

A brief submission to the *Review of Water Sharing Plan for the Barwon-Darling Unregulated and Alluvial Water Sources 2012* (“BDWSP”).

31 March 2019.



Above: Dharriwaa Elders Group’s Elders Support Officer Kim Sullivan found remains of perished river creatures and concerning infestations of Noogoora burr (*Xanthium strumarium*) in the dry river bed of the Barwon River at Walgett 26 March 2019.

This is what the once mighty Barwon River looked like last week at Walgett.

To: Water Sharing Plan reviews
Natural Resources Commission
GPO Box 5341 Sydney NSW 2001
Delivered by email to nrc@nrc.nsw.gov.au
31 March 2019

About Walgett's Dharriwaa Elders Group

The Dharriwaa Elders Group¹ (DEG) takes a leading interest in the protection and maintenance of Aboriginal Cultural Values ("ACVs") in Walgett landscapes. DEG was born 20 November 2000 after Elders had worked together on projects since 1998. The Group took its name from one of its sacred sites – the RAMSAR-listed Narran Lakes - Dharriwaa (common meeting place) and its full members are Aboriginal people over 60 who live in Walgett. With the aid of governments, sponsors and volunteers, the organisation has worked to support Aboriginal Elders to resume leadership roles in the community, keep active and healthy; promote local Aboriginal cultural knowledge and identity; and develop the Walgett Aboriginal community.

An important activity has been to protect and manage the ACVs of the Walgett area. This activity has involved supporting the people who hold the knowledge that provides Aboriginal Cultural Values, understanding and documenting Elders' knowledge and mapping significance in the landscape. It has involved conducting education activities including exhibitions, magazine production, schools programs, community induction for government and community education programs. It has also involved advocacy and negotiation with landholders and governments which has sometimes produced outcomes that have protected culturally significant places from destruction. It has involved maintaining knowledge and other productivity infrastructure and continually training and mentoring local Aboriginal staff at levels determined by scarce resources. The Dharriwaa Elders Group values its relationships and collaborations with scientists so that together, we can assist governments and the Australian nation better understand and manage valuable natural and knowledge assets.

Regular evaluation must be undertaken of the implementation of the BDWSP

We are not aware of any evidence to indicate any evaluation of outcomes against the performance indicators of the BDWSP, and we are not aware of any project established to evaluate or use the performance indicators in the WSP in the Walgett area.

As an active stakeholder in Aboriginal Cultural Heritage and Environmental matters in the Walgett region, Dharriwaa Elders Group ("DEG") would expect to be actively engaged in relevant studies – not merely invited to "community engagement" opportunities which are provided for NSW Government employees to tell our community what they are doing. So far no realistic plans have been made with DEG to establish how this task would be achieved.

Supplementary water (Aboriginal Environmental) access licenses and Aboriginal cultural water licenses

Supplementary water (Aboriginal Environmental) access licenses and Aboriginal cultural water licenses are offered by the BDWSP, however they have not been accessed to our knowledge by anyone in the Walgett Aboriginal community. **Serious planning must be undertaken** with Dharriwaa Elders Group ("DEG") and other relevant Aboriginal stakeholders, to understand what this instrument could involve, include and support, and how Aboriginal individuals and

¹ a charitable incorporated Association with deductible gift recipient status.

communities are to be supported to access these provisions. DEG offers advice to assist this process.

Dharriwaa Elders Group has identified Aboriginal cultural and environmental places that require water. **We require funded programs which will resource DEG to work together with trusted groundwater and surface water and ecology scientists of our choosing, to undertake co-designed knowledge-sharing projects so that the amounts of water required can be defined and requested.** We do not want these studies to be undertaken by staff of the NSW Government, but require our work to be owned by our community and shared as our organisation determines. This requirement will provide trust and engagement where neither of these, nor relationships, currently exist.

No native title claims have been determined yet for Walgett, but when they are, the relevant Water Sharing Plans must respond and incorporate their requirements, which will include surface and groundwater entitlements. In addition, any land granted under NSW Aboriginal Land Rights Act, or for Indigenous land Use Agreements, must be accommodated by the relevant Water Sharing Plans.

Walgett's current water supply

Walgett's town water supply is usually sourced from the Namoi River just upstream from where it joins the Barwon River, and usually benefits from the Barwon River weir pool on the western outskirts of our town. Recently the Walgett Shire Council received a funding commitment from NSW Government to install pipes to pump the town's water directly from the Barwon Weir pool. This pipeline has not been built yet. While the Namoi River is dry at Walgett and the Barwon River has been reduced to decreasing small puddles, our town water utility has been forced to provide our water supply from 100% Great Artesian Basin.

Water quality important

Water quality is important for the Walgett community. **An evidence base and testing regime must be resourced to vigilantly manage water quality.** The recent introduction of monthly water quality testing by NSW Health is applauded and we request that these results are made publicly available on the www, and that the public health implications of the presence of chemicals in the water are understood and addressed. The presence of pesticides and herbicides and other dangerous substances in our drinking and washing water supplies must be understood and the necessary evidence-based research undertaken to understand their impacts on our community's health and wellbeing. To our knowledge none of this work has been done by NSW Health Public Health who we are regularly in contact with. In fact we have discovered that the NH&MRC has no health guidelines for sodium in drinking water and the only guidelines they can offer our water utilities are based on palatability research. We can only assume that this is because the evidence base for the public health impacts of high sodium in drinking water has not yet been established in Australia. This work needs to be undertaken, especially as climate change increases the amounts of sodium in our river and groundwater-sourced drinking water supplies. While it remains NSW Health's policy to release intermittent advice to Walgett saying the drinking water is "safe" we realize that these statements must be driven by non-public health considerations when we have been advised by a sodium nutrition expert² that the current drinking water sodium levels are not "safe" for all residents to drink for the long term. The evidence base has also not been established to define what the appropriate "term" for "safety" would be.

² <https://research.unsw.edu.au/people/associate-professor-jacqui-webster>

Inequitable uses of water in contravention of BDWSP

There is a widespread belief that Walgett's current situation has been created because **the BDWSP's vision³ and objectives are not being implemented and complied with and the inequitable use of water upstream of Walgett has been permitted.** The findings of the ABC Four Corners expose, and subsequent Mathews report and NSW Ombudsman's reports to the NSW Parliament indicate many shortcomings in the overall management and compliance management of the BDWSP. These investigations have confirmed our community's disquiet and strengthened our lack of confidence in the NSW Government's ability to manage our critical natural water resources. The town of Walgett might not have needed to extract its town water supplies for the last 12 months from the Great Artesian Basin if the BDWSP was managed effectively. **Community confidence in water management must be restored by immediate and active measures from the NSW Government. Adequate resourcing of the management of the BDWSP would provide one good starting point.**

Furthermore inequitable use of water is evident when environmental water releases are allowed to be accessed by Walgett Shire Council for watering of resident's gardens and town green spaces in February 2019. How are the interests of the environment managed or considered when this approach is allowed and considered appropriate by the NSW Government?

Furthermore inequitable water allocations to industry and individual water users upstream have contravened the BDWSP Objective (a)

“protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources”

This is observed by Walgett residents when the Barwon River at Walgett is dry except for small non-connected pools mostly created from groundwater inflows, or the shrinking weir pool. The BDWSP Objective (j) is also contravened by the appearance that water trading has been allowed to occur and preferenced over the environmental and other public benefits that would come from Walgett enjoying a healthy flowing Barwon River.⁴

Unsustainable industries have from time to time been supported to transition away from activities that are found to be no longer in the public interest. Forestry has been supported to be transitioned out of the nearby NSW Brigalow Belt Bioregion.

The cotton industry upstream and downstream of Walgett will have to be encouraged by governments to move out of the Murray Darling Basin.

Irrigation companies trading in Barwon Darling waters and groundwaters will also have to be encouraged by governments to transition out of the region. It seems impossible to argue that equitable management of water by the BDWSP can continue if these industries continue to be water users of the Barwon Darling River and associated groundwaters.

Need for Climate Change planning by BDWSP and its communities

The BDWSP's objective and vision for equitable use of water is further challenged by over-allocation, and the absence of local governments planning for climate change resilience in North West NSW. **Water-saving measures must be introduced** in Walgett and other towns up-stream,

³ “The vision of this Plan is to provide for healthy and enhanced water sources and water dependent ecosystems and for equitable water sharing among users in these water sources” (Part 2, Clause 9).

⁴ (j) “contribute to the “environmental and other public benefit outcomes” identified under the “Water Access Entitlements and Planning Framework” in the Intergovernmental Agreement on a National Water Initiative (2004)”

so that environmental water and water for Aboriginal Cultural and Environmental and Supplementary license allocations, are available. Also most importantly so that the healthy flows and dependent ecosystems of the rivers and groundwaters are maintained. The lack of climate change planning and preparedness by local government is causing and highlighting inequity in the use of water.

Compliance and management efforts needed on the ground

DEG requests that serious consideration and resources be given to **Aboriginal Water Rangers** who are contracted to assist the water use compliance task, hand in hand with specially-trained **Environmental Police** who could operate from an Environmental Policing Institute to be established in Walgett's new \$16million police station which seems too large at the moment for providing police to criminal law matters alone. This measure is an on-the-ground contribution our community and DEG could make. In fact, that it is best-placed to make in the Northern Murray Darling Basin region.

Evidence base required to understand groundwater management impacts on dependent ecosystems and Aboriginal cultural values and to understand sustainable levels of groundwater and surface water allocations and use

Another task of Aboriginal Water Ranger enterprises to be located in suitably-capable Aboriginal communities along the Barwon Darling River, is to work with groundwater and ecosystem experts to **define how to manage the groundwaters and their dependent ecosystems, and then implement on-the-ground ongoing management work**. This work has not begun, yet our council is extracting Great Artesian Water for our town, and has no choice but to do this. There is no evidence-base to indicate what sustainable levels of groundwater extraction are. There is no evidence base to understand the interaction between groundwater and the Barwon River near Walgett, or what happens to those levels of groundwater inflows into the river, and the water table, once large constant extractions of groundwater are occurring. There is no evidence base regarding the impacts of this increasing groundwater extraction on dependent ecosystems. NSW Government is busy encouraging towns and landowners to drill new bores as the rivers run dry, before knowing the implications and impacts of these actions. Also the contributions from groundwaters to surface waters is unknown. DEG is keen to begin this work with its partners in the UNSW Global Water Institute. We are also keen to establish the impacts on sacred Aboriginal Cultural groundwaters from increased extractions.

DEG has been told by NSW DPI Water that they can only "hope" that Walgett Namoi River water allocations arrive in Walgett because the amounts of evaporation and sinking of the water table from groundwater extractions upstream have made knowledge of the levels of river water required guesswork. This lack of knowledge must also apply to the Barwon River.

Work is required to understand how to bring back to life our dead rivers and ecosystems, and to protect the vulnerable recovering surface waters from weed and pest threats. DEG has recently lodged an expression of interest with the NSW Environmental Trust with consortium partner, UNSW Global Water Institute, so that this work could be undertaken in our area of knowledge and custodianship. Similar projects are needed to be undertaken by scientists working in community-led approaches along the Barwon Darling River. This work must be undertaken to implement the objectives of the BDWSP and has not begun to our knowledge in the Walgett region.

The NSW Government must allocate more resources to understanding how to maintain healthy flows of the Barwon Darling River system in order to manage the BDWSP into the future.

The NSW Government must allocate more resources to maintaining healthy flows of the Barwon Darling River system.

Thank you for the opportunity to provide input into the review of the ***Barwon-Darling Unregulated and Alluvial Water Sources 2012 (“BDWSP”)***.

DEG urges the Commission and Department to ensure that the BDWSP complies with the Water Act 2007 (Cth), including to apply the principles of ecologically sustainable development, to encourage best practice in the management and use of water, and to also apply the other very important Water Act objectives.