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SUBMISSION
TO
THE NSW GOVERNMENT INDEPENDENT ASSESSMENT OF
THE MANAGEMENT OF THE
NORTHERN BASIN FIRST FLUSH EVENT

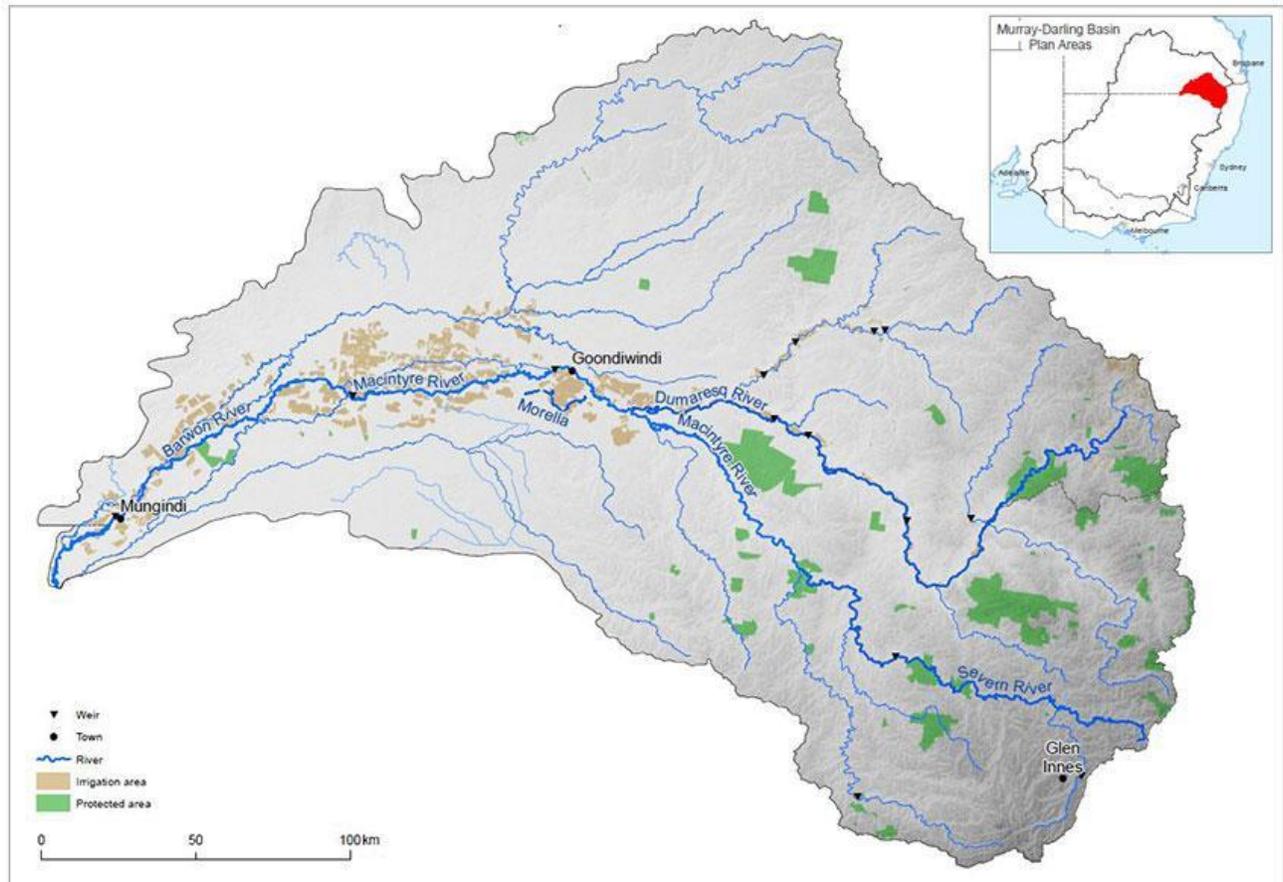
SUBMISSION DUE SUNDAY JUNE 7TH 2020

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INTRODUCTION

Border Rivers Food and Fibre (BRFF) represents the water users and entitlement-holders of the Border Rivers region of southern Queensland and northern New South Wales. These water-users responsibly utilise the water resources of the Macintyre Brook, the Dumaresq, Macintyre, Severn, Weir and Barwon River systems and the Eastern Recharge Zone of the Great Artesian Basin. Production from irrigated agriculture includes vegetables, nuts, dairy, citrus, wine-grapes, herbs, stone-fruit, hay, cereals, coarse grains and cotton. Irrigated agriculture contributes nearly \$1 Billion (farm gate) to the local economy in good years.



This document represents the views of the members of BRFF, though individuals are entitled to their own views relating to their own circumstances.

BRFF is also a member of the NSW Irrigators Council and National Irrigators Council. Whilst generally endorsing their views, we maintain the right to hold independent positions when appropriate.

BACKGROUND

- The committee needs to understand the context of water management in the north of the state is necessarily quite different in some ways, to the rest of the state. Historically, the development of the northern basin occurred later than the southern system and was done quite differently, for good reason. Where the southern system had a reliable 'snow-melt' and winter rainfall in the Snowy Mountains which suited large headwater storages and regulated systems, the northern valleys have summer-dominant rainfall which falls predominately on the plains, downstream of the headwater storages. It is for this reason that when NSW governments were encouraging the development of irrigation industries in the 1970's and 80's, they promoted and even subsidised the building of large on-farm storages and made available for extraction water that occurred instream and across the floodplain from the episodic storms and other rainfall events that are typical of the northern basin. This created an irrigation industry without the NSW Government having to invest in large dams and irrigation schemes. Also, the irrigation industry was developed on private properties that were typically extensive sheep and cattle grazing or broadacre cereals, so were large acreages. In contrast, much of the southern systems were developed by government resuming the existing large holdings, subdividing them into small acreages and then building large-scale irrigation infrastructure to service these areas developed by government. The construction of the Murray and Murrumbidgee irrigation schemes were spectacularly successful in developing the inland of NSW and creating massive increases in wealth over the previously less-productive land uses. They provided a much-needed injection of economic activity and export income into the state and national economy which was desperately needed in the post-war period. The NSW Government expanded the development of irrigation industries into the north of the state but did not have the motivation to replicate the Snowy Mountains Scheme, despite comparable project options being available, and still are today. While there were some small government-schemes built in the Border Rivers for tobacco growing, the state government encouraged the investment of farmer's own capital into the development of irrigation infrastructure to facilitate regional development instead of the reliance on government money. This was also very successful as new industries became established and regional towns developed, expanded and bloomed, as had occurred in the south. In the Border Rivers we have a number of the original families who started irrigation enterprises in the 1970's and 80's still farming the same country today that have been in the family for 5 or 6 generations.
Another example of public/private partnerships is Pindari Dam. Originally constructed in the late 1960's by NSW Government, it was expanded to 10 times its original capacity in the mid-1990's through a partnership with NSW Border Rivers water-users. The NSW government financed and managed the project with the cost of the project being fully repaid by water-users alone over the next 20 years. Had the water-users not been willing to pay for it, the project would not have been done and the local community and state of NSW would not have enjoyed its benefit ever since.

As well as episodic rainfall, the Border Rivers is also occasionally prone to long periods of drought, so it became obvious that crops with a constant requirement for water were not suited for a region with such episodic water supply in large quantity, so the focus was on annual crops that could be grown when water was available. Subsequently, water management arrangements were created on this principle.

All water in the NSW Border Rivers was administered under the NSW Water Act 1912 until the Water Act 2000 was passed, requiring all water take to be licenced, metered and accounted-for. Initially, state Water Sharing Plans administered the highest priority water licences, High Security, General Security, Supplementary and Unregulated, as these were the most commonly used and had the greatest volumes. Floodplain Harvesting was always an approved class of water extraction under the 1912 Act as it was extracting water when it was at its most abundant, with its legal authority based in the Part 2 and Part 8 Works Approvals. Under the 1912 Act it was not required to be licenced and the practice has continued to this day on that basis, while the licensing process has continued under the FPH Policy since Minister Nathan Rees announced it in 2008, which will bring it under the Water Act 2000.

It must also be understood that water sharing in the NSW Border Rivers is based on allowing access to a well-defined share of the water resource **only when it is available**. As mentioned above, we don't enjoy the luxury of large headwater storages to guarantee supply every year but have adapted to natural conditions. Also, the Border Rivers is subject to water sharing arrangements with QLD under the Border Rivers Act 1946 and subsequent numerous Intergovernmental Agreements.

SUBMISSION

- The intent of the S.324 restrictions were supported for the provision of critical human needs and other higher priority water to those areas, as per our Water Sharing Plan, due to the exceptional drought conditions that have prevailed for several years. It is our view that “First-Flush” provisions, over and above those already embedded in water sharing plans, should not become the norm and be used in anything other than extreme drought conditions. It is our strong submission that existing water sharing plans already contain the rules that ensure system connectivity from flows the vast majority of times, and these rules should be abided by in all but the most exceptional circumstance.
- The channels of communication remained open between the department and stakeholders to only a certain extent during the event. Our organisation acted as a conduit for information from the department for many of our members and were happy to do so. We were available at all hours of the day, night and weekends for briefings and did our best to assist in passing correct information in both directions. To their credit agency staff tried hard to get a clear picture of what flows were occurring in different areas and interstate, but it was apparent that they were basing decisions on partial information only. The communications between department and stakeholders reflected a lack of prior planning and preparation.
- Most water-users had anticipated the embargoes being implemented due to the obviously extreme drought conditions along the entire length of the Darling but were not clear about what thresholds needed to be met or when they might be lifted. These target flows changed a number of times during the event which only created greater uncertainty. This confusion was only exacerbated by media reports of activities in other valleys. The media clearly did not understand the detail or potential implications of what they were reporting and in some cases were being deliberately misled by activists seeking to make mischief and disrupt the management of the event.
- It was evident that NSW DPIE were adopting extremely conservative estimates of what flows may eventuate from the extended rainfall event because of the incomplete picture they had. It could be argued that a lack of agency staff being based in the region, as was previously the case, lead to a Sydney-based government agency making decisions with incomplete information and with consequences they didn’t fully understand because they were not a part of those communities.
- There was a lack of clear detail on when restrictions would be lifted. This was exacerbated by an apparent movement of flow targets as the event unfolded. This is understandable to an extent as the flow did change over time, and the initial dry conditions were the driest that had ever been encountered by water managers in the Darling catchment. There was

previous precedent though, with the Darling Connectivity Flow having been managed in recent times which partially wet up parts of the river and lead to significantly lower losses occurring than previously estimated.

- It became obvious that the department's assessment of flows in some streams were significantly under-estimated either through lack of up to date flow data, lack of a local presence or by misunderstanding historical performance. There is a strong case for the network of stream gauges to be made far more comprehensive to avoid the guesswork and over/under-estimation of flows and decisions able to be based on objective measurements.
- According to DPIE figures, approximately 160GL passed through Boggabilla with only 76GL making it past Mungindi. This 84GL difference was partly in-stream losses but it has to be acknowledged that as the flow exceeded channel capacity downstream of Goondiwindi leading to over-bank flows occurring, it naturally directed the bulk of the flow into QLD effluent streams allowing it to be legally extracted in QLD. Had the flow been better managed to keep it within banks, the 'losses' would have been smaller and each state would have accessed an even share, potentially with more water making it past Mungindi under the existing water access rules in the Water Sharing Plan. Ultimately the S.324 restrictions allowed the over-bank flow and pushed more water north into QLD than would otherwise occur and this then resulted in less end of system flow.
- We have concerns that S.324 embargoes may be used as part of 'normal operations' to manipulate the state's water sharing arrangements and to materially reduce what is historically legal access to water-user's licensed resource, contrary to NSW Water Sharing Plans. There is a place for 'adaptive management' of available flows in exceptional circumstances only, but otherwise Water Sharing Plans must be recognised and respected as they were developed on a sound scientific basis over a long period of time, involving all stakeholders. Introducing artificial restrictions outside the scope of their intended use will mean Water Sharing Plans become increasingly meaningless. It must also be acknowledged that such a material reduction to the reliability by government policy will inevitably trigger compensation provisions due to the obvious impact on established property-rights. It seems odd that a state government should choose this path when there is already an established water recovery process in place funded by the Commonwealth government, requiring no funding at all from the state of NSW.
- The end result of this First Flush was that the lower end of the Darling system received an **excellent outcome**, as they met and exceeded their short and medium term critical human needs and environmental water requirements, to the extent that the Lower Darling has enjoyed a 30% General Security allocation. Sadly, the source catchments like the NSW Border Rivers remain on 0% General Security and only had access to the very tail end of the

flow by Supplementary access after the S.324 restrictions had been lifted. The NSW Border Rivers had a **very poor outcome** in comparison.

- Future events must be better planned as part of extreme drought measures. Droughts don't occur overnight like floods can and so groundwork can be laid so that all stakeholders have more visibility of what government agencies will do in the event of a flow event occurring. All stakeholders must be informed of what to expect in a range of different circumstances of the first flush. A great deal of the anguish evident among some stakeholders was a direct result of unrealistic expectations created by insufficient communication by government agencies. As also mentioned above, the deliberate spreading of misinformation by some partisan players also contributed greatly and unnecessarily to distress evident in some more vulnerable stakeholders.