

Murray Lower Darling Rivers Indigenous Nations Submission to IPART on WAMC & Water NSW rural - Review of prices from July 2021.

MLDRIN welcomes the opportunity to provide comments on the recent IPART pricing review for water in the State of NSW. 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, ACT and South Australia.

MLDRIN is of the view that the decision by IPART to increase costs associated with Cultural Access Licences was made with little regard to First Nations people, their culture, aspirations & rights to water. It also has no regard to the challenges and obstacles First Nations people already face in accessing and benefiting from these licences.

It is evident through examples of use that water managed by First Nations people has a broad spiritual, social, cultural, environmental & economic benefit to both First Nations communities and the broader public. Water in First Nations cultures is not seen as a commodity to be traded and converted into profit. It is understood that water is a sacred source of life, that must be treated with great respect and reverence.

All surface & ground water that is extracted and/or traded within Australia is water stolen from First Nations. Entire river systems & watersheds meticulously cared for and managed over thousands of years by generation after generation of First Nations people have, in a relative blink of the eye, been completely desecrated. Now First Nations are expected to pay fees to the agencies of government directly responsible for this destruction of their heritage & for ongoing systemic marginalisation and dispossession.

MLDRIN makes the following recommendations:

- All fees associated with Cultural Access licenses, across regulated, unregulated & aquifer systems, are waived
- IPART engage both a female & male First Nations person in the pricing review processes moving forward to ensure immediate & future decisions do not overlook impacts on First Nations
- Carryover provisions are developed for Aboriginal Cultural entitlements in regulated systems
- Recognition that the Cultural Access Licence – cannot be used for “economic purposes” yet is charged at a premium price and that water acquired under a CAL can remain in the system for shared environmental benefit¹

¹ See Sue Jackson & Marcia Langton, ‘Trends in the Recognition of Indigenous Water Needs in Australian Water Reform: The Limitations of ‘Cultural’ Entitlements in Achieving Water Equity’ (2012) 22

- The above-mentioned recognition is used to inform immediate (i.e. this IPART process) & future decisions impacting the pricing of water accessed through Cultural Access Licenses.
- This draft IPART pricing review has highlighted the need for greater appreciation of the challenges that First Nations face in applying for and accessing Cultural Access Licences, and we must see some kind of response to assist with addressing these. Examples include, but are not limited to: uncertainty about use and rules; costs associated with infrastructure when water is to be moved (e.g. to a wetland that is blocked from the main river channel); land access and ownership; etc.

MLDRIN appreciates your time in reviewing this submission. We encourage IPART to review its decision making processes & have greater consideration for the impacts that its decisions have on First Nations people.