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I write as a former member of the MDBA's Northern Basin Advisory Committee.

I welcome the opportunity to comment on the Barwon Darling Statement and Issues paper.

I support the following Objectives of the NSW Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources (Barwon-Darling WSP):

- ◆ *“protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources*
- ◆ *protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources*
- ◆ *protect basic landholder rights*
- ◆ *contribute to the maintenance of water quality, and*
- ◆ *contribute to the environmental and other public benefit outcomes identified under the National Water Initiative”.*

I also support *The following indicators which are stated in the Barwon-Darling WSP “to be used to measure the success of the strategies to reach the objectives of this Plan:*

- (a) change in low flow regime,*
- (b) change in moderate to high flow regime,*
- (c) change in surface water and groundwater extraction relative to the long-term average annual extraction limits,*
- (d) change in local water utility access,*
- (e) change in the ecological value of key water sources and their dependent ecosystems,*
- (f) the extent to which domestic and stock rights and native title rights requirements have been met,*
- (g) the extent to which local water utility requirements have been met,*
- (h) the change in economic benefits derived from water extraction and use, and*
- (I) the extent of recognition of spiritual, social and customary values of water to Aboriginal people.”*

The Status and Issues Paper mis-represents some nationally and internationally important environmental and cultural assets as 'recreational water uses'.

In my opinion, the paper has many short-comings and omissions. It fails to:

- ◆ include streamflow information from all gauging stations along the length of the river
- ◆ consider connectivity with Menindee Lakes and the Lower Darling
- ◆ identify important environmental assets including National Parks, and DIWA listed wetlands such as the Talyawalka - Teryawinya Creek system
- ◆ identify nationally and internationally threatened species including those listed under international Agreements
- ◆ mention 2 of 3 hydrological indicator sites in the Barwon-Darling system
- ◆ consider ground – surface water connectivity
- ◆ consider water quality issues
- ◆ connect Aboriginal values and uses with strategies to improve water sharing arrangements

All these elements must be considered and integrated into effective WRP rules.

Consistency with all aspects of the MDB Plan is essential.

This means the WRP must be consistent with the following:

- ◆ Commonwealth Water Act 2007
- ◆ Ramsar and ICBarwon-Darling obligations
- ◆ JAMBA, CAMBA and ROKAMBA obligations
- ◆ The Bonn Convention
- ◆ The UN Climate Change Convention and
- ◆ any other international convention to which Australia is a party and that is:
 - (i) relevant to the use and management of the Basin water resources; and
 - (ii) prescribed by the regulations for the purposes of this paragraph

Adherence to the following MDB Plan principles is essential:

‘must ensure that there is no net reduction in the protection of planned environmental water from the protection provided for under State water management law immediately before the commencement of the Basin Plan.’¹

- ◆ ‘must be prepared having regard to whether it is necessary for it to include rules which ensure that the operation of the plan does not compromise the meeting of environmental watering requirements of priority environmental assets and priority ecosystem functions’

The MDB Plan Environmental Watering Strategy (EWS) has the following outcomes for the Barwon-Darling WSP:

- ◆ **River flows and connectivity**
 - ◆ Improved overall flow - 10% more into the Barwon–Darling
 - ◆ Improved connectivity with bank-full and/or low floodplain flows - by 10–20%
- ◆ **Vegetation**
 - ◆ Maintain the current extent of river red gum, black box, coolibah forest and woodlands and existing large communities of lignum; and non-woody communities near or in wetlands, streams and on low-lying floodplains.
 - ◆ Maintain condition of lowland floodplain forests and woodlands of river red gum, black box and coolabah
- ◆ **Water birds**
 - ◆ Maintain current species diversity of all current Basin waterbirds
 - ◆ Increased abundance: 20–25% increase in waterbirds by 2024
 - ◆ Improved breeding:
 - ◆ up to 50% more breeding events for colonial nesting waterbird species
 - ◆ a 30–40% increase in nests and broods for other waterbirds
- ◆ **Fish**
 - ◆ Improved distribution of key short- and long-lived fish species
 - ◆ Improved breeding success for:
 - ◆ short-lived species (every 1–2 years)
 - ◆ long-lived species in at least 8/10 years at 80% of key sites
 - ◆ Improved populations of:

¹ Basin Plan, 10.28.

- ◆ short-lived species (numbers at pre-2007 levels)
- ◆ long-lived species (with a spread of age classes represented)
- ◆ Murray cod and golden perch (10–15% more mature fish at key sites)
- ◆ Improved movement - more native fish using fish passages

The Barwon-Darling WRP must support and not compromise the achievement of these outcomes.

Modelling

I understand that during the NBAC process, doubt existed regarding the accuracy with which the Barwon-Darling WSP 2012 IQQM model provided to the MDBA for Basin Planning purposes reflects irrigators' current actual behaviour.

The changes to the Barwon-Darling WSP in 2012 included

- ◆ Removal of a pump size restriction from each class of licence
- ◆ Introduction of opportunity for 300% of Access Entitlement being extracted each year.
- ◆ Introduction of unlimited carry-over provisions
- ◆ Introduction of water trading
- ◆ Application of concessional conversions
- ◆ Removing the authority of the Minister to “embargo” access to A Class licences . etc

These changes massively increased total extractions and effectively gave cotton irrigators and annual irrigator croppers access to low flow licences with the ability to extract up to 650% of the long term annual average use.

There is no way that this can be sustained and it is vandalism to allow rules under which it will occur.

The correct Basin-Plan compliant model must form the basis of the Barwon-Darling WRP and the MDB Plan model and there must be an agreed version of the model shared by both agencies. Trust is an essential ingredient, absent from the water reform process for far too long. NSW Water needs to lift its game

Barwon-Darling WSP, Clauses 46 (15) and (16), in association with Section 324 of the Water Management Act provide the Minister with authority to restrict or prohibit extracting of B and C class water, but not A Class, to protect flows and therefore basic landholder rights. Clause 46 (16), read in association with the listed footnotes, specifies a flow of 390 ML/day at Bourke as the required minimum flow that should be protected to meet basic landholder rights along the Barwon-Darling River.

However, large volumes of A Class licence water can be extracted at Bourke at 350 ML/day, without any stated ability for the Minister to intervene (!!!)

Clauses 51 - 52 of the Barwon-Darling WSP provides the Minister an opportunity to introduce Total and Individual Daily Extraction Limits (IDELs) on licences. To date, Ministers have failed to do so. In my opinion, NSW cannot be trusted with discretion here and the legislation, new WRP and the entire process must ensure that IDELs are introduced, permanently and as a matter of urgency to restore essential low flows.

Shepherding

No attempt has been made to date to use Clause 84 (c) to include rules for shepherding of environmental water.

Shepherding of water that is held and owned by the CEWH through the entire Barwon-Darling system is essential. Environmental water was paid for and is owned by Australian taxpayers. It must be used for the purpose for which it was purchased, not for enriching private individuals. The Barwon-Darling WRP rules must be amended to fully protect all environmental water moving along the system. Anything less than this THEFT.

Cumulative impacts

Information that came to light during NBACs term of appointment graphically demonstrated the culmulative impacts of all diversions in the northern tributaries on Wilcannia. Analysis of the flow statistics reveals startling and unacceptable reductions in the reliability of flows here. The periods of no and low flow at Wilcannia have dramatically increased – including at the hottest time of year. The town now experiences a 1,000% (one thousand percent) reduction in reliability over the previous 22 years compared with the 74 years before that. Furthermore:

- ◆ Nearly half (44%) of all Octobers, Novembers and Decembers experience zero or very low flow, an 800% decrease in reliability.
- ◆ The river has stopped flowing completely for 20% of all months between November and February, a 550% decrease in reliability.
- ◆ 13.6% of all months of the year experience virtually zero flows, an 800% decrease in reliability.
- ◆ A quarter (24.6%) of all months of the year experience zero to low flows, a 720% decrease in reliability.
- ◆ The river has stopped flowing completely for at least one month in nearly half (45.4%) of all years, a 480% decrease in reliability.

The large Aboriginal population at Wilcannia makes this a crucial social and economic justice issue as well as an environmental one. To date, the performance indicator of *"the extent of recognition of spiritual, social and customary values of water to Aboriginal people"* rates an abysmal failure on my scoresheet. NSW risks a WRP that would so disadvantage the Aboriginal community that it could be described as racist.

Comment

Involvement in the NBAC process has given me a better than average understanding of the history and background to the Barwon Darling Water Sharing Plan compared to others who have never lived or worked in that valley. It is colourful to say the least.

The original users of water licences on the Barwon-Darling were a small number of people with permanent plantings; and graziers seeking to drought-proof their homes and farms with more reliable stock and domestic water.

One must question the expectations of those who decided to make permanent plantings in a low rainfall semi-arid zone, on an ephemeral river without a headwater dam! Due diligence requires that business people and those buying a home or even a car, do their homework properly. They should not expect, nor seek to influence others to fix a problem of their own making. The late Professor Peter Cullen spoke of the need for water users to treat their downstream neighbours as they'd like their upstream neighbours to treat them. Of all the rivers in the MDB, it is people on the

Barwon Darling who should understand this maxim best. The over-allocation of NSW northern tributaries had a dramatic impact on the Barwon-Darling; rapid over-development on the Condamine-Balonne was very bitter icing on that NSW-baked cake.

My understanding is that Bourke *should* benefit from the current MDB Plan. I further understand that following increases in inflows from the northern tributaries resulting from CEWH's early purchases from willing sellers, improved flow conditions began to be seen at Bourke. But now, NSW has allowed 2 users on the Barwon-Darling to literally hang all downstream users out to dry.

I have zero confidence in the assurances of some MDBA staff that "Cap will fix it." There is NOTHING "average" about the Barwon-Darling and managing it as if it is, is a fundamentally flawed approach. I concur with others with long experience of the Barwon-Darling that the current arrangements will be a long-term disaster.

Without IDELs, I doubt water will reach Bourke much of the time. I have no reason to believe that the significance of the changes to date has yet been reflected in daily flow records from Bourke to Wentworth. Unless changes to current rules are reversed I expect the river between Bourke and Wilcannia will shrivel and die - as will Wilcannia itself. NSW will preside over the splitting of the MDB into two mostly disconnected river systems and the reliability of every water user along the Murray will be reduced. NSW lack of commitment to stated support for the MDB Plan is breathtaking.

Resources Ministers have faced disgrace for misconduct in recent NSW political history. Attempts to Cap extractions on the Barwon-Darling have been frustrated for more than a decade by influential stakeholders with highly placed business, government, media and political connections. It is possible, perhaps likely that Ministers responsible for complex, challenging portfolios may have received carefully chosen advice from well-connected senior officers without necessarily understanding the implications nor consequences of implementing that advice.

In my opinion, this Statement and Issues paper for the Barwon-Darling signals NSW intention of throwing away more than a decade of Water Reform progress and good public policy. It is disgraceful to undo that for the benefit of a select few in the old boys club.

My overall impression is that to the Rum Corps is still running NSW. It's past time that stopped.

I look forward to seeing a draft WRP that is a substantial improvement on the current WSP, that will deliver real benefits to the river, stock and domestic users and communities.

Yours sincerely,