

Barbara Webster

Murray -Darling Royal Commission

Issues Paper No. 2

Dear Sir / Madam,

I am currently living and part time working in health care in Broken Hill, have lived and had a small citrus orchard in Menindee on the Darling River, and have worked and lived in the Sunraysia District in the vineyards for many years. I am passionately concerned with the health of the Murray Darling Basin. It is a river system that should never be in threat from over extraction of its flows, as it is too important for our heritage, agriculture, towns, and wildlife.

Issues Paper No 2:

*1 (a) the manner in which the Water Act 2007 (Cth) (Water Act) has been construed in order to determine a long-term average sustainable diversion limit which reflects an environmentally sustainable level of take (ESLT);*

“Long term average” is a poor utilization of figures to estimate a sustainable take from the Darling River, as it is one of the most variable rivers in the world. One years flood can elevate the average to a ridiculous unreliable expectation of water take, sometimes not achievable until the next flood perhaps in 10 or more years.

This environmentally sustainable level of take appears to have not occurred in the catchment rivers of the Darling River to date, except for exceptionally wet years. On the contrary, by all means it appears that since the SDL for the Darling River both upstream from the Menindee Lakes and downstream from the Menindee Lakes has been estimated, and water trading has come into play, progressive decline in these environments has been experienced. ie: The management as such is not environmentally sustainable. They should be renamed as NON-sustainable diversion limits, ie NSDL's.

The Darling River is suffering from over extraction above Menindee, and too rapid reductions of the storage in the Menindee Lakes (strongly supported by lobbying from Cotton Australia).

*1 (b) what the consequences of that construction might be for what is defined below as the proposed SDL Adjustment Amendment;*

The water claimed to be “saved” to make up for the changes in the SDL's that have just been passed by government will only be available into the system from these intermittent flood events, (as it appears all the savings will be from the Menindee Lakes and Darling River).

As part 3) (b) of the water act states “To avoid doubt: ... (b) the long term average sustainable diversion limit that is produced after the adjustment proposed by the authority must reflect an environmentally sustainable level of take”.

It seems that the changing of the SDLs will reduce flow even more or legalize what has proved to be an unsustainable water take from the northern system, and the ridiculous rapid releases from the Menindee storages that has caused drought situations in the lower Darling River. This will be written in history under our watch. It is inhuman, unethical, borders on cultural genocide of the world's oldest continuing culture, the Baakandji speaking tribes being related to Mungo Man.

Much more water could be put back into the system on a regular basis by real time metering, transparency, reversing floodplain harvesting earthworks, controlling land clearing, providing severe punishment including jail time for breaching licences, and protecting all small to medium flows from annual cropping other than food., and pumps of large sizes.

Only after addressing these points and gaining water permanently in the river system, (not only on paper), should changing the SDL's be considered. What the Federal govt has done is like paying an unreliable contractor in advance of a job he promises to do one day, expecting the NSW govt to bring home the goods when they have previously acted with very questionable conduct. Very poor policy.

*3b. This Paper raises the issue of the construction of the Water Act from a legal perspective, specifically in the context of its use of the term environmentally sustainable level of take.*

The Water Act was initially written by people aware that without a sustainable environment, both social and economic outcomes fall foul. Somehow manipulators of figures have forgotten these ramifications. It may have begun when water trading hit the markets. Short term gain and its lobbyists has prioritised economic outcomes before the environment. Now we are being lobbied by the banks that water licence holders are at risk of losing value for their shares! That really has nothing to do with the Water Act, designed to give your grandchildren a hopeful future.

In the earlier years Cotton Australia ran strong lobbies insinuating the Menindee Lakes were only good for losing water to evaporation. (These claims ignored the fact that when it is cooler, the wind is often evaporating about as much as what would be lost to heat on a warm still day, (Fowlers Gap scientists observations)). It is possible this Cotton Australia lobby group assisted the MDBA to the legal advice to the triple bottom line approach. This may be a lead for you to follow.

Climate change and drought conditions has been used by the cotton lobby, repeated to us through politician's lips, both at a state level and commonwealth, to disguise blatant water theft, massive expansion of floodplain "harvesting", reductions of compliancy officers when the river really needs them, and political mismanagement. No longer can we have an iota of trust in this government, or any other MDBA persons with the words "trust us, there will be more low flows in the Darling River if you agree to reduce the amount of water that needs to be recovered for the environment." Changing the SDL's by closing off the Menindee Lakes and all the water in the Darling River will lead to deprived native fish breeding, cultural genocide, and the death of many people from depression and stress.

The Menindee Lake System is an important wetlands, a key environmental site. The region should be protected.

It may lead to the death of the entire basin, as the Darling is an integral part of the basin health.

It will lead to a class action against all responsible for this gross mismanagement.

It will lead to meaningless legal battles whilst the Basin dies. Too much talk, not enough action.

Is there a law against destroying an entire river and lake system of wildlife? Or native fish breeding hatchery for the basin?

Is there a law against cultural genocide?

Are there laws to protect environments so the next generations may live in them?

Are there anti-bullying laws? ie: "if you don't let us increase our SDL's we will exit the MDB plan"

Aren't there laws against theft, collusion to steal, receiving stolen goods? Or are these laws only targeted to the small people in this country?

It appears to many people out this way that it really doesn't matter if these questions are addressed or not, as the large offenders will continue to worm their way around to benefit their cotton crops. Many of us feel helpless for the salvation of the river. The authorities seem to be quite good at bending the rules to protect business activities related to cotton crops and mining activities, whatever the environmental cost.

Does this mean we are being threatened by foreign companies or countries? Or just subject to Australian bullies who are greedy?

This is being submitted late, so I doubt if anyone will get to read it. But it gets some of the pain off my chest. Others drink a lot or do drugs. So, to try and sweeten us up the NSW govt has promised us out here a new police station and a new mental health unit. Coincidentally they know that crime goes up and mental health drops when the river is poorly. We just want a healthy Darling River and Menindee Lakes.

Thanks for your time,

Barbara Webster