

MLDRIN - Macquarie-Castlereagh Regional Water Strategy submission

Introduction

The Murray Lower Darling Rivers Indigenous Nations (MLDRIN) is the peak representative body of Sovereign First Nations in the lower part of the Murray Darling Basin. The group currently includes Delegates from 24 Nations across Victoria, NSW and South Australia.

Our core work includes:

- Advising the Murray Darling Basin Authority (MDBA) on all matters relevant to Traditional Owners and Aboriginal people in the Southern Murray Darling Basin, in particular, the implementation of the Basin Plan
- Having an active role in Natural Resource Management and water planning
- Providing a forum for our member nations to keep informed, deliberate on issues and provide feedback and advice to decision-makers across all levels of Government
- Advocating for our member Nations' rights and interests in land and water, specifically to progress the recognition of Aboriginal water rights and Cultural Flows
- Providing advocacy and capacity building for our member nations

We welcome the opportunity to provide feedback regarding the Macquarie-Castlereagh Regional Water Strategy.

Background

MLDRIN has consulted MLDRIN delegates from the Wiradjuri nation. Who are one of the traditional owners of country included in areas directly impacted by the Macquarie-Castlereagh Regional Water Strategy?

MLDRIN is a member of the Aboriginal Water Coalition, a body established to assist NSW water agencies in delivering better outcomes for First Nations regarding water.

MLDRIN has an extensive history advocating for First Nations rights to water & improved water management within NSW and across the Dungala-Baaka (Murray-Darling) Basin.

MLDRIN, along with NBAN and NAILSMA, led the National Cultural Flows Research project that highlighted key reforms needed to give effect to First Nations water rights.

Engagement and consultation

MLDRIN has concerns as to how culturally appropriate the engagement of First Nations people has taken place regarding the development of the Macquarie-Castlereagh Regional Water Strategy.

Due to restrictions of movement as a result of COVID-19, the consultation appears to be relying on work completed during the development of the Water Sharing Plan's which have not been endorsed by relevant First Nations peak bodies.

In attachment 1 of the Macquarie-Castlereagh Regional Water Strategy, it outlines that 48 people were involved in the targeted consultation process. MLDRIN questions if the people consulted are truly reflective of the Traditional Owner groups or has a voice been given to people who do not carry a connection to country above those who do.

Comments on Macquarie-Castlereagh RWS documents

Macquarie-Castlereagh Draft regional Water Strategy

The Strategy vision

- *“Our vision for the strategy is to have healthy and resilient water resources for a liveable and prosperous Macquarie-Castlereagh region. To achieve this, we need to position the region so there is the right amount of water of the right quality, delivered in the right way for Aboriginal people, towns, communities, industries and the environment.”*
 - MLDRIN perceives the vision stated for the Macquarie-Castlereagh Draft Regional Water Strategy to focus only on delivering water. It presents the Macquarie-Castlereagh river as a delivery system. There is a clear discord between the vision of the Macquarie-Castlereagh Regional Water Strategy & the vision of First Nations for the Wambuul, which is to see a connected river system capable of sustaining life in the region for generations to come. MLDRIN advises the vision should not be limited merely to delivery of water for consumptive users but protect the cultural heritage asset that is this river and its connected country.

The Strategy objectives

Description of FNs and FNs water interests throughout the document

- ***“Recognise and protect Aboriginal water rights, interests and access to water”***. This objective does not address the core issue Aboriginal people have with water which is; ownership of & access to water. This continued dispossession is a result of systemic marginalisation, our

people have lived through their land being taken, their children being taken & now those that remain are expected to sit quietly by and watch our rivers die. Recognition is great but it doesn't save rivers giving ownership of water back to Traditional Owners might. Despite the limitations of the given objective, there are still many options and existing government commitments represented in the long list of options that work against the given objective for aboriginal people.

- *“For Aboriginal people, uncertainties around climate and the health of waterways have a deep cultural impact, adding urgency to developing policy settings and programs fully recognise Aboriginal water rights and provide dedicated water allocations for Aboriginal people. This includes prioritising water for Aboriginal people in water sharing arrangements.”*
 - MLDRIN would like to see this expanded to reflect that it is not only climate-related issues that are creating concern for the future of the region. We seek recognition that historical and ongoing land-use practices have dramatically impacted the landscape across the Macquarie-Castlereagh region and that there is a clear connection between extractive land-use practices and reduced river flows.

- *2.3.3 Jobs and industries pg 91 “The largest agricultural use of water in the valley is for irrigated cotton production downstream of Dubbo”
“Cotton is a significant contributor to the local economy but employment in the industry is decreasing. For example, employment in cotton growing across NSW has gone from 1,092 employees in 2006 to 680 employees in 2016.⁶² This is largely due to advancements in technology.⁶³”*
 - First Nations communities have long been opposed to extractive commercial land-use practices on their ancestral lands. The waters of Wambuil are the birthright of the Wiradjuri people, who have a long and continued history of connection to these waterways. The fact that this connection and remnant areas of traditional management exist form the backbone of the tourism industry in the region, with sites such as the Ramsar Macquarie Marshes
 - MLDRIN has concerns on the long term viability of the cotton industry to remain active in the region at their current capacity of water extraction, especially with such a steep trend of decreased employment opportunities, cotton is providing less benefit to the community as a result of advancements in technology and is the largest extractor of water for agriculture in the region
 - MLDRIN highlights the comparatively large employment opportunity tourism provides in the Macquarie-Castlereagh region as described on pg94 *“The Central NSW tourism region, which includes the Macquarie-Castlereagh region, has experienced a steady increase in tourism since 2010. In 2018, the Central NSW region was host to 5.7 million visitors (including nearly nine million overnight stays) and a total expenditure of \$1.5 billion. Nearly \$1.1 billion of that expenditure was spent in the Macquarie-Castlereagh region.⁷² Over 5,600 people*

were employed in tourism related industries across the region in 2016.73”

- o There is an opportunity to expand the sustainable economic prosperity of the region by delivering First Nations led Flora & Fauna development projects that engage the broader community to enhance biodiversity in the region
- o MLDRIN recommends that efforts are made to acquire water licenses back from irrigators, severely limit the practice of cultivating cotton in the region and grant the water to Traditional Owners through Cultural Flows programs to be used by its rightful custodians to maintain the health of Wambuul.

The options assessment process

- At this late stage of the process of developing the regional water strategy further clarity is required on how the options assessment process will work and how First Nations outcomes and impacts will be assessed
- MLDRIN is concerned with the options assessment process as it is based on a cost/benefit analysis. Cost/benefit analysis have proven historically to not be the most accurate way of measuring impacts on cultural values and heritage and we perceive this will likely result in unfair negative weighting provided to projects that positively impact First Nations desired outcomes and the opposite may occur in outcomes that negatively impact First Nations but provide a perceived economic benefit such as the proposed Macquarrie re-regulating weir
- MLDRIN is also concerned that a number of the options presented are existing government commitments and the process may not be entirely transparent and impartial when it comes to ensuring these prior commitments are progressed through the options assessment framework.

Implementation and evaluation

MLDRIN would like to see greater definition provided to how aspects of the Macquarie-Castlereagh Regional Water Strategy will be implemented and what the on-going evaluation process will be. This appears to be lacking within the Long list of Options, having the options is great but without a clear outline for implementation and ongoing evaluation we are concerned that despite our assumption of best intentions limited progress will be made in meeting the First Nations objective as outlined in the Macquarie-Castlereagh Regional Water Strategy to “Recognise and protect Aboriginal water rights, interests and access to water”.

Macquarie-Castlereagh RWS Long List of Options

Below are responses to each of the options stated specifically to impact First Nations people and objectives in the Macquarie-Castlereagh Regional Water Strategy along with options MLDRIN perceives to impact First Nations.

Option 42: Culturally appropriate water knowledge program

MLDRIN supports programs that provide culturally appropriate water knowledge to the community. Water policy and associated programs operated by government water agencies are perceived as inaccessible due to their complexity. First Nations communities would like to see these programs delivered by Wambuul (Macquarie River) Wiradjuri Traditional Owners who are adequately resourced to deliver these programs.

Option 43: Water-dependent cultural practice and site identification project

The suggestion of government agencies leading mapping of First Nations sacred sites MLDRIN is strongly opposed. There is distrust due to historical and contemporary examples of cultural heritage sites being desecrated by both state and non state actors. It is a long standing decision by elders from days gone past to not discuss the locations of these sites with outsiders.

MLDRIN suggests that instead of mapping sites instead values and objectives of the local First Nations community are mapped.

Option 44: Shared benefit project (environment and cultural outcomes)

MLDRIN supports culturally appropriate projects that supply employment opportunities for Aboriginal people on country. There is great potential for local cultural knowledge of the landscape to inform decisions around where water should be delivered.

MLDRIN would like to clarify that this should enable cultural outcomes from the delivery of environmental water and not reduce cultural access to water through the delivery of water to the environment.

Option 45: Regional Aboriginal Water Advisory Committee

MLDRIN advise's this has been requested from community, the goal is to see a small group of Traditional Owners with ancestral ties to the Wambuul (*Macquarie river*) form an advisory board to inform on matters relating to water in the Macquarie-Castlereagh region.

Option 46: Water portfolio project for Aboriginal communities

Feedback from community members regarding this shows that it is in line with what they have been requesting and they would welcome the progression of this option.

Option 47: Aboriginal cultural water access licence review

MLDRIN highlights that this has been discussed for years and yet limited action has been taken. Consideration for the fact that the current process is expensive and convoluted, the goal should be to see the process simplified for local traditional owners and fees involved waived, as it perceived these processes around cultural water use were outdated and do not properly reflect the fact that culture has adapted alongside the changing climate and environment.

MLDRIN would like to see that First Nations people from the area are trained in accessing these licenses to assist more people in gaining access, but that greater

access to water frontage property was required for Traditional Owners to benefit properly from this.

Option 48: Co-management investigation of Travelling Stock Reserves

First Nations people are concerned about the way the Travelling Stock Reserves have been managed to date. Many of these reserves sit along traditional songlines which since colonization, have been poorly managed. MLDRIN is concerned with alleged efforts to “sell” off parts of these reserves before meaningful discussion around co-management or return can take place. MLDRIN requests for these areas to be returned to Traditional Owners, stock removed, sites properly assessed for First Nations cultural heritage and efforts made to restore the ecosystems.

Comments on options related to First Nations objectives

Option 9: Pipeline from the proposed new mid-system weir near Gin Gin to Nyngan

MLDRIN is opposed to the construction of the mid system weir proposed at Gin Gin. Likewise, MLDRIN is opposed to the development of pipelines associated with this weir.

Option 10: Gunningbar Creek pipeline

MLDRIN is concerned with the way the Gunningbar Creek is presented in this option. This highlights a wider concern of MLDRIN’s presented in this document which is that the waterways across the Macquarie are perceived as a water delivery system and not a functioning ecosystem that should have water available to it.

Option 15: NSW Fish Passage Strategy

MLDRIN is critical of the fact there is not a single mention of permanent deconstruction of weirs or acknowledgment of the damage these structures have already done. It was requested that at the very least flood gates need to be lowered, there is support for programs that support native fish populations but disagreement that the solution needed is to rebuild weirs.

Option 20: Implement the Native Fish Restoration program

MLDRIN would like to see greater inclusion of First Nations people and communities in these projects.

Option 21: Diversion screens to prevent fish extraction at pump offtakes

MLDRIN supports efforts to protect wild fish populations this is in accord with First Nations people who have an inherited role as custodians of country.

Option 22: Cold water pollution mitigation measures

MLDRIN requests greater detail into what these mitigation measures are before further comment could be made.

Option 23: Modification and/or removal of existing priority floodwork structures causing adverse impacts

MLDRIN supports the removal of floodplain harvesting infrastructure. This is a good step to ensuring river and floodplain connectivity.

Option 25: Improved understanding of groundwater processes

MLDRIN is concerned that “improved understanding” of groundwater processes will lead to greater extraction of groundwater with limited concern for the long term impact this extraction will have.

Option 26: Sustainable access to groundwater

MLDRIN questions how sustainable accessing groundwater is. MLDRIN is concerned that this extractive process is being defined as meeting First Nations objectives. As there is a strong possibility for this process to irreversibly harm to country.

There should be recognition that water stored in the ground is the result of Traditional land management practices and that this water should belong to the descendants of the people who managed country in a way that allowed groundwater to build over thousands of years.

Option 27: Improved clarity in managing groundwater sustainably

MLDRIN would like to see every effort taken to ensure that this does not enable extractive industries to access more water, our stories talk of water above & below ground and similarly, our people are connected to this water. When industry has dried our rivers will we also let it drain our aquifers?

Option 28: Investigation of water quality mitigation measures

MLDRIN would like to highlight that water quality is critically important to First Nations communities and supports efforts to improve water quality. MLDRIN is concerned that this option lacks detail and would like to see more information around what is proposed so we can assess whether the works are in line with achieving First Nations water objectives.

Option 29: River Ranger Program

MLDRIN supports actions to increase the participation of First Nations people in “On country” projects to maintain the health of rivers & wetlands. Projects that enable First Nations communities to have a recognised place within the water sector that is in line with their inherited role as custodians of the sacred land & waterways that form country.

Option 30: Secure flows for Beemunnel Aboriginal Place

MLDRIN supports efforts to secure flows for water-dependent cultural sites. MLDRIN would like to see this expanded to provide better ongoing access to water entitlements that allow First Nations communities in the Macquarie-Castlereagh Region to have an active role in the decision making of how and when sacred sites receive water.

Option 31: Connectivity with downstream systems

MLDRIN supports this initiative, connectivity with downstream systems is crucially important to First Nations people and greater efforts should be made to ensure connectivity is achieved and maintained.

Comments on government commitments

Government commitment 1: A new mid-system re-regulating weir on the Macquarie River

MLDRIN is opposed to the development of this project as it works against First Nations' interests and objectives to see a connected river system. There is also concern that the area proposed is used broadly by the community for camping & recreation purposes and that there would be significant damage to the environment around the existing weir through the building of this project.

MLDRIN also highlights that the decision to build this weir is in discord with the "NSW Weirs Policy" - *WHY ARE WEIRS A PROBLEM?*

"Weirs have served an important role in the amenity of the towns and properties they serve, but in recent years it has become apparent that this has been at a significant environmental cost. For example:

- the still waters in weir pools are less biologically productive than natural river channels, as native species adapted to diverse and free-flowing stream conditions are disadvantaged;*
- riparian vegetation is drowned in the weir pool or killed by water-logging in low-lying areas of adjoining floodplains;*
- weirs act as a trap for sediments, nutrients and pollutants;*
- invertebrate and detrital drift is reduced, reducing biological productivity and diversity below weirs;*
- weir conditions favour water stratification in summer and the growth of algae and development of algal blooms;*
- weirs obstruct native fish migration and reduce native fish populations;*
- the relatively stable conditions in weir pools give alien species, such as carp, an advantage over native species;*
- weir pools may affect groundwater systems by maintaining artificially high water levels, resulting in groundwater mounding;*
- inundation of surrounding areas destroys flora and fauna habitat, including that of threatened species;*
- weirs accumulate sediments and prevent their downstream flow, resulting in erosion and scouring downstream of the weir;*
- a constant level of discharge from weirs can result in geomorphological changes to rivers, tending to make them wider and shallower; and*

- *weirs can alter temperature regimes down stream, resulting in an adverse impact on native flora and fauna.*

Based on the information provided during engagement sessions led by WaterNSW regarding the Macquarrie re-regulating weir. MLDRIN is not confident that WaterNSW is capable to appropriately address the above issues outlined in existing NSW government policy on weirs. With strong community support against the Macquarrie re-regulating weir being built, we are left to question whether this is yet another example of NSW's water management favoring irrigators to the detriment of First Nations interests and the broader community.

General comments on the Long list of options

MLDRIN would like to highlight that due to the large number of options presented we have a limited capacity to properly investigate the full extent of the impact these options will have for First Nations communities.

Conclusion/Recommendations:

MLDRIN strongly recommends that the Macquarrie Re-regulating weir project is discontinued and that significant efforts are made to return ownership of water to Traditional Owners.