

REPORT ON PROCEEDINGS BEFORE

**PORTFOLIO COMMITTEE NO. 7 - PLANNING AND
ENVIRONMENT**

**RATIONALE FOR, AND IMPACTS OF, NEW DAMS AND OTHER
WATER INFRASTRUCTURE IN NSW**

CORRECTED

**At Council Chambers, Broken Hill City Council , Broken Hill
on Wednesday, 10 February 2021**

The Committee met at 14:45

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Buttigieg

The Hon. Catherine Cusack

The Hon. Ben Franklin

The Hon. Mark Pearson (Deputy Chair)

The Hon. Penny Sharpe

CORRECTED

The CHAIR: Welcome to the fifth hearing of the Portfolio Committee No. 7 inquiry into the rationale for, and impacts of, new dams and other water infrastructure in New South Wales. Before I commence, I would like to acknowledge the Wilyakali people, who are the traditional custodians of this land. I would also like to pay respect to Elders past, present and emerging, and extend that respect to other First Nations people present. Today we will hear from local councils in the regions affected by the proposed project at Menindee. We will also hear from representatives of activist groups and Aboriginal Elders from the impacted areas.

Before we commence, I would like to make some brief comments about the procedures for today's hearing. Today's hearing unfortunately is not being broadcast. However, a transcript of today's hearing will be placed on the Committee's website when it becomes available. In order to ensure compliance with Broken Hill City Council's COVID-safe plan, all visitors including witnesses are reminded that they must register their attendance in the building via the Service NSW app.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. I remind everyone here today that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. I now welcome our first witnesses.

CORRECTED

MARION BROWNE, Councillor, Broken Hill City Council, affirmed and examined

TOM KENNEDY, Councillor, Broken Hill City Council, sworn and examined

KEN ROSS, General Manager, Wentworth Shire Council, sworn and examined

TIM ELSTONE, Councillor, Wentworth Shire Council, sworn and examined

GREG HILL, General Manager, Central Darling Shire Council, sworn and examined

The CHAIR: I understand that you have prepared some opening statements for the Committee. We will start with Mr Hill from Central Darling Shire Council.

Mr HILL: On behalf of Central Darling Shire, I would like to submit the following submission. I have provided a number of handouts to the members which I think will be distributed during the course of the day. The first thing I am going to start with are the recommendations we have put in Central Darling Shire's submission. One, the Lower Darling must be managed to deliver a healthy and connected river. Two, local government and communities of interest must be a part of the ongoing management, discussion and deliberation of decisions. Three, government must listen to stakeholders' comments and feedback. Four, important spiritual and cultural values of the Aboriginal population along the river must be recognised in all management decisions and this community needs to be engaged in an active management of the river system.

Five, there is a need for a cooperative and collaborative approach to be adopted if a long-term solution is to be agreed upon in the implementation. Six, critical urban infrastructure capital investment such as town water supplies, storage, treatment plants and storage for remote rural councils must be owned and funded by central governments. This includes the depreciation, as a capacity to pay is not sustainable in these communities. Seven, strategic, worst-case scenario planning must be undertaken for critical human needs—water, supply—given the high variable flows in the Darling system. Eight, government must plan, fund and deliver capital projects in a timely manner. Nine, finalise and fund the Western Weirs strategy. Ten, develop a cross-border water user arrangement to deliver a healthy Darling River.

With that, I would like to go through the background. Central Darling Shire Council size is approximately 53,000 square kilometres. It has 1,837 residents, which is ageing and declining in population. Fifty per cent of our community is Aboriginal. The largest portion of the Darling River is actually through the Central Darling Shire. We have probably the largest part of any river system running through our shire. As to Menindee Lakes, the sustainable diversion limit [SDL] program and the Stakeholder Advisory Group, council is a representative of the SAG. The infrastructure being proposed by the State Government is not acceptable by the SAG. As a SAG, we see policy is required before any infrastructure is to be built, to ensure that flows will continue to flow to the lake system and beyond the lakes through to the Murray. What is being proposed at present is to store less water and draw water down quicker on the supplies. This is detrimental to the lakes' ecology system.

Water security for towns: We require a minimum of two years' water supply for our towns being in our weirs. Regular flows or periodic flows for flushing—this is to reduce the salt content and also reduce blue-green algae in the future. Water infrastructure in Central Darling Shire is reliant on State and Federal governments for renewal and upgrade, for water treatment plants and reticulations. Central Darling Shire rates income is under \$900,000 a year, with fees and charges approximately \$2 million. Depreciation covers by rates and fees and charges—we can't. New projects over the next two years is up to \$2.5 million with water treatment plants and reticulation systems. With the council having to cover the depreciation, this equates to \$417,000 per annum for 400 users. We request that the State Government or a government, other than local government, looks at taking on this infrastructure to take the burden of the depreciation away from councils.

Ms BROWNE: Thank you for the opportunity to present to this inquiry. I would like to pass on the apologies of the mayor who really wished to be here this afternoon but was unable to do so. Broken Hill is a key centre for communities in Far West New South Wales that are totally reliant on the Darling River. The river remains an essential element for the maintenance of the quality of life for this city. As you would be aware, Broken Hill now receives its water supply through the new pipeline from Wentworth, but Broken Hill City Council continues to advocate strongly to maintain the integrity and the health of the Darling River on behalf of our community and all the communities that live along the river. We believe that the construction of new or expanded dam infrastructure or off-river storages along the Darling River, or its catchments, will mean that we will not see again a river that can flow from its catchments to the junction with the Murray. Without connectivity, the river will die and we cannot, in good conscience, lend support to any such proposal. I will note briefly some of the

CORRECTED

consequences for our city and this region of a compromised river system, which we believe would be exacerbated by the construction of more off-river storages and dams.

First, the health of all our river communities is reliant on the presence of a healthy river, not only for critical human and stock needs but also for essential traditional cultural purposes for First Nations people and recreational uses for everyone. Far West communities will be increasingly reliant on tourism to grow their economies and to increase their population in the longer term. Broken Hill and Darling River towns are reliant on water flows to attract visitors for camping, fishing, boating and other activities, and to keep their own residents at home and therefore money within the community. Increasingly, ecotourism is an important and valuable segment of the tourism industry. Studies have shown that the potential to generate jobs in environmentally related enterprise is greater than that for many traditional businesses, including irrigation.

The environmental consequences of a mismanaged system became clear to the nation with the devastating fish kills of recent months. The Darling River has been found to be an effective fish nursery for the Murray River. The economic consequences of a loss of this resource would be extensive. Broken Hill City Council is also a strong supporter of the push by Far West councils to have the Menindee Lakes declared a Ramsar site because of the significance of its migratory bird population. Broken Hill City Council calls for an immediate halt to any plans to reconfigure the Menindee Lakes system until there is more robust engagement with key stakeholders regarding the reconfiguration initiative. We have expanded on all the issues I have raised in the more detailed submission, which I hope you will be able to accept. Thank you very much for the opportunity to contribute to this inquiry.

Mr KENNEDY: Thank you for giving Broken Hill City Council and the other councils the opportunity to speak here today. I am a councillor on Broken Hill City Council who was first elected in 1999. I am also an active member of the Broken Hill Darling River Action Group and served in various roles. I first became involved with water management issues in 2001 after the New South Wales Government released all the water from the Menindee Lakes scheme, leaving only 13 gigalitres out of 2,000. This left Broken Hill in a dire situation and also resulted in Menindee township losing many jobs, residents and permanent plantings. Water management over this period has become worse rather than better. Interest groups seem to drive water management rather than the communities. Some of the issues over that period have been the almost decommissioning of the Anabranch, even though it was promised by the then New South Wales Government to have significant flows five out of 10 years.

Another major issue has been the drying of the Darling River and the Menindee Lakes schemes on a regular basis. Government may mean well, but too often interest groups end up having access to stored water well before what was originally intended. I have experienced firsthand the impact this has had on Menindee township and the river communities, particularly Wilcannia and Broken Hill itself. It has resulted in mental health issues, domestic violence, drug and alcohol use and suicide, at its worst. The proposed infrastructure improvements I have no doubt will improve society outcomes for some but will have unwanted effects in the lower river communities. The Wyangala Dam increase, for instance, at some point in time will have a similar effect on the Lower Lachlan and Murrumbidgee River as the Darling River has experienced from increased storages on its tributaries. It will affect wildlife and communities, and I hope that the Broken Hill City Council presentation today helps the members of the inquiry understand this. And we do have a more detailed submission. Thank you.

The CHAIR: Thank you very much, Councillor Kennedy. Finally, Wentworth Shire Council.

Mr ROSS: On behalf of Wentworth Shire Council we thank you for the invitation to appear today. I can only wholeheartedly concur with my co-adjointed councils. Wentworth Shire Council has demonstrated through many and varied advocacies to Ministers, Department of Planning, Industry and Environment [DPIE] representatives, WaterNSW personnel, submissions to inquiries, appearances at royal commissions, the willingness and passion and the desire to seek resolution to all aspects of water policy—regulation policy, quality and infrastructure. The first point when reflecting upon this is what we need is water. Achieving connectivity through the system is a must. When reviewing the terms of reference and looking at the items of our major concern, being the Menindee Lakes system and the Western Weirs project, it was difficult to come up with a submission which could be considered in its—what will I say?—adequacy, because of the lack of detail provided to us.

What we have on the ground as late as yesterday was the Western Weirs project update where they talked about 29 structures. In our shire we have three—the Pooncarie Weir is obviously our most pertinent and relevant one. But the timeline for the Western Weirs project has now nominated that we will get a study, a draft for consultation, in September 2021. So just sitting here before an inquiry this afternoon to pay particular comment in relation to that aspect is a difficult one. In relation to the Menindee Lakes system, once again I found it difficult to provide comment due to the lack of detail around that one. So, while I support the initiative of the inquiry, I think there is probably more work to be done before we can have that fullness of informativeness around the issues.

CORRECTED

Going back to the infrastructure of the Pooncarie Weir, the weir is a council-owned infrastructure in the channel of the Darling River. This caused complications for us by the fact that the weir was replaced in 2013 at a lower crest level and creates lesser storage capacity for the town and water security of Pooncarie. This obviously impacts on our social, economic and recreational attributes of the small port of Pooncarie. If there was to be such a request out, the position of council, futuristically, in relation to the Western Weir project and primarily for the Pooncarie Weir is that crest level of 40 Australian Height Datum [AHD] creates a bigger weir capacity or weir pool, improved fish passage and the transfer of ownership to the WaterNSW authority. I will conclude now. Thank you very much for your time.

The CHAIR: Thank you very much. Councillor Elstone, do you also have an opening statement?

Mr ELSTONE: Thank you, Madam Chair. We intend that to be a joint statement by council. I would like to just mention for the Committee's benefit that I am a real estate agent at Wentworth that does do a bit of water broking. So, just to clarify any pecuniary interests, I certainly have not got one here today. I am here to represent the Wentworth Shire Council and its community in the Lower Darling River. Further to Councillor Browne, Councillor Kennedy, Central Darling and our general manager, I would point out that connectivity and getting water to Menindee has got to be our biggest single focus. In terms of those projects that are would be/maybes, it is pointless if we have not got water. And that is the key, I think. We did make a submission. We will be happy to answer any questions to it from there.

The CHAIR: I will start with you, Councillor Elstone. You were just saying the greatest thing that you are looking for is connectivity in the system, water to Menindee, flows in the Lower Darling. Clearly that is not happening. In fact the Menindee Lakes water savings project looks like it is taking water out of Menindee, isn't it?

Mr ELSTONE: Quite correct, Madam Chair, and we are not even sure what it is. Nobody is saying anything. The issue with these projects for us is we do not know what they are. What we do know is that if we cannot get water through the system to Menindee, we have not got a project to work on, if there is going to be one. The community does not want it; they never have. The Government just bats on. Connectivity from the top to the bottom is what our communities have been about for as long as I have been a councillor, which is only one term. And it has been repeated, repeated, repeated. And sadly I would say it falls on deaf ears.

The CHAIR: It sounds like that connectivity of the system is being sacrificed, as may be some of your regions, for something else. I think, Councillor Kennedy, you said—and maybe you would care to expand on this—it was to improve societal outcomes for some.

Mr KENNEDY: Yes.

The CHAIR: Are your regions, Menindee Lakes and the lower Darling, being sacrificed for others? Is this what is happening?

Mr KENNEDY: Yes. That is—without a doubt—what is happening. The terms of reference for this group, I think, are great. The two submissions put in by the New South Wales Government and WaterNSW failed to even mention the Menindee Lakes storage scheme. That sends a clear message to us that it is either already decided or they are not really interested in what is happening down in this area. Any dams up north are going to have an effect on connectivity. The New South Wales Government has more or less said that the dams will increase connectivity. The experience of Councillor Browne can confirm this: As more water has been kept up in off-river storage, there has been less water down the Darling River. That connectivity issue has become a real issue. I will use Wilcannia as an example, as opposed to Menindee, because Menindee also has the additional effect of having no river and their lakes drying up. So I will just use the connectivity of the Wilcannia community.

The Wilcannia community for the vast majority of my life, growing up in Broken Hill, up until about the last 15 years, had water there for most of the time. Regularly now there is no water. We were delivering bottled water to that community. I am sure the Indigenous groups that speak later on will confirm this. There is an increase of alcoholism, drug use, and depression in general, when there is no water in the river. There is no way for those communities to get together as families, fish and do that sort of stuff. This has an effect on Broken Hill, which for Wilcannia is a sort of hub. So most of the shopping is done at Broken Hill via a bus that comes in once a fortnight. Just the other day, last week, water is back over the Wilcannia weir, and there have already been dozens of people saying on radio and other ways how relieved they are as a community to finally have that connectivity of the river. It needs to be all the time. It is having an effect where people were happy and then unhappy. It has a grave effect on mental health and wellbeing in this area.

I am sure that the dams will be a significant improvement to some up north. But the reality is, to the lower communities, it has a significant effect every time water is taken out of the system to be stored in a dam. What tends to happen, even if it is meant for wellbeing—it's a good thing, when governments first do it. Once that

CORRECTED

water is taken out, at some time that water is kept in Broken Hill. Then Wilcannia, the lower Darling, Pooncarie suffer, and we suffer greatly. I can see it is going to happen to other lower river communities as these dams continue to grow all over the upper northern reaches of New South Wales.

The CHAIR: With restoring connectivity, clearly, the water has to come from elsewhere for equitable distribution. I understand that is what you are all calling for. What is your response to the inevitable "We need to be growing the crops upstream. We need the water. There is less water because of drought"? I am not saying that is my argument by any means. What is your response to that, if we were, for example, to make a recommendation around base flows and connectivity? Those licences, I assume, have to come from upstream.

Mr KENNEDY: Yes.

The CHAIR: What is your response or solution?

Mr KENNEDY: We are not anti the northern basin or those things. A lot of the time, they are family businesses that have always have flood plain irrigation. But they have never taken the vast majorities that are being taken now. They are now corporate-owned organisations that take a great amount of water. Once upon a time, they were C-class licences that were only used when there was excess water, and everyone was happy for that. But then, all of a sudden, we come to the point we are in. They were saying they had invested so much in infrastructure so they expected that water every year, regardless of how much rain there had been in that year. What that tended to do to us as a community and to the Darling River itself—water was being taken out of the system when it shouldn't have been taken, which means that we have now long dry periods. We have always had drought; we have always expected drought. When there was a drought, though, there was no flood plain irrigation other than small dams.

What is happening now is these major corporations are the group that is taking first access to the water, which is now making communities such as Wilcannia, Menindee pay particularly. But the follow-on effect of that is Broken Hill. I am sure that it is not going to be just the Darling River; I am sure it is going to affect other rivers, the Murrumbidgee, Lachlan, and it is going to be ongoing. We don't want to see northern basin communities suffer. But you need to go back to the thing, that a C-class licence is only when there is excess water, A-class for permanent, and communities and stock be put first. If the Government does that, then there won't be a problem. The problem with dams is it allows governments to decide who is important, and we all know that, when it comes to politics, the biggest voices are those of the people with money. Why people from Broken Hill and Wilcannia miss out regularly is because the pressure groups are the people that put the most pressure on governments to get their share first. All we want is a reasonable share. We would be quite happy to go back to what it was like 15 years ago. The Murray-Darling Basin Plan was meant to improve outcomes across the basin system; for us, it has actually had a devastating effect.

Mr ELSTONE: In 1994 or 1995 there was a supposed cap on what the take out of the north should be. We are led to believe that it was about 500 gigalitres. Now we are seeing the flood plain harvesting attempt to licence 1,400 gigalitres. Some clarification or feedback on that would be of great interest because it is a significant amount of water, of course, 900 gigalitres, and that would make a hell of a difference to the downstream flows.

The CHAIR: This inquiry is into the Menindee Lakes Water Savings Project and the Western Weirs Program and a bunch of other new dam projects and flood plain harvesting. We did discuss it at Sunset Strip today. It is incredibly topical but slightly different to the terms of reference. But be assured that we are on to that in a separate responsibility. Does the Opposition have any questions at the moment?

The Hon. PENNY SHARPE: Thank you for coming in today. I want to ask a question to Mr Hill first, specifically to deal with your submission. You said, "Local government and communities of interest must be part of the management and discussions." What is missing now?

Mr HILL: We believe, especially from what we are seeing through the SAG at Menindee, that there is a lack of respect in what is being said and what is being—

The Hon. PENNY SHARPE: What does that actually look like? When you have 25 members from all parts of the community turning up to try and have a discussion about what is going on, what does lack of respect look like?

Mr HILL: When the delegates turned up in August last year they presented 12 options, schematic drawings, very limited information. They more or less said, "You guys are going to have to choose three out of the 12 for us to move forward." From that we asked for more information. We are not going to put ourselves as individuals, representing the community, on the line to make a community decision when there is limited information. There is no way in the world I am going to do it as general manager for Central Darling Shire, and I wouldn't expect any other ratepayer or resident in the community on that SAG to do the same as well.

CORRECTED

The Hon. PENNY SHARPE: At the moment, there are the 12 options. You are supposed to have picked three. Where is that up to?

Mr HILL: That is now back down to two, and I believe they have introduced another option which I have not seen yet. This option (m) came out of the blue. Again, from what I said in my opening statement, the SAG feels that we do not want to look at any other options moving forward, we just want to be listened to. What we have always talked about is flow. It is about producing policy around how you are going to introduce flows—regular flows—back into the lake systems before you even talk about building infrastructure. We are talking millions—probably billions—of dollars' worth of infrastructure, yet there is no policy or management plan.

The Hon. PENNY SHARPE: You just want a guarantee that there is going to be water in the river.

Mr HILL: How can you build something if you do not know what is going to be there? That is like putting the cart before the horse. You need to know how much water you are dealing with before you actually build something.

The Hon. PENNY SHARPE: I appreciate that, thank you. Mr Ross. I am interested in your comments in your submission about the Menindee Sustainable Diversion Adjustment Mechanism. You said you were at an impasse. Do you want to talk to us about where your council area sees itself at and where you see the Government in relation to this?

Mr ROSS: Can I defer to my councillor?

The Hon. PENNY SHARPE: Sure.

Mr ELSTONE: Thank you, Mr Ross. I think, along with Greg Hill, that the failure that we see is the communication loop. They get back to a SAG meeting after having a disruption back in September-October and say, "We want to talk about connectivity; we want water down the river before we worry about projects", so they come back to a meeting four or five months later to be told, "Here are your two options." I think that is the problem we have experienced across the board. Broken Hill pipeline was a classic: The first our council knew of it was when we read it in the paper.

The Hon. PENNY SHARPE: Do you have any comments, Councillor Browne, around the community consultation and involvement, and genuine community solutions to this issue?

Ms BROWNE: Through the Chair, yes, it has been a topic of much debate and many motions through the council. You will see in our submission that we have detailed the numerous motions that this council has passed over a number of years, so we do accept and appreciate the fact that the department does organise regular updates and consultations with their media people, their communications people, but we see that as being perhaps after the event and not real, genuine consultation that is actually intended to define the proposed restructure or to determine whether that restructure is in fact necessary.

Mr KENNEDY: Could I answer that question, because it is an important one?

The Hon. PENNY SHARPE: Sure.

Mr KENNEDY: Public consultation is about getting the community's opinion on different matters. The terms of reference for the stakeholders group, the Menindee stakeholders group, was to deliver 106 gegalitres of savings to the Murray-Darling Basin Plan. To achieve that 106 gegalitres of savings actually meant that the Menindee Lakes could only hold 80 gegalitres of water out of 2,000. That is not public consultation. If the Government was truly interested in public consultation, the terms of reference would have clearly stated "any savings". Then the 25 people, or the groups, that were involved would have actually had some input into the consultation. That is like saying, "You can pick this bad thing or you can pick that bad thing." That is not consultation.

The terms of reference meant that there was no public consultation. Setting the terms of reference to deliver 106 gegalitres of savings meant that the Menindee Lakes can only hold 80 gegalitres to achieve that target. No-one, not one of those groups out of 25, believes that there should only be 80 gegalitres of water in the Menindee Lakes. This is the reason that the Menindee township has lost many permanent plantings, it is why people are leaving Menindee and it is why people have no faith in the Government at the moment. It is fine to say that we have public consultation and then say, "You will achieve a result that only leaves 80 gegalitres of water." That means no water at Sunset Strip, no water at Copi Hollow, no water in Menindee Lakes, no water in Cawndilla or Pamamaroo. The only place that water can be stored is in the river itself at Lake Wetherell. That is not public consultation, and that is where the Government has let the communities down at a local level because it is not interested in consultation, it is actually interested in telling us what we will get.

CORRECTED

The CHAIR: In other words—and I do not even need to put it in other words because that was so eloquently put—instead of consulting on 106 gegalitres, it is like they are putting to you the destruction of a town and the destruction of Menindee Lakes. In the Broken Hill council submission you say that it is unacceptable to destroy the Menindee Lakes environment because that is the outcome of this project.

Mr KENNEDY: Yes.

The CHAIR: That is what you are being consulted on.

Mr KENNEDY: The consultation is how do you deliver only 80 gegalitres of water in the Menindee Lakes? We are actually destroying a significant environment, a significant cultural area, something that holds 2,000 gegalitres of water, that has significant birdlife and fish life, as Councillor Browne said, to have 80 gegalitres there. That does not even last 12 months in a normal year in this heat. It is almost disgraceful that the Government is saying we have public consultation when it comes to that stakeholders advisory group.

The Hon. MARK PEARSON: Just to follow on from that, obviously everybody would have been rather shocked that the consultation was really a choice of two options, neither of them acceptable. Have you made inquiries as to why the Government would have put you in that position? What was behind it?

Mr KENNEDY: The Government themselves and the elected members of the Government have actually been quite good at different times. They can understand that it is not a good thing and it is not actually public consultation, and we have been given commitment over the time by different elected people that that would change, but ultimately it never changes. The proposal is that you must only have 80 gegalitres and this has been said because, under the Murray-Darling Basin Plan, New South Wales has to deliver another 200 or so savings, or 500 savings in gegalitres, and 106 of that will come from the Menindee Lakes because Menindee Lakes is being used as the scapegoat, as the easy target, to save 106 gegalitres because our population is small, our financial fighting power is small, and that allows the Government to target us and use us as a scapegoat because of the sheer low numbers population to vote them out.

The Hon. MARK BUTTIGIEG: You mentioned all the birdlife and wildlife, and the environmental fallout from all of this. I am happy for any of you to take this: Have those factors been incorporated into the Government's decision-making? It seems to me that there is a trade-off occurring here. I do not want to put words in people's mouths, but just tell me to what extent have those environmental values been incorporated into the assessments?

Mr KENNEDY: I am sure Ms Browne would be able to answer this as well. There are rare speckled ducks, there are migratory birds—there is a whole heap of different birds. The plan has always been about delivering environmental outcomes. To achieve those environmental outcomes, what we have been told is that we must get rid of an area that is rich in birdlife, rich in fish—they actually now can tell where fish come from by little stones in their head. They have found fishes down as far as the Coorong in South Australia, so the Menindee Lakes has always been a breeding ground for fish. I am sure the Committee would notice the amount of fish kills that have been happening because of that continuity of water, where it dries and suddenly fresh water comes in and it kills thousands of cod. The Menindee Lakes has been forgotten as far as the environment goes, and it was a significant environment. I was told, and I am sure the Committee can check this, it actually had the highest amount of bird species of any wetlands in Australia. That is how significant an impact it has had, and I am sure Ms Browne could add to that.

Ms BROWNE: I will just add a little. There is no evidence that the Government has seen this as any sort of priority and I have heard them use the argument that because the Menindee Lakes is not a natural structure, which we would contest very vigorously, then it is perfectly right to modify that structure. Our belief, but not only our belief, what is the fact is that this is a historic chain of—I have forgotten the technical term but it is lakebeds that have periodically filled all of those lakes over recorded time and those migrating patterns of these waterbirds, the lakes have always been the central part of one of their stopping-off points. It is really very rich and very important part of the economic future.

If horticulture and agriculture is no longer to be part of Menindee, because essentially those industries have been killed off as a result of the changes we have been talking about, the future must lie in tourism, essentially. They have to have some means of generating employment to keep their population and really the only realistic option, if there is no longer a viable horticulture industry, is ecotourism. As our submission has indicated, and I mentioned in my initial comments, then the economic potential is very rich. I think that must be taken into consideration with any consideration of the Menindee Lakes.

The CHAIR: Thank you, Councillor Browne. We have three minutes for this particular session. A question from Mr Franklin?

CORRECTED

The Hon. BEN FRANKLIN: Thanks very much, Chair. If I could just move to a different issue from the Wentworth submission which refers to water infrastructure technologies—but this would be relevant to everybody potentially if you would like to jump in—that promote enhanced environmental outcomes. A point that you made in your submission was that any of these technologies should include considerations for the benefit of the wider community, which is I think is a good point. My question is: Have you had any feedback from the community broadly or from landholders about particular types of technologies that could be supported by Government; that we could recommend in this Committee that you think are actually things that have not come up in the debate but are worthy of raising now to us?

Mr ROSS: Thank you for the question. Unfortunately, I am drawing a blank in relation to that. I will have to take it on notice. But the participation and the consultation has not delivered any outcomes. In my mind, it is a common sense approach to have that balance of having opportunity everyone to be satisfied and work with innovations and technologies to achieve that.

The Hon. BEN FRANKLIN: I totally hear the point about consultation and that is why I wanted to ask on this particular issue if there was anything that anyone wanted to raise.

The CHAIR: Ms Cusack? Mr Hill and then a question from Ms Cusack.

Mr HILL: I suppose one thing from Central Darling's point of view and from Wilcannia down to Lake Wetherell there is approximately 400 kilometres of river. To restart that portion of the river takes a significant amount of water. Before we had our first flow back in March of last year just to start the river again takes a significant amount of water just to wet the riverbed up and get that flow to actually run back over through the river system. By drying out the lakes and having them semi-permanently dry, to re-wet those lakes takes an awful amount of water. Now, I do not know what the figures are but I know for a fact that there is no river monitoring between Wilcannia through to the lakes. There is a lack of monitoring. There is lack of information. It is part of the SAG and some of the discussions, when we were actually asked about what it actually does take to wet up a riverbed to get a flow across, they could not tell us. So there is that lack of, probably, technology which then drives the information to make decision-making policies.

The CHAIR: Thank you very much. We are right on 3.30 p.m. We have to be very quick because it is eating into other time.

The Hon. CATHERINE CUSACK: My simple question is this: The proposition put to us is about restoring connectivity to the river here. I just wonder if you have a definition of what that meant.

Mr HILL: On our Central Darling shire that would be connectivity right through to the Murray River through to the lakes system.

The Hon. CATHERINE CUSACK: Do you mean like the continuous flowing?

Mr HILL: No, it would not be continuous.

The Hon. CATHERINE CUSACK: Can you pin it down a bit more?

Mr HILL: Yes. It would not be continuous flow but regular flow where we would not have the issues we deal with now in blue-green algae, salinity, drying out of pools of water where we have fish kills. So we understand that the Darling River system did stop flowing at some point. We understand that and we accept that but not for extended periods of time—six months or more.

The CHAIR: I will have to draw that to a close. I think that question would be really well placed for the next group of witnesses too. Thank you very much for appearing today. I am sorry we could not have more time with you. Thank you very much for your evidence.

(The witnesses withdrew.)

CORRECTED

ROB McBRIDE, Owner, Tolarno Station, Menindee, sworn and examined

DARRYN CLIFTON, Vice-President, Darling River Acton Group, affirmed and examined

JANE MacALLISTER, Community Organiser (Water) Nature Conservation Council of New South Wales and Councillor, Wentworth Shire Council, affirmed and examined

The CHAIR: We now welcome our next witnesses. Would either or all of you like to make a short opening statement? Mr McBride?

Mr McBride: I think Ms MacAllister will start, but first off I would like to pay my respects to the Barkindji nation—to past, present and future generations. Fifty per cent of the Central Darling shire is First Nation and they have been decimated. Their river is the Baaka and their name is Barkindji.

The CHAIR: Thank you very much. Ms MacAllister?

Ms MacAllister: Thank you, Madam Chair. If I may, I have sought leave and I believe have been approved to present this document from the Australian People's Tribunal, which had a citizens inquiry across the Darling-Baaka through 2019. I will read, if I may, a poem:

Will you please listen to our plea
From all us kids here in Menindee
The water is really yucky and smelly
So we don't want to put that in our belly
We have to buy water and it costs lots of money
So we can't have other things and that's sad for Mummy
But we make her happy and say don't be sad
We know you do this because the water is very bad
People say us bush kids are all real tough
But I heard a sad old man say "gee we're doing it rough"
I asked daddy was the old man okay
He said "yeah, he's never seen the river this way"
When we wash, water helps make us clean
But I don't think it will, 'cause the river is all green
It smells really bad and nearly makes you spew
It smells worse than an old emu's poo.
The water from our lakes has been taken away
So we can't go camping and play all day
When we went to the river Nan and Pop cried
I think they were sad because all the fish died
We hope our river gets clean with lots of rain
Then everyone in Menindee will be happy again
We don't want them to keep being sad
So if you can help us, we will all be glad
Think of us Darling River kids when you go to bed tonight
'cause what's happening here, is just not right

That was from Jordin Gilby, an eight-year-old—well, she was at the time—girl from Menindee. The point that I am trying to make, Madam Chair, if I may, is that there is a voice that has been missing in all of this discussion. We all have an intergenerational responsibility; indeed, you all have an intergenerational duty. We need to take care of the environment in which we live—the living, breathing ecosystem that supports all life, including us—because if we do not, things die. I will leave that there for now. Thank you.

The CHAIR: Thank you very much, Ms MacAllister. That was a very moving poem.

Mr CLIFTON: Firstly, Madam Chair, I submit an apology for our president, Ross Leddra. After this morning's tour up around the lakes region he has taken ill and was not able to leave his residence at Sunset Strip after you departed today. Unfortunately Rossy has got his opening statement and the submission with him. He has asked me to mention a few points, and I am happy to take questions on those or refer them to Mr Leddra at a later stage. Basically, more dams in the north means less water down south. What we need is river connectivity, water equality, water for the environment, water for cultural purposes, water for economic growth below Bourke and water for social amenity. We do not want flood plain harvesting impacting on what was already taken away from the flows of the river. Over-extraction in the northern basin and over-allocation in the northern basin restricts the flows down in the Darling River.

The Menindee Lakes Storage [MLS] system worked well for 60 years until political interference with water sharing plans and that really came about in 2012 when the current Government came into power. We feel

CORRECTED

the New South Wales Government and the Murray-Darling Basin Authority concentrate their concerns around the northern basin and the irrigation industry. We feel the NSW Nationals party is also protecting the cotton industry in the northern basin, which restricts the flows on the water coming down the Darling-Baaka. With the MLS land project, with 106 gigalitres in water savings, the Menindee Lakes Storage system has already given enough. It is the milking cow of the whole basin. It is the biggest part of the New South Wales project, with 106 gigalitres.

Back in 2007 we already gave up the 47 gigalitres that used to flow down the anabranch. There was the buyback of the Tandure water, which was 23 gigalitres, and the extra 50 gigalitres of sustainable diversion limit [SDL] savings that was attributed by the construction of the Wentworth to Broken Hill Pipeline, which was mentioned in that business case but is refuted by WaterNSW. In essence, 120 gigalitres has already been taken out of the system. The New South Wales Government owes us 14 gigalitres to put back into the system. The Darling River Action Group is not prepared to sacrifice the Menindee Lakes Storage system of the Darling-Baaka River for the northern basin irrigation industry. Thank you.

Mr McBRIDE: Two years ago a mate and I sat on the Darling River and watched a couple of big fish die. Some 16 million people around the world said it was totally unacceptable. Two years later nothing has changed. We have got criminals who are parading as businessmen and irrigators in the northern basin. Our river system is dying. I cannot even attempt to suggest how I felt being there two years ago watching 100 million fish die. We are not talking a million fish; we are talking potentially, if you look at the small fish and the large fish, 100 million fish that died—not by nature, but all about greed and corruption, about "I want a bigger dam" and destroying the environment.

I thought we were in a relatively smart society. I thought democracy had come a long way. But it really is back in the book-burning days of the 1930s. Science has been thrown out the door. It is really simple. It is like a Rubik's cube: The bad guys have thrown it down and we all go, "Too hard." It is really simple. All the water has been stolen up there and our river system, our ecosystem and our communities are dying. The average life expectancy for a Wilcannia First Nations person for a female I believe is 42 years, and 37 years for a male. Their country is dying and they are dying. That is totally unacceptable. Mr Franklin was asking, "How do we change that?" Technology and science—it is really simple. We have had science, we have had satellites for 30 years going around the skies. The bad guys have been doing whatever they want while the satellites have been there. Technology has come a long way. We are in the Dark Ages. In the northern basin they are still saying, "We want flood plain harvesting"—which, again, I was with Martin Mallen-Cooper this morning who said it will kill the whole ecosystem—but they say "We want to put sticks in and measure how much water goes down on the stick." My God! This is ridiculous. We have science, but the thing is the criminals are making the Rubik's cube harder and harder to look at.

As I said, it is really simple: There is water up there. Twelve months ago there was a flood and it was stolen—the whole flood was stolen. Three months ago 94 gigalitres supposedly fell; maybe we might get four gigs down the river. These people have no humanity, whether they be corporates or whatever they are. They are inhuman. At the end of the day we have got to protect the environment for the next generation. Ms MacAllister summed it up: What are we leaving our children? If we destroy this ecosystem—we feed 40 million out of the Murray-Darling-Baaka. It is dying. Southern irrigators are here; they are getting murdered. Your food supply is getting murdered. That's okay, because somebody in South-East Asia wants almonds or somebody wants cotton. You cannot really eat cotton. You can eat cotton waste, but then again the chemicals might kill you in the long run. Anyway, I will stop rabbiting on. But realistically it is about science, technology—but integrity. It is really simple. Deal with integrity. Deal with science. That is all we need. We will get water back in our lakes and we will have an ecosystem and a future for our children. Thank you.

The CHAIR: Thank you all very much for your opening statements. In relation to the 106 gigalitres that we heard about from the councillors, where was that decision made? Who has made that decision?

Mr CLIFTON: Within government circles.

The CHAIR: Ms MacAllister—no, sorry, Mr Clifton and then Ms MacAllister?

Ms MacALLISTER: Just by way of response if I may, Madam Chair, I do have with me a letter from the chair of the stakeholder advisory group for the SDL project. Unfortunately he could not be here himself or indeed sign it, so it is an unsigned letter but it has recently been sent—it is dated 8 February. It revolves around the decision of the SAG not to meet anymore. It does effectively point out the fatal flaw in the project, being that without water effectively flowing into the Menindee Lakes—not just the gauge at Wilcannia where the northern basin ends but into the lakes—there will be no savings. That is the crux of the matter. The department has steadfastly refused to address that flaw and suggested it is not their issue and it is not related to the lakes—but it

CORRECTED

is. I would like to, if I may, seek leave to tender that document for the Committee. Unfortunately I only have one copy.

The CHAIR: That is fine. Now that you have mentioned that, could you just expand upon why? Is it because there is no water to save? Is that what you mean with the 106 gigalitre—there is no water to save because it does not get into the lakes in the first place?

Ms MacALLISTER: Yes, the saving is a sleight-of-hand piece of accounting, essentially. If I may just push the friendship a little bit, Madam Chair, I could refer to a recently published tome, *Dead in the Water* by Richard Beasley, who was counsel assisting the royal commissioner. It does outline some questions that we heard this afternoon around the figures: what is the environmentally sustainable level of take, how it fits in with the basin plan and how, I guess, there is a prescriptive function whereby the basin States rely on funding from the Commonwealth to essentially ensure the amended terms of the basin plan, which include the sustainable diversion limit. I think nobody can say it quite as colourfully as Richard Beasley, so I will defer to that book and suggest everybody read it if you can.

The CHAIR: You hear a lot of people talk about the fact that part of the reason the rivers are drying up and we are seeing all these devastating images is really because of climate change. Because ultimately, at some point, because of climate change, we have to acknowledge that these areas may become uninhabitable, may become unproductive in terms of farming and at some point we just have to make that decision. What is your response to that?

Mr McBRIDE: The Menindee Lakes were drained twice in four years. We had 16 years' supply of water that was sent down very, very quickly. That did not make economic sense. Yes, our environment is changing but, without the environment of lakes and rivers, it is going to collapse. So, to answer the question, we did have the rainfall. As I said, I refer to Martin Mallen-Cooper, a gentleman fish ecologist, who has gone back to the 1870s and he said, basically, the river did not go dry. Bad guys say it did; the facts show it didn't. Even in the Federation drought, it went to pool levels for about two or three months. That is up until recent times. Again, we have got science.

Our world is changing, there is no question about that. Therefore, can you grow irrigated crops in the northern basin, taking water out of natural catchments that have been there 30 million years, and where you do not have any measurements on how much evaporates and how much seeps in? They conceivably can do it with a metal tray in Menindee. There is a little metal tray in Menindee. It is that deep. It has got green water in it and they calculate how much that falls each day. They come up with a number. That is the number of the Menindee Lakes. That is pretty amazing because it is on hot asphalt, it is in a metal tray and the Menindee Lakes should be about 5.7 metres in depth, or 7.5 metres when normally supercharged. Turbidity should not be an issue.

It is just about science. I am a moron, but I get it. It is about using science to our advantage. We have got science. What the bad guys in the north are suggesting is: Let's go back into the dark ages. It is all about money. Money is our god; we want the water. Well, for the first 30 million-odd years, that was not the case and, again, I refer back to the Barkindji. They had respect. What we are learning about First Nations now more, around the world, is they respected things. They had integrity. Brewarrina fish traps may be the oldest structure on the planet—a couple of miles that way. A couple of hundred miles that way is Mungo Man. So you have got two of the oldest skeletal remains buried on the planet. The Menindee Lakes were there when these two events were happening. So did the rivers run? They certainly did. We have got a lot to learn from the Barkindji, and the people we deal with today are below contempt, but science and technology can answer these questions.

Ms MacALLISTER: I just wanted to mention that there is an agreed narrative that there must be winners or losers. Unfortunately, the basin plan, once again, has not factored climate change in, as yet. We are still waiting for that to happen. So the data is a furphy. It is not correct. There is no data around evaporation and we know that because our council tried to get a comparative study of evaporation rates at Menindee compared with northern basin storages. We got a call back from CSIRO suggesting that they could not find the raw data for the evaporation rates—the numbers that have been pulled out of the air. There are a lot of claims.

The community, you may be aware, are very supportive of a push to have the lakes Ramsar listed, and I think that speaks to their value. The entire community, all of the councils in this region, jointly and severally, including the Western Division councils, including the Murray Darling Association National Conference, including the Local Government NSW Annual Conference, all carried motions in support of Ramsar listing for the Menindee Lakes. It is not a drought storage; it is a living, connected wetland system that is connected not only through the surface but also through groundwater. The lakes are connected to each other and they are connected to the river. Again, if we do not sustain the environment which sustains us, then we will perish, and "losers" doesn't really cut it.

CORRECTED

The CHAIR: Ms Catherine Cusack, did you want to ask the question you were asking before in terms of connectivity?

The Hon. CATHERINE CUSACK: The councils all put that in their submissions and that is why I wanted to understand.

The CHAIR: Do you want me to go to the Opposition?

The Hon. CATHERINE CUSACK: I do not think it is in these witnesses' submissions.

The Hon. PENNY SHARPE: I just wanted to follow up on the Ramsar listing. I agree with you, and I know that councils—Broken Hill council and the others—have pursued this for a very long time. I know the people at Menindee have been very supportive. My understanding of the process to get Ramsar listing is that you need the State Government to do the work for a nomination that then goes to the Federal Government. Are any of you able to give me any feedback about—given the level of support—any action taken by the State Government to pursue this?

Ms MacALLISTER: Not the current State Government, no. But back in 2010 there were letters going backwards and forwards. There were letters of support from certain members at a Federal level, I believe. Unfortunately it was knocked on the head because the basin plan was about to come in and that was going to fix everything, so let's just wait and see. We have waited, we have been very patient and, you have seen today, emotions run high. This has been a fight that people have been fighting for a very long time.

The Hon. PENNY SHARPE: I am not familiar with the previous work on the Ramsar listing and I know that basically Menindee Lakes ticks every box in terms of the criteria. Is it fair to say that the New South Wales Government is just not interested in pursuing a nomination or is it that it has fallen off the list? Because the reality is that some of the processes that are going forward will essentially kill off the opportunity for Ramsar listing.

Ms MacALLISTER: Indeed, and it would be great to have a response from the Government on that, so that is what we are seeking.

The Hon. PENNY SHARPE: There is just no response—silence?

Ms MacALLISTER: This most recent push has not, I do not think, actually elicited a response thus far. We will keep urging the Government. My understanding too is that it does not necessarily need to be the Government that nominates. It can be nominated from anywhere, including from the—

The Hon. PENNY SHARPE: It can, but I think the general approach—

Ms MacALLISTER: It would be great to have the Government's support.

The Hon. PENNY SHARPE: —for these national ones is to have the State support it to the Feds.

Ms MacALLISTER: Indeed, yes.

The Hon. MARK BUTTIGIEG: It is a related question and you touched on it, Councillor MacAllister, and obviously the others as well. You touched on this in your answer to my colleague Ms Sharpe regarding the interface or the interplay between the Murray Darling Basin Plan and the "unnecessity", for want of a better word, of the Ramsar listing. Let's have a hypothetical. Let's say that the Murray Darling Basin Plan, and presumably those parameters—the hierarchy of essential human needs, environment, irrigation—were, in a perfect world, implemented rigidly and enforced. How much of this problem goes away?

Mr McBRIDE: This is to answer the question and answers Penny's question as well: Flood plain harvesting that the New South Wales Government is trying to legalise—if that goes ahead, the whole system collapses. If people respected the Murray Darling Basin Plan, things would be moving along well. But it was all about trust and honesty and integrity, and they are lost. The northern States, especially New South Wales and Queensland, have done everything to undermine the proposition. They have suggested, instead of the rivers, you have now got valleys. I have got too much water in my valley, so I take 10 times the amount of water.

The lunacy of the legislation has been prostituted so much that the system is collapsing. So there is no point in talking about Ramsar listing unless you wanted do it of a desert, because if they legalise that flood plain harvesting the whole system collapses. And it isn't just us. Remember it is your food supply. City people have to understand we feed 40 million people out of the Murray Darling Basin, and the southern irrigators and everybody else is losing their whole livelihoods and we're not able to feed ourselves. So does that answer the question to a degree? I guess the political nous is not there. Dr Emma Carmody, the highest regarded person probably in the world, is in New South Wales and she is working very hard, but Ramsar listing is the last thing the people up the river want. That is suggesting you want water and something for your future kids rather than money.

CORRECTED

The CHAIR: We will go to Ms McAllister, who I think also wanted to respond.

Ms MacALLISTER: Thank you, if I may. I think the relevant section of your question was that if the basin plan was working as it should, how much of the problem would go away. If decisions were made on the best available scientific knowledge and if the level of take was actually environmentally sustainable the environment would be sustained, so by its very definition the problem should go away if climate change was factored in, as it should be, and if First Nations cultural flows were also prioritised. As you say, under both the Commonwealth Water Act and the New South Wales Water Management Act, if the priorities were adhered as they are written—the environment being number one, and critical human needs, with irrigators last on the list—if they were not inverted, as it appears to be, as Mr McBride has just stated, then it should absolutely work properly. But those things aren't happening and they haven't been for quite some time.

The Hon. MARK BUTTIGIEG: The parameters and specifications and the motivation of that plan are by and large correct. It is just that there is no political will to enforce them?

Mr McBRIE: The States have gone underneath. It was an agreement with integrity and that was a hard thing. It was a handshake with integrity that all play by the rules. But as I said, since 1994 or 1995, New South Wales has increased dam construction—that is, private dams—by about 150 per cent more water being taken out of the system. There is no integrity there and each State is now fighting its own battle against each other instead of acting in the best interests of the whole system.

The Hon. PENNY SHARPE: It's a slightly different question. I wanted to go to what you have tabled here, Ms MacAllister, the Australian Peoples' Tribunal for Community and Nature's Rights. Obviously I have not had a chance to read it given that I have only just got it, but I just had a flick through and it seems to me that a lot of the issues to do with community consultation and the desires of the community have been well canvassed over many years. I am just wondering whether there has been an attempt to put this document in front of the stakeholder advisory groups and others, and whether there is any formal response from the New South Wales Government and its various agencies to this kind of work?

Ms MacALLISTER: I am not sure that the Government has seen the work, which is why I believe it is being tabled here today for the first time. The launch was, I think, October last year, so it is a relatively new document. There are recommendations and findings. The point, I guess, in tabling it is that it speaks the truth of the people, and as you have heard today there has been a lot of ignoring what people have been trying to say. We have been muzzled. We are 30,000 people west of Cobar, therefore we have no political clout and, of course, the environment has no voice. The creatures and the children have no voice. That is why it is vitally important. Please do read the document if you have time.

The CHAIR: I have spoken to a couple of people who have been involved in the creation of this document. The consultation was over how long?

Ms MacALLISTER: I believe it began in March 2019, and there were a series of community meetings at townships. There were also opportunities for people to give private testimony, if you like. There are also video testimonies available on YouTube as well if you would like to look at those.

The Hon. BEN FRANKLIN: Did people self-select or were people invited to be involved, do you know?

Ms MacALLISTER: There is an advertisement in there and it went around through public media. I think the councils promoted it as well. It was open invitation. Anybody could turn up, register your interest and if you did not want to have a public hearing you had an opportunity to have a private hearing.

The CHAIR: I am conscious of the report that this Committee has to do looking into the water savings project. The community has been offered the range of options that then came back with two options. I take it that you want there to be no Menindee Lakes Water Savings Project. Is that right? That would be a strong recommendation? There is no way it can be tinkered with? The whole fact that they are trying to save water from Menindee when there is not enough water in there anyway, you don't want that?

Mr McBRIE: You're collapsing an empty system, knowing full well about the ecology of 80,000 birds, 125 species from around the world, and the greatest wetland south of Kakadu, as Mr Kennedy said today. More species of birdlife come to Menindee Lakes than to Kakadu. Where are they? What future? How do you save water in a dry riverbed? The madness continues.

The CHAIR: Thank you. Just confirming that.

Ms MacALLISTER: I just wanted to mention there are international conventions that relate to the lakes as well, including the three migratory tree birds conventions and the biodiversity convention. Two of the lakes, at

CORRECTED

least Cawndilla and most of Lake Menindee, sit within Kinchega National Park. Under the national parks Act, I think what is happening to the lakes now and what has been happening, is in direct contravention, and that is before we even get to the Water Management Act.

The Hon. PENNY SHARPE: And that is also before the proper work has been done around First Nations cultural heritage as well.

Ms MacALLISTER: Yes, indeed.

Mr CLIFTON: With the SDL project, from day one in meeting one, the project manager stated that the project was off the table. It was untenable; it wasn't going to work. Towards the end of last year, Minister Pavey gave evidence in a parliamentary inquiry stating that the project was also off the table—it couldn't work in its current format—and Menindee needed at least 300 gegalitres in the system for the system to survive. They have put up the current option M and told us it is the best option that we have had in 60 years, so we should take it because we may not get another offer within the next 60 years. It virtually wipes out Cawndilla and Menindee and puts an extra approximately 585 gegalitres in Lake Pamamaroo and Lake Wetherell with the rising of the banks of three and four metres and the rising of the main weir by three metres. We do not know what the other option is—

The Hon. PENNY SHARPE: At what cost?

Mr CLIFTON: A lot of money. It has not been costed as yet and has not been fully modelled. But they are working on that. So whatever the other option is, we have not been notified and still have not been informed. Since we walked away from the consultation meetings—I think it was last September—our chairman Terry Smith has been keeping in contact with the project manager, and that is when they came out with option M a couple of months ago, which none of us had ever heard of. It was never spoken about, we were never consulted during the whole meeting processes. So it was a bit of a shock to all the committee members when option M came out. They preached for many, many years, in all the time I have been involved with water, that draining of Lake Wetherell was always to get the water off the flood plain. The flood plain had to survive and go back to its normal state. Now they want to flood it immensely and, from the map we have been given, it is really going to overflow the current boundaries of Lake Wetherell and it will keep the smaller lakes up on the western side full all the time. But as we heard in evidence this morning from the scientist friends we've had up there, we have to have that wetting and drying cycle of the lakes for it to work in the proper manner.

The Hon. MARK PEARSON: I did not get a chance to seek elucidation from some evidence given by Ms Browne, but I think you might be able to help. She spoke about recreation tourism and tourism as a consequence of international interest in the biodiversity of the earth, with a lot of animals migrating through here. Could you elucidate on what would be the potential benefits, economically and otherwise, of tourism coming back into this area if the lakes were replenished so wildlife would return?

Ms MacALLISTER: Is that for me?

The Hon. MARK PEARSON: I am looking at you, but anybody can answer. You look like the person who might have the answer.

Ms MacALLISTER: Thank you. I do actually have that in my head. There was a report that Deloitte brought out in 2012, just before the basin plan was introduced. I can't remember the title, but I am happy to get back to you on that. That did suggest that, basin-wide, recreational fishing and related tourism was potentially about a \$12 billion industry. Our slice of that pie is significant. We know that because all of the councils in this region have particular industries that are number one and very close to number one is recreational fishing and related tourism. We have seen through the last year of lockdowns the amount of traffic. An example is that at the Mungo National Park, which is part of the Willandra Lakes World Heritage area, there were 20,000 in a month, which is just a phenomenal amount of people, to the point that the infrastructure was having trouble with holding up that level of interest.

As Mr McBride has mentioned, since the mass fish kills, which touched everybody in a very deep way, which I find fascinating, there has also been this ghoulish tourism of people wanting to come out and see what is wrong. I was fortunate enough to do a radio interview with Wendy Harmer and Robbie Buck. Wendy Harmer mentioned coming out here because she had heard that the lakes were operating fine and she saw cows, as you did today, in the middle of the dry lakebed. So what's going on? I think it is great that people are becoming interested in their backyard. As you will know, Sydney is the furthest capital city from us, Adelaide being the closest and Melbourne second. But we are really not that far away. And we are certainly worth the drive.

The Hon. CATHERINE CUSACK: You said they put up option M. Can you just explain that to me? I don't know who they are, and I don't—

CORRECTED

Mr CLIFTON: Option M, obviously, comes through New South Wales Department of Planning, Industry and Environment. The project manager—can I say his name?

The Hon. CATHERINE CUSACK: I don't know.

The CHAIR: No, it's not necessary.

Mr CLIFTON: The project manager put through the details to our chairman of the SAG and said—

The Hon. CATHERINE CUSACK: Do you have a copy of that document?

Mr CLIFTON: I would have the email on my phone. I could put it through to you.

The Hon. CATHERINE CUSACK: Could you provide that to us?

Mr CLIFTON: Yes.

The Hon. CATHERINE CUSACK: That would be great.

The CHAIR: Take that on notice to submit.

The Hon. CATHERINE CUSACK: This was a DPIE process, not a WaterNSW process?

Mr CLIFTON: It comes through the Minister's office, I would suggest, and the controlling body is New South Wales DPIE.

Ms MacALLISTER: I think I might be able to help shine a little bit of light on the way things work. "DPIE Water" is the abbreviation. DPIE Water is in charge of policy and planning, as I understand. WaterNSW is a State-owned profit-making corporation, which is why they are benefiting directly from ownership of weirs, because then they can surcharge them and sell them for general security irrigation. But it is the department of planning, infrastructure and energy, water—in brackets—which is actually consulting, as it is or not, and coming up with the plans.

The Hon. CATHERINE CUSACK: Where are they based?

Ms MacALLISTER: Sydney, as far as I know.

The Hon. CATHERINE CUSACK: This is a document that has multiple options on it. Is that correct?

Mr CLIFTON: No. One.

The Hon. CATHERINE CUSACK: When you say M, I'm assuming there is also an A to—

Ms MacALLISTER: A to L was distributed to the group.

Mr CLIFTON: I think, at the last meeting, A to L—one of the SAG could help me—down at Pooncarie were presented by GHD Consulting. I think that was the firm. After that meeting is when everyone decided to walk away from the meetings and not consult until we got some guarantees through the Minister's office. Then option M came out just before or after Christmas.

The Hon. CATHERINE CUSACK: These meetings went over what period? They sound like they broke down in September and then something else was returned to the committee just before Christmas. Is that how that occurred?

Mr CLIFTON: That is correct.

Ms MacALLISTER: I am happy to provide all of that information.

The Hon. CATHERINE CUSACK: Can you? I think that would be very beneficial. Thank you.

The Hon. PENNY SHARPE: I think Ms MacAllister or Mr McBride might know the answer. I don't know. What percentage of the commitment that New South Wales has made to water savings generally within the Murray-Darling Basin Plan is the water saving strategy at Menindee? You can see where I'm going with this. How important is the Menindee Lakes saving to meeting the other saving targets across the State? Is that what is the real motivation around making sure that that goes through, rather than a consideration of the Menindee Lakes in and of themselves and the importance to their community?

Ms MacALLISTER: Indeed.

The Hon. PENNY SHARPE: Do you know the percentage?

Ms MacALLISTER: I don't.

CORRECTED

The Hon. PENNY SHARPE: My sense is that New South Wales has commitments under the Murray-Darling Basin Plan, they have to make savings, they are looking for places where the easy savings are and they have said, "Menindee is where we can make easy savings. There are harder decisions to be made in other areas around that." I am not trying to be terribly conspiratorial; I am just trying to get a sense of how important it is to the bigger plan and why the motivation to push this through, given such community resistance to it, is continuing.

Ms MacALLISTER: Basin-wide, the total is 605 gigalitres to be found through supply and efficiency measures, constraints, et cetera—all sorts of fancy words. Of that 605, 106 gigalitres of water is to come out of Menindee.

The Hon. PENNY SHARPE: That is what I wanted. Thank you.

The CHAIR: How much is coming out of the northern basin if 105 is coming out of Menindee?

Mr McBRIDE: That's the \$64 question. Throughout history, 40 per cent of the whole Murray-Darling Basin's waters came down the Darling-Baaka—40 per cent. The Murray is a totally different system from the Darling in a lot of respects. But 40 per cent, so vast amounts. But the thing is there were so few weirs and so few tests done along this river system that it was always vulnerable. That is why the bad guys capitalised on the fact that there is no knowledge and science behind it, and they just took the whole catchment. Remember there are seven tributaries that supply water to the Darling-Baaka. Forty per cent of the long-term supplies of water down the whole Murray-Darling Basin came out of the Darling-Baaka throughout history.

Ms MacALLISTER: Members may remember the disallowance in the Senate over a 70-gigalitre reduction in the total amount that was to be recovered for the environment. That was agreed on the understanding of a northern basin toolkit. Once again Richard Beasley articulates what that is better than I could here in a couple of minutes.

The CHAIR: I think we might have some weekend reading to do as Committee members with that book.

The Hon. CATHERINE CUSACK: In the submission you do refer to the connectivity between surface and ground water, which is a different form of connectivity. I just wondered whether you wanted to make any remarks about our state of knowledge of the groundwater and what information is available to know the impacts of these proposals.

Ms MacALLISTER: That is an excellent question, and it is one that requires a lot more research and a lot more data. There are a lot of unknowns around groundwater, exactly what there is and how it connects. I think our colleagues from the Barkindji, when they appear, might be able to elaborate on their knowledge, which is way more comprehensive than any that I have seen. What we do know is out here, where bores have been put down, looking for water during tough times, the groundwater moves and changes. There are shifting sands, hyper-salinity. You have heard about all of those things. When those bores are no longer active, so they are not able to be used because next year the water is just not there because the groundwater has not been recharged, which means it has not seeped through the ground into the groundwater, the department we were told when they were consulting around the water resource plans for groundwater has no process within it for, let us say, closing off inactive bores.

They threw out a number—and I cannot off the top of my head remember what that number was—of how many active bores there would be, and this was a Pooncarie meeting, and the locals sort of mumbled a bit, looked at each other and said, "That is not the right figure, I think it is something like," and it would have been about a third or maybe less, and it was discovered that they have no process for closing off how many inactive bores there are. So what data there is is not accurate. Even in looking for the science around what is available—and there has been some excellent science particularly around the Great Artesian Basin—the way that the basins underneath what we see on the surface interconnect is a big area of unknown, and we have seen in this State some environmental catastrophes, including at the Gardens of Stone where mining has undercut and the water no longer flows.

The Hon. CATHERINE CUSACK: Is it safe to say then that whatever the proposal is for Menindee Lakes, and whatever the policy is, we really do not know what the effects on groundwater will be?

Mr McBRIDE: The amount of water going underground is phenomenal. Each river red gum has about 45 gallons of water per day, so you will see that with this supposedly 80 gigs of water, the Darling-Baaka is going to be dry probably eight months in twelve and therefore every tree—hundreds of millions of trees—is just going to perish because you have got rid of their basic supply, so your underground water is just as critical an issue. That is why there has to be a water register in New South Wales. Pavey is saying, "We cannot do one, we need

CORRECTED

more community consultation." We do not need consultation. We need a register of who is taking what now. Then we can proceed, we can put that with the science and work out where we go.

The CHAIR: Ms MacAllister wants to answer this, and I have to draw a line under it.

Ms MacALLISTER: Yes, sorry, it has just taken a little while for me to formulate. I think we have an idea of what may happen because the Willandra Lakes system, which I mentioned earlier, is a dry lake system. We do know as well that where groundwater is no longer recharged there can be subsidence, as happened with the Gardens of Stone. The level of environmental damage and the impact that would have on not only the living environment, the plants, the flood plain, but also the creatures—the emus, the kangaroos, the birds and the people—is probably the greatest unknown.

The CHAIR: We are out of time too soon, but thank you very much for appearing before today's hearing and for travelling the distances that you have to come here today.

Mr McBRIDE: I would just like to thank the Committee very much. Apparently there were effigies that had nothing to do with us. We really want to talk sensibly. We respect you, you respect us, and that is critically important.

The CHAIR: Thank you, Mr McBride.

(The witnesses withdrew.)

CORRECTED

DEREK HARDMAN, Chief Executive Officer, Barkindji Native Title Group, affirmed and examined

The CHAIR: This is the last session today, so thank you for coming. We were expecting Uncle Gerald Quayle as well; however, he had to give his apologies, unfortunately. Do you have an opening statement for the Committee, Mr Hardman?

Mr HARDMAN: Yes. [*Speaking in Barkindji language*] My name is Derek Hardman. I am a proud Barkindji man. I am also the CEO and was an applicant in the Barkindji Native Title. I am here today to represent my people and also the things that cannot speak on our country, which are the animals, plants and all those things that for us are important. I guess for us, where we are at at the moment with things around the rivers and the lakes, that is who we are. Barkindji Aboriginals belong to the river, we always have and I guess we always will. The amount of works and things that our people have been exposed to and the detriment that that is having on our communities and our people in regard to infrastructure, dams, dry riverbeds, fish dying, animals—all those things have had some serious impacts on our communities, and not just our community as an Aboriginal community but the whole community up and down the Darling and the Baaka and in and around our lake system. It has affected our people socially, emotionally, culturally and spiritually, and I guess when it comes to projects and proposals, it is usually our culture and heritage that is at the forefront that needs to be either destroyed or us negotiated with to allow something to happen, and I guess we are sort of over that.

Once our culture and heritage is gone—and I will give you the example of the Wentworth-Broken Hill pipeline—people might just see that as a way of the Government securing water for Broken Hill, but for us that is basically 280 kilometres of destruction that we cannot go back and have for our people because that is our cultural heritage that they destroyed by building that pipeline, and they want to do the same thing with a lot of projects around Menindee, all the stuff around the sustainable diversion limit adjustment mechanism [SDLAM]. It is either let's destroy something, let's build something or let's upgrade something, and ultimately that is going to impact on our culture and heritage. They do consult with us, but that consultation is very limited and it is about us just ticking the box and hopefully we will agree. We are over agreeing to things happening on our country that is impacting on our culture and heritage. We do have native title rights. We are probably the only nation in the Murray-Darling basin that has native title over its country, but we still find that the Government does not understand or listen to what we have to say.

We could basically sit there and go, "Keep building weirs, keep building infrastructure, keep taking the water away because at the end of the day there is going to be a time when we come back and say, "For all those acts since 1972, the acts of discrimination against our people, when there is no water, when there are no flows—all those things that happen and impact on our rights to practise our culture and our native title rights—we will be seeking avenues to be compensated accordingly for those." That is basically where we are at at the moment with all these projects. I am happy to be open to any questions or comments, but that is where we stand at the moment and we do stand with everybody else, up and down the whole system.

You know, we want to see the system that it once was. For us and a lot of our old people that are not with us now fought hard for our rights and we have to create something that is a legacy for the future to come. I am sure there are lot of people like myself and a lot of people out there fighting for our water rights, you know, to get rid of greed, corruption, mismanagement—all those things that everybody knows has happened up and down the system. But there is an opportunity: Let's go back to the way things were. For our people, when you look at the river and you look at the lakes, you do not measure it by gigalitres or megalitres. We measure it as we can go fishing or we can go camping. We can eat fish. We can eat kangaroo. We can eat emu. We can eat all those things that we have always done. We have been around.

A lot of our culture and heritage, you know, is the same significance as Mungo. You are talking about the same people, the same area, and that always gets overlooked. You know, the amount of sites and the amount of cultural heritage around even our lakes—up and down the whole river—and it is a shared history as well, you know. The white fellas want to destroy their history, culture and heritage; you know, you have Burke and Wills and all these other things all exploring a once powerful river that looked after livelihoods, communities, people—black, white; did not matter who you were; we do not need that no more because people think they can just take, take, take. Like I said, we do not measure our water—our rivers and our lakes—on the volume. It is about if it is there, it is there. If you sit down and ask any Barkindji person or any person, it is the healthy rivers having water and the healthy lakes—all of them full, not just having a couple full and a trickle here and there. It is about all of them being full. That is what you call a healthy environment, healthy communities.

CORRECTED

For us, without that, we cannot take our kids fishing. We cannot take our kids and practise our culture because we had no water to do that, you know. People in the cities do not get it because they think, "Oh yeah. It's a drought," this and that. Those things were non-existent. You would have one here and there but at present we get a bit of flows now, we get a bit of water, but that—how long is that going to be around for? We could jump up and down for 10 minutes and it will be drained again, or taken, or diverted, or whatever else. Under native title, we have rights to water and all those rights at the moment, we have none.

Native title rights in the water space is one of the highest allocations of water. Our actual allocation and our whatever it is—because they do not know how to work it out—we should not have to buy water. We do not want to put our water back in the river because at the end of the day it should be there for everyone, you know. That is what is disheartening about it all. It is like you have got other groups that will put their hand up and say, "Yeah, we'll buy some water—and we'll have so many megs." That is not our way. We do not want to buy any water. We just want to see our waters, our lakes and our environment the way it always has been.

The CHAIR: Thank you very much, Mr Hardman. I think what has happened to your people and your country and your culture is a national disgrace, to be honest. I just thank you for coming here and speaking from the heart. Yes, it is just criminal. Just in terms of the Menindee Lakes Water Savings Project, which is the 106 gegalitres that has been asked to be recovered, if you like, have the Barkindji people expressly said to the Government you do not want that to go ahead?

Mr HARDMAN: Yes. When they had their first consultations with options and everything else and developing stakeholder groups and that, we did not want to entertain any of that at the start and then we came along to support all our other stakeholders because it is important that we all work together. But at the end of the day it became a joke when basically whatever was said or whatever we put up, whatever the stakeholders said, "This is important", the Government just ignored it, did not listen, did not reply, did not turn up. Basically, you were just wasting your time and that is how it has been.

That is why we walked away with everyone else and said, "Enough's enough. When you start listening, and when you look at these things that need to happen—these are the things that you need to do at the top of the Basin and these are things you need to do to make it happen and have that connectivity right through—we will sit there at the same table with everyone else." Basically, that whole project is—you know, we will work with anyone in good faith if it is meaningful and if it will achieve good outcomes that benefit everyone, but at the moment it is not doing that. We are not going to sit there to be a tokenistic gesture to any of the Government's projects that are not achieving what it should be for communities and the environment.

The CHAIR: Thank you. I think the Deputy Chair has a question too.

The Hon. MARK PEARSON: Thank you, Mr Hardman. I am just wondering in your culture and connection with Menindee Lakes and all the water and the tributaries and the movement of the water through, do you have a sense of—is there a sort of understanding of laws or lores where among your people no-one is allowed to prevent or stop water flow to another member of your people? Do you have laws and lores relating to that?

Mr HARDMAN: A hundred per cent; we sure do, and that is it because our legacy, what we give, we know who to pass that down to for the next nation. So if we do not look after the resources, water, environment and animals, that is not going to make it to the next community; that is not going to make it to the next nation and we have always had—we are a caring and sharing people. We have always been that and that is part of who we are. Our rules, art, tell us you share, you care, you look after your environment, you look after the water. You look after all those things that are important because at the end of the day someone else relies on you doing that so they can thrive then and they can be a happy community or a happy nation.

At the moment, what are we sending down to the nations below us? We are sending down fresh air. There is no water, or the water we get is contaminated. It is not good, you know, but the nations above us they sent enough water and we do not even get it. It is taken before it is allowed to come down. For us, even a trickle, like I know some of our people—if Uncle Gerald was here he would tell you the same story—when they were kids, the river was at a trickle, a flow. But if something could stop that—a tree or a branch or whatever—you remove it so that water can flow down. It can continue to flow.

The Hon. MARK PEARSON: What would happen if a person stopped the flow? What would have happened if one of your people or a group of your people actually stopped the flow to another group? Would there be a consequence for those people?

Mr HARDMAN: Oh, definitely—most definitely.

The Hon. MARK PEARSON: What would it be?

Mr HARDMAN: Well, they would be punished or banished.

CORRECTED

The Hon. MARK PEARSON: Because they broke a law?

Mr HARDMAN: That is right. Whereas you have got the Government that breaks it all the time and they are not held accountable for the same actions. Our people, we hold ourselves accountable because that is who we are. That is our values. That is our tradition. That is our way. But at this present day you would be forever holding people accountable every day for what is going on, you know, and it is not our people. Our history is not about blocking rivers. We might have had fish traps but we never stopped the river flowing. It allowed for fish and fingerlings, animals, and plants to grow and thrive, but we never ever stopped the flow of a river, ever.

We never built infrastructure. We never built dams. We never built weirs. You can go back as far as history and I am pretty sure it is the same story. Why do you think they could have paddle-steamers go up and down the river? I bet you could not get a bark canoe up the whole river at the moment. You have still got to pull it out, walk around the weir and go whatever—that is if there is water in it. But they are principles that I was born and raised with, that what you do is going to affect somebody. Think about the decision you make before you make it because it is going to impact somebody or something. That is how I was raised.

The Hon. MARK BUTTIGIEG: You made the point of the native title rights over the water inherent in that native title legislation. To what degree or specificity when you entered into the dialogue during this consultation phase was that point made and what, if any, was the Government's reaction in terms of how it made good that native title right to water?

Mr HARDMAN: When they released the SDLAM document there was one page that spoke about native title. In that document—I have not got it but I can provide it at a later date—there is a page that talks about the New South Wales Government—DPIE Water—acknowledging and respecting the native title rights of our people in this process. I have sent them that and reminded them a few times: "This is what you said you were going to do and, basically, you are not doing it."

The Hon. PENNY SHARPE: At any point have they ever actually put—I am very conscious that your earlier evidence is that you do not measure it by gegalitres, but given that this is the way that the entire department operates, if they recognise your native title rights and your right to cultural flow has there ever been an accepted discussion about how much water that actually looks like?

Mr HARDMAN: No, never, because they do not know—and we do not know. Like I said, we do not put a price amount on our native title and cultural rights. What it takes for us to practice our native title and cultural rights is not measured in the volume of water. Like I said, it is about the river, the lake—they have all got water in them.

The Hon. MARK BUTTIGIEG: But they have not asked that question? Have they asked that question?

Mr HARDMAN: No.

The Hon. PENNY SHARPE: But they do measure environmental flow, translucent flows—

Mr HARDMAN: Exactly.

The Hon. PENNY SHARPE: It is a real problem. It is one thing to say that you recognise it; it is quite another thing to actually guarantee that it is going to be delivered.

Mr HARDMAN: Like I said, if you break down the 100 per cent allocations for the whole Darling-Baaka you will see, like, 70 per cent goes to whatever, 7 per cent goes to this or that and you will see nothing in there that says native title or cultural water.

The Hon. PENNY SHARPE: Yes.

Mr HARDMAN: We have got the same right as stock, domestic—it is like the olden days when we were under the Flora and Fauna Act. We sort of come under that as well under native title. When there is water, we can take as much as we want. That is basically our right under the Federal law, under native title rights.

The Hon. PENNY SHARPE: There are no allocated flows.

Mr HARDMAN: That is right. We don't have none and, personally, we don't want any. We do not want an allocation because we want to see the whole river and the lakes full so that everybody can enjoy them. That is how we want to see it. There is \$40 million floating around that two groups are fighting over to buy water and we said, "We don't want a cent of your money to buy water." Why should we buy water? It is a basic human right—the environment. We all need it, you know? Without it, it should not have—for us it is—

The Hon. MARK PEARSON: Mr Hardman, are you saying that we have made a big mistake by putting the value of money on water and also measuring it by litres?

CORRECTED

Mr HARDMAN: Yes.

The Hon. MARK PEARSON: Is that a mistake?

Mr HARDMAN: Yes, 100 per cent. It might be different for everyone else, but for us—you could give me all the money and all the gigitalitres in the world but if I see a dry riverbed it just breaks my heart. That does not give us our right for our kids and our communities to live and thrive. That just causes headaches and dramas and we become the greed, the corruption and the mismanagement, you know? We become part of the problem and not the solution. We measure things in the way the economy is or who has got the biggest whatever—we do not care about those things. We never have. It is not about building palaces and all those things. We are about—

The Hon. MARK PEARSON: Water meters.

Mr HARDMAN: —building communities. That's right! For us, it is not something that is going to make our people happy. You go to the average person in our community or you go and sit down with the Elders, sit down with the young kids and ask them about water and what is important. They will say swimming, fishing and doing all those things that we love doing. If you said, "I'll give you some money rather than the water," they will just tell you to take your money and go away. I have the same sentiments.

The Hon. CATHERINE CUSACK: Thank you for your evidence. I want to ask you about your experience of consultation. There are multiple agencies involved, both Federal and State, and there are also multiple communities along the system. When you have been consulted have you found that a satisfying experience, to put it that way? Do you find that people engage you in a way that you and your communities feel able to participate effectively? For example, the way you might engage a corporation around its allocation of water; perhaps it would be more appropriate to engage local Indigenous communities differently.

Mr HARDMAN: As part of the consultation processes we got sick of being pulled from pillar to post, from one meeting to another. We would go to Menindee and have five meetings a week with the same department but doing different projects, and we were over it. What we did was say let us sit down and develop our own table that people come and sit at because the consultation process—and no disrespect to everybody that has been part of the processes to the present; everybody got in and had a go and the best intent was to do the best thing by the environment and the rivers and the lakes. There are a lot of people attached to that. I have found that our cultural part was very small.

We have been pushing for the last two years to form the Baaka Water Commission, which is a table created by us, and that all those departments and all those stakeholders come and sit at our table instead of us sitting at theirs and being that little voice over there. I guess when you talk about consultation there is listening and then there is hearing. We find there is a lot of listening but not a lot of hearing. That has been a lot of the consultations that we have been at, but I am sure other stakeholders have been at the same table where there has been lots of that listening and not a lot of hearing. I think for us creating our own foundation with our own agenda is our way—we are not saying it is perfect, we are not saying that that is the way you should do it, but for us we feel that we need a platform that we create that governments support and governments sit at. I have spoken to Federal and State Ministers and departments and they all support it.

We are looking to hold our first meeting in March at Broken Hill. You are looking at over a hundred different stakeholders sitting at one table that we created. All their projects, they will bring them to the table and we will all discuss them together as one Baaka Water Commission. It is not us having, "We're the native title holders, we're the cultural ones, we're the ones who have got to"—it is about all of us making all these decisions that are informed. We are bringing experts to the table, don't worry. We have got the Sue Jacksons of the world and all these people that advocate for water and our rights, and there are a lot of stakeholders—like people you had here earlier—that are always out there advocating for our rights. Like I said, they get listened to, but sometimes they do not get heard, so if we can create that platform that is driven by us we are happy to sit down and negotiate with anyone, and we will see how that process goes. We are not saying it is perfect, but it is something.

The Hon. CATHERINE CUSACK: It sounds like you feel that you have been in a position of being like any other stakeholder and, by creating your own table, your communities will be more empowered in these conversations.

Mr HARDMAN: Yes, and that is what we are there for. As the peak organisation for our people, we represent our people, we are put there to represent them, and we do not do that lightly. A lot of our old people have passed and they fought to get us where we are, and that is why we want to make it right. Let us try something. There is a sort of a spin at the moment on things happening in the environment and now they are starting to come back and say, "Let's talk to the traditional owners, let's talk to the people of the country that we are destroying or wrecking or where this is happening. Maybe they are right and there is a better way of doing things."

CORRECTED

There has always been that little voice out the back saying, "Who is that? I can hear something, but that is all right, we will keep building these things and they will go away. We can just give them a couple of dollars and forget all about it, and they will live with it and move along." Our communities need to be empowered, like I said, to be part of that whole process and we are there—and put there—to represent them, but we still have to go back and answer to them. We have to go back to our people and be accountable for the decisions we make. I have seen old people coming in here and telling me enough is enough.

The Hon. MARK PEARSON: Very powerful.

Mr HARDMAN: But that is what it is about. We have to work. It is all right to consult, but it is one of those things that, as an Aboriginal nation of people, there are probably 40 million reports on consultation for this report, that report, this and that, but they sit on a shelf and collect dust. We are not collecting dust anymore. We want to make decisions, informed decisions, and that is why we work with all our other stakeholders. They helped us to achieve outcomes that are informed. We are not experts in water, other than looking at it, swimming in it, fishing, doing all those things. We do not understand gicalitres, megalitres or whatever.

If you go and ask the average person, they will go, "What's that?" If you look at the water bottles here, that is how I looked at the system and explained it to our people. If that is our water system, basically our rights do not exist in that bottle, so there is so much for the environment, there is so much for this and so much for that, and at the moment that little bit of fresh air that sits between the water and the lid is us. If you shake it up, sometimes we sit at the bottom of the system and sometimes we sit at the top. For us, that is all we are at the moment when it comes to water, we are either the bubble at the top or the bubble at the bottom, and it does not sit there, it will just keep going.

I guess you can only get so much out of a bottle, but we seem to allocate two bottles and there is only one, so if you look at our system, if there are two bottles that get extracted or used for whatever purpose, sometimes we do not even get half a bottle. That is why, when you tip it out, there is nothing left and you cannot put anything in there, and then everyone becomes the fresh air like us and they have no entitlements. That is about consultation. We do not belong, and we have not belonged, in that space, and until they change that, until they sit at our table—State and Federal—and work it out with us, we do not want to buy it, we do not want to buy this much or that much, we want to see that bottle full right to the cap with no air and everyone else is part of that, up and down the system.

The Hon. BEN FRANKLIN: Thank you very much, Mr Hardman. I really appreciate your concept of a new way of consultation. I think that will be very helpful for us. I want to talk with regard to something you mentioned in your opening statement, which was that the native title group had walked away from the consultation process for the SAG until there was an acceptance of the specific, and I think you used the words "things that need to happen".

Mr HARDMAN: Yes.

The Hon. BEN FRANKLIN: I was going to give you an opportunity to talk about what the things that need to happen are specifically.

Mr HARDMAN: Connectivity is number one. A river is not a half a river, a quarter of a river or a third of a river. The lake system is not filling one. It is connected from the top to the bottom. And all those estuaries, Uncle Badger explains that it is like veins. We all have veins that run through us. If I cut or restrict all those veins, that is not going to work anymore. When you look at the whole system, without connectivity up and down the whole river—look at the poor old anabranche, I cannot even remember the last time they had water up the anabranche. In all our lakes and rivers it is about having connectivity, first and foremost, and then having a level within that that everybody agrees is what it should look like.

Like I said, our kids, our people, everybody wants to see water in all the lakes, in all the river and all the estuaries. For us, that is what we want to see. Our native title and cultural rights will come when there is water, but when there is not, that is when we have a problem and that causes all those issues, social issues and things that happen in our community, suicides and all those things. People think it is just a dry river, but that impacts on our people—and not just my people, but everybody. Everybody that I know who sits in that space is fighting for their rights as well because they are entitled to it, just like us. It is about how you balance everything in an environment. What about our things that cannot talk, our birds, animals, all those things, our ecosystems that exist? They cannot speak, but we need to make a decision in the best interest of those.

Like I have said from day one, let us look at a level that exists in our rivers and lakes. Once it goes above that, go your hardest, do whatever you want, but once it is set, that is for everyone. Like I said, I am not big on the science about this measurement or that measurement. I do not get into it on purpose because if I go and talk about it to my people and say, "If there's 2,652 megs and this many gigs, we'll be happy", they will go, "What are

CORRECTED

you talking about?" I have to keep it simple and real and that is how I will bring it back and explain it. As I said, there has to be a level for our environment and everybody that uses water—I do not care what you call yourself—for us to practise our culture and heritage and continue a 65,000-year old culture. We can't because we have got no water in our lakes and rivers. We do not want money, we do not want an allocation, that is not going to make us happy.

I guess we support people that support looking after our environment, looking after our rivers and things. We have all got to use them regardless, whether we are industry or whoever. Without it we would not be sitting here, we would not be wearing clothes, we would not be eating chops, we would not be doing all the things that we take for granted—food, fibre or whatever it is. That is where we are. We are not moving back 230 years to when just my people roamed the country, you know. We are living in 2021. All these things exist but we can all use them. We can all benefit. We have just got to manage them properly but create a level that everybody can be part of and everyone's rights and everyone's access to water is taken and basically adhered to. But at the moment we are just a bubble.

The CHAIR: Thank you, Mr Hardman. I have a question about just in the last couple of days—just today, really—driving around to Menindee and back, pretty much all members commented on the fact that we are just not seeing any kangaroos and emus. Of course many of us have travelled in this part of the world and have seen on previous visits quite a few. What is going on there? What is impacting on animal numbers? How does that make the Barkindji feel?

Mr HARDMAN: Yes, it is pretty heartbreaking because all those animals are our totems. That there, that is my totem. That is the emu. That is the kalthi. That is my family totem. So when you see them, an emu hardly living, kangaroos—this is one of my spiritual totems—you see that he is dying. You can count their ribs. A lot of those fish are a lot of our people's totems so it is not just an animal. That is our spiritual connection to country and that is our right to protect them, look after them—all those things we were raised on and our stories and our dreaming are attached to them. And to see our country and our animals and plants and mussels, all these things that thrived, now you would hardly see at all.

For us, you end up like me. You are eating KFC and all that bad food because you cannot live on your natural food. Like, I would eat kangaroo before KFC any day, but they are few and far between and the kangaroo you get, you know, you feel sorry for it because there is nothing to it. I guess if you look at a lot of our animals there—like I talk about the emu, our kalthi—he or she will not lay eggs when there is bad environment. They will wait until it is flourishing, green, and there is water. That is why you get a diminishing in all these animals because they read the country and we read the animals. We read the country as well. Without that and that cycle of ongoing these things happening just naturally, we have sort of gone away from them, you know, and it is rare. You can drive down on all our roads and you will not see a kangaroo whereas before at every guidepost, one would jump out in front of you.

I am sure people in this room would vouch for you can drive along our roads now and you can be basically driving along with no lights on and, happy days, you will not hit anything because all the animals have disappeared to where it is greener pastures. If I was one of them I would be disappearing to greener pastures too because the environment that they were brought up in, you know, even the fish. Like when the Premier came out here it was for releasing all these fish back. I am sitting there: One mind is saying, "This is good", and another mind is saying, "Well, when are we going to come back up and see these ones washed up and floating on the surface?" You know? It was sort of like, yes, it is a good thing but is it going to be a good thing in the end because all they ever do is stop the flow again? The rivers run dry and lakes are back to square one.

As I said, our animals, they cannot speak for us but you see them yourselves out there in the community, struggling, you know, and it is pretty disheartening because that is who we are. That is our spiritual connection to country and without that, you know—it is nice to joke, you know, probably 10 years ago that one day we would go to a museum and see a tree and this and that; but, you know what? That is where we are heading. We will be going to a museum to tell a story about "That used to be once a powerful river and lake. And these are things that used to thrive and be part of the community." To me, I think that is starting to become reality. You know, my kids and their kids and their kids, when we sit down and think about the decisions we try to make, you know, what legacy are we going to leave them if that is where we are headed in today's society? It is pretty bleak.

The CHAIR: Thank you very much, Mr Hardman. We are actually at the end of our session. I just want to thank you for being such an eloquent representative of the Barkindji people today. I am sure they are very proud of you representing them here. Please pass our best wishes on to your Uncle. I hope he is okay too. Thank you very much for appearing.

Mr HARDMAN: Thank you.

CORRECTED

The CHAIR: I believe that is the end of our hearing in Broken Hill. I thank you all very much for coming. Stay tuned to see what we do next.

(The witness withdrew.)

The Committee adjourned at 17:01.