

**Submission  
No 284**

## **INQUIRY INTO FLOODPLAIN HARVESTING**

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## Independent Member for Mildura

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**Submission to:**

**New South Wales Legislative Council**

**Select Committee on Floodplain Harvesting**

**AUGUST 2021**

Thank you for the opportunity to provide a view on Floodplain Harvesting in New South Wales.

By way of introduction, I am the Member for Mildura in the Victorian Legislative Assembly. My great-grandparents on my father's side, Tom and Ivy Cupper, were First World War soldier settlers who established a dried fruit property in Birdwoodton in the early 1920s.

Their eldest sons, Ray and Ken Cupper – my great uncles - were Second World War soldier settlers who established dried fruit properties in Robinvale in the 1940s. In the 1960s, my grandparents, Ainslie and Rosa Cupper, took over the original farm at Birdwoodton, which is where my father, Graeme, grew up (driving a tractor from the age of 6) and where I spent much of my childhood until the late 1990s when the farm was finally sold.

I provide that history to help illustrate the strong connection I have with our irrigation history. Like many third, fourth and fifth generation descendants of the original pioneers, I have pursued a career outside the farming sector, but I am nevertheless heavily invested in the fate of our river and the fairness of the system that governs it.

A fair system of water sharing is not just important for our local horticultural industry, which relies on water being taken out of the river, but it is equally important to our local tourism industry, which relies on water being kept in. Tourists spend billions of dollars to experience the ecological wonders of the stunning waterways, majestic river red-gums and unique birdlife of the Murray Darling Basin, and a significant amount of that money is spent in our region.

I am personally and professionally committed to the idea of a plan that ensures fair and equitable distribution, with transparency, accountability and a level playing field for all players – farmers, businesses, families, traditional owners and the environment not just within catchments, but between the catchments themselves.

Fairness is not a superficial concept. It goes to the heart of our values as Australians. And I think it explains why NSW's approach to floodplain harvesting has attracted such widespread anger and indignation across other Basin States. In our community, the anger has not just been about the direct impact on us, but also the impact on NSW's own citizens. When the fish kill events of December 2019 occurred, the river communities of North West Victoria grieved for the community of the lower Darling and Menindee Lakes as if it was our community. Because in many ways it is, given the relatively close geographical proximity and the long-running social and cultural connections we share.

Practices which exacerbate drought conditions and cause pain and misery to small, vulnerable, isolated communities strike a nerve with our community, and Australians generally. They offend our basic democratic values and the expectation that within and between states, citizens should all be treated equally and respect.

The entire southern basin including the Mildura electorate is at the mercy of decisions made further north. We pay the consequences for over-extraction upstream.

*Ali Cupper MP, Member for Mildura*

*Submission to the NSW Legislative Council Select Committee on Floodplain Harvesting*

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As there is currently a lack of regulation and measurement regarding floodplain harvesting practices in NSW, excessive water-take from the Barwon-Darling system is an issue with particularly significant consequences.

Not only does the practice impact water availability and pricing, but it risks deeply affecting the health of our ecosystem.

Unregulated water-taking was undoubtedly a factor in the lamentable mass fish kill incident which made international headlines.

For our region, and much of the Southern Basin, flows from the Darling River are paramount to both maintain crops, and ensure South Australia is provided its minimum annual water share.

Our greatest concern is the void of information about floodplain harvesting in general. The need for reliable estimates regarding floodplain harvesting is paramount.

We're sick of gaps in data; we need full transparency.

Without it, unconscionable water-taking along the Barwon-Darling will continue, and family farmers in my region will cop the brunt of the impact.

The Mildura region supplies 80 per cent of Victoria's grapes, as well as almonds, citrus and dried fruit.

The vast majority of our crops are permanent plantings, which are heavily reliant on water during peak summer periods.

If there is further over-extraction upstream of our region it has the potential to wreak widespread and unnecessary devastation.

To avoid this, water-taking from floodplains needs to be fully accounted for and measured under the cap system, ensuring compliance within the statutory water-take limits. All illegal practices and over-consumption need to be stamped out.

Regulation is desperately required to prevent greedy actions in the Northern Basin, and to protect farmers in my region who depend on reliable and fairly priced water.

Peak farming bodies in my electorate are united in their opposition to floodplain harvesting in its current form, on the basis that:

- Floodplain harvesting contributed to the disconnect of the Darling from the Murray in 2019;
- It directly impacts water availability and pricing;

- Southern basin water users are providing up-to-date metering and compliance data on a regular basis, yet parties in New South Wales aren't required to.

Our community wants assurances that if floodplain harvesting continues, it is done in a way that is fair, transparent and accountable to the rules and objectives of the Murray Darling Basin Plan. Further, that it is consistent with the basic values of fairness and decency that Australians should hold towards each other, both within and across State lines.

In her excellent submission to this inquiry, my parliamentary colleague Independent Member for Shepparton Suzanna Sheed recommended that the NSW water harvesting legislation be modified to reflect the 1995 Basin Cap Agreement and the sustainable diversion limits contained in the Basin Plan. I agree with her position and reiterate what she proposed. That the NSW Government should:

- i. Adhere to the Basin Plan SDL's as a further step that uses the 1995 Cap on diversions as its basis;
- ii. Adopt appropriate end of valley targets to ensure it provides its appropriate share of downstream flows into the main stem of the Murray River.
- iii. Adopt the 1995 levels of development when determining floodplain harvesting licences as it committed to do;
- iv. Adopt a series of management actions and water recovery that meets the further 23% reduction in licenced volume used in accordance with the Basin Plan;
- v. Remove the concept of carryover of 'underuse' which is effectively an averaging of take condition, not a carryover of real unused water.
- vi. Immediately implement a state-wide metering program and undertake transparent and appropriate annual water accounting in the northern basin which incorporates floodplain harvesting.
- vii. Develop a suite of surveillance and monitoring of use activities to provide confidence to the Australian community the changes are real and continuing.

## **Ali Cupper MP**

Member for Mildura

31 August 2021