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Review of the Water Act 2007

The Water Act 2007 (Water Act) has been a significant action by Federal Government to overcome deep seated issues of water resource management across the Murray Darling Basin. The drivers for the Water Act have not changed:

- climate forecasts have not changed,
- State governments have showed no prospect of fulfilling this role without Federal intervention;
- the environmental condition of the Basin remains at risk.

We believe it to be too early to realistically review the Act and achievement of its objectives; however the following comments are based on our monitoring of the implementation of the Basin Plan at Federal and State jurisdictions and some trends that concern us.

The Act should be strengthened to achieve the agreed Sustainable Diversion Limit (SDL). Federal and State governments have capped water buy-backs, are not treating the SDL adjustment mechanism in an open or equitable manner and show little interest in the removal of constraints to environmental flows. These aspects have the ability to adversely impact the implementation of the Basin Plan.

The recent loss of the National Water Commissions (NWC) to independently review the implementation of the Basin Plan is of concern and we believe it to be more important than ever for the Commonwealth Environmental Water Holder (CHEW) and Murray Darling Basin Authority (MDBA) to maintain the independence required to achieve the confidence of the community.

The recent appearance of political pressure connected with water trading by the CHEW highlights the requirement for the Act to reflect that considerations do not involve social and economic matters and proceeds from sales should be tightly confined to increasing the environmental outcomes. Social and economic considerations have already been taken into account in the Basin Plan.

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