

The Council of the
SHIRE OF BREWARRINA



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Submission to Productivity Commission on 5 Year Review of Murray Darling Basin Authority

Brewarrina Shire Council thanks the Productivity Commission for taking the time to hear submissions on the 5 year review of the Murray Darling Basin Authority.

In general terms, Council is of the view that the Basin Plan has decreased water security for the Brewarrina Community and the other communities along the Barwon Darling. The most devastating impact has been the sale and activation of sleeper water licenses, the transfer of licenses away from properties, the removal of pump size restrictions on "A" class licenses and the failure to protect environmental flows.

Council's views are that environmental flows have been diverted and mismanaged, the size, number and capacity of pumps has grown dramatically and monitoring and compliance are poor cousins to demand and economics. It also appears on balance, that there is no doubt that "protected environmental flows" only travel past Bourke to the lower Darling, by pure chance, rather than by any constructive demonstrated control.

The Basin Plan locks in the Barwon Darling water sharing plan made in 2012, which changed the access to low flows. Low flows are legally extracted by a small number of very large scale irrigation businesses. This has been at the expense of the Brewarrina Community, as low flows are significantly reduced and the duration between flows has significantly increased.

The triggers and restrictions of A class water (low flows) in place before the Water Sharing Plan were set as environmental rule in 1997. The environmental flow rule was put in place to ensure that the 1000 kilometre algal bloom in the Barwon Darling in 1991/92 would never be repeated again. That environmental rule was an informed decision by the best available science at the time. No new science was used, as far as Council is aware to justify the removal of the low flow rule. In fact it appears that the Murray Darling Basin Authority assumed that the environmental rule was still in place.

The Basin Plan has failed the Barwon Darling communities if it cannot restore and protect the low flows (A class window) in the Barwon Darling. The river simply cannot survive the current levels of extraction during low flow events. The community is well aware that off river storages have doubled in the Barwon Darling between the early 1990's and 2012. Since 2012 it is noted that there have again been significant increases to storage sizes which have, in some cases, been funded by the Australian Department of Agriculture and Water Resources.

Brewarrina Shire Council and community request that the Murray Darling Basin Authority undertake a scientific analysis of the impact of the Water Sharing Plan on low flow events. That analysis should reflect the increases to storage sizes, the changes to irrigation production from labour intensive industries such as citrus and melons to large scale cotton due to the rule changes under the Water Sharing Plan. Council asks that affected

communities like Brewarrina, Menindee, Wilcannia and Bourke are included in the development of the analysis.

The Sustainable Diversion Limit (SDL) is academic, unless environmental flows are protected from extraction in the Barwon Darling. Environmental water provisions in the unregulated river water sharing plans are different to those for regulated rivers.

Generally, in unregulated rivers the environmental flow rules consist mainly of annual extraction limits and 'cease to pump' levels which supposedly prevent pumping when river flow drops below a specified level. The rules state that the maximum amount that can be pumped for a given type of license and a given flow level in the river at the monitoring point. Under the Barwon Darling water sharing plan, environmental flows can be legally extracted for irrigation regardless of whether the water recovery target is 278MI, 320MI or 390MI.

Theoretically, license holders are required to comply with the rules and license conditions however, there are numerous examples of where the rules have been ignored and pumping has occurred outside the defined permitted periods, to excess of license conditions, without any action being taken.

This environment of routine non-compliance in relation to water extraction has been allowed to develop through ineffective mechanisms for monitoring and reporting water used, lack of action by senior officers charged with responsibility for enforcing compliance and a protectionist environment where the large water users appear to have immunity from prosecution.

The rules are also flexible and can be varied retrospectively to make it appear that pumping has complied with license conditions. Pump sizes for different classes of licenses have been increased to accommodate the large water users. This enables them to maximise the amount extracted during the shortest possible time.

Hence for low flow events, that may only last a few days, the larger the pump the greater the volume of water that can be extracted before the event period closes. In fact with access to "imminent flows" pumping can start well before the water has reached the pumps and this can have a devastating effect on water quality just prior to a flow.

Water flow modelling by WaterNSW establishes that the increase in pump size restrictions has resulted in a dramatic decrease in the capacity of low flow events to deliver water to the lower Darling and this has increased the prevalence of dry rivers and regular Blue Green Algae alerts, as at present.

There is also no current method to distinguish between environmental flows and irrigation water, when the flow of water reaches the pre-determined threshold, pumping commences. Therefore the environmental flow can legally be extracted for irrigation in the Barwon Darling at low to medium flows. There is also the strange position of allowing irrigators to "Bank" allocations and take up, in excess of their allocation in some years, that is will be 'repaid' to the environment in the following years.

There are also other methods by which environmental flows may be tapped and this is by way of water diversions, where weirs are constructed, gates that were designed to allow environmental flows stopped or water simply pumped off stream.

For example, environmental flows from Beardmore Dam that are supposedly shepherded down the Balonne & Culgoa River to provide environmental flows to the Narran Lakes Wetland Nature Reserve Ramsar Site as well as the Bokharra and Birrie Rivers.

There is a bifurcation weir located upstream of Dirranbandi, at the head of the Culgoa River, that is designed to be operable to divert environmental flows into the Narran Lakes Wetland Nature Reserve Ramsar Site as well as the Bokharra and Birrie Rivers.

Council is not aware of who is responsible to operate this weir to divert environmental flows, however, because the weir is not used, this water ends up travelling down the Culgoa to Bourke. Naturally the rise in water flows over the Bourke weir provides an opportunity for pumping. You can draw your own conclusions as to what happens to environmental flows.

The Murray Darling Basin Authority will be aware that 6 years into the implementation of the Basin Plan and with record inflows into the Barwon Darling at the end of 2016 there is currently a red alert algal bloom along almost the entire length of the Barwon Darling river system and the Bourke weir pool is so low, that level two restrictions are in place.

For the people of Brewarrina, the Basin Plan has achieved nothing apart from improving water security for a small number of large scale irrigation businesses and it has locked in a Water Sharing plan that will see the Barwon Darling die. The Murray Darling Basin Authority have not placed enough emphasis on the flow from Queensland into our system and purchasing back the water that was identified to be purchased and put back in the system. The Murray Darling Basin Authority must also make this their first priority so our graziers to the north of our shire have some water security whereas at present they have none.

It is also inexplicable to note that despite the fact that the Barwon Darling River system between Brewarrina and Bourke is fed by two major river systems, the threshold for water flows over the weir pool at this point is 110ML lower than the threshold for water over the weir pool at Brewarrina. Council does not wish to draw any conclusions as to why this is so, but it would just seem logical, that where two rivers converge, this might be an opportunity to have higher, not lower pumping thresholds.

There is also an abundant trade in unused water licenses and the impact that trading in unused licenses has on environmental flows within the river systems must be considered. There are many water license holders who have never used their allocation, (nor are ever likely to) who can sell or lease water allocations on an annual basis and make substantial returns to the detriment of the environment. There are quite a few unused licenses in Brewarrina that are "A" class water users who don't even have a pump. When water is scarce the larger water users have the capacity to buy up or lease these unused water allocations and pump the water that would not have been accessed if the license remained with the property concerned.

The other factor is that pump sizes have increased, so where in the past an 'A' class license was restricted to 150mm pumps, now there is no limit and so combining the acquisition of an unused license with larger 900mm pumps has had a detrimental impact on environmental flows. The trading in unused water licenses is no doubt one of the contributing factors as to why there is now more water extracted from the river system following the Commonwealth buyback scheme, than has ever been in the past.

Since the aim of the Basin plan is to address the overuse and over allocation of water, would it not seem logical to stop the sale and transfer of unused water licenses (Sleeper Licenses) away from the properties to which they have been allocated. All water licenses should remain with the land that they have been allocated to, this strategy, if adopted, would reduce the ability to pump low flows and would have minimal impact on the community. It could also potentially encourage more local agricultural development.

Restricting pump sizes and transfers off-farm will ensure that the big end of town doesn't manipulate the system to extract larger quantities during low flow events.

Brewarrina Shire Council put forward that the following recommendations need to be addressed if the Murray Darling Basin Authority are to have real credence in our communities.

1. Brewarrina Shire Council believe that all licences with previous heights for pumping and pump sizes should be reverted too, as little to no consultation was had with Communities in changing heights and pumps sizes. A Class pump size needs to be reverted back to the original pump size of 6 inches per A class licence
2. Minister to have the power to place embargos on the flows down the Barwon Darling at his/her discretion, so low flows are protected and shepherded down the river into the Menindee Lakes, so towns below Menindee before the Murray River, have water available to them before irrigators.
3. If any town weir pool used for human consumption is above the acceptable safe salt level standards then all extractions by irrigators are to cease to allow flows to that weir pool.
4. All unused licences not used in the last ten years to be paid an average price for the licence they hold and taken back from the water holder and dissolved.
5. No sleeper licences to be sold and activated, same as point 4, to be purchased by the government and dissolved.
6. Movement of A class licence should not be allowed away from the area that the A class licence was originally allocated. This would mean A class licences returning to the original area and promoting investment in that local area for highly intensive agricultural pursuits.
7. Accurate metering to be fitted on all pumps. No self-monitoring. With the technology now at hand this should be easily achievable, immediately.
8. The weirs of the lower Balonne below Dirranbandi have to be automated so the Balonne minor receives at least 2 flows through the system for environment, stock and domestic purposes. This is needed for the people living along this system that do not have bore water to rely on when the river is dry.

Finally, can someone please explain how did the MDBA come up with the 320 gig figure to reduce too, when there is no accurate monitoring of irrigators pumps at the present time.

Brewarrina Shire Council and community thank the Productivity Commission for the opportunity to put our submission forward. If you have further questions or wish to have any further evidence I would be pleased to respond.

Clr Phillip (Ocker) O'Connor
Mayor of Brewarrina Shire

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