Ruby Davies,

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Dear Commissioners,

Thank you for the opportunity to comment on the NRC Draft Report – Barwon Darling water sharing plan. I thank the Commission for the thorough and dedicated approach and the scope of its outreach into the river communities and the depth of its published findings. I appreciate that the way forward to achieve an environmentally functioning river is to bring the river system into line with the Water Act (2000).

I am writing as an artist who has followed the river especially near Wilcannia since the mid 1990’s. I was born at Wilcannia and my brother Arthur Davies and his wife Marlene run Culpaulin Stn of Wilcannia; my sister Mog Davies runs Kalyanka north of Wilcannia. I am a member, and a recent committee member of the AFA. I currently live just south of Dubbo.

The two photographs below were taken in summer of 1994, three years after the unprecedented blue-green algal bloom stretching 300klms along the Darling. My brother Arthur alerted the family to a bend on his property that had NEVER been seen with such a depleted amount of water. I took one photo upstream and one downstream on my film camera. This was the same year that, “in an historic admission, the Director-General of the New South Wales Department of Water Resources, Peter Millington, acknowledged to those present (at the Wilcannia
meeting) that licenses to extract water from the river system had been overallocated in the past and that irrigation was not sustainable at the current levels”. (Siobhan McHugh, Cottoning On, 1996. This event was also reported in SMH 4 July 1994).

Culpaulin Station, south of Wilcannia, looking upstream, summer 1994. Our family had NEVER seen the river this low
These events prior to 2012 are a reminder that overextraction upstream has been causing ongoing destruction to the Darling Barka below Bourke for decades. It has only become worse since the 2012 BDWSP. Our 1994 family meeting motivated my artistic interest in the river as subject, and I began investigating reasons behind these troubling events. I continued to photograph the river at this and other locations and in many cases the levels became even lower. I did a tour of Darling Farms; I travelled to the confluence of the Darling and the Murray. Between 2000 – 2001 my black and white pinhole photographs of the Darling Barka were exhibited at; Broken Hill Regional Gallery, the Western Plains Cultural Centre in Dubbo, Stills Gallery in Sydney and later at RMIT in Melbourne. My interests in the river continued with a Masters of Visual Art (USYD 2005) with photographic images and a 10,000 word thesis - *Contested Visions; expansive views: the landscape of the Darling River in Western NSW*. The main points of the writing are the opposing and sometimes overlapping world views held by graziers, Indigenous communities, environmentalists and irrigators - and how
one’s vision of landscape in turn effects the treatment and interaction with land, nature and natural resources.

I appreciate the Commissions overall strategy of returning the altered BDWSP back to how it was prior to the late changes resulting from meetings between the minister and irrigator /lobbyist Ian Cole. I’m in agreement with the majority of submissions made that believe, “water sharing arrangements in the Barwon-Darling need significant change to protect social, cultural and environmental values, particularly in dry sequences.” (p.7)

Your statement below from page one makes your aims clear;

“The Water Management Act 2000 (the Act) clearly prioritises protection of the water source and dependent ecosystems, followed by basic landholder rights including native title, and then other extractive uses. The current Plan has not effectively achieved this prioritisation.” (P. 1)

In the following pages I will discuss aspects of the Commissions Review that I feel need to be clarified or taken further.

**Section 9.1.1 Cease to pump thresholds need to be updated, and**

**Section 8.1 Cease to pump thresholds are based on outdated information**

Both sections discuss the cease to pump levels, however there is little clarity on what river heights are recommended by the Commission.

I am concerned from my reading of Table 10, 13 and 14 that the Commission’s recommendations will once again leave the river at Wilcannia at very low, barely survival levels; in what Table 10 describes as the **Low Flow Class of Small Freshes** – 400- 4000ML/d. (and at the LOW end of this range)

In previous years, when the Cease to Pump for B class were set at 1270ML/d at Bourke the result was that the river downstream was kept at this level, and 1250ML/d effectively become the new normal for river flow below Bourke. At Wilcannia, while it delivered a continuous water flow (except in summer), it was often so low that it could be stepped over in many places. According to
Table 10 of the Commission’s report these river levels are in **the Low Flow Band of Small Freshes**; 1270ML/d at Bourke resulting in the order of 400ML/d at Wilcannia. These levels clearly put the interests of extraction before the interests of the water source and dependant ecosystems, Indigenous communities and graziers. This is not in accordance with the AIMS of The Water Act 2000.

Below are two recent graphs from OEH showing (in blue) flows at Bourke and (in red) CEASE TO FLOW events. The graphs cover years from 1944 through to 2019. *(for more clarity I have added green marks to indicate each decade).*

I realise that they are hard to read in this doc, however it is crystal clear that from 1994-1995 there has been a **DRAMATIC INCREASE** in Cease to Flow events at Bourke and by implication at Wilcannia and beyond. It is also evident that the high and medium flows have been markedly lower from the mid 1990’s. This time frame coincides with increased irrigation/ water extraction in the northern tributaries. It also coincides with attempts to remedy the situation of overextraction by various government departments. *(Peter Millington’s statement at Wilcannia in 1994 for instance)*
8.6.2 Daily announcement of pumping thresholds allows take below cease to pump levels.

From the Draft Report, “Anecdotal evidence including from irrigators themselves is that they could conceptually ‘pump the river dry’ legally in these times”. (ie between the commence to pump and the daily announcement of the cease to pump.)

WaterNSW need to change cease to pump announcements to Live/Real Time as soon as possible to stop this flagrant abuse of the river system.

9.1.2 Implement individual daily extraction limits (IDELs)

The report discusses IDEL’s and TDEL’s that were (somehow) overlooked in the LATE changes to the 2012 BD Plan, but doesn’t recommend when they should come into effect. These Daily and Total limits on extraction need to need to be implemented immediately, rather than waiting for 2032.

Similarly, changes to A Class licences have been totally detrimental to the river. The altered BD WSP lobbied for by upstream irrigators - allowing large pumps to take low rivers directly into ‘ring tanks’ - has to also immediately be returned to the arrangements in the publically presented BDWSP.

Sections; 2.4, 7.4, 10 and Appendix F. Native Title Rights and water resources.

I totally support the Indigenous communities managing water for cultural and life
affirming practices. They have been consistently overlooked in anything but the broadest discussions – with minimal consultation occurring! With so much focus on water trading I feel that discussions with Indigenous communities being able to trade their (temporary) allocations when favourable to their situations, should be on the table.

**LTAAEL’s - Long Term Average Annual Extraction Levels.**

The Commission makes it clear that it understands the distortions (favouring water extraction) from using long term averaging. From NRC draft report, “Some stakeholders argue that the Plan is fully achieving its desired environmental outcomes if extraction is within the long-term average annual extraction limit (LTAAEL), and that 94 percent of water is allocated to the environment. **Use of this statistic as an indicator of environmental outcomes is highly misleading as this percentage is based on an average taken over more than 100 years and includes major floods that significantly skew the average**.” (P4)

However, it appears that the Commission is taking account of these figures in some of its calculations and conclusions. Or is your report pointing out where NSW water agencies are using these skewed statistics?

**8.4 Unlimited carryover and the 300% Rule.**

My opinion is that the 300% rule needs to be totally scrapped, rather than changed to a 450% over three years in Stage 2 of the Roadmap. I’m basing my opinion on publications by the Australian Institute detailing how the river now “owes” irrigators more water than it is able to provide. This justifies an existing sense of entitlement by irrigators, to the detriment of all other water users, *(The Australian Institute, “Owing Down the River: Mortgaging the future flows of the Barwon-Darling / Barka River”. March 2019.)*

It is also necessary to eliminate water take of ‘imminent flows’ immediately, as recommended in Stage 1 of the Roadmap.

**Section 3.2 Off River storages.**

These are a function of the unpredictable nature of the Barwon-Darling. Cotton
needs regular water and has depended on having water waiting in storage as it is too financially risky to plant a crop and not be able to harvest. This practice results in massive water losses through evaporation. (figures are in your report) Having water in storage has become even more critical as irrigators upstream increase their water take, making water less predictable for the Barwon Darling.

This practice is noted by the draft Report but no recommendations have been made. Broadly speaking this practice needs to be further investigated especially as very large amounts of water appears to be evaporating. Many ‘ring tanks’ / storage dams have been newly built and others made bigger under recent federal government Infrastructure Spending. There needs to be discussion and limits on how much water can be removed from rivers and left evaporating in vast open spaces. This presumably means that a high percentage of water in irrigators WAL accounts is also lost to evaporation.

3.2.2 Flood Plain Harvesting

In Siobhan McHugh’s Cottoning On; Stories of Australian cotton growing, she describes the harvesting of rainfall events, in the cotton irrigation areas on the Namoi in the 1960’s, as access to water became increasingly scarce.

“IRRIGATORS thought of (rain) as a gift from the heavens. It was considered ‘off-allocation’ or up for grabs – a bonus to whomever could avail themselves of it, that would not be registered against an individual’s official water entitlement. ‘It would have run to waste,’ says Brian Cummins, ‘although we would not necessarily call it waste nowadays, with a whole environmental question with it.’”

(McHugh, Hale and Iremonger, 1996, p34.)

From the NRC Draft report, “Floodplain harvesting reduces water volumes reaching or returning to rivers, and can seriously affect connectivity between the local floodplain, wetlands and the river... This decreases the amount of water available to meet downstream river health, wetland and floodplain needs and the water supply entitlements of other users.” (p.45)

Both quotes above show FPH as a mechanism to exploit limited water resources for individual gain, with little consideration of downstream losses, connectivity
and the ailing river. If the BD WSP intends to support the environmental priorities of the Water Act (2000) then FPH is not an option! It is also madness to license and monetise water rights in excess of existing WAL’s with only a general understanding of how much water is involved. The Wentworth Group of Concerned Scientists maintain that any water gained through FPH needs to be deducted from the WAL’s so overall water take is not increased.

Regaining public trust in governments and water authorities.

This is going to be an uphill battle (!) and while the recommendations of the Commission are a welcome step in the right direction, it will take more than new rules and regulations to restore trust in governments and water authorities. You describe in sections 12, 7, 9, 10, at length and with great compassion how people along the river systems have seen their lives all but destroyed over a number of decades, becoming catastrophically worse after 2012.

The findings of the NRC report, shocking as they are merely confirm what graziers, Indigenous communities, town communities, fishers and tourists have witnessed for decades. These water rules, licencing plans, extraction limits and various regulations have occurred with what appears to be the support of state and federal governments and the MDBA.

This year, NSW voters in the western divisions spoke out at the ballot box, registering their total disgust at the ongoing river disaster. The success of the “Put the Nats Last” campaign delivered Shooters, Fishers and Farmers candidates in both Barwon and Murray. Federally the nationals only won in Parkes by a slim margin. People are more than angry!

Since the ABC’s Four Corners “Pumped”, a number of people have been investigated with various criminal charges involving water theft; To regain any confidence in river administration systems people and communities need to witness our Legal Systems effectively bringing to account graft, corruption, and water
theft.

I would have thought that after hearing and gathering all the evidence (both best science and personal submissions and accounts) from adversely effected graziers, townsfolk and Indigenous communities, that the NRC could see the value in making recommendations supporting a Federal ICAC or Federal Royal Commission. To do so would go a long way to restoring public confidence, not just in water administration but in our democratic systems.

Addressing overextraction!!

The most important way of regaining public trust is for the environment of the river to improve considerably as stated in the Water Act (2000). And not just to the level of ‘protecting’ low and very low flows. People need to see the water returning plant and animal life, nourishing the perishing River Red Gums, enabling tourism and fishing, Indigenous Cultural practise and teachings. The river needs to go UP as well as down its banks!

To achieve this goal means making the hard decisions and returning more water to the river; taking water back from extractive industries and, as the act states, prioritising the ecosystems of the river itself. The Wentworth Group maintain that the amount of water to be dedicated for river environment into the future has to be in the order of 700GL per annum, while the recent SA Royal Commission have the figure around 5000GL. Federal government haggling brought that figure down to coincide (joke) with the first number of Barnaby Joyce’s postcode, so it had to start with a two. The farce continues!

Shock and dismay at Murray to Broken Hill Pipeline

Directly related to communities’ dismay and distrust in democratic systems and water authorities is the ‘decommissioning’ of the Menindee Lakes and the very rapid building of the $500mill Murray to Broken Hill pipeline. While I understand that this is outside the NRC brief I imagine that many people you spoke to would have raised these actions as deeply disturbing events. It is seen as another strategy to keep all water for extractive industries above the weir at Bourke, in the Barwon Darling system. It appears to have been lobbied for by northern
irrigators and has come about because on a number of occasions they had to wait as water flowed past their pumps and down to Menindee to supply the Broken Hill community - before water could be used for their cotton production.

In your report you point out that 5% of irrigators on the Barwon Darling own 78% of B class irrigation water. People, and not just those out on the ‘coalface’ of the rivers, but those who keep up with news and political events, are angry and dismayed at seeing graft and corruption in action; unreliable water purchased from corporate agribusinesses at above market value and all using taxpayer monies. People have witnessed decades of lofty words about restoring environmental health and respecting and engaging with Indigenous communities - and all the while the wealth is gained by those with the most money and leverage.

As Mal Peters said in Pumped, 2017, “There is no question, in my mind, that the majority of Australians supported the expenditure of a huge amount of money, 13 billion dollars, billion dollars, to fix the river. If the outcome of it is, that we have a very few number of irrigators that have got a huge windfall out of this, I think everybody will be disgusted.”
Ruby Davies, "Water as Life, the town of Wilcannia and the Darling Baaka, September 2007". The river at Wilcannia had been totally dry for eleven months prior to this photo. Collection of the ANG, Canberra

(Note that this image above was taken in 2007. The river at Wilcannia had been dry for the past eleven months before I took the photo. This is well before the 2012 changes occurred.)

Even though the low rivers began in the mid 1990’s in the Wilcannia area, the alterations to the BD WSP, together with the draining of the Menindee Lakes and the hasty construction of a second Broken Hill pipeline, have wreaked total havoc on the Darling below Bourke. The river, all people on the river and all plant, fish and animal lives have been dismissed and abandoned by strategies motivated by corruption and greed.

In my work as an artist, clambering up and down dry river banks – I witness the trauma of huge River Red Gums – no river water in sight for miles! Many of these
trees have dropped not one or two, but four or five large branches in an attempt to stay alive. The river banks are lined with upended grey branches – trees who have already perished.

Back in my studio I open a copy of the 2000 Murray Darling **Commission** publication, “The Darling”. (My photo of the flooded Darling is on the front and back covers, so I have a complimentary copy). Years ago, reading the Introduction I had underlined points in one paragraph. I include a photo of this paragraph for your reflection ...

![Paragraph from report]
Thanking you for taking the time to read,

Sincerely,
Ruby Davies, August 2019