



63 Heber St
MOREE NSW 2400
T: 0267524758
M: 0427957960
Email: fredhooper6@gmail.com
ABN: 16149354512

Mr Neil Andrews
Chairperson
Murray Darling Basin Authority

Northern Basin Review:

On behalf of the Northern Basin Aboriginal Nations board and First Nations members, we submit our submission and views on the Northern Basin Review proposed recommendations to change the Environmental Recovery Target and the Ground Water Sustainable Diversion Limits in the Northern Basin.

NBAN's Position:

NBAN's position on the review and the current recovery target of 390 GL's should remain the minimum recovery target for the Northern Basin. The target should be based on NBAN's recommendations on page 5 of this document.

Reasoning behind NBAN's Position:

- A. NBAN undertook a number of workshops throughout the Northern Basin and all of the communities visited rejected the proposed changes to the Water Recovery Target from 390GLs to 320 GLs.
- B. It is well known that **84,000 Aboriginal people** according to the 2011 census live in the Basin, which makes up over 18% of Australia's First Nation people's population. We would also estimate that half of the 84,000 would live in the northern basin.
- C. NBAN understands that you will need to take into account community concerns in relation to more or less water recovery based on the current data that you have available to you, however we would argue that you do not have all of the data and science around Aboriginal Environmental Outcomes based on both the current recovery target of 390 GL's and what it would mean in terms of a reduction of water recovery based on the scenario's outlined in the MDBA's presentations to the general community over the last few months, and the impact on First Nations and their peoples. Therefore the review has the potential to be flawed.

- D. First Nations people are the most disadvantaged people within the basin based on work done in the (Dropping off the Edge report, 2015)¹. Some of the towns identified in this report include, Boggabilla, Bourke, Brewarrina, Collarenebri, Walgett, and Wilcannia. These Towns are identified as amongst the most disadvantaged communities in Australia by this report ahead of other more remote communities.
- E. First Nations people are the most under employed in the irrigation sector and also under represented in the private industries within the Northern Basin. If a study of the employment of First Nations people was to be undertaken by the MDBA it would find that the majority of First Nations people in the Northern Basin are employed in the Services sector that cater for them and not the private and irrigation sectors.
- F. The MDBA's own research the Socio Cultural Survey carried out in partnership with NBAN showed a rating of 92% importance to First Nations people which equates to a high value of environmental watering of the landscape. A reduction in the water recovery target will also put unwanted stress on First Nations people in the Northern Basin, spiritually, and emotionally which would also have a huge impact on our ability to collect our bush foods, medicines and ceremony plants etc. intern having a huge impact on the ecology systems that First Nations people depend on.
- G. With adequate water, sustaining the environmental landscape of the Northern Basin we believe there is an opportunity for identified Aboriginal Environmental Objective and Outcomes that can be achieved through an environmental watering regime delivered at or above the recovery target of 390 GL's or higher.
- H. NBAN and its members believe that if the recovery target is reduced from its current target, the Environmental Objectives and Outcomes for First Nations people in the Northern Basin through inadequately watering the landscape will not be achieved. This will put pressure on First Nations peoples to fulfil our obligations under our Nations Laws and Customs and goes against our Native Title Rights and Interests which was recognised by the High Court of Australia and the Native Title Act (Cth) 2005².
- I. Although consumptive users and some rural business owners are loudly expressing their concerns about the impacts of the 390GL environmental water allocation, the truth is their threatened social and economic disadvantages pales into insignificance compared with the impacts and traumas suffered by First Nations people including the dispossession and removal from our traditional lands under Government policies and practices throughout the development of the Murray-Darling Basin.

¹ Vinson, A., Rawsthorne, M. Beavis, A. & Ericson, M. (2015) Dropping off the edge. Jesuit Social Services and Catholic Social Services Australia. Retrieved from: <http://www.dote.org.au/> 26/4/16.

² Native Title Act (Cth) 2005.

Alternative economic opportunities for First Nations peoples:

NBAN understands that there have been traditional ways of providing economic sustainability in the Northern Basin, such as grazing and irrigation enterprises. It is now understood that the local family business are also threatened by large enterprises buying large track of land and squeezing the family farm out of business and contracting services to outside contractor and the economic benefits are not being transmitted to the local economy. Where the money is not kept in the local community and there is no skills transference also to the local communities, which makes it hard to retain skills.

NBAN believe that there is a great opportunity for new enterprise and employment opportunities within the Northern Basin around the environmental recovery regime if it remains at 390 GL's or if it is increased closer to the 415 GL recovery target. We also believe that if the recovery target is reduced then it would make it much harder to achieve enterprise and employment opportunities for the most disadvantaged people within the Northern Basin, however NBAN is currently putting together a comprehensive package that will be presented to the Department of Agriculture and Water Resources taskforce, the MDBA and both NSW and Queensland. We believe that this comprehensive package could create between 100 and 120 new jobs within the Northern Basin as part of the tool kit measures proposed if the target is lowered by the Minister.

The package would be an overall package based on the river keepers program which is internationally recognised. A program is currently operating in the Georges River Basin in Sydney and is very successful. Under this program the river keeper trainees will undertake training in Aboriginal Conservation and Land Management and other areas in preparation for the introduction of the National Carp reduction strategy. The training program will be concentrated on our river systems and river regeneration etc. for example: (revegetation and planting of native river reeds to enable the increase of Yellow Belly numbers within that river reach based on the First Nations people's objectives and outcomes as identified within the Water Resource Plans (WRP).

This is just one opportunity for First Nations peoples in a new stream of opportunities that can be developed through an environmental watering regime at or under the recovery target of 390 GL's

Climate Change:

A recent report (Hare et al, 2016)³ discussing comparative scenarios regarding 1.5 – 2 degrees temperature rises, describes the likelihood of there being a reduction of 12.7% annual water availability in southern Australia (south of Bourke) (p.13). 12.7% of 390 GL is 49.5GL, indicating a likely environmental water availability of 340.5GL even if the 390GL level is preserved.

Therefore any reduction in the current recovery target will severely impact on the first Nations people of the Northern Basin. The Authority in response to this report should be looking at a new scenario's based on the above in your recommendation to the Minister and that senerio should be to increase the current recovery target of 390 GL's to compensate for this 50 GL difference as outlined above.

³ Hare, B., Roming, N., Schaeffer, M. and Schleussner, C-F. (2016) Implications of the 1.5C limit in the Paris Agreement for climate policy and decarbonisation. Climate Analytics.

Given this scenario, holding the environmental water allocation at a minimum of 390GL would seem consistent with the Basin Plan at **Chapter 4**, (*Identification and management of risks to Basin water resources*), **Part 2**, (*Risks and strategies to address risks*), **(4.02)**, (*Risks to condition, or continued availability, of Basin water resources, including the risks to the availability of Basin water resources that arise from matters specified in item 3 of the table in subsection 22 (1) of the Act*). **(2) (b)**, (*that insufficient water is available, or not suitable to maintain social, cultural, Indigenous and other public benefit values*) and **4.03** (*Strategies to manage and address, identified risks*) **(3)** (*Strategies are the following*), **(g)**, (*to improve knowledge of water requirements within the Murray Darling Basin, including the following:*) **(iii)**, (*the impact of climate change on water requirements*).

Such a strategy would allow for water allocations in the northern Basin to assist in meeting Aboriginal Objectives and Outcomes in both the Northern and Southern Basin given the difficulty of effective action on climate change.

Compensation:

We firmly believe that a greater number of Aboriginal Environmental Outcomes can be achieved if this figure is increased from 390 GL's to the upper limit of 415 GL's. We understand that this might not be the case because of compensation issues with Irrigators for the loss of water to them. However, Given the requirements of Chapter 4 Part 2 (2) (b) of Basin Plan which was based on a 390 GL's recovery target in the Northern Basin, which is currently Common Law, any reduction in that recovery target is a future act and will trigger a compensation requirement by the Commonwealth to the First Nations and their peoples of the Northern Basin under Native Title.

It is also understood that the larger the reduction of the number (for example if the number was to be reduced from 390 GL's to say 288 GL's) a larger compensation package would need to be developed for First Nations and their peoples.

The reduction in Aboriginal Environmental Outcomes would need to be established and a monetary compensation package would then need to be calculated.

Summary:

As recent archaeological evidence has shown (e.g. Cuddy Springs), our people have lived on the rivers and lakes in the northern Basin for over 30,000 years. As recent literature describes (e.g. Pascoe, 2015)⁴, we lived successfully with Country including its waterways. While population, climate, and western resource uses have created unprecedented scales of damaging change to our Country, our values are even more relevant to the future sustainability of the northern Basin than at any time in our long history.

A way forward, which does not repeat history, would be to include NBAN's participation in all decisions about the Northern Basin's environmental water. In this way, the Basin can benefit from culturally informed and culturally safe approaches to water management that includes our people, and approaches to water management that draw on our sustained and committed responsibilities for the Basin's viability also under our different laws and customs.

⁴ Pascoe, B. (2014) Dark emu - black seeds: Agriculture or accident? Magabala Books, Brome, W.A.

Such a development would be consistent with the MDBA's legislated responsibility to secure a sustainable future for the Basin.

Recommendations:

Our recommendations to the Authority and the Minister are to either:

1. Given this new report on Climate Change the recovery target in the Northern Basin should be increased by at least 50GL's to 440 GL's which will account for the rise in predicted temperature in the report mentioned on page 3.
2. Next best scenario is that the current recovery target should be increased to 415GL's which is an increase of 25GL's and half the 50GL's mentioned in the report on page 13.
3. If this cannot be achieved then the recovery target should remain at 390GL with a caveat that the Northern Basin should be reviewed in every five years that will account for any changes in temperature due to Climate Change.
4. If the recovery target is lowered then assist NBAN in the development of a comprehensive works program that will see the employment of First Nations peoples throughout the Northern Basin with possible enterprise development opportunities as well.

It seems most unjust that now, that when a decision which will help the environment and benefit First Nations people has been made. It is disappointing that there is a recommendation to give back water to the irrigators for consumptive purposes, which further diminish potential benefits to the Northern Basins First peoples. Yet again, our people will be more disadvantaged. Surely, now is the time not to repeat the history of dispossession and denial of the Northern Basins First people's and our voice.

No-one can afford to ignore us anymore.

Thanking You

Fred Hooper
Chairman NBAN
On behalf of NBAN board, NBAN First Nations and members