

# Australian Government **Productivity Commission** **Murray-Darling Basin Plan: Implementation** **Review 2023**



The dry Namoi River at Walgett's intake pump for its drinking water in September 2019. The result of poor water management that allowed Floodplain Harvesting and other extractions upstream when the river was dry at Walgett. Today in 2023 the river has not recovered, affecting food and water security, and compounding dispossession and disadvantage.

**Submission from Dharriwaa Elders Group,  
Walgett. 11 August 2023.**

## **Introduction**

From our vantage-point from Walgett – a key location in the middle of the Northern Murray Darling Basin, we see that implementation of the Murray-Darling Basin Plan has not been effective in multiple ways:

1. The wellbeing of the surface and groundwaters are suffering and in a state of collapse. The rivers at Walgett no longer support filtering water grasses, mussels, water spiders. Most native fish are regularly stressed and mostly only carp survive.
2. Aboriginal people have diminishing access to rivers and in places are fearful of aggressive landholders who block their access to Country including waters.
3. Water management agencies say that water might be available for “Aboriginal Water Entitlements” yet all the waters are already allocated.
4. The rivers no longer support critical human needs - are not safe to drink, eat from or swim in.

Irrigation on the scale of that in the Northern Basin is not compatible with healthy flowing rivers. We are angry that Walgett’s water can be taken from so many for the benefit of so few – and just to make them rich. In doing this the NSW Government serves only the interests of a small number of cotton growers, at the expense of the rest of the community. And the Commonwealth Government is rubber stamping this theft from the common wealth.

We think that Australians would be shocked to truly understand that their governments only see the mighty inland rivers of the Murray Darling Basin as canals for irrigation and mining inputs, and drains for their waste. Yet this is the reality today.

We appeal to this Productivity Commission Inquiry to present the new Labor Commonwealth and NSW water ministers with the practical measures they need to urgently implement a fairer and lawful plan to save the waters and communities of the Murray Darling Basin and manage water in the interests of the common wealth of Australia.

## **Dharriwaa Elders Group**

Dharriwaa Elders Group (“DEG”) is an association of Aboriginal Elders who live in Walgett, a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers and many creeks, warrambuls and lakes meet in a large floodplain wetland, upstream of the town of Bourke. Walgett is in Gamilaraay Country, close to the borders of Ngiyambaa and Wayilwan Countries, and is now home to Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non-Aboriginal people.

DEG grew out of a program of the Walgett Aboriginal Medical Service (“WAMS”). Both are Walgett’s current and enduring Aboriginal Community Controlled Organisations (“ACCOs”) – WAMS for 37 years and DEG for 23 years. They are incorporated non-profit businesses with their own constitutions, local memberships and local directors. Their Walgett Aboriginal founders established these non-profit services to further the wellbeing and development of the Walgett Aboriginal community.

Today, DEG works in a long-term multidisciplinary partnership with University of NSW – Yuwaya Ngarrali. This partnership has brought trusted expert collaborators, supported DEG’s growing capacity and research capability and importantly – encouraged DEG’s independence which allows it to confidently present irrefutable evidence to law and decision makers.

DEG works to support Elders' wellbeing and their community development and knowledge sharing work including the management of a keeping place and programs:

- Elders Social Support
- Caring for Country – Aboriginal Cultural Heritage, environment and water
- Diversion of children and young people from criminal justice system
- Dealing with Walgett's fine debt
- Building the capability of Walgett ACCOs
- Community Troubleshooting/linkage to government services
- Housing

Together WAMS and DEG work holistically in the following domains:

- Children and Young People's Wellbeing
- Building Food and Water Security
- Walgett employment and enterprise development
- Relieving poverty
- Emergency responses
- Civic representation and engagement of Walgett Aboriginal community

WAMS and DEG are the content experts in these domains in Walgett, and have the specific attributes needed to work with their community to determine community priorities and lead projects that build community wellbeing and capability. Their work is evidence-based and solutions-focussed. All their work and programs, and the Walgett community, rely on the good management of the Northern Murray Darling Basin.

### **Dharriwaa Elders Group's water work**

Rivers have always been, and remain central, to Walgett culture and life. Rivers used to provide drinking water and food (particularly regular fish meals), healing activities, water for birds and animals, gardens and food security. **For Aboriginal people the health of the river and the health of people come first.**

In recent times Walgett's Aboriginal community has suffered from inequitable river management hidden and compounded by drought and climate change. Despite three wet years and very high flows, the health of the rivers at Walgett is as bad as it has ever been.

DEG has been working to improve the health of waters in its area of interest.

Water and food insecurity is of great concern to DEG. With the Walgett Aboriginal Medical Service and our Yuwaya Ngarrali partners at UNSW's The George Institute we surveyed 250 Aboriginal people in Walgett in 2022<sup>1</sup> and found that community members reported many problems with food and water, including experiencing not having enough to eat or drink, and/or going to sleep hungry or thirsty at night. This work measuring Walgett's food and water insecurity was reported

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<sup>1</sup> Yuwaya Ngarrali Community Briefing Report: Key Findings from the Food and Water Security Surveys in Walgett, February 2023 [https://www.dharriwaaeldersgroup.org.au/images/downloads/WalgettReport\\_A130223b\\_web.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/WalgettReport_A130223b_web.pdf)

by ABC 7.30<sup>2</sup> and the Sydney Morning Herald<sup>3</sup> and more recently mentioned in the leading science journal Nature editorial 1 August 2023<sup>4</sup>.

DEG's River Rangers<sup>5</sup> now provide DEG with a daily observation capability and have turbo-charged DEG's evidence and knowledge base. They have observed and reported two Walgett native fish kills in February and August 2023. They are observing Walgett water quality, the disappearance of mussels and other river invertebrates and the triumph of European carp and other invasive species.

We have developed a team of respected western water research leaders from UNSW's Global Water Institute, Charles Sturt University and Ozfish to build uncontested evidence and shared knowledge of the devastation of local waterways through mismanagement and over-extraction. We use this evidence with local Aboriginal and western science and legal knowledge to influence water management at a NSW and Commonwealth level, and to pressure Australia from an international level.

DEG prepared a case study for the UN Special Rapporteur on Human Rights and the Environment<sup>6</sup>, and participates in the Stockholm International Water Institute's Water Wisdom group of indigenous water protectors.

DEG regularly proposes solutions to NSW and Commonwealth Water Ministers, most recently to NSW Minister Jackson in April 2023<sup>7</sup>. A recent submission made by DEG in January 2023 "*Floodplain Harvesting licence rules in the water sharing plan for the regulated river water sources in the Namoi Valley*"<sup>8</sup> clearly shows why we know that Walgett's current situation is due to poor water management, and how we know that irrigators upstream of Walgett have been favoured, over people and environments downstream. DEG has made submissions and given evidence to NSW and Commonwealth parliamentary inquiries on floodplain harvesting<sup>9,10</sup>, amendments to

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<sup>2</sup> "*The Australian town where water security is felt more than some communities in Bangladesh*", Carly Williams, 13 April 2023. <https://www.abc.net.au/news/2023-04-13/walgett-nsw-water-insecurity-worse-than-bangladesh/102212784>

<sup>3</sup> "*The town where Coca-Cola runs more freely than drinking water*", Anna Patty, 13 April 2023. <https://www.smh.com.au/national/nsw/the-town-where-coca-cola-runs-more-freely-than-drinking-water-20230410-p5cz93.html>

<sup>4</sup> *Water crisis: how local technologies can help solve a global problem*, Nature Editorial 1 August 2023 <https://www.nature.com/articles/d41586-023-02442-7>

<sup>5</sup> Managed by National Indigenous Australians Agency for DCCEEW

<sup>6</sup> *Manifestations of Aboriginal water dispossession in Australia's Murray-Darling Basin*. Submission responding to a call by the UN Special Rapporteur on Human Rights and the Environment for input to a report on "Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights" Joint Submission by DEG, MLDRN and EDO November 2020. <https://www.dharriwaieldersgroup.org.au/images/downloads/Submission-to-UN-Special-Rapporteur-on-Human-Rights-and-the-Environment-101120.pdf>

<sup>7</sup> <https://www.dharriwaieldersgroup.org.au/images/FinalDEGNSWWaterManagementStatementApril2023.pdf>

<sup>8</sup> <https://dharriwaieldersgroup.org.au/images/downloads/DEGSubFPHLicensingRulesforRegulatedRiverSourcesNamoiValley29Jan2023.pdf>

<sup>9</sup> <https://www.dharriwaieldersgroup.org.au/images/downloads/SubmissiontoFloodplainharvestingInquiry13August2021.pdf>

<sup>10</sup> <https://www.dharriwaieldersgroup.org.au/images/downloads/DEGSubFPHLicensingRulesforRegulatedRiverSourcesNamoiValley29Jan2023.pdf>

regulations<sup>11</sup>, harmful new dam proposals<sup>12</sup>, food security<sup>13</sup>, the Review of the National Water Initiative<sup>14</sup>, in response to Water Resource Plans<sup>15</sup> and to inform voters.<sup>16</sup> Other water policy DEG statements, submissions and writings can be found at <https://www.dharriwaaeldersgroup.org.au/index.php/reports>.

This is why DEG believes it has earned the right to be listened to by water decisionmakers.

### **Implementation of the Murray Darling Basin Plan**

The system that is required by law to manage the rivers in the interests of all Australians, has failed for Walgett's Aboriginal community. DEG has been regularly disappointed by a lack of action by the NSW Government to regulate floodplain harvesting to prevent continuing and growing overextractions by favoured and powerful industries. We have come to have no confidence in the NSW Department of Planning and Environment - Water's words, its numbers, or its processes. We have no confidence in assertions that the health of the rivers will improve.

DEG has also urged the Commonwealth Government to use its powers to rectify the situation, but so far have experienced further disappointing inaction.

The internal cultures of the NSW agencies and Australian Government department, commissions and authorities responsible for policy and decision-making, water licencing and operations and environmental water management must be reviewed, expanded and changed to ensure we have public servants with integrity acting in the interests of the Australian common wealth including healthy rivers. We need regular audits of these public bodies to identify and manage any risks favouring the interests of the water trading market and private beneficiaries.

### **The Commonwealth and its agencies MUST eradicate all the risks prioritising private over public interests from NSW and Australian agencies responsible for water management.**

DEG seeks to collaborate with and support people with integrity who we can trust are acting for the health of the surface and ground waters and communities of the Murray Darling Basin.

### **Water quality**

At Walgett DEG regularly observes that the rivers have poor water quality. Our members and staff remember what better water quality looked like up until the introduction of the cotton industry upstream of Walgett in Wee Waa when they report the rivers started changing. The waters used to be clear and flowing. Now they are not. We know that good water flows are the base requirement for recovering river diversity that has been fatally affected. That is, we are saying

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<sup>11</sup>[https://www.dharriwaaeldersgroup.org.au/images/downloads/DEGProposedamendmentsWaterManagementGeneralReg2018\\_20Dec2020.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/DEGProposedamendmentsWaterManagementGeneralReg2018_20Dec2020.pdf)

<sup>12</sup><https://www.dharriwaaeldersgroup.org.au/images//downloads/DEGNSWLegislativeCouncilNewDamsEnquiry22Sept2020.pdf>

<sup>13</sup> <https://www.dharriwaaeldersgroup.org.au/images/downloads/FinalSubmissionDEGandWAMS15July2020.pdf>

<sup>14</sup> [https://www.dharriwaaeldersgroup.org.au/images/downloads/Productivity\\_Commission\\_Submission\\_-\\_SEPTEMBER\\_2020.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/Productivity_Commission_Submission_-_SEPTEMBER_2020.pdf)

<sup>15</sup>[https://www.dharriwaaeldersgroup.org.au/images/downloads/DharriwaaEldersGroupsubmissionNamoiWRP\\_BDWrp25Oct2019.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/DharriwaaEldersGroupsubmissionNamoiWRP_BDWrp25Oct2019.pdf)

<sup>16</sup> <https://www.dharriwaaeldersgroup.org.au/images/downloads/DEGwatermanagementpolicy.pdf>

here that river foods, drinking water and water to swim in and enjoy have been taken from Walgett.

Warrambuls, lakes and creeks and waterholes are regularly dry. Flows have been eliminated from most stretches of the river (up to 1km upstream from the Walgett weir) and more water is held up by the Walgett weir after it was raised in height so flows are reduced and evaporation increased.

Polluting nutrients are not kept from the rivers and promote blue-green algae. Walgett rivers have more often than not been in a state of “amber alert”<sup>17</sup>. The live data offered by Water NSW at its only Walgett gauge on the Dangar Bridge regularly represent oxygen levels as “-“. The gauges are faulty and the oxygen levels are thereby kept from the public. The presence of DEG’s River Rangers and their water quality monitoring is even now more valuable.

Because we can see high levels of nutrients are polluting the rivers upstream of Walgett and at Walgett, DEG believes that other unseen polluting substances used by industries are also entering the rivers. Because chemicals commonly used by mining and cotton industries are rarely monitored at Walgett, and DEG has been presented with no evidence that an effective method for detecting the presence of these chemicals is in use by responsible agencies, DEG and most in the Walgett community distrust the quality of river water and suspect harmful levels of pesticides, herbicides and other introduced substances are probably present.

Water quality must receive greater attention and be returned. Baseline flows must be required – right to the end of rivers. Currently there is no requirement in Water Sharing Plans for this.

### **Critical human needs**

Critical human water needs must be addressed in the Basin Plan but currently they are not for Walgett except in “extreme events”. Extreme events are the only provisions made in the Water Resource Plans for water used for critical human needs, yet the Water Act says that the Murray Darling Basin Plan must provide for critical human needs. Extreme events are not well defined in the Murray Darling Basin Plan and NSW extreme events policies and declarations of events are made at the discretion of the Minister. Critical human needs must be more clearly defined and given a high priority in water management – otherwise rivers could be understood as only existing for irrigation, water trading and other industrial purposes. **We urge the Productivity Commission to ensure that critical human needs are prioritised by the Basin Plan, not only in the context of “extreme events”.**

Walgett Council has a local town water utility licence of 2,271 megalitres. Except for small percentages of its licence received in 2020/21 and 2021/22 Walgett did not take water from the river since 2016/17. During that period water allocated to General Security allocations were more than 90% in four of those years and Supplementary Water Use exceeded 50% in three of those years. **This stark reality illustrates the inequity of NSW water management today.**

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<sup>17</sup> <https://www.watarnsw.com.au/water-services/water-quality/algae-alerts>

The National Party MP NSW Water Minister 2014/2015 and Member for Barwon ensured capital funds for Walgett to drill an emergency bore, and a subsequent National Party MP granted further funds for a second “emergency” bore in 2019. In our opinion the emergency has been created by operational decisions of water management agencies to prioritise irrigators and give them water that would otherwise be available for the town of Walgett. **Walgett has been placed in a permanent state of water emergency by current water management practices.**

The emergency bore water sourced from the Great Artesian Basin has high levels of Sodium but NSW government agencies including NSW Health insist that it is safe to drink. As a result of the advocacy of Walgett Aboriginal Medical Service and Dharriwaa Elders Group, a reverse osmosis (“RO”) system was installed in 2020<sup>18</sup> but it was mothballed five months later because Walgett Shire Council was not provided with the resources to build the brine waste system required. Even when this RO system operates, it will only reduce the sodium levels to around half the current levels i.e. 150mg/L which is below the ADWG palatability guideline for sodium, but way above the level of 20mg/L in the ADWG recommended for patients with heart disease. Walgett community suffers from high levels of chronic disease so DEG and WAMS will not be satisfied until the sodium level is brought down to 20 mg/L. This has capital works implications for many NSW towns whose rates bases cannot support the running costs of increasing complex water utility infrastructure incorporating waste water reprocessing and RO systems. These costs of poor water management should be incorporated into NSW and Commonwealth Government decision-making. These water utility operations and capital costs and the rising public health costs caused by the effects of water and food insecurity are costs of irrigation to the taxpayers and the inland river communities. These costs were not recognised by the flawed social economic modelling undertaken by the Northern Basin Review undertaken by the MDBA that we in DEG at Walgett are still outraged by, 7 years later.

Minister Jackson intervened to ensure that Walgett sourced its drinking water from the Namoi River in April 2023, but this ended in June 2023 when the town’s water supply was switched back to high sodium bore water after technical issues.

*Christine Corby OAM, CEO of the Walgett Aboriginal Medical Service, said “We are doing all we can to address the social determinants of health in our community, but we also need governments to do their bit to improve these shocking levels of water and food insecurity and support our local efforts.”<sup>19</sup>*

A total of 251 participants completed our water and food security community survey<sup>20</sup> that used internationally validated tools which showed the levels of water insecurity in Walgett and the

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<sup>18</sup> For further context see [https://www.dharriwaaeldersgroup.org.au/images/downloads/YN\\_Briefing\\_Paper\\_-\\_Walgetts\\_Drinking\\_Water\\_Feb23.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/YN_Briefing_Paper_-_Walgetts_Drinking_Water_Feb23.pdf)

<sup>19</sup> Quotes from the same Media Release 13/4/23

<sup>20</sup> Yuwaya Ngarrali briefing Paper – Key Findings from the Food and Water Security Surveys in Walgett February 2023. [https://www.dharriwaaeldersgroup.org.au/images/downloads/WalgettReport\\_A130223b\\_web.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/WalgettReport_A130223b_web.pdf)

nearby villages of Namoi and Gingie are worse than those recorded in the Bangladesh capital city of Dhaka, Guatemala and Beirut in Lebanon.”<sup>21</sup> In our survey:

- 97% identified as Aboriginal
- 83% relied on bottled water in at least one month in the past 12 months
- 90% said they were concerned by the “quality, smell, contamination” of water
- 43% experiencing moderate to severe water insecurity
- 42% reported no usable or drinkable water whatsoever in at least one month
- 36% reported going to sleep thirsty in at least one month
- 67% worried about not having enough water
- 54% changed what they ate due to not having enough water

*“This is having severe negative effects on household expenses and food security, with some people paying up to \$50 a week on bottled water to avoid using water from the tap which in turn impacts on their ability to afford other basic necessities.”<sup>22</sup>*

The high sodium water causes corrosion and salt build-up in pipes and shower heads, and dries out the skin, and many Walgett residents complain of skin irritation. Boiling the water during cooking increases the sodium levels in foods.

The loss of river foods have impacted our health and wellbeing. Walgett’s food security provided by the presence of uncontaminated river foods, has been lost. Food security is a critical human need.

DEG is now alerted to the importance of identifying future risks to Walgett’s river and the critical human needs it should be providing. The new Gunidgera Weir proposed for the Namoi River below Wee Waa is one such risk. DEG believes that this project could have proceeded in 2024 with consequent drying of the Namoi River below the Gunidgera Weir to Walgett if DEG hadn’t raised its concerns. DEG is alarmed that such a dangerous project designed to send more water to irrigators near Wee Waa, impede flows and dry the river again at Walgett, is wilfully being pursued by NSW water agencies. This is an example of the kind of projects that are proceeding under the public’s radar that have serious implications for flows, water quality and critical human needs of Walgett for the benefit of irrigators.

## **Environmental water**

During the times when the Namoi and Barwon rivers were completely dry at Walgett in 2019, 2020, environmental water was the only water available for use by the town of Walgett for critical human needs. Environmental water is supposed to keep the river and the ecosystems that depend on them healthy. Water for towns and landholders should have been delivered on top of, or in addition to environmental water. Instead, much of the environmental water evaporated, sunk into dry river beds, was sucked into alluvial groundwater or used by towns and landholders. One

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<sup>21</sup> MEDIA RELEASE ABORIGINAL ORGANISATIONS DEMAND ACTION: WALGETT DRINKING WATER HEALTH THREAT. Dharriwaa Elders Group and Walgett Aboriginal Medical Service 13 April 2023.

[https://www.dharriwaaeldersgroup.org.au/images/downloads/130423\\_MEDIA\\_RELEASE\\_Walgett\\_Water.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/130423_MEDIA_RELEASE_Walgett_Water.pdf)

<sup>22</sup> [https://www.dharriwaaeldersgroup.org.au/images/downloads/130423\\_MEDIA\\_RELEASE\\_Walgett\\_Water.pdf](https://www.dharriwaaeldersgroup.org.au/images/downloads/130423_MEDIA_RELEASE_Walgett_Water.pdf)



environmental water release intended to reach Walgett didn't. We realised then that little is known by water managers about the interactions of surface and groundwaters. They were guessing with environmental water release quantities and their guesses were harmful to the river's health. More research is needed here. DEG and its colleagues are well-placed to contribute local expertise and effort.

DEG is convinced that the reasons why rivers were dry during sustained periods 2016 – 2020 years at Walgett, was because unlawful floodplain harvesting was diverting water from the rivers into private storages, and over extraction above the Murray Darling Basin Plan limits was occurring. Some compliance activities documented part of this over-extraction – particularly after concerned residents and environmental observers prompted public attention and awareness via ABC's 4 corners "Pumped" and subsequent inquiries including by ACCC, NSW Ombudsman, ICAC, Matthews, the NSW Natural Resources Commission, the NSW Parliamentary Inquiry into Floodplain Harvesting, the South Australian Royal Commission. DEG's leadership had been raising these concerns for decades. Much good work has been done to explain what is happening to the Murray Darling Basin, yet most recommendations have not yet been implemented.

Over-extraction plus the effects of Climate Change that were not accommodated by modelling means that the "Sustainable Diversion Limits" were wrong. Modelling was tweaked and extraction limits disappeared so that more water could be gifted to a few irrigators and miners. This view is supported by the NSW Natural Resources Commission review of seven inland NSW unregulated water sharing plans from 2021 and 2023 which identified that

*"These plans do not include numeric long-term average annual extraction limits for the water sources they govern. DPE-Water has not assessed how much water is extracted from these sources each year, nor compared this actual usage to the extraction limits to assess compliance with the plans.*

*A water sharing plan's ability to achieve its objectives is dependent upon compliance with its extraction limits. Therefore, these issues create a material risk that many of the inland unregulated water sharing plans are not achieving their intended outcomes."<sup>23</sup>*

The core requirements of water legislation to maintain healthy water sources and environment have not been met at Walgett.

### **Aboriginal water interests**

No consideration of Aboriginal peoples' water interests is made. Irrigators, water traders and mining have been accommodated and waters have been over-allocated to them. The current situation illustrates a view that rivers only exist for these industries. Every extraction from the Murray Darling Basin today is effectively a choice made by NSW and Commonwealth Governments to dispossess Aboriginal people.

### **Aboriginal community engagement by water departments**

It is apparent to DEG that there has been undue influence on NSW and Commonwealth public service and ministerial water advisors by the priorities of the National Party that has been presiding over water management for so long. Trust in the MDB Plan, water management agencies

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<sup>23</sup> NSW Natural Resources Commission Issue Brief 1: Need to set numeric extraction limits and assess compliance (March 2023) <https://www.nrc.nsw.gov.au/water/wsp-reviews/briefs>

and legislative compliance has been shattered since hopes were raised by the Objects of the Water Act 2007 that promised that international agreements, the environment and ecological values and ecosystem services would be maintained and threats to the resources of the MDB managed, in the national interest.

We see the interests of irrigators continue to dominate, while engagement with DEG seems to be about managing us rather than truly listening to us.

DEG and its colleagues advocating for better water management have solutions but they are currently not heeded by decisionmakers.

The Coalition of Aboriginal Peaks came together as an act of self-determination to work in partnership with Australian governments on Closing the Gap.<sup>24</sup> from March 2019.<sup>25</sup>

DEG is represented in the Coalition of Aboriginal Peaks by its NSW peak body, ACHAA, of which DEG is a founding member. Other peak bodies representing local Aboriginal Community Controlled Organisations (ACCOs) also have a stake in water management for example the peak bodies representing Aboriginal medical services, and those representing Aboriginal land councils. There is no one Aboriginal peak organisation solely expert in water management.

Northern Basin Aboriginal Nations (“NBAN”) was a flawed model for providing Aboriginal advice to the MDBA and did not represent DEG as we worked to build local knowledge and advocate for better water and Country management. NBAN were well-meaning individuals who were not resourced to represent or communicate effectively with northern basin Aboriginal communities and so was providing unreliable advice to the MDBA.

DEG and other community water content leaders had to work around NBAN and forge their own paths to governments in order to advocate for river health and the water interests of northern basin Aboriginal communities. The question now for the Productivity Commission is how it can support the capability, knowledge and resources of DEG and existing organisations like it in the Aboriginal communities of the Murray Darling Basin.

This is also the opportunity provided by the second Closing the Gap (“CTG”) Priority Reform, because the Coalition of Aboriginal Peaks and its Partnership Agreement with National Cabinet recognises that only by prioritising the capability of local Aboriginal Community-Controlled Organisations will CTG targets be met, and service delivery to their communities be effective.

DEG in its Yuwaya Ngarrali (“YN”) partnership has been working to explain to governments key ways to do this. Its Briefing Paper “Aboriginal Control and Capability” describes the work we have undertaken since 2020 to build DEG’s capability. This work built on the stable governance and base built by Walgett Elders and their supporters since 1999. Efforts in other communities will require identifying similar existing engines of local community development and water protecting and making long-term commitments to building their capability. Yuwaya Ngarrali’s work to develop an ACCO Capability Support Unit is one strategy that will show the way.

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<sup>24</sup> <https://www.coalitionofpeaks.org.au/our-story>

<sup>25</sup> <https://www.coalitionofpeaks.org.au/the-partnership-agreement>

In other communities – existing water management content leaders might reside in Aboriginal Medical Services or Local Aboriginal Land Councils, or as for the DEG, in local Aboriginal cultural organisations. There should be no one-size-fits-all approach as any successful leadership in water management and advocacy cannot be manufactured by external patronage but must be locally-grown. For this reason advice to governments from the current Murdi Paaki Regional Assembly must be complemented by other sources of local knowledge. We have heard that the NSW Local Decisionmaking Alliances in other regions might have more water content leadership, but our knowledge about those other alliances is limited. In page 6 of our Yuwaya Ngarrali Policy Paper *“Creating better futures with contracts”*<sup>26</sup> we outline practical steps for new ways to enable Aboriginal community control of working to Closing the Gap. A soon-to-be-released Yuwaya Ngarrali Policy Paper *“Making government finances make sense for communities: Designing open, accountable, and trustworthy systems”* will provide more practical advice about effective, more impactful resourcing of services to communities like Walgett. It is a core aim of our work in Yuwaya Ngarrali to work with governments to deliver better outcomes for its investments in Walgett.

DEG’s experience shows that community consultation and engagement can be improved by resourcing local ACCOs to engage their own independent water researchers and advisors, and boosting their advocacy capability. Because governments do not conventionally resource this capability, DEG has had to seek support from the philanthropic sector, university researchers and community legal centres. Governments must invest in this capability otherwise engagement is not genuine, or on equitable terms, wasting valuable time and resources of the already overworked ACCO sector. It is not satisfactory for government agencies to employ people for community engagement tasks who cannot provide data and knowledge in a useful and reciprocal exchange. Independence is also an important consideration. Dependency on government funding stifles voices. Arms-length funding from governments with dedicated funding mechanisms, should be considered in order to protect the vulnerable but critical voices of ACCOs in policy and decision-making.

No programs aimed at helping communities adjust to the Plan have been resourced for the Aboriginal community of Walgett.

DEG has done some work to design a better model for local ACCOs to managing their Aboriginal Cultural Heritage and values<sup>27</sup>. We could build from this work to develop local water management

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<sup>26</sup> Yuwaya Ngarrali Policy Paper *“Creating better futures with contracts”* 5 October 2022

[https://www.dharriwaeldersgroup.org.au/images/downloads/YN\\_Yuwaya\\_Ngarra-Li\\_Policy\\_Paper\\_5\\_Oct\\_2022.pdf](https://www.dharriwaeldersgroup.org.au/images/downloads/YN_Yuwaya_Ngarra-Li_Policy_Paper_5_Oct_2022.pdf)

<sup>27</sup> Some responses to the Aboriginal Cultural Heritage Bill 2022 by Dharriwaa Elders Group 23 September 2022. A submission made to Portfolio Committee No. 7 Planning and Environment of the NSW Parliament.

<https://www.dharriwaeldersgroup.org.au/images/downloads/DEGACHBillSub23Sept2022.pdf> and Submission in response to the Aboriginal Cultural Heritage Bill 2018 (NSW) 18 April 2018.

<https://www.dharriwaeldersgroup.org.au/images/downloads/DEGSubApril2018final.pdf>

principles and operations in the future. This work might be useful to the Commission and other communities.

Greater benefits will accrue to the Walgett Aboriginal community if NSW and Commonwealth water decisionmakers:

- Correct the failures of governance that have made the situation where Walgett despite its location of two major rivers of the MDB cannot access river pastimes, river foods and safe drinking water
- Fix the internal cultures and corruption risks within government water departments
- Seek to build trust with Aboriginal communities and ACCOs to enable more effective engagement
- Understand ACCOs as valued stakeholders and not a minor interest group or customers
- Respect ACCOs by understanding that it is not appropriate to expect them to participate in “consultations” or “engagement” processes that have no purpose other than to give agency representatives an experience meeting Aboriginal people or the appearance of engagement
- Recognise and affirm the interests and rights of Aboriginal communities and nation groups in water governance
- Ensure legislation and policy enables unimpeded and safe access to waterways for Aboriginal people
- Ensure legislation and policy prioritises critical human water needs and water and food security
- Ensure legislation and policy provides access to safe, low sodium drinking water for all Australian communities
- Reduce the amounts of water irrigators and mining interests take from surface and groundwaters to lawful limits
- Repair the health of the waters of the Murray Darling Basin
- Manage rivers and water according to the Principles of the NSW Water Management Act 2000
- Change the Water Act to broaden the Commonwealth Environmental Water Holder’s role to include management of water for Aboriginal needs and uses.
- Establish a body with the specific role of overseeing Aboriginal interests and involvement in water management.