

1 May 2026

Mr Andrew McConville
Chief Executive
Basin Plan Review Submissions
Murray–Darling Basin Authority
GPO Box 1801
Canberra City ACT 2601
Via email to: BPRSubmissions@mdba.gov.au

Dear Mr McConville

On behalf of Watertrust Australia Ltd (Watertrust)¹ I am pleased to provide this submission to the 2026 review of the Murray–Darling Basin Plan (the Basin Plan). Based on experience in the water sector, we suggest that many persistent challenges arise not from technical or policy limits, but from inadequate genuine engagement with stakeholders, undermining fairness and legitimacy.

This submission focuses on strengthening decision-making under the Basin Plan rather than proposing any broad changes to its legislative settings. Specifically, we recommend embedding more deliberative, structured and inclusive decision-making practices explicitly within key elements of the Basin Plan’s governance framework, so that they become required practice rather than an optional or low-priority activity. We believe that the implementation of these recommendations would contribute to the development of a mosaic of well-designed, locally owned solutions that would

¹ Watertrust is an independent, not-for-profit organisation strengthening how water policy decisions are made in Australia. Supported by a coalition of philanthropic funders, we operate independently of governments and stakeholders with vested interests and do not advocate for predetermined outcomes. Our focus is on improving the quality, legitimacy, durability and fairness of decision-making in complex and contested water policy settings where trade-offs are unavoidable.

strengthen Basin communities' capacity to adapt to a changing climate and ensure that the Basin Plan's objectives are met.

Watertrust's specific recommendations are grounded, practical and proportionate. Our suggested approach will require institutional leadership by the Murray–Darling Basin Authority to ensure that genuine stakeholder involvement becomes a clearer and more consistent requirement under the Basin Plan, particularly at catchment and regional scales.

Context

The establishment of the Murray–Darling Basin Plan in 2012 was a significant national achievement. Subsequent water recovery has played an important role in rebalancing consumptive and environmental uses. However, this first phase of Basin Plan implementation often relied on top-down, technical analysis, with outcomes largely negotiated within and between governments at some distance from affected stakeholders. Experience under the Basin Plan also highlights the challenges agencies face in facilitating genuine stakeholder input when they often hold institutional responsibilities or vested interests in particular outcomes. While the Basin Plan and related government policies allow for, and in some cases require, genuine two-way engagement, practice remains uneven as illustrated in the three examples below.

As an important element of Basin Plan implementation, Water Resource Plans have been prepared by Basin state agencies for accreditation by the Murray-Darling Basin Authority. These plans were prepared to satisfy extensive Basin Plan requirements and are therefore detailed and complex. Because of these requirements and the associated workload, preparation has relied heavily on hydrological modelling with limited consultation. As a result, affected stakeholders have been unable to consistently engage meaningfully with the evidence, reasoning and trade-offs underpinning key decisions. Additionally, it is often not clear how historic trade-offs made prior to the Basin Plan were acknowledged and accounted for.

Another important element of Basin Plan implementation is the delivery of Sustainable Diversion Limit (SDL) adjustment projects across the southern Basin. Independent reviews have identified a range of implementation challenges, including optimistic assumptions about feasibility and timing, significant technical and governance complexity, and stakeholder concerns about third-party impacts. Consequently, the volume of water offset through these SDL adjustment projects will be hundreds of gigalitres less than originally expected, with several projects significantly delayed or unable to be implemented². Early, proactive and ongoing structured stakeholder

² <https://www.mdba.gov.au/sites/default/files/publications/SDLAM-Assurance-Report-Dec2025.pdf>

deliberation would have helped manage the implementation challenges for several of these projects.

Finally, recent findings of the Inspector-General of Water Compliance in relation to the Northern Basin Toolkit are consistent with the examples given above. The Inspector-General observed that, while substantial technical and planning information may exist within agencies, it is not always shared in ways that enable meaningful deliberation. The implementation challenge is often not the absence of information, but the lack of processes that translate technical material into shared understanding, participation in the identification of potential solutions, and collective judgement³.

Taken together, these examples of Basin Plan implementation point to a common challenge of how decisions are developed, tested and explained with affected stakeholders.

Embedding deliberative decision-making in Basin governance

Many Basin decisions involve unavoidable trade-offs between stakeholder interests and values, consumptive uses and environmental outcomes. Where these trade-offs are perceived as being determined primarily through technical analysis or distant decision-making processes, delay or deadlock can arise. This risk is heightened when stakeholders feel they are being asked to accept decisions without a clear understanding of the reasons, the evidence relied upon, or how their perspectives and input have informed outcomes. Perceived fairness is therefore critical. Perceived unfairness in processes can trigger defensiveness and entrench opposition among stakeholders.

Watertrust's extensive quantitative research on fairness and fairness perspectives, and our experience across water policy processes, point to a strong opportunity to embed deliberative decision-making more systematically within Basin Plan governance⁴. Place-based deliberative approaches make transparent how different values, evidence and forms of expertise are considered and weighed. These approaches support decisions that are technically sound, better understood, more broadly owned and more

³ Inspector-General of Water Compliance, *Northern Basin Toolkit Inquiry – Final Report*, 22 April 2026, p.146.

⁴ Fair enough: considering equity, fairness and justice in water policy. [Fair enough.pdf](#)

workable in practice. Establishing a deliberative process framework within the Basin Plan would provide a consistent foundation for developing a mosaic of locally tailored solutions that Basin communities consider legitimate, credible and workable in practice.

Evidence from Watertrust's practice

Watertrust's practical experience includes acting as an independent process designer and convener in complex water management contexts, including the Lower Balonne, the Upper Murrumbidgee, Western Davenport and the Mount Lofty Ranges, as well as integrated water management initiatives in Greater Adelaide. Across these settings, Watertrust has supported stakeholders, government agencies and diverse interests to work through contested water issues where trust deficits, historical decisions, uneven risk distribution and future uncertainty are amongst the central concerns. This work consistently demonstrates the value of transparent processes, shared access to evidence, and locally grounded pathways that allow stakeholders to engage with trade-offs in ways aligned with their catchment realities. Confidence and legitimacy are strengthened when technical analysis is openly tested, assumptions and limitations of technical analysis are made explicit, and decisions evolve through structured dialogue rather than being presented as predetermined.

Our experience is that, where engagement is genuinely deliberative, there is space for shared learning, understanding of different perspectives, and informed exploration of options. Decisions developed in this way are more likely to be workable over time because affected parties can see how evidence, constraints and values have shaped outcomes. This, in turn, reduces policy implementation risk and the capacity for ongoing adaptation.

From consultation to deliberation

Previous Basin Plan processes have relied heavily on technical analysis, impact assessment and extensive and complex documentation. Experience shows they are not sufficient on their own where decisions involve complex trade-offs, long time horizons and uneven impacts across regions. Decisions grounded primarily in technical analysis that is presented to affected stakeholders, without structured processes for examining values, assumptions and impacts, risk being contested or losing legitimacy, irrespective of the quality of the analysis.

There is therefore a strong case for a shift toward more deliberate and structured decision-making approaches that integrate technical analysis with local experiential knowledge, make reasoning transparent, and clearly explain how competing considerations shape outcomes. Victoria provides a useful precedent in this respect.

Through frameworks such as *Water for Victoria* and the Local Government Act 2020⁵, deliberative engagement has been embedded at policy and legislative levels, creating clearer expectations that stakeholder input informs strategic decisions while remaining flexible about specific methods. Where engagement is independently facilitated or undertaken through neutral processes focused on shared evidence and structured dialogue, confidence can be improved and decisions made more durable. This is directly relevant to revisions of the Basin Plan.

Conclusion

Experience across the Basin demonstrates that while disagreement is inevitable in water reform, deadlock is not. Where decisions are developed through transparent, inclusive and well-reasoned deliberation, debate is more likely to contribute to shared learning and adaptive capacity than prolonged delay. The Basin Plan Review presents a timely opportunity for the Murray-Darling Basin Authority to demonstrate institutional leadership by embedding deliberative decision making in the next phase of implementation. Watertrust recommends a targeted set of amendments to the Basin Plan to operationalise fairness and deliberation in decision-making (attached).

Yours sincerely



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⁵ What can be learned from the implementation of the Victorian Local Government Act 2020? 12 May 2022, Lyn Carson

Recommended amendments to improve the Basin Plan, including by improving fairness and deliberative practice

As part of the 2026 Basin Plan Review, Watertrust makes the recommendations set out below. The focus is on improving decision quality, legitimacy, adaptive capacity and the development of locally tailored solutions through more explicit and consistent deliberative practices. These recommendations can be implemented without altering the Basin Plan’s substantive intent, objectives or regulatory scope.

1. Strengthen deliberative treatment of risk, uncertainty and uneven impacts

Amend Chapter 4 to require explicit deliberation when identifying risks and developing mitigation strategies, particularly where impacts are unevenly distributed or uncertainty is high. Publish guidance setting both minimum and optimal requirements for deliberative practice, including issue framing, options analysis, integration of scientific evidence and local knowledge, documented reasons and adaptive review.

2. Embed governance arrangements that support locally tailored, deliberative solutions

Amend Chapter 5 (sections 5.02–5.06) to clarify that achieving Basin Plan objectives depends not only on technical and scientific determinations, but also on transparent and structured deliberation about trade-offs between environmental, social and economic considerations. There needs to be adequate time and resourcing, and appropriate forums used or created to support this deliberative decision-making process.

These governance arrangements may be either purpose-specific and time-limited (“stand-up”) or ongoing and enduring (“standing”). Stand-up arrangements would be particularly suitable for supporting decisions involving trade-offs and third-party impacts associated with complex, time-bound projects. Standing arrangements could support longer-term initiatives, such as the implementation of event-based mechanisms in the Lower Balonne under the Northern Basin Toolkit. Basin Plan amendments should also require adequate resourcing and sufficient timeframes for local deliberative processes, and enable the Murray-Darling Basin Authority to specify, or provide input into, the use of appropriate deliberative approaches where risks, uncertainty, or impacts are significant.

3. Upgrade SDL adjustment consultation to genuine deliberation

Strengthen Chapter 7 so that any adjustment of Sustainable Diversion Limits is informed by structured deliberative forums, clearer explanation of assumptions and uncertainties, and concise decision records linking modelling to community relevant outcomes.

4. Embed deliberation into environmental watering planning and prioritisation

Strengthen Chapter 8 so deliberation with affected communities is a consistent feature of Basin wide environmental watering strategies and priorities. Published decisions should explain what was heard, what changed, and why decisions were made.

5. Provide guidance for using deliberative approaches for the development of water resource plans

Strengthen Chapter 10 so that structured deliberation is required in the development or amendment of water resource plans by states and territories. This will ensure inclusive processes are used to identify workable agreements and thus avoid the historical issues associated with delays in water resource plans being developed or implemented.

6. Make decision-making traceable through consistent decision records and registers

Establish expectations that significant Basin Plan decisions are accompanied by short decision records linking evidence, options, trade-offs, reasons and monitoring commitments, hosted through existing registers or publication mechanisms.

7. Embed learning about deliberative practice within Basin Plan review and evaluation

Ensure periodic reviews consider the effectiveness of deliberative decision-making practices, not only policy outcomes, to support continuous improvement in Basin governance.