UMCN Submission to:

Independent Review of the Water Act 2007 Discussion Paper July 2026

The UMCN welcomes the opportunity to provide feedback on the Commonwealth *Water Act 2007* Review. The Upper Murrumbidgee River is in a parlous state, with native fish in decline and some species verging on extinction, regular halts to drinking water extraction due to blue-green algae and regular river closures due to high levels of toxic bacterial conditions.

The UMCN strongly supports amending the Water Act to remove the current exemption to the Snowy Water Licence which would help to broadly support improved health of the river and its communities in line with the objectives of both the Water Act and the National Water Agreement.

About Us

The Upper Murrumbidgee Catchment Network (UMCN) is a cross-border network comprising individuals and representatives from agencies and groups that are responsible for Natural Resource Management (NRM) in the upper Murrumbidgee catchment. The UMCN (and its earlier organisation) have supported the regional NRM community for three decades.

The UMCN shares the diverse voices of land and river communities across the entire Upper Murrumbidgee Catchment (NSW & ACT). These voices include local landcare, waterwatch and community groups, recreational fishers and river users, dryland and irrigation farming, local & territory governments, catchment and water management organisations and research groups.

UMCN's views on related water policy developments?

The UMCN has been a key advocate for the health of the Upper Murrumbidgee River and catchment for three decades. During that time the condition of the river has continued to deteriorate (under numerous Commonwealth, State and Territory regulatory and policy settings). The consistent highlighting by the community, including UMCN, of the underlying policy drivers leading to this situation have more recently been recognised and some policy changes and recommendations may go some way to alleviating the situation.

Notwithstanding, without a serious reform of the *Water Act 2007* these other policy changes will only partially and/or temporarily address the impacts but not address the underlying cause of the lack of sufficient flows and improved management in the Upper Murrumbidgee River.

We understand that this Review will consider the outcomes of other policy consultation processes including the Murray-Darling Basin Plan review, SWIOID Review, and National Water Agreement review. We also understand that this Review will consider our submissions into those processes. The UMCN encourages the Water Act review team to consider the following UMCN submissions as many of the issues continue to apply and provide further information about issues directly relevant to this Review:

- UMCN on SWIOID Review – Feb 2026
- UMCN on IRP SWIOID Draft Recommendations – Jul 2026
- UMCN on Murray-Darling Basin Plan Review – July 2026

Draft Recommendations of 2026 SWIOID Review – supported

The UMCN strongly supports the Draft Recommendations of the Independent Review of the SWIOID (Aug 2026).

- SWIOID Review Independent Review Panel - draft Recommendations Aug 2026

We draw your attention to the Independent Panel's Draft Report which finds that:

> *"While the Deed has delivered increased environmental flows compared to pre-Deed conditions,* ***the current state of the Upper Murrumbidgee is abysmal*** *with its inhabitants, like Macquarie Perch, threatened with localised extinctions. Existing arrangements fail to meet evolving expectations for water management particularly in light of changing climatic conditions and increasing use.*
>
> *A consistent theme emerging from the Review is the need to move to a more integrated, coordinated and defined outcome-focused framework for the Snowy and Upper Murrumbidgee systems."*

The UMCN strongly hopes the Commonwealth Government accepts all the recommendations of the final review report as a complete package and that all Governments (Territory, State and Federal) and Snowy Hydro Corporation deliver on implementation.

Murray-Darling Basin Plan Review – 2026

The UMCN supplied a detailed submission to the Basin Plan Review 2026. The UMCN is extremely disappointed that the MDBA's What we heard report does not appear to recognise any of the issues raised in the UMCN's submission regarding the Upper Murrumbidgee. In fact, the report does not appear to make any reference to this reach of the river at all.

Noting the Basin Plan Review is yet to be completed, the absence of any reference to the condition of the Upper Murrumbidgee Rivers' current conditions seems to contradict the MDBA's position supplied in it's submission to SWIOID Review – Feb 2026. In this submission

the MDBA highlighted a number of Basin Plan related issues specifically affecting the Upper Murrumbidgee River as a result of the "*near 95% reduction in downstream flows*" which includes risks to the Sustainable Diversion Limit (currently ineffective) and climate change (increasing risk). Notably, the MDBA Submission also highlighted additional Snowy Hydro Scheme risks for both the Snowy and Murray Rivers.

We draw this to Review's attention and suggest these issues are largely a result of the current regulatory settings of the *Water Act 2007,* and which is the key focus of this submission. Without changes to the Water Act we will not see comprehensive improved management of waters in the Upper Murrumbidgee River or more broadly for the waterway of the Snowy Hydro Scheme.

Recent related relevant water policy development processes

The UMCN provided a submission and appeared at the NSW Legislative Assembly Committee on Investment, Industry and Regional Development Inquiry. This work clearly outlined how far behind the Upper Murrumbidgee region is in relation to water management outcomes elsewhere in the Murray-Darling Basin.

- UMCN Submission (2025) - Impacts of the Water Amendment (Restoring Our Rivers) Act 2023 on NSW regional communities
- UMCN Legislative Assembly appearance (2025) - transcript of report proceedings

The UMCN also contributed to the development of the **NSW Murrumbidgee Regional Water Strategy** through formal submission, and we are pleased that several of our priority issues are reflected in the final strategy. This Strategy outlines long-term plans to address water needs for towns, Aboriginal communities, businesses and the environment. A major inclusion is the recognition of the Upper Murrumbidgee as one of the four priorities – the region and not just a thematic focus – hopefully strengthening future investment and coordinated action. We were also pleased to have a presentation at our 2024 *Working Together for the River* Forum on how the Upper Murrumbidgee became a priority.

Response to Discussion Paper Questions

1. To what extent have the objects of the Water Act been achieved?

The objects have not been achieved for this part of the Murray-Darling Basin. The Upper Murrumbidgee River, part of the Murray-Darling Basin, is effectively excised from management as in the rest of the basin by the Water Act.

In effect the *Water Act 2007* (*Part 2 Management of Basin water resources)* does not apply to the Upper Murrumbidgee River –

> *21 (6) The Basin Plan must not be inconsistent with the provisions of the licence issued under section 22 of the* Snowy Hydro Corporatisation Act 1997 *of New South Wales.*
> *Note: the Basin Plan applies to all Basin waters, including the Upper Murrumbidgee River, except to the extent that the Basin Plan is inconsistent with the licence mentioned in this subsection*.

(Note: the Water Act was amended in 2023 to clarify that the upper Murrumbidgee was in fact included in the Basin, however, the provision which excises this reach was not amended).

Ironically, this provision helps to frame the Upper Murrumbidgee as an 'unregulated river' and as such does not attract the management actions associated with 'regulated rivers' as for other rivers in the Basin.

The Independent Review of the Snowy Water Inquiry Outcomes Implementation Deed (SWIOID draft Report July 2026) demonstrates that the special governance arrangements applying to Snowy Hydro have failed to deliver intended environmental outcomes and are no longer consistent with contemporary water management principles. The Review found the current Deed is outdated, that environmental flow targets are inadequate and frequently unmet, that governance arrangements lack transparency and accountability, and that compensation arrangements (to Snowy Hydro) create structural barriers to reform. Perversely, these compensation payments to Snowy Hydro are also triggered if trying to improve river health.

Importantly, the SWIOID Review found that significantly improved environmental outcomes can be achieved with only minor impacts on energy generation and no material risk to National Electricity Market reliability.

In response to calls from the community, including UMCN, the *Snowy Hydro Statement of Expectations 20 December 2024* was (internally by the shareholders) reviewed and updated. This updated version, for the first time, goes beyond just energy, revenue, and Snowy 2.0 and acknowledges downstream effects on the Upper Murrumbidgee River and other important values that go beyond the company's direct operations. Snowy Hydro Ltd is expected to: ...

- *recognise environmental, social and sustainability responsibilities, including the health of the broader river system and downstream water needs pursuing good outcomes for all water users, within its regulatory and policy frameworks, while delivering on its commercial objectives and balancing the needs of the NEM.*
- *comply with all relevant water obligations, including the Snowy Water Licence and the Water Act 2007.*

While this is an improvement over the previous version, there is still work to be done to ensure that Snowy Hydro's operations are more fully aligned with the needs of the river, its ecosystems, and local communities. Draft recommendations from the 2026 SWIOID Review go further suggesting changes to Snowy's Board Structure, Executive Renumeration and specific and explicit organisation performance related environmental objectives for this river.

The SWIOID Review findings and changes to the Statement of Expectations also support removal of any continuing exemption of the Snowy Water Licence and associated arrangements from the *Water Act 2007*.

Removal of the current regulatory provision will allow for integration of Snowy Hydro operations into contemporary national water governance, compliance, and accountability frameworks aligned with the Basin Plan.

UMCN also raised the matter of recognising Snowy Hydro as a water license holder in the National Water Agreement rather than continuing their exclusion from national water management arrangements.

Regional climate change projections are dire

Climate change projections (significant for this region on the reduced availability of water) make the case for legislative reform even more urgent. The Independent Review Panel (IRP) found that current arrangements are already failing to protect river health, with the Upper Murrumbidgee in ongoing ecological decline and existing environmental flow provisions insufficient to achieve ecological objectives. The Panel concluded that contemporary water management expectations, climate resilience requirements and environmental stewardship standards are not being met under the current framework, and that without reform the river's condition will continue to deteriorate.

Given the lengthy time required to implement legislative, governance and operational reforms, significant legislative change should occur **now** rather than be deferred to avoid locking in further environmental degradation and reduced future options.

The objectives of the Water Act, including environmentally sustainable management of water resources and supporting healthy communities and ecosystems, cannot be fully achieved while Snowy Hydro operations continue under arrangements which continue to exempt their

actions and this part of the Upper Murrumbidgee River from the Basin Plan. Any genuine assessment of public benefit and the public interest would recognise that maintaining the status quo imposes unacceptable impacts on critical human water needs, and environmental, cultural and social costs.

Change is therefore not only warranted but is overdue. Reform is necessary to secure long-term outcomes for rivers, communities and future generations, and to ensure water management arrangements are fit for the climatic, environmental and social challenges of the decades ahead.

See below for more details on the matters raised above.

3. What are the opportunities for the Water Act to promote the principles set out in UNDRIP?

The current dispensation / exemption from Basin Plan obligations (through the Water Act) means the absence of any mechanism to support First Nations water-related decision making in the Upper Murrumbidgee. Neither the current SWIOID or Snowy Water Licence provide an effective opportunity for First Nations participation.

Allowing the Water Act to fully recognise the Upper Murrumbidgee will help to enable First Nations peoples continue to maintain ongoing spiritual and cultural connection to the upper Murrumbidgee River. In line with the National Agreement on Closing the Gap, First Nations people should be directly involved by participating it water management decisions for this river, recognising an enduring connection to the land and waterways and their future management.

FURTHER INFORMATION ON THE PRINICPAL MATTERS RAISED ABOVE

Critical human water needs – risk is increasing without Federal support

Bypassing the Water Act means the protections and oversight provided to other Basin rivers are not available for Upper Murrumbidgee River Communities.

Under the current arrangements, water releases from Tantangara are reduced to less than 10% of natural volumes. In 2026-2027 the releases represent 2% of average annual inflows. These exceedingly low flows currently create high water security risk for local communities, and this will only increase under forecast climatic conditions. Two immediate examples demonstrate this risk. Cooma, a small township downstream of Tantangara Dam has one of the lowest water security ratings under the NSW water management framework. While in 2019, the township of

Tharwa in the ACT which also relies on Upper Murrumbidgee flows for non-potable domestic and firefighting water was stranded when the Murrumbidgee River ceased to flow at Tharwa.

Snowy Water Licence sits outside the Water Act

The Upper Murrumbidgee River (from Kosciusko National Park to Burrinjuck Dam) is a river whose waterways, catchments and sub-catchments are wholly contained within the Murray-Darling Basin. However, a clause in the original Water Act has essentially excised this river and its effective management from the Basin Plan.

An amendment to the Water Act in 2023 (*Water Amendment (Restoring Our Rivers) Act 2023*) attempted to address this issue, however, the now antiquated Snowy Water Inquiry Outcomes Implementation Deed and the associated Snowy Water licence still have precedence over the Basin Plan. This exclusion has arguably facilitated the degradation of this reach of the Murrumbidgee River.

Since the Basin Plan has commenced, the condition of this river reach has declined and continues to deteriorate.

This exclusion from the Water Act appears to prevent the Murray-Darling Basin Authority and subsequently the Inspector General of Water Compliance (IGWC) to play any effective role in improving the condition of this waterway.

Compliance, enforcement and transparency are currently confused

The UMCN is concerned the current compliance arrangements around the SWIOID, and the Snowy Licence require immediate focus and improvement.

Strangely, the Upper Murrumbidgee water that Snowy Hydro harvests is ‘seen’ as a Basin Plan resource, yet this diverted water is *not* seen or considered as a resource that should be managed for the benefit of communities and the environment within the Upper Murrumbidgee reach.

This means that compliance arrangements around the interface with the Snowy Hydro Scheme and the Upper Murrumbidgee river within NSW, as well as the Commonwealth, are at best confused or not transparent or both.

The IGWC currently has no jurisdiction for these Montane Rivers – despite many of these rivers and almost all the water being captured falling within the remit of the Basin Plan and the Water Act.

The dispensation given to the Snowy Hydro Scheme from being held accountable through the Water Act and or Basin Plan simply doesn't pass the pub test.

A clear role for the Inspector General Water Compliance for these Montane Rivers and the Deed could be established within the context of the Basin Plan.

NSW's Natural Resources Access Regulator (NRAR) should be allowed to play an active role in monitoring and reviewing the operation and compliance of parties in a future Snowy Licence. It is unclear why NRAR does not appear to have jurisdiction from Tantangara itself (at the release point), but NRAR's jurisdiction starts *after* the release point.

Flexible environmental flow planning, management and protection not available

Removal of this river from the Basin Plan through the Water Act means that none of the novel, effective and flexible water management arrangements enjoyed by other Murray-Darling Rivers (including this same river downstream of Burrinjuck) can be used.

Current arrangements for environmental water planning for the Upper Murrumbidgee require agencies to supply information to Snowy Hydro Ltd 12-15 months in advance. This long lead time locks environmental water managers into delivery arrangements that prevent any flexibility, or adaptability to changing seasonal conditions.

Further, there are currently no carryover provisions for environmental water in this reach – yet this facility exists for most of the other Murray-Darling Basin rivers. Providing carryover would enable water managers to adjust to conditions, provide greater flexibility to manage across and between seasons, particularly if conditions become unexpectedly extremely dry.

Lack of transparency – what types of water are delivered and when?

Again, the Water Act exclusion means there is no effective way to increase the current lack of transparency of the different types of water being released from Tantangara. This makes it very difficult for any river user to know what water is being released when or why.

Despite NSW having a suite of agreed water definitions, these don't seem to be clearly applied in this reach and it is unclear why. The UMCN suggests the adoption of water definitions used for other NSW rivers, for example: conveyance (to maintain water deliverability), critical human water needs, basic river functions, legally abstractable water, environmental flows, planned flood releases (pre-releases), floods (overtopping) etc.

There is currently no requirement to identify and make available basic near real-time river flow data or information on water transfers from Tantangara. Key river gauges are missing from key locations (for example, immediately downstream of Tantangara Dam and inflow tributaries into Tantangara) so it is impossible to know how much water is going into or coming out of Tantangara.

Technical know-how is currently required to detect, interrogate, then obtain publicly information on real-time river flows, this places an unreasonable burden on the average community member. Support from Basin Plan provisions may help to support the NSW Government and Snowy Hydro to increase its transparency of this apparently 'shared' water resource.

In some cases, water information for transfers between storages is not available as it framed as 'Commercially Sensitive' by Snowy Hydro. Some of this information is eventually released or provided upon request, however, in a number of cases how this information is developed (modelling) or when the information is released is unclear. From a community perspective it is unclear if there is any independent government oversight of Snowy Hydro's water harvest—total actual, within sub-catchments, within catchment and transfers between river systems.

Monitoring, evaluation and review is missing

Again, enabling the SWIOID and Snowy Water Licence to bypass the Basin Plan means there is no means or way to test the effectiveness of current flow volumes and delivery patterns.

The Snowy Licence provides monitoring obligations; however, these requirements appear to have been 'missed' by those with responsibility.

The current awareness of the dire state of the Upper Murrumbidgee has been driven by solely by local community voices. The current SWIOID makes passing mention of monitoring and attributes responsibility for monitoring, however, there is no reliable or effective river condition, ecological or flow monitoring, outside of work done by not-for-profit and community groups

The NSW track record in managing the basic health of this river over the last 30 years is extremely poor. Since 2002, the NSW Government has had many opportunities to implement positive improvements for these Montane Rivers but never quite seems to manage. This is evident right now, as it was the Commonwealth Government that supported recovery of this river through the establishment of the Upper Murrumbidgee Drought Operating Framework, Restoring the Upper Murrumbidgee River Program funding and the establishment of the SWIOID Review. This initiative was triggered when NSW allowed this river to virtually run dry in 2019.

A NSW Review of the Snowy Water Licence in 2018 made 23 Recommendations. Since 2018 only 10 recommendations have been implemented, and these were 'administrative'. None of the 13 remaining recommendations that relate to environmental improvements have been implemented. Some changes are being 'trialled' but there is little visibility of action on others.

Once again, the existing Snowy Hydro Scheme exemption provided by the Water Act means there is no alignment with current water reform processes and no effective mechanism to support improved river conditions when the existing arrangements are failing.

The UMCN values this opportunity to provide feedback on the Water Act Review and would be happy to provide additional information if needed.

Amending the Water Act to remove the current exemption to the Snowy Water Licence would help to broadly support improved health of the river and its communities in line with the objectives of both the Water Act and the National Water Agreement.

Terry Korodaj

UMCN Chair

31 August 2026