DHARRIWAA ELDERS GROUP

Submission to the Water Act Review, 2026

Dharriwaa Elders Group

Dharriwaa Elders Group (DEG) is an Aboriginal cultural organisation which works to support Elders' wellbeing, protect Aboriginal cultural heritage and knowledge, and promote Aboriginal Cultural Values. The organisation works for community development and to promote relationships between Aboriginal Elders and other generations of the Walgett Aboriginal community. DEG works closely with the Walgett Aboriginal Medical Service (WAMS) and other organisations to improve wellbeing and outcomes for Aboriginal people. DEG has a close knowledge of the Walgett Aboriginal community. The Walgett Aboriginal community knows what works and what doesn't work.

Walgett is a remote river town of about 2,100 people, the majority Aboriginal, in North-Western NSW. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers and many creeks, warrambuls and lakes meet. It is surrounded by ground and surface waters – some that have been recognised by the Ramsar Convention. Walgett is home to people of the Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non-Aboriginal people.

Rivers and shallow groundwaters fed by the rivers have always been, and remain, central to Walgett culture and life. For Aboriginal people, the health of the rivers and people are totally connected. DEG members live with the drastic and measurable decline in river flows and river health. This is due to overextraction upstream and a failure to halt irrigation growth. Our members and community are expected to live without access to free, safe drinking water because our local water utility is not supported to do this yet. We know what the solutions for this are, and they include the introduction of a Universal Service Obligation for safe, accessible drinking water.

The solutions include a strong, truly independent, fully funded regulator in the Murray-Darling Basin which is culturally and institutionally designed to be transparent and with a focus on enforcement. They include strong Commonwealth responses to redress the balance currently benefitting irrigators, to rebuild the health of rivers and waterways and recognise the continuing dispossession of waterways from Aboriginal communities' enjoyment.

The United Nations Declaration of the Rights of Indigenous Peoples is based on the view that harmonious and cooperative relations between the State and indigenous peoples should be based on principles of justice, democracy, respect for human rights, non-discrimination and good faith. Dharriwaa Elders Group's view is that these principles are not reflected adequately in the Water Act 2007.

Aboriginal people have been largely excluded from changes to water administration in the Murray-Darling Basin. Our engagement with governments to try to restore health of our rivers has been mostly ignored.

Despite the high ambitions of the National Water Commission, the Water Act and the Basin Plan's market-first approach has privileged the irrigation industry at the expense of Aboriginal people and the environment.

It is the opinion of Dharriwaa Elders Group that the principles of UNDRIP are irreconcilable with the Water Act as it stands.

Dharriwaa Elders Group believes that the Water Act can be amended to work better for Aboriginal people. These suggestions should not be seen as an endorsement of the status quo.

Dharriwaa Elders Group responses to questions in the review Discussion Paper

1. To what extent have the objects of the Water Act been achieved?

The objects of the Water Act have not been achieved with regard to the health and wellbeing of Aboriginal people or the environment. Below are examples of ways that the Water Act has failed to address its objects.

1.1 Environmentally sustainable levels of extraction

The Water Act was created, in part, to return water extraction to a sustainable level of take through Sustainable Diversion Limits. However, the SDLs did not restrict take to a sustainable level when they were introduced, and have increased by more than 1,000 gigalitres since then. 350 gigalitres of this came from re-estimating historic levels of extraction, not the legislative process required by the Water Act[1],[2].

Sustainable Diversion Limits in the Northern Basin are now greater than irrigation extraction identified in the original Basin Plan[3]. Environmentally sustainable levels of extraction have not been achieved.

DEG has been warning governments for decades that the amount of water taken from the rivers is unsustainable and that conditions for Aboriginal people and the environment have been worsening.

1.2 Protect and restore ecological values and ecosystem services

Ecological decline in the Murray-Darling Basin is well-documented and has been worsening since the implementation of the Water Act in 2007. Maladministration, including allowing unchecked and increasing extractions, affects the entire system. DCCEEW released a report in January 2026 that listed the Macquarie Marshes as an Endangered Ecological Community[4]. Major fish kills in 2018-2019 and 2023, caused by hypoxia and low flows, devastated native fish populations and resulted in independent reviews into the deaths. The recommendations of two independent reviews have not been implemented.

The Basin Plan review discussion paper proposes not to factor climate change into any assessment of the Sustainable Diversion Limits until at least 2036. This is despite the Discussion Paper acknowledging that:

[1] Walker. (2019). Murray -Darling Basin Royal Commission Report. https://cdn.environment.sa.gov.au/environment/docs/murray - darling -basin -royal - commission -report.pdf
[2] Walker, B. (2019). Murray-Darling Basin Royal Commission Report page 605, https://cdn.environment.sa.gov.au/environment/docs/murray-darling-basin-royal-commission-report.pd
[3] MDBA. (2025). Current diversion limits for the Basin. https://www.mdba.gov.au/water -use/water -limits/current -diversion – limits-basin
[4] DCCEEW. (2026) Guide to the Wetlands and inner floodplains of the Macquarie Marshes threatened ecological community. https://www.dcceew.gov.au/sites/default/files/documents/guide-wetlands-inner-floodplains-macquarie-marshes-threatened-ec.pdf

> *Climate change will make it more difficult to maintain wetlands, floodplains and river ecosystems. Some water-dependent ecosystems, particularly temporary wetlands and floodplain forests, will likely dry out permanently and transition to dryland vegetation…There will be circumstances where we will not be able to support the Basin Plan's environmental outcomes and protect environmental assets…*

Climate change will cause hotter and more unpredictable weather conditions, as well as lower rainfall and inflow into the river systems. These conditions, combined with increased levels of take, threaten every aspect of healthy rivers and community. So, not doing anything about Climate change until 2036 is not acceptable to us.

1.3 Water security

Inflows into the Southern Basin have declined by half this century, with half of this decline occurring due to irrigation in the Northern Basin[5],[6]. This affects Walgett directly. Nearly half of the population suffers from food and water insecurity[7].

Walgett has not been able to take water from the river since 2016-17, aside from small amounts in 2021 and 2022. This is despite Walgett Town Council having a local town water utility licence of 2,271 megalitres[8]. The rivers have either been dry, or the water has been too polluted to treat. Residents are forced to drink highly salty bore water which contains twice the amount of sodium recommended by the Australian Drinking Water Guidelines and 15 times as much as is recommended for people with high blood pressure[9],[10].

Walgett does not have a secure water supply because of the failure of river management in NSW.

2. What are the opportunities for the Water Act to improve the delivery of First Nations economic, environmental, social, spiritual and Cultural outcomes?

3. What are the opportunities for the Water Act to promote the principles set out in UNDRIP?

UNDRIP is built around the principles of justice, self-determination, democracy, equality, respect, lack of discrimination, human rights, and good faith. The Declaration shows how to properly engage and empower Aboriginal people.

As part of consultation for the Water Act Review, Aboriginal and Torres Strait Islander peoples across Australia were consulted…

[5] Chiew FHS, Weber TR, Aryal SK, Post DA, Vaze J, Zheng H, Peña-Arancibia JL and Robertson DE (2022) Evaluation of causes of reduced flow in the northern Murray–Darling Basin CSIRO Technical report for the Murray–Darling Basin Authority. https://www.mdba.gov.au/sites/default/files/publications/evaluation-of-causes-of-reduced-flownorthern-mdb-with-errata.pdf
[6] Chu, Willliams, Manero and Grafton. (2025). Effects of long-term meteorological trends on streamflow in the Northern Murray-Darling Basin (MDB), Australia 1981-2020. https://www.sciencedirect.com/science/article/pii/S2214581825000564
[7] Yuwaya Ngarra-li 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
[8] WaterNSW. (2025). New South Wales Water Register: Information about a water source: Total number of water access licences and water usage for a water source. https://waterregister.waternsw.com.au/water-register-frame
[9] Yuwaya Ngarra-li 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
[10] Williams. (2023). The Australian town where water security is felt more than some communities in Bangladesh. https://www.abc.net.au/news/2023-04-13/walgett-nsw-water-insecurity-worse-than bangladesh/102212784 3

> *…on how the Water Act could better recognise and support First Nations rights, responsibilities, authority and aspirations in relation to water and Country.*[11]

And

> *…on how Australia's water governance framework can better align with the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).*[12]

Dharriwaa Elders Group representatives attended the consultation meeting in Dubbo, NSW.

The opportunities for the Water Act to improve outcomes for Aboriginal people and promote the principles of UNDRIP are straightforward. The Water Act can be amended to align better with the principles of UNDRIP. The opportunities for the Water Act to promote the principles in UNDRIP begin with the adoption of the articles.

Stronger enforcement and compliance, the realignment of the SDLs with an ESLT, and stronger prioritisation of water for the environment and Aboriginal people are necessary steps that must be taken to address the inequality caused by current legislation and policy.

4. Are the institutional and governance arrangements under the Water Act effective in ensuring accountable, efficient and transparent decision-making? If not, how can they be improved?

The institutional and governance arrangements under the Water Act are not effective. They do not ensure accountable, efficient or transparent decision-making. This is partly due to insufficient powers for agencies, a lack of expertise, and the inability to properly regulate and penalise non-compliance.

Both the Commonwealth Environmental Water Holder and the Inspector General of Water Compliance lack adequate powers.

5. Is the role and administration of WRPs clear and fit for purpose?

Water resource plans*…outline how each region aims to achieve community, environmental, economic and cultural outcomes and ensure that state water management rules meet the Basin Plan objectives*[13].

The rivers in Dharriwaa Elders Group Area of Interest have never been in worse condition. The Ngamaay now rarely supplies drinkable water, even when it has not been dried up by over-extraction upstream, leading to water insecurity in Walgett. The Ngamaay has frequent blue-green algal blooms that mean that local people must always be careful about contact with the river. River foods are now much rarer than in the past, which has affected food security for Aboriginal people in Walgett.[14]

[11] Department of Climate Change, Energy, the Environment and Water. July 2026. *What We've Heard Report: Strong Voices, Healthy Waters, Upholding Aboriginal and Torres Strait islander peoples' water rights through the review of the Water Act 2007 (Clth)*. Canberra.
[12] Department of Climate Change, Energy, the Environment and Water. August 2026. *Strong Voices, Healthy Waters: Findings and Reform Directions Report. Opportunities in the Water Act 2007 (Clth) to promote the principles of the United Nations Declaration on the Rights of Indigenous Peoples: DRAFT UNDER REVIEW.* Canberra.
[13] Murray-Darling Basin Authority. Water resource plans. (2023). https://www.mdba.gov.au/water-management/basin-plan/water-resource-plans
[14] Editorial. 2023. Water Crisis, how local technologies can help solve a global problem. *Nature* **620**, 7. *doi: https://doi.org/10.1038/d41586-023-02442-7*

It is Dharriwaa Elders Group's view that the administration of Water Resource Plans is not clear and fit for purpose.

6. What are the opportunities for the Water Act to optimise the use of environmental water to achieve additional environmental outcomes, especially in the face of a changing climate?

"Optimising" is a loose term that can mean what policy makers and managers want it to mean. In the case of water for rivers it has meant doing more with less and replacing water with infrastructure in efforts to reduce the volume of environmental water.

Climate change is bringing hotter, drier and more unpredictable conditions. DCCEEW's own research on adaptation of Ramsar sites shows that by 2050 flows in the Macquarie Valley will have dropped by nearly seventy percent from the record lows of 2018-20. Conditions will be hotter and there will be less water in the system. DCCEEW used conditions at Walgett, close to the Macquarie Marshes, for this analysis.

As shown by the Basin Plan Review Discussion Paper, the approach for the future seems to be business as usual. Management of water in Northern NSW privileges irrigation water use above all other uses.

Environmental water should not be optimised. It results in focusing certain outcomes at the expense others. In the Northern Basin this has damaged the rivers, culture and environment. Solutions to cultural and environmental degradation include **increasing the volume, frequency and quality of water in the rivers.**

Rather than optimising the use of environmental water, the Water Act should take measures to improve overall ecosystem health. Steps include:

- Bringing extractions back to legal limits,
- Adopting the recommendations from, and analysing the extent to which the recommendations have been adopted from:
    - NSW Connectivity Expert Panel report,
    - NRC reviews of Water Sharing Plans,
    - The reports on the 2018-19 and 2023 fish kills.

Environmental water, its managers and its management are under constant threat from the irrigation industry and parts of government. Before any changes are made to arrangements for environmental water there must be genuinely independent reviews of:

- The make-up of the environmental portfolio,
- How, and how well, environmental water is protected from extraction,
- How Sustainable Diversion Limits have increased, and by how much,
- Erosion of Planned Environmental Water,
- Substitution of Held Environmental Water for operational responsibilities; for example, using HEW to provide base flows, operational flows, town water, stock and domestic supply, and dealing with de-oxygenated water and algal blooms,
- Calculation of 'losses' imposed on environmental water for delivery through rivers and wetlands,
- Disproportionate and unfair treatment of Held Environmental Water compared to other water holders, for example IPART fees and carryover rules.

At the recent Bush Summit in Dubbo the CEO of the Murray-Darling Basin Authority and the CEO of the National Irrigators Council made strong statements about ways to protect rivers, other than providing water for them. Dharriwaa Elders Group disagrees strongly with the implication that rivers have enough water. However, Dharriwaa Elders Group does agree that it is important to manage land better.

Dharriwaa Elders Group's own water quality and pesticide testing shows that water quality at Walgett is routinely poor. Agricultural pesticides, banned elsewhere in the world, are found in the Ngamaay. Dangerous chemicals that poison the environment, including rivers, wetlands, birds, mammals and insects, should be banned in Australia.

The Water Act does not, but should, address these matters.

7. What are the opportunities for the Water Act to support social and economic outcomes, including for First Nations?

The Discussion Paper makes several assumptions about the policies that underpin the Water Act, including:

- that the separation of land and water, and the consequential creation of water as a property right, is positive,
- that water trade has moved to its highest value use,
- that water trade creates an overall national benefit.

We are not aware of any research that substantiates these assumptions.

The scope of most studies into the socio-economic value of irrigation, or the costs of water not available to irrigation, are severely limited. They:

- focus on the owners of water property rights, excluding people the people who do not own water,
- assume that income generated in a region stays in that region,
- ignore costs, both financial and non-financial, to everyone and everything other than water holders.

The idea of "highest-value use" has underpinned water policy for 40 years. It is not defined in legislation or policy, and is not monitored. Values identified and contributed by Aboriginal people must be defined and monitored along with other values.

8. To what extent are arrangements under the Water Act appropriate to ensure resilient communities and provide water security?

This is similar to the idea of "highest value use." Resilient communities and water security apply to irrigation, not other communities. Walgett does not have water security. Because of the importance of the rivers for food for Aboriginal people, the sickening of fish and the collapse of fish populations mean that food security is poor as well.

The Water Act does not meet the requirements to ensure resilient communities or provide water security. The Basin Plan only requires Basin states to provide an outline of how critical human water needs will be met during extreme events for each water resource plan area.

States are not required to prove the effectiveness of these measures[15]. The meeting of critical human water needs must be measured all the time not just during extreme events.

Furthermore, although Walgett has a high security town allocation water licence, the water is either not available to take when the Ngamaay and Baawan have dried up, or the water in the rivers is too contaminated to be safely consumed. Walgett has not regularly drawn water from the rivers since 2016-17. It is not acceptable that Walgett cannot access water even with a water utility licence. The current provisions under the Water Act are insufficient.

The Water Act should be amended to include binding and enforceable requirements for town water security.

9. To what extent are arrangements under the Water Act appropriate to address current and future challenges in relation to water quality?

The Water Act does not have sufficient measures in place to protect water quality at present or in the future. In recent memory, Walgett residents could source food and water from the Ngamaay and Baawan Rivers. Today, residents are warned not to eat the fish, and the water is of such poor quality that the town cannot source its drinking water from either river but must use bore water that is dangerously saline[16].

The DEG ranger team conducts its own water quality monitoring, and has detected agricultural chemicals and fertilisers, heavy metals, pollutants and algae, as well as measuring dangerously low levels of dissolved oxygen[17]. The Rangers have documented visible algal blooms and fish kills in the rivers around Walgett.

Dangerous agricultural chemicals must be banned from use, starting with those that are banned overseas.

10. To what extent is water information management under the Water Act appropriate to inform current and future decision making, especially in the face of a changing climate?

DEG looks forward to being resourced to access, analyse and understand the tools and information it needs to make informed decisions about cultural flows management and to provide informed advice to water managers and decision-makers in the future. We are ready willing and able to participate in information planning opportunities.

11. What are the opportunities for the Water Act to align with the objectives set out in the National Water Agreement?

The opportunities for the Water Act to align with the National Water Agreement can begin by applying UNDRIP principles and the recommendations from the report of consultation with Aboriginal and Torres Strait Islander peoples across Australia for the Water Act Review.

It is Dharriwaa Elders Group's view that the scope of the Water Act should be extended Australia-wide. DEG is aware of the threats to undeveloped rivers in Northern Australia from unrestrained irrigation development for cotton, and the risks of floodplain harvesting that

[15] 2026 Murray-Darling Basin Plan Review Discussion Paper. (2026). https://www.mdba.gov.au/sites/default/files/publications/2026-murray-darling-basin-plan-review-discussion-paper.pdf
[16] Williams. (2023). The Australian town where water security is felt more than some communities in Bangladesh. https://www.abc.net.au/news/2023-04-13/walgett-nsw-water-insecurity-worse-than bangladesh/102212784 3
[17] Dharriwaa Elders Group. Water Quality. https://www.dharriwaaeldersgroup.org.au/waterquality

has been so destructive to Aboriginal people and culture in the Northern Murray-Darling Basin.

Conclusion

Dharriwaa Elders Group welcomes this opportunity to make a submission to the Water Act Review, and especially to participate in the Commonwealth Government's consultation with Aboriginal and Torres Strait Islander peoples. However, it should not be thought that this submission endorses the way water is administered and managed in the Murray-Darling Basin.

The way water is managed and exploited in the Murray-Darling Basin, under the Water Act and the Basin Plan, allowing maladministration, continued growth in irrigation take, and the destruction of healthy rivers, is incompatible with the views of Dharriwaa Elders Group.

Reviews of water administration and associated consultation underway at present are the review of the role of the Inspector-General of Water Compliance, the Basin Plan Review, the Water Act review, and consultation with Aboriginal and Torres Strait Islander peoples.

Dharriwaa Elders Group believes that the order of this consultation is wrong. The review of the Water Act should have been completed before the subsidiary review were undertaken. Already the Basin Plan review discussion paper says that there will be no review of Sustainable Diversion Limits before 2036. This is disgraceful; an outcome pre-determined before even the Basin Plan review is complete, with no opportunity for any outcomes from the Water Act review to be considered.

Worse, the consultation with Aboriginal and Torres Strait Islander peoples for the Water Act review is not complete. Comments on the Draft report are not due until the 4th October 2026, five weeks after general submissions to the Water Act review close. Many Aboriginal people and organisations have not seen even the draft of the consultation report.

UNDRIP is built around the principles of justice, self-determination, democracy, equality, respect, lack of discrimination, human rights, and good faith. Dharriwaa Elders Group believes that these reviews have not been conducted according to these principles. Despite the best efforts of the team that undertook consultation with Aboriginal and Torres Strait Islander peoples, Dharriwaa Elders Group believes that overall, the process for review of the Basin Plan has not been carried out respectfully or in good faith.

Dharriwaa Elders Group believes that the proper and considered adoption of UNDRIP principles will require changes to the Water Act that do not appear to be within the scope of this review.