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NSW First Flush Assessment,
c/o Department of Planning, Industry and Environment,
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Submission to Assessment of take and protection during first flush flows in the Northern Basin

Thank you for the opportunity for the Murray Darling Association to make submission to the *Independent Panel Assessment of the Northern Basin First Flush Event, July 2020*.

Following the significant rainfall event across NSW and Queensland in January and February 2020, the Murray Darling Association (MDA), Australia's peak body representing local government across the Murray-Darling Basin, wrote to NSW Water Minister Melinda Pavey on behalf of the councils of the far west to expressed their concern about the management of first flush flows, including for floodplain harvesting.

Councils united in expressing concern about a lack of transparency in process and communication regarding pumping restriction orders and recent exemptions, and the impact this decision has on community confidence. We therefore welcome this assessment and the opportunity to comment on it.

In relation to the specific recommendations of the assessment, we make the following comments.

Recommendation 1: Ensure water management provides for and promotes connectivity between water sources.

Agree: The MDA agrees with this recommendation as fundamental to the future of every community across the Basin. This is particularly relevant given the circumstances of acute distress and crisis currently experienced along the Barwon Darling system.

Recommendation 2: Make any temporary water restrictions required to manage first flush events on a proactive basis (that is, prior to specific forecasts of rain).

Agree in part: The MDA agrees with the principle however provisions to make temporary water restrictions should be outlined in the Water Resource Plans and align with the Water Sharing Plans and Flood Plain Harvesting Policy. Plans and policy should be prepared, understood, and agreed in advance of such events providing certainty to all agencies and water users.

Recommendation 3: Until there are further statutory provisions for first flush event management, publish guidance materials which outline how the NSW Government will use temporary water restrictions to manage first flush events.

Agree: Greater transparency in planning and process will assist in delivering community confidence. This recommendation does a good job of outlining the information required.

Recommendation 4: Incorporate learnings from the event into systems that will be used to manage future first flush events in the short term, including consultation with communities, Aboriginal peoples and water users on the objectives, principles, and targets.

Agree: A clear articulation of learning from this event will be useful in both informing the approach to future events and providing clarity to the community. A strong and effective consultation where community feedback is used to inform future planning will also go a long way to include the community in the process.

As this recommendation points out community consultation should reflect the views of the full range of those who have interests in water management. Consultation should follow the recommendations from the Matthews report.

A key finding of this *First Flush Assessment* report is that there was insufficient resourcing in place to adequately plan and communicate for the first flush event. The MDA has continued to call on Basin governments, and in particular the NSW government to work with the MDA to develop an agreed community consultation standard and framework that would meet the objectives of this recommendation. We renew that call here.

Recommendation 5: Ensure evidence base and method for first flush management is quantified, science-based and made publicly available

Agree: The MDA strongly agrees with this recommendation and would like to see investment in ensuring such can happen. Stakeholders continue to express a lack of confidence in methods of measurement and information gathering. This might somewhat be remedied if methods for such practises were publicly available.

MDA views the significant data gaps relating to flows out of Queensland, floodplain harvesting and flow data, channel capacity and allowances for water to move to downstream locations a risk to development of policy and community confidence.

We would also suggest that the NSW government partner with the national science agency the CSIRO to meet this objective to ensure the science underpinning the method for first flush management is robust, independent, consistent, and trusted.

Recommendation 6: Review and update incident management systems for managing first flush events.

Agree: Further to this recommendation the MDA would like to see a platform that communicates how such incident management systems are operating during and event. Outlining what decisions are being made and at what time.

MDA stakeholders have reported dissatisfaction with how information was shared during the February event, particularly why some water users had access to information well before others. See comments regarding a consultation and communication standard and framework under recommendation 4.

Recommendation 7: Put management of first flush events in the regulatory and policy framework for managing drought. Framework adopted should be developed with communities, Aboriginal peoples and water users.

Agree: The MDA agrees that “hard wiring targets (numbers) into legal instruments now may risk compromising environmental, social, cultural and economic outcomes.”

We further suggest that the significant data gaps relating to flows out of Queensland, floodplain harvesting and flow data, channel capacity and allowances for water to move to downstream locations be addressed to better inform target numbers to be included in legislation.

Recommendation 8: Improve flow forecasting modelling and real-time monitoring capability, including measurement of extractions and the hydrometric system for inflows and monitoring end of system flows.

Agree: Any improvements made in this area will significantly benefit any future first flush flow event management. The significant data gaps relating to flows out of Queensland, floodplain harvesting and flow data, channel capacity and allowances for water to move to downstream locations as potentially the biggest risk to management of first flush flow events and the community.

Recommendation 9: Ensure current and future reform programs have clear implementation plans and regular communication of progress to the public

Agree: All stakeholders involved in water management should have access to and be notified of reform and development of any plans and policy. See again our comments regarding a consultation and communication standard and framework under recommendation 4.

Recommendation 10: Improve and resource communication coordination and capability

Agree: We agree wholeheartedly with this recommendation and refer again to our comments regarding a consultation and communication standard and framework under recommendation 4.

The MDA has long acknowledged the complexity of water management and the barrier this poses to water literacy for stakeholders. This was also acknowledged in the Mick Keelty report which called for “a single source of truth” as a way of making water literacy easier for stakeholders and providing greater community confidence.

CONCLUSION

The MDA would like to commend the Independent Panel for its work to-date on the Independent assessment of Assessment of the Management of the 2020 Northern Basin First Flush Event.

The MDA recognises the complexity of the February first flush event, the lack of perfect information that was available at the time and the complex and incomplete policy framework that management of such events must rely upon.

The MDA notes the significant failure of information sharing, provision of clarity around decisions and supply of general communication that is mentioned in the report.

We cannot emphasize enough how such failures lead to a breakdown of community confidence. As noted in the submission many of our stakeholders have communicated their concern with data gaps relating to flows out of Queensland, floodplain harvesting and flow data, channel capacity and allowances for water to move to downstream locations.

We commend the recommendations provided by this report and note that if they are accepted and implemented in full, then the community will be significantly more satisfied and the management of future such events should occur in a way that achieves the best possible outcome for all water users and communities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Emma Bradbury', with a stylized flourish at the end.

Emma Bradbury
Chief Executive Officer
Murray Darling Association