

Sarah Moles  
33 Mailmans Rd,  
North Branch  
Qld 4370

By email to  
[water.reform@industry.nsw.gov.au](mailto:water.reform@industry.nsw.gov.au)

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I make this submission as a riparian landholder in the Queensland section of the Murray Darling Basin for more than 30 years. I have been closely involved in many aspects of water management for more than 25 years. This includes stakeholder involvement in numerous water planning and management processes in Qld and NSW; wetland and floodplain management committees in both states; a member of the MDB Commission's Community Advisory Committee (2004-08) and The Living Murray Community Reference Group (2005-09); the MDB Authority's Northern Basin Advisory Committee (2012-16) and NSW Gwydir Environmental Contingency Allowance Operations Advisory Committee from 2005 to present) - to mention a few.

My comments are made in the context of the Murray Darling Basin Plan, the Matthews review of NSW water management policies and frameworks, the MDBA's Compliance review and, with regard to catchment scale implementation, informed by my understanding as a long term member of the Gwydir ECAOAC.

My submission covers all 4 of the WRAP consultation papers but most comment is provided on the implementation of the floodplain harvesting policy.

#### **Regarding Water Take and Management**

I am mindful of the old adage "you can't manage what you don't measure". How true!

Given that confidence in the MDB Plan has been thoroughly shaken and especially in NSW, largely as a result of the 4 Corners allegations, it is absolutely vital that as much take as possible is measured as accurately as possible.

It is regrettable that a few unscrupulous operators have tainted the reputation of the entire irrigation sector. Communities are sick and tired of water rorting and harsh penalties should be imposed on those who breach the rules. It is clear that for community confidence, conditions and regulations must be ruthlessly enforced. Fines should not be considered a business expense. Cancellation of licence for repeated offenders should be considered. It may well be that an example needs to be made of a small number of people in order for legislation, regulation and policies to be taken seriously and for the community to have confidence in the new arrangements.

The "user pays" principal should apply. ie. Water users, not taxpayers, should pay for meters and their installation.

I don't have a strong view on the type of meter that should be required but accuracy is extremely important as is the need for all meters to be tamper-proof.

I strongly support telemetry so that water take can be measured in real-time.

I support joint ownership of meters.

In my opinion, All take must be measured. This should be a statutory responsibility of all licence holders. Floodplain harvesting take is a large component of total take and if the floodplain harvesting policy is

implemented as proposed there is no doubt that this will grow.

Again, you can't manage what you don't measure and the resource must be carefully managed and accurately measured. To echo Ken Matthews, "no meter, no pumping" should apply to all water access licences and should be rolled out across priority catchments with the high risk category to include systems with high connectivity and high use of held environmental water.

Accurate methods for measuring floodplain harvesting need to be developed and implemented.

#### **Regarding Better Management of Environmental Water.**

I do not agree that the focus of this paper / policy should be the unregulated Northern Basin streams. All catchments have environmental values that need to be maintained and improved.

While I support the mix of environmental outcomes I am concerned that merely breaking the 50 no flow days at Bourke and 100 no flow days at Wilcannia thresholds isn't good enough for social and cultural reasons in addition to environmental ones. The accumulated impacts of all upstream development particularly on flows at Wilcannia since the introduction of the Cap is totally unacceptable.

#### **Regarding Transparency measures**

I fully support Mr Ken Matthews' conclusion that full transparency would add to a more compliant culture among water users. Water is indeed a public and community owned resource. The public has a right to know those granted access to it are complying with all rules and users have a responsibility to comply with all requirements.

I support the introduction of a Public Water Register as a web mapping tool with the name of holder, licence details and conditions, water entitlements, water allocations, meter readings, real-time water account balances and all trading activities to be made available – preferably in real-time.

Water take announcements should be made using the same methods currently employed during supplementary water events – ie, a combination of web site information, email & SMS alerts to all relevant licence holders.

#### **Regarding better management of environmental water.**

For communities to have confidence that WRPs will deliver the outcomes of the MDBPlan, robust monitoring and reporting arrangements must be in place. Further, effective adaptive environmental management requires our knowledge of ecosystem responses to continually improve. This means best available science must underpin e-water management. Clarity regarding watering objectives, targets and outcomes, monitoring, evaluation and reporting of performance indicators need to be integral parts of the water management framework.

To the list of environmental outcomes I would add the beneficial impacts of environmental water use on indigenous communities.

Environmental water is a subset of cultural water (but not vice versa) and there is an urgent need to restore sufficient water to river systems to ensure indigenous people can actually practice their culture and pass it on to younger generations. Currently, indigenous culture seems to be dying for want of water, just like the Darling river.

I've heard numerous police officers, school teachers, health professionals and others observe that when there is water in the rivers there is less discord, better school attendance and a more positive feeling generally in nearby communities. Aboriginal people put it this way: "when there is water in the rivers there

is something to do.”

It shouldn't be too hard to put hydrological records and eg police, school and hospital records to see if there is indeed a useful correlation at particular places.

I support the use of Individual Daily Extraction Limits to protect planned environmental water. Having said that, protection of ALL environmental water is essential and clear and unequivocal measures are needed to ensure it is used for its intended purpose. Tough penalties should be imposed on those who steal publicly owned water.

I vigorously oppose the introduction of new property rights to make IDELs tradeable. The granting of private property rights in water was one of the biggest transfers of public wealth to private interests in our history. I reject all measures that would continue this.

I totally reject voluntary agreements to protect environmental water. We need to legislate to ensure compliance; rigorous, well-resourced enforcement and substantial penalties for those who fail to play by the rules.

#### **Regarding the NSW Floodplain Harvesting Policy.**

I note that it is not the floodplain harvesting policy itself that is the subject of consultation, rather it is the *implementation* of the policy. My understanding is that the full policy has been the result of “targeted consultation” ie mostly with irrigators. The wider community expects and deserves to be consulted about matters of enormous public interest.

At a time when when a number of inquiries are underway into NSW's record on water management it is nothing short of astonishing that such a blatant grab to take still more water out of our severely stressed rivers is even contemplated.

It is abundantly evident that management based on averages has been a disaster for our rivers, wetland and floodplains, yet NSW intends to base new entitlements to take floodplain waters on whichever is the greater - recent climate records or the long term average. Further, it intends to allow unlimited carryover and annual use limits 5 times licenced entitlement.

To say that the FPH Policy is contrary to the spirit and intent of the MDB Plan would be to make a significant understatement. It is almost beyond belief that the NSW Government proposes to license all existing floodplain harvesting and *then* work out the volume likely to be taken - whilst acknowledging that *no-one knows how much water is currently being taken by this method of extraction*. This is totally unacceptable and tantamount to handing out signed but otherwise blank cheques. NSW taxpayers should be outraged.

It is my understanding that there is no metering of floodplain harvesting diversions and that estimates are likely to be gross under-estimations. This raises the question of the accuracy of the model inputs and it is unclear how irrigator behaviour, particularly how on-farm storages are being used is incorporated. It is suggested that the short term average floodplain harvesting take during the relatively wet period 1998-2013 gives a more accurate representation than the long term annual average. But there is not a shred of evidence nor data is to back up this claim and the analysis of flow data do not show this. Accordingly, I personally have no confidence in the model.

In discussion with some of my departmental colleagues they have opined that it is very highly likely that the proposed entitlements and rules for floodplain harvesting in Gwydir will trigger very significant growth in flood plain harvesting in the valley. The proposed measures will not be sufficient to control this growth and the impacts – on an already over-allocataed system will not become evident until long after they have occurred.

Many of the MDB Plan targets for the Gwydir will be affected by the additional floodplain harvesting take if this policy is implemented. Floodplain vegetation condition and extent, particularly for coolibah and black box ecological communities; colonial waterbird breeding events; native fish; and longitudinal connectivity – all the way to the Barwon - will all be negatively affected, especially downstream of major floodplain harvesting operations..

It is unclear whether the modelling behind this policy includes accurate estimates for other natural inflows from unregulated tributaries including the Horton, Tycannah and Gil Gil subcatchments.

Similarly it is not clear - but seems doubtful – that the Environmental Water Requirements for the floodplains provided by overbank flows will be able to be met due to the increased take by floodplain harvesting should this policy proceed. If an account limit of 500% (Seriously? And I thought 300% was generous!) is implemented a massive increase in on-farm storage capacity is likely and overbank flows will become a thing of the past. Further degradation will be inevitable.

Data for estimated FPH take and observed data over the past 20 years needs to be made available. Estimates simply aren't good enough for community confidence nor the environment.

While these new conditions “will provide fairer outcomes for irrigators” I find myself wondering whether indigenous people with cultural obligations to protect and speak for rivers, stock and domestic users, floodplain graziers, towns with urban water supply needs and lets not forget the downstream environment will be collateral damage on the journey to a completely dead Darling River.

I note that it would be possible for irrigators to be compensated for these new licences via an amendment to the Water Act 2014. There is no mention of compensation for the above-mentioned stakeholders who will suffer extraordinary hardship – and would certainly prefer to live on and have access to a healthy river.

I understand that there is at least 825,000ML of private on-farm storage in the Gwydir and Border Rivers catchments alone and I'd guess the other northern NSW tributaries have a similar magnitude of private storage capacity.

I have precisely ZERO confidence that, if implemented, this policy will end well, at least unless:

- An audit of floodplain harvesting works and infrastructure is conducted in all catchments. There should be no increase in floodplain harvesting above current WSP estimates while this audit takes place. Estimates of take need to be improved and made public.
- There should be no licensing of rainfall runoff and any interception of runoff should be offset by a reduction in other types of take.
- New water infrastructure *plans* need to be assessed and approved before any new licences are granted. The practice of retrospective approvals must end!
- All entitlements to floodplain harvesting need to be made transparent and public and updated once they have been more accurately estimated. Transparent reporting is also needed on any new entitlements.

I also have a number of questions:

- Why should the community have confidence in the modelling if no-one knows how much water is being taken now?
- What are the consequences of unlimited carryover, combined with annual usage limits and account balances five times the entitlement volume?
- Will there be any limits on extraction other than the capacity of pumps and storages?
- How will environmental water be protected from extraction?

- What amount of water will this leave in the rivers?

Thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a horizontal line at the bottom, positioned below the text "Yours sincerely".