



# **Pocket Lawyer:** The Murray-Darling Basin Plan

**PLAIN-ENGLISH INFO ON YOUR WATER RIGHTS  
AND THE 2026 REVIEW**



We acknowledge the Awabakal, Bunurong, Gadigal, Larrakia, melukerdee, Ngambri, Ngunnawal, punnilerpanner, Wadawurrung and Wurundjeri peoples, the Traditional Owners of the lands on which our team lives and where the EJA office is located. We pay our respects to Elders past and present, and recognise that sovereignty has never been ceded. This land always was and always will be Aboriginal and Torres Strait Islander land.

The legal system has played a big role in establishing, entrenching and continuing the oppression and injustice experienced by First Nations peoples. At the same time, it has also been a tool of resistance and a framework for advancing First Nations justice.

At EJA, we know environmental justice is inseparable from First Nations justice. Protecting nature and caring for Country depend on the rights, knowledge and leadership of the First Peoples of this continent. We are committed to working alongside First Nations communities to use and reshape the law in ways that uphold self-determination and create just outcomes for people and Country.

## About Environmental Justice Australia

Environmental Justice Australia (EJA) is a national public interest legal organisation. For more than 30 years, EJA lawyers and specialists have used the law for a safe climate, thriving nature, environmental justice and a radically better world. We use a unique combination of public interest litigation and legal advocacy to hold power to account. We seek justice for creatures and communities, for this beautiful continent we call home, and for everyone who comes next.

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## OVERVIEW

The Murray-Darling Basin is Australia's biggest river system – a vast network of rivers, wetlands and forests. It's the lifeblood of communities across the region and home to unique wildlife and rich First Nations culture. Here, water really is life.

The Murray-Darling Basin Plan is the national rulebook for how water is shared across the Basin. It was created to keep rivers alive, wetlands healthy and communities supplied with water. In 2026, the plan will be reviewed – a key chance to push for stronger, fairer and more sustainable rules that put people and nature first.

## WHAT IS THE MURRAY-DARLING BASIN PLAN?

The Murray-Darling Basin Plan (the plan) is a national framework for how water is managed across the Murray-Darling Basin. It was created in 2012 under the *Water Act 2007*, in the wake of the Millennium Drought, when whole towns ran out of water and river red gums died in their thousands.

The plan sets legal limits on how much water can be taken from the Basin each year – for farming, industry, towns and the environment. It's designed to balance human use with the need to keep rivers, wetlands, and ecosystems healthy. Importantly, it includes a target to recover water for the environment so wetlands flood, birds can breed, and rivers flow from source to sea.

The plan covers:

- how much water can be used
- how much water must be kept for the environment
- groundwater use
- water quality
- water markets and trade
- infrastructure management
- monitoring and compliance.

## WHAT IS THE BASIN PLAN REVIEW?

In 2026, the plan is up for review, as required by law, to make sure it stays relevant. The process is run by the environment minister and the Murray-Darling Basin Authority (MDBA) – an independent government agency.

The review will assess whether the Basin Plan is working for communities and the environment, and highlight where it's fallen short. It's also a key opportunity to fix gaps in the law – like climate risks and First Nations water justice.

## WHAT DOES THE REVIEW LOOK AT?

By law, the review must consider:

- **First Nations water rights and participation** – how well the plan supports cultural and economic outcomes for First Nations communities – and how First Nations people are involved in water decision-making, including through free, prior and informed consent
- **climate risks** – how climate change is affecting the Basin and how water management should respond
- **how effective the plan has been** – how well the plan is meeting its environmental and social goals
- **what’s in the MDBA’s discussion paper** – before the review, the MDBA will release a discussion paper that sets out issues and invites public feedback
- **the best available science** – this includes things like groundwater–surface water connections, environmental outcomes, and the performance of water infrastructure.

The MDBA has flagged four key areas for particular focus:

- climate change
- sustainable water limits
- First Nations
- regulatory design (laws and processes).

## WHAT’S THE PROCESS FOR THE 2026 REVIEW?

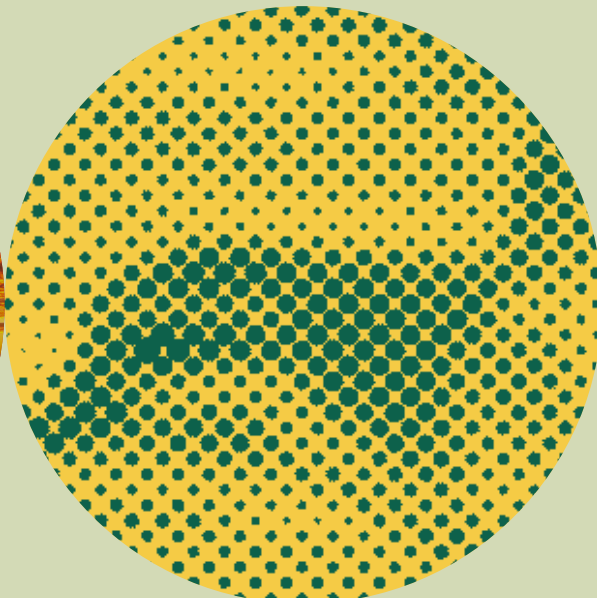
Here’s what to expect:

- **Roadmap to the review released (2023)** – outlines how the review will be done. See [here](#).
- **Early insights paper (2024)** – shares the MDBA’s early thinking on key issues. See [here](#), and a [summary](#).
- **Evaluation of the current plan (mid 2025)** – measures how well the plan has worked (yet to be published)
- **Discussion paper published (early 2026)** – invites submissions from the public and Basin states. **Public submissions open for at least 12 weeks**
- **Final report prepared by MDBA (late 2026)** – includes findings and recommendations.

## COULD THE PLAN CHANGE?

Yes. After the review, the MDBA may suggest changes to the plan. If that happens:

- the MDBA must consult with states, committees and the public
- a plain English summary of changes will be released
- the public will have at least 8 weeks to comment
- the Minister will then decide whether to adopt the changes.





## WHAT ARE THE LEGAL RESPONSIBILITIES OF THE MDBA AND MINISTER?

Throughout the review process, the MDBA and the environment minister must:

- use the **best available science** and socio-economic information
- consider the principles of **ecologically sustainable development**, including:
  - considering both short- and long-term impacts
  - protecting the environment for future generations
  - conserving biodiversity
  - taking action even when there's scientific uncertainty
- consider things like:
  - the *National Water Initiative*
  - state and regional water planning
  - social, cultural and public benefit uses
  - how water management in and outside the Basin affects each other.

Outside the review, the MDBA is also required to support and conduct research to improve water use, water quality and ecosystem health across the Basin.

## HOW CAN I HAVE A SAY?

When consultation opens (expected early 2026), the MDBA must:

- publish an invitation for submissions on its website and in major newspapers
- give at least 12 weeks for people to respond
- accept submissions by email or post
- offer the option to keep submissions confidential

The MDBA will also share other ways to get involved on its website. You can subscribe to updates at [MDBA.gov.au](https://www.mdba.gov.au).

This is your chance to push for a stronger Basin Plan – one guided by law and science, that puts healthy rivers and communities first.

## WHERE TO GET SUPPORT AND LEARN MORE

Water law is complex – and it can be hard to know where to start. For general guidance and resources, you can get in touch with [Environmental Justice Australia](https://www.environmentaljustice.org.au).

We'd love to hear your thoughts. Share your feedback on this explainer at <https://envirojustice.org.au/what-is-the-murray-darling-basin-plan/>.

