

Submission
No 47

INQUIRY INTO FLOODPLAIN HARVESTING

Organisation: Dubbo Environment Group

Date Received: 12 August 2021

Dubbo Environment Group Submission – Floodplain Harvesting

Dubbo Environment Group Inc (DEG) is a group of 20 local members from the city of Dubbo and surrounding central west region of NSW. We have 35 newsletter followers and over 450 social media followers. We were founded in February 2020 to advocate for the many perilous issues concerning our natural environment locally, in Australia and globally.

We wish to address the terms of reference:

a) the legality of floodplain harvesting practices

During 2020 our group met with local National Party member, Mr Dugald Saunders, to protest the lifting of the embargo on floodplain harvesting in the northern basin of NSW in February 2020. We delivered a list of 11 questions to Mr Saunders about this event to understand the reasons for this unlicensed take of water which effectively stole water from the lower basin and the communities along the Darling-Barka River. Mr Saunders to this day has not answered our questions.

The same list of questions was sent to Ms Melinda Pavey, NSW Minister for Water, who sent a political generic letter which did not address any specific questions, 6 months later.

During 2020 and 2021, following the severe 2 year -drought, DEG joined other environmental groups in expressing their concern for the iniquitous policy of WaterNSW to build new weirs and dams upon the tributary rivers leading into the Barwon and Darling rivers. Damming already depleted rivers for the sake of more irrigator extraction is anathema to the citizens of Australia who value the health of their precious wetlands and rivers. The 1995 NSW Weir Policy spells out in very clear language the reason why no new weirs would be built during the NSW Labor government's leadership under Bob Carr. Scientists understood then, the damage that weirs have caused to our rivers.

DEG considers the building of new weirs, and especially the local Gin Weir near Warren, as another floodplain harvesting strategy. We understand that river and creek tributaries which would normally flow into the Wambool-Macquarie River will be blocked at this weir and then extracted by irrigators. This considerable quantity of water will not flow through to Macquarie Marshes and through to the Barwon.

Our group has been informed that lawyers from the Department of Primary Industries and Environment have provided internal advice that it is most probably unlawful to take water via Flood Plain Harvesting without an access licence. It would therefore be unlawful to construct on-farm water - holding structures without approvals to do so.

The water taken by Flood Plain Harvesting is not only unlicensed but free. It could be argued that not only is this "take" of water discriminatory to the people who care about the environment, whose business interests survive by water flows in the south of the Basin, who are communities depending upon river water including our First Nations people, but that the inequity of water take is actually a theft. If there is a constitutional clause which ensures that all Australian citizens are treated equally in our constitution, then flood plain harvesting contravenes our constitution.

There is a "pub test" in Australia. Floodplain harvesting does not pass the pub test.

c) how floodplain harvesting can be licensed, regulated, metered and monitored so that it is sustainable and meets the objectives of the Water Management Act 2000 and the Murray Darling Basin Plan

Our members strongly believe that downstream flows must be protected so that irrigation take isn't prioritised over other users and values.

We would like to see all illegal floodplain works that have been capturing water removed. We would like to see a Floodplain Management Plan in which assessment of flood flow interference is linked to environmental assessment of approved flood works.

We would suggest strongly that the SDL in the Macquarie Valley be assessed to ensure it reflects the environmentally sustainable level of take.

We would advise that adjustments to Flood Plain Harvesting licencing volumes must not be compensable.

(d) any other related matter

DEG has a broad knowledge of the environmental destruction of our river system and the inability of the Murray Darling Basin Authority to hold state government's accountable to the Plan. We are aware of NSW in particular, not being amenable to any efforts to reform their practises – practices which continue to reflect arrogant irresponsibility to the management of this precious resource.

Drawing from irrefutable information gathered from scientific experts, river ecologists and conservation groups, we wish to express our extreme dismay at the unsatisfactory condition of the river system throughout this basin. We are aware that tributaries that should flow into the Darling River have virtually ceased to do so, owing in large part to the enormous quantities of water extracted for irrigation. We are aware that the number and extent of wetlands have declined significantly, that those still existing have been listed as in “dire” condition, that there has been a 70% decline in waterbird numbers in the last 32 years, and that some species of birdlife are now threatened. We are aware that forests of Red River gums, Black Box eucalypts and Coolibah trees have died in their thousands due to the fall in the water table. We are aware that lakes are so depleted that native fish cannot spawn and are threatened with extinction. We are aware that mass fish deaths are so regular that they have become “normal”. We are aware that the mouth of the Murray is so silted up that dredging is required continually to clear the sand at great cost to the taxpayer. We are aware that salt from the rivers is not washing out to sea and is poisoning the inland waters and soil. We are aware that with the declining health of our rivers, algal bloom renders water useless even for irrigation.

We held considerable hope that revelations of water theft and inefficient government monitoring, together with the Royal Commission in South Australia, and the NSW ICAC report of December 2020 which returned a finding that NSW's water management governmental body had a “repeated tendency to --- unduly focus on the interests of the irrigation industry” would force politicians to reassess the MDB Plan and address the issue of over-extraction.

Dubbo Environment Group submits that Flood Plain Harvesting is not sustainable for our rivers and the communities which depend upon them. We submit that the practice is illegal and unconscionable. We submit that it must be curtailed.

We thank the committee for this inquiry.