



Barunggam, Bidjara, Bigambul, Budjiti, Euahlayi, Githabul, Gomeri, Gunggari, Guwamu (Kooma), Jarowair, Kambuwai, Kunja, Kwiambal, Maljangapa, Mandandani, Mardigan, Murrwarri, Ngemba, Ngijampaa, Wailwan, Wakka Wakka

"Keeping our water spirits and our connections alive"

Friday, 21 August 2020

Northern Basin Aboriginal Nations (NBAN) Submission:

Inquiry into the National Water Reform

The peak body which represents First Nations and their people in the Murray Darling Basin, the Northern Basin Aboriginal Nations (NBAN), has prepared this submission for the Australian Government Productivity Commission's inquiry into the National Water Reform.

NBAN is a not-for-profit company and peak body that represents, advocates for and empowers First Nations in water management and ownership, in the northern Murray-Darling Basin. Since 2009, through the cultural authority of its member Nations, NBAN has been providing strategic advice on First Nations' water rights, interests and ownership. We have been delivering and partnering on projects, at a state and federal level, that fulfil its First Nations' vision of "Keeping our water spirits and our connections alive". NBAN is dedicated to improving its Nations' spiritual, cultural, environmental, social and economic conditions which are the main components of the Echuca Declaration and the Cultural Flows.

The NBAN have several points to contribute to this inquiry in regard to the progress of the Australian government in achieving the goals of the National Water Initiative (NWI) with respect to the recognition of indigenous peoples' and the environment's needs in relation to water access and management. These, together with recommendations where appropriate, are described below.

As a whole, the Murray Darling Basin is experiencing challenges due to a drought since mid-2017 and increasingly, the impacts of climate change. The drought conditions at the end of last year were the worst ever recorded.¹

There is insufficient evidence to fully describe the social and economic conditions that indigenous people in the Basin experience. However, the information we do have indicates

¹ Basin annual environmental watering priorities 2020–21, Murray–Darling Basin Authority Canberra, 2020. CC BY 4.0. <https://www.mdba.gov.au/sites/default/files/pubs/e-water-priorities-2020-21.pdf>

that unemployment, child mortality and other negative health conditions are disproportionately experienced by indigenous people. Our health and wellbeing are intrinsically connected to the health of our country, including its waterways, therefore, the decline of the river basin and its ecosystems due to drought, climate change and the over allocation of water for industry is of extreme concern.

We have been the Traditional owners of the Basin for over 30 000 years. Whilst our involvement in the management of water is essential for our physical, spiritual, cultural, environmental, social and economic health, our potential to do this has been hindered in recent decades by our relative lack of water license holdings. Nearly 10% of the population of the Murray Darling Basin area in NSW are First Nations people; however, our Nations and organisations legally only hold 0.2% of the available surface water.² This is due to a historical series of water trading policies and laws that have compounded to limit the opportunities for First Nations People to gain legal entitlements to water.³ Not only does this impinge on our ability to take care of water on our lands, but it also denies us the same opportunities as other stakeholders to participate in the Basin's AUD16.5 billion water market.

- 1. We call for a Federal First Nations Representative Body of Water.**
- 2. We call for the meaningful inclusion of First Nations peoples in all future discussions for water law reform.**
- 3. We also call for a review of current water laws and licensing and the exploration of new options for water license redistribution programs that enable First Nations peoples to achieve their social, economic, cultural and environmental goals with respect to water.**
- 4. First Nations claims to lands are linked with legal access to water and so we also call for the resolution of outstanding land claims and native title hearings.**
- 5. The development of First Nations Economic processes which could include the Development of a Northern basin Futures Fund.**

Every year, the Murray-Darling Basin Authority (MDBA) publishes environmental watering priorities for the Basin to help achieve the outcomes of the 'Basin-wide environmental watering strategy'. The 2020-21 environmental watering priorities are the first to have included the perspectives of First Nations people. We worked with the Murray Lower Darling Rivers Indigenous Nations (MLDRIN), the MDBA and the Commonwealth Environmental Water Office in a project called 'the First Nations Environmental Water Guidance Project' to articulate guidance for the environmental watering priorities.⁴

² Hartwig, L. D., Jackson, S. and N. Osborne, 2020, Trends in Aboriginal water ownership in New South Wales, Australia: The continuities between colonial and neoliberal forms of dispossession, *Land Use Policy*, Vol. 99

³ Hartwig, L. D., Jackson, S. and N. Osborne, 2020, Trends in Aboriginal water ownership in New South Wales, Australia: The continuities between colonial and neoliberal forms of dispossession, *Land Use Policy*, Vol. 99

⁴ Basin annual environmental watering priorities 2020–21, Murray–Darling Basin Authority Canberra, 2020. CC BY 4.0. <https://www.mdba.gov.au/sites/default/files/pubs/e-water-priorities-2020-21.pdf>

Through this process, we identified indicator species and sites of importance which we would like to see supported using water for the environment in the northern Basin. These include several native plants, fish and waterbirds and the Narran Lakes and Macquarie Marshes. It is also important that wetlands, anabranches and rivers receive sufficient flows to be physically connected. Finally, we highlighted the importance of having opportunities for First Nations people in the northern basin to fulfil our cultural obligations so that downstream First Nations people also have sufficient water.⁵

In addition to these recommendations, we would like to see the continuation of projects such as the First Nations Environmental Water Guidance Project continue for environmental watering priorities as well as other priority setting activities for water in the Murray Darling Basin.

For more information about this submission, please contact Fred Hooper on behalf of the Northern Basin Aboriginal Nations.

⁵ Basin annual environmental watering priorities 2020–21, Murray–Darling Basin Authority Canberra, 2020. CC BY 4.0. <https://www.mdba.gov.au/sites/default/files/pubs/e-water-priorities-2020-21.pdf>