

# Floodplain Harvesting licence rules in the water sharing plan for the regulated river water sources in the Namoi Valley



Photo taken September 2019 of the dry Namoi River at Walgett's then intake pump for its drinking water. The result of poor water management that allowed Floodplain Harvesting upstream of Walgett. Walgett residents continue to see and live the impacts of over extractions from Floodplain Harvesting today.

## Submission from Dharriwaa Elders Group, Walgett

29 January 2023

## **Dharriwaa Elders Group**

Dharriwaa Elders Group is an association of Aboriginal Elders who live in Walgett, a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers meet, upstream of the town of Bourke. Walgett is in Gamilaraay Country, close to the borders of Ngiyambaa and Wayilwan Countries, and is now home to Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non-Aboriginal people.

Rivers have always been, and remain central, to Walgett culture and life. Rivers provide drinking water and food (particularly regular fish meals), healing activities, water for birds and animals, gardens and food security. For Aboriginal people the health of the river and the health of people come first.

In recent times Walgett's Aboriginal community has suffered from drought, climate change and the river drying up. The lack of water and food security is of great concern to Elders. It's our belief that Walgett's current situation is due to the way water is managed, and that irrigators upstream of Walgett have been favoured, over people downstream. It is a failure of a system that is required by law to manage the rivers in the interests of all Australians.

## **Introduction**

A frustration sometimes heard expressed by members of the northern NSW irrigation industry and officers of the NSW water agency is that “‘they” want floodplain harvesting regulated but won't let the government regulate it.’

This is a misleading, and maybe deliberate, misrepresentation of the position of a large part of the NSW community and the NSW Parliament. It shows that the Department has not listened to, or has not understood, the objections to this process.

Communities want floodplain harvesting regulated. **Legalising the take of water from floodplains, as proposed, is not regulation.**

Dharriwaa Elders Group has no confidence in the Government's willingness or capacity to properly regulate floodplain harvesting.

## **Namoi regulated floodplain harvesting licences**

Matters of concern to DEG include:

- that the volume licensed is too high,
- that accounts will be able to hold five times the megalitre value of the licence at any time,
- trade of licences,
- inadequate flow targets: the volume at Menindee is too low and consequently so is the flow threshold at Bugilbone gauge,
- unreliability and inaccuracy of the numbers used and produced by the hydrological models,
- an inadequate environmental outcomes report,
- damage to cultural and environmental values of Country,
- damage to Culture – our way of life and wellbeing.

**Dharriwaa Elders Group has no confidence that the Department will be able to, or intends to, regulate floodplain harvesting to prevent growth in use.**

The Department has modelled that issuing licences for 54,750 megalitres will result in long-term average annual use of about 46,000 megalitres. It is difficult to credit this when take in any year can be five times 54,750 megalitres (273,750 megalitres). Also the Department does not explain why licences are not being issued to the value of the long-term average annual take of 46,000 megalitres (if that's what they are modelling).

The Department's figures in [its floodplain harvesting report](#)<sup>1</sup> show that, since 1994:

- maximum general security planted area has increased from 44,000 to 97,258 hectares,
- pump capacity has increased from 9,103 to 12,691 megalitres per day,
- on-farm storage capacity has increased from 120,433 to 218,245 megalitres,
- annual average extractions have decreased from 270,000 to 238,200 megalitres.

It is implausible, even using the most generous efficiency figures, that planted area, and pump and on-farm storage capacity, have increased so much, yet average take has decreased.

The Department claims that the NSW Government's Floodplain Harvesting Action Plan will improve models *to better represent return flows from the floodplain to the rivers and to use this...to further improve downstream outcomes.*

The Department says that this is unlikely to be completed by 2025, if then. It is fanciful to imagine that any improvements to rivers downstream will follow from this process.

### **Acknowledgement of Country**

The Department's document *Namoi: Floodplain harvesting in water sharing plans Report to assist community consultation November 2022* contains an 'Acknowledgement of Country' on page 2:

*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

"This is an insult to us when they are responsible for killing our rivers and other waterways of the floodplain – our lifeblood, Country and culture"<sup>2</sup>. It is a cynical use of an Acknowledgment of Country. The Department and the NSW Government have given no consideration to the views of Dharriwaa Elders Group, despite its long participation in and commitment to this process. It is shocking that the Department can print this with no shame when its actions licensing floodplain harvesting are so damaging to the health, culture and prospects of communities downstream.

### **Environmental outcomes report**

**The hydrology and environmental models used for the predictions in the environmental outcomes report cannot have little relationship with the rivers.** In the assumptions and limitations section on page 35 of the report the Department makes this explicit.

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<sup>1</sup> [https://www.industry.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0006/545910/model-scenarios-report.pdf](https://www.industry.nsw.gov.au/__data/assets/pdf_file/0006/545910/model-scenarios-report.pdf)

<sup>2</sup> Virginia Robinson, Secretary Dharriwaa Elders Group 29 January 2023.

*...the results presented here are modelled, and therefore provide only an indication of possible changes once the policy is implemented...all interpretations in this report are high level predicted changes based on modelled hydrological scenarios and should be treated...not as a measure of actual outcomes...in the future. A range of factors may inhibit modelled and predicted outcomes becoming observed outcomes.*

**The department's models predict improvement. The Walgett community's observations, supported by scientific research, show evidence of a catastrophic ecological collapse downstream.**

### **The health of the river:**

The NSW Government is pushing ahead with its plan in the face of evidence that, despite three wet years and very high flows, the health of the rivers is as bad as it has ever been. Some recent reports demonstrate this.

There is currently an amber [blue-green algal alert at Walgett](#)<sup>3</sup>. A Commonwealth Environmental Water Office monitoring program has found that [Murray cod are believed to have disappeared from sections of Darling River \(msn.com\)](#)<sup>4</sup>. Dr Stuart Rowland has said that the Darling River snail and the trout cod had already gone extinct and the Murray-Darling river system was "no longer the stronghold of Murray cod." ([Darling River ecology 'extinct' and Murray Cod is 'in real trouble', warns expert Dr Stuart Rowland - ABC News](#))<sup>5</sup>.

### **Connectivity**

Many people are concerned about the impact that floodplain harvesting has on downstream rivers.

The Department states that:

*Licensing floodplain harvesting...will improve connectivity outcomes...through the application of water sharing plan rules and...by increasing the amount of water returning from the floodplain into the river.*

The Department is running another process discussing connectivity in the Northern Basin. Part of these discussions is the relative contributions to the Barwon-Darling from its tributaries. In six different sets of figures produced by the NSW Water Department and the Murray-Darling Basin Authority there is no consistency in these values.

For example:

| <b>River</b>    | <b>Range of assessed contribution to the Barwon-Darling</b> |
|-----------------|---|
| Warrego – Paroo | 2.1 to 20 percent   |

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<sup>3</sup><https://www.aisnsw.edu.au/Course%20and%20Conference%20Materials/Far%20West%20RACC%20BGA%20Report%202022-03-09.pdf>

<sup>4</sup> <https://www.msn.com/en-au/news/australia/murray-cod-believed-to-have-disappeared-from-sections-of-darling-river/ar-AA16oiuZ>

<sup>5</sup> <https://www.abc.net.au/news/2021-03-13/dr-stuart-rowland-darling-ecology-extinct-murray-cod-at-risk/13238454#:~:text=Dr%20Rowland%20said%20the%20Darling%20River%20snail%20and,at%20Menindee%20in%20January%2C%202019%2C%20stunned%20the%20nation.>



|                               |                    |
|-------------------------------|--------------------|
| Moonie                        | 2.6 to 12 percent  |
| Border Rivers                 | 18.5 to 35 percent |
| Gwydir                        | 6.3 to 10 percent  |
| Namoi                         | 15 to 28 percent   |
| Macquarie, Bogan, Castlereagh | 5 to 27 percent    |

These figures are never properly explained. The Department's numbers, that it relies upon so heavily, cannot be trusted. From this has grown a deep and abiding mistrust of the Department itself.

### **Cultural watering plans project**

A Department email (Water News - January 2023) states that the Department has a Cultural watering plan project to

*...outline how Aboriginal communities want to use their water rights to achieve cultural outcomes using water management language...identify opportunities for greater Aboriginal access and ownership of water, and...make it easier to navigate the licensing framework to access and use water for cultural purposes.*

*An Aboriginal artwork of the Murray Cod in the middle. The artwork has blue, red and orange colours with traditional patterns.*

In the context of the distribution of floodplain harvesting licences to irrigators upstream, and the continuing dispossession of Aboriginal people, this insult is close to abuse, of people, and Country.

### **Conclusion**

The condition of the river affects every part of life in the Walgett community. It affects water quality, drinking water, food security, social cohesion and wellbeing. Because it is so important to us, Dharriwaa Elders Group has participated in the Department's processes for years, in good faith, despite the evidence that no benefits come from it. **Dharriwaa Elders Group does not agree with, and does not want, floodplain harvesting. Irrigation on the scale of that in the Northern Basin is not compatible with healthy flowing rivers.**

You have not ever come to us as Aboriginal people to ask us sincerely how we would manage the rivers. When we tell you we are ignored. We have no confidence in the Department's words, its numbers, or its processes. We have no confidence in its willingness or capacity to regulate floodplain harvesting. We have no confidence in its claims that the health of the rivers will improve.

**We are angry that this water can be taken from so many for the benefit of so few to make them rich. The NSW Government is issuing valuable financial products based on numbers that have no credibility. In doing this the NSW government serves only the interests of a small number of cotton growers, at the expense of the rest of the community.**