

REVIEW OF THE OPERATION OF THE MURRAY DARLING BASIN CAP

Comment on Draft Overview

I generally endorse the comments made in the draft document dated March 2000.

There are two specific matters to which I want to respond.

1. EQUITY

I believe the long-standing rights of upper catchment farmers in Victoria to harvest and store water 'occurring' on their land is under threat. The Victorian Water Act 1989 gives land holders a right to do so until water enters a 'waterway' at which point it becomes the property of the crown.

The definition of 'waterway' in the Act is imprecise. I am in no doubt that, since the advent of the cap, the application of the definition has tightened progressively to the extent that many drainage lines not previously considered to at all fall within the definition are being so classified. This is engendering unhappiness, ill will, dispute and, to an extent, a 'them' and 'us' divide between gravity irrigators and upper catchment farmers.

If it is not possible to devise a definition of waterway which is capable of being easily understood, consistently applied and simply administered, then an alternative mechanism of accounting for upper catchment consumption under the cap will need to be identified.

I realise this issue is probably more a matter for the Victorian jurisdiction to solve but it has the potential to undermine the cap if not satisfactorily dealt with.

2. EDUCATION

There is gross misunderstanding of the cap – what it is; what it means; how it is applied etc, in the community including, regrettably, among opinion makers in the media, local Government and Parliament. Greater efforts need to be made to explain to a wider audience the ramifications and essentiality of the cap.

W R BAXTER

National Party Member for North Eastern Province

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