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## Response to Inquiry into the provisions of the Water Act 2007

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### Submission by:

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# Introduction

The Water Act 2007 was the result of the awareness of the continuing degradation of the Murray Darling Basin and the then ten year drought.

The Murray Darling Basin has been developed as an irrigation area since the early 1920s and has been very successful. Unfortunately the waters were over-allocated as major developments occurred during years when there was greater than average rainfall.

During the 1980s it became obvious that degradation was happening, but further allocations were still made.

In 1991 we created a world record when we had the largest river toxic bloom in history on a 1000-kilometre stretch of the Barwon and Darling rivers.

In 1997 the Murray Darling Basin Cap was agreed to; this did nothing to address the existing over-allocations. It did however recognise that further growth in water diversions would hasten the decline in river health, as well as to further adversely affect water quality and to reduce the reliability of the water supply for existing water users.

The 10 year drought, the worst in our recorded history exacerbated the situation and in the 2003 CSIRO report “What is the Status of River Health in the Murray-Darling Basin?” by Dr Peter Gehrke, Dr Ben Gawne, and Dr Peter Cullen ([http://www.clw.csiro.au/issues/salinity/documents/murrayriver\\_health.pdf](http://www.clw.csiro.au/issues/salinity/documents/murrayriver_health.pdf)) the following is stated:

There is compelling evidence that the condition of the river environment in the Murray-Darling River system is declining as a result of development of the land and water resources in the Basin. Existing levels of development are clearly unsustainable, and current usage patterns need to be re-evaluated to establish targets that allow the environment to be rebuilt to an acceptable condition that in turn sustains viable social and economic systems.

Many other reports made similar statements and this, with the worsening problems caused by the drought, resulted in the Water Act 2007 and the establishment of the Murray Darling Basin Authority as the problems could no longer be ignored.

It is important to note that during the 10 year drought, water allocations for agriculture were reduced by at least 70% and in some areas up to 100% at times. That this could be done with no major long term economic impact shows the resilience of the sector and the significance of the remedial works already undertaken.

Although the drought is over, further droughts will happen, the need is to establish sustainable limits on water extraction so that sustainable agriculture can flourish in the Murray Darling Basin (MDB).

The world population is still growing, so we can expect increased demand and prices for agricultural products. The predicted climate change for the area is less rainfall and higher temperatures, the agricultural sector has already shown it can adapt to long term drought conditions, it now needs to adapt so that the MDB river system becomes sustainable and can support agriculture well into the future.

# Interpretation of the Act

The Act was written after seven years of drought and continuing deteriorating environmental conditions in the MDB. The legal basis for the act is to implement relevant international agreements (RAMSAR Convention etc), so the act was an environmental act.

In Section 20, *Purpose of Basin Plan*, the strongest clause is:

(b) the establishment and **enforcement** of environmentally sustainable limits on the quantities of surface water and ground water that may be taken from the Basin water resources (including by interception activities);

While the “economic, social and environmental outcomes” is mentioned in clause (d) in Section 20, when we look at Section 21, *General basis on which Basin Plan to be developed*, only “critical human water needs” are mentioned in the first three subsections. All the other subsections are subject to these first three subsections.

Given the above, we believe that the Water Act 2007 correctly recognises the need to return extraction to long term sustainable levels to bring the MDB back to better health so that it can sustainably support agriculture in the region.

Hence we believe there is no need to amend the act as it already has the right balance.

We believe that the act requires the management of the environmentally sustainable extraction of water from the Basin water resources in a way that optimises the economic, social and environmental outcomes.

This way we support the long term viability of the MDB agricultural sector. Environmentally **unsustainable** water extraction will result in an **unsustainable** agricultural sector. This will require change, but it has already been shown that this is possible during the ten year drought.

Robert Hinterding  
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