

**IMPACTS OF THE WATER AMENDMENT (RESTORING OUR RIVERS) ACT
2023 ON NSW REGIONAL COMMUNITIES**

Organisation: Pastoralists' Association of West Darling

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PASTORALISTS' ASSOCIATION

OF WEST DARLING est. 1907

10th April, 2025

The Chair
Investment, Industry and Regional Development Committee
Parliament House
6 Macquarie Street
SYDNEY NSW 2000.

Thank you for the opportunity to make a submission to this Inquiry. The Pastoralists' Association of West Darling (PAWD) has represented the interests of pastoralists in the far west of NSW since 1907, including those on the Darling River between Bourke and Wentworth. A number of our members depend on the river to supply water for stock and domestic purposes, as well as the water within the channel acting as a boundary fence between neighbouring properties. Accordingly, PAWD has a long history of engaging in water policy advocacy.

a) The social, economic and environmental impact of repealing limits to the cap on Commonwealth water purchases.

There has been a great deal of talk regarding the negative impacts of buybacks, but successive reports have failed to calculate or acknowledge the positive social, economic and environmental benefits of restoring downstream flows within the river. The 'cap' was a political announcement by then Water Minister Barnaby Joyce MP, and was not part of the original Basin Plan (of which NSW signed on to).

Whether it be efficiency or supply projects, buybacks were always intended as a kind of backstop or assurance that if projects failed, water would still be recovered. It is well known that voluntary buybacks are the cheapest, most effective way to recover water under the Basin Plan, and during a cost of living crisis and a Basin Plan running out of time to be implemented, they must be considered.

PAWD does not support compulsory acquisition, but water licence holders should have the right to sell their licence to the Government if they so desire. Rarely do irrigators sell their whole entitlement, and selling part can allow them to diversify their operations.

There has been a significant reduction in the volume and frequency of flow events in the Darling River in recent decades, which has negatively impacted downstream stakeholders. Communities below Bourke have felt the brunt of over extraction. Our communities and economies suffered, as too has the environment. Successive fish kills and extended dry periods have done irreversible damage that has yet to be fully understood. While fish numbers can be more easily monitored, the impacts on native fauna such as river rats, yabbies and Darling River mussels are seldom talked about.

Impacts to the Aboriginal communities that have called this river home for millennia are also ongoing. Cease to flow and fish kill events are extremely traumatic for First Nations people.

b) The risks to the effective implementation of the Federal Water Amendment (Restoring Our Rivers) Act 2023 including unlicensed take of water and options to address these risks such as rules for floodplain harvesting.

Unlicensed take is undoubtedly an issue within the Darling River system, and erodes trust between individual water users, and also water users and the wider community. While it is certainly an issue that must be addressed, and the fines for such behaviour increased to act as a real deterrent, stopping such take will not restore the health of the river alone.

PAWD made a lengthy submission to the inquiry into floodplain harvesting in 2021 that made a number of recommendations, including no carryover, 'pump stop' trigger points tied to downstream flow targets and sufficient metering, so regulators weren't relying on water users to report their own water take.

([https://www.parliament.nsw.gov.au/lcdocs/submissions/76432/0288%20The%20Pastoralists%E2%80%99%20Association%20of%20West%20Darling%20\(PAWD\).pdf](https://www.parliament.nsw.gov.au/lcdocs/submissions/76432/0288%20The%20Pastoralists%E2%80%99%20Association%20of%20West%20Darling%20(PAWD).pdf))

PAWD councillor Lachlan Gall finished that submission with:

Access to water for irrigation is a privilege available to the fortunate few. With this privilege comes an obligation to minimise the negative impact on downstream stakeholders, including the environment, as per the Objects and Water management principles of the Water Management Act 2000.

While licensing is important to allow water users to legally extract such water, both the quantity and rules such as carryover have been of concern for downstream communities before, during and following implementation of this Legislation.

c) The impact of Planned Environmental Water rules on the reliability of water allocations in NSW and the Commonwealth's environmental water holdings.

Planned Environmental Water (PEW) has had many benefits downstream (socially, culturally and environmentally) however (as many reports have done in the past) the Terms of Reference for this inquiry appear to only be interested in the negatives. PEW has aided in maintaining water quality and certainly assisted to mitigate fish kills in the lower stretches of the Darling River. It is important to note that the Basin Rivers should have baseline flows and PEW prioritised for events such as supporting bird breeding or fish spawning, rather than just mitigating disasters.

d) The impact of rules-based changes on the reliability of water allocations in NSW, including their impact on different water license categories

The reality is that the Southern Basin has done a great deal of the heavy lifting when it comes to water recovery under the Basin Plan to date. Very little has been done to rein in the overextraction occurring within the Northern Basin, and it is for this reason that rules based changes are required.

While the Basin Plan intended to restore a balance between extractive uses and a healthy river, little has been done in Northern NSW to address this. In 2020, a NSW ICAC report found that water policy had "unduly focused on the interests of the irrigation industry" and "created an atmosphere that was overly favourable to irrigators".

Rules based changes such as trigger points for end of system flow targets and prioritising a drought reserve in Menindee Lakes when appropriate are required, (noting here that the current 195GL reserve is grossly inadequate). These changes have been recommended by PAWD in past submissions, and are important to restore some balance and trust between upstream and downstream users after years of inequality.

e) The effectiveness and impacts of past water reforms, including community-based water reduction adjustment programs such as the Strengthening Basin Communities program and Murray-Darling Basin Economic Development Program.

When it comes to water reforms, the people along these downstream communities have often reported feeling like the 'sacrificial lambs', whereby water flowing downstream to Menindee is not prioritised, but when it does reach the lake system it is released for downstream use exceptionally quickly.

Since the adoption of the Murray Darling Basin Plan, the Menindee and Lower Darling area has seen water buybacks that have seriously impacted our community. Buybacks have almost completely destroyed the irrigation sector in our area, and stripped 500 part time and 100 full time jobs out of the local economy. While certain individuals have benefitted from the buybacks, the community has not been supported to diversify. The community has also experienced the longest cease to flow events ever recorded, a major flood and suffered through two catastrophic fish kills.

Communities downstream of Bourke were broadly supportive of the changes made at a Federal level to the Murray Darling Basin Plan in 2023, and had a fair bit of engagement with relevant politicians, but are still apprehensive that anything will actually change on the River as positive changes in the past have failed to materialise or been wound back.

f) Options to improve future community-based reduction adjustment programs including next rounds of the Sustainable Communities Program.

Community driven, larger scale projects that create training opportunities for locals leave a legacy of ongoing employment with options to scale up, and should be supported.

g) Any other related matter.

The Connectivity Expert Panel commissioned by the Minns Government delivered an important and timely piece of work that clearly laid out what downstream communities had long been saying. It highlighted the limitations with models used to restrict floodplain harvesting, Water Sharing Plans that failed to consider overall system-wide connectivity, and the importance of connectivity for culture and communities. PAWD supports the recommendations of the Connectivity Expert Report, and urges the Minister to support and implement the triggers in order to restore connectivity and help the ailing Darling River.

The Northern Basin Review appeared to many as a political fix, and the lack of action on implementing the toolkit measures in the years since the 70GL reduction only fuel this belief. The controversial decision to reduce water recovery by 70GL in 2018 was fought by downstream communities at the time, and since then we have experienced devastating fish kills and extended periods of low or no flow.

Many of the recommendations in the Vertessy Report into the first fish kill at Menindee (one of 7 reports) have yet to be adopted or actioned by any Government. Many other reports remained mired in political treacle and have gone nowhere.

The community has grown weary of attending consultation sessions just to have their views and needs go unheeded, or witness expert panels produce expensive reports that are not actioned. Meanwhile, they watch the degradation of our river system go on unresolved right in front of them. The Objects and Water management principles of the Water Management Act 2000 define how water should be shared between all stakeholders (including the environment) equitably. The best time to implement the Objects and Principles was when the Act became Law. The second best time is now.