correct information would be endorsed by all participating bodies (government and Peak bodies) via emails and/or a website. In order to restore order to the debate based upon a set of commonly held facts, the MDBIC would be created to be believable.

At the moment, the debate and misinformation has branded the Murray Darling Basin Authority (MDBA), as being politically controlled, liars and intentionally biased against NSW Murray GS licence holders. Given that this sustained campaign against the MDBA has undermined their social licence as an impartial, non-political agency, the MDBIC is designed to fill that void. It is designed to necessarily marginalise those that intentionally undermine confidence in the factual information available, and it can do so by having the facts and figures endorsed by not just the MDBA or the NSWIC, but also the NFF, NSWFA, the VFF, the South Australian Primary Producers, the NIC and other Peak bodies. In this way, those making incorrect assertions can't just call the MDBA liars, but every organisation that endorses the information as correct. This then makes it harder for them to maintain credibility, when calling everyone else who endorse a consistent set of facts and figures liars.

I understand that the NFF has also written to you about this matter. I would be grateful for your views on my proposal.

Yours sincerely,

Luke Simpkins
CEO

LEX 20393
Document 8

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Level 5, 491 Kent Street, Sydney NSW 2000
PO Box Q640, Queen Victoria Building NSW 1230
Tel: 02 9264 3848
Fax: 02 9264 3969
nswic@nswic.org.au
www.nswic.org.au
ABN: 49 087 281 746

30 April 2020

The Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
Parliament House
CANBERRA ACT 2600

WATER RECOVERY & FOOD SECURITY

Dear Keith,

As you would be aware, a principle of water policy in Australia is that the water should go to the highest value use. Currently the strongest crop, and the crop that has the greatest financial return is almonds. Given almonds grow on trees and are 'permanent plantings', the interests that have invested in almond plantations can afford to invest in high security water on the markets. It may well be that more and more investment will shift from other food staples, and move to almonds or other non-staple high value crops. As consistent as that is with a free market approach, it may not necessarily be in the National Interest.

Recently the Government commissioned the ABARES Report 'Australian Food Security and the Covid-19 pandemic'. That report provided the Government with important information and confidence about Australian food security matters. I would however draw your attention to page 8 of that report, in reference to international markets and disruptions, "While substantial prolonged disruptions seem unlikely, it will be important for business and government to monitor potential vulnerabilities and actively manage associated risks". Given this report and what we are seeing with regard to Australian vulnerability to trade disruptions, I would urge you to conduct a national audit of our food production capabilities, in order to inform a National Food Security Plan (NFSP).

A food security audit and a NFSP, is important given the current water policy and management circumstances in Australia. In particular, it is important that the NFSP incorporates a resource assessment for the water price, supply, delivery and regulatory limitations, as they impact on the opportunities for diverse agricultural production. Australian governments remain committed to reducing crop production in Australia via further water recovery away from farming and delivery to the environment. In particular, there is still pressure to take another 450 GL out of consumptive use via 'upwater'. There are also the provisions to progress the SDLAM constraint projects, or if they do not proceed, another 162 GL will need to be taken from consumptive use on the Murrumbidgee and 125 GL from farming in the Murray.

Australian crop production is under pressure through the ongoing policy by governments to redirect water away from farming. Furthermore, the system of water market arrangements influencing commodities, is increasingly seeing water use consolidating into non-staple foods such as nuts, and it is therefore appropriate in the National Interest, for governments to fully understand the cause and effect of decision making. The NSW Irrigators' Council (NSWIC) fully supports the right of farmers and businesses to grow exactly what crop they wish to, in order to maximise their return. Neither do we debate that food for 75 million people is

grown each year in Australia, but that is certainly not the case with regard to food staple crops, and a NFSP would provide clarity in this case.

It is not the intention of the NSWIC to undermine public confidence in food security matters with any public statements, however it is clearly the responsibility of Australian governments to understand the implications of their policies and to ensure that there is a plan in place to ensure food staples are not under threat from external or internal factors. Just like the current debate over insufficient domestically held fuel and oil stocks threatening our economy, for food, there are external threats of trade disruptions to our supply. Internally the water policy in Australia to reduce crop production and to send water away from food staples, can combine with trade disruptions to create a food security issue.

In light of these matters, I urge you to conduct a food security audit to ensure that the ramifications of international trade disruptions and domestic water policy do not create a food security problem. I stress that this is not about 'food production' and Australia's impressive capability, but rather about staple food production. This is about cereals, vegetables, milk and meat as essential, not about snack food.

We thank you for consideration of these important matters.

Yours sincerely,

Luke Simpkins
CEO

LEX 20393
Document 9

National Irrigators' Council
Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600
Ph: 02 6273 3637
ABN: 92133308326

The Hon Keith Pitt MP
Minister for Water
Parliament House
CANBERRA ACT 2600

Email: minister.pitt@industry.gov.au

Dear Minister

As a peak body representing the irrigation sector, NIC takes a very strong interest in ensuring that Australia has a reliable supply of food for our own needs and to generate jobs and export earnings.

Irrigation is part of the reason we do have food security and, as has been pointed out by National Farmers, we are able to feed 75 million people here and overseas.

We should never take food security for granted and it is important that as we continue long term planning for agriculture, water supply and sustainability we ensure we are putting in place policies that provide us with an appropriate balance.

The current focus on supply of some key products highlights how important it is to keep the balance right in long term planning. As you know, NIC has consistently put forward policies and suggestions on how to achieve that balance in the Murray Darling Basin and other irrigation areas.

Obviously, in a country with such climate variability, there will be times where short-term issues arise which put pressure on some products. The terrible drought combined with trade issues resulting from COVID-19 has raised one of those issues with rice supply.

Rice growers are a highly valued part of the irrigation sector. Their product, being an annual crop grown when reasonably priced water is available, is vital to the balance of maximising productivity of the Murray Darling Basin while also giving the flexibility to response to variable climate.

As a staple, it is also one of the many foods that need to be on supermarket shelves.

NIC like other peak bodies would prefer that we had long term policy settings (and climatic conditions!) that ensured we did not need short term responses to potential problems. However, we recognise that there are short term factors that can affect some products and that they may need specific responses.

When the Government announced the 'food for fodder' program we expressed strong support for making water available via savings in Adelaide, but with some

reservation about selecting one crop. Nevertheless, that program has provided a precedent and we would support Government extending stage two of that program to annual food crops.

NIC is also supportive of efforts to explore new parcels of water, currently not available for allocation, that could be added to the stage two water for fodder program. This might include allocations purchased from urban or industrial use (including from Canberra and Snowy Hydro) or river operation improvements.

In any move to examine this issue, we seek to highlight several principles that must be maintained:

1. **The property right on the ownership of water must not be diminished** – that means water allocation or entitlement cannot be 'taken from' a legitimate owner whether that is another irrigator or an environmental water holder;
2. Action should not distort the allocation system in a way which would disadvantage other entitlement holders;
3. Action should not have negative impacts on third-party's, other regions or on the water market (ie by pushing prices up for other users).

Drought remains the key cause of the zero or very low allocation of general or low security water. At the time of writing, Hume dam was less than 13% full - lack of rain remains the core problem.

NIC is concerned that, in NSW, the process for deciding on allocation of general security Murray water remains opaque. Many of our members have expressed concerns that NSW is now more conservative its allocation decisions and that, combined with losses from the way the river is being managed, is negatively impacting allocation (and long-term reliability) for general security owners.

These issues need to be addressed by the NSW Government and the MDBA as the managers of the system. The best outcome for all growers would be capacity to make an allocation to General Security (without taking away from priority needs and high security). Just as an illustration, a 3% allocation to NSW Murray General Security would be nearly ten times more than the total held by the Commonwealth Environmental Water Holder (CEWH) on 31 January.

NIC notes discussion around allocations held by environmental water holders.

We do not support removing allocations from any water owner, including environmental water holders. We would, however, support sale of some of the allocation held by e-water holders (consistent with their legislation) to the Commonwealth to add to the water available for a 'water for food' program.

The legislative requirements for the CEWH mean that any sale would need to meet an environmental objective. NIC is of the view that sale of some allocation could provide valuable funds that could be used for complementary measures such as enhancing fish passage, connectivity, feral pest control etc. Complementary measures are consistent with NIC's long held advocacy. We recognise that under the current legislation the CEWH would need to make that decision.

State Governments also have e-water holders and NIC notes that the NSW agency sells water each year to fund its own operations. It is suggested that the Commonwealth could engage NSW in seeking to make a direct purchase.

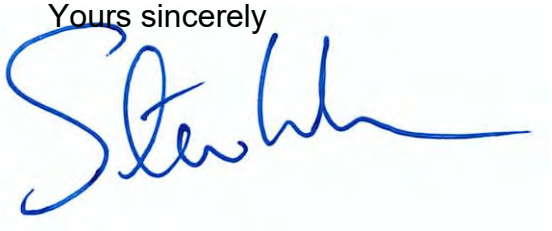
These purchases would be of allocation, not entitlement, and would be one-off.

As at 31 January 2020, the CEWH holdings for the NSW Murray totalled 5.2GL. NIC understands that to deliver a rice crop large enough for normal Australian consumption, rice growers would need 200GL. The CEWH's total ownership of NSW Murray high security (ie the minimum we could expect to be delivered next water year) is around 21GL. Based on that it would not be realistic to expect that e-water holders would be the source of enough water to meet needs.

To reiterate, NIC does not support taking water from legal owners, whether that is another agricultural producer or the CEWH. While we support action to head off any potential short term issue with a particular food product, that must not be at the expense of other farmers or in a way which creates a threat to the ownership of water that has now become a fundamental underpinning of the irrigation sector.

NIC would be happy to discuss this further if required.

Yours sincerely



Steve Whan
CEO

17 April 2020

LEX 20393
Document 10

National Irrigators' Council

Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600

Ph: 02 6273 3637
ABN: 92133308326

The Hon Keith Pitt MP
Minister for Water
Parliament House
Canberra ACT 2600

Minister.Pitt@industry.gov.au

Dear Minister

National Irrigators' Council recognises the current urgent and significant challenges faced by Government due to the COVID-19 pandemic and understands that these challenges must take priority.

We would, however, seek to put on your radar the need to consider the additional impact this health crisis will have on the, already difficult, water reform processes.

Rightly, all travel and face to face processes for community consultation have ceased and, presumably, many consultations, that were becoming quite urgent, will be on hold.

This letter focuses on three aspects of the Basin Plan, but there will be impacts in the water reform across many state processes as well, including (presumably) the implementation of the Queensland Government reef regulations, metering reform and the NSW Water Resources Plans.

NIC is particularly concerned about aspects of Basin Plan implementation that are already well behind schedule, and unlikely to be achieved. This includes the so called 'up-water' from efficiency measures (up to 450GL) and the, the supply measures and constraints removal under the SDL Adjustment Mechanism suite of projects.

The draft report released by the Independent review of social and economic impacts in the Murray Darling Basin has now added to both the Productivity Commission's five-year review and the NSW/Victorian Constraints review comments and recommendations suggesting that it is not possible to deliver successfully these remaining elements of the Basin Plan by the deadlines set.

Add to that the disruption to any process involving community consultation caused by COVID-19 and we feel there is a strong case to set out now to get bi-partisan agreement to new timeframes and processes.

We are not advocating that we should be 'taking the foot of the accelerator' or that the states should be let off the hook for delivering commitments. Any changed timeframe should build in milestones that can be more effectively met and monitored than the current unachievable 2024 deadlines.

It must also be tied to improved implementation arrangements.

NIC recognises that there is some reluctance to change deadlines, when the Plan is so bound by dates put in place in 2012. The problem is that failure to achieve the various objects will not serve anyone, including the environment. If we fail to get the 605GL and address constraints, we are likely to see acquisition of water which will cause further damage to the productive sector and to communities. Water will be taken out of production but it will not be possible for it to be delivered down the river in anything resembling a natural or flood flow.

The schedule five goals listed as part of the up-water component also cannot be achieved if water cannot be delivered; they certainly cannot be achieved if we fail to explore better ways of achieving the outcomes expected from the 450GL.

We also recognise that addressing any time extension issues requires amendment to the Plan with a degree of bipartisan support along with the agreement of the Basin states. NIC suggests that the recommendations from the reports mentioned here, combined with the obvious delays the current COVID-19 crisis is going to cause for consultation processes, should make it possible to engage all parties in a constructive discussion about alternative timeframes.

It would be timely now to start a conversation with a view to gaining agreement to extend timeframes. The following could be a basis:

Constraints projects

- Agree that the projects are not on track but are a critical base for completing other aspects of the Plan.
- Agree that the study titled *Murray-Darling Basin constraints modelling report by the NSW and Victorian Ministers' Independent Expert Panel* provides a good basis for progressing the constraints projects and set a timetable to agree, additional research needs, commence thorough community consultation and agree a new more realistic timeframe and anticipated outcomes.
- Set milestones for completion of components of the program.

Other supply measures

- Identify now the projects which look unlikely to be able to be achieved by the 2024 deadline and give more specific consideration to how they can be progressed.
- Establish a more open public process for reporting on progress.
- Seek agreement to change the Plan to allow alternative projects to be considered to ensure the 605GL target is met, i.e. that there is no requirement for water to be bought back to meet the target.
- Extend the timeframe to 2027 or similar.

Efficiency program (450GL upwater)

- Acknowledge that this cannot be delivered by 2024, noting that if there is no change to timeframes or methods of delivering outcomes then the Schedule 5 environmental outcomes will never be achieved;
- Adopt the recommendation from the Productivity Commission and the draft Independent Social and Economic review that the recovery of efficiency water only occur as it can be physically delivered;
- Seek agreement to investigate options other than flow that can achieve the schedule 5 targets;
- Pursue efficiency projects off-farm first;
- Retain the no negative impact test but give regions the capacity to design efficiency programs that suit their needs and fit with their own vision for the future productive capability of their district.

As mentioned above, we recognise that you will need bipartisan agreement and agreement from the states to take this step with the realisation that the current timeframes cannot be met. That sensible discussion and decision is needed now, to avoid failing to meet environmental goals as well as to provide certainty for irrigation communities.

NIC would be very happy to discuss this with you in more detail and to discuss the proposal with the Opposition if you feel that would be worthwhile.

Yours sincerely

Steve Whan
CEO
0429 780 883
ceo@irrigators.org.au

2 April 2020

LEX 20393
Document 11

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Thursday, 28 May 2020 11:39 AM
To: s22
Subject: NSWIC Blueprint
Attachments: 2020-05-26 Letter to Ministers - Launch of NSWIC Water Blueprint 2020-21 - Pitt.pdf

Hi s22

Letter to the Minister.

Thanks and I hope all is well for you.
Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s47F
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

Level 5, 491 Kent Street,
Sydney NSW 2000

PO Box Q640,
Queen Victoria Building NSW 1230

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Tel: 02 9264 3848
nswic@nswic.org.au
www.nswic.org.au

ABN: 49 087 281 746

Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

26 May 2020

Launch of NSWIC Water Blueprint 2020-21

Dear Keith,

NSW Irrigators' Council (NSWIC) are pleased to present to you *Water Blueprint 2020-21* [HERE].

This Blueprint has been developed by the NSW irrigation industry to get water policy back on track, and working for our farmers, communities and river environments. The Blueprint seeks to be constructive, reasonable and informed, in calling for the responsible management of water to ensure environmental, social and economic needs can be met.

There is no doubt that we are facing serious challenges for water management in Australia, and it will only be through constructive and informed collaborations between all water users that we will make the necessary progress to achieve improved water management.

We are urging bi-partisan support for these measures, which we see as reasonable steps to ensure genuine environmental outcomes are realised, drought recovery can occur for our rural communities, and that our agricultural sector can be strong to support the Australian economy throughout these difficult economic times.

NSWIC now seek a meeting with you as soon as possible in order to discuss this Blueprint and these 10 key pillars to improve water policy.

Thank you for your consideration of this matter and I look forward to hearing from your office.

Yours sincerely,

Luke Simpkins
CEO

LEX 20393
Document 12

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Wednesday, 3 June 2020 10:06 AM
To: s22
Subject: NSWIC General Meeting 5 & 6 August

Hi s22

Can we put in a bid for the Minister on 5 or 6 August in Sydney? It will be in the Sydney CBD, location TBC.

Any time that he can do. It is a Wednesday and Thursday. Format would be 5-10 minutes of speech and then questions. 60 minutes total.

Thanks

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s47F
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

LEX 20393
Document 13

s22

From: NSWIC Admin <nswic@nswic.org.au>
Sent: Friday, 5 June 2020 1:07 PM
To: NSWIC Board
Subject: Resignation of NSWIC' CEO Luke Simpkins
Attachments: CEO's Departure Letter to External Stakeholders.pdf

Dear stakeholders,

Please see the NSWIC CEO's Departure Letter.

Kind regards,

s47F
Administration & Policy Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
F: (02) 92 64 39 69
nswic@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
Member Organisations

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

PO Box Q640
Queen Victoria Building NSW 1230
Tel: 02 92643848
Fax: 02 92643969
nswic@nswic.org.au
www.nswic.org.au
ABN: 49 087 281 746

Dear NSWIC Stakeholders,

The Board this week accepted Luke Simpkins' resignation as the CEO of the NSW Irrigators Council and he will finish work at the end of June.

The Board would like to thank Luke for his outstanding contribution in what has been a challenging period in water policy in NSW and also in the history of the Council itself.

The Council is now in a much-improved position than it was when he started with us and this is due largely to his hard work and dedication in managing the organisational review and then implementing the many changes recommended.

He has been the right person in the right place at the right time and he goes with our blessings and good wishes. Luke's final day will be Tuesday June 30th.

The Board is working to fill the role, potentially with an Interim CEO for the short term to ensure continuity of the work of Council.

We thank you for your ongoing support of NSWIC.

Yours Sincerely,

Jim Cush
Chairman

LEX 20393
Document 14

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Thursday, 11 June 2020 3:23 PM
To: s22
Subject: RE: NSWIC General Meeting 5 & 6 August [SEC=UNCLASSIFIED]

Thanks s22 I always knew those dates would be tricky, so understandable.

Also thanks very much for your words. Looking for new opportunities now.

Hope we cross paths again soon.

Regards

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s47F
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

From: s22
Sent: Wednesday, 10 June 2020 7:35 PM
To: Luke Simpkins
Subject: RE: NSWIC General Meeting 5 & 6 August [SEC=UNCLASSIFIED]

Hi Luke

Those are both planned sitting days unfortunately, so we wouldn't be able to do it in person and, depending on when it is, VC might be difficult too.

Saw the announcement of your resignation. Really sorry to see you go and it will be a big loss for the NSWIC.

Cheers,
s22

UNCLASSIFIED

From: Luke Simpkins [mailto:ceo@nswic.org.au]
Sent: Wednesday, 3 June 2020 10:06 AM
To: s22
Subject: NSWIC General Meeting 5 & 6 August

Hi s22

Can we put in a bid for the Minister on 5 or 6 August in Sydney? It will be in the Sydney CBD, location TBC.

Any time that he can do. It is a Wednesday and Thursday. Format would be 5-10 minutes of speech and then questions. 60 minutes total.

Thanks

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s47F
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

LEX 20393
Document 15

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Tuesday, 16 June 2020 4:11 PM
To: s22
Subject: SDLAM Issues
Attachments: 2020-06-16 NSWIC Letter - SDLAM progress concerns - Cth.pdf

Hi s22

Here is a letter for the Minister about the SDL issues. Can you also let Mike Cahill see it?

Thanks

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s47F
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

Level 5, 491 Kent Street,
Sydney NSW 2000

PO Box Q640,
Queen Victoria Building NSW 1230

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Tel: 02 9264 3848
nswic@nswic.org.au
www.nswic.org.au

ABN: 49 087 281 746

Hon Keith Pitt MP, Minister for Water
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

16 June 2020

Progress on the SDL Adjustment Mechanism

Dear Keith,

Following the release of the *MDBA June 2020 Report Card*, and *the Annual Progress Report 2020 – Sustainable Diversion Limit Adjustment Mechanism* (SDLAM) we are writing to you to share our utmost concerns for the implementation of the SDLAM.

As you know, the SDLAM is crucial to minimising the social and economic impacts of the Basin Plan in the Southern Basin. It is our view that the SDLAM is the most critical component to future implementation of the Basin Plan, providing the lowest risk to communities, and realising targeted environmental outcomes.

We are thus highly concerned to see the implementation status in red ('at risk of delay'), particularly given "*without implementation of all these projects by 2024, more water will need to be recovered*"[1].

We urgently require leadership by State and Commonwealth Governments, as well as the MDBA, to ensure this worst-case scenario does not happen. It is our view that communities and our farming sector are carrying the risk of Government failing to implement these projects properly.

The issue is that many of these projects in NSW were poorly designed, and thus understandably lack the support of local communities. The only way to progress the SDLAM (and thus protect our agricultural water supply for years to come), will be through flexibility to improve these projects (or develop new projects), so they can be well-designed, locally supported and get implemented.

We realise that this flexibility to improve projects may require an expansion of timeframes for the SDLAM, which would be supported provided this change is linked to improved implementation arrangements and a secure agreement by Government not to pursue buybacks at the current 2024 timeframe.

[1] MDBA June 2020 Report Card (P 4): https://www.mdba.gov.au/sites/default/files/pubs/MDBA-June-report-card-2020_0.pdf

We ask you to assist in seeking progression of this matter. We ask if you can work with Basin States to permit and facilitate:

1. Flexibility in the Basin Plan to allow for new and improved SDLAM projects that can be well-designed and thus can be supported by local communities;
2. Negotiation of timeframe extensions for the SDLAM (with a secure commitment not to pursue buybacks at the current 2024 timeframe) to alleviate the burden on our farming sector of additional water recovery due to Government implementation delays.

We hope these measures provide a constructive and meaningful way forward in the implementation of a critical component of the Basin Plan, to protect our farming communities, and to maintain the integrity of this component.

Thank you for your consideration of this matter.

Yours sincerely,

Luke Simpkins
CEO

LEX 20393
Document 16

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Monday, 22 June 2020 11:02 AM
To: s22
Subject: General Meeting

Hi s22

Although the Minister isn't available, would it be possible to get someone to provide a briefing on the latest Federal reports? ACCC, Socio-economic etc.

Looking for Thursday 6 August from 9.30 to 10.30.

Thanks

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s22
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

LEX 20393
Document 17

s22

From: Luke Simpkins <ceo@nswic.org.au>
Sent: Monday, 22 June 2020 4:32 PM
To: s22
Subject: SDL Letter for Keith
Attachments: 2020-06-22 NSWIC Letter to Federal Govt re SDLAM.pdf

Thanks s22

Regards

Luke

Luke Simpkins
Chief Executive Officer | NSW Irrigators' Council

I am working remotely, respecting social distancing

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

T: (02) 92 64 38 48
s22
ceo@nswic.org.au | www.nswic.org.au
L5/491 Kent Street, Sydney 2000 NSW
PO Box Q640, Queen Victoria Building NSW 1230
NSWIC Member Organisations

Level 5, 491 Kent Street,
Sydney NSW 2000

PO Box Q640,
Queen Victoria Building NSW 1230

NSWIC
NEW SOUTH WALES IRRIGATORS' COUNCIL

Tel: 02 9264 3848
nswic@nswic.org.au
www.nswic.org.au

ABN: 49 087 281 746

22 June 2020

The Hon Keith Pitt MP
Minister for Northern Australia, Resources & Water
Government of South Australia

SDL Adjustment Mechanism and Impact on NSW Irrigation Farmers

Dear Keith,

Following the release of the *MDBA June 2020 Report Card*, and *the Annual Progress Report 2020 – Sustainable Diversion Limit Adjustment Mechanism* (SDLAM) and Friday's MinCo meeting, we are writing to you to share our concerns for the implementation of the SDLAM.

As you know, the SDLAM is crucial to minimising the social and economic impacts of the Basin Plan in the Southern Basin. It is our view that the SDLAM is the most critical component to future implementation of the Basin Plan, providing the lowest risk to communities, and realising targeted environmental outcomes.

The NSW Irrigators' Council (NSWIC) wants the SDLAM to progress so that our communities can avoid the social and economic devastation caused by buy backs. Already in NSW the Murray Darling Basin Plan (the Plan) has resulted in the recovery from agriculture of up to 28% of the water previously available. Having done much of the heavy lifting, we now want to avoid further buy backs by finishing the Plan with well thought through and locally supported flexible projects. I know you want the best for your State and your farmers, as does Minister Pavey for NSW, so we are taking this opportunity to seek your support for getting the SDLAM achieved through the right projects and without unnecessary delays.

The issue is that many of these projects in NSW were poorly designed, and thus understandably lack the support of local communities. The only way to progress the SDLAM (and thus protect our agricultural water supply for years to come), will be through flexibility to improve these projects (or develop new projects), so they can be well-designed, locally supported and get implemented.

We realise that this flexibility to improve projects may require an expansion of timeframes for the SDLAM, which would be supported provided this change is linked to improved implementation arrangements and a secure agreement by Government not to pursue buybacks at the current 2024 timeframe.

We therefore ask you as the Federal Minister to assist by supporting:

1. Flexibility in the Basin Plan to allow for new and improved SDLAM projects that can be well-designed and thus can be supported by local communities;

2. Negotiation of timeframe extensions for the SDLAM (with a secure commitment not to pursue buybacks at the current 2024 timeframe) to alleviate the burden on our farming sector of additional water recovery due to Government implementation delays.

We hope these measures provide a constructive and meaningful way forward in the implementation of a critical component of the Basin Plan, to protect our farming communities, and to maintain the integrity of this component.

Thank you for your consideration of this matter.

Yours sincerely,

Jim Cush
Chair

LEX 20393
Document 18

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Friday, 17 April 2020 10:36 AM
To: Minister Pitt
Cc: s22
Subject: NIC letter to Minister re. food security
Attachments: NIC to Hon Keith Pitt re water for food.pdf

Hi

Please find attached a letter for the Minister on the issues raised around food security. It would be appreciated if you could draw it to the Minister's attention.

Thanks
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s22
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

National Irrigators' Council
Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600
Ph: 02 6273 3637
ABN: 92133308326

The Hon Keith Pitt MP
Minister for Water
Parliament House
CANBERRA ACT 2600

Email: minister.pitt@industry.gov.au

Dear Minister

As a peak body representing the irrigation sector, NIC takes a very strong interest in ensuring that Australia has a reliable supply of food for our own needs and to generate jobs and export earnings.

Irrigation is part of the reason we do have food security and, as has been pointed out by National Farmers, we are able to feed 75 million people here and overseas.

We should never take food security for granted and it is important that as we continue long term planning for agriculture, water supply and sustainability we ensure we are putting in place policies that provide us with an appropriate balance.

The current focus on supply of some key products highlights how important it is to keep the balance right in long term planning. As you know, NIC has consistently put forward policies and suggestions on how to achieve that balance in the Murray Darling Basin and other irrigation areas.

Obviously, in a country with such climate variability, there will be times where short-term issues arise which put pressure on some products. The terrible drought combined with trade issues resulting from COVID-19 has raised one of those issues with rice supply.

Rice growers are a highly valued part of the irrigation sector. Their product, being an annual crop grown when reasonably priced water is available, is vital to the balance of maximising productivity of the Murray Darling Basin while also giving the flexibility to response to variable climate.

As a staple, it is also one of the many foods that need to be on supermarket shelves.

NIC like other peak bodies would prefer that we had long term policy settings (and climatic conditions!) that ensured we did not need short term responses to potential problems. However, we recognise that there are short term factors that can affect some products and that they may need specific responses.

When the Government announced the 'food for fodder' program we expressed strong support for making water available via savings in Adelaide, but with some

reservation about selecting one crop. Nevertheless, that program has provided a precedent and we would support Government extending stage two of that program to annual food crops.

NIC is also supportive of efforts to explore new parcels of water, currently not available for allocation, that could be added to the stage two water for fodder program. This might include allocations purchased from urban or industrial use (including from Canberra and Snowy Hydro) or river operation improvements.

In any move to examine this issue, we seek to highlight several principles that must be maintained:

1. **The property right on the ownership of water must not be diminished** – that means water allocation or entitlement cannot be 'taken from' a legitimate owner whether that is another irrigator or an environmental water holder;
2. Action should not distort the allocation system in a way which would disadvantage other entitlement holders;
3. Action should not have negative impacts on third-party's, other regions or on the water market (ie by pushing prices up for other users).

Drought remains the key cause of the zero or very low allocation of general or low security water. At the time of writing, Hume dam was less than 13% full - lack of rain remains the core problem.

NIC is concerned that, in NSW, the process for deciding on allocation of general security Murray water remains opaque. Many of our members have expressed concerns that NSW is now more conservative its allocation decisions and that, combined with losses from the way the river is being managed, is negatively impacting allocation (and long-term reliability) for general security owners.

These issues need to be addressed by the NSW Government and the MDBA as the managers of the system. The best outcome for all growers would be capacity to make an allocation to General Security (without taking away from priority needs and high security). Just as an illustration, a 3% allocation to NSW Murray General Security would be nearly ten times more than the total held by the Commonwealth Environmental Water Holder (CEWH) on 31 January.

NIC notes discussion around allocations held by environmental water holders.

We do not support removing allocations from any water owner, including environmental water holders. We would, however, support sale of some of the allocation held by e-water holders (consistent with their legislation) to the Commonwealth to add to the water available for a 'water for food' program.

The legislative requirements for the CEWH mean that any sale would need to meet an environmental objective. NIC is of the view that sale of some allocation could provide valuable funds that could be used for complementary measures such as enhancing fish passage, connectivity, feral pest control etc. Complementary measures are consistent with NIC's long held advocacy. We recognise that under the current legislation the CEWH would need to make that decision.

State Governments also have e-water holders and NIC notes that the NSW agency sells water each year to fund its own operations. It is suggested that the Commonwealth could engage NSW in seeking to make a direct purchase.

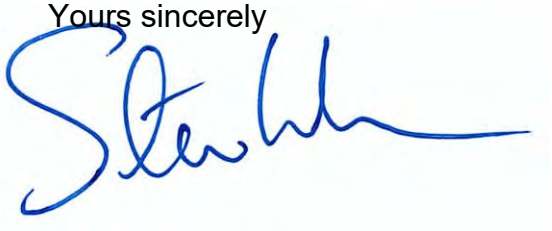
These purchases would be of allocation, not entitlement, and would be one-off.

As at 31 January 2020, the CEWH holdings for the NSW Murray totalled 5.2GL. NIC understands that to deliver a rice crop large enough for normal Australian consumption, rice growers would need 200GL. The CEWH's total ownership of NSW Murray high security (ie the minimum we could expect to be delivered next water year) is around 21GL. Based on that it would not be realistic to expect that e-water holders would be the source of enough water to meet needs.

To reiterate, NIC does not support taking water from legal owners, whether that is another agricultural producer or the CEWH. While we support action to head off any potential short term issue with a particular food product, that must not be at the expense of other farmers or in a way which creates a threat to the ownership of water that has now become a fundamental underpinning of the irrigation sector.

NIC would be happy to discuss this further if required.

Yours sincerely



Steve Whan
CEO

17 April 2020

LEX 20393
Document 19

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Monday, 4 May 2020 11:13 AM
To: s22
Subject: WESA review

Hi s22

Just wondering if you know what is happening with the WESA review? I think it was due to have been given to the Minister in “early 2020”.

Cheers
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s47F
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

LEX 20393
Document 20

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Wednesday, 6 May 2020 8:23 AM
To: s47F
Cc: s22 s47F
Subject: Zoom details for Minister Pitt to join NIC meeting on Thursday 14 May

Hi s47F as discussed with s47F we are very pleased Minister Pitt will be able to join us next Thursday morning from 9:15 to 10:15am.

The link for the zoom meeting is: https://zoom.us/j/93430475533

If you have any problems with this please call or text me on my mobile number 0429780883.

Cheers
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s47F
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

LEX 20393
Document 21

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Monday, 15 June 2020 4:41 PM
To: s22
Subject: MinCo meeting?

Hi s22

Is there a MinCo meeting on this week? Just saw something in the clips about it. Any details available on the meeting or what is on the agenda?

Cheers
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s47F
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

LEX 20393
Document 22

s22

From: s47F
Sent: Wednesday, 24 June 2020 9:02 AM
To: Minister Pitt
Cc: s22
Subject: Over-recovery Macquarie
Attachments: s47F to Minister Keith Pitt June 2020.pdf

Dear Minister

Attached is a letter proposing a clear process to return over-recovered water to the Regulated Macquarie River system.

Regards

s47F

s47F

The Honourable Keith Pitt MP
Minister for Resources, Water and Northern Australia
M145
Parliament House
Canberra, ACT, 2600

23 June 2020

Dear Minister Pitt,

Thank you for taking time out to join the National Irrigators Council Zoom Meeting a few weeks ago. During the meeting, I asked a question on returning over-recovered water in the Macquarie valley. Subsequently I have had an excellent conversation with s22 the subject, outlining our proposed solution. It is disappointing that the subject has remained off the radar to date, despite being acknowledged in MDBA water accounting tables and listed in Recommendation 3 of the Dec 2018 Productivity Commission 5-year Review[1].

Therefore, I write to follow up the positive dialogue with s22 and yourself, by proposing our approach to resolving the over-recovery and to request a meeting to further discuss the approach, possible alternatives, and the resolution to the excess volume of environmental water in the Macquarie. I note that I have support from MRFF, NSWIC and NIC in pursuing the resolution of this issue, in the context of the irrigation industry's commitment to the implementation of the Basin Plan in full.

Environmental water over-recovery is the most significant issue for all Macquarie valley water users and as such, is also the key driver affecting socio-economic conditions in our irrigation dependent communities. Almost twice the volume of environmental water determined as required was recovered prior to the 2016 MDBA Northern Basin Review. In fact, the Macquarie was over-recovered before the end of the Millennium drought in 2009, prior to the MDBP and during a period where financial institutions were leaning on individuals to pay off debt. This water has been in public ownership ever since. A decade on, the perverse outcomes of these pre-emptive purchases are profound.

In the past the NSW Government solution to over committed river systems was to issue more licences for the environment which only exacerbated the situation. In 1996 the Carr Government issued an additional 75,000 ML of General Security entitlement in the Macquarie, as part of Macquarie Marshes Water Management Plan. This water was issued as a Wildlife Allowance (WLA), which now totals 160,000 ML, to be used directly out of stored Burrendong Dam water. This was done without compensation or acknowledgement of third-party impacts. At the time it was very nasty and divisive as impacts on the security of existing licences and the welfare of rural communities were not considered.

By the time the Water Sharing Plan was implemented in the early 2000's the consumptive pool was less than 23% of total flows. Here we are in 2020 after another exhausting round of water reform, with the Macquarie Consumptive pool at around 16% of total Flows. Due to the over-recovery, the Macquarie cannot come within a "Bulls Roar" of reaching our Sustainable Diversion Limit (SDL) set by the MDBA. The Macquarie is the victim of a highly damaging, over-zealous reform process where there has been no avenue to date, to reset any errors, or incorporate new science.

In simple round numbers, from NSW Department of Industry Water Reform Technical Report: Derivation of LTDLE Factors in NSW, May 2018 (Please refer to Appendix A for relevant report tables)

Regulated Macquarie BDL	382 GL
MDBA Recovery target	57.6 GL
Actual Recovery Nov 2018	102.5 GL
Over recovery	44.9 GL

[1] Productivity Commission Murray-Darling Basin Five Year Assessment, Productivity Commission Inquiry Report No 90, 19 Dec 2018)

As documented by the Productivity Commission Five Year Assessment, Dec 2018, Warren was listed as one of the most vulnerable communities in the Basin, prior to the Basin Plan, undoubtedly due to several large scale pre-emptive environmental water purchases. Sadly, history has shown the effects of the loss of this water on economic activity, employment, and business prospects in irrigation communities of Narromine, Trangie and Warren. The Macquarie cannot be expected to carry the economic burden for other valleys in the Basin, especially considering its limited connectivity downstream to the Darling, now acknowledged in the Basin Plan; the Macquarie's shared responsibility to contribute to Northern Basin flows into the Darling is now only 2.6 GL.

There is a solution to the over-recovery that is both simple and politically manageable, avoiding the need for the usual complex process of navigating Basin Government agreements and the Basin Plan. The recommended approach will also go a long way to rectifying State Government failings in water policy over many decades. We are recommending that a portion of the NSW Government held WLA is retired, in order to balance the books. This allows the commitments of the Basin Plan to be upheld, the CEWH to keep its existing portfolio and all water entitlement holders including the environment, to benefit from the subsequent increase in reliability. This will in turn aid in reducing the boom/bust cycles that both extractive users and the natural environment have endured in recent decades. This is a win/win solution for all parties, including our local communities, who thrive when water is available.

Rather than delving any further into specific numbers in this letter, we ask instead for you as Federal Minister for Resources, Water and Northern Australia, to approach the NSW Minister Melinda Pavey, to resolve the over-recovery in the Macquarie and Gwydir valleys.

With transparency in mind, a first step would be to negotiate a "source" model run to balance the books. Once this number is adequately tested and peer reviewed, it is a simple matter of adjusting the WLA in the WSP. The NSW Minister has the power to amend any of the WSP's as required, to conform with the WRP's. This can be all managed at Ministerial level.

We understand the current draft Macquarie Water Sharing Plan 2020 has been submitted to the MDBA for accreditation. It would no doubt provide security for all if the over-recovery adjustment is able to be ratified prior to the finalisation of the Commonwealth accreditation process.

In these times of severe struggle for rural communities such as ours, affected by drought and repeated rounds of water reforms, and now in the context of great concern by the Australian Government for supporting rural and urban communities, through the Covid 19 virus impacts, we believe the time is right and the will is there, for Governments to act on this issue.

We have considered alternative approaches for addressing the over-recovery and would welcome the opportunity to provide further input as required. It is hoped that your office can continue the dialogue that has commenced so positively with us on this issue & we look forward to meeting with you to further discuss a resolution in the near future.

Yours sincerely,

s47F

Executive Member, Macquarie River Food & Fibre
MRFF Representative, NSW Irrigators Council
MRFF Representative, National Irrigators Council

Appendix A: Relevant Tables from Water Reform Technical Report: Derivation of LTDLE Factors in NSW, NSW Department of Industry, May 2018

Table 14: Macquarie–Castlereagh entitlements, 2011 factors, 2018 factors derivation and BDL shares by entitlement class

Entitlement type	BDL entitlements (shares)	2011		2018			
		Factors	BDL share (ML/y)	Average reliability	Utilisation factor	Factors	BDL share (ML/y)
Domestic and stock	6,000	0.85	5,100	1.000	0.29	0.29	1,741
Local water utility	18,805	0.85	15,984	1.000	0.681	0.681	12,799
High security	17,900	0.85	15,215	1.000	0.668	0.668	11,957
General security	632,400	0.42	265,608	0.605		0.516	326,070
Supplementary access	50,000	0.21	10,500			0.588	29,398
TOTAL	725,105		312,407				381,965

Table 15: Summary of Macquarie–Castlereagh environmental entitlements, the LTDLE volumes under the 2018 factor and the difference between the 2018 and 2011 factor volumes by entitlement class

	NSW environmental entitlements register (ML)	Other entitlements (ML)a	Total environmental entitlements (ML)	2018 factors	Recovery under 2018 factors (ML/y)	Recovery under 2011 factors (ML/y)	Change in recovery amount (ML/y)
Domestic and stock	-	-	-	0.29	-	-	-
Local water utility	-	-	-	0.681	-	-	-
High security	-	5,475	5,475	0.668	3,657	4,654	-996
General security	174,643	5,893	180,536	0.516	93,086	75,825	17,261
Supplementary water access	9,744	-	9,744	0.588	5,729	2,046	3,683
	184,387	11,368	195,755		102,472	82,525	19,947

a) As nominated by MDBA and DAWR

Table 25: Water recovery targets at a valley scale under accepted and proposed Basin Plan amendments (2018) showing recovery volumes under the 2011 LTDLE factors and BDL factors

	As per SDLAM amendment and proposed NBR amendments (Basin Plan 2018)								
	Local reduction amount (ML/y)	Shared reduction amount (default) (ML/y)[a]	Apportioned supply contribution (ML/y)	2075 GL recovery target by valley (ML/y)[b]	Recovery under 2011 factors (ML/y)[c]	Recovery under 2018 BDL factors (ML/y)[c]	Net change due to factors (ML/y)	Local recovery shortfall / excess (ML/y)	Shared recovery shortfall/ excess (ML/y)[a]
Intersecting Streams	0	0	0	0	8,106	8,106	0	0	
Barwon–Darling	32,000	3,200	0	35,200	32,582	32,582	0	0	
NSW Border Rivers	7,000	3,300	0	10,300	3,302	4,247	944	-2,753	
Gwydir	42,000	5,200	0	47,200	46,859	54,656	7,796	0	
Namoi	20,000	5,500	0	25,500	11,539	11,205	-334	-8,795	
Macquarie–Castlereagh	55,000	6,800	0	61,800	82,525	102,472	19,947	0	
Northern Basin	156,000	24,000	0	180,000	184,913	213,267	28,354		44,816
Lachlan	48,000	0	0	48,000	49,555	46,699	-2,856	-1,301	
NSW Murrumbidgee	320,000	243,000	-162,000	401,000	439,982	428,686	-11,296	0	
NSW Murray	262,000	208,000	-124,800	345,200	353,355	311,822	-41,533	0	
Lower Darling	8,000	7,000	0	15,000	20,044	22,334	2,290	0	
Southern Basin	590,000	458,000	-286,800	761,200	813,380	762,842	-50,538		1,642
Total NSW	794,000	482,000	-286,800	989,200	1,047,848	1,022,809	-25,040	-12,850	46,458

LEX 20393
Document 23

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Thursday, 2 July 2020 9:26 AM
To: s22
Subject: ACCC markets report

Hi s22

Wondering if you know what the timeframe is for release of the ACCC report? Just want to be ready …

Cheers
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s47F
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

LEX 20393
Document 24

s22

From: Minister Pitt
Sent: Thursday, 9 July 2020 4:38 PM
To: s22
Subject: Seeking coding advice: National Irrigators' Council advocacy for jobs in the Murray Darling Basin [DLM=For-Official-Use-Only]
Attachments: Keith Pitt_Stimulus irrig ag_July 2020.pdf

Security Classification:
For Official Use Only

Hi s22

Any advice on how you would like this one responded to?

It seems to have more of an environmental focus.

Kind regards
s22

s22 | Departmental Liaison Officer
Office of the Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
s22
Suite M1 45 Parliament House, CANBERRA ACT 2600

For Official Use Only

From: s47F
Sent: Thursday, 9 July 2020 4:31 PM
To: Minister Pitt <Minister.Pitt@industry.gov.au>
Subject: National Irrigators' Council advocacy for jobs in the Murray Darling Basin

Dear Minister

On behalf of the National Irrigators' Council I attach letter to you advocating a suite of projects, which are ready to go, and designed to provide jobs and an economic boost for communities across the Murray Darling Basin.

Similar letters have been sent to the Prime Minister and The Treasurer, the Hon Josh Frydenberg.

We thank you in advance for your consideration of these matters.

Yours sincerely
s47F
Policy & Strategy
National Irrigators' Council
NFF House: 14-16 Brisbane Avenue
BARTON ACT 2600
s47F
Work days: Tues, Wed, Thurs

National Irrigators' Council

Level 2, NFF House, 14-16 Brisbane Ave
Barton ACT 2600
Ph. 02 6273 3637

Ph: 02 6273 3637
ABN: 92133308326

1 July 2020

The Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
Parliament House
Canberra ACT 2600

Dear Minister

Re: **Proposed stimulus measures ready to go to benefit river systems and rural communities**

The National Irrigators' Council (NIC) would like to propose a suite of quick starting, low cost, labour intensive projects which would generate economic activity in regional communities – and which would contribute to improving the health of Murray Darling Basin river systems.

Many of these measures are essentially shovel ready, will be non-controversial and would assist with achieving the intended results of the Basin Plan with no negative impact on farmers and communities.

The measures we advocate are known as "complementary measures" which improve the river environment by enhancing conditions for native fish, improving riparian zones and tackling weeds and feral animals.

These are the types of initiatives previously undertaken by Landcare, Caring for Country and other similar programs. They gain great community support and have the capacity to employ people immediately.

Recommendation
NIC recommends a suite of complementary measures designed to enhance the environment of river systems and to deliver economic growth and jobs to rural and regional communities.

NIC will provide further information as required on the following complementary measures which we believe would readily build on existing environmental interventions and terrestrial work underway in the Basin. Many of these measures already have well advanced planning in place:

a) Funding of **all** Toolkit projects put forward by the NSW and Queensland Governments as part of the response to the Northern Basin Review.
b) Complementary measures across the broader Basin:
    - Improvement of fish migration with many small local projects including removal of obsolete infrastructure; installation of fish ways and improvements to weirs;
    - Appropriate management of cold water pollution (larger scale capital works projects)
    - Restoration of native fish habitat with river improvements (including things like re-snagging) and enhancement and development of native fish hatcheries;
    - Feral animal control in wetlands along the system including Narran Lakes, Gwydir Wetlands and Macquarie Marshes (with feral pigs a high priority);
    - Riparian land management, and
    - Weed eradication.

NIC believes that complementary measures will enhance existing Basin Plan environmental objectives and implementation over the short, medium and long-term and add value to the environment of river systems and ensure native species have the greatest opportunity to thrive.

We highlight that the Productivity Commission has also, on a number of occasions, included conclusions and draft recommendations relating to the need for environmental water planning to include more than just water flow rates. Measures improving riverine and riparian outcomes have been routinely delivered through successive federal government programs such as Caring for our Country and the National Landcare Program.

These measures are reasonably labour intensive with relatively small investments needed to generate high multiplier impacts in local economies.

Without complementary measures, the environmental water reserved for the river and the environment will not in itself produce actual environmental outcomes. A flow target is not an environmental outcome, but just one part of the mechanism to achieving an outcome.

Complementary Measures (also known as toolkit measures in the Northern Basin) would facilitate:

- delivering equivalent ecological outcomes required to meet Basin Plan objectives that will not be met through existing water recovery measures
- supporting the rehabilitation of native fish species
- improving productivity within aquatic ecosystems
- increasing the resilience of threatened species
- improving social and economic prosperity from aquatic resources
- contributing to the achievement of cultural water objectives.

This approach will deliver the Basin Plan's environmental objectives over time without additional collateral damage to regional communities. Such measures fall into two categories, fundamental interventions or actions required to achieve improved ecological outcomes in our river systems, or new opportunities for operation and management of environmental resources.

Further background information is provided at *Attachment A* for your reference.

We thank you for your consideration of these stimulus measures and would be pleased to provide further detail.

Yours sincerely

Steve Whan
CEO

A similar letter has been sent to:

The Prime Minister
Hon Scott Morrison
Parliament House
Canberra

The Treasurer
Hon Josh Frydenberg
Parliament House
Canberra

Attachment A

Background

Prolonged drought conditions continue to place the Murray Darling Basin Plan in the spotlight, with some individuals and groups suggesting there must be a pause, or a scrapping of the Plan. While the Basin Plan has four years to run and there are important elements yet to be secured, NIC does not support diverting in any significant way from the Plan. Irrigated agriculture industries and communities must be afforded certainty in knowing that Plan implementation will complete its course.

Against the backdrop of Australia's water reforms, it is important to recognise the adaptability and the initiative demonstrated by the irrigated agriculture sector, but also the level of sacrifice made by the sector and dependent communities, giving up access to water. And the evidence is clear regarding the impacts of the removal of water from communities over the eight year period of the Basin Plan.

Notwithstanding good rainfall in some regions across parts of the Basin during the 2020 late summer/autumn period producing a flow into the Darling River system, recent years have seen repeated unwanted records for low inflow into the Murray Darling river system. What the Basin Plan does do is seek to improve the environment by building resilience.

NIC supports a Basin Plan which ensures healthy rivers, healthy communities and a continuing capacity to produce food and fibre for Australia.

The Basin Plan is eight years into its twelve year implementation and it would be premature to assess the success of the Plan half way through. Environmental recovery will take decades. However, we know from early reports that there have been some significant improvements in key indicators of environmental health across the Basin.

Basin Plan progress report and snapshot of work underway

There is a significant level of work underway as part of the implementation of the Murray Darling Basin Plan (2012-2024), with the key elements including:

- Water Resource Plans:
    - Plans from Victoria, Queensland and South Australia assessed and recommended for accreditation
    - NSW Water Resource Plans: Initially slower progress, however, agreement now to submit all plans by 30 June 2020.
- Water Recovery *(Bridging the Gap):* targeted local and shared recovery to be fast tracked to ensure compliance and conclude the program.
    - As at March 2020, more than 98% of water recovery is completed – with 2098 GL/y recovered.
- Sustainable Diversion Limit (SDL) adjustment mechanism: *supply and constraints projects*: as of March 2020, of the 36 supply and constraints projects:
    - 16 projects have made good progress and are under construction, undertaking operational trials or in operation
    - 14 projects have made some progress with project design and implementation, though could experience ongoing delays due to stakeholder concerns.
    - 6 projects are at significant risk of not being operational by June 2024.

  The projects not on track make a significant contribution to the overall adjustment, estimated to be at least 150 GL/y. *(noting that the SDL projects are estimated to deliver around 605 GL/y)*
    - Efficiency Measures Program to recover a further 450GL: little progress to date. The report of the Independent Panel on Social and Economic Conditions in the Basin (the Sefton report) released in March 2020 found that the 450GL water recovery program is causing concern and anxiety across Basin communities; and that most communities are supportive of the socio-economic criteria – with the draft report

recommending ‘the robust socio-economic neutrality criteria should be rigorously tested and applied’.

- Northern Basin initiatives: projects are at various stages, with some projects on track providing confidence to communities, while some projects are delayed.
- Compliance: This review followed concerns raised on ABC 4 Corners program in 2017 regarding compliance issues. Basin states are making good progress against the compact commitments.
- Planning and delivery of environmental water. Progress is good, though improved communications and transparency are necessary to provide communities with confidence that water for the environment is achieving the desired outcomes.

A significant amount of progress has been made, however there is slow progress on some more difficult aspects of the Basin Plan, and the COVID-19 pandemic has slowed down some elements that require the necessary community consultation.

Our strongly held view is that water alone will not create a healthy environment in Basin rivers. The complementary measures we advocate will support an environment that is conducive to native fish and animals and provide healthier cleaner rivers to benefit all.

LEX 20393
Document 25

s22

From: Steve Whan <ceo@irrigators.org.au>
Sent: Wednesday, 29 July 2020 11:28 AM
To: s22
Subject: ACCC report

Hi s22

I note the Weekly Times today with a story based on 'sources' regarding the ACCC report. I am sure you guys would be as disappointed as anyone if there is someone letting them know what's in the report before it is released but it does highlight the need to get it out so we can all respond and make the submissions. Do you have any idea of when the Treasurer is going to release it??

Cheers
Steve

Steve Whan
Chief Executive Officer
Email: ceo@irrigators.org.au
Mobile: s47F
Phone: 02 62733637
NFF House
14-16 Brisbane Ave
Barton ACT 2600

National Irrigators' Council

Web: www.irrigators.org.au
Twitter: @Nat_Irrigators

LEX 20393
Document 26

s22

From: Minister Pitt
Sent: Friday, 31 July 2020 3:31 PM
To: s22
Cc: s22
Subject: FW: Namoi Water & the Shenhua Australia Project (UKB:200679) [DLM=Sensitive:Legal]
Attachments: Keith Pitt MP.PDF

Security Classification:
Sensitive: Legal

FYI – have spoken to s22 on this. Will provide to both departments for info

s22 Departmental Liaison Officer
Office of the Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia
s22
Suite M1 45 Parliament House, CANBERRA ACT 2600

Sensitive: Legal

From: s22 (K. Pitt, MP) [mailto:s22 **On Behalf Of** Pitt, Keith (MP)
Sent: Friday, 31 July 2020 1:27 PM
To: Minister Pitt <Minister.Pitt@industry.gov.au>
Subject: FW: Namoi Water & the Shenhua Australia Project (UKB:200679)

s22
Electorate Officer

Bundaberg: 41 Woongarra Street, Bundaberg, QLD 4670 | **Ph: 07 4152 0744**
Hervey Bay: Shop 3/63 Torquay Road, Pialba, QLD 4655 | Ph: 07 4124 3451
Canberra: PO Box 6022, House of Representatives, Parliament House, Canberra, ACT 2600 | Ph: 02 6277 7180

Be Green Read From the Screen

The information contained in this email is intended for the addressee. It may contain privileged and confidential information. If the message has been received in error please notify the
sender and delete this message. The unauthorised use, disclosure, copying or alteration of this email is strictly prohibited. Please ensure you carry out your own virus checks before opening
any attachments contained within this email as, although checked internally before distribution, the sender cannot accept responsibility for any damage caused by any software viruses contained in this message or attachments.

From: s47F **On Behalf Of** s47F
Sent: Friday, 31 July 2020 12:45 PM

To: Pitt, Keith (MP) <Keith.Pitt.MP@aph.gov.au>
Cc: s47F
Subject: Namoi Water & the Shenhua Australia Project (UKB:200679)

Dear Minister,

Please see **attached** letter for your attention.

Kind regards,

s47F Solicitor
Webb and Boland Lawyers
p: 02 6752 2244
f: 02 6752 4989
a: 31 Albert Street, Moree NSW 2400
w: www.webbandboland.com.au

If you are not an intended recipient, you must not use, copy, disclose, change or rely on any information in this communication. If you have received this communication in error, please call us on 02 6752 2244 and then destroy the communication or permanently delete it from your computer system. Any confidentiality or privilege is not waived or lost because it was sent to you by mistake. Liability limited by a scheme approved under professional standards legislation.

WEBB & BOLAND
LAWYERS

Incorporating HJ Palmer & Co

REPLY TO: Moree

OUR REF: UKS:200679:JMT

30 July 2020

The Hon. Keith Pitt MP
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Email: ***Keith.Pitt.MP@aph.gov.au***

Dear Minister

NAMOI WATER & THE SHENHUA AUSTRALIA PROJECT

We act on behalf of Namoi Water and have been instructed to advise you of the concerns held by our client in relation to the proposed Shenhua Australia Project. Of particular concern to our client is the possible impact on groundwater quality and quantity in the Namoi Valley.

Namoi Water is a non-for-profit, non-political organisation supporting its members to achieve a sustainable irrigation industry that means the environmental, economic and social needs of our local communities. The members include some 3000 water access licence holders across approximately 750 agricultural businesses. The members continue to pay for their access to groundwater which is fundamental not only to their farming businesses but their livelihoods.

The Namoi Valley hosts the largest underground water resource in the Murray Darling Basin System and the dependence on this resource is essential. The need for good quality water supplies for regions, towns and industries cannot be understated.

Following the report titled Watermark Coal Project Groundwater Model: Audit of specific storage coefficients, published January 2019, which was commissioned by the local community, our client has concerns, which are raised below.

The report states that due to the regional geology there is significant interconnectivity between the Coal Measures within the Shenhua Watermark Project and the adjacent

aquifer structure. In this structure mining is not feasible without significant harm to these water resources.

Furthermore, the Water Model that the mining company has commissioned is far too simplistic and limited to accurately assess the full impact on regional water resources.

Our client believes that Shenhua Watermark Coal Project and the Ministerial decision makers have a duty of care to all of the community and towns that rely on the water resources. The proponent of the mine and the agencies responsible for approving and regulating its activities have a duty of care to all Namoi Water landholders whose livelihoods depend on the groundwater.

Accordingly, our client seeks to put Shenhua and the Minister on notice that the members who are represented by Namoi Water will seek damages, should they suffer any decline in quality, yield or availability of water for stock, domestic or irrigation purposes.

Namoi Water also intends to seek damages for the cumulative loss of irrigated agricultural production and the associated loss on equity in farming businesses within the area.

We respectfully request that you review the current approvals as a matter of urgency in order to protect the long-term viability of the Namoi Valley.

All future correspondence in response to this letter is to be sent directly to our client. They can be reached at PO Box 548, Narrabri NSW 2390; email: eo@namoiwater.com.au.

Yours faithfully
WEBB & BOLAND

s47F

Solicitor

Direct email: s47F