

Notes for Statutory Review on the Inspector-General of Water Compliance 1 April 2026

Introduction

Dharriwaa Elders Group (DEG) is a longstanding Walgett Aboriginal community-controlled organization (ACCO), an incorporated charity which began operating as an association in 2000 after starting as a program of the Walgett Aboriginal Medical Service in the late 1990s. Its Full Members are Aboriginal people living in Walgett over the age of 60, and has been driven from its earliest days to act upon the deteriorating wellbeing of the waterways in its area of interest in a critical floodplain in the Northern Murray Darling Basin. We thank the reviewers for providing the opportunity to be heard in this important Review. Although we have not been able to provide a full submission, we offer the following non-exhaustive notes to supplement our meeting with the Review today.

Walgett is a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers and many creeks, warrambuls and lakes meet in a large floodplain wetland, upstream of Bourke. It is beside the end of the Wambuul (Macquarie River). Walgett 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. For Aboriginal people, the health of the rivers and people are totally connected.

Dharriwaa Elders Group is well informed on water management in the Murray-Darling Basin. Our level of understanding is demonstrated in the many submissions we have made to various consultative processes. These are available on our website¹.

Dharriwaa Elders Group members live with the drastic and measurable decline in river flows and river health. This is due to over extraction upstream and a failure to halt irrigation growth.

Basin governments agreed to limit irrigation extractions to the level that existed in 1995. In 2007, the Commonwealth intervened to manage the Basin in the national interest. This intervention was necessary because over decades State governments had demonstrated they were not capable of managing water sustainably.

The Commonwealth invested, and has mostly spent, nearly thirteen billion dollars since then to reduce irrigation to a sustainable level. It has failed. In fact, irrigation in the Northern Basin has grown since 1995 and, unless changes are made, will continue to grow in Northern NSW.

This growth demonstrates the inability of governments to effectively implement their own laws where those laws are contrary to the interests of irrigation. Decades of experience have taught us that neither the New South Wales or Commonwealth government has the will to limit extraction. The only conclusion we can draw is that they are unable to act independently of the cotton industry. For this reason, there must be a strong, truly independent, fully funded regulator in the Murray-Darling Basin which is culturally and institutionally designed to be transparent and with a focus on enforcement.

The Role of the Inspector General of Water Compliance

From our experience and many decades of work for healthy rivers in Walgett, DEG **strongly supports having an independent regulator and we fear that government will reduce its powers.**

¹ <https://dharriwaaeldersgroup.org.au/reports>

The water quality and condition of rivers and other surface and groundwaters at Walgett is worse since the Water Act came into force, and we believe this is to do with performance of NSW water agencies and the inability of the Commonwealth water agencies to ensure that their performance improves. We see that the Inspector General of Water Compliance (IGWC) seems to have no capacity or will to ensure compliance of the NSW and Commonwealth governments to their obligations under the Water Act and Murray Darling Basin Plan. We don't know why, but the Harris Review² made good recommendations for how the IGWC powers and independence could be made stronger.

If as we fear, the Commonwealth Government is moving away from having its direct role, and devolving some functions to the States after its current Reviews of the Water Act and Murray Darling Basin Plan, **DEG thinks it will be even more important that there is a more powerful independent regulator with increased powers.**

Ability to impose sanctions on government agencies

The Harris Review observed that the Inspector-General should have the ability to impose sanctions on Government Agencies. This would require an amendment to the Water Act. We believe this is important for DEG's interests to be served.

The IGWC needs to be able to **audit and sanction** government agencies in regards to fulfilment of the Water Act. He has broad responsibilities to oversee government agencies' implementation of Water Act Objects – and not get stuck on sidetracks. He needs to go back to look at the Water Act Objects and assess how to make the water agencies accountable for their responsibilities. As the Harris Report recommendations and observations reported, there are legislative changes that could assist this process, that the IGWC could ensure occur.

The IGWC needs to be a full-time role as there is important work to be done.

DEG has no confidence in the current individual who holds the role.

Independent Office

We want to know, and ask the Review to understand:

- How does the Inspector General choose his investigations into compliance?
- Where is he getting his advice from and is this why he is not investigating the NSW Water Group? So many independent reviews have found that the NSW Government is captured by the irrigation industry. What more proof is needed? We have our own experience of this – when NSW Minister for Water appears in letters to DEG to be poorly advised, when DEG has made enquiries to NRAR and been diverted to the NSW Water Group instead. We have not been experiencing “good faith” in our dealings with NSW water decision-makers.
- Troy Grant, his deputy commissioner and staff in his office are from the NSW water agency. Given his past affiliations and where his deputy and staff come from, this doesn't inspire our confidence in a genuinely independent role or office.

There needs to be transparency around who Troy Grant is talking to. Publicly available diaries re who he is talking to and what he is talking about with them, clarity about what he is choosing for projects and why, would assist. Other important roles do this – **we need a process for this role because of all**

² https://storage.googleapis.com/files-au-climate/climate-au/p/prj296f91431e69f9fd2b627/page/Final_Report_Independent_Review_of_the_Inspector_General_of_Water_Compliance.pdf

the perceived conflicts in the office and the \$millions that have flowed to powerful industries affected by the IGWC's actions or inaction.

The Harris Review observed that the structure of the Inspector-General was a conflict of interest because:

- the Inspector-General is housed within, financed, and staffed by, DCCEEW;
- in the course of carrying out its role, the Inspector-General may need to scrutinize DCCEEW.

In its submission to the Harris Review³, the Inspector-General claimed not to have control over employment arrangements, and that senior executive level staff are made available by DCCEEW, and not by his independently determined needs.

The Harris Review observed that investigation should be undertaken to restructure the Inspector-General as a non-corporate Commonwealth entity with staff employed by the Inspector-General and that this be reflected in an amended Water Act. The Australian government responded that this will be considered as part of the Water Act Review. **DEG strongly requests that the IGWC's independence is addressed.**

Recommendations of the Harris Review

Recommendations and observations of the Harris Review relating to funding have been addressed by the Australian government so DEG requests your Review to assess whether those responses have been adequate.

DEG endorses all of the remaining recommendations and observations, except the recommendation that the Inspector-General be enabled to conduct environmental performance audits.

Ability to conduct environmental performance audits

The Harris Review recommended the Inspector-General undertake environmental performance audits. This is unnecessary and is a duplication of other programs.

To do environmental performance audits there needs to be an assessment of what needs to be done and who is accountable for what. Then powers need to be given to achieve these responsibilities.

The IGWC does not have this knowledge. The Commonwealth Environmental Water Holder (CEWH) could be expanded to offer this, or possibly the Murray Darling Basin Authority (MDBA).

Inability to interrogate the numbers for annual Sustainable Diversion Limit compliance

The Sustainable Diversion Limit (SDL) is the foundation of the Basin Plan. It is the mechanism that is supposed to limit irrigation extractions to an Environmentally Sustainable Level of Take. The annual Sustainable Diversion Limit compliance is the process to monitor if actual extractions are within the Sustainable Diversion Limit each year.

The States report these numbers to the MDBA each year.

The MDBA does not guarantee the accuracy of the data and has no compliance function over these numbers. The Inspector-General is responsible for assessing compliance with the annual Sustainable Diversion Limit. However, he does not have the power to compel production of, or technical capacity to interrogate, the numbers provided by the States. **These limits to the Inspector-General's capacity and power mean there is no effective assessment of annual Sustainable Diversion Limit compliance.**

³ <https://www.igwc.gov.au/sites/default/files/2024-02/review-of-murray-darling-water-compliance.pdf>

The Harris Review observed that a compliance function was necessary and recommended that the Water Act be amended to give the Inspector-General powers to interrogate the numbers behind the annual Sustainable Diversion Limit compliance assessment.

In its response, the Australian government committed to considering this issue holistically as part of the Statutory Review of the Inspector-General, the Water Act Review and the Basin Plan Review. **Given this commitment, it is notable that this issue was not included in materials published by DCCEEW or the MDBA for those reviews. For DEG's interests to be served the IGWC needs to assess annual SDL compliance.**

Environmental and cultural outcomes falling through cracks in accountability

Some recent on-the ground issues that have come to DEG's attention that would benefit from IGWC investigation to prevent environmental and Aboriginal cultural outcomes from falling through the current cracks of accountability are:

- At the moment the CEWH has not enough powers to water wetlands in DEG's area of interest and is being blocked by NSW Government (using metering rules, rules regarding transfer of water from unregulated rivers to regulated rivers, and landholder concerns as reasons). We need the IGWC to sort this out and assess the Commonwealth and States responses to this matter.
- River operators like Water NSW are not bound by the Acts in terms of achieving environmental outcomes. They look after customers, dam safety etc. They have the sole responsibility to ensure water quality outcomes, but undertake this responsibility minimally – looking at dissolved oxygen, Blue Green Algae, salinity but do no investigations of the presence of heavy metals, pesticides and herbicides. NSW EPA only look for prosecutable evidence when they can identify the polluter. How can Water NSW which is the river operator in NSW be better equipped to operate rivers for benefit of environmental and Aboriginal water outcomes? We would like the IGWC to examine this gap in compliance and accountability.
- Commercial fishers are able to take tonnes of yabbies' from our rivers with impunity – affecting valuable food sources for native fish and communities. We would like the IGWC to examine this gap in compliance and accountability.
- We know that land management practices are greatly affecting turbidity and water quality of Namoi and Barwon Rivers at Walgett e.g. high nutrient loads entering the rivers leading to mass fish deaths and damage to aquatic ecosystems, pesticides and herbicides entering the rivers. No agency is taking responsibility for preventing flows of nutrients and harmful substances into rivers and groundwaters. **How can IGWC ensure that Object (f) of the Water Act is observed so that broader management of natural resources in relation to water quality are taken into account by the NSW Government? At the moment no agency is being held accountable for the impact of land management on water quality of the rivers.**

Cost shifting from irrigators to the taxpayers, wealth transfer from the public to industry

DEG has witnessed a huge transfer of wealth from public and environment and Aboriginal communities to irrigators. This management of Basin water resources has occurred against the national interest and therefore contrary to Object (a) of the Water Act. **The IGWC must investigate how this has occurred and do what is required to ensure it doesn't continue.**

One local example of this transfer of wealth that we observe at Walgett is the Gunidgera Weir on the Namoi River upstream of Walgett. Its purpose is to push water to the Gunidgera and Pian

Creeks to provide flows to irrigators that would otherwise ensure the health of the lower Namoi River to Walgett. Water NSW is required to build a fishway at Gunidgera Weir but no-one is making them do it. Water NSW appears to be unable to maintain the infrastructure that was built using taxpayers' capital funds to benefit the irrigation industry. IPART is not allowing Water NSW to recover costs from its customers and governments are letting the burden for capital projects rest on taxpayers. This failure in compliance and legislation is affecting environmental and Aboriginal cultural outcomes in the lower Namoi River and is contrary to the rural capital expenditure cost-recovery pricing principle of National Water Initiative⁴ (NWI). The NWI was agreed by the Commonwealth and all state and territory governments in 2004 as a national plan for water reform. We need the IGWC to ensure compliance with it.

Another example of unjustified cost-shifting to the public is the Toolkit Measures program. In NSW DEG demonstrated to NSW Infrastructure and to the NSW Water Minister that it would be far more cost effective to remove weirs that impede flows and negatively impact river health, than spend \$millions on new fishways. Our local example is the Calmundi Weir fishway project upstream of Walgett on the Barwon River. We demonstrated that the business case for the fishway did not examine the option of removing this weir and providing the handfull of landholders there with off-river storages for their stock and domestic licenses. We argued that the Commonwealth's funds would be saved by this option, yet NSW Government insists on keeping the weir and installing a new fishway for \$millions intended by the Commonwealth to produce environmental outcomes when we know greater environmental outcomes would have been produced by removing the weir. **This governance failure should be investigated by the IGWC. The Calmundi Weir fishway has yet to be built.**

Another local example of compliance and legislative failure is floodplain harvesting licensing that has granted floodplain harvesting licenses to irrigators who were unlawfully channeling water into their private businesses that would otherwise have benefitted the health of the floodplain ecosystems, the rivers and groundwaters and the Walgett community. The New South Wales Water Group, the New South Wales Natural Resource Access Regulator (NRAR), and the Murray-Darling Basin Authority collaborated on making these licences legitimate. Retrospective approvals, and approvals of new floodplain works by NRAR is guaranteeing future growth in floodplain harvesting. The NRAR has acknowledged it is unable to regulate flood plain harvesting. As the Inspector General of Water Compliance has made clear, the current mechanism for reporting SDL compliance mean future growth will not be detected.

This huge transfer of public wealth to private interests is on the verge of issuing FPH licenses to Namoi River valley irrigators. Works approvals for all the existing private storages and channels built for this activity will also have to be approved by NSW immanently. DEG requests an urgent investigation into this transfer of public wealth that we believe is contravening the national interest and other Objects of the Water Act. **The IGWC must investigate floodplain harvesting legislation, including the risks that have now been taken on by governments and the taxpayers if these licenses are revoked in the future in order to meet SDL and other Water Act compliance.**

Audit of impacts on Aboriginal communities from water management required

The big shift of power and wealth that has occurred has disproportionately impacted Aboriginal communities in NW NSW and probably Qld. This is against the national interest and against the Objects of the Water Act.

⁴ <https://www.dcceew.gov.au/water/policy/policy/nwi/pricing-principles>

Economic returns and impacts on Aboriginal communities have not been examined by any water regulator or agency as required by Object d (iii) of the Water Act. How Can IGWC ensure this gap in understanding of economic returns for Aboriginal communities is addressed?

Water security for the Walgett community has been severely impacted, contrary to Object (e) of the Water Act. Walgett and similar towns' rivers are now wrecked with consequent effects on food and water security. In 2022 with colleagues from our long-term Yuwaya Ngarrali partnership with UNSW and the George Institute and Walgett Aboriginal Medical Service, DEG undertook a community survey into the extent of food and water insecurity – the first such study undertaken in Australia at the time⁵. DEG's River Ranger team water quality monitoring regularly finds unsafe river water quality⁶, we have suffered the loss of our river foods, and threats to Great Artesian Basin (GAB) water from mining are feared. Walgett now relies upon high sodium GAB for drinking water. This has forced our organisation, with help from our Yuwaya Ngarrali UNSW engineering collaborators to design and install a bespoke chilled low-sodium drinking water kiosk in our main street Walgett premises. Since installation on the 15th December 2023, as at 10 March 2026 it has provided 46,524 litres of safe drinking water for the Walgett community. No compensation has been made to DEG or Council for the loss of river water and consequent need for new capital expenditure for RO systems to make drinking water safe (i.e. with lower sodium levels). The National Drinking Water guidelines contain no health guideline for sodium, allowing NSW Health to get away with saying high levels of sodium are acceptable for drinking water. **How can IGWC ensure accountability under the Water Act and policy instruments for water security for our community as required under Object (e) of the Water Act? We look to your Review and the IGWC to identify the powers and legislative requirements needed.**

MDBA showed it was incapable of fulfilling its duty to ensure that the use and management of basin water resources takes into account matters relevant to Aboriginal communities as required by Object (fa) in the Water Act. Its program to map cultural use and occupancy of waterways that DEG took part in, was discontinued and results ignored.

MDBA set up a token Aboriginal consultation structure that was overlaid over existing local place-based Aboriginal governance – with no direct relationship or resourcing to interact and be led by the place-based ACCO sector. DEG had to resource its own voice and efforts to speak to government about water management. NBAN was allowed by the MDBA to become dysfunctional.

We hear that the government is considering taking away MDBA's Water Resource Planning accreditation functions which will remove the only current mechanism for Aboriginal communities' power in water management. How can this happen with the role of the IGWC in place? Why can't the IGWC make the MDBA fulfil its functions? What powers or law changes are needed for the IGWC to ensure compliance?

We learnt yesterday that NSW DCCEEW is dissolving its support for the NSW Regional Aboriginal Water Advisory Committees. These committees are championed by the NSW Water Minister, but we know they are individuals who are barely supported with the resources they need to be held accountable by communities, or to receive the independent advice they need to be strong representative voices to advise the NSW Government in complex water issues.

Aboriginal place-based groups like DEG in each Murray Darling Basin community need to be supported long-term to build informed local Aboriginal input into water management. Then they

⁵ https://www.dharriwaeldersgroup.org.au/images/downloads/WalgettReport_A130223b_web.pdf

⁶ <https://dharriwaeldersgroup.org.au/waterquality>

need a legislative role as a network in accrediting the Water Resource Plans and to influence the Project Plans of the IGWC.

The governance structure being built by ACCOs like DEG currently to negotiate with governments the implementation of the Closing the Gap targets is through our peak body that is a member of the Coalition of Aboriginal Peak Organisations.

“The Closing the Gap Inland Waters Target (Target 15c) aims to increase Aboriginal and Torres Strait Islander ownership, access to, and management of inland water, focusing on a 3% water ownership framework and strengthening cultural, spiritual, and economic relationships with water, with a goal to be finalized by the Joint Council. This target requires jurisdictions to set their own targets by 2035”⁷

We need the IGWC to understand how current mechanisms for Aboriginal community governance are operating, and ensure that governments know how to receive credible, ground-truthed advice from knowledgeable Aboriginal organisations that are resourced and empowered by legislation to have a seat at water decision-making. **The IGWC must hold government agencies accountable for achieving current and future obligations to Aboriginal communities under Object (fa) of the Water Act and other policy instruments, and do the work to ensure these accountabilities are clear in legislation and policy and well understood.**

⁷ <https://www.dcceew.gov.au/water/policy/first-nations#:~:text=Closing%20the%20Gap%20Inland%20Waters,jurisdictional%20inland%20waters%20targets%20under:>

Sincerely

Speaker for and on behalf of the Dharriwaa Elders Group