

Pushing Back on the Hydrocracy

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Acknowledgements to Country

I would like to acknowledge that we are meeting today on the Country of the Larrakia People. I pay my respects to their Elders, past and present. And as my presentation will highlight, we have a lot to learn from First Peoples in genuine and respectful partnerships.

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Outline

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My presentation will:

- (1) First, examine briefly the views of citizens, the Power Triangle and what this means in terms of the Democracy Deficit. Or what's getting in the way of delivering better environmental outcomes.
- (2) Second, I will review 'The Robbing Peter to Pay Paul' in terms of Australia's Water Story.
- (3) And last, but not least, I will consider the possible ways to push back against the Power Triangle and in particular, the Hydrocracy, the powerful and influential people who make the key decisions about the Who, the What, the When and How water is used in Australia.

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The 'Power Triangle' and the 'Democracy Deficit'

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The 2022 Australian Electoral Survey found that only 30% believe that people in government can be trusted. The same survey found that 54% believed that government

is run for ‘*a few big interests*’, while just 12% believed that government is run for ‘*all the people*’.

In this same Survey, half of voters considered that the environment was extremely important in their vote decision and 88% considered it either *extremely important* or *quite important*. 82% of voters considered that global warming was either extremely or quite important in their voting decision.

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The ‘Power Triangle’ consists of privileged interests that either impede or halt effective responses and mitigation to long-term environmental threats. This is, typically, mediated through the political processes of party donations, ‘sliding doors’ between government and business and regulatory capture of bureaucracies.

In the context of climate change, biodiversity loss and water insecurity the powerful and vested interests of the ‘Power Triangle’ are labelled, respectively, the *Climatocracy*, the *Biodiversocracy* and the *Hydrocracy*.

Globally, the strategies of the Climatocracy are the best known and include:

- 1) denying anthropogenic climate change
- 2) creating doubts and uncertainty around projected climate change
- 3) greenwashing
- 4) and the claim that climate change mitigation is ‘sorted’ with Net Zero targets.

In Australia, notwithstanding ‘creative accounting’ around base years and land-use changes, current reductions in national energy-related CO₂ emissions are grossly inadequate to meet Net Zero by 2050 *without* heroically assuming large negative future emissions. Much of these negative emissions are to come from carbon credits than will offset actual reduction in emissions.

In a recent Australian study, an assessment of 143 carbon human-induced regeneration credit projects (80% of the total), there was either zero or negative change in woody cover. Yet these same projects generated almost 23 million carbon credits. And a 2023 study, published in *Science*, of 26 projects in six countries the authors concluded that

most projects failed to result in additional carbon sequestration. And where additionality was identified, the actual benefits were lower than claimed.

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To deliver effective and sustainable environmental outcomes now, and into the future, the world needs, in the words of Abraham Lincoln: “government of the people, by the people, and for the people”.

That is, the people need Active Democracy that includes but is not limited to:

- 1) high-quality public education that allows most people to engage with complex problems;
- 2) effective and widely-available civic education;
- 3) fact-checking of publicly available information;
- 4) a diverse and free press;
- 5) participatory processes and dialogues around decisions of key public interest;
and
- 6) transparent mechanisms that hold decision-makers *fully* accountable for their actions (e.g. public integrity commission).

Unfortunately, many democracies are going backwards not forwards. In a 2020 survey, more than half of respondents in the EU and North America said they were NOT ‘satisfied with democracy’. Dissatisfaction with democracy is increasing at a faster rate among the young and in some of the larger Western democracies, including the United Kingdom and the US.

A detailed review of democracy performance in 2024 found that the decline in satisfaction with democracy has occurred simultaneously with a *deterioration in democratic performance* in almost half of all monitored countries. These declines were measured in terms of:

- 1) Credibility of Elections;

- 2) Effectiveness of Parliaments;
- 3) Economic Equality; and
- 4) Freedom of Expression and Freedom of the Press

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‘The Robbing of Peter to Pay Paul’ is a key part of Australia’s water story, started at the very beginning of colonisation in 1788. This was when land and water of the Gadigal People, in what today is known as Sydney, was stolen from them without treaty. This, and subsequent dispossession, has taken place under the unprincipled and patently false premise that the land and the water on which First Peoples had lived for many millennia belonged to no one.

The ‘Great Dispossession’ is manifest in Australia’s ‘water wars’, beginning first in New South Wales in the early nineteenth century. It was motivated by the desire of a few to acquire highly valuable squatting rights by stealing the land—and the water on it—from its rightful custodians, the First Peoples. These water wars led to the destruction of First Peoples’ food sources by livestock; the removal of First Peoples’ fish traps; and the deliberate poisoning of the food and waterholes to ‘move on’ First Peoples.

Appallingly, it also included murder with many of the 421 recorded massacres of First Peoples that took place between 1780 and 1930 occurring at waterholes or on riverbanks.

To give you a sense of what I mean my ‘Robbing Peter to Pay Paul’ in terms of Australia’s recent and current water story, let me take you back to 2007 when Australia’s Prime Minister at the time, John Howard, delivered a ‘National Plan for Water Security’.

It was a 10-point Plan with 10 billion dollars to be delivered over 10 years. In his words, it was : “*our great opportunity to fix*” what was broken and “*...to confront head on and in a comprehensive way, the over-allocation of water in the Murray-Darling Basin*” that is located south-east Australia.

At that time, which was during a big drought, the Prime Minister said that the “...*current trajectory of water use and management in Australia is [was] not sustainable*”. He called it: “*a great national problem*” that needed: “...*radical and permanent change.*”

The National Plan for Water Security included billions of dollars in subsidies to: “...*save more than 3,000 billion litres of water*”. In fact, the real increase in stream flows from these subsidies is likely to be no more than 10% of the actual water savings goal.

The National Plan for Water Security was to spend \$3 billion on buybacks of tradeable water rights from willing sellers to increase stream flows in the Murray-Darling Basin. In fact, the volume of water recovered for the environment was capped. This means that about 500 billion litres of water, a volume close to what is in Sydney Harbour, did not get delivered as increased stream flows.

The National Plan for Water Security included \$225 million for irrigation water meters to stop water theft and to allow greater management control of water within the Murray-Darling Basin. In fact, it took the Australian Broadcasting Corporation to expose water theft by a few irrigators in the north of the Basin a decade *after* the National Plan for Water Security was announced. This TV expose prompted the commissioning of an independent Review Panel. This Review Panel estimated that up to 75 per cent of surface water diversions in the northern Murray-Darling Basin were still unmetered as of 2017.

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Back in 2007, Australia’s Prime Minister had wanted to stop: “...*the chronic over-allocation of water in the Basin*” and impose an: “...*effective Basin-wide cap on water extraction*”. In fact, while Australia did get the Murray-Darling Basin Plan in 2012, that included a lower cap on diversions, it actually delivered many hundreds of billions of litres *less water* for streams and rivers than what was originally proposed in 2010 as the *absolute minimum* for environmental water requirements.

And to add insult to injury, planned water diversions in the northern Murray-Darling Basin were increased by 70 billion litres in 2018. This happened despite the best scientific evidence that this decision would generate unacceptably high environmental

costs. Within months of this decision, some 2 million fish suffocated from a lack of oxygen in the water along the Baaka (Lower Darling River) at Menindee, New South Wales. And it happened again, in early 2023, when there was not even a drought and when some 30 million fish were killed.

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An investigation into the 2023 mass fish deaths by the New South Wales Office of the Chief Scientist and Engineer observed⁴: *“Mass fish deaths are symptomatic of degradation of the broader river ecosystem over many years ... Explicit environmental protections in existing water management legislation are neither enforced nor reflected in current policy and operations.”*

The Hydrocracy has been very successful at ensuring water allocation plans that determine who get the water, and under what circumstances, favour irrigator interests rather than the public interest. A 2020 investigation into alleged inappropriate influences, undertaken by the NSW Independent Commission Against Corruption (ICAC), found that water access rules in that state had allowed for: *“opportunistic extraction by a small number of large irrigators of unprecedented volumes of water at low flows, which are the flows that are critical to riverine ecosystem health”*.

This same Independent Commission further found that a senior NSW public servant who had provided confidential information to an irrigator reference group did *not* act in the public interest and his conduct was improper. As a result of its investigations, the Independent Commission exhorted, in relation to how water is regulated in New South Wales, that: *“Public officials cannot be permitted to get too close to one sector in their portfolio and ignore the other stakeholders.”*

In the past decade, here in the Northern Territory (NT), the NT Government has given away free groundwater licences to pastoral lease holders to pump water, including from native title land. Some of these groundwater licences given away free to individual enterprises are worth tens of millions of dollars. And one agri-business, with a pastoral lease in one of Australia’s driest places (not including our deserts), was recently given the right to eventually extract, at no charge and with no compensation to the native title holders, up to 40 billion litres of ground water per year for thirty years.

Also in the NT is the Georgina Wiso area. This is a place where the NT government has approved a water allocation plan that has increased by 14 times the amount of groundwater that can be extracted; from 15 billion litres per year to 210 billion litres per year with much of this water allocated for irrigation.

And just north of the Georgina Wiso area in the NT is Mataranka, about 400 kilometres south of Darwin. Its water allocation plan has doubled the existing permitted groundwater extractions despite being vehemently opposed by the Traditional Owners from where much of the groundwater will be extracted. The Mataranka Water Allocation Plan jeopardises the existence of sacred sites and internationally renowned freshwater springs—such as Mataranka Springs and Bitter Springs—and will reduce streamflow along the Roper River which depends on groundwater for its base flows.

Too much influence by the Hydrocracy and not enough from others, including First Peoples, public-interested scientists and communities, has got in the way of sensible water reform in the public interest. This is despite successive Australian ‘State of the Environment’ reports identifying on-going risks to wetlands from overextraction of water.

While climate change is undoubtedly reducing stream flows in many places in Australia, by far the biggest impact remains over-extractions of water for irrigation.

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Retelling Australia’s water story is much more than a list of what’s wrong. It is a wake-up call to fix what is broken, now and not later, and to listen to those seldom heard. It’s about Voice. It’s about Treaty. It’s about Truth Telling. And it’s about righting wrongs – by first acknowledging dispossession and then delivering restorative justice.

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To make the ‘justice journey’ a success in Australia, all of us need to share our collective visions of what we want for our water and Country. This demands Dialogue, and corresponding actions and reflections, with all voices included.

And by dialogue, I do not mean a ‘conversation’ or a ‘consultation’.

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Dialogue is about an ongoing process of listening and then delivering agreed-to actions that support a collective vision, from all points of views, while evaluating the trade-offs to get there. It is the antithesis of top-down decision-making and ‘set and forget’.

Dialogue does not mean that everyone must accept the views of everyone else. That is a forced or a pretend consensus. Dissent and discomfort are part of Dialogue but so is respect and listening to others and, crucially, openness about what is the agreed-to-knowledge and evidence accepted within a Dialogue.

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Dialogues are not always suitable ways of delivering justice as sometimes legal appeals and other means are required. The Hydrocracy will also fight to stop Dialogues from happening and Voices from being heard.

As to whether a Dialogue process is appropriate depends on multiple factors that include:

- 1) power dynamics;
- 2) the problem(s) to be resolved;
- 3) time availability to do Dialogue; and
- 4) ability of the parties to freely and actively participate.

An example of one Dialogue process was co-initiated by the Water Justice Hub of the Australian National University and the Martuwarra-Fitzroy River Council from the Kimberley, Western Australia. This Dialogue process included multiple events and has led to multiple outputs.

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If we are to progress Australia’s water justice story, we must also reconsider what gets valued and prioritised. Here is a figure called the ‘Flows of Water Justice’ that was developed before and after a one-day gathering on the 25th May 2022 in Broome,

Western Australia. The Dialogue participants co-created a visualization of the meeting of the two Living Rivers (Baaka and Martuwarra) based on Indigenous and other knowledge.

In this figure, time has a circular framing whereby the past, present and future connect and not just in a linear way. Participants at this Dialogue placed 'Primacy of Country' above all else in relation to the two Living Rivers and highlighted five justice journeys towards achieving Primacy of Country:

- (1) 'Deep Listening' to Voices of the Living Rivers;
- (2) Recognition of First Law and Custodianship;
- (3) Inter-generational Care;
- (4) Indigenous Water Rights; and
- (5) A Bringing Together of Different Knowledges.

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For the Earth to Rise we cannot assume that governments will implement the reforms that were promised or even legislated. The world is full of legislation and regulations that fail to get implemented. In large measure, this is because of the power and influence of the *Hydrocracy*, *Climatocracy* and *Biodiversocracy*.

Powerful interests, always have and always will, maintain an overwhelming influence over decision-makers whether in a democracy or in another form of government. In an active democracy, however, there is an opportunity for 'People Power' to help deliver what people want in relation to climate, environmental, social and water justice.

Without the 'People Push Back' to the 'Power Triangle', the public interest will always be undermined. Without Active Democracy the public will fail to fully deliver what's good for Country, what's good for our Waters, and a sustainable future for all.