



The Hon. David Littleproud MP

Minister for Agriculture and Water Resources
Federal Member for Maranoa

MS18-001201

The Hon. David Speirs MP
Minister for Environment and Water
PO Box 121
BRIGHTON SA 5048

2 JUL 2018

Dear Minister 

I am writing in regard to the South Australian Murray-Darling Basin Royal Commission announced by the previous South Australian Government on 26 November 2017.

When the Royal Commission was first announced, it was described as a Royal Commission into compliance matters in the Murray-Darling Basin. At that time the Commonwealth indicated that it would cooperate with a Royal Commission into compliance matters, notwithstanding that the Commonwealth considered that a further review was unnecessary. However, as you know, the final terms of reference were broad ranging and amounted to a fundamental review of the Basin Plan and its legislative underpinnings.

I consider there are sufficient avenues already available for reviews to be undertaken on all aspects of the *Water Act 2007* (Cth) (**Water Act**) and the *Basin Plan 2012* (Cth) (**Basin Plan**). Section 87 of the Water Act provides for regular reviews of Basin Plan implementation through the Productivity Commission. A Productivity Commission review into the Basin Plan is currently underway and is due to report at the end of 2018. There are also inbuilt reviews of the Basin Plan (under section 50) and of the operations of the Water Act (under section 253). Additionally, there have been at least nine Parliamentary Committee inquiries in recent years considering the Water Act and/or the Basin Plan, as well as numerous independent reviews of these matters (e.g. National Water Commission 2009, 2011, 2013, 2014 and the Water Act Review 2014).

The request by the Royal Commission for the Commonwealth's legal advices, followed by the issuing of summonses, have been of great concern to the government. I note that the Commonwealth has commenced proceedings in the High Court in relation to the summonses. The decision to commence these proceedings is not about the content of the Water Act, or the content and implementation of the Basin Plan. There are broader issues at play, as demonstrated by the involvement of non-Basin states in the proceedings.

As you know, the government remains committed to working collaboratively and in partnership with Basin States to ensure the successful implementation of the Basin Plan in full and on time. The government also remains committed to maintaining and supporting an open dialogue with Basin states, stakeholders and communities on Basin water policy issues.

With that said, I would like to take this opportunity to ensure you are aware of the government's position on some of the matters about the lawfulness of the Basin Plan and associated amendments which have been raised by the Royal Commission in Issues Paper No. 2.

The government considers the basis on which the Basin Plan was developed, as well as amendments arising from the Sustainable Diversion Limit (SDL) adjustment mechanism and the Northern Basin Review are fully consistent with the requirements of the Water Act. The government has provided a general statement in support of this position for your information at Attachment A.

Given the significant public interest in the Murray-Darling Basin Plan, it is the government's intention to make this letter and statement publicly available.

As a final point, I note that the Royal Commission has also raised questions about the constitutional validity of Commonwealth legislation and has indicated that the validity of the Water Act will likely be the subject of a subsequent Issues Paper. The government considers that both the Water Act and the Basin Plan are constitutionally valid and will consider any subsequent Issues Paper on these issues carefully.

I look forward to continue working with the South Australian Government on delivering the Basin Plan in full and on time.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Littleproud', with a stylized flourish at the end.

DAVID LITTLEPROUD MP

Enc.

Consistency of the Murray-Darling Basin Plan with the *Water Act 2007*

Summary

The Basin Plan, and subsequent amendments, have been developed consistently with the requirements of the *Water Act 2007* (Cth) (the Water Act). In particular:

- The Water Act envisages the inherent complexity of the river system and makes it clear that the Basin Plan is to serve environmental purposes, and is also to provide for the use and management of the Basin water resources in a way that optimises economic and social outcomes.
- The Water Act requires that the long-term average sustainable diversion limits (SDLs) for the Murray-Darling Basin reflect an environmentally sustainable level of take (ESLT).
- The Murray Darling Basin Authority (the MDBA) was tasked with determining an ESLT for the Basin. Determining an ESLT for the Basin as a whole is a complex task. It is an exercise which has been conducted consistently with the Water Act and has been informed by the best available information.
- There is no single objective answer to what is an ESLT. The ESLT can exist as a range with different levels of certainty and risk attaching to numbers within that range. A spectrum of possible choices and impacts was therefore explored.
- Ultimately, some of the options examined were considered to fall outside the range of an ESLT whereas others were worthy of further investigation.
- Initial analysis examined a reduction in the broad range of 3000 – 4000 GL. This analysis was gradually narrowed to 2400 GL – 3200 GL based on ecological outcomes and risk. The minimum required to achieve acceptable outcomes across the Basin, including for the Coorong and Lower Lakes, was subsequently judged to be 2,800 GL.
- Consistent with this refinement of understanding, in settling the Basin Plan the range considered in the greatest detail was 2800 – 3200 GL.
- Final analysis supported the view that a Basin-wide SDL of 10,873 GL (representing a 2,750GL reduction) reflected an ESLT.
- In determining an SDL within the ESLT range identified, it was appropriate the MDBA take into account economic and social outcomes, provided that the SDL met the requirement that it reflected an ESLT.
- Subsequent amendment of the Basin Plan through the Northern Basin Review and SDL adjustment processes was undertaken consistent with the Water Act, with the Basin Plan and were informed by best available information.
- The government's focus remains on ensuring this framework is implemented with integrity and, in relation to the Basin Plan, in full and on time.

Introduction

1. In Issues Paper No 2, released by the South Australian Royal Commission on 30 April 2018, the Royal Commission identified a number of concerns about the validity of the *Murray-Darling Basin Plan 2012* (the **Basin Plan**), and the approach used in determining the long-term average sustainable diversion limit for the Basin as a whole. The Royal Commission also raised concerns about the subsequent amendment of the Basin Plan.
2. The Commonwealth's view is that the Water Act was properly made and supported, that the Basin Plan was properly made and supported and that both of these frameworks have and will continue to be implemented according to their terms. Any assertion that the Commonwealth has acted unlawfully or without foundation are refuted.
3. The government's focus remains on ensuring this framework is implemented with integrity and, in relation to the Basin Plan, in full and on time.

The objectives of the Water Act

4. Section 41 of the Water Act conferred on the Murray-Darling Basin Authority (**MDBA**) the responsibility for preparing the Basin Plan which was then given to the Minister for adoption, in accordance with s 44. The Basin Plan came into effect in 2012.
5. The MDBA has subsequently recommended amendments (the **SDL Adjustment Mechanism (SDLAM) amendments**) to the Basin Plan which is wholly consistent with the process set out in ss 23A and 23B of the Water Act, and Chapter 7 of the Basin Plan (the **SDLAM mechanism**).¹ Further amendments arising from the Northern Basin Review (the **NBR amendments**) were also prepared by the MDBA consistent with section 45 to 48 of the Water Act.
6. It is useful to note the provisions of the Water Act which set out the purpose of the Basin Plan and the basis on which it was developed, as these are relevant to how the powers of the MDBA and the Minister in preparing and adopting the Basin Plan, including in developing the SDLs in the Basin Plan, are to be (and have been) exercised.
7. It is appropriate, when considering the operation of the Water Act and Basin Plan, to consider the objects of the Water Act.² The objects of the Water Act are set out in s 3. The relevant objects in that section are as follows:
 - (a) *to enable the Commonwealth, in conjunction with the Basin States, to manage the Basin water resources in the national interest; and*
 - (b) *to give effect to relevant international agreements (to the extent to which those agreements are relevant to the use and management of the Basin water resources) and, in particular, to provide for special measures, in accordance with those agreements, to address the threats to the Basin water resources; and*
 - (c) *in giving effect to those agreements, to promote the use and management of the Basin water resources in a way that optimises economic, social and environmental outcomes; and*
 - (d) *without limiting paragraph (b) or (c):*
 - (i) *to ensure the return to environmentally sustainable levels of extraction for water resources that are overallocated or overused; and*
 - (ii) *to protect, restore and provide for the ecological values and ecosystem services of the Murray-Darling Basin (taking into account, in particular, the impact that the taking of water has on the watercourses, lakes, wetlands, ground water and water-dependent ecosystems that are part of the Basin water resources and on associated biodiversity); and*

¹ Basin Plan Amendment (SDL Adjustments) Instrument 2017.

² Acts Interpretation Act 1901 (**AIA**) s 15AA.

(iii) *subject to subparagraphs (i) and (ii)—to maximise the net economic returns to the Australian community from the use and management of the Basin water resources; and*

(e) *to improve water security for all uses of Basin water resources; and*

...

8. While the achievement of environmental objectives is an important object of the Water Act, the achievement of non-environmental objectives are also objects of the Act, specifically:
- enabling the Commonwealth, in conjunction with the Basin States, to manage the Basin water resources **in the national interest**
 - in giving effect to international agreements, promoting the use and management of Basin water resources in a way that optimises **economic, social** and environmental outcomes
 - to **maximise the net economic returns** to the Australian community from the use and management of the Basin water resources (subject to the matters referred to in s 3(d)(i) and (ii))
 - to **improve water security** for all uses of Basin water resources.

The purpose of the Basin Plan

9. Section 20 of the Water Act sets out the purpose of the Basin Plan. This section is relevant to how the content of the Basin Plan is to be determined, by the MDBA and the Minister, and to the interpretation of the Basin Plan.³

10. Section 20 states that the purpose of the Basin Plan is to:

... provide for the integrated management of the Basin water resources in a way that promotes the objects of ... [the Water Act] in particular by providing for:

(a) *giving effect to relevant international agreements...; and*

(b) *the establishment and enforcement of environmentally sustainable limits on the quantities of ...water... that may be taken from the Basin water resources...; and*

(c) *Basin-wide environmental objectives for water-dependent ecosystems of the ...Basin and water quality and salinity objectives; and*

(d) *the use and management of the Basin water resources in a way that optimises economic, social and environmental outcomes; and*

...

As with s 3, s 20 of the Water Act makes clear that the Basin Plan is to serve environmental purposes and is also to provide for the management of Basin water resources in a way that optimises economic and social outcomes (s 20(d)).

11. Section 21 is entitled 'General basis on which Basin Plan to be developed'. It provides guidance to the MDBA and the Minister in determining the content of the Basin Plan. Section 21(1) requires that the Basin Plan must be prepared so as to provide for giving effect to relevant international agreements. Section 21(2) provides that the Basin Plan must be prepared having regard to the fact that the use of the Basin water resources has had significant adverse impacts on the conservation and sustainable use of biodiversity, and that the Basin water resources required special measures to manage their use to conserve biodiversity. Section 21(3) provides that the Basin Plan must also promote the 'wise use' of all the Basin water resources, promote the conservation of declared Ramsar wetlands, and take account of the ecological character descriptions of all declared Ramsar wetlands and all other key environmental sites endorsed by the Natural Resource Management Ministerial Council.
12. Section 21(4) goes on to set out matters which the MDBA and the Minister must take into account, act on and have regard to, in exercising powers and performing functions under Part 2 Div 1 of the Water Act. Those powers and functions include developing the Basin Plan, and proposing amendments to the Basin Plan. Section 21(4) provides that 'subject to subsections (1), (2) and (3)' (i.e., the environmental considerations referred to in the previous

³ See s 13(1) of the *Legislation Act 2003* and AIA s 15AA.

paragraph), the MDBA and the Minister must (among other things) take into account the principles of ecologically sustainable development and act on the basis of the best available scientific knowledge and socio-economic analysis. The MDBA and the Minister must also 'have regard to... the consumptive and other economic uses of Basin water resources'.

13. It is also noted that the overarching objective of the Water Act and the Basin Plan is to give effect to relevant international agreements, including the Convention on Biological Diversity⁴ and the Ramsar Convention⁵ relating to wetlands. However, neither Convention requires that the Parties disregard economic and social considerations in giving effect to the environmental obligations. Both Conventions establish a framework in which environmental objectives have primacy but the implementation of environmental objectives allows consideration of social and economic factors.

The Environmentally Sustainable Level of Take and the Sustainable Diversion Limits

14. Section 22(1) of the Water Act contains a table setting out the mandatory content of the Basin Plan. Item 6 of the table states that the Basin Plan must include:

The maximum long-term annual average quantities of water that can be taken, on a sustainable basis, from:

- (a) *the Basin water resources as a whole; and*
- (b) *the water resources, or particular parts of the water resources, of each water resource plan area.*

*The averages are the **long-term average sustainable diversion limits** for the Basin water resources, and the water resources, or particular parts of the water resources, of the water resource plan area.*

The 'long-term average sustainable diversion limits' are commonly referred to (including in the Basin Plan) as 'SDLs'. The Basin Plan provides that the SDL for the Basin water resources as a whole is the sum of the SDLs for all SDL resource units (s 6.04).

In the Basin Plan, as originally made, the SDL for each surface water SDL resource unit⁶ is set out, as a formula, in column 2 of Schedule 2 of the Basin Plan. A note to s 6.04 of the Basin Plan stated that MDBA estimated the SDL for all surface water SDL resource units (i.e. for surface water in the Basin as a whole) was 10,873 GL per year. This was 2,750 GL less than the MDBA's estimate of surface water 'BDL' or baseline diversion limit.⁷

15. In the third column in item 6 of the table in section 22(1) of the Water Act headed 'specific requirements', it is stated that the SDL must comply with s 23. Section 23 provides:

23 Long-term average sustainable diversion limits

- (1) *A long-term average sustainable diversion limit must reflect an environmentally sustainable level of take.*

16. The process of determining the SDL therefore has 2 steps: working out an ESLT, and then working out an SDL which reflects that ESLT.

⁴ Done at Rio de Janeiro, 5 June 1992 [1993] ATS 32.

⁵ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, Iran, 2 February 1971, [1975] ATS 48.

⁶ Issues Paper 2 concerns only surface water – see footnote 1. For completeness, however, note that the SDLs for groundwater SDL resource units are set out in Schedule 4.

⁷ The effect of the SDLAM amendments was to include, for each surface water SDL resource unit, an additional 'SDL adjustment amount' in the formula in column 2 of Schedule 2. That amount is calculated, for each unit for each water accounting period (i.e. financial year), in accordance with new Schedule 6A.

Working out an environmentally sustainable level of take

17. The expression 'environmentally sustainable level of take' is defined in s 4 of the Water Act as follows:

environmentally sustainable level of take for a water resource means the level at which water can be taken from that water resource which, if exceeded, would compromise:

 - (a) *key environmental assets of the water resource; or*
 - (b) *key ecosystem functions of the water resource; or*
 - (c) *the productive base of the water resource; or*
 - (d) *key environmental outcomes for the water resource.*
18. In Issues Paper No 2, the Royal Commission correctly identifies that, in determining the ESLT, it is this definition that sets out the matters that are to be considered.
19. However, it appears that the Royal Commission may be suggesting that an ESLT can be determined, for the purposes of determining the SDL, without any exercise of discretion or judgment. Moreover, it appears that the Royal Commission may be suggesting that the ESLT which results from consideration of this definition will be a single figure.
20. This is a misunderstanding of the ESLT.
21. The ESLT exists as a range. The Murray-Darling Basin is a large and diverse region and determining an ESLT was a complex task. There is no simple objective mechanism for determining an ESLT. It was (and remains) an exercise of expert judgement, informed by the best available information and a thoughtful consideration of the relevant factors prescribed by the Water Act.
22. First, there are a variety of ways of assessing each of the matters in the definition (for example, an end-of-system flow analysis or an indicator site method). Second, any approach will involve a high level of complex analysis which will require the making of certain assumptions. As a consequence of these uncertainties, the outcome of analysis could, and did in fact, result in a range, rather than a single number. It is unavoidable that differing levels of certainty and risk are associated with different numbers within the range. To say this another way, each level of water recovery can achieve an associated number of key ecological outcomes with different levels of confidence in reaching them.
23. In the process of determining an ESLT for the water resources of the Basin as a whole, the MDBA landed on a range. In 2010 the MDBA released, for public comment, an initial range in the *Guide to the proposed Basin Plan* of 3,000 to 4,000 GL.
24. Following extensive public comment (including from the scientific community) and drawing on further scientific information and analysis, the MDBA subsequently tested 3 options (reductions in take of 2,400, 2,800 and 3,200 GL). The assessment showed that a reduction in take of 2,400 GL was insufficient to achieve a number of key environmental objectives for the River Murray downstream of the Murrumbidgee junction (including the Coorong, Lower Lakes and Murray Mouth), whilst modelling at 3,200 GL showed an increased level of confidence in the achievement of environmental outcomes relative to the 2,800 GL option. The MDBA stated in relation to this conclusion that the method it used gives '*confidence that the selected environmental objectives can be achieved and the proposed ESLT meets the requirements of the Water Act, in terms of not compromising key environmental assets, key ecosystem functions, the productive base and key environmental outcomes,*' addressing the terms of the definition of ESLT. This effectively set an ESLT range.
25. Subsequent to modelling the 2,800GL reduction, the MDBA undertook further analyses in the Condamine–Balonne region to investigate alternative SDL options within the ESLT range and the water recovery strategies necessary to implement an equivalent SDL. The reduction was adjusted to 2,750 GL following these analyses. Modelling showed that a Basin wide SDL of 10,873 GL reflected an ESLT.

Key assets, ecosystem functions and environmental outcomes

26. In exercising the discretion and judgement necessary to work out an ESLT, economic and social matters can be relevant to the interpretation of the definition of that term in the following way.
27. Paragraphs (a), (b) and (d) of the definition of ESLT refer to 'key' assets, ecosystem functions and environmental outcomes. No guidance is given as to what 'key' means in this context. But it is self-evident that reasonable minds could differ as to whether an asset, ecosystem function or environmental outcome met the test of being 'key'; the inclusion or otherwise of particular assets, functions or outcomes in the assessment of what is an ESLT will change what the ESLT would be.
28. In identifying which environmental assets are 'key', it was necessary for the MDBA and the Minister to comply with the specific requirements of the Water Act, interpreted in light of the objects; and act in accordance with the purposes of the Plan in s 20 (including promoting the objects in s 3).
29. This means that, while the MDBA and the Minister must give effect to the environmental objectives of the Water Act and the Basin Plan and relevant international agreements, the MDBA and the Minister are also to give effect to the object of optimising economic social and environmental outcomes (s 3(c)) (where possible, within the specific requirements of the Water Act, and relevant to the provision at hand). Although the specific obligations under s 21 apply to the exercise of the MDBA's (and the Minister's) process of determining an ESLT, this object is also relevant when determining which assets, ecosystem functions or environmental outcomes are 'key', as part of making that determination. An environmental asset would not be 'key' if its protection was not necessary to achieve the specific requirements of the Water Act (such as those under s 21) and its protection would have significant negative social and economic effects.
30. A key reference in understanding the approach taken on these things is 'The proposed 'environmentally sustainable level of take' for surface water of the Murray-Darling Basin: Method and outcomes' (November 2011).

Setting the SDLs that reflect an ESLT

31. Having worked out the range representing an ESLT, the next step is to determine an SDL reflective of the ESLT.
32. The Issues Paper puts forward the proposition that an SDL reflecting an ESLT is to be determined solely on the basis of environmental criteria and that 'social and economic outcomes are irrelevant to this determination' (at [39]). The Issues Paper also appears to suggest that, in determining the ESLT, the MDBA first worked out a number which achieved the necessary environmental outcomes, and then, taking into account social and economic matters, increased that number, so that the ESLT it determined was higher than was environmentally sustainable. This is not correct.
33. As was noted above, the complexity of the process of determining an ESLT means that what is determined to be an ESLT can be a range.
34. When consideration is being given to an SDL for the Basin that reflects an ESLT, a discretion exists. In determining where in the range of the ESLT the SDL should sit the MDBA and Minister can take into account economic and social outcomes (s3 objects of the Water Act and the matters in ss20 and 21).
35. This means that, contrary to what is suggested in Issues Paper No 2, it is relevant to consider economic and social matters in the process of determining an SDL consistent with the Water Act, provided that the SDL still reflects an ESLT.

36. The MDBA must ‘act on the basis of the best available scientific knowledge and socio-economic analysis’ (Water Act s 21(4)(b)). As alluded to above, what constitutes the ‘best’ scientific knowledge and analysis will always be a matter of judgement, rather than certainty. Recognising that scientific knowledge changes over time. The Water Act provides for periodic review of the Basin Plan; a provision that is important for the adaptive management of Basin rivers and water resources over time. The MDBA has and will continue to place a high value on the peer review of key components of scientific information and analysis.
37. Finally, it is worth noting that system constraints and associated rules that limit where and how much water can be sent through the system at any one time can limit the achievement of environmental outcomes. These rules and constraints can change if state governments agree, and third party impacts are addressed. However, under the current system, entitlement and operational constraints make it almost impossible to achieve some environmental outcomes no matter what volume of water recovery is delivered.

The SDLAM amendments

38. The MDBA recently proposed an adjustment of the SDLs in accordance with s 23A. This adjustment was adopted by the Minister in accordance with s 23B and the Basin Plan (including the Basin SDL) has been amended accordingly. The process for determining the amount of the adjustment is set out in Chapter 7 of the Basin Plan. Section 23A(3)(b) provides that the SDL that is produced after the adjustment proposed has been taken into account must reflect an ESLT.
39. The Issues Paper notes that:
- the supply measures which have been taken into account for the purposes of the SDLAM are not required to be implemented until 2024;
 - the SDL for the southern connected Basin has been increased in light of these notified supply measures.
- and questions whether the amended SDL will still reflect an ESLT as at 1 July 2019. The Issues Paper suggests that the Water Act requires that the SDL must always reflect an ESLT, and questions whether the amended SDL will reflect an ESLT (for example, as at 1 July 2019) when the package of supply measures on which it was based is yet to be fully implemented.
40. The process of determining an adjustment to the SDL by assessing supply measures (including those which are merely proposed) and efficiency measures is set out in detail in the Basin Plan. The process followed by the MDBA in determining the amount of the proposed adjustment was wholly consistent with Basin Plan requirements. It is clear that the Basin Plan allows for the operation of the SDLAM to take effect over the period to 2024.
41. This is reflected in the treatment of the reconciliation process, of the latitude to amend notifications and the provision made for the notification of additional efficiency measures.
42. As is explained at the beginning of Chapter 7 of the Basin Plan,
- ... the Authority can propose adjustments to surface water SDLs to take account of certain additional changes in infrastructure and other measures that will come into operation by 30 June 2024.*
43. In this way the Basin Plan provides for the MDBA to determine an SDL adjustment based on the effect that the package of notified supply measures will have when they come into operation between now and 30 June 2024.
44. In making its determination, the MDBA had a high degree of certainty (given the representations of Basin States) that the package of supply measures notified to the Authority would be implemented, and that it would be implemented by 30 June 2024.
45. It is significant that the Basin Plan provides for a reconciliation process in 2024 under which the SDL will be reviewed in light of supply measure implementation. This process is intended

to account for any variation in ecological outcomes between the package of supply measure projects as originally notified to the MDBA (i.e. as the basis for the operation of the mechanism in 2017), and the final configuration of projects as implemented by 30 June 2024. This process ensures that any discrepancy between the 2017 adjustment and actual adjustment is determined.

46. It is also relevant that the Basin Plan provides for efficiency measures to be taken into account as they come into effect over the period 2019-2024. The objective of efficiency measures in the Basin Plan is to increase environmental outcomes without impacting on socio-economic outcomes.
47. The size and complexity of the task of assessing and implementing supply and efficiency measures within the Basin is immense. Generally, the Water Act and Basin Plan, in a range of mechanisms, provide for movement over time to environmentally sustainable levels of extraction.

The Northern Basin Review

48. The Issues Paper states that the Commission 'has similar concerns' in relation to the NBR amendments, meaning concerns similar to those raised in relation to the SDLAM amendment.
49. The Northern Basin Review is foreshadowed in the Note to s 6.06(1) of the Basin Plan. The NBR amendments were prepared consistent with the requirements of sections 45 to 48 of the Water Act.
50. The NBR amendments to the Basin Plan were disallowed on 14 February 2018, meaning that they are not presently reflected in the SDL for the Basin or for affected water resource plan areas. However, as noted at the outset, the *Water Amendment Act 2018* amends the Water Act to enable the Minister to direct the re-proposal of an instrument, the same in effect, as the NBR amendments. The *Water Amendment Act 2018*, which has recently passed, amends the Water Act to enable the Minister to direct the re-proposal of an instrument, the same in effect, as the NBR amendments. The Minister has subsequently directed the MDBA to prepare such an instrument for his consideration.
51. Amongst other matters, the NBR amendments proposed a revision to the SDL which would involve increasing the SDL by 70 GL. That proposed amendment takes into account new scientific evidence about the northern Basin which had not been available when the Basin Plan was made in 2012, which suggested that the ESLT in the northern Basin was higher than had been previously assumed. The new scientific evidence about the northern Basin means that the SDL, as increased by 70 GL, continues to reflect an ESLT.
52. The NBR amendments are supplemented by 'toolkit measures' being measures that the States of Queensland and New South Wales proposed to take to deliver improved environmental outcomes, thereby improving the efficiency of environmental water in those areas. These measures are complementary and intended to enhance environmental outcomes. They are not an alternative to achieving an ESLT. A range of materials is available on the MDBA's website which speaks to these things.