

Fair Water Use proposes declaration of State of Emergency

Fair Water Use has made two submissions to the Senate inquiry into water management in the Coorong and Lower Lakes, for consideration as amendments to the Emergency Water (Murray-Darling Basin Rescue) Bill 2008.

This submission calls for a declaration of a State of Emergency:

MURRAY-DARLING BASIN STATE OF EMERGENCY - SCOPE

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[Link to pdf version]

Introduction

The Council of Australian Governments shall declare a State of Emergency for the remaining duration of the drought and take urgent remedial actions aimed at restoring the ecological health of the Murray-Darling river system, including the Coorong.

(The Murray Darling Basin States and the Australian Government must demonstrate a constructive and collaborative approach to governance and management during the State of Emergency.)

Authority

A special act of Parliament shall be gazetted by the Commonwealth with legislative support from the Murray-Darling Basin member States and Territory, for the duration of the State of Emergency, that acknowledges the exceptional drought and excessive and unsustainable water demand that exists in the system. The Commonwealth will, under section 100 of the Australian Constitution, use its vested powers to empanel a State of Emergency Board and address the following issues, utilising the administrative mechanisms currently in place to manage the Murray-Darling Basin:

Section 100 - Nor abridge right to use water

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

Moratorium

A moratorium will be placed on all water trading whilst the State of Emergency exists, including the provision or granting of any new water allocation licenses by the States.

(The State of Emergency will require determination and prioritisation of actions to be taken for the remaining duration of the drought to best protect the interests of Australian residents and the ecology of the Murray-Darling Basin.)

Priorities

The State of Emergency Board shall make available surface and ground water within the Murray-Darling Basin, in the following order of priority:

Domestic needs

i.) Provision of water for domestic use by those who depend upon the Murray Darling for their water supply.

Survivability of the Murray Darling ecosystem

ii.) Restoration and maintenance of the ecological health of the Murray-Darling river system and specifically those strategic areas agreed by experts as requiring conservation and those subject to international treaty obligations.

Commercial: domestic market

iii.) Provision of water for irrigators providing fruit, nuts and vegetables for domestic markets.

iv.) Provision of water for other industry sectors, including the dairy and wine industries supplying domestic markets where no other viable alternatives are available.

Commercial: permanent plantings (domestic and export markets)

v.) Provision of a minimum allocation for irrigation of mature permanent orchard plantings and vineyards that are assessed as being capable of surviving the drought and the impact of projected reductions of inflows into the Murray-Darling as a result of climate change.

Other commercial: export markets

vi.) Allocations for irrigation of annual crops for export and other industries supplying export markets shall only be made once water has been allocated as prioritised in (i) to (v) above and will be determined with reference to the volume of available water remaining.

Appropriateness of water use

vii.) The appropriateness of use of Murray-Darling water for specific commercial purposes will be determined by an assessment process that takes into account principles (i) to (vi) defined above and also efficiency of water use, quantity of water used and the impact on groundwater reserves and the ecology of the Murray-Darling river system.

Report

At the conclusion of the State of Emergency, the State of Emergency Board shall produce a report detailing actions taken, findings, observations and recommendations for the future.

Regard for Murray Darling Royal Commission

The State of Emergency Board shall have regard for the Murray Darling Royal Commission with which it shall fully cooperate and share any information uncovered during the State of Emergency.

Special Provisions

The State of Emergency Board shall be made up of seven Commissioners, a Chairman and a Commissioner appointed by each of the following members of COAG:

- Commonwealth
- Queensland
- New South Wales
- Victoria
- South Australia
- Australian Capital Territory

Any eminent person or expert engaged by the Commissioners shall have placed on the public record a detailed statement of their support and involvement in water reform and of their competency in the area engaged by the Commissioners.

The Commonwealth shall be prepared to use the full scope of its resources to assist with the State of Emergency including use of the Defence force as required.

The Commonwealth and the States shall share the responsibility for reasonable compensation of water users as a result of the withholding of water that, in the absence of drought, would ordinarily have been made available.