

PROTECT THE MARTUWARRA FITZROY RIVER

Submission for comment on the Fitzroy—Derby Draft Water Resource Management Plan

A RIVER SYSTEM UNDER THREAT



**'Without healthy river and groundwater systems,
there is no sustainable future' KLC**

THE RIVER

Martuwarra is one of Australia's last and largest free flowing living river systems. It is renowned for its pristine environment and endemic and threatened species and features in multiple international and national documentaries. It is central to Australian culture; livelihoods; human, wildlife and ecosystem health. The River has been National Heritage Listed for its Indigenous cultural values.

THE THREATS

The River is under threat from:

- Climate change
- Large-scale water extraction
- More frequent high-intensity fires
- Invasive species
- Development plans

- Mining, fracking for gas and possibly future data centres
- Intensive agriculture and irrigation developments
- Stock grazing
- Unregulated tourism

BROAD RESPONSE TO DRAFT PLAN

To the WA government this plan safeguards the rivers:

- Cultural and ecological values
- Enables sustainable regional growth

To Traditional Owners, environmental groups and others, the consensus is this plan:

- Does not adequately protect water
- Exhibits an incredibly risky and reckless attitude towards groundwater extraction
- Does not demonstrate genuine equal decision making between stakeholders
- Places the freshwater sawfish on a trajectory towards extinction
- Places broader ecosystems, which provide life support for freshwater species, trees and vegetation (that sustain birds, unique mammal species, bats and insects), on the brink of collapse.

OVERARCHING DRAFT PLAN IMPROVEMENTS REQUIRED

A new draft plan is needed which generally and more steadfastly recognises, addresses and commits to:

- A time of increasing environmental uncertainty, volatility and water scarcity
- Water and ecological security as not just a value but as the *primary priority* essential to:
 - a. ecological health
 - b. community wellbeing
 - c. economic stability

- The need to unequivocally prioritise the protection one of Australia's last great free-flowing river systems located in the most intact tropical savannahs on the planet
- The need to learn from past national failures and choose a future that doesn't repeat them
- A more inclusive consultative and decision-making framework
- Accepting the government is a vested interest party and an appropriate response is required to address the imbalance

POSITIVE DRAFT PLAN ASPECTS

NO DAMS

NO SURFACE WATER EXTRACTION

The government's commitment in the draft plan to exclude surface water extraction and no dams is commendable and a welcome relief.

NEGATIVE DRAFT PLAN ASPECTS

1. APPLIES OUTDATED AND FAILING CONSULTIVE AND LEGISLATIVE FRAMEWORK
2. INCREASES EXTRACTION OF GROUNDWATER
3. EFFECTIVELY EXCLUDES TRADITIONAL OWNERS BEYOND CONSULTIVE ROLE

1. **APPLIES OUTDATED AND FAILED CONSULTIVE AND LEGISLATIVE FRAMEWORK: THE OUTCOME IS PREDETERMINED**

Were the stakeholder meetings balanced in viewpoints?

Stakeholder meetings appear to have been dominated by vested interests to prioritise the economy. Given the Government is a vested interest party (its primary focus is the economy) these meetings saw 17 stakeholders of a total of 29 with priority economy viewpoints as against 6 with a priority ecosystem viewpoint. The remainder comprised academia and consultants (for whom?).

Was the consultation process designed for a predetermined outcome?

The government set out meeting options for increased extraction. Were there options to decrease or keep extraction at current levels? If not, was the consultation result predetermined for increased extraction?

Decision-making by vested interest – a pro economy Government

In essence, the draft plan consultation and proposed Water Advisory Committee framework is to provide an avenue for consultation and discussion after which there is a thanking of Traditional Owners (and conservationists) for their recommendations, an inevitable downgrading or limiting of their input to prioritise the economy and a decision-making process from which they are excluded. Despite Government speaking about sustainability, the perception is economic growth is priority. The current framework and this draft plan ensure the Government (and enterprise stakeholders) will be 'seen' to have at least considered any cultural and ecological aspects of the plan.

It is a framework working as required by vested industry interests and a failure for meaningful protection of the Martuwarra.

2. INCREASES EXTRACTION OF GROUND WATER

"Groundwater extraction threatens the long-term health of the Martuwarra Fitzroy River catchment, particularly during the dry season when groundwater sustains critical ecosystems." KLC

Importance of ground water:

Groundwater:

- keeps the river alive through long dry seasons,
- ensures pools, springs and wetlands exist
- sustains people, fish and species (including critically endangered sawfish)

Amount to be Extracted:

- Plan proposes to more than double (32 to 76 gigalitres), at a minimum, the base extraction level predominantly for developments and expansion of agriculture, mining and fracking for gas. Possibly data centres may feature in the future.
- There are provisions to increase extraction beyond this base level if it is considered essential, in the public interest or for public purposes.

It is planned that a Water Advisory Committee will be created comprised of members appointed by the (pro economy) WA Government appointed Minister to advise the Minister. It is unclear who determines what is deemed 'essential', 'in the public interest' and 'for public purposes' to increase extraction levels beyond the base.

Increased Extraction Risks:

- Focus will become maximum extraction:

In effect, the focus becomes 'how little water can be left to sustain the river at a base low level in order to maximise extraction to meet demand?' Invariably this means a hubris mindset of thinking ecosystems can be controlled and manipulated successfully to satisfy a capitalist structure which uses economic measures to determine what is more worthy of water allocation. The Murray Darling disaster comes to mind again.

- Opens the door to fracking interests and data centres with massive billion litre demands.

- There will be demand creep and land clearing by irrigated agriculture and pastoralists:

- Mass irrigated agriculture taking over the Kimberley:
Increasing extraction and over allocation of groundwater encourages large-scale irrigated agriculture to take hold in the Fitzroy catchment. Acquiescing to the demand will create more demand.
- Irrigated agriculture and pastoralists will clear more land for agricultural use:

The more water agriculture and pastoralists are given the more demand there will be ultimately also resulting in the expansion of land usage requiring the clearing of land.

This pathway leads to degraded land and depleted river systems already under pressure from climate and other threats slowly being drained of water and life thereby ensuring broader ecosystem and community collapse – outcomes most clearly seen in the Murray-Darling system in Australia and elsewhere around the world.

- *Fails to recognise the broader ecosystem reliance on groundwater:*

There is a view by pastoralists that if ground water ‘goes past’ it is being wasted. This view ignores the fact water in a dry sparse landscape is never wasted and surreptitiously is stored and supports broader ecosystems locally and much further away in an underground system not visible to the naked eye.

3. EXCLUDES TRADITIONAL OWNERS

This point is best put by the Traditional Owners themselves. I would like to reiterate and support their position in that regard. In that respect I repeat the following:

The KLC issued a statement on behalf of the Working Group organisations pointing out the two organisations: *"have engaged in good faith with the Minister for Water and the Department of Water and Environmental Regulation over the past year to provide recommendations for water planning in the Kimberley...After significant effort to present opportunities to government, we are underwhelmed by an outcome that undervalues the role of Traditional Owners and remains constrained by outdated legislation in urgent need of reform,...While we cautiously welcome some aspects of the draft plan, such as a more precautionary allocation limit and expectations for license applicants to engage with Traditional Owners, these measures do not go far enough. They do not address the fundamental issues at stake: the protection of Country, the recognition of our rights and responsibilities, and the need for genuine shared decision-making. This is a missed*

opportunity, not only for Traditional Owners, but for government, industry and the long-term future of the Kimberley."

A 'business as usual' approach is evident by comments by the WA Water and Climate Resilience Minister when he said the release of the draft plan marks *"an important step in giving Kimberley communities certainty about how their water resources will be managed and delivers on our election commitment to protect the Fitzroy River. Traditional Owners have played a central role in shaping this draft plan, and their knowledge will remain vital as we finalise a sustainable water future for the region. I thank them for their guidance and commitment to the planning process."*

Questions to be verified by this comment include:

- 1) Who is effectively 'managing' Traditional Owners water resources?
- 2) Is the role of Traditional Owners limited to knowledge and guidance only?
- 3) How will Traditional Owners meaningfully be included in the actual future decisions and management other than by consultation?

My interpretation of this comment is that the Government is thankful for the knowledge and input Traditional Owners have provided during the consultation process and they will be informed of decision and management outcomes but not effectively included in those processes going forward.

RECOMMENDATIONS TO STRENGTHEN PLAN FOR PROTECTION AND CREATION OF A 'SHIELD, NOT A DOORWAY'*

*Rob McBride

- 1. LIMIT GROUND WATER EXTRACTION**
- 2. INCLUDE TRADITIONAL OWNERS**
- 3. CONSIDER CREATING A NEW MODEL FOR DECISION-MAKING AND MANAGEMENT**
- 4. LOCK IN NO DAMS AND NO SURFACE WATER EXTRACTION**

1. LIMIT GROUND WATER EXTRACTION

SUMMARY RECOMMENDATION

- a) Apply conservative precautionary principle and limit water extraction to current level
- b) Conduct ongoing research to understand groundwater systems
- c) Reduce extraction level in response to adverse changes in conditions.

There is a requirement to acknowledge:

- Little is still understood about the river system
- What is known is groundwater sustains critical ecosystems
- It is reckless to increase water extraction when there is no knowledge of the impact of current extraction levels
- There is a need for gathering stronger baseline data and conduct ongoing research
- The significance of current and future environmental uncertainty renders historical data and observations over consultation period limited in assessing water management
- The fluidity and volatility of current and future conditions requires expertise which Traditional Owners can provide.
- Traditional Owners hold deep thousand-year-old knowledge of how the river behaves and are best placed to identify early signs of harm
- Conditions are already changing

Apply a Conservative Precautionary Principle:

The impact of extracting groundwater will not be immediately evident. It will take months, perhaps years, to observe the impact as water in pools, springs and wetlands recedes and disappears. The Martuwarra currently experiences periods of intense rains and intense extended dry periods. This may change as conditions alter in response to climate change and other threats.

Extracting water in what is perceived as an intense rain period will leave the river devoid of water during intense and/or extended dry periods. Any over extraction will be devastating and take years to recover if recovery is possible at all.

The plan must start by limiting groundwater to existing levels to prevent mistakes before they occur thereby avoiding costly damage control and restoration or the possibility of river system collapse.

Undertake ongoing research, data and Traditional Owner knowledge collection:

- Traditional Owner knowledge:

"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." KLC

- Address the Auditor General's scathing report which identified that the Department of Water and Environmental Regulation was not monitoring water extraction effectively and conduct studies to assess how the current use of groundwater has impacted the region already.

2. INCLUDE TRADITIONAL OWNERS

SUMMARY RECOMMENDATION:

The plan requires adjustment for greater Traditional Owner inclusion. As has been requested by Traditional Owners, greater emphasis should be on:

- Protection of Country
- Recognition of Traditional Owners rights and responsibilities
- A response to act together as equals

- A clear commitment from government to reform water laws and address the structural barriers that continue to exclude Traditional Owners from decision-making
- A need to strengthen and embed Traditional Owner roles and genuine shared decision-making for licensing, monitoring and governance as a matter of justice and one of the most effective ways for ensuring long term protection, risk reduction and to address shortcomings highlighted in the 2025 WA Auditor General’s Performance Audit — Regulation of Water Licences
- Inclusion of Traditional Owners in decisions to preserve the National Heritage Listed cultural values of the river

3. CONSIDER CREATING A NEW MODEL FOR DECISION-MAKING AND MANAGEMENT

SUMMARY RECOMMENDATION

- A new model is needed that not only recognises Traditional Owners input, knowledge and commitment but respects and implements that input and knowledge via equitable inclusion in decision-making and management.
- Assess how a partnership for effective decision-making involving Government and Traditional Owners can be formulated given the current format leaves decision making solely in the hands of pro economy Government with Water Advisory Committee providing consultative advice only. We have seen this is a repetition of disastrous “business as usual” approach.
- New model should seek to balance viewpoints of stakeholders acknowledging Government is pro economy in determining this balance. It requires greater emphasis on more numbers of representation from Traditional Owners and Conservation organisations.

4. LOCK IN NO DAMS AND NO SURFACE WATER EXTRACTION

It is crucial to legally embed this policy commitment in the final water plan to prevent future walk backs to satisfy anticipated vested interest demands. It would also signal the

Government is serious about protection of the River and is committed to preventing some of the most damaging mistakes seen elsewhere in Australia being repeated on the Martuwarra.

ALTERNATIVES TO WATER INTENSIVE INDUSTRIES

Much of the industry identified in the plan is water intensive. It would be prudent to consider other industries and locally led developments which can be encouraged and supported which are not. There are many opportunities for partnerships with communities, and particularly Traditional Owners, that do not rely on extraction of water.

This plan is a milestone in the continued existence and health of a river system which is one of the few iconic vast Australian natural assets that remain. It requires commitment to the inclusion of Traditional Owners in decision-making to ensure a plan of legal and binding protections which deliver for the local and Australian people. I urge the WA Government to listen to the immediate and broader Martuwarra community, who conclude the current draft plan does not provide adequate protection, and work to address and incorporate their recommendations to strengthen the plan.

Yours sincerely,

Leah Hawkesford

29th June 2026