

A brief submission in response to the *Draft Barwon-Darling Watercourse and Namoi Water Resource Plans (“WRPs”)*

To: Department of Planning, Industry and Environment
Delivered by email to barwondarling.sw.wrp@dpi.nsw.gov.au
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Above: A blue coffin for the death of the river was left in the Namoi River after a community mourning ceremony and protest was held in Walgett, March 2019. The town’s drinking and other water supply is usually extracted from the Namoi River 500m downstream of where this photo was taken from the Marjorie Phyllis Walford Bridge.

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 partners, governments, donors 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 involves supporting those who hold the knowledge that provides Aboriginal Cultural Values, understanding and documenting Elders' knowledge and mapping significance in the landscape. It also involves:

- supporting Elders and others as resources permit, to reconnect with this knowledge in recognition of the importance of ACV knowledge to wellbeing
- conducting education activities including exhibitions, magazine production, schools programs, community induction for government and community education programs
- advocacy, negotiation and relationship building with landholders and governments which has sometimes enabled DEG to protect culturally significant places from destruction
- maintaining knowledge and productivity infrastructure
- continually training and mentoring local Aboriginal staff (thereby providing ongoing local economic development) at levels determined by scarce resources.

The Dharriwaa Elders Group values its relationships and collaborations with scientists and other researchers so that together, we can assist governments and the Australian nation to better understand and manage valuable natural and knowledge assets. In order to maximise our under-resourced efforts DEG works using evidence-based approaches and to build in-disputable evidence to strengthen confidence in local solutions for our town's future.

Thank you for the opportunity to make this submission.

Dharriwaa Elders Group members and community are not resourced to be providing you with detailed comment on the very detailed and hard-to-understand Draft Water Resource Plans produced by Department of Planning, Industry and Environment ("NSW DPIE") over many months. The limited (and poor) community engagement offered by the department has not improved that situation. This is compounded by the limited time given the public to respond which we assume is because NSW DPIE took so long to produce these drafts and the deadline looms. DEG appreciates the opportunity to provide the following written response which sets out our main concerns that we ask you to address using the many resources at the Department's disposal.

DEG hopes that you listen to this - one of the few submissions provided by an Aboriginal community organisation affected by the management of the Namoi and Barwon Darling Rivers.

¹ a charitable incorporated Association with deductible gift recipient status.

The wellbeing of the Barwon Darling and Namoi Rivers are our prime concern.

Restored wellbeing will provide the communities that rely on these rivers with quality drinking water, safe foods and other livelihoods.

Our town has been deprived of healthy rivers because water flows have stopped at Walgett.

We have recently witnessed the death of the Namoi and Barwon Rivers at Walgett and the ecosystems that rely on them.

Our concerns extend to the communities downstream of Walgett weirs also.

Significant work is now required to rehabilitate our rivers from the **water management disaster** we are suffering. The Water Resource Plans and Murray Darling Basin Plan must ensure this does not occur again.

Water Sharing Plans' Vision and Objectives undermined.

There is a widespread belief that Walgett's current situation is due to mismanagement.

We witness that the vision² and objectives of the Water Sharing Plans for the Barwon-Darling Unregulated and Alluvial Water Sources 2012's ("WSPB-DU&AWS2012") and the Namoi Unregulated and Alluvial Water Sources 2012 (WSPNU&AWS2012") appear to us to have been ignored and in many cases actively undermined.

1. The river flow-dependent ecosystems have not been protected and have been allowed to die³
2. The Aboriginal values of the water sources have not been protected⁴ and have been seriously threatened. The impacts on sacred Aboriginal Cultural groundwaters from increased extractions must be measured, acknowledged and reversed.
3. The inequitable use of water upstream of Walgett has been permitted.⁵ Walgett's water supply from the river was stopped when pumps were still active upstream providing water to industries that were prioritized over the environment and our town.
4. Water quality has deteriorated at Walgett⁶ to the point where recently Walgett was on a boil water alert due to the unsafe weir pool. 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. We request that the public health implications on our community's health and wellbeing of algae, chlorine bi-products, herbicides and pesticides in the water are understood and addressed by evidence-based research.
5. There has been no work to identify and protect the connectivity of groundwaters and surface waters in the Walgett area⁷. Our knowledge is required for this task and we have not been asked for it. Recently we applied to NSW Environmental Trust to fund a project to do this which was rejected. We have not found any other resourcing for this activity.

² "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).

³ "(a) protect, preserve, maintain and enhance the important river flow dependent and high priority groundwater dependent ecosystems of these water sources" (Part 2, Clause 10)

⁴ "(b) protect, preserve, maintain and enhance the Aboriginal, cultural and heritage values of these water sources" (Part 2, Clause 10)

⁵ "(d) manage these water sources to ensure equitable sharing between users" (Part 2, Clause 10)

⁶ "(g) contribute to the maintenance of water quality" (Part 2, Clause 10)

⁷ "(h) provide recognition of the connectivity between surface water and groundwater" (Part 2, Clause 10)

6. Inappropriate water trading⁸ that has conflicted with, and been unfairly preferenced over the environmental and other public benefit outcomes from healthy flowing Barwon and Namoi Rivers at Walgett, has occurred. Irrigators and miners are allowed to use far too much water, and at the wrong times. We also worry that these activities risk the quality of artesian and alluvial waters.

The findings of the ABC Four Corners “Pumped” exposé, and Mathews, NSW Ombudsman’s, Vertessy and Natural Resource Commission reports indicate many shortcomings in the management of water in the Namoi and Barwon Darling Rivers. 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 18 months from the Great Artesian Basin⁹ if the WSPs were effective and managed well.

Community confidence in water management must be restored by immediate and active measures from the NSW Government. **The Walgett Aboriginal community recently joined calls for a Royal Commission into management of water in the Murray Darling Basin.**

Food

We can no longer feed our families on the Yuul (Food) from the rivers; such as Dhagaay (Yellowbelly), Gudu (Cod), Yingaa (Crayfish), and Dhangal (Mussel). This has impacted the diet of local peoples as we require healthy rivers with suitable habitat for one of our most important sources of food. The carrying out of cultural and family activities involved with the collection of food in and around the water have also been severely affected by the poor condition of the rivers. These practices have always been an essential part of life living on the rivers, which Aboriginal people have been doing here for tens of thousands of years.

Dams are not the answer for water security

We believe that evidence shows that the wellbeing of rivers requires that waters need to be flowing and not held up. We require that river flows are managed to improve the distances and volumes of water to be regularly flowing between existing dams and weirs. If this means reducing the volume of water diverted out of the system to water licence holders, then we require that. If this means modifying existing dams and weirs then we require that. This will mean that flows need to be restored first to understand and identify the factors for maintaining river health before sustainable Individual Daily Extraction Limits (IDELs) and water licences are determined. The scientific work must be undertaken first to understand how to fulfil the objectives of the WSPs and we are informed that this work has not yet been undertaken.

At Walgett the work has not been done to accurately model river heights if the Barwon Weir is raised, if a new higher weir is built further downstream nor if the Namoi Weir is removed. These current ill-informed proposals are promoted by some of our community leaders today and must not be appeased before studies have been done.

⁸ “(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) (hereafter the NWI).” (Part 2, Clause 10)

⁹ Excluding approx.2 months when Commonwealth Environmental Water combined with NSW Water releases to send temporary water down the dry Barwon and Namoi riverbeds to Walgett (resulting eventually in the recent Walgett boil water alert because so many dead animals and other harmful materials ended up in Walgett’s weir pool)

Regular evaluation must be undertaken of the implementation of the WRPs and WSPs

We are not aware of any evaluation of outcomes against the performance indicators of the WSPs, and we are not aware of any project established to evaluate or use the performance indicators in the WSPs in the Walgett area. The Water Resource Plans must oversee a regime to ensure evaluation.

As an active stakeholder in Aboriginal Cultural Heritage and Environmental matters in the Walgett region, Dharriwaa Elders Group (“DEG”) expects to be actively engaged in relevant water studies and evaluation – 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 evaluation would be achieved or successful in our community’s view. Dharriwaa Elders Group and its **Aboriginal Water Rangers** could be actively involved in the evaluation task at Walgett.

Compliance and management efforts needed on the ground

DEG requests that serious consideration, resources and authority be given to **Aboriginal Water Rangers** to support water use compliance and water quality improvement tasks, hand in hand with DEG’s scientific partners within Yuwaya Ngarra-li¹⁰ and specially-trained **Environmental Police** who could operate from an Environmental Policing Institute to be established in Walgett’s new \$16million police station.

While the Aboriginal Water Rangers would contribute to the compliance and evaluation tasks, they would also undertake river reparations tasks including

- Removing dead fish, carp and invasive pests from the rivers
- Restoring riverine vegetation, addressing riverbank erosion and other hydrology
- Removing rubbish from the rivers and undertaking innovative pollution and waste reduction projects
- Educating landholders regarding the environmental and ACH values of the rivers
- Identifying the connectivity between surface and groundwaters
- Undertaking other works proven to enhance water quality, river and dependent ecosystem wellbeing

Active Management regime

The proposed new Active Management regime will provide communications from the Minister and Department on a 24 hour basis to water licensees to notify when they can appropriately extract water. Dharriwaa Elders Group requests receipt of these notifications so we can be actively engaged in the water management process and understand what we are witnessing at Walgett and along the rivers. It has been traumatizing to receive Facebook and community reports of water extraction upstream when we are deprived of water. We need to know the official news so that we can assist our community to understand the management of the rivers.

Aboriginal people must be enabled in legislation to access rivers anywhere anytime

Today in Walgett western lands leaseholders have been allowed to modify their leases to block access to our community to tracks and roads leading to the rivers. Freehold titleholders have blocked access to the rivers, and one notorious local landholder has locked gates on crown roads

¹⁰ A partnership led by Dharriwaa Elders Group with multi faculties of the University of NSW including the Global Water Institute of Engineering Faculty, and water law experts in the Law Faculty

leading to the Barwon River, enabled by NSW Crown Lands despite years of legal requests from Dharriwaa Elders Group. **Dharriwaa Elders Group requires that the Water Resource Plans ensure that Aboriginal people have free access to the rivers and springs.** This will be an important action necessary for the enabling of the WRPs' Aboriginal Cultural water provisions. It will also reduce needless conflict between landholders and Aboriginal communities.

Aboriginal communities require water for socio-economic development

Most Aboriginal communities do not have the access to capital in order to purchase water licenses for business development. DEG requests water allocations for Aboriginal communities to use in order to produce local socio-economic outcomes. Walgett has a number of enterprises currently in development that require water. They will provide jobs and food security for our community and we argue that special water allocations should be included in an equitable water management regime.

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

NSW employees involved in Active Management will need to work closely with DEG because cultural protocols require trusted long term relationships with Elders before knowledge of Aboriginal Cultural and Aboriginal Environmental water requirements is shared.

Supplementary water (Aboriginal Environmental) access licenses and Aboriginal Cultural water licenses are offered by the WSPs, 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 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 with trusted groundwater, surface water and ecology scientists of our choosing, to undertake co-designed knowledge-sharing projects so that the volumes of water required can be defined and requested. These studies cannot be undertaken by staff of the NSW Government. The community's knowledge may be shared as our organisation determines and negotiates. This requirement will provide trust and engagement where neither of these, nor relationships, currently exist with NSW Water or NSW DPIE.

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. Similarly, lands granted under NSW Aboriginal Land Rights Act, or managed under Indigenous Land Use Agreements, must be accommodated by the relevant Water Sharing Plans.

Evidence base is required to understand surface and groundwater connectivity; water management impacts on dependent ecosystems and Aboriginal cultural values and to determine 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 and Namoi Rivers is to work with ground and surface water and ecosystem experts to define the impacts of water management regimes on dependent

ecosystems, and then implement on-the-ground ongoing management work. This work has not begun, yet our council has no choice but to extract Great Artesian Basin water for our town's drinking water. 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 and Namoi Rivers 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, landowners and miners to drill new bores as the rivers run dry, before knowing the implications and impacts of these actions. The contributions from groundwaters to surface waters are unknown.

DEG has been told by NSW DPIE Water that they can only "hope" that Walgett Namoi River water allocations arrive in Walgett because evaporation and the sunken water table from groundwater extractions upstream render predictions guesswork only. This lack of knowledge also applies to water releases along the Barwon River. It was not known by NSW Water how far the recent environmental releases of Held Environmental water by the Commonwealth Water Holder combined with a NSW Water Environmental water release would reach. This uncertainty constrains any responsible determinations of sustainable water extractions. The modelling and science has not been undertaken to enable those determinations to be made accurately.

The contributions of floods and surface waters to our alluvial reservoirs are unknown. Very little is known about the quality of water in the Walgett alluvial reservoir, yet our community will need to draw on that water in times of future water scarcity. If these waters are not replenished because of the impacts of floodwater harvesting and river extractions upstream, then our community will have lost another valuable natural resource from mismanagement.

DEG is keen to begin this work with its partners in the UNSW Global Water Institute.

Need for Climate Change planning

The WSPs' objectives and visions for equitable use of water are challenged by over-allocation, a poor evidence base (as described above) and the absence of planning for climate change. Water-saving measures must be introduced in Walgett and other towns up-stream, 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, NSW and Commonwealth governments is contributing to inequity in water management. The reliance of the Water Resource Plans on old data produced before NSW Government has acknowledged Climate Change is also concerning.

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 recently lodged an expression of interest with the NSW Environmental Trust with the UNSW Global Water Institute, so that work could be undertaken in our area of knowledge and custodianship to understand how to restore wellbeing to our rivers and ecosystems, and manage ongoing wellbeing with DEG's proposed Aboriginal Water Rangers. It was not successful. Similar projects are needed to be undertaken by scientists working in community-led approaches along the Barwon Darling Watercourse and Namoi Rivers. This work must be undertaken to implement

the objectives of the WSPs. Resources must be devoted to understanding how to maintain healthy river flows and maintaining healthy flows of the rivers at Walgett.

DEG urges the Department to ensure that the WRPs support implementation of objectives of the Water Act 2007 (Cth), including to apply the principles of ecologically sustainable development, in order to encourage best practice in the management and use of surface and groundwaters.