

Water Act Review Secretariat
Water Reform Division
Department of the Environment
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CANBERRA ACT 2601

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Dear Sir/Madam,

Submission on the review of the Commonwealth *Water Act 2007*

Thank you for the opportunity to comment on the review of the *Water Act 2007*. I am a dedicated conservation-oriented person, with a particular interest in birds, their habitats and their welfare. This particularly in NSW but also throughout Australia in the case of migratory and nomadic shorebirds and water-birds.

As background, I note the following points about water-birds in the Murray-Darling Basin and request that you give them significant weighting when determining mechanisms and regulations to ensure a fair sharing of water from inland rivers between wetlands and industries.

- Most native water-bird species (including ducks, ibis, egrets, herons, bitterns, spoonbills, snipe and native hens) depend to a high degree on the periodic flooding of rivers and associated flood plain wetlands in the Murray-Darling Basin (MDB).
- Brackish wetlands such as The Coorong in South Australia are immensely important for many migratory and Australian shorebirds. Survival of The Coorong as useful feeding habitat depends on regular inflow of fresh water from the Murray River.
- In the absence of moderate to large flood events in key freshwater wetlands every few years, many water-birds will fail to breed for long periods.
- Long-lasting, widespread drought causes major population declines in most species until such time as widespread flooding eventually replenishes wetlands sufficiently to stimulate breeding by much-diminished numbers of birds.
- Natural droughts and “artificial” droughts caused by massive extraction of water from the MDB’s rivers for agriculture and mining have caused a large decrease in overall temperate Australian water-bird populations over the past 20-30 years.
- Given the requirements for water by various industries and the requirement to guarantee the survival of viable populations of all water-bird (and other aquatic animal) species in the MDB, careful management of water in the MDB accounting for year-to-year variability is vitally important.
- Major natural floods such as those in 2010-11, on their own, cannot be relied on to maintain water-bird populations above low levels; such floods generally occur only once every 20-30 years.

- In periods between natural floods, “environmental” water needs to be deliberately directed to many identified important wetlands, to stimulate AND MAINTAIN the breeding of birds, fish, frogs etc (aiming to reduce the number of “bust” years and increase the number of moderate “boom” years for these animals).

With regard to the review of details of the Act, I offer the following comments:

1. The Commonwealth *Water Act 2007* is groundbreaking legislation in its scope to practically manage sustainable use of water in Australia. The key objects of the Act need to be maintained.
2. The independent functions of the Commonwealth Environmental Water Holder (CEWH) and the Murray Darling Basin Authority (MDBA) are critical and must be retained.
3. The delivery of the Basin Plan, while not within the timeframe expected by the review, is on track in the consideration of constraints management, environmental watering strategy and the development of water resource plans.
4. The considerations of social and economic impacts of the Basin Plan were built into the model to develop the environmentally sustainable level of take (ESLT). Therefore, these issues have been adequately addressed. Cultural flows are important and need to be more clearly defined.
5. The achievement of the Sustainable Diversion Limit (SDL) will be severely impeded by any cap on water buybacks and the proposed SDL adjustment mechanism.
6. The proposed environmental equivalence test for supply measures in the SDL adjustment mechanism has environmental trade-offs and will not achieve the objectives of the Act.
7. The removal of the National Water Commission has direct implications for Part 3 of the Act. An independent audit mechanism is required for the Act to achieve its objectives.
8. Section 106 of the Act should be amended to strengthen the transparency around trading decisions of the CEWH. The requirement that all trade should result in environmental improvements must be retained.

I hope a desire to simplify procedures and “cut red tape” doesn’t lead to a weakening of the regulations and procedures ensuring that the wildlife resources of the MDB’s rivers and wetlands are properly managed into the future.

Yours faithfully,



Paul Vale

Conservation Officer

Blue Mountains Bird Observers <http://www.bmbo.org.au>