

Water Act 2007 (Cth) Review – Public Consultation

August 2026



The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations



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Executive Summary

The *National Farmers' Federation* (NFF) welcomes the opportunity to provide a submission to the *Water Act 2007 (Cth) Review – Public Consultation* (Discussion Paper). The *Water Act 2007* (Water Act) has now operated for almost two decades and has underpinned a significant period of reform to water management across Australia. Its operation extends across national water information, water market integrity, and governance functions, while also providing the legislative basis for *Murray-Darling Basin* (Basin) arrangements. Over that period, Governments and producers have adapted to substantial changes in water management policy. Within the Basin specifically, this has included the establishment of *Sustainable Diversion Limits* (SDLs), the recovery of substantial volumes of water for the environment, the introduction of *Water Resource Plans* (WRPs), and the development of a broad set of Commonwealth institutions and regulatory arrangements associated with Basin Plan implementation.

The Water Act operates within Australia's Constitution in which the States and Territories retain primary responsibility for water management and the Commonwealth exercises functions supported by a range of constitutional powers. That division of responsibility is fundamental to its operation and must remain a key pillar and grounding of this Review.

The context in which the Water Act operates has evolved considerably since its commencement. National water information arrangements are more developed, Commonwealth institutions and regulatory functions are well established, State and Territory water planning and entitlement systems have continued to mature, and the broader intergovernmental water policy landscape has become increasingly complex. Within the Basin, SDLs are established and operational, WRPs now provide the legal basis for implementation across most water areas, and substantial environmental water holdings have been accumulated. This Review must recognise these developments and consider what is required of the Act moving forward.

The central question for this Review is therefore whether the Water Act remains fit-for-purpose and appropriately calibrated for the next phase of water management. Nationally, this requires consideration of whether the Act's Objectives are being achieved, whether Commonwealth functions remain effective and proportionate, whether institutional arrangements are efficient and accountable, and whether the legislation continues to support balance between social, economic, and environmental outcomes.

Within the Basin, the focus must now shift toward smarter management and achieving demonstrable environmental outcomes and away from the 'just add water' mentality that has plagued implementation and communities. This means moving beyond further buybacks and prioritising complementary measures that address the underlying drivers of environmental degradation and underperformance (more below). We seek \$2.0 billion over four-years to support implementation.¹

¹ January 2026, National Farmers' Federation: [2026-26 Pre-Budget Submission](#)

- *Progressing community supported constraints and complementary measures that enhance the effectiveness and value of environmental water (i.e., fish ladders/diversion screens, habitat restoration, revegetation, and erosion control).*
- *A National Fish Strategy focussed on real outcomes for native fish, fish kills, and the eradication of invasive species especially including European carp.*
- *A planned approach to repairing or replacing ageing infrastructure, some of which is a century old, including progressing Sustainable Diversion Limit Adjustment Mechanism (SDLAM) projects that improve environmental outcomes and retain water within the consumptive pool.*
- *Enabling more flexible and efficient water trading arrangements with the Commonwealth Environmental Water Holder (CEWH), including facilitating trade between environmental and willing consumptive users where it improves environmental outcomes and market efficiency, and allows water to be used at the right time and in the right location.*
- *Avoiding rules-based changes and ‘acquisition by stealth’ that reduce access to water for productive use.*
- *Careful examination of changes to river operations that have no third-party impacts on entitlement holders.*

Shifting Toward Achieving Measurable Outcomes, Not Chasing Volumes

As stated in our submission to the Murray-Darling Basin Authority’s Basin Plan Review Discussion Paper (Basin Plan Review) (Attachment 1), for too long, Basin water policy has been driven by water recovery volumes and targets rather than demonstrated environmental outcomes. Water recovered from the consumptive pool does not necessarily provide an environmental outcome in its own right. The Basin Plan Review has increasingly recognised that many of the remaining barriers to improved river health cannot be addressed simply by adding more water alone. Community supported constraints, water quality, invasive species (especially invasive European carp), habitat condition, barriers to fish passage, river operations, infrastructure, and the ability to deliver environmental water at the appropriate time and place all influence whether intended outcomes are achieved.

NFF remains opposed to further water acquisition (whether that be Commonwealth buybacks or acquisition through stealth) and it is our position that any SDLAM reconciliation shortfall must not automatically become a new water recovery target. In response to Minister Plibersek’s call for *Innovative Ideas to Deliver the Murray-Darling Basin Plan in Full*, NFF identified more than 1,000 GL of buyback-free options capable of contributing to Basin Plan outcomes and we continue to reiterate a solutions-based approach, supported by policy and investment settings, that fully considers and exhausts

alternatives before any further recovery from productive use is contemplated.² The next phase of environmental water management must focus on the above priorities. The relevant test should be whether these measures improve environmental condition and deliver measurable outcomes, rather than whether an additional nominal volume of water has been recovered. This is a reality now recognised by the *Murray-Darling Basin Authority* (MDBA) and best encapsulated by the following recent remarks from Chief Executive Andrew McConville on the Gold Coast that it was time “to move beyond water recovery”.

This shift toward outcomes must also be matched by stronger accountability. Consumptive users operate within a highly regulated system involving metering, accounting, and compliance obligations. Environmental water should be subject to a similar rigour for demonstrating how water has been used and what outcomes have been achieved. NFF supports independent assurance and public reporting of environmental water use and outcomes. This is discussed further in the sections below.

Maintaining Clear Delineation of Responsibilities: Respecting the Primary Role of the States

As outlined above, the division of responsibility between the Commonwealth and the States is fundamental to the operation of the Act and must ground the Review’s framing and focus. Water management is primarily a State and Territory responsibility and encompasses a broad range of functions including but not limited to the following:

- *Water planning;*
- *Determining seasonal allocations;*
- *Licensing water use;*
- *Operating river infrastructure;*
- *Regulating water quality; and*
- *Administering entitlement frameworks.*

The primary role of States and Territories in water management is also expressly recognised in the *Terms of Reference*, and this must remain a guiding principle for any recommendations arising from the Review.

The Commonwealth has responsibilities under the Water Act, supported by a range of constitutional powers, including the ‘external affairs’ power in relation to relevant *International Agreements*. This architecture should not be interpreted as a general mandate for the Commonwealth to progressively expand into areas of water management more appropriately and already governed by States and Territories.

As a general principle, Commonwealth involvement should be directed toward matters where there is a demonstrable national or cross-jurisdictional need and where intervention adds clear value. Duplication of functions or the creation of additional regulatory layers over established jurisdictional practices should be avoided to the degree possible, or otherwise removed where practical, in the effort to strive toward greater simplicity. This is

² July 2023, National Farmers’ Federation: [Delivering the Murray-Darling Basin Plan Submission](#)

particularly relevant to proposals concerning water security, water quality, and further expansion of water information functions (as referred to in the Discussion Paper). At a high-level, NFF does not support expanding Commonwealth responsibility into these areas (more later).

Water Fundamentals: Supporting Australian Agriculture

A Key Stakeholder and \$100 Billion National Priority

Water policy must give appropriate weight to productive capacity and cannot be considered solely through an environmental lens. Australian agriculture is central to the nation's economic performance and future growth. The sector has set a clear ambition (as outlined in the *NFF's 2030 Roadmap*) to exceed \$100 billion in farm-gate output by 2030, reflecting a coordinated national effort to grow the value and productivity of Australian agriculture.³ Achieving and sustaining strong production outcomes depends on maintaining a stable, profitable, productive, and internationally competitive natural resource base. This includes secure and well-managed water resources together with policy settings that provide appropriate and sustained weight to production outcomes.



Figure 1: NFF 2030 Roadmap 2025 Annual Report Card summary statistics (showing sector performance across key indicators as of 2025).⁴

The importance of water to agriculture is a national issue. Agricultural businesses depend on the security, tenure, reliability, quality, and cost of water rights created and administered under State and Territory law to produce food and fibre, support regional economies, and contribute toward both domestic and international food and fibre security objectives and responsibilities. More than one-third of Australia's agricultural produce is derived from the Basin alone which supports approximately 10,000 agricultural businesses and tens of thousands of direct jobs.

The agricultural sector has now reached the \$100 billion ambition ahead of the original 2030 timeframe, with the *Australian Bureau of Agricultural and Resource Economics and Sciences* (ABARES) forecasting farm production of \$101.4 billion in 2025-26 and combined agriculture, fisheries, and forestry production of \$107.4 billion in its *March Quarter 2026*

³ 2018, National Farmers' Federation: [2030 Roadmap: Australian Agriculture's Plan for a \\$100 Billion Industry](#)

⁴ 2025, National Farmers' Federation: [2025 Annual Report Card: Measuring Our Progress Towards \\$100 Billion](#)

Agricultural Commodities Report.⁵ This is a significant achievement for a sector that faces persistent risks and pressures each and every day.

The national significance of this achievement was recently recognised at Parliament House, where agricultural leaders, the Prime Minister, the Leader of the Opposition, and Parliamentarians gathered to celebrate the sector reaching the \$100 billion farmgate milestone four years ahead of schedule. The milestone reflects a longstanding bipartisan ambition for Australian agriculture and reinforces the need for policy settings that support production and continued sector growth. In his remarks, the Prime Minister noted that *“the world wants what Australia produces”* and that the sector’s achievement *“is a product of hard work, driven by the people in this room, driven by the innovation, energy, and constant hard that makes this industry turn, year after year”*. Good water policy has and continues to be an integral component of this success, and fundamental to realising and sustaining production outcomes, thriving communities, and driving future sector growth.⁶

For producers, confidence in the stability of water policy is critical. Basin communities have already absorbed substantial adjustment and undertaken much of the heavy lifting associated with water recovery and successive policy reforms. **The Water Act Review must therefore strive to provide policy certainty and confidence, protect these gains, and support continued investment and production by avoiding radical changes or adjustments that would impact property rights or the reliability of entitlements.**



Figure 2: Prime Minister, Hon Anthony Albanese MP, and NFF President, Hamish McIntyre, celebrating Australian agriculture’s achievement of \$100 billion in farm gate output.

No Dedicated Agriculture Skillset and Grounding

NFF is concerned and disappointed that, despite repeated calls, the Review has not included a dedicated agricultural or industry advisory skillset. As outlined above, this omission is difficult to reconcile with agriculture’s significance as a water user and its contribution to national food and fibre production and security and regional communities.

⁵ March 2026, Australian Government, Department of Agriculture, Fisheries and Forestry: [Agricultural Commodities Report March 2026](#)

⁶ August 2026, Prime Minister of Australia, The Hon Anthony Albanese MP: [National Farmers’ Federation Industry Celebration – Speech](#)

The imbalance is particularly stark given that the Review has appointed a dedicated ‘First Nations Adviser’, reflecting the significant weighting applied to the statutory requirement concerning the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), while no equivalent mechanism has been established to ensure the integration of dedicated agricultural expertise. For a Statutory Review of this significance undertaken only once every decade, this imbalance does not provide industry and communities with much confidence that agricultural interests are being afforded comparable recognition in the execution of this Review. This is especially concerning given there is precedence here (the 2014 Review was supported by an Expert Panel with expertise across agriculture, science, and Local Government).

Strengthening Agricultural Representation in Governance

The same principle (above) should guide institutional reform more broadly. Good governance means ensuring good representation. We therefore are of the view that the Water Act be amended to require the following:

- *At least one non-executive MDBA Board Member must live within the Basin (outside of capital cities) and have substantial, recent lived experience in the irrigated agriculture and dependent processing or supply chains in the Basin; and*
- *At least one non-executive MDBA Board Member should live in the Basin (outside capital cities) and have substantial recent lived experience and expertise in regional social and economic impacts in the Basin.*

Social and Economic Outcomes

Social and economic outcomes require stronger and more explicit focus and weight in decision-making and throughout the Act. NFF does not support amendments that would further entrench environmental primacy or maintain/create new pathways through which consumptive access continues to be reduced without transparent consideration of the consequences. We support stronger statutory requirements for socio-economic assessment, and consistent with the approach already reflected in Section 86ADB, applying socio-economic assessment more broadly to any mechanism that reduces consumptive access is also supported. Assessment should be independent, undertaken against transparent criteria, regionally disaggregated and, where appropriate, industry-specific, with the findings made available before the relevant decision is made. This has not been the case and experience to-date.

NFF also considers that Section 22 should be amended to require establishment of a *Social and Economic Resilience Plan* alongside broader amendments to strengthen the practical operation of the Act’s social and economic Objects and provisions. The purpose is to ensure that social and economic consequences operate as substantive considerations in planning and decision-making, rather than as a retrospective after-thought.

NFF is particularly concerned by the different treatment of reductions in consumptive access depending on the mechanism used. Direct Government purchase involves a willing seller receiving market value and is generally accompanied by some consideration of community impacts. A rule or planning change may instead reduce the practical reliability of water without an equivalent assessment or compensation framework. The practical

effect on an entitlement holder can nevertheless be similar. The Act should not enable effectively the same reduction in productive water access to be achieved through such a pathway without comparable scrutiny and assessment.

NFF also rejects the proposition that socio-economic concerns cease once an individual entitlement seller has been compensated. A willing seller may receive market value, but the removal of water can negatively impact remaining businesses. Compensation to the seller does not extinguish such wider consequences. Socio-economic assessment must also therefore consider cumulative and flow-on impacts across all water users.

Key Objects and Operation of the Water Act

Objective 3(a): Management of Basin Water Resources in the National Interest

Object 3(a) seeks to enable the Commonwealth, in conjunction with the Basin States, to manage Basin water resources in the national interest. NFF considers that this Object has been partially achieved. The establishment of the Basin Plan, SDLs, WRPs, environmental water holdings, and new compliance and governance institutions demonstrates substantial progress in cooperative Basin management. However, prolonged delays in completing WRPs, duplication, and persistent disagreement between Governments on major implementation questions show that the cooperative model has not operated efficiently in all respects.

The national interest must also be understood broadly. It encompasses a healthy river system but also productive agriculture, food and fibre production, regional economies, infrastructure, and the security and reliability of property rights.

A More Balanced and Enduring Policy Framework

A central Object of the Water Act is to optimise economic, social, and environmental outcomes arising from the use and management of Basin water resources. It is our view that Object 3(c) has not been achieved. The experience of Basin communities is that environmental objectives have taken precedence while social and economic outcomes have received little to no direct attention or equivalency, and in many cases, treated as an afterthought once policy settings have already been determined. This imbalance is evident in the heavy reliance on water recovery volumes as a measurable proxy for environmental progress, while the significant consequences for productive capacity, local employment, community resilience, and agricultural production have been addressed only after decisions have been made through mitigation or adjustment programs that have themselves experienced significant implementation deficiencies. This does not represent optimisation in any meaningful sense of the term.

The recent experience of *SunRice* illustrates this problem. Declining rice production, driven by reduced water availability from both seasonal conditions but also structural changes driven from Commonwealth policy (i.e., pursuit of buybacks), has been a major contributing force to the announced loss of 78 jobs across *SunRice* operations in Deniliquin and Southern New South Wales, while concerns about the effects of water policy settings on the Riverina rice industry continue to be raised. Governments are now considering interventions aimed at preserving regional processing capacity and employment. Such

consequences should be anticipated and properly assessed before policy settings are implemented, rather than addressed retrospectively through taxpayer money.

This, however, is not an isolated example. For instance, *Kagome Australia*, Australia's largest tomato processor, has strongly warned that escalating pressured on water availability and affordability driven by the Commonwealth's buyback program are affecting the viability and scale of its operations, and has reportedly spent \$11.3 million relocating tomato-growing areas in areas impacted by broader buybacks. Similar pressures are also evident across the dairy sector.

It's not as if industry has repeatedly raised these concerns, there is now material evidence. Less water was also a key contributor toward the closure of a major dairy plant in Northern Victoria, while another major food processor is considering its viability with reduced water availability as a result of buybacks being a major factor. These are not good outcomes for regional communities or our sovereign capability, and they speak to the lack of forward thinking and considered socio-economic assessment of water recovery decisions (including cumulative impacts on productive water availability and regional employment).

A genuinely balanced framework requires trade-offs to be identified and assessed before decisions are made. Where a policy decision will result in diminished outcomes for production and water reliability, the relevant social and economic consequences must form part of the decision-making process itself. This should include independent (and where appropriate) industry produced socio-economic assessments, together with consideration of the cumulative impacts of previous reforms. Again, more focus should be investigated for localised solutions to environmental issues, not a reliance on 'just add water'. A more balanced approach must also recognise the national interest in agriculture and food and fibre production.

Evidence Base: Socio-Economic Impacts

As stated in our submission to the Basin Plan Review, the impacts of Commonwealth water buybacks have been significant, unevenly distributed, and concentrated in irrigation-dependent regions, with these effects documented through multiple reviews and independent socio-economic analyses. Consequences include reduced economic activity, declining confidence, population loss, and sustained pressure on regional resilience, consistent with the experience reported by affected industries and communities. Independent industry analysis, including the 2025 *Ricardo Report* commissioned by *Dairy Australia*, further strengthens this evidence base as does also the MDBA in its *Basin Plan Review Discussion Paper* (although with much less attention and detail).⁷

⁷ June 2025, Ricardo Australia: [Impact of Water Buybacks on the SMDB Dairy Industry – Potential Impacts for Dairy Farms, Processors, and Suppliers \(Report for Dairy Australia\)](#)

Objective 3(b): Giving Effect to Relevant International Agreements

As referred to earlier, one of the constitutional bases supporting the Commonwealth's involvement under the Water Act is the 'external affairs' powers provision of the Australian Constitution including through giving effect to relevant *International Agreements*. This is reflected in the Objects of the Act.

The *International Agreements* that are recognised are predominantly environmental in focus and in our view, this has contributed to an imbalance in the statutory framework, with production and socio-economic outcomes not afforded equivalent weight. To be clear, the Act does not specifically identify Agreements concerned with agricultural production, food security, water security, or broader social and economic outcomes, despite provisions within existing Agreements that are directly relevant to these matters. Take for instance the *United Nations Framework Convention on Climate Change* (UNFCCC) which is expressly recognised by the Act. The *Paris Agreement* (adopted under that Convention) provides a clear example of why the full content of relevant Agreements matters. Article 2(1)(b) provides for adaptation and climate resilience to be pursued "*in a manner that does not threaten food production*".

Specifically:

- *"This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by: b. Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production".⁸*

If the Act is to continue to have Objects related to *International Agreements*, one pathway to address this imbalance is to broaden the scope of 'relevant' Agreements to include those relating to agricultural production and other social and economic outcomes, including agriculture, irrigation, food production, and food security more broadly.

There is also a broader question as to whether the current architecture of the Act can deliver the balance contemplated by its Objects in-practice. There is an inherent tension where the Act seeks to optimise economic, social, and environmental outcomes while also providing mechanisms that remove water from productive use with well-known and documented social and economic impacts to both industry and communities. This together with the above means that this Object cannot be met by the current Act (and likewise for Objective 3(d)(iii), *Maximising Net-Economic Returns to the Australian Community*).

⁸ 2015, United Nations: [Paris Agreement to the United Nations Framework Convention on Climate Change](#)

Objective 3(d)(i): Return to Environmentally Sustainable Levels of Extraction

Object 3(d)(i) has been substantially progressed. SDLs have operated as enforceable extraction limits since 2019, and substantial volumes of water have been recovered to *Bridge The Gap*.

SDLs must provide a stable foundation for long-term water planning and agricultural investment. NFF does not support reductions including through potential climate adjustment. Climate variability is already managed through established allocation and State water planning frameworks. Further reductions risk duplicating variability already borne by entitlement holders without addressing the non-flow drivers responsible for environmental underperformance. As outlined in our submission to the Basin Plan Review, since the framework came into full effect in 2019, the Basin has remained compliant with SDL requirements, with water use consistently below legal limits and, in many cases, generating a growing credit balance. Where concerns regarding the effectiveness of SDLs have been raised, the MDBA's preliminary analysis indicates that these are driven by non-flow related factors including system constraints, invasive species, habitat condition and health, water quality, patterns of flow, and river connectivity rather than a lack of total water volume.

We also support closer examination of the definition and operation of *Environmentally Sustainable Levels of Extraction* (ESLT). In simple terms, the ESLT is intended to identify the level of water extraction that can occur without compromising key environmental assets, ecosystem functions, the productive base of the water resource, or key environmental outcomes. The issue here is the transparency and evidentiary process applied in determining that level. The inputs and assumptions feeding into that are not required to be specified and in many cases the evidence and modelling underpinning the determination are not transparent.

Additionally, poor environmental performance should not, of itself, be taken to demonstrate that an SDL no longer reflects an ESLT. Environmental outcomes are influenced by multiple drivers, and the current framework does not require demonstration that reducing take below the determined level will actually deliver the identified environmental outcome. Any reconsideration of an SDL should therefore require clear evidence of the relationship between the level of take and the outcome said to be compromised, including that a change in take is capable of meaningfully improving that outcome.

Objective 3(d)(ii): Protecting and Restoring Ecological Values and Ecosystem Services

While this Object has been partially achieved, progress cannot be demonstrated by recovery volumes alone. This reflects both the accumulated experience and scientific evidence from years of Basin Plan implementation, as well as the MDBA's recognition that achieving environmental outcomes depend on more than water volume alone. As outlined above, the next phase must shift toward smarter, outcomes-focussed environmental water management, with success measured through demonstrable ecological improvement rather than the continued pursuit of recovery targets.

Achieving Indigenous Outcomes Through Appropriate Balance of Interests and Priorities

Indigenous Water

Any reforms concerning Indigenous water must operate consistently with established water entitlement frameworks and not impact property rights and reliability of entitlements. The Water Act must also not be wielded to redesign broader Indigenous policy or create alternative pathways for reallocating water outside existing frameworks.

The *NFF 2025 Indigenous Water Policy* is attached at Attachment 2 and is to be read in conjunction with this section.⁹

In summary, NFF supports the recognition of Indigenous water provided that it is delivered in a manner that is consistent with existing water frameworks and does not result in third-party impacts on entitlement holders and/or otherwise undermine the integrity and reliability of the consumptive pool. This includes recognising that existing held and planned environmental water is utilised to support Indigenous water outcomes. We do not support the issuing of new entitlements for contemporary economic use or access to water through rules-based changes as this is inconsistent with property rights and the 2004 *National Water Initiative* (NWI).

For contemporary economic use, NFF supports Indigenous participation through existing market mechanisms, including acquisition from willing sellers, ensuring participation occurs on equal commercial terms. Where water is acquired, it must remain in Indigenous ownership in perpetuity to deliver enduring benefits while maintaining the existing characteristics of the entitlement and the integrity of the pool from which it was derived.

United Nations Declaration on the Rights of Indigenous Peoples

Section 253(1A) of the Water Act requires the Review to identify opportunities under the Act to promote the principles contained in UNDRIP.¹⁰ This legal context should clearly inform the scope of the Review and in doing so, have regard to the legal status of UNDRIP. UNDRIP is not a legally binding treaty, has not been incorporated into Australian law, and does not form part of the National Agreement on Closing the Gap. There must be a clear distinction between promoting relevant UNDRIP principles and creating new enforceable rights or decision-making authorities through the Act (which we understand the latter is not being contemplated). This Review must remain focussed on identifying practical opportunities under the Act while maintaining confidence in the established entitlement framework relied upon by all water users.

⁹ May 2025, National Farmers' Federation: [Indigenous Water Policy](#)

¹⁰ September 2007, United Nations: [United Nations Declaration on the Rights of Indigenous Peoples](#)

National Agreement on Closing the Gap Target 15C and Jurisdictional Responsibilities

There must also be a clear boundary around matters that properly fall within the remit of this Review. While Section 253(1A) expressly requires consideration of opportunities to promote UNDRIP principles, it does not provide a general mandate to redesign water policy across Australia or to assume responsibilities that properly reside with State and Territory Governments.

Closing the Gap Target 15C is particularly relevant in this respect. The agreed approach is that State and Territory Governments are responsible for progressing their own inland water targets and indicators. To be clear, there is no single national inland water target being proposed or contemplated and such discussions, therefore, fall beyond the scope and remit of this Review.

Clarity of Terminology

Greater clarity is required around the meaning and intended legal effect of terminology such as “self-determination”, “equality”, “consent”, and “rights”. These concepts carry different meanings, and they need to be clearly explained and implications understood. Again, and as a general principle, any reforms concerning Indigenous water must operate consistently with established water entitlement frameworks and not impact property rights and reliability of entitlements

Free, Prior, and Informed Consent

While there is no universally accepted definition of *Free, Prior, and Informed Consent* (FPIC), NFF refers to the definition outlined by the *Department of Climate Change, Energy, the Environment, and Water* (DCCEEW) in its *August 2024 Consultation Paper on the Draft Principles of a National Water Agreement*.¹¹

- “Free, prior and informed consent is a principle protected by international human rights standards that states, ‘Aboriginal and Torres Strait Islander Peoples have the right to self-determination’ and – linked to the right to self-determination – ‘Aboriginal and Torres Strait Islander Peoples have the right to freely pursue their economic, social and cultural development’”.

NFF supports the principle that Indigenous people have the right to pursue their economic, social, and cultural development in concordance with broader human rights to self-determination. However, the concept of FPIC engagement must apply broadly to all water users and not just to Indigenous peoples to ensure all water users and their interests are provided equal recognition and treatment under decision-making and Australian law. In this sense, FPIC must be understood as a mechanism for best-practice engagement rather than providing special privileges or operating as a de-facto veto over policy outcomes.

¹¹ August 2024, Australian Government, Department of Climate Change, Energy, the Environment and Water: [Consultation on the Draft Principles of a National Water Agreement – Discussion Paper](#)

FPIC does not confer a unilateral right to determine policy outcomes nor the exercise of a veto, and we note that any such proposal to the contrary be considered in the broader democratic context of the 2023 *Australian Referendum* on the proposed *Indigenous Voice* where a significant majority of Australians rejected the constitutional amendment. While the Referendum did not concern FPIC specifically, its outcome reinforces the need for caution before attributing special exclusive and/or determinative decision-making authority to select interest groups outside established Australian legal and democratic frameworks.

This distinction is also expressly recognised in the *National Water Agreement* (NWA), which, following its recent public release states:

- o *“References to ‘free, prior and informed consent’ in the National Water Agreement context do not infer a right of veto over projects, legislation or policies being actioned by governments through this Agreement”.*¹²

Indigenous Cultural and Intellectual Property

As stated on Page 57 of the Discussion Paper:

- o *“First Nations peoples’ knowledge, science and Indigenous Cultural and intellectual property, are used, collected, analysed, stored, communicated and shared in accordance with cultural protocols and wishes and respecting data sovereignty”.*

NFF acknowledges the unique and significant complexity of *Indigenous Cultural and Intellectual Property* (ICIP) in agriculture, fisheries, and forestry, particularly where ICIP intersects with existing regulatory regimes. NFF notes that there is currently no settled nor nationally agreed definition of what constitutes ICIP. The Commonwealth has not yet introduced stand-alone legislation to address it, and broader policy development remains underway. As stated by the *Office for the Arts*, *“consultation will be conducted in a staged manner, later stages will address the broader rights relating to ICIP”*.

In recognition of that, NFF does not support this Review pre-empting that process by creating standalone ICIP rights or protections through water legislation. Any future proposal affecting the scope, application, ownership, use, or protection of ICIP must be developed through a dedicated, open, and transparent process that allows the interests and implications for all affected parties to be properly considered. NFF will engage constructively in those forums as appropriate.

Recognising Existing Legal and Policy Frameworks

To complement the above, the Review should recognise that Indigenous interests and cultural outcomes are already addressed through a range of established legal and policy mechanisms. State planning laws and the *Native Title Act 1993*, for example, already

¹² August 2026, Australian Government, Department of Climate Change, Energy, the Environment and Water: [National Water Agreement](#)

provide mechanisms through which cultural and economic interests can be recognised from a water interests perspective. This does not mean gaps do not remain, but rather, any reform should first identify where genuine gaps exist, consider how existing frameworks can be better aligned, and then determine the most appropriate mechanism for addressing them (rather than assuming that an additional bureaucratic layer through the Water Act is required).

We also note that the NWA contains specific provisions relating to Indigenous water interests and participation. This work remains on foot, and its implications are still subject to further consideration and understanding by jurisdictions and industry. The Review must remain cautious about duplicating or pre-empting arrangements being progressed through this separate intergovernmental process.

Treatment and Recognition of Indigenous Knowledge and Science

While NFF acknowledges efforts to bring Indigenous knowledge, science, and research into the evidence-base (Section 4.9.5), we reiterate the need for such evidence to be considered and treated individually on its merits in an equal manner to any other information, science, or input that is provided. It is important to recognise that not all evidence supplied into a decision-making process (irrespective of the source) holds the same weighting, importance, or validity. Evidence must be closely scrutinised. To this effect, NFF does not support any approach or consideration that requires Indigenous science and knowledge systems to be granted equal weighting in all circumstances, without regard to their relevance, application, and evidentiary basis in the specific decision-making context.

Evidence and Independent Assurance

NFF recognises the importance of ensuring water management is supported by robust evidence-based decision-making underpinned by sound science and continuous improvement. While water use and compliance are subject to oversight functions, there is comparatively limited independent scrutiny of whether environmental water is achieving the outcomes for which it is held and managed. Environmental water should be subject to the same high standards of transparency, accountability, and performance assessment as consumptive use, with a clear expectation that measurable and verifiable outcomes are demonstrated.

NFF considers there is a case for stronger independent audit and assurance of environmental water outcomes, including the performance of the Commonwealth environmental water portfolio. This means scrutiny not only on whether water has been delivered in accordance with relevant requirements, but also whether intended environmental outcomes have been achieved and, where they have not, whether non-flow factors or other factors have limited performance.

Institutional and Governance Arrangements

Consolidation and Clearer Accountability

The institutional framework established around the Water Act has become increasingly complex. The MDBA, CEWH, DCCEEW, *Inspector-General of Water Compliance* (IGWC), *Bureau of Meteorology*, *Australian Competition and Consumer Commission* (ACCC), Basin States, and a range of intergovernmental bodies perform intersecting functions across water policy, regulation, compliance, information, and implementation. This creates scope for duplication, blurred accountability, and additional administrative burden.

There is scope for this Review to identify opportunities to consolidate functions and remove duplication without weakening necessary independent oversight. Where duplication exists, consolidation should be preferred over further institutional expansion.

Role of the Inspector-General of Water Compliance

NFF continues to support the IGWC as an independent review umpire. As outlined in our submission to the *Review of the Role of the Inspector-General of Water Compliance* (Attachment 3), the primary value of the IGWC lies in holding institutions responsible for Basin Plan implementation to account and providing independent assurance that the framework is operating as intended.

Any expansion of the IGWC's functions should be considered in the context of the broader institutional architecture. The *2024 Harris Review* recommended expanding the IGWC's powers to include environmental performance audits of the Basin Plan (providing one possible model for stronger independent assurance).¹³ NFF does not consider that such a function should necessarily reside with the IGWC. Rather, the key principle is that there should be a clearly identified independent pathway capable of providing credible assurance over environmental water performance and outcomes.

Water Resource Plans

WRPs are an important mechanism through which Basin-wide requirements are implemented through State water planning arrangements. In some cases, their development and accreditation have failed to meet expectations with some plans remaining unresolved after more than seven years. This is not good enough. A framework intended to provide legal certainty and support SDL compliance cannot operate effectively where Governments, the MDBA, and the IGWC have been unable to bring outstanding plans to completion within a reasonable timeframe.

¹³ January 2024, Mr Peter Harris AO: [Final Report – Review of Some Aspects of Murray Darling Basin Water Compliance and the Role of the Inspector-General of Water Compliance](#)

Completion of the outstanding WRPs, particularly in New South Wales, must be an immediate priority. NFF supports simplifying WRP accreditation and State planning processes where this avoids duplication and enables plans and amendments to be progressed more efficiently. Simplification must nevertheless be approached carefully. The objective should be a simpler and more efficient planning framework that supports timely completion while safeguarding certainty for consumptive water users.

Environmental Water

No Further Buybacks or Acquisition

NFF's primary position remains that further acquisition from the consumptive pool should cease. As stated in our submission to the Basin Plan Review, the central issue is no longer whether additional volumes of water can be recovered through voluntary purchase, but whether further recovery is justified given the disproportionate and cumulative socio-economic costs already incurred and the uncertain environmental benefits of additional water recovery in a constrained and highly regulated system. Further recovery is unlikely to deliver commensurate environmental gains while imposing additional costs on regional communities and agricultural production.

NFF therefore does not support further acquisition in any form to achieve Basin Plan objectives. There must be a prioritisation and complete exhaustion of non-water recovery measures before placing any further pressure on the consumptive pool. Placing further pressure on the consumptive pool without first exploring these alternatives is irresponsible and risks undue economic harm while failing to address the underlying drivers of environmental decline.

Our opposition to further acquisition extends to indirect recovery through rules-based and operational changes. These acquisition by stealth measures are not supported where they diminish the consumptive pool, erode property rights, and/or result in third-party impacts.

Commonwealth Environmental Water Holder Trading Flexibility

NFF supports enabling more flexible and efficient water trading arrangements with the CEWH, including facilitating trade between environmental and willing consumptive users where this improves environmental outcomes and market efficiency and allows water to be used at the right time and in the right location.

Environmental needs vary substantially between seasons and locations, and in some circumstances holding water that cannot be effectively used may produce less environmental value than trading that water or using the proceeds to support complementary measures that deliver a better environmental outcome. The Review should therefore examine the arrangements and restrictions that may be constraining the CEWH's ability to trade efficiently, including where greater flexibility could improve the use of the existing environmental water portfolio without requiring further water recovery. NFF notes that environmental water holders in New South Wales and Victoria operate with more flexible approaches to water trading (useful examples for consideration in reviewing the Commonwealth framework).

Greater trading flexibility must though be accompanied by clear safeguards and a transparent trading strategy. CEWH participation must not distort markets, undermine the characteristics of existing entitlements, or circumvent State-river operating responsibilities. Water held by the CEWH should continue to retain the characteristics of the entitlement from which it was derived. Safeguards (including appropriate participation limits) should apply in dry years and other periods of constrained supply where large Commonwealth trading activity could have a disproportionate impact on allocation markets.

The CEWH should also provide greater transparency around its intended market participation. Trading strategies and annual intentions should be published in advance where practicable, with subsequent reporting of trades, volumes, prices, and market impacts once legitimate commercial sensitivities have passed. This would provide water users with greater certainty while preserving the CEWH's capacity to respond to changing environmental conditions.

NFF also supports greater flexibility in the use of proceeds generated through CEWH trading. Revenue should remain confined to environmental purposes but should also be capable of funding non-water and complementary measures where these deliver better environmental outcomes than retaining or acquiring additional water. This could include habitat restoration, fish passage, invasive species management, water quality interventions, infrastructure, and other measures that improve the effectiveness of environmental water already held.

There is already a foundation for this approach through the CEWH's *Environmental Activities Program*.¹⁴ As of 19/05/2026, the Program had supported 16 environmental activities across 11 Basin catchments, with \$11.5 million in CEWH contributions supporting projects with a total value of \$22.7 million since 2020–21. These projects include infrastructure works, fish passage, habitat restoration, and measures to improve the efficiency and effectiveness of environmental water delivery. This also demonstrates the value of co-investment with project partners. It is our view that the potential for CEWH trading proceeds to support these kinds of non-water and complementary related measures remains underutilised and should be explored more fully.

Risk Assignment Framework

NFF supports maintaining the existing *Schedule 3A Risk Assignment Framework* unchanged and does not support amendments that would weaken protections of or transfer additional risk upon water users and entitlement holders.

¹⁴ May 2026, Australian Government, Commonwealth Environmental Water Holder: [Funded Environmental Activities](#)

Water for the Environment Special Account

NFF supports greater transparency around expenditure for the *Water for the Environment Special Account* (WESA). Following an appropriate commercial cooling-off period, information should be published on funded projects, contracts, expenditure against appropriations, implementation status, expected benefits, and evaluated outcomes. Additionally, given the scale of expenditure and the stage now reached in Basin Plan implementation, the Review should also examine whether WESA remains fit-for-purpose in its current form.

Separately, NFF considers that the Review should examine the ongoing purpose and utility of the WESA. The Account was established with a scope including efficiency projects, but its remit appears to have prioritised the pursuit of buybacks at the expense of this broader scope. In recognition of this, there are legitimate questions as to whether the WESA remains fit-for-purpose and whether there is any justification for its renewal or continued existence.

Water Security and Resilient Communities

The Commonwealth should not acquire new general water security powers outside its existing constitutional and statutory roles. National cooperation may support information sharing and agreed policy principles, but it should not displace State and Territory responsibility either.

Water Quality

NFF recognises the importance of maintaining good water quality and its importance to healthy rivers and the communities and industries they sustain. Responsibility for water quality management and regulation should nevertheless remain primarily with State and Territory Governments who are responsible for administering relevant regulatory frameworks, catchment programs, planning systems, and other arrangements.

There is already an established national framework to support coordination without creating an additional Commonwealth regulatory role. The *National Water Quality Management Strategy* and associated guidelines present a nationally consistent pathway for water quality management, while implementation remains primarily the responsibility of States and Territories. This is also recognised in the Discussion Paper.

The Discussion Paper raises whether the Water Act can support more effective national coordination in relation to water quality management. We do not consider that a case has been established for expanding the Commonwealth's role beyond existing coordination, research, information sharing, and national guidance. Any additional Commonwealth function would need to demonstrate a clear gap in existing arrangements and a genuine national benefit.

Water Information

State water agencies remain the dominant source of day-to-day water-related information. Where Commonwealth products duplicate existing jurisdictional information without adding practical value or addressing a clearly identified problem, the case for maintaining or expanding those functions is weak. New reporting requirements should not be imposed simply to duplicate information already collected elsewhere or create competing sources of operational information. Industry would much rather see such funds being redirected toward improving outcomes and progressing complementary measures more broadly.

National Water Agreement

NFF does not support amending the Water Act to align with, or give legislative effect to, the NWA while it remains under consideration by all State and Territory jurisdictions (i.e., not signed) and key implementation questions remain unresolved. It is premature and irresponsible to use this Statutory Review process to align Commonwealth legislation with an *Intergovernmental Agreement* that has not secured participation from jurisdictions responsible for implementing much of Australian water policy.

We also note that the NWA derives legitimacy from genuine *Intergovernmental Agreement*. Although its recent publication is a welcome transparency measure, publication is not the same as endorsement, and unless and until sufficient jurisdictional participation is secured, the NWA cannot operate as a genuinely national successor to the NWI. The NWI remains the established intergovernmental framework underpinning many of the fundamental characteristics of Australia's entitlement-based water management system. Its development reflected a collaborative approach across Governments and stakeholders over several years, and its principles continue to inform the existing Water Act.

On this point, we bring to your attention that the broader sequencing of the release of the NWA and this Review has been poorly coordinated. The prospect of aligning the Review with a proposed National Agreement that has not secured jurisdictional endorsement highlights a broader issue about the timing and interaction of this Review with other major water reform processes, including:

- *Reviews of the Murray-Darling Basin Plan;*
- *Inspector-General of Water Compliance;*
- *Menindee Lakes; and*
- *Productivity Commission Inquiry Into National Water Reform 2026.*

These sequencing issues are further compounded by the Review timeline. NFF previously raised concerns about the decision to require completion by February 2027, notwithstanding that Section 253 of the Water Act requires the Review to be conducted sometime before the end of next year. Importantly, the legislative amendments that moved the Statutory Review date from 2024 to 2027 (through the *Water Amendment (Restoring Our Rivers) Bill 2023*) were specifically intended to allow the Water Act Review to be informed by the outcomes of the 2026 Basin Plan Review. Those concerns have not been adequately addressed. The compressed timetable leaves limited opportunity for the Review process (and stakeholders) to properly consider and align with recommendations

arising from the Basin Plan Review where visibility on this is not anticipated until at least November-December.

Closing Remarks

NFF looks forward to continued discussions and engagement as the Review progresses toward the February deadline and more is understood about recommendations arising from the MDBA's Basin Plan Review Public Consultation.

Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: WRagg@nff.org.au at the first instance to progress this discussion.

Attachments List

1. ***NFF Submission (May 2026): 2026 Murray-Darling Basin Plan Review Discussion Paper and The Menindee Lakes Review.***
2. ***NFF Indigenous Water Policy (May 2025).***
3. ***NFF Submission (March 2025): Review of the Role of the Inspector-General of Water Compliance.***



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NFF Submissions: 2026 Murray–Darling Basin Plan Review Discussion Paper and The Menindee Lakes Review

May 2026



The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations



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Executive Summary

Overview

The *National Farmers' Federation* (NFF) welcomes the opportunity to provide a submission to the *Murray-Darling Basin Authority* (MDBA) *2026 Murray-Darling Basin Plan Review: Discussion Paper* (Discussion Paper)¹. As the national peak body representing Australian farmers and the broader agricultural sector, NFF represents the interests of Basin communities and seeks policy settings that deliver a genuinely balanced outcome across social, economic, and environmental objectives consistent with the objectives underpinning the *Water Act 2007* (Water Act) (Cth). While these elements are recognised within the legislative structure of the Murray-Darling Basin Plan (Basin Plan), the experience of Basin communities after more than a decade of implementation is that socio-economic considerations have not been considered as an equal partner in, or a defining constraint against decision-making (reflecting broader policy settings and implementation approaches).

Notwithstanding this, NFF recognises that the Discussion Paper represents a necessary and constructive step forward. It is one of the first Government documents to move away from the prevailing narrative of reliance on further water acquisition and instead adopt a smarter and more balanced system-based approach to achieving environmental outcomes. This shift is strongly welcomed and reflects the long-standing position and lived experience of Basin communities and industry representative bodies.

This document responds to the key themes identified in the Discussion Paper alongside other critical issues to the farm sector including but not limited to:

- *Initial assessment of Sustainable Diversion Limits (SDLs).*
- *Water for the environment.*
- *River connectivity in the Northern Basin.*
- *Floodplain and wetland health.*
- *Native fish decline.*
- *Water quality.*
- *Water infrastructure and critical human water needs.*
- *Regulatory design.*
- *Science and knowledge.*
- *Indigenous participation in decision-making and management actions.*

Progress and Achievement of Key Basin Plan Objectives

A core objective of the Basin Plan was to establish SDLs, and this has largely been achieved with success. Original SDLs (excluding the Sustainable Diversion Limit Adjustment Mechanism (SDLAM) offsets) have already been substantially met, and the Basin continues to operate within and comply with defined extraction limits while maintaining Environmentally Sustainable Levels of Take (ESLT) as per official reporting.

¹ Murray-Darling Basin Authority, February 2026: [2026 Murray-Darling Basin Review Discussion Paper](#)

Since the SDL framework came into full effect on 1 July 2019, the Basin has remained compliant with SDL requirements with water-use consistently being below legal limits and, in many cases, generating a growing credit balance². These outcomes are independently audited by the Inspector-General of Water Compliance (IGWC) which oversees compliance across 109 surface and groundwater units.

Where concerns regarding the effectiveness of SDLs have been raised in the Discussion Paper, the MDBA makes clear in its preliminary analysis that these are driven by non-flow related factors including system constraints, invasive species (specifically European carp which must be eradicated with priority), habitat condition and health, water quality, patterns of flow, and river connectivity rather than a lack of total water volume. The evidence clearly articulates that these factors (and not water volume) as the primary barriers to achieving environmental outcomes under the current operating framework.

A Clear Inflection Point

This Review represents a critical inflection point. The MDBA acknowledges that the default approach of ‘simply adding water’ will not resolve the Basin’s remaining objectives and challenges, and that a more targeted and smarter management approach is required to deliver and maximise environmental outcomes and value for money. This reflects what Basin communities and farmers have been consistently saying for many years and must now be translated into clear and practical policy action. Policy settings must support and provide a positive future for Basin communities, deliver long-term certainty, and avoid further reliance on water acquisition (including through destructive buybacks) and a rebalancing of SDLs.

In this context, the next phase of reform must focus on maximising environmental outcomes from the existing Held Environmental Water (HEW) portfolio. This means shifting the management approach to measures that prioritise system-based interventions focussed on outcomes that maximise value of held and planned environmental water while addressing key degradation drivers. NFF emphasises that this can be achieved through the following complementary measures. We seek \$2.0 billion over four-years to support implementation.

- *Progressing community supported constraints and complementary measures that enhance the effectiveness and value of environmental water (i.e., fish ladders/diversion screens, habitat restoration, revegetation, and erosion control).*
- *A national fish strategy focussed on real outcomes for native fish, fish kills, and the eradication of invasive species especially including European carp.*
- *A planned approach to repairing or replacing ageing infrastructure, some of which is a century old, including progressing SDLAM projects that improve environmental outcomes and retain water within the consumptive pool.*

² Australian Government, Inspector-General of Water Compliance: [Reviews and Reports – Sustainable Diversion Limit Compliance](#)

- *Enabling more flexible and efficient water trading arrangements with the Commonwealth Environmental Water Holder (CEWH), including facilitating trade between environmental and willing consumptive users where it improves environmental outcomes and market efficiency, and allows water to be used at the right time and in the right location.*
- *Avoiding rules-based changes and ‘acquisition by stealth’ that reduce access to water for productive use.*
- *Careful examination of changes to river operations that have no third-party impacts on entitlement holders.*

These alternatives must be actively progressed as a priority consistent with prior Commonwealth commitments and supported by appropriate policy and investment settings. We note that this approach builds on more than 1,000 GL buyback-free, community-identified options (which remain viable) first put forward by NFF in 2023 in response to Minister Plibersek’s call for *Innovative Ideas to Deliver the Murray-Darling Basin Plan in Full*³.

Taking Stock: Stepping Back from Water Recovery

At this stage of implementation, the central issue for the Review is no longer whether additional volumes of water can be recovered through voluntary water purchase, but whether further recovery is justified given the disproportionate and cumulative socio-economic costs already incurred, and the uncertain environmental benefits of additional water recovery in a constrained and highly regulated system. The evidence is clear and shows that further recovery is unlikely to deliver commensurate environmental gains while imposing additional costs on regional communities and agricultural production. We cannot continue down a path of committing significant taxpayer resources (including those contributed by farming communities) without clear and demonstrable returns. Further acquisition from the consumptive pool will only exacerbate pressures on food and fibre production (at precisely the wrong time) given current input cost pressures.

In light of past experience, this Review must not only focus on future reform but also take an evidence-based view of what has already been achieved and at what cost. A Basin Plan must be capable of operating effectively in real-world conditions. After more than a decade of implementation, over 2,100 GL has been recovered and more than \$13 billion has been invested. Basin communities have undertaken a substantial share of the adjustment burden while also adapting to other pressures including water reform, drought, changing markets, and ongoing uncertainty. Future reform must recognise the substantial contribution already made by the farm sector, avoid imposing additional socio-economic costs, and provide a stable and predictable policy environment in the face of ongoing pressures and uncertainty.

³ National Farmers’ Federation, August 2023: [Delivering the Murray-Darling Basin Plan Submission](#)

Basin Fundamentals: Supporting Australian Agriculture

A Key Stakeholder and \$100 Billion National Priority

Australian agriculture is central to the nation's economic performance and future growth. The sector has set a clear ambition (as outlined in the NFF's 2030 Roadmap) to exceed \$100 billion in farm-gate output by 2030, reflecting a coordinated national effort to grow the value and productivity of Australian agriculture⁴. Achieving this target depends on maintaining a stable, profitable, productive, and internationally competitive natural resource base, particularly in the Murray-Darling Basin.



Figure 1: NFF 2030 Roadmap 2025 Annual Report Card summary statistics (showing sector performance across key indicators as of 2025)⁵.

While a significant proportion of Basin land use is dedicated to grazing and dryland agriculture, water remains the critical enabler across all production systems, and the Basin is Australia's most significant irrigation region. Water is the lifeblood of the Basin system as it underpins production, employment, and regional water security and critical human needs. Over one-third of the nation's total agricultural produce is produced within the Basin, and the sector employs at least 76,000 direct jobs (not including secondary employment) and is a major economic driver, supporting nearly 10,000 agricultural businesses (representing 40% of all farms) and generating approximately \$30 billion in output each year⁶. Policy settings that affect water reliability and/or cost therefore have direct and material impacts on the sector's ability to achieve its 2030 growth ambition.

The agriculture sector is on track to achieving this target ahead of schedule with latest forecasts from the *Australian Bureau of Agricultural and Resource Economics* (ABARES) estimating agricultural production will reach a record \$101.4 billion in 2025-26 and \$107.4 billion when combined with fisheries and forestry⁷. This milestone reflects the innovation and productivity of Australian farmers supported by improved market access conditions and removal of key trade barriers.

⁴ National Farmers' Federation, 2018: [2030 Roadmap: Australian Agriculture's Plan for a \\$100 Billion Industry](#)

⁵ National Farmers' Federation, 2025: [2025 Annual Report Card: Measuring Our Progress Towards \\$100 Billion](#)

⁶ Murray-Darling Basin Authority, September 2024: [Our Reliance on the Basin for Water](#)

⁷ Australian Government, The Hon Julie Collins MP, Minister for Agriculture, Fisheries and Forestry: [Joint Media Release: Australia's Agricultural Production on Track to Exceed 2030 Industry Target](#)

However, this trajectory is not guaranteed. ABARES forecasts show that the gross value of farm production is expected to fall by around 6% to \$95 billion in 2026-27, driven by below-average rainfall across Southern Australia, declining global commodity prices, and continued uncertainty in international markets⁸.

This outlook reinforces the importance of stable and complementary policy settings. Hard-won gains in productivity and output must not be undermined by poor policy decisions that reduce water availability, impact water markets and introduce further uncertainty into the system (i.e., sudden Commonwealth announcements of additional Expressions of Interest (EOI) and tenders for buybacks), and increase costs.

The NFF continues to develop the Australian Agricultural Sustainability Framework (AASF)⁹. The AASF has identified 19 principles and 53 criteria to assist in communicating the sustainability of agriculture in Australia. Work yet to be done will include data governance and ongoing governance regime. This will be an important contributor to the status of Australian agriculture globally.

The Need for a Balanced Policy Framework

A Basin Plan that does not actively support a viable and productive agricultural sector risks undermining the very socio-economic foundations of the Basin itself. Policy settings that reduce water availability, increase input costs, erode productivity, and/or introduce ongoing uncertainty will constrain the sector's growth potential by driving many into permanent exit. The net-effect of this will be to weaken Australia's competitiveness in global markets and undermine our reputation as a leading, reliable, low-emissions producer of high-quality food and fibre.

Environmental outcomes must therefore be pursued in a way that supports ongoing production and long-term community prosperity with a focus on achieving real outcomes rather than simply pursuing water volumes, consistent with a genuinely balanced and sustainable approach. A policy framework that progressively diminishes the productive capacity of the Basin without clear and demonstrable environmental benefit risks eroding the long-term sustainability of both the agricultural sector and the communities that it nourishes. This is particularly important in the context of the remaining Basin Plan obligations under the 'Bridging the Gap' and 450 GL targets where the MDBA makes clear (both in this document and *2025 Basin Plan Evaluation*) that the focus must shift to smarter management and achieving environmental outcomes rather than pursuing a 'just add water' approach. On this point, we note that delivery of the 450 GL is subject to a 'best endeavours' obligation rather than a strict compliance requirement (this is discussed in the proceeding sections below).

⁸ Australian Government, Department of Agriculture, Fisheries and Forestry, March 2026: [Agricultural Commodities Report – March Quarter 2026](#) (Research by the Australian Bureau of Agricultural and Resource Economics and Sciences), Volume 16, Issue 1

⁹ National Farmers' Federation, 2026: [Australian Agricultural Sustainability Framework](#)

Implementing The Murray-Darling Basin Plan

After more than a decade of implementation and more than \$13 billion invested, key elements of the Basin Plan remain incomplete. Specifically, delivery against the SDLAM and the 450 GL Target for Additional Environmental Water have not been achieved. Official Department implementation updates including findings from the *Third Review of the Water for the Environment Special Account* (WESA) all point toward a common theme that being anticipated shortfalls for both targets under realistic funding, market, and delivery conditions.

Bridging The Gap Target

The ‘Bridging the Gap’ (BTG) target is a Basin-wide recovery mechanism designed to transition from historic water use to sustainable levels and is operationalised through local and shared SDL resource units encompassing 29 surface water and 80 groundwater targets across the Basin. The Basin Plan requires 2,750 GL/year of surface water to be recovered from the consumptive pool to achieve specific environmental outcomes (the original BTG target). However, the required recovery was reduced by 70 GL/year as a result of the *Northern Basin Review* and a further 605 GL/year to 2,075 GL/year, contingent on the implementation of a package of supply and constraints measures in the Southern Basin to achieve equivalent environmental outcomes with less water, known as SDLAM.

To help BTG, the Commonwealth has at its expense three key mechanisms that being:

- *Pursuing (now uncapped) voluntary water purchase from willing sellers through open tender.*
- *Infrastructure investment to fund projects that improve water efficiency on farms or in delivery networks through the Sustainable Rural Water Use and Infrastructure Program (SRWUIP).*
- *SDLAM or supply-measures projects that deliver environmental outcomes with less water.*

In 2017, Basin States and the Commonwealth agreed on a package of 36 SDLAM projects across the Southern connected Basin with the aim of recovering 605 GL of water each year for the river system. The deadline for infrastructure and supply measures has been extended to 31 December 2026 and all SDLAM supply and constraints projects are required to be operational by then to be included in the MDBA’s Final Reconciliation. Despite this extension, delivery remains significantly off track. The *2025 MDBA Assurance Report* indicates that nearly half of all projects are unlikely to be completed on time, with a projected shortfall of between 255 GL and 355 GL. This represents a material failure in the delivery of agreed reform measures and raises serious questions as to how the shortfall will be addressed by the *Minister for the Environment and Water* following Reconciliation in 2027.

The Third WESA Review further underscores that delays and non-delivery of SDLAM projects are not simply administrative issues but go directly to the effectiveness of the Basin Plan itself, leaving critical environmental infrastructure incomplete. Failure to deliver these projects undermines the intended ‘supply measure’ pathway and shifts the burden of recovery back onto water acquisition. The WESA Review highlights that such a shift, should it be pursued, will occur alongside a massive fiscal challenge that being a \$1.3

billion cost blowout specifically to meet the shortfall under the 450 GL Target (on top of the original WESA allocation of \$1.575 billion). This is clearly not a viable pathway either from a public value-for-money perspective or in terms of the socio-economic impacts on Basin communities.

NFF maintains that any reconciliation shortfall must not be used to advance further water recovery or the rebalancing of SDLs. A shortfall is not a basis for further water recovery; it reflects the need to introduce greater flexibility into the delivery of SDLAM projects. This includes extending timeframes and expanding eligible project types to enable practical, community-supported solutions to proceed. There is a clear precedent for such actions, notably the extension provided by the *Restoring Our Rivers Act 2023* which extended the SDLAM deadline to 31 December 2026. The evidence base underpinning the Basin Plan Review including the *Constraints Relaxation Implementation Roadmap*¹⁰, *2025 Basin Plan Evaluation*, and *MDBA 2025 Annual Assurance Report* (as examples) confirm that delays are driven by significant implementation complexity, the need to secure durable social license, physical system constraints such as channel capacity, and the technical challenges of modernising ageing infrastructure (of which some is nearly 100-years old) rather than a lack of viable proposals. In this context, extending timeframes and expanding the suite of eligible measures to a more realistic timeframe would be both consistent with the evidence base and necessary to achieve Basin Plan outcomes in a cost-effective and socially sustainable manner.

Further, we note that under the SDLAM framework, only 62 GL of additional water is strictly required for legal compliance to facilitate the full 605 GL offset. The recovery of water beyond what is required for SDL compliance (i.e., additional HEW beyond the 62 GL) is not commensurate with the scale and scope of Basin Plan implementation and should not be pursued at the expense of productive capacity.

450 GL Target of Additional Environmental Water

The delivery of the additional 450 GL is being pursued primarily through water buybacks as evidenced by recent *Department of Climate Change, Energy, the Environment and Water* (DCCEEW) implementation updates and successive open-tender purchasing programs. While NFF acknowledges the Government's move to credit over-recovered water from the BTG program toward this target (noting that 79.6 GL has been credited as of March 2025), we maintain that over-recoveries should be subject to genuine consultation, including consideration of returning water to the consumptive pool rather than being used as an automatic accounting mechanism toward the 450 GL. On this point, we reiterate that the 450 GL is not a strict compliance requirement but is subject to a 'best endeavours' obligation in legislation. This reflects the reality that environmental outcomes are governed by physical, social, and economic constraints – a position that is well recognised including by the MDBA.

¹⁰ Australian Government, Murray-Darling Basin Authority, December 2024: [Constraints Relaxation Implementation Roadmap – A Guide for Governments to Progress Constraints Relaxation Projects](#)

In this context, funding directed toward the 450 GL should be prioritised toward constraints relaxation and complementary measures, rather than buybacks, which continue to impose significant socio-economic costs on Basin communities. This approach is consistent with the MDBA's recognition that 'simply adding water' will not resolve the Basin's remaining challenges, and that a more targeted and smarter management approach is required to deliver environmental outcomes and value for money. This includes progressing high-impact and outcome focussed complementary measures through existing WESA funds including but not limited to:

- *Progressing community supported constraints and complementary measures that enhance the effectiveness and value of environmental water (i.e., fish ladders/diversion screens, habitat restoration, revegetation, and erosion control).*
- *A national fish strategy focussed on real outcomes for native fish, fish kills, and the eradication of invasive species including and particularly European carp.*
- *A planned approach to repairing or replacing ageing infrastructure, some of which is a century old, including progressing SDLAM projects that improve environmental outcomes and retain water within the consumptive pool.*
- *Enabling more flexible and efficient water trading arrangements with the CEWH, including facilitating trade between environmental and willing consumptive users where it improves environmental outcomes and market efficiency, and allows water to be used at the right time and in the right location.*
- *Avoiding rules-based changes and 'acquisition by stealth' that reduce access to water for productive use.*
- *Careful examination of changes to river operations that have no third-party impacts on entitlement holders.*

Sustainable Diversion Limits

Since the SDL framework came into full effect on 1 July 2019, the Basin has remained compliant with SDL requirements with water-use consistently being below legal limits and, in many cases, generating a growing credit balance. These outcomes are independently audited by the IGWC. Again as stated above, where concerns regarding the effectiveness of SDLs have been raised in the Discussion Paper (see Figure 2 and Figure 3 below), the MDBA makes clear in its preliminary analysis that these are driven by non-flow related factors including system constraints, invasive species (specifically European carp which must be eradicated with priority), habitat condition and health, water quality, patterns of flow, and river connectivity rather than a lack of total water volume. On this point we seek to understand what is meant specifically by "patterns of flow" as this is not defined or described in any detail.



Figure 2: MDBA map outlining surface water SDL units at risk (preliminary assessment).

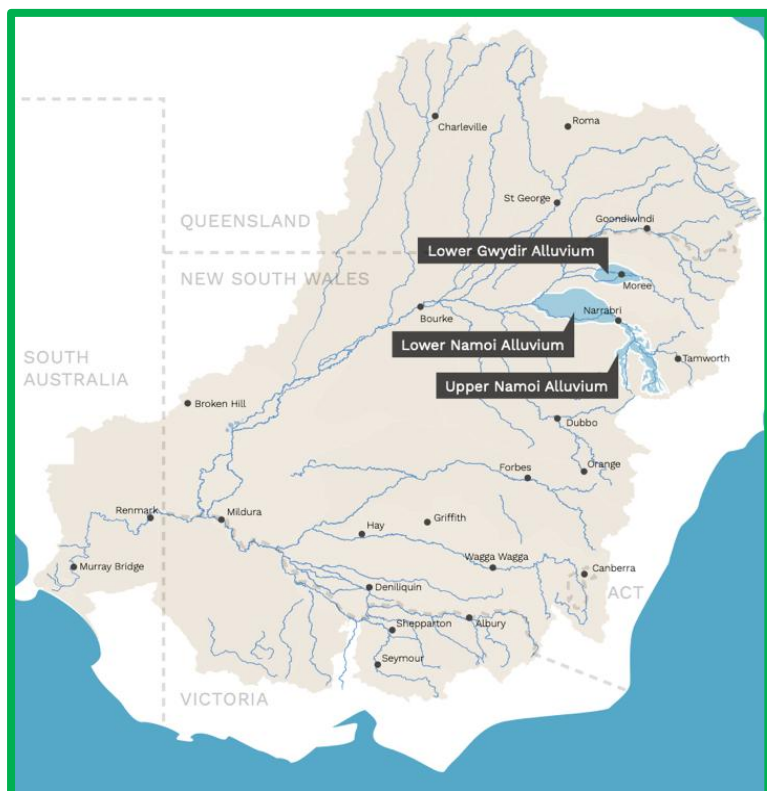


Figure 3: MDBA map outlining groundwater SDL units at risk (preliminary assessment).

NFF does not support further climate related adjustments to SDLs. Australian agriculture is already a highly climate-adapted sector, with variability effectively managed through established allocation frameworks. Furthermore, the way in which SDLs and State Water Plans are constructed already incorporates climate variability and NFF is not aware of any plans that do not. Where SDLs have not been achieved, appropriate mechanisms already exist within State-based planning frameworks to address and manage these issues.

In this context, further reductions to SDLs would represent a duplication of risk already borne by water users, without addressing the underlying drivers of environmental underperformance or being supported by evidence. As stated by the MDBA, potential challenges observed in a small subset of SDLs are largely non-flow (and not climate) related, and the solution is not to rebalance permitted levels of take or to add more water, but to maximise outcomes in an already constrained system. SDLs must therefore remain stable to provide the certainty required for ongoing agricultural investment and long-term water planning. We note the MDBA's commitment to maintaining a stable policy environment and that it is not currently considering adjustments to SDLs.

Recognising The Heavy Lifting Undertaken by Basin Communities and Regional Economies

The Basin Plan has delivered substantial environmental water recovery over more than a decade and there is clear evidence that where water can be effectively delivered, environmental outcomes are improving. There are many local success stories to be proud of, and the Discussion Paper recognises that declines have been halted and, in some cases, reversed with nature repair outcomes observed at internationally important sites including in the Barmah-Millewa Forst, Lower Lakes, and Ramsar-listed wetlands such as the Macquarie Marshes. Environmental water has also supported critical waterbird and fish breeding events, with outcomes improving over time as the understanding and use of targeted environmental flows has matured.

However, this progress has come at a significant and often under-recognised cost to Basin communities. After a decade of implementation and water recovery, the Commonwealth has recovered a substantial share of the Basin's consumptive pool (approximately 20%), and this, together with other environmental water holdings, accounts for around 27% of the total pool. This represents a massive structural shift. The fact that key environmental performance objectives remain unmet despite this significant heavy lifting clearly demonstrates that the approach of 'simply adding water' is no longer a viable or logical solution.

The Destructive Impact of Buybacks to Communities

The impacts of Commonwealth water buybacks have been significant, unevenly distributed and concentrated in irrigation-dependent regions, and well-documented across multiple reviews and independent socio-economic analyses. These impacts are visible in reduced economic activity, declining confidence, population loss in smaller communities, and sustained pressure on regional resilience (issues consistently articulated by industry groups and those with lived experience).

While the Discussion Paper acknowledges that water recovery has been “tough” for regional and remote irrigation communities, it fails to provide the necessary scrutiny or accountability regarding the scale of this damage. For example, as noted on Page 4, MDBA frames the decline of small towns such as Dirranbandi, Collarenebri, Wakool, and Cohuna because of compounding pressures in addition to buybacks which in our view overlooks the core issue that being buybacks are the primary catalyst for economic instability. It is our view that the significant heavy lifting undertaken by communities after a decade of implementation has not been fully acknowledged, and we must now focus on maximising outcomes from existing environmental water rather than pursuing further recovery or the rebalancing of SDLs.

Independent industry analysis strengthens the conclusion that more work needs to be done, and these findings must be considered as part of the broader evidence piece by the MDBA. This includes evidence from the 2025 Ricardo Report commissioned by Dairy Australia, which found that buybacks materially decrease the consumptive pool in the Southern Basin. This reduction results in increased allocation prices and diminished farm profitability, alongside devastating flow-on effects to local suppliers and regional employment. We note that there is no mention of this important evidence piece in the Discussion Paper.

Further, evidence from the *2025 Ricardo Water Markets Report* confirms that Commonwealth water buybacks have re-emerged as a major destabilising force in the Basin, driving significant upward pressure on both water entitlement and allocation prices. Following years of decline, as stated in the Report, the Ricardo Entitlement Index (REI) reversed its trend to increase by 5.7% in 2024-25 driven largely by the Commonwealth’s re-entry into the market¹¹. This renewed buyback activity triggered a ‘replacement buying’ surge with entitlement trading volumes jumping 47% as irrigators scrambled to secure remaining supply. This competition for a shrinking pool of water has been most acute in the allocation market where prices in major Southern Murray-Darling Basin zones surged by 89% to 159% compared to the previous year. While dry climatic conditions and record drawdowns on water storage have tightened supply, the Report nevertheless highlighted a “self-fulfilling prophecy” where investors and producers buy ahead of anticipated Government interventions which further inflates costs.

For high-water-use sectors like dairy, Ricardo’s modelling warns that buyback scenarios under the 450 GL could reduce consumptive water availability by 7.0% to 16.0% and drive allocation prices up by a further 17.5% to 40.0%¹². The financial flow-on impacts at the farm-level are substantial, particularly for those with low water entitlement ownership, as Ricardo forecasts average farm earnings to fall by at least 37% under a moderate recovery scenario, with far more severe impacts in dry years where losses can exceed \$400,000 per farm. The Report also makes clear that these impacts are not limited to the farm gate as reduced water availability is projected to drive a decline in milk production across the Southern Basin of between 3% and 15%, equating to 270 million litres annually and upward

¹¹ Ricardo Australia, August 2025: [2025 Ricardo Water Markets Report](#)

¹² Ricardo Australia (Report for Dairy Australia), June 2025: [Impact of Water Buyback on the SMDB Dairy Industry – Potential Impacts for Dairy Farms, Processors and Suppliers](#)

of \$500 million in foregone value of processed dairy production (notwithstanding flow-on impacts to local suppliers, contractors, and service providers).

These findings are further reinforced by the *Department of Agriculture, Forestry and Fisheries* (DAFF) which recognises that buybacks reduce irrigation supply and drive-up allocation prices, undermining investment and regional economic activity. These factors together highlight the very real danger of the current implementation plan to recover a further 300 GL in the Southern Basin¹³, especially when the MDBA itself has acknowledged the need to move beyond a ‘just add water approach’.

No Further Acquisition

In light of the above evidence, it is clear that the central issue for the Review is no longer whether additional volumes of water can be recovered through voluntary water purchase, but whether further recovery is justified given the disproportionate and cumulative socio-economic costs already incurred, and the uncertain environmental benefits of additional water recovery in a constrained and highly regulated system. The evidence is clear and shows that further recovery is unlikely to deliver commensurate environmental gains while imposing additional costs on regional communities and agricultural production.

NFF therefore does not support further acquisition in any form to achieve Basin Plan objectives. The Review must prioritise and fully exhaust all non-water measures, as there is substantial evidence that complementary measures and the better targeting of existing environmental water can deliver environmental benefits without removing water from productive use. Placing further pressure on the consumptive pool without first exploring these alternatives is irresponsible and risks undue economic harm while failing to address the underlying drivers of environmental decline.

Acquisition by Stealth Through Rules-Based and Operational Changes

Our opposition to further acquisition extends to indirect recovery through rules-based and operational changes. These acquisition by stealth measures are not supported where they diminish the consumptive pool, erode property rights, and/or result in third-party impacts.

A critical concern in this regard is the shift toward increased river connectivity rules in the Northern Basin. Policy settings that mandate higher flow targets or connectivity triggers often act as de-facto water recovery, restricting extraction that would otherwise be legally available under existing entitlements and frameworks. Such changes narrow upstream access through downstream rules, delivering environmental water gains without transparency and compensation to those impacted.

Furthermore, any reduction in flow reliability or uncoordinated shifts in operational rules can disrupt the timing of water delivery. This has the potential to compromise water quality and agricultural production outcomes for downstream regions that depend on

¹³ Australian Government, Department of Climate Change, Energy, the Environment and Water: [Restoring Our Rivers: Delivering the 450 GL Implementation Plan – March 2026 Update](#)

predictable flow regimes. When policy settings reduce water access through rules-based changes, they create the same economic impact as buybacks. This creates profound uncertainty and undermines confidence in the system particularly when implementation is delayed by underlying modelling assumptions that remain hotly contested.

Northern Basin Connectivity

NFF is concerned by any proposal to revisit Northern Basin connectivity through rules-based or operational changes that would have the practical effect of reducing access to water for productive use. If the MDBA is determined to further consider Northern Basin connectivity as part of this Review, it must not rely on work undertaken by the *New South Wales (NSW) Independent Panel* or subsequent NSW Government processes as the evidentiary foundation for any Basin Plan response. Any further potential consideration must commence with a comprehensive, independent MDBA-led hydrological review and modelling process that properly accounts for all relevant system changes and water recovery already achieved across the Northern Basin.

This is essential because existing NSW work does not provide a sound basis for further reform. By the admission of NSW, that work has not adequately accounted for the environmental and connectivity benefits associated with CEWH water already acquired in the Northern Basin under the Basin Plan, the substantial reduction in take associated with the volumetric licensing of floodplain harvesting estimated at approximately 1,000 GL, or the contribution of inflows from Queensland into the Northern Basin system. Any assessment that fails to properly incorporate these matters risks materially overstating the need for further rules-based intervention and understating the environmental benefits already secured through Basin Plan implementation and State-based reforms.

Focussing on Outcomes Based Management

As stated earlier, a Basin Plan that does not actively support a viable and productive agricultural sector risks undermining the very socio-economic foundations of the Basin itself. Policy settings that reduce water availability, increase input costs, erode productivity, and/or introduce ongoing uncertainty will constrain the sector's growth potential by driving many into permanent exit. The net-effect of this outcome will be to weaken Australia's competitiveness in global markets and undermine our reputation as a leading, reliable, low-emissions producer of high-quality food and fibre. Environmental outcomes must therefore be pursued in a way that supports ongoing production and long-term community prosperity with a focus on achieving real outcomes rather than simply pursuing water volumes, consistent with a genuinely balanced and sustainable approach. By prioritising real-world outcomes such as river health and the resilience of farming communities, we can ensure a more balanced approach that accounts for the social and economic realities of water management.

Success should be measured Key Performance Indicators (KPIs) such as improved ecological condition, resilience, water quality, and the recovery of key environmental assets including eradication of invasive European carp. We must evolve beyond the 'just add water' mentality that has plagued implementation and Basin communities toward smarter, science-based measures. This is consistent with previous MDBA Audits and Reviews which highlight a poor scorecard for native fish due to the predation of European

carp,¹⁴ and acknowledge that flow management is only a small part of a much broader and required toolkit to deliver improved outcomes for native fish condition and resilience.

Science and Knowledge

NFF recognises the importance of ensuring water management is supported by robust evidence-based decision-making underpinned by sound science and a commitment toward continuous improvement. While water use and compliance are subject to rigorous oversight, there is comparatively limited independent scrutiny of environmental outcomes, including the effectiveness of environmental water use. It is our view that environmental water must therefore be held to the same high standard of transparency, accountability, and performance assessment as consumptive use with a clear expectation that it demonstrates measurable and verifiable outcomes. This is critical to maintaining producer confidence and broader community trust in the Basin Plan.

Indigenous Science and Knowledge

While NFF acknowledges efforts to bring Indigenous knowledge, science, and research into the evidence-base, we reiterate the need for such evidence to be considered and treated individually on its merits in an equal manner to any other information, science, or input that is provided. It is important to recognise that not all evidence provided into a decision-making process (irrespective of the source) holds the same weighting, importance, or validity. Evidence must be scrutinised. To this effect, NFF does not support approaches that would require Indigenous science and knowledge systems to be granted equal weighting in all circumstances, without regard to their relevance, application, and evidentiary basis in the specific decision-making context.

Indigenous Participation in Decision-Making and Other Related Matters

Indigenous Cultural and Intellectual Property

As stated on Page 8 of the Discussion Paper:

- *“We [the MDBA] are guided by our commitment to: ... respect Indigenous Data Sovereignty and Indigenous Cultural and Intellectual Property and ensure culturally safe and enabling spaces for participation”.*

NFF acknowledges the unique and significant complexity of Indigenous Cultural and Intellectual Property (ICIP) in agriculture, fisheries, and forestry, particularly relating to the intersection of ICIP with existing regulatory regimes. NFF notes that while the MDBA has

¹⁴ Australian Government, Murray-Darling Basin Authority, July 2025: [Basin Plan Review 2025 Sustainable Rivers Audit](#)

an established policy position of how it interprets ICIP¹⁵ – including both tangible and intangible cultural assets – there is currently no consistent or nationally agreed definition present, and this is reflected in the absence of (any) clear definition in the consultation material.

On this point, NFF notes that the Commonwealth has not yet introduced stand-alone legislation to address ICIP, and that broader policy development remains underway. As stated by the *Office for the Arts*, “consultation will be conducted in a staged manner, later stages will address the broader rights relating to ICIP”. This reinforces that ICIP remains an evolving policy area, and that a national view is still being developed.

NFF acknowledges that the Discussion Paper refers to respecting ICIP, rather than establishing or expanding legal protections, and considers this distinction important. Given the significance of this reform, any future consideration of ICIP particularly in relation to scope, application, or potential protection must be developed in partnership with the broader public in an open and transparent manner. This will ensure diverse viewpoints from all stakeholder parties are captured and funnelled to reflect a final position. NFF will engage constructively in these processes and in the interim, welcome further discussion with the MDBA to seek clarity regarding scope and application from a policy settings and impact perspective.

Free, Prior, and Informed Consent

While there is no universally accepted definition of Free, Prior, and Informed Consent (FPIC), NFF refers to the definition outlined by DCCEEW in its August 2024 Consultation Paper on the *Draft Principles of a National Water Agreement*¹⁶.

- “Free, prior and informed consent is a principle protected by international human rights standards that states, ‘Aboriginal and Torres Strait Islander Peoples have the right to self-determination’ and – linked to the right to self-determination – ‘Aboriginal and Torres Strait Islander Peoples have the right to freely pursue their economic, social and cultural development’”.

NFF supports the principle that Aboriginal and Torres Strait Islander peoples have the right to pursue their economic, social, and cultural development in concordance with the right to self-determination. However, the concept of FPIC engagement must apply broadly to all water users and not just to Indigenous peoples to ensure all water users and their interests are provided equal recognition and treatment under law and decision-making. In this sense, FPIC should be understood as a mechanism for best-practice community engagement, rather than providing special privileges or operating as a de-facto veto for certain interest groups over policy outcomes.

¹⁵ Australian Government, Murray-Darling Basin Authority: [MDBA Indigenous Cultural and Intellectual Property \(ICIP\) Policy 2025-2028](#)

¹⁶ Australian Government, Department of Climate Change, Energy, the Environment and Water, August 2024: [Consultation on the Draft Principles of a National Water Agreement – Discussion Paper](#)

NFF also acknowledges that the Basin Plan Review is being guided by the MDBA's commitment to *"support self-determination through processes that involve First Nations peoples in setting priorities and strategies, including through free, prior and informed consent"*. Further clarity is required as to how self-determination is to be interpreted and applied within the Basin Plan context, including how it will operate consistently within Australia's existing legal framework.

In this regard, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which Australia has endorsed, provides guidance. Article 3 states that *"Indigenous peoples have the right to self-determination, including the right to freely determine their political status and pursue their economic, social and cultural development"*¹⁷. NFF considers that self-determination in this context should be understood as the ability for one to freely pursue their own future (i.e., pick your adventure) within the parameters of the existing Australian legal framework. It does not confer a unilateral right to determine policy outcomes or exercise a veto over decision-making processes, and NFF seeks to ensure this interpretation is underpinning the MDBA's approach.

Indigenous Water

The *NFF Indigenous Water Policy* is attached at Attachment 1 and should be read in conjunction with this section.

In summary, NFF supports the recognition of Indigenous water provided that it is delivered in a manner that is consistent with existing water frameworks and does not result in third-party impacts on entitlement holders and/or otherwise undermine the integrity and reliability of the consumptive pool. This includes recognising that existing held and planned environmental water is utilised to support Indigenous water outcomes. We do not support the issuing of new entitlements for contemporary economic use or access to water through rules-based changes as this is inconsistent with property rights and National Water Initiative.

For contemporary economic use, NFF supports Indigenous participation through existing market mechanisms, including acquisition from willing sellers, ensuring participation occurs on equal commercial terms. Where water is acquired, it must remain in Indigenous ownership in perpetuity to deliver enduring benefits while maintaining the existing characteristics of the entitlement and the integrity of the pool from which it was derived.

¹⁷ United Nations, September 2007: [United Nations Declaration on the Rights of Indigenous Peoples](#)

Commonwealth Environmental Water Holder

All CEWH activities must remain transparent, must not distort water markets, and must not undermine existing entitlement frameworks and property rights.

Any revenue generated through the management of CEWH assets should be reinvested into the maintenance and enhancement of environmental assets and complementary measures that improve environmental outcomes and system performance.

Cultural water should form part of the CEWH remit, including through the use of existing held and planned environmental water to deliver Indigenous water outcomes, consistent with NFF policy that such use occur without third-party impacts and within existing water frameworks. This approach must not involve the creation of new water entitlements or rules-based changes to access water and must maintain the integrity and reliability of the consumptive pool.

Other Related Matters

The Menindee Lakes Review Public Consultation: NFF Response

The NFF understands that the Department has advised that views regarding the *Menindee Lakes Review* may be incorporated within submissions to the Basin Plan Review. Accordingly, NFF includes the following response:

NFF maintains that any proposed changes arising from the *Menindee Lakes Review* specifically regarding operational arrangements or flow pathways must not come at the expense of entitlement reliability and property rights. It is critical that new operating rules (should they be considered and implemented) do not increase transmission losses or otherwise erode the volume and reliability of the consumptive pool, including for general security licence holders. These principles are fundamental to maintaining investment certainty and the ongoing viability of Basin communities.

Furthermore, any changes to environmental flow delivery arrangements must ensure that associated transmission losses are not socialised across entitlement holders or deducted from the consumptive pool. Where modified flow regimes result in increased transmission losses, these must be fully accounted for and managed by the relevant Governments or Environmental Water Holders (i.e., through offsets) rather than being transferred to productive users.

There is a clear and recent policy precedent for this approach. Under the *Upper Murrumbidgee Drought Operating Framework* (finalised in late 2025), the Australian Government explicitly mandated that transmission losses associated with specific environmental contingency releases during extended dry periods for instance must be accounted for as environmental use¹⁸. The Framework requires the CEWH to debit these

¹⁸ Australian Government, Department of Climate Change, Energy, the Environment and Water, 2025: [Upper Murrumbidgee Drought Operating Framework](#)

losses from its own accounts, ensuring they are not socialised among other water users. NFF asserts that this principle (that environmental water must ‘pay its own way’ for transit) must be applied consistently to Menindee Lakes and the broader Murray-Darling Basin (Basin). Any operational changes that increase losses to achieve environmental outcomes must be fully offset by the proponent with additional water, ensuring the net-volume of the consumptive pool is not diminished.

Improving System Efficiency and Connectivity

NFF recognises that the current operation of Menindee Lakes is subject to several challenges including high evaporation losses and constrained connectivity between the Upper and Lower Darling systems. The *Issues Paper* highlights that declining inflows from the Northern Basin, increasing flow variability, and high evaporation rates coupled with climatic risks are driving a need for consideration of more efficient and adaptive operational arrangements throughout the Basin.

In this context, alternative operational approaches that improve system efficiency and connectivity warrant further detailed investigation provided they deliver real outcomes without inflicting further socio-economic cost upon communities. A primary example is the *Menindee and Cawndilla Wetlands Option*, which allows a greater proportion of inflows to bypass the Menindee Lakes. By reducing the time water spends stagnant and evaporating, this proposal has the potential to directly advance key Basin Plan outcomes including more natural flow regimes (i.e., patterns of flow) in support of end-of-system outcomes, and improved longitudinal and lateral connectivity across the Lower Darling, Baaka, Anabranch, and Murray systems. Improved bypass flows will also support native fish movement and recruitment, restore vital wetland functions and habitat in the lake beds of Menindee and Cawndilla, and enhance water quality by reducing the risk of stagnation. Together, these changes strengthen the overall resilience of the river system and improve the efficiency of environmental water delivery by ensuring water reaches its target destination with minimal loss. NFF considers that such proposals are consistent with a shift toward outcomes-based management and support broader Basin Plan outcomes, and should be rigorously assessed.

NFF notes that modelling of the *Menindee and Cawndilla Wetlands Option* indicates that impacts on average NSW Murray diversions are likely to be limited in most years, with little or no impact expected under typical conditions. The relatively small impact on Southern Basin reliability reflects a combination of three factors that being increased volumes of water reaching the Murray, improved timing of flows and interaction with downstream storages over multiple years, and the reduction of significant evaporation losses under current arrangements at Menindee Lakes.

However, reductions in allocations (general security access) may still occur during periods of drought when water availability is already constrained and reliability is most critical. These impacts should be considered in the context of the scale of water recovery that would and is otherwise being undertaken to achieve equivalent environmental outcomes through Commonwealth acquisition (buybacks).

Closing Remarks

The long-term success of the Basin Plan depends on its ability to support, resilient, and productive communities. This requires a clear shift away from acquisition toward a more stable policy environment underpinned by the following key actions:

- *Recognise the significant heavy lifting already undertaken by Basin communities after a decade of implementation.*
- *Focus on maximising environmental outcomes from the existing HEW portfolio including a shift toward system-based approaches that prioritise outcomes rather than total flow volumes.*
- *Progressing complementary measures that address key degradation drivers and deliver value for money. This includes examination of the more than 1,000 GL buyback-free, community-identified options first put forward by NFF in 2023.*
- *Avoiding ‘acquisition by stealth’ or policy settings that erode access to water for productive use.*
- *Avoiding further actions that impose additional socio-economic costs on producers and Basin communities to the detriment of public confidence in the Basin Plan.*

NFF stands ready to work constructively to realise this vision. By working in partnership with Basin communities, Governments can deliver a Basin Plan 2.0 that is not only fit-for-purpose and delivers real environmental outcomes, but is also underpinned by strong community support. Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: WRagg@nff.org.au at the first instance to progress this discussion.

Attachments List

1. NFF Indigenous Water Policy (May 2025)



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Indigenous Water Policy

Preamble

The National Farmers' Federation (NFF) notes that the issue of Indigenous water property rights is gaining some momentum, with several positions espoused by different groups representing Indigenous water interests. While the NFF does not support any particular one of these, this policy is aimed at ensuring that the interests of stock and domestic water users and irrigated agriculture, including Indigenous farming interests, are protected under existing water legislation.

The NFF supports the recognition of Indigenous water provided that the following principles are met:

- It is recognised that the existing pool of held or planned environmental water entitlements can be used to meet cultural needs;
- It does not result in third-party impacts on existing entitlement holders;
- It is consistent with existing water planning frameworks and upholds existing entitlements;
- It maintains the integrity and reliability of the consumptive pool, which underpins Australia's food and fibre production systems; and
- It respects the principle of equal commercial participation, meaning Indigenous economic water use should operate under the same rules and market conditions as other entitlement holders.

Water for Indigenous use can be broadly categorised as:

- Water for cultural uses (including traditional economic activities for trade); and
- Water for contemporary economic purposes (such as water trade and the production of agricultural crops and livestock).

The NFF supports cultural water being delivered through existing environmental holdings to avoid third-party impacts. Issuing any new entitlement (i.e., not acquired from existing water entitlement holders) will have third-party impacts on all remaining uses of water, including the environment. There is support for held and planned environmental water entitlements to be used for multiple benefits, including Indigenous cultural water use, as this will ensure no third-party impacts to existing entitlement holders.

The NFF does not support the issuing of new water entitlements for contemporary economic use, as this is inconsistent with property rights and is not supported by the National Water Initiative (NWI), which was agreed to by all Australian Governments. The NFF, however, supports the use of market mechanisms to acquire water for Indigenous use from existing and willing water entitlement holders. Access to water through rule changes is not supported.

The NFF supports enabling Indigenous peoples to participate in the water economy on equal commercial terms, including the ability to access and trade water like any other entitlement holder in the consumptive pool.

The agricultural sector views the consumptive pool as referring specifically to water available for productive and commercial use. A consistent definition between Government and industry is critical to avoid confusion and misaligned expectations.

Policy

- The consumptive pool refers to water available for productive and commercial use.
- The NFF supports the provision of water for Indigenous use only where this does not result in third-party impacts to existing entitlement holders, including stock and domestic and leaves the existing characteristics of licenses unchanged.
- The NFF supports the use of existing held and planned environmental water entitlements for co-benefits, including Indigenous cultural water use.
- The NFF supports the use of existing market mechanisms to acquire Indigenous water entitlements from willing sellers for contemporary economic use, but the water has to stay within the definition and characteristics of the respective pool it was acquired from (so for water from the consumptive pool, the water stays there for production and commercial use only).

- All water entitlements acquired through Government held by Indigenous people remain in Indigenous ownership and are held in perpetuity to provide enduring benefit and ensure rights are not eroded over time through sales.
- The NFF acknowledges that the ownership framework for Indigenous water entitlements for contemporary economic use is varied and is a matter for Governments and Indigenous peoples.
- Water acquired from the consumptive pool must retain the same characteristics as when it was first acquired, including being utilised in the area of acquisition.
- The NFF seeks that the delivery of Indigenous water to off river sites includes the associated river losses for the off-river delivery.
- Indigenous water must not interfere with, or be used to veto, existing or proposed infrastructure works that meet current regulatory requirements.
- If the above framework were adopted, the current hierarchy of water entitlements, as enshrined in State legislation, would be respected and therefore unaffected.

The Department of Climate Change, Energy, the Environment and Water and Murray-Darling Basin Authority are leading national discussions on Indigenous water rights. While the NWI and proposed National Water Agreement provide the overarching framework, the NFF maintains a national perspective to ensure consistency across jurisdictions. Implementation must align, where appropriate, with Basin-specific mechanisms and planning processes while upholding the NWI's commitment to respect existing water access entitlements and other property rights. Any national and State-based process must be coordinated and mutually reinforcing to ensure consistency across jurisdictions.

May 2025

Statutory Review of the Role of the Inspector- General of Water Compliance

March 2026



The National Farmers' Federation (NFF) is the voice of Australian farmers.

The NFF was established in 1979 as the national peak body representing farmers and more broadly, agriculture across Australia. The NFF's membership comprises all of Australia's major agricultural commodities across the breadth and the length of the supply chain.

Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF.

The NFF represents Australian agriculture on national and foreign policy issues including workplace relations, trade, and natural resource management. Our members complement this work through the delivery of direct 'grass roots' member services as well as state-based policy and commodity-specific interests.

NFF Member Organisations



Executive Summary

The National Farmers' Federation (NFF) welcomes the opportunity to provide a submission to the Department of Climate Change, Energy, the Environment, and Water (Department) to inform the *Statutory Review of the Role of the Inspector-General of Water Compliance* (IGWC). This process follows from an earlier non-statutory Independent Review led by Peter Harris AO and undertaken by the Department in 2023. The NFF submission to that Review is attached at Attachment 1. The Final Report (Harris Review) was published in January 2024, followed by the Australian Government's response in June of that year. The Commonwealth agreed or agreed in-principle to eight of eleven recommendations, several of which were implemented through the 2024-25 Federal Budget.

This Review is seeking comment on a range of matters including but not limited to:

- (a) *Whether the intended purpose of the Inspector-General, including as defined in the Act and relevant explanatory memoranda, remains fit;*
- (b) *Whether the functions and powers provided to the Inspector-General through the Act are appropriate and consistent with the intended (or recommended) purpose of the role;*
- (c) *Whether the purpose, functions and powers of the Inspector-General are without duplication, and add value to water management in the Basin;*
- (d) *Whether the administrative arrangements for the Inspector-General under the Act enable efficient, independent and effective execution of the Inspector-General's functions and powers; and*
- (e) *Any other matter specified in writing by the Minister that is relevant to the role of the Inspector-General.*

NFF considers that the IGWC is independent, is operating within its remit, and plays an important role in supporting the efficient and effective administration of water compliance in the Murray-Darling Basin (Basin). This submission updates our policy position in light of developments since the Harris Review. Consistent with Terms of Reference (TOR) Point 9, we have also reviewed progress against implementation of the Report's recommendations and made additional comments where relevant.

While NFF supports the continued role of the IGWC as an independent review umpire, this review provides an important opportunity to assess how it is delivering value within the Basin operating framework. In our view, the core focus of the IGWC must be on oversight of institutional performance. This is the central priority in the 2025-26 Annual Work Plan (specifically, "*holding responsible Commonwealth agencies and Basin States accountable on Basin Plan implementation*")¹, and we support the continuation of this focus.

At the same time, the value delivered by the IGWC is not always apparent. Based on a review of the public record, its visible activities appear to be limited to periodic reporting and Community Sentiment Surveys, and it is not always clear how the broader work program is contributing to compliance assurance outcomes. On this point, we note that

¹ November 2025, Australian Government, Inspector-General of Water Compliance: [Annual Work Plan 2025-26](#)

the IGWC has invested a considerable amount of time and effort into communication activities that include the production of online video materials on *YouTube* intended to explain its role. These materials have reached limited audiences with subscriber and viewing numbers indicating minimal engagement². We suggest that there needs to be a redirection of focus here.

While communication activities are important, it is not clear how this is contributing to or complementing the IGWC's core function as an independent review umpire, particularly in the context of a recent 47% increase in Full-Time Equivalent (FTE) staffing resources³. From the perspective of many in the Basin, it is unclear what real value the IGWC is delivering beyond the publication of reports and surveys. This needs to change and we need to see greater clarity and visibility on outcomes. Separate to this, we also note that there are genuine concerns that this increase in resourcing will lead to a focus on enforcement action against water users operating in good faith (responsibilities that reside with State regulators), rather than conducting oversight on institutional performance which is the priority item in the Work Plan. The latter must remain the focus, especially as we edge closer to timeframes for water recovery and as Basin communities continue to undertake much of the heavy lifting to deliver Basin Plan outcomes.

Coordination of Interrelated Reviews and Broader Timelines

NFF recognises that there are several related reviews either underway or scheduled (including this Statutory Review, the Basin Plan Review which formally commenced this month, and the forthcoming Statutory Review of the *Water Act 2007*). Each process raises questions relevant to the role and functions of the IGWC and therefore coordination is essential (this is recognised in the TOR). Despite this, it is our view that coordination will be challenging given the strict timeframes applied. For instance, the Water Act Review will not commence until next year and we do not expect the Murray-Darling Basin Authority (MDBA) to publish its *What We Heard Report* on the *Basin Plan Review Discussion Paper* until circa June. Recommendations will then need to be developed and consulted on, and at the same time, the Final Report of this Review must be provided to the Minister by 30 June.

It is our view that this sequencing does not provide sufficient opportunity for these reviews to inform one another, nor allow for comprehensive consultation with Basin States and industry groups should legislative amendments be contemplated. The Harris Review and Australian Government's response both acknowledge that legislative reform may be considered through either statutory forum. However, as the IGWC is established under section 215B of the *Water Act 2007*, substantive reforms are most appropriately advanced (and should be deferred) through that forum. This would also allow for a more coordinated and considered approach which is a focus of this review.

² February 2026, Inspector-General of Water Compliance: [YouTube Video Articles List](#)

³ 2025, Australian Government, Inspector-General of Water Compliance: [Annual Report 2024-25](#)

Current Scope and Responsibilities

NFF supports the establishment of an independent review umpire. We do not tolerate any breakage of existing laws. The IGWC plays a critical role in building confidence within the community and ensuring the efficient and effective administration of water compliance across the Basin. These contributions are also recognised by the MDBA in its Discussion Paper⁴. This includes (and arguably more importantly) ensuring that institutions responsible for implementation of the Basin Plan are held to robust oversight and accountability.

The ability of the IGWC to monitor and act upon issues should they arise is critical to safeguarding the sustainability of the Basin and the productive resources that it provides. As the operating environment of the Basin continues to evolve, NFF considers that there is merit for the IGWC to maintain a stronger and more visible focus on institutional performance against Basin Plan commitments over the short- and long-term, particularly where implementation risks have implications for statutory compliance or community confidence (i.e., as it relates to water recovery targets). This approach is reflected in the current Annual Work Plan which identifies institutional performance and accountability as the primary priority. This focus must also inform future Work Plans.

Question of Independence

NFF considers that the IGWC is operating as an independent review umpire.

NFF acknowledges the Commonwealth's provision of \$28.6 million over four-years from 2024-25 to support the operation of the IGWC as announced in the May 2024 Budget. This implements Recommendation 3.3 of the Harris Review which called for funding on a fixed four-year rolling basis. NFF supports this reform. As the Harris Review made clear, independence is less of a question about funding than it is about long-term security. A forward-funded model mitigates the risk of short-term financial pressure influencing its priorities and undertakings.

NFF also notes implementation of Recommendation 3.1 through the establishment of a dedicated internal legal capability (General Counsel)⁵. The Harris Review identified that reliance on legal services from a Department that may itself be subject to review or oversight may not present challenges in routine administrative matters but can create serious conflicts where the IGWC is required to scrutinise Commonwealth, MDBA, or State actions. In such circumstances, dependence on Departmental legal services can constrain the IGWC's ability to fully exercise its responsibilities. Establishing an internal legal capability therefore strengthens the operational independence and capability of the IGWC. It also reinforces community confidence in the regulatory framework, and this is supported by NFF.

⁴ February 2025, Australian Government, Murray-Darling Basin Authority: [2026 Murray-Darling Basin Plan Review Discussion Paper](#)

⁵ April 2025, Australian Government, Inspector-General of Water Compliance: [Organisational Structure Effective 1 April 2025](#)

Data Supply Chain and Dependency

As raised in NFF's prior submission, there are legitimate concerns that the lengthening and timing of the data assessment chain (and positioning of the IGWC at the end of it) has, for example, delayed assessments of Sustainable Diversion Limit (SDL) compliance and that this could potentially create irrecoverable situations in water allocation. This concern is recognised in the Harris Review which highlights the reactive nature of existing audit arrangements and the importance (and IGWC openness) of enabling the IGWC to play a more direct and active role in such matters. We also bring to your attention that there are related questions proposed by MDBA in its *Basin Plan Review Discussion Paper* (see Page 79 which identifies the need to ensure the IGWC receives the information required to conduct risk-based oversight and compliance functions). NFF supports in-principle a more proactive model for the IGWC. As stated earlier, these are all considerations best addressed in subsequent review processes to ensure better coordination and consultation opportunity.

In addition, NFF understands that reliance on externally provided data (which is relevant for the IGWC) presents challenges in forming independent and credible judgements. This is a clear problem, and one we previously noted could be mitigated by developing methodologies that test the robustness of information received. Progress has been made in this regard as reflected in the 2024-25 IGWC Annual Report which notes the development of new Water Resource Plan reporting guidelines in addition to the use of existing qualitative and quantitative methods to examine data. Progress is welcome and we look forward to seeing further improvements in this space.

Continuing Communications with Jurisdictions

As stated in our prior submission:

NFF commends existing IGWC efforts to facilitate and maintain a network of regulators that hold common responsibilities in the Basin. Relationship building coupled with a continuous stream of communication ensures information and intelligence are actively shared between regulators. This improves strategic and operational decision-making capability, regulatory efficiency, and the ability of the IGWC to uncover and investigate irregularities with the limited resources at its disposal.

Conclusion

Please do not hesitate to contact Warwick Ragg, General Manager, Natural Resource Management, via e-mail: WRagg@nff.org.au at the first instance to progress this discussion.

Attachments List

1. **2023 NFF Submission to DCCEE: Independent Review of the Inspector-General of Water Compliance**



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