



MEDIA STATEMENT: 17 January 2019

### ***MDBA Water management -Don't put Dracula in charge of the blood bank***

Northern Basin Aboriginal Nations (NBAN) Deputy Chair, Ghillar Michael Anderson and NBAN Director Cheryl Buchanan announce NBAN's support for Sarah Hanson-Young's call for a Royal Commission into the mismanagement and over extraction of the waters of the Murray Darling Basin. [*The Guardian, 16 January 2019*]

NBAN has now learnt that the disaster that we are experiencing in the Murray/Darling Basin is a perfect electric dry storm of massive fish kills and drying riverbeds.

It is NOT just caused just by the drought but is also a culmination of man-made mismanagement; corruption at the highest levels; and major development without scientific evidence-based planning in the formative years of the MDBA.

At an emergency meeting of the NBAN Board of Directors in Moree on the 11, 12 & 13 January 2019, it was determined that an urgent intervention is required. With the demands from our Nations' Delegates and other First Nations members NBAN took the decision that face-to-face meetings in Canberra were now necessary and that we needed answers.

On our arrival in Canberra on 14 January we made contact with the office of the Federal Minister for Agriculture and Water, David Littleproud, and we were advised that he had urgently requested a meeting of Murray-Darling Basin Authority and State water managers to try and co-ordinate a response to the mass fish deaths in the Darling River and Menindee Lakes.

Their communique of 15 January 2019 was released by Phil Glyde, CEO of MDBA, read more like 'another day at the office' rather than taking ownership and responsibility of the disaster. The water planners had failed to plan for extensive and long droughts within the Murray-Darling Basin and Dr. Kingsford is correct to lay blame at the feet of the Water planning for not focusing on what could be regarded as a 'one-in-100-year event' such as that which we are now experiencing. NBAN cannot agree with Mr Glyde's suggestion that they re-locate native fish (which is one of their suggested solutions). The MDBA and State authorities in NSW are to blame for turning the Menindee Lakes native fish nursery area into the equivalent of a sewer. It just does not work like that in the real world! Re-locating fish will witness more deaths, anyone and everyone who knows native fish will understand that this will just not work.

NBAN has great difficulty in understanding why the so-called experts water planners would attempt to normalise our current circumstances. First Nations now demand urgent answers and to be included in all future top-level water planning within the Murray Darling Basin.

We asked the MDBA Aboriginal Engagement Unit to have us included in that high-level meeting on the 14<sup>th</sup> where Mr Glyde and his Water Managers were. Instead, we were diverted to the adjacent room where we met with Tony McLeod, SDL (Sustainable Diversion Limits) Accounting and Aboriginal Partnership General Manager and staff in regards to the MDBA Planning process and the obvious absence of First Nations' participation in current water planning at all levels.

NBAN has never been a rubber stamp organisation to tick the 'consultation' boxes. Ghillar and Cheryl both agree that NBAN and its members are beyond being the ones standing out on a ledge. The days of being the Rosella on the biscuit tin on the outside looking in are over. In the meeting it was made very clear that First Nations Law, culture and customary practices are alive and well in this Country and cannot be ignored any longer. The Commonwealth and State governments are making decisions without including NBAN at the high levels of government administration and planning. What governments have to acknowledge and accept is that First Nations Law and customs are now recognised by the common law of this Country and as the judges ruled in the Mabo High Court decision:

65. ... Native title, though recognized by the common law, is not an institution of the common law and is not alienable by the common law. [at para 65]

Surely Commonwealth and State water ministers should understand that they no longer have *carte blanche* rights to leave First Nations Peoples out of future government planning not just for water, but also for biodiversity, ecology and **everything** to do with our culture as it relates to management of Country, which includes water as a vital component.

NBAN is critical of the fact that NSW Water planners admit that from 2012 to 2018 they did nothing to properly prepare for evidence-based planning in relation to water management in the northern basin, and that their assessments in terms of quantities of water are based on hypothetical values and assumptions. Now there is a mad rush to review water planning on the basis of A, B and C water licencing in the Barwon/Darling and there is a suggestion to amalgamate these water licences into two or one licence. NBAN's problem with this is that there are too many vested interests in the process calling for this to happen. Water planning from NBAN's point of view needs to be reviewed so as to plan on the basis of what **real** volumes of water are in each valley catchment. With all the science and technology we have in today's society there is no excuse for hypotheticals and assumptions.

From NBAN's perspective these admissions clearly demonstrate that there are failures by the Water Ministers responsible for due diligence in their portfolios and departments.

Playing the blame game and shirking responsibility will not help our dying rivers. Clearly, corporate water users, irrigators and mining companies are driving the agenda. For example, the Broken Hill pipeline is for the mining interests rather than the community. Then we need to take into account the Proposed Uranium Mining near Menindee.

The Board of the MDBA is made up of members who have vested interests. A clear example of this is the Chairman, Brian Andrews, (former Speaker of the House of Representatives

under PM John Howard) who is an orchardist dependant on irrigation waters from the Murray River in South Australia.

NBAN further expresses deep concern for the integrity of politicians and MDBA authority members. Clearly, there is an inference in recent media reporting that what is currently going on in the MDBA is a major defrauding of the public purse, which can never be condoned. This is in tandem with water theft by irrigators who were never investigated and escape prosecution for their criminal acts. As the *Sydney Morning Herald* reported on 8 March 2018:

‘Major crimes police raided the Norman farm at Goondiwindi last year after allegations of fraud relating to misuse of \$25 million of taxpayer funds provided for water saving programs.

And this week it was announced that WaterNSW would prosecute five people for water theft, after the NSW Ombudsman pointed out that - contrary to statistics WaterNSW provided to the government - no penalty enforcement notices for water theft had been issued between July 2016 and November 2017.’

On 15 January 2019 *The Guardian* also reported that:

The commonwealth faces “unique fraud risks” arising from its management of the \$3.2bn portfolio of environmental water in the Murray-Darling Basin, an internal audit has found. The audit, written by Ernst & Young, and previously withheld from the public, found the Commonwealth Environmental Water Holder (CEWH) and the near \$3.2bn worth of water it controls, was at risk of being defrauded by state agencies, individual officers within those agencies and private landholders.

Despite finding serious risks to a major commonwealth asset, the report was only released through Senate processes instigated by the Greens senator Sarah Hanson-Young and the Centre Alliance senator Rex Patrick.

*[MurrayDarling Basin water management faces 'unique fraud risks', audit reveals]*

Also there was the warning of water theft by irrigators in the northern basin by a former MDBA staffer Maryanne Slattery, who now works for the Australia Institute, testified to this effect at the South Australian Royal Commission, based on satellite imagery tracking the fate of environmental water flows. This experimental project called Data Cube was rudely interrupted and shut down by MDBA, because Ms Slattery was exposing the theft of environmental water by illegal diversion. It was also reported MDBA staff were denied by the MDBA Board the right to give evidence to the Royal Commission and Minister Littleproud refused to co-operate with the Commissioner, Brett Walker QC,

The greens Senator, Sarah Hanson-Young, is correct to call for a Commonwealth Government Royal Commission into the water management and expenditure of public funds in the MDB. The question that is on everybody’s lips right now is: What have they done with the \$13B. Clearly, cotton growers and irrigators are getting money for nothing and continue to live on their lands drawing on other Commonwealth funds under Works and measures programs through ‘Toolkit’ measures for water efficiency.

NBAN is seriously concerned about what was reported in the Sydney Morning Herald on 9 March 2018 in *Cry me a river: Mismanagement and corruption have left the Darling dry*. In this article it was reported that:

In July 2017 the ABC Four Corners program "Pumped" revealed astounding malpractice and alleged corruption, which is currently being investigated by the Independent Commission

Against Corruption (ICAC). Some of these allegedly corrupt transactions hide behind a veil of incompetence. Hundreds of millions of taxpayer dollars have been spent on water "buybacks", where the government has paid twice the going rate for water which effectively does not exist, except during heavy rainfall and peak water conditions.

The first of these was the purchase of \$34 million of supplementary water rights, described locally as "empty buckets of water", sold to the federal government during the Millennium drought in 2008 by Tandou Station, 100 kilometres south-east of Broken Hill and just south of the Menindee Lakes. A further water sale to the federal government was made last year by the same station, \$78 million for their entire 21,900-megalitre water right and for business readjustment.

[As was reported last month](#), that deal - personally negotiated by Barnaby Joyce - was at more than twice the market price for water.

Surely, what Barnaby Joyce has done is criminal. When the Indigenous Land Corporation (ILC) bought Yulara village, the Commonwealth financial regulators questioned why the ILC acquired the village resort for \$60M above market price. To this end the Commonwealth government chastised the ILC and lowered the market price to its correct value, thereby denying the right ILC to sell their interest at the price they paid for it, which denied them millions of dollars.

This demonstrates that there continues to be two standards: one for First Nations Peoples and one for non-First Nations Peoples. What makes this worse is the fact that sitting politicians are involved in a major profiteering scam on a scale never seen before in this country.

Clearly having people like the Minister David Littleproud being given the portfolio of Agriculture and Water and coming from the same location where Barnaby Joyce first gained his start in Politics at the Commonwealth level does raise serious concerns about the integrity of portfolio allocations in the Commonwealth government. People like Barnaby Joyce and David Littleproud can be accused of not disclosing their full interest in farming and irrigation. There is much to be desired in these appointments as Barnaby Joyce and Littleproud are sitting members of the national party. They are elected to look after the interests of their constituents and in the case of the appointment of Barnaby Joyce and Littleproud to the Water portfolio is likened to the appointment of Dracula being appointed to be in charge of the Blood Bank.

On the 16<sup>th</sup>, the NBAN Delegation then met Dr Lindsay White, Director Northern Basin Section, Lindsay White is also responsible for Wetlands, Policy and Northern Water Use Branch Commonwealth Environmental Water Office, and Hilary Johnson, Director, Southern Basin Section, Southern Water Use, Aquatic Science and Community Engagement Branch Commonwealth Environmental Water Office.

NBAN advised the CEWH that within the river systems we have sacred waterholes where our creative water spirits live. These culturally significant water spirits are dependent on regular flows. For First Nations Peoples these flows are what we call cultural flows. Without the modern development pre-Christmas rainfalls would have replenished these waterholes and they would have sufficient water to take them through the current drought or until a new rain event within the northern regions. But, with modern development and mis-management these water holes are under serious threat and our Native Fish will lose their refuges. Past river recordings prior to development demonstrate that this is the case with these waterholes. It is important to understand that these Waterholes are critical fish refuges and serve to protect species diversity and are responsible for repopulating rivers in recovery after flooding.

The Delegation sought clarification of the role of the Commonwealth Environmental Water Holders. What shocked the delegation was the limitation of the CEWH, because the First Nation held the view that CEWH were responsible for not just managing environmental water flows, but also were responsible for the actual purchasing of any water requirements. Instead we were advised that the purchasing responsibilities lay with the Minister and the Department of Agriculture. Under the Current circumstances much of the responsibilities associated with managing environmental water needs lay at the feet of the Ministers responsible.

The NBAN delegation now demand that First Nations People's must be at the table in all future water and environmental planning at *all* levels of government.

In calling for the royal Commission, NBAN demand that criminal prosecution be part of the terms of reference to hold those responsible, accountable, and to bring transparency into the murky process that has persisted to this day.

Contact

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