

Gilbert J Hardwick BA.Hons BLitt.Hons M.Crim.Just SFSPE

Senate Select Committee on the Multi-Jurisdictional Management and Execution of the Murray-Darling Basin Plan.

Australian Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Senators,

In making my submission, rather than going back over old ground, my argument is that as far as the Commonwealth is concerned, the issue at hand is considerably less about managing water than it is managing the ongoing and debilitating conflict between the states over water, where in the event catchments extend beyond individual state jurisdictions.

I appreciate both the wording and the intent of S.100 of the Australian Constitution, that:

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

I also appreciate that said Constitution was negotiated during the peak of what came to be known as the Federation Drought, which profoundly influenced - one might say profoundly distorted - the wording and intent of the document as a whole, and the relevant section in particular.

By the same good reasoning as we find inherent in S.100, neither should any of the states abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

As things stand, egregious conflict between the relevant states over water has led to massive waste and inefficiency in allocation and productive use of water, by which I clearly intend both farm irrigation and environmental use as mutually and productively interdependent, provided that sound catchment management across the entire Murray-Darling Basin in particular is enabled once these conflicts are settled, or brought at least within reasonable bounds consistent with mutually desirable outcomes.

In that respect in particular, I remain mindful that over the long period since federation, a great many new people have arrived in this country who lack experience of the cyclic drought regime in this country and how best to manage it; who have since been found in key decision-making positions relying not on practical first-hand experience but literal reading of the constitution and respective legislation as it suits their purpose, and on 'science' over common sense; meaning that veritable plethora of papers and reports serving to obfuscate sensibly informed discussion, and in consequence good decision-making and good management practice.

For the remainder, I attach as the body of this submission my 2019 paper, *History, Politics and Conflict in the Southern Murray-Darling Basin: An ethnography*, already widely circulated.

I do trust that a federal referendum to amend the Australian Constitution will proceed in good order, to empower the Commonwealth to do its job properly and enable the conflict between the states to be managed far better than it is.

Yours faithfully,

Gil Hardwick

Perth, Western Australia

11 February 2020