

REPORT ON PROCEEDINGS BEFORE

**LEGISLATIVE ASSEMBLY COMMITTEE ON
INVESTMENT, INDUSTRY AND REGIONAL
DEVELOPMENT**

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

At Menindee Civic Hall, Menindee, on Tuesday 12 August 2025

The Committee met at 14:00.

PRESENT

Mr Roy Butler (Chair)

Mr Stephen Bali (Deputy Chair)

Mr Justin Clancy

Mr Warren Kirby

Mr Richie Williamson

PRESENT VIA VIDEOCONFERENCE

Ms Charishma Kaliyanda

* Please note:

[inaudible] is used when audio words cannot be deciphered.

[audio malfunction] is used when words are lost due to a technical malfunction.

[disorder] is used when members or witnesses speak over one another.

The CHAIR: Welcome, everyone. First and foremost, I welcome Aunty Dot, who will give us a welcome to country.

DOROTHY STEPHENS: Good afternoon, everybody. My name is Dorothy Stephens; everyone calls me Dot. I'm a local Barkandji person, but my traditional country comes from the New South Wales, South Australia, Queensland and Victoria borders, so I've got a big area. I hope you have a good meeting today, and I'll be doing the welcome to country. I'd like to acknowledge the traditional owners of the land on which we meet today. Barkandji people are the river people. I would like to pay my respect to the Elders past and present, and future up-and-coming young Aboriginal people. I acknowledge the land we are on—the land on which we live, work, breathe, eat and sleep. It always was and always will be Aboriginal land. I recognise our connection to Country and our role in caring for and maintaining Country over the thousands of years past, present and future. I would like to recognise our non-Indigenous people who have joined us here today. Thank you. May we please have a minute's silence for our recently departed Elders and ancestors.

Committee members, witnesses and audience stood as a mark of respect.

The CHAIR: Welcome to the public inquiry of the Committee on Investment, Industry and Regional Development inquiry into the impacts of the Water Amendment (Restoring Our Rivers) Act 2023 on New South Wales regional communities. Before we start the hearing, I acknowledge the Barkandji people, the traditional custodians of the land on which we are meeting today. I pay my respect to Elders past and present, and extend that respect to other Aboriginal and Torres Strait Islander people who either are present or are viewing the proceedings on the internet. I also thank Aunty Dot for that welcome to country.

I am Roy Butler, Chair of the Committee on Investment, Industry and Regional Development. I am joined by my colleagues Mr Stephen Bali, Deputy Chair and Member for Blacktown; Mr Justin Clancy, Member for Albury; Mr Warren Kirby, Member for Riverstone; and Mr Richie Williamson, Member for Clarence. Charishma Kaliyanda, the Member for Liverpool, is joining us online. Our other Committee member, Member for Heathcote Maryanne Stuart, is an apology. I declare the meeting open.

Mr HOWARD JONES, OAM, Chairman, NSW South-West Water Users Association, before the Committee via videoconference, affirmed and examined

The CHAIR: I'd like to welcome our first witness, Mr Howard Jones, chairman of the NSW South-West Water Users Association. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, websites and public communication materials. Please inform the Committee staff if you object to having photos and videos taken. Please also note that only Committee staff and media organisations are allowed to take photos and videos. If you would like a copy of these photos, please contact the Committee staff during a break. Howard, can you please confirm that you have been issued the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

HOWARD JONES: Yes.

The CHAIR: Do you have any questions about this information?

HOWARD JONES: Not really. I'll just be curious to see what your thoughts are. I have my thoughts about what are the issues virtually from Menindee down. That's probably what I want to talk about today, if I get the chance.

The CHAIR: Howard, would you like to make a short opening statement before we begin the questions? In the interest of time, I ask that it is limited to 90 seconds. If you go too much over 90 seconds, I'll probably pull you up.

HOWARD JONES: Look, the issues down here are pretty simple. The people who live on the Darling from Menindee down are very, very aware of their own circumstances and the issues that they face. WaterNSW—and I'll give them a fair bagging during this opportunity—do not engage in a meaningful way, particularly the people from head office. They don't speak the same language as the people do down here; that's the general comment I get. Some leadership from the New South Wales Government, particularly through WaterNSW, would be a damn good way to start.

The CHAIR: Thank you. We will now move to questions from the Committee. Before we begin the questions, I wish to inform you that you may wish to take a question on notice and provide the Committee with an answer in writing. I'll ask you the first question, if that's okay, Howard—a nice, open one, hey? What are some of the water management issues unique to this region that should be accounted for when designing water policy and determining allocations that impact the region?

HOWARD JONES: I don't have a lot of issues with the Murray management. The issues we have are with the Darling and Menindee, in particular. It's talked down, not with, people who are directly affected by the management or the lack of it, particularly when things get dry—and they get very dry very often out this way. The people who I've worked with historically with the government departments were excellent. It's been virtually since the creation of WaterNSW that the ability to talk to someone who actually cares and, in many cases, knows what they're talking about isn't available to you.

Mr JUSTIN CLANCY: In a previous submission to a committee, you touched on water quality as a serious issue, and water quality was certainly a significant theme at Deniliquin and Griffith. I'd be interested in your thoughts for your part of the system. When you speak of water quality as a serious issue—is that still presenting as an issue? And what are the steps, from your perspective, to help improve water quality?

HOWARD JONES: If you're talking about the Murray, then the Murray issues are—generally, things are working quite well. What's been happening, the last two floods in particular, is we've got—instead of having the water coming off the flood plain and refreshing the river, it's the opposite: The water coming off the flood plain into the river is polluted. That then manifests itself as it moves down the system. So the further you get down the system, the worse it gets. So you've got the Lower Lakes—not sure I should be talking about it here but that's where it manifests itself. What I see as a major problem, with most of our flooding, is that historically the flood plains were grazed, whereas the flood plains now are quite often cropped. So, if you get a flood, all the nutrients and the herbicides from the cropping comes back into the river. That's what I've been seeing in, actually, both rivers, the Darling and the Murray. It's something that we—I'm not sure how you address it, because the people have changed their practice. If we want a healthy river, I think, we're going to have to look at the impact that's causing at the moment. If there is drastic action required, then that's what Government should do.

Mr JUSTIN CLANCY: Howie, apologies, there is a little bit of an issue with the sound quality. Is that in reference to both the Darling-Baaka system as well as the Murray system?

HOWARD JONES: Yes, both of them.

Mr JUSTIN CLANCY: Thank you. In another submission of South-West Water Users Association, you also touch on the Barmah Choke. I'd just be interested if, for a few moments, you'd be able to explore that with the Committee, please.

HOWARD JONES: Barmah Choke's what it is. It's a natural impediment in flow. There's a small creek that pulls about 400 megs a day, which is not much good to us. So getting water down through there—you've got the Barmah-Millewa, which people don't want flooded every time you want to push water above, probably, I don't know, 20,000 megs a day or 30,000 megs a day. But it's something that needs serious attention because there are times when that water's required, particularly when everything gets cracking here in January and February. The demand for water—you can imagine what it's like. If you've got a problem, then you can put it through. You come to an agreement with Murray Irrigation and use the channel. There are solutions around it. But there are financial costs involved in that. At the end of the day, it's there. I don't think there's any engineering way you can go through there and rectify that. So you've got to use the resources that are there, come to an agreement with Murray Irrigation, for instance, but sit round the table, and let's talk about it.

Mr RICHIE WILLIAMSON: Howard, you spoke earlier about leadership within WaterNSW. What type of leadership were you referring to and/or what leadership are you looking for?

HOWARD JONES: WaterNSW is the pivotal organisation that manages the releases from our critical dams. That's just one function. Its ability to sit down and talk with the people like myself, like Graeme McCrabb and any of the other community people who get involved in the water game and perhaps listen—I'm 82 and been doing water for a fair while, and the people you're dealing with haven't. Sometimes they haven't got the good grace to accept a little bit of comment, a little bit of advice from the community. Quite often, historically, we work with the managers, and quite often the community, for instance, who live at Menindee, they know what's going on, so if someone's trying to manage that from Queanbeyan or wherever WaterNSW sits, a bit of advice from the local people would be heeded. To me, as I said, I've been in this game a long time, and I go back to the David Harrises and the Peter Millingtons and people who led Water in a very sensible and organised way historically. That's missing. I have no problems with Rose Jackson as the water Minister, but when it comes down the line, it seems to fall over.

Mr RICHIE WILLIAMSON: Howard, in your opinion, is WaterNSW well equipped with staff, under or over or perfect?

HOWARD JONES: They're not equipped with experienced staff or, if they have experienced staff, they don't take any notice of them. That's the biggest problem. If you look at the people who were at Menindee, they've been managing the releases out of Menindee since bloody Adam was a pup, and they choose not to take—they make the decisions from wherever it is in Queanbeyan or wherever it is. The people there who have to pull the lever are saying, "This is not going to work." But you must do it. We finish up with decisions and water releases out at Menindee, in particular, that have no basis in common sense and no basis in good water management. So you have the whole community—and that's the people who use the water, who either drink the water or pump it or whatever and are water users—so dismayed with the outcomes. The people on the ground are there, and they've been doing it for Richard Unsworth. The guys who manage the actual releases, who actually pull the levers—they know more than the bloody people in Queanbeyan who are telling them what to do. The other old thing is get on your bike and come out and talk to the locals.

Mr WARREN KIRBY: G'day, Howard. Thank you for coming and joining us today. As large parts of the Darling-Baaka system are unregulated, how do you think this affects the type of policy or water management decisions that should be made in the northern Basin that might be a bit different from the southern Basin issues?

HOWARD JONES: While you've got a border, it's a problem, as it normally is. No State government works very well with the next one down the track—the old adage about "people downstream waste it, people upstream feed it". When you have a volume of water that's coming down, currently out of Queensland into New South Wales, the ability to monitor that isn't as good as it ought to be. Your gauging stations are spaced, so it makes it difficult for—if you had anyone there that could read the things. When you've got a river, particularly like the Darling, which ebbs and flows and has got lots of inputs from the border rivers, from the Namoi and Gwydir—you name them—you need measuring points so people can get their head around them. Rather than relying on the grazier that's got a peg on the bank of the river, you need to put some technology in there that informs the managers of exactly what's coming. That's not there.

Mr WARREN KIRBY: Can I just ask you to expand on that. By inference, there is nothing to give any kind of indication of what kind of flows are happening to allow communities to prepare. What do you mean by that?

HOWARD JONES: I mean exactly that. There are gauging stations but, as I said, you've got intersecting streams coming from left, right and whatever—from the Queensland border down to the first couple of hundred kms. The people who are trying to manage that and inform people need gauging stations that reflect exactly what's at that particular point. As I said, they're sparse. That's the information I get. I talk to Justin McClure and the guys who live up there, and they've been saying that since the cows come home.

Mr STEPHEN BALI: I'm Stephen Bali, the member for Blacktown. I've got two questions based on your earlier comments about water quality and nutrient run-off from properties. Is there a way that can be better handled or dealt with, because it's causing pollution? The second one is more to do with the role of bore water in the area. Can that play a bigger role somehow?

HOWARD JONES: I know little about the groundwater issues. I know they're there, I know they're used and I know they're limited. Groundwater is not my expertise. In relation to the run-off from properties that have changed their practice, they're using herbicides, as you do. I'm still farming on a very small scale, but you've still got a shed full of bloody chemicals. The ability to monitor and/or test what's coming into the system as we stand is critical. If you look down the river and the issues they're having down at the Lower Lakes and outside of the Lower Lakes into the ocean around the mouth of the Murray, I attribute them to two things: One, of course, you're getting a rise in sea temperature, but the other one is you've got quite a significant flood two years ago, which flushed the stuff that I'm talking about out into that system. That can't be good for any ecology. We need to get our heads around exactly what those herbicides are.

I'll give you an instance of where the Australian Government and Queensland Government acted some years ago when there was water run-off coming out of the sugar cane. It was causing significant issues in the Barrier Reef. They got on a bit of science there and identified the herbicide that was causing the problem, and they stopped using it. It's simple. We need to find out what this one is. It may well be the same. I don't know. I'm not a scientist. That would be the first step in solving some of the issues once you get down the river to the junction of the Darling and the Murray and further down, and then when you get to the Lower Lakes and the mouth of the Murray. You need to know what's causing these problems, not ignore them. And there'll be an answer. I'm sure if people look there, the answer will be there, because you've got the experience, as I said, of the run-off from the sugar cane in Queensland probably 10 or 20 years ago, whenever it was.

The CHAIR: Howard, could I just change tack a little bit. Menindee is probably an example of a town that used to use a lot more water for growing food. In terms of adjustment programs, what have you seen that's been successful when we've pulled that activity out of a community? What have you seen that has worked as a successful adjustment program to help that community to continue to thrive without the agricultural production?

HOWARD JONES: I'm sorry for chuckling. If you go back to when the water buybacks were mooted and commenced, in the Government's endeavour to try to get some balance back into the environment, the first thing it should have done when it was saying, "Okay, we need a buyback program", is think where the water is going to come from. Now, blind Freddy would have told you where the water is going to come from; it's from the irrigation districts, where the properties are smaller, the allocations are smaller and, therefore, you're more challenged in relation to the finances or running of those farms. So if you're going to say you want 2,300 gigs or whatever you want back, then what about a package that might help the irrigation districts accommodate or compensate for losing 10 per cent, 20 per cent, 30 per cent of their usable water?

I mean, that's the first flaw in the Basin Plan, and the most fundamental flaw in the Basin Plan. No number-crunchers there had the foresight to say, "Well, this is not going to attack the broad river; this is going to attack the irrigation districts with the small properties on." And it did, and it has. You drove here. You know where Merbein is, just over the river from where I am in Mildura. They lost 55 per cent of their water—imagine the impact. You can still drive through there now. The vacant properties have never come back. That's a huge impost on the productivity and the financial wellbeing of those communities. There was no package.

The CHAIR: Members, do we have any other questions for Howard? We have about two minutes.

Mr RICHIE WILLIAMSON: Howard, in two minutes, what could the New South Wales Government do besides what you've spoken about with buybacks? Is there anything else the New South Wales Government could do to lessen the impacts on local communities right across the basins?

HOWARD JONES: You've got Murrumbidgee, you've got the Murray irrigation—they're massive irrigation systems that have thousands and thousands of small farms. Everything that you do in relation to allocation of water is a fundamental impact on those small farms. If there's more water required, then you need to look very seriously at where that water is going to come from and there has to be adequate compensation to the local government people, to all the plumbers, the electricians. It filters back down to the whole community if you take some fundamental supply issues out of that community.

If you want the continued angst, which the environment has to wear, from people saying, "You're taking all our water", it's because we didn't think about it long enough and hard enough before we started to take the steps we've taken. So learn from the lessons is what I would say to the Government. Learn from where you copped the flack last time. Managing water is never easy, but if you go out with a good plan and a well-advertised plan and you get to the communities and talk to them, you'll find nine times out of 10 the community realises that it's probably needed and we're being looked after so we're happy with it. I mean, it's just basic communication.

Mr JUSTIN CLANCY: Here at Menindee, obviously fish kills have been an issue. Connectivity has been one of the issues for the Darling-Baaka. Has connectivity improved? Can it improve further? What role can fish passageways play there?

HOWARD JONES: You've got main weir at Menindee that still has no fish passage. Menindee is the fundamental block on any ability of the river to act like a river, particularly in the fish sense. When you're making decisions, whether you be a Federal government or a State government, go to the areas where most of the noise is coming from and you'll get all the help you want and what the answers are. That's simple politics. Menindee people are very aware of and not frightened to tell you what's going on. Not all of it is appreciated, but they've got a point. They've got certainly the most important water storage in that part of the world and the most important for all the people that I try to work with downstream from there. If WaterNSW would have got off their bloody bikes occasionally and actually talked with people in a meaningful way, they'd be surprised how much help the local people will give them, if they have the humility to go out there and treat them like normal community people.

The CHAIR: Howard, thank you for appearing before the Committee today. You will be provided with a copy of the transcript of today's proceedings for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We ask that you kindly return those answers within seven business days of receiving those questions.

(The witness withdrew.)

RICHARD UNSWORTH, Community member, affirmed and examined

The CHAIR: I welcome our next witness. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, websites and public communications materials. Please inform the Committee staff if you object to having photos and videos taken. Please also note that only Committee staff and media organisations are allowed to take photos and videos. If you would like a copy of these photos, please contact the Committee staff during a break. Richard, can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses.

RICHARD UNSWORTH: I have.

The CHAIR: Do you have any questions about that information?

RICHARD UNSWORTH: No, I don't.

The CHAIR: Richard, would you like to make a short opening statement before we begin the questions? In the interest of time, I ask that it's limited to 90 seconds, and I will pull you up if you go too far over.

RICHARD UNSWORTH: Sure. I think, Roy, I'd just like to introduce myself and make a couple of things clear to the Committee. My name's Richard Unsworth. I've lived here since 2000 and previously managed a large table grape property here. I currently work for the Murray-Darling Basin Authority. I won't be answering any questions on behalf of the MDBA; it'll purely be as a private citizen, just so the Committee is aware of that.

The CHAIR: We'll now move to questions from the Committee. Before we begin the questions, I wish to inform you that you may wish to take a question on notice and provide the Committee with an answer in writing. I'll ask you the first question, if that's okay. From your perspective, what are the most important recommendations arising out of the Menindee fish kill report that you want to see implemented to improve connectivity—and you can probably add water quality into that as well—across the river system?

RICHARD UNSWORTH: In relation to connectivity and fish passage, the most important thing that's required is to build a fish passage at the main weir. That's the most important thing because it's a thing that's affecting, in particular, the water quality here in the weir pool—a permanent structure, that is, or something that can move fish permanently.

The CHAIR: Allow them passage.

RICHARD UNSWORTH: Yes.

Mr JUSTIN CLANCY: Richard, thank you. For clarity, I'm the member for Albury, so I'm on the southern Basin. I'm very interested in your perspective as someone living on the Darling-Baaka part of the system, Richard. I daresay connectivity has been one of the big issues that you and your communities have faced. What does that look like now, Richard? Has connectivity improved? Can it be improved further? Is it still the main issue for your part of the system?

RICHARD UNSWORTH: It is one of the main issues for this section of the river. Connectivity is needed, and it's inter-system connectivity, in my view. That means all the way from the north to Wentworth, in our case. It's important that we're able to achieve that connectivity, and how that's done is work certainly for both Federal and State governments.

Mr JUSTIN CLANCY: To drill into that, Richard, you mentioned both Federal and State. What are some of the steps that the State could be taking to improve conditions?

RICHARD UNSWORTH: The biggest problem that we're going to have, from my point of view, is that to achieve all of these things, it always costs money. Someone has to pay for it, whether it's the Government that has to pay to build structures or whether an irrigator, for example, up north has to forego some of their entitlement, or even an irrigator down in your area has to forego some of their entitlement, so that the system can run all the way through. We're in a very dry period at the moment, even though it doesn't appear to be, since 2000. I was farming here from 2000 to 2017. We are seeing less inflows and more severe weather events. We either get a drought or we get a flood; that's how I've perceived it over, particularly, the past 20 years. I think one of the real issues that we face is how do we match that. I'm not casting blame on why the water isn't coming here. There are various reasons that will cause that. I guess it's things like that that will need to be looked at to see where we can improve the situation. I look forward to the information that might come out of the independent panel on connectivity and what information that might provide to government and where that takes us.

Mr RICHIE WILLIAMSON: Richard, thanks for coming today. Like Justin, for some clarity—I'm the member for Clarence. I've got the Clarence River and the Richmond River, which are completely different issues to what we're dealing with here in this inquiry. You just mentioned in your answer about forgoing, I think, entitlements you referred to, in some instances. What practical outcome does that have for local communities that may have to forgo entitlements and/or buybacks?

RICHARD UNSWORTH: I guess, from my point of view, it's really important that we understand the economics of communities—in particular, small communities like we have here, and, in particular, irrigation communities. We see a lot of stuff in newspapers, about how buybacks affect the economy in small towns, and yet the Murray-Darling Basin still provides 40 per cent, as it always has, of food production for Australia. We get a lot of what I term clickbait in newspapers, where we take water buybacks and we say "hurts communities". Certainly, in my view, it has an impact—buybacks do.

But there are a lot of other drivers to what affect small communities, and I'll give you the example of my own, when I farmed here. When I first started managing the property here, I had 20 permanent staff, and most of them were tractor drivers, particularly used in the season for spraying. So they'd have a little single tractor with a single sprayer on the back of it. Three years into managing that property, we went out and bought three three-row sprayers and three larger tractors, and we reduced the workforce by two-thirds. So it's improvement in equipment. I give the example of Tandou Cotton just down the road. They would employ chippers, and a lot of people would come into the community as labourers, and we no longer use them in cotton, for example.

These are all driving factors, and I don't know whether we place enough emphasis, particularly when it's being reported in the press—I don't know whether they put enough emphasis on the other drivers of loss of communities. Even as far as particularly in these little communities like here, we used to have railway people here. I used to work for the Roads and Traffic Authority. In the western region, we had a number of depots around the place, where people—Tibooburra and Eustace and Wentworth. They're all gone. So we've reduced the number of public employees that are now in these communities. All of these things drive the reduction of economies and communities. Water certainly has an impact, but I'm not sure that we've quantified what the percentage of that impact is, versus all the others.

Mr RICHIE WILLIAMSON: Richard, for clarity in my mind only, that 40 per cent figure that you spoke about with regards to agricultural output—whatever that might be—hasn't changed?

RICHARD UNSWORTH: That hasn't changed.

Mr RICHIE WILLIAMSON: Regardless of how much water might be on or off farm?

RICHARD UNSWORTH: No, because we've improved technology. Another example for you: I sold water back when I was farming, and it was under one of the initial schemes, where we put in soil moisture probes, and I did away with the guy having to go round and manually read them. They were all telemetered. It's those sorts of things that have improved our output, but not having water certainly has an impact. I'm certainly not disputing that. What I say is, do we have enough information to quantify what impact each of those things have had? To my mind, I don't know whether we have.

Mr RICHIE WILLIAMSON: Understood, thank you.

Mr STEPHEN BALI: What was the change? You went from one crop to another? You went from grapes to—

RICHARD UNSWORTH: No, we stayed with grapes but we changed the machinery. We changed the machinery from being a single-row sprayer, which meant you had to drive up every single row, to a three-row sprayer, where you only drove up every third row, so it reduced the spray time by two-thirds. You needed less people to do that work.

Mr WARREN KIRBY: G'day, Richard. Thank you for coming in today and sharing your thoughts. What are the key policy issues impacting on the lower Darling-Baaka River and the Menindee Lakes, in your opinion?

RICHARD UNSWORTH: When you say "policy issues", can you explain that a little bit more for me?

Mr WARREN KIRBY: You've identified different areas and made the point that we don't have a broad enough understanding of how the system as a whole works. But what are the policy issues in regard to water policy in these two areas that you think are having the biggest impact, positive or negative?

RICHARD UNSWORTH: I think, from a New South Wales perspective, it's a whole of system, so policies that relate to whole of system rather than individual valleys. That would be the main policy driver I would think that I would see as being able to do that. It's a bit hard for me to talk more about policy, I guess, because of my position of employment.

Mr WARREN KIRBY: I take on board that you're here as a private citizen but with a wealth of experience. If it's not imposing too much on your professional life, how do you see buybacks in the southern Basin affecting the northern Basin?

RICHARD UNSWORTH: Both basins are interconnected, and they're certainly interconnected because of Menindee, and the way that water coming into the system from the north to here impacts what water is available then to the southern Basin. Under the agreement that water comes from here to provide water, if water's not coming in, then it's not available to go out to provide asset to the south.

Mr WARREN KIRBY: Just to get my head around it—I'm from north-west Sydney, so this is all foreign territory for me.

RICHARD UNSWORTH: I grew up at Marayong, Warren.

Mr WARREN KIRBY: There you go. South Riverstone. My understanding is from the Darling system it comes north down. The southern Basin runs sort of east to west on the southern side, so if you're giving back water into that southern system, does that travel north?

RICHARD UNSWORTH: No.

Mr WARREN KIRBY: How does that gap between where we are here down to where the Murray—

RICHARD UNSWORTH: The water travelling east to west in the Murray, it travels and there is a certain amount of water that will be released from Hume or Dartmouth and travel down the river; that's layman's terms I guess. For example, if there is more call on water from below where we meet at Wentworth or the Sunraysia area, then that water can be provided from Menindee, which means that more water is then available to the Murray above that area.

The CHAIR: I'm just trying to fill in the blanks here. There's a very strong desire from people who live around Menindee to make sure there's water in the lakes as well, so you've got a bit of push and pull. People want water in the lakes but, at the same time, you've got people down south who would love to up the general security of the water that they've got by sending that water down. There's a little bit of friction there.

Mr JUSTIN CLANCY: To your point, Chair, and to you, Richard, obviously there's some complexity around the water rules in relation to Menindee. There has been a level of change to them over the last few seasons.

RICHARD UNSWORTH: Sorry, what was that?

Mr JUSTIN CLANCY: The water rules with regards to Menindee. Again, to the Chair's point, in trying to strike a balance, as a member of the local community, how are those rules now placed? Could there be further improvements?

RICHARD UNSWORTH: I would just say one thing. Currently, there is a review being conducted by the Murray-Darling Basin Authority on behalf of the three other States, plus the MDBA. That is looking at the entire operation of the Menindee Lakes and the rules that apply to it.

The CHAIR: Hopefully the 640/480 rule will change.

RICHARD UNSWORTH: I'll stay silent on that ruling. You know my feelings.

The CHAIR: That's a no comment one, I think.

Ms CHARISHMA KALIYANDA: Speaking of the balance and the need for Menindee to have water in the lakes, I wanted to ask, Mr Unsworth, what you think the most important recommendations coming out of the Menindee fish kill report were. What would you like to see implemented in order to improve connectivity across the river system?

RICHARD UNSWORTH: In relation to the OCSE report, there wasn't one recommendation. It was a suite of recommendations that has helped us as a community, and also the governments, to be able to manage the water quality. There have been some really good things that have happened there. The water monitoring in the weir pool gives us much better data on what's happening, and also there is a group that was stood up that is interjurisdictional. It meets when and as required to make sure that we are trying as best we can not to kill fish.

In relation to keeping water in the lakes, I have personal views on that. My views on it are that we need to maximise the asset in the north. When I say "north", we have top lakes and bottom lakes. The top lakes are Wetherell and Pamamaroo, and the bottom lakes are Pamamaroo and Cawndilla. They were never connected naturally, so we made that connection ourselves—that is, the community and the humans back in the '60s, when we set the lakes up. They operate completely differently. We've done other structures, like creating the weir pool. To both keep the weir pool healthy and to provide drought reserve, we need to preserve the asset as much as we can

in those top lakes, taking into account the rules that we currently have and that we should be running the lakes as efficiently as possible. That means taking water out of the bottom lakes. It's a much more complex set of circumstances that we now have compared to where we were back in 1960.

Mr RICHIE WILLIAMSON: We heard from Howard about how WaterNSW consults with local communities like yours. In your capacity as a private citizen, what could the Government do better to be informed by the community on the ground about long-term management strategies?

RICHARD UNSWORTH: Are you talking particularly about WaterNSW?

Mr RICHIE WILLIAMSON: Yes.

RICHARD UNSWORTH: Noting that they're in a world of hurt at the moment, having lost 300 employees just recently, I'm not going to go out there and bash them. Having worked for the New South Wales government for 27 years, with the Roads and Traffic Authority, I have some idea of how government works. We have changed as a community as a whole. Back when I was working for the Roads and Traffic Authority—and I finished there in 2000—it was very much a case of, "We know boats and we'll tell you how to do it." Government, as a whole, needs to talk to community more, and there are a couple of things I would say there. One is that you just don't talk, you listen. When you've listened, if you're at a meeting and you're listening to people, you don't just automatically give them a response; be measured about it. You go away and you think about it, and you come back with a much more measured response.

We're not necessarily getting that all the time at the moment as a community. I think if you were to ask anyone in the community here, we feel as though there is so much knowledge, experience and understanding of the system, particularly here locally, and yet when suggestions are made it's not necessarily taken on notice and you go away and think about, "What did they actually say?" So that would be one suggestion I would make as a private citizen, that as an organisation—particularly WaterNSW—should stop, listen, go away and consider it and come back.

Mr RICHIE WILLIAMSON: Would it be fair to say make policy from the ground up, not from the bottom down?

RICHARD UNSWORTH: There are certain drivers that we as a community don't have, and we don't have that information—for example, the engineering of how the lakes work and how they have to operate. It's complex. Nowhere else in the basin do we have water storage as convoluted as this. Everywhere else, a river runs in the top and it has a dam or a weir at the bottom of it and you just operate it; you open and close it. Here we have all these interconnected structures, and we have all different outlets—only the one inlet, though. The one inlet comes from the north, but we have all different water going in all different directions, and we have all different calls and pulls on that.

Mr RICHIE WILLIAMSON: Thanks, Richard. That was a well-constructed answer.

Ms CHARISHMA KALIYANDA: Going back to the environmental considerations and impacts, what other measures do you think are needed in order to support some of the environmental outcomes, particularly given that some of what we're dealing with now is the result of human intervention and not what the lakes were originally?

RICHARD UNSWORTH: All of those things that I've spoken about—connectivity, the recommendations of the chief scientist's report—will work towards better environmental outcomes.

The CHAIR: No further questions? Okay. Mr Unsworth, thank you for appearing before the Committee today. You will be provided with a copy of the transcript of today's proceedings for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. We kindly ask that you return answers within seven business days of receiving those requests.

(The witness withdrew.)

(Short adjournment)

HAROLD BATES Jr, Community Member, affirmed and examined

The CHAIR: I welcome our next witness. Thank you for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, websites and public communication materials. Please inform the Committee staff if you object to having photos or videos taken. Harold, can you please confirm that you have been issued with or spoken to about the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

HAROLD BATES: Yes.

The CHAIR: Do you have any questions about the standing orders or the terms of reference?

HAROLD BATES: No.

The CHAIR: Would you like to make a short opening statement, and just talk generally for a minute or two about the inquiry and water in this community? Would you like to freestyle for a minute and a half or two minutes?

HAROLD BATES: I couldn't really catch that. I couldn't really hear you then.

The CHAIR: Would you like a minute or two to talk generally about this community and water—that sort of thing—before we get to the questions?

HAROLD BATES: Yes, okay. I've experienced over 30 or 40 years, maybe, the changes in the waterways—river and lakes—and the contamination and red silt. You've got to realise, on the bottom of the river and that, and the lakes, contaminated silt and contaminated water. I have experience of eating a lot of contaminated meat over 30 years and it not tasting like it used to. I realised there were changes in the bone structure and that in some animals in later years, probably from drinking badly contaminated water.

The CHAIR: At this point, we'll open up to questions. Harold, we had a bit of a chat about contamination in silt and, therefore, contamination in water and the impact that was having on wildlife—on the animals. Can you talk a little bit about that?

HAROLD BATES: For quite a few years, I've noticed a lot of animals that's been drinking the contaminated water. When the water's flowing sometimes, you've got a fair bit. You've got the silt that flows with it. It breaks away and flows with it, especially downstream, from our weir pool, and probably out of our lakes as well through the regulators. There's thousands of tonnes of silt that's still sitting there. How you're going to get rid of that, I don't know. But that's going to be continuous for a long time, breaking away and flowing with the water.

Mr RICHIE WILLIAMSON: Harold, thanks for joining us today. I did struggle to hear a little bit of your answer on the silt issue. In your mind, how does the Government or the regulator—how do they help your community in lessening the silt run-off? What do you think needs to happen?

HAROLD BATES: With the silt?

Mr RICHIE WILLIAMSON: Yes.

HAROLD BATES: Maybe try and dredge most of it out, mainly from lakes, creeks and the riverbed—from the Darling. Find out where the deepest point of silt is to get rid of it, I suppose. But for a fair while, I knew you were going to have problems down South Australia opening the barrages or gates up. What's happened now in South Australia, I predicted that was going to happen because of how bad things are with the silt. Still a lot of bad flows coming through, especially in the last big flood. Really bad contaminated flows come through. Before the flood receded, a really bad flow come through—really contaminated.

I live in the back houses, about a few hundred metres from the water's edge—the floodwater. It was toxic, and that's before the flood receded. Lost a lot of birds in it. A lot of birds died—waterbirds, even the swans. All different waterbirds were found dead. Getting away from that bad flow that comes through—even the waterfowls, they got away from that water. Other birds flew off it and ended up, some, on the roofs at ours—cranes and egrets—to get away from that water. But there were a lot of other bad flows in between all that too—other times before that, as well—where even the fish and that was trying to jump to get out of the water, too, in places.

Ms CHARISHMA KALIYANDA: In light of what you've shared, Harold, I was just wondering if you have any suggestions or thoughts on how the Government and the departments could improve the way that they engage with the community and incorporate the feedback that the community provides into what they do.

The CHAIR: I'm just going to jump in there. Harold, were you able to hear that question?

HAROLD BATES: No, not then.

Ms CHARISHMA KALIYANDA: Is that better, everyone?

The CHAIR: Yes.

Ms CHARISHMA KALIYANDA: Very good. Just in light of what you shared, Harold, do you have any suggestions or thoughts on how the Government or departments that regularly engage with the community, including our Aboriginal communities, could improve the way that they do that and better incorporate feedback into how they operate?

The CHAIR: For everyone's sake—what I heard was a question in regard to the New South Wales Government's engagement with Indigenous communities: what they could do better and opportunities to make that work better. Is that about right, Charishma?

Ms CHARISHMA KALIYANDA: Yes, Chair. Thank you.

HAROLD BATES: As far as the stagnant flows that come down here, all them years ago something should've been done about it then. Where's it been coming from? When it was in between floods as well, stagnant flows come down the river. That's why a lot of the silt built up too in the weir pool, rock bank, main weir.

The CHAIR: Are you finished with that one?

HAROLD BATES: Yes.

Mr WARREN KIRBY: Thank you very much for coming, Harold. Apologies—I am struggling a little bit to hear some of your answers. I just wanted to see if you can speak a bit more about the toxicity of water that you've referred to a little bit earlier. Is that only during big floods? Is that all of the time? Is it killing wildlife that are using the river for water? I just want to try to get a better understanding of what you mean by "the toxicity of the river".

HAROLD BATES: A lot of it is mainly with floods, I suppose, and when the silt gets stirred up, toxic silt. Like the part of the chemical report that's been done by the chief scientist in Sydney—what was kept from the public all these years, most of us have seen that by now. Well, the silt was toxic too. Then you've got chemicals that settle in that silt, and fertilisers in there as well. I don't know how come this was allowed to go on so long. We're not getting [audio malfunction] the river, and not just from floods, either. It was '21, the last big flood—the big one. A dam busted up Cubbie; that was on the news. It takes over a few months to come down here, I'd say. That's water in the flow before the floodwater receded here. That's when we had that big waterbird kill—swans, pelicans, ducks and other little waterbirds, and hawks as well.

The CHAIR: Just a quick one from me. In terms of those waterbirds and hawks—at the regulator I've seen, unfortunately, dead birds in there before—the EPA would normally take those birds away for testing. Do you know if that occurred?

HAROLD BATES: No, I'm not sure about that.

The CHAIR: Maybe we could look into that. We can maybe ask that question.

Mr STEPHEN BALI: Just to get clarity, it's not only the fish stock that's dying in the water, but we were also seeing native animals. That's what you're saying with the birdlife et cetera. Is it because of the water, or is there baiting, or are there other things being used around the place that are impacting on the native animals, do you think?

HAROLD BATES: It's mainly the waterbirds.

Mr STEPHEN BALI: Do you see less birds today than, say, 10 or 15 years ago?

HAROLD BATES: It's mainly the waterbirds that have swum—you've got chemicals that sort of shift around in the water, too.

Mr STEPHEN BALI: What about the wedge-tailed eagles and all the other native birds? Do you think there are less of them around?

HAROLD BATES: Not so much them, no. But a lot of the meat—for 30 or 40 years, a lot of meat has changed. What I've eaten, the taste goes out of it. For quite a number of years, even the mutton and the goats and stuff have all changed. They lose their taste if they've been drinking contaminated water. Same as in the shops for quite a long time. We've got bad meat, too, in the shops. Contamination blackens the bone—like, the chops. Not all of them—it just depends where they're coming from. That's contaminated. I've had other beef from the butcher

for quite a long time, even from Mildura, that was badly contaminated. I like my livers out of mutton and goats and bullock, and I've had a lot of bad ones. They didn't look good either. Even as late as this year or last year—bad-looking black spots in the liver, too. A lot of meat was badly contaminated and horrible. And I've even tried some. I shouldn't, really.

The CHAIR: Harold, I'd like to thank you for appearing before the Committee today. You will be provided with a copy of the transcript of today's proceedings for corrections. Committee staff will also email any questions taken on notice from today and supplementary questions from the Committee. We kindly ask that you return these answers within seven business days of receiving those questions. That concludes our public hearing for today. I would like to place on record again my thanks to all the witnesses who have appeared today and those members of the public who have come along and shown an interest. Thanks to the Committee, the secretariat, Hansard, audiovisual—everyone.

(The witness withdrew.)

The Committee adjourned at 15:45.