

12th April 2017



Post Office Box 5005
Brunswick North VIC 3056
www.mldrin.org.au
ABN: 45118364079

The Hon. Niall Blair, MLC
Minister for Lands and Water,
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Minister,

I am writing to seek clarification regarding the NSW Government's position on the implementation of the Sustainable Diversion Limit (SDL) Adjustment Mechanism in the Southern Murray Darling Basin.

MLDRIN has previously written to the Murray Darling Basin Authority, Basin Officials Committee (BOC) and Sustainable Diversion Limit Adjustment Assessment Committee (SDLAAC) to outline our concerns and highlight the need for a rigorous assessment of cultural impacts arising from adjustment of the SDL. I have attached this correspondence for your information.

The 'environmental equivalence' methodology developed for the SDL adjustment mechanism indicates that 'offsetting' environmental water recovery through environmental works and measures will result in 'trade-offs' throughout the different reaches of the Southern Basin. These 'trade-offs' equate to contrasting outcomes for Traditional Owners with cultural connections and responsibilities relating to different parts of the system. MLDRIN is concerned that the operation of the SDL adjustment mechanism will entail impacts on cultural outcomes.

We note that there is no methodology in place, as part of the SDL adjustment mechanism, to assess the impact on cultural values.¹ We contend that this is a significant omission which threatens to undermine confidence in water planning and the sustainability of cultural practices and traditional ecological knowledge.

We seek your support to develop assessment and monitoring approaches which can elucidate the potential cultural implications of SDL Adjustment and safeguard Traditional Owner values.

We would greatly appreciate a written response to the following questions and requests

¹ See letter from Russell James (MDBA) dated 25/1/2016 (attached)

12th April 2017

- What mechanisms does the NSW Government have in place to ensure that the construction and operation of environmental works and infrastructure projects (under the SDL adjustment mechanism) will *not* result in impacts in Aboriginal cultural heritage, including intangible heritage?
- What are the Terms of Reference for the expert panel recently appointed by the NSW and Victorian Governments to review the offsets mechanism in the Murray Darling Basin Plan?²
- How will the NSW Government ensure that Aboriginal cultural values associated with waterways are not negatively impacted by a proposed 650GL reduction in the Basin Plan recovery target?
- Will the NSW government commit to working with MLDRIN and other stakeholders to fill gaps in assessment and monitoring to ensure that the implementation of supply measures and the SDL adjustment mechanism avoids any harm to Aboriginal values?

We would be very happy to elaborate on any of the issues raised in this letter.

We look forward to your response and to working in partnership to ensure that the implementation of the SDL Adjustment mechanism is consistent with NSW's commitment to best practice in Aboriginal engagement.

Rene Woods
Chairperson, MLDRIN

² Media Release: <http://www.premier.vic.gov.au/nsw-and-victoria-put-basin-plan-under-the-microscope/>