

Inspector-General of Water Compliance Northern Basin Toolkit Inquiry



Above: DEG's Latia Sands-Dennis with Charles Sturt University's Martin Mallen Cooper, sampling river water quality, November 2023. See the report here:

https://dharriwaaeldersgroup.org.au/images/waterqualityresults/WaterQualitySampling_02.11.2023.pdf. Walgett River Rangers regularly monitor river water quality at Walgett:
<https://dharriwaaeldersgroup.org.au/index.php/waterquality>

**Submission by
Dharriwaa Elders Group, Walgett, NSW.
29th November 2024**

Dharriwaa Elders Group (DEG) welcomes the opportunity to make a submission to the Northern Basin Toolkit Inquiry.

Dharriwaa Elders Group notes that the Inspector-General's website describes the Toolkit as:

...a package of measures aimed at maximising environmental outcomes in the northern Murray-Darling Basin.

DEG considers the Terms of Reference of this inquiry to be narrow. They are not designed to consider whether Toolkit proposals and projects are the best options available. For example, only considering fishways rather than removing some weirs.

Dharriwaa Elders Group

Dharriwaa Elders Group (DEG) is an association of Aboriginal Elders who live in Walgett, a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers and many creeks, warrambuls and lakes meet. Walgett is in Gamilaraay Country, close to the borders of Ngiyambaa and Wayilwan Countries, and is now home to Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non-Aboriginal people.

DEG grew out of a program developed by the Walgett Aboriginal Medical Service. Both are Walgett's current and enduring Aboriginal Community Controlled Organisations. DEG is an incorporated non-profit businesses with their own constitutions, local memberships and local directors.

Their Walgett Aboriginal founders established these non-profit services to further the wellbeing and development of the Walgett Aboriginal community. Today, DEG works in a long-term multidisciplinary partnership with the University of NSW. This partnership includes trusted expert collaborators who support DEG's growing capacities, research capability and advocacy.

Responses

Question 3.

How would you describe the level of awareness, understanding, and support within your community for the full implementation of the Toolkit measures?

What factors influence this support or opposition?

General

The Walgett community has a low level of awareness and understanding of the Toolkit. There is insufficient knowledge within the community for there to be general support or opposition.

The DEG Board and staff have a greater awareness and understanding of the Toolkit than the broader community.

DEG supports some elements, aims and outcomes of the Toolkit, especially protecting environmental water and removing weirs. DEG does not support all methods proposed, especially when we know that there are better alternatives.

Targeted recovery of water

The Walgett community has a low level of understanding and awareness of the timing, location and types of water.

However, the Walgett community supports more water in the rivers.

DEG is aware of some recovery of water, although this information is not well advertised or shared.

Protect environmental flows

The Walgett community has little awareness of protection of environmental flows. However, there is strong support in the community for protecting water in rivers.

DEG is aware of ways to protect environmental flows.. However, DEG is aware of, and deeply concerned by, undermining of river flows by:

- floodplain harvesting, and
- inadequate flows in the Lower Namoi.

DEG is concerned that the enlargement of Gunidgera Weir on the Namoi River near Wee Waa will further reduce flows in the Lower Namoi. DEG has been working with WaterNSW on this issue.

Event-based mechanisms

The Walgett community has very little understanding and awareness of event-based mechanisms.

DEG is aware of event-based mechanisms.

DEG made a significant contribution to the Northern Basin Review, with members and staff working with MDBA on the Aboriginal Waterways Assessment in 2016. DEG was clear about its opposition to the 70 gigalitre reduction in the recovery target in the Northern Basin. DEG is aware that scientific research and analysis carried out as part of the Review found that the rivers needed more water, not less, and consultation with Aboriginal people found that this was their view also.

DEG understands that event-based mechanisms (buying stored water from irrigators in Queensland, or paying them not to extract it), is a response to inadequate water for the Narran River and Narran Lake that has been forced upon the Commonwealth DCCEEW. Event-based mechanisms wouldn't be necessary if the NSW and Commonwealth Govts had listened to the DEG during the Northern Basin Review.

Coordinate environmental flows

The Walgett community has a low level of understanding and awareness of coordinating environmental flows.

DEG is aware of and supports coordination of environmental flows. DEG feels that progress has been made by environmental water managers.

Works and measures for fish movement and habitat

The Walgett community has a low level of understanding and awareness of this project.

DEG has a high level of understanding and awareness of this element of the Toolkit. DEG has worked at sites on the Narran, Baawan and Namoi rivers with OzFish, Charles Sturt University, the University of New South Wales, NSW DPI Water, DPI Fisheries, and WaterNSW.

DEG supports the full implementation of this element of the Toolkit. However, DEG considers some weirs should be removed, rather than having fishways installed.

Question 4.

**What has been your experience with the delivery of specific projects under the Toolkit program?
Have these projects met your expectations in terms of outcomes, timelines, or engagement?**

General response

DEG's experience with specific projects has been mixed. DEG's experience with Calmundi weir has been deeply unsatisfactory.

Targeted recovery of water

DEG has heard little from Commonwealth or NSW government agencies regarding targeted recovery of water. Consultation and information regarding targeted recovery and delivery of recovered water, have been poor.

Protect environmental flows

Commonwealth and state agencies have not consulted with DEG regarding protection of environmental flows. DEG is concerned that these flows are not adequately protected.

Event-based mechanisms

Engagement poor, especially in recent years.

Coordinate environmental flows

Engagement poor, especially in recent years.

Remove constraints in the Gwydir Catchment

This is not well known in the Walgett community.

Environmental Works and Measures for Fish Movement and Habitat

DEG has engaged with the Calmundi weir project sincerely, thoroughly and with a high level of knowledge.

DEG is deeply disappointed with the NSW Government's consultation. DEG's detailed proposals and suggestions regarding Calmundi Weir have been received respectfully by the well-meaning consultation staff but ignored or dismissed by NSW DPIE Water and the NSW Water Minister.

The outcomes and timelines of the Calmundi weir project are unsatisfactory. We request that they are extended so that our proposal can be properly considered.

[The additional comments section of this submission has a comprehensive outline of DEG's engagement in the Calmundi weir fishway].

Question 5.

Do you consider the 2026 deadline for the full delivery of all six Toolkit measures to be realistic and achievable? If not, what alternative timeframe would you suggest, and why?

General response

DEG does not suggest an alternative deadline. DEG suggests that the process be properly, sincerely and genuinely consultative, with sufficient time, resources and skilled government officers to ensure full, prior and informed consent.

Targeted recovery of water

Recover water for the environment of the Narran Lakes, Lower Balonne and Culgoa floodplains and the Barwon-Darling River.

DEG is not confident that water recovery will deliver the volume claimed, and is not sure that the intended outcome will be delivered.

DEG does not know how governments demonstrate that the volume has been recovered or achieved and we want to know this.

Avoid, minimise or mitigate adverse socio-economic impacts of the recovery.

This stated outcome implies that water recovery is bad for communities. It has been demonstrated many times that it is not.

Question 6.

Please comment on the levels of transparency regarding the progress and implementation of the Toolkit. If relevant, please provide details as to how communication, reporting, and access to information be improved.

General response

- 1 *Targeted recovery of water*
- 2 *Protect environmental Flows*
- 3 *Event-based mechanisms*
- 4 *Coordinate environmental Flows*
- 5 *Removal constraints in the Gwydir Catchment*

Transparency is poor. DEG believes that, with notable exceptions, particularly DPI Fisheries, there is little government commitment to transparency and that most Commonwealth and state government communication, reporting, and access to information is inadequate.

For example, updates from the Commonwealth Environmental Water Holder on environmental flow management in the Barwon-Darling are impossible for most people to understand. They demonstrate poor understanding, communication, reporting, and provision of information.

As an example, in response to CEWH environmental watering updates, DEG asked for explanations of what the updates mean. The CEWH response highlights the department's poor consultation practise:

“While I cannot guarantee that I can put the information you request in every email I send out, I shall endeavour to make them easy to understand for people who are not irrigators or directly involved in environmental water management”.

This left no doubt that the CEWH's focus is on irrigators and agency staff, not other sectors of the community. This attitude is not unfamiliar to DEG.

Environmental Works and Measures for Fish Movement and Habitat

DEG has worked for many years to have some weirs on the Narran and Baawan rivers removed including by letters to Ministers.

DEG has found that the only option considered by DPI Water has been a fishway. Cheaper alternatives offered to governments by DEG, which are better for fish movement, river environments, and cultural values, have been ignored or dismissed.

Question 7.

Please comment on the extent and effectiveness of government agencies' engagement with stakeholders during both the planning and execution phases of Toolkit projects.

General response

- 1 *Targeted recovery of water*
- 2 *Protect environmental flows*

- 3 *Event-based mechanisms*
- 4 *Coordinate environmental flows*
- 5 *Remove constraints in the Gwydir Catchment*
- 6 *Environmental Works and Measures for Fish Movement and Habitat*

DEG's experience is that engagement is limited in its extent and effectiveness.

NSW DPI Fisheries is the notable exception to this. NSW DPI Fisheries' consultation is excellent, providing a sharp contrast to Commonwealth and NSW water agencies. DEG is in no doubt that consultation and engagement can be effective if agencies and agency staff are committed to it.

Additional comments

Environmental Works and Measures for Fish Movement and Habitat

- Improve fish movement and habitat by removing barriers (e.g. weirs)
- Improve fish movement by other activities

There has been no consultation about alternatives to fishways, despite this part of the Toolkit specifically stating that it is to *improve fish movement and habitat by removing barriers (e.g. weirs)*.

Governments provide fact sheets that consider fishways as the only solution, although removing some weirs such as Calmundi is cheaper and better for fish passage, fish habitat, riverine ecosystems and cultural values. Water can be provided for the small number of landholders who use the weir and the total project is still cheaper than a fishway.

Dharriwa Elders Group Calmundi weir proposal

DEG has worked with OzFish, Charles Sturt University, the University of New South Wales, NSW DPI Water, DPI Fisheries, and WaterNSW.

DEG first wrote to the NSW Government in 2001 requesting the removal of some weirs in the Narran River, receiving no serious response. Recently DEG has written to Ministers Plibersek and Jackson requesting removal of weirs. Again, there has been no meaningful response from the Ministers or their departments.

Ministers state that weir removal is an option, as does the Toolkit. However, water agencies responsible continue to promote fishways only.

DEG's view on European weirs has been consistent – we want them removed. We were never consulted when they were built. We have been consulted recently, but our suggestions are ignored and over-ridden.

DEG sees European weirs as:

- inconsistent and insensitive to Aboriginal Cultural Values
- blocking the flow of water in droughts,
- creating long still weir pools where the river was once a flowing stream; the latter providing prime Murray cod nurseries and mussel habitat,
- increasing the risk of blue-green algae, by increasing depth and the risk of stratification,
- often built on rock bars, which are important cultural sites,
- blocking fish migration.

The hydrological and ecological impacts that Aboriginal people see are now well documented in western science of the Baawan-Baaka. Although a fishway addresses the last impact listed, it does not address the others.

The Northern Basin Toolkit provides a once-in-a-generation opportunity to redress these cultural and environmental impacts by removing weirs.

Non-town weirs on the Baawan-Baaka, like Calmundi Weir, are used for stock and domestic water supply in a drought; that is, they are not used for 90 percent of the time when the river is flowing.

We propose that the money spent building a fishway be used to remove the weir, providing the best fish passage solution; provide landholders with more secure and higher quality water supply for stock and domestic use. Covered tanks can be used for domestic supply and other options used for stock, such as bore water or on-farm storage dams.

Fishways are costly and removing a weir is much cheaper and takes less time. In addition to being providing the most effective fish passage solution, the advantages of removing a weir include:

- water savings due to the less evaporation from the reduced weirpool surface area,
- in droughts environmental flows are allowed to pass downstream, not trapped in weirpools,
- greater biodiversity and environmental outcomes for the same environmental flow, because the static weirpool would be restored to a natural flowing river,
- lower blue-green algae risk.

Removing weirs on the Baawan confers not only economic or environmental benefits – the restoration of Aboriginal Cultural Values is priceless. However, we consistently see this aspect ignored in government business cases, effectively valuing it at zero.

Keeping unnecessary weirs when there are less wasteful alternatives allows outdated water management practices and impacts to continue, ensures high evaporative losses and poor water quality, and embeds the lack of respect for our community.

DEG believes that governments only considering fishways, and not the removal of some weirs, is inconsistent with the aim of the Toolkit; i.e...*maximising environmental outcomes in the northern Murray-Darling Basin.*

The delays in the delivery of the Toolkit measures provide an opportunity to reconsider some of the Toolkit's proposals and projects, with a view to alternative approaches.

Now that DEG's ministerial requests relating to the Toolkit measures have been ignored, we sincerely entreat the Inspector General of Water Compliance to take this opportunity to do whatever is in your power to revise the implementation of the Northern Basin Toolkit to maximise environmental outcomes in the northern Murray-Darling Basin. Please let us know how DEG can assist.