

30 June 2026

Fitzroy-Derby Water Planning Team
Department of Water and Environmental Regulation
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Via: fitzroyderbywaterplanning@dwer.wa.gov.au

To whom it may concern

Re: Feedback on the consultation draft of the Fitzroy-Derby Water Resources Management Plan: Policy and Guidance

Thank you for the opportunity to provide feedback on the abovementioned Plan.

The Martuwarra is a living ancestral being, a global treasure. It has the right to live and flow, free from extraction, development, and exploitation. The Martuwarra Fitzroy River Council considers Martuwarra to be *“communal property, an ‘asset in the commons’ that belongs to all of us. The River must be protected for the benefit of all present and future generations.”*

This is a watershed moment. A once in a generation opportunity to protect one of the world’s most precious, thriving ecosystems. It is an opportunity we cannot afford to miss.

I was pleased to read that there has been extensive conversation and engagement with Traditional Owners on the drafting of this Plan. Unfortunately, these conversations do not appear to be adequately reflected in the draft Plan.

Decision-making authority

Currently, decision-making powers in the draft Plan still sit with the Department of Water and Environmental Regulation (DWER). The findings of the Auditor General last year showed that relying on DWERs current system for monitoring and compliance of water licences in an area as vast as the Kimberley is wholly inadequate. It cannot be relied upon to protect the Martuwarra and the communities of people, flora, and fauna who rely on it from extractive industries seeking to access the water.

Proper protection of Country requires the ceding of power to make decisions from regulatory authorities to Traditional Owner groups. At a minimum, management of the Martuwarra Fitzroy River catchment must be done in partnership, over the long term. Anything less than that is business-as-usual and risks corporate and industry interests being prioritised over critical cultural knowledges learned over millennia.

This extract from the Kimberley Land Council is the basis for my concerns on this issue:

Groundwater extraction threatens the long-term health of the Martuwarra Fitzroy River catchment, particularly during the dry season when groundwater sustains critical ecosystems. At a time of increasing environmental uncertainty, water security is essential to ecological health, economic stability and community wellbeing.

Traditional Owners have cared for Country in the Kimberley for tens of thousands of years and hold deep, continuous knowledge of river systems, groundwater, and surrounding landscapes. Strengthening our role in governance is not only a matter of justice, but a practical and necessary response to the risks identified by the Auditor General.

Country is telling us that conditions are changing. The response must be to act together, as equals.

Recommended change: Include a plan to co-design decision-making powers for Traditional Owner groups, so that all water governance, including assessment, approvals, monitoring and compliance are managed in partnership with Traditional Owners.

Rights in Water and Irrigation Act, 1914

As I understand it, the above recommendation for change is only possible if the very outdated *Rights in Water and Irrigation Act, 1914 (RiWI Act)* is reformed. I could not think of a better time or motivation to amend and reform this piece of legislation. It is not fit-for-purpose to bring to life a new model of water governance and protection. One built on respect, equity, and collaboration, where Traditional Owners participate and lead in the economic development of the Kimberley, without sacrificing protection of Country or the values of the places and people who call it home.

Recommended change: Begin the process of reforming the *RiWI Act, 1914* so that water governance in Western Australia can be managed in partnership with Traditional Owners, thus valorising the deep and enduring knowledges First Nations peoples bring to issues of protecting Country.

Other concerns and questions

I hold several other concerns in relation to the draft Plan, which I outline below:

1. There is no current hierarchy of authority. For example, what power do Traditional Owners have to exert concerns for Country over the commercial needs of a pastoralist?
2. Information I have received from community members in the Kimberley is that the understanding and science informing what groundwater resources are available is limited. What assurances can DWER provide that impacts of this Plan will be accurately measured over its implementation?
3. How will the Plan factor in the effects of climate change on current licence-holders? I.e., is there a mechanism in place to revoke licences if the groundwater resources become too scarce to maintain the health and flow of the river?

4. I understand that data from groundwater bores and river flows is public, but evidence of individual licensees showing the impact of their take is not. How does DWER plan to keep licence-holders accountable for the reporting conditions of their licences?
5. What checks and balances exist to measure the impact of this Plan if implemented in its current form and what avenues are there for the community to express concern, should the impacts be felt by them first?

I urge the government to show leadership over the coming months as this process continues through to completion. As I said earlier in this submission, this is a once in a generation opportunity to protect one of the world's most precious, thriving ecosystems. It is an opportunity we cannot afford to get wrong.

Thank you for your consideration of this submission.

Sincerely

A black rectangular box redacting the signature of Georgia Beardman.

Georgia Beardman

A black rectangular box redacting contact information, likely a phone number or email address.