

Submission on the draft Fitzroy–Derby Water Resource Management Plan

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Calling for a Strong and Enforceable Fitzroy–Derby Water Resource Management Plan for the Permanent Protection of the Martuwarra (Fitzroy River) Catchment

The Martuwarra (Fitzroy River) in the Kimberley region is one of the last great free-flowing river systems on Earth. It remains largely intact because it has escaped the large dams, over-allocation, intensive irrigation, land clearing, and industrial development that have permanently damaged many other Australian river systems.

Politicians are elected to serve the public interest, safeguard the nation's heritage and exercise responsible stewardship over assets that belong to all Australians. Any attempts that sacrificing an irreplaceable natural and cultural legacy for temporary commercial benefit such as unconventional gas extraction, mining or large-scale water extraction would be a profound failure of that responsibility. Once damaged, the Martuwarra (Fitzroy River) and the Kimberley region can never be restored.

The Martuwarra Must Be Protected Before Commercial Interests

The Fitzroy–Derby Water Resource Management Plan must be founded on a simple principle: **the protection of the river, groundwater systems, biodiversity, cultural values, and future generations must take precedence over short term commercial development.**

This Plan must not become a mechanism for facilitating industrial expansion. It must instead serve as a legally enforceable framework that permanently safeguards the ecological integrity of the entire catchment.

The consequences of getting this wrong would be profound and irreversible. Once groundwater systems collapse, once aquifers are contaminated or depleted, once floodplains are cleared, and once river flows are altered beyond ecological limits, restoration will be impossible within human timescales.

The Precautionary Principle Must Apply

There remains substantial scientific uncertainty regarding the cumulative impacts of large-scale groundwater extraction, irrigated agriculture, unconventional gas development, and land clearing across the Fitzroy catchment.

Scientific uncertainty is not a justification for development. It is a justification for caution.

The Plan must therefore adopt a precautionary approach whereby any activity posing a risk of serious or irreversible environmental harm is prohibited unless it can be demonstrated beyond reasonable doubt that no such harm will occur.

The burden of proof must rest with proponents, not the community.

Legally Binding Commitments Required

1. Permanent Prohibition on New Dams and Further Surface Water Extraction

The Plan must include legally binding provisions that:

- Prohibit the construction of dams, weirs, river diversions, and major flow-regulating infrastructure throughout the Martuwarra catchment.
- Prevent any increase in large-scale surface water extraction.
- Protect natural flow regimes that sustain river channels, wetlands, floodplains, estuaries, and groundwater recharge.
- Maintain connectivity between upstream and downstream ecosystems.

The ecological health of the Martuwarra depends upon the timing, volume, duration, and variability of natural flows. Once altered, these processes cannot simply be recreated through management interventions.

2. Permanent Protection of Groundwater Systems

Groundwater is not a separate resource from the river. It is an essential component of the Martuwarra's living ecosystem.

The Plan must establish strict legal limits that prioritise groundwater-dependent ecosystems above consumptive use.

This includes protection for:

- Springs and wetlands.
- Permanent pools and refugia.
- Riparian vegetation.
- Groundwater-fed tributaries.
- Cave and karst ecosystems.
- Aquifer-dependent ecological communities.
- Stygofauna and subterranean biodiversity.

Protecting Stygofauna

The groundwater systems of the Fitzroy catchment support highly specialised stygofauna—ancient aquatic invertebrates that live entirely within aquifers and underground water systems.

Many stygofauna species:

- Exist nowhere else on Earth.
- Have evolved over millions of years.
- Possess extremely restricted distributions.
- Are highly vulnerable to groundwater drawdown and water quality changes.
- Cannot recover once their habitat is destroyed.

These species are indicators of groundwater ecosystem health and represent a unique component of Australia's natural heritage.

Importantly, stygofauna are not merely obscure organisms. They perform ecological functions that contribute to groundwater quality, nutrient cycling, and aquifer health.

Because many species remain undiscovered and poorly understood, the risk of extinction from groundwater extraction is impossible to fully quantify.

For this reason, the Plan must:

- Recognise stygofauna and groundwater-dependent ecosystems as environmental assets of the highest conservation value.
- Require groundwater allocations to be set at levels that guarantee no measurable harm to stygofauna habitat.
- Prohibit groundwater extraction where impacts on subterranean ecosystems cannot be ruled out.
- Adopt a zero-extinction-risk approach to groundwater management.

The loss of unique groundwater species would represent an irreversible and unacceptable outcome.

3. Permanent Prohibition on Unconventional Gas Development

The Plan must contain legally enforceable provisions that permanently prohibit:

- Hydraulic fracturing (fracking).
- Coal seam gas development.
- Shale gas extraction.
- Tight gas development.
- Associated groundwater extraction and produced-water disposal activities.

Unconventional gas development poses unacceptable risks to:

- Aquifers.
- Stygofauna.
- Groundwater quality.
- Springs and wetlands.
- Surface water systems.
- Cultural heritage.
- Biodiversity values.

The scale of water extraction and contamination risks associated with unconventional gas development is fundamentally incompatible with the protection of one of the world's last intact free-flowing river systems.

The Plan must therefore include an explicit prohibition on unconventional gas activities throughout the catchment rather than relying on future discretionary decision-making processes.

No future government should be able to weaken these protections through administrative approval processes.

4. Permanent Limits on Large-Scale Irrigated Agriculture

The Plan must explicitly reject proposals that seek to transform the Fitzroy catchment into a large-scale irrigation precinct.

Experience across Australia demonstrates that intensive irrigation developments commonly result in:

- Over-allocation of water resources.
- Groundwater depletion.
- Salinity impacts.
- Habitat loss.
- River degradation.
- Increased pressure for future water infrastructure.

The Martuwarra should not follow the path of heavily modified river systems elsewhere.

The Plan must:

- Prohibit broadscale irrigation developments requiring substantial water extraction.
- Restrict new agricultural developments to ecologically sustainable limits.
- Require cumulative impact assessments across the entire catchment.
- Prioritise environmental water requirements over agricultural demand.

5. Permanent Restrictions on Broadscale Land Clearing

Water management cannot be separated from landscape management.

Large-scale land clearing fundamentally alters:

- Groundwater recharge.
- Surface runoff.
- Erosion rates.
- Sediment loads.
- Water quality.
- Floodplain function.
- Biodiversity values.

The Plan must therefore include legally enforceable protections that:

- Prohibit broadscale clearing associated with irrigated agriculture and industrial development.
- Protect riparian vegetation and floodplain ecosystems.
- Maintain native vegetation cover necessary for hydrological stability.
- Recognise vegetation as critical water infrastructure.

Healthy catchments depend on healthy landscapes.

6. Environmental Water Must Have First Priority

The environment must not receive whatever water remains after commercial allocations are made.

Instead:

1. Environmental and cultural water requirements must be determined first.
2. Water necessary to maintain ecosystem function must be legally reserved.
3. Only surplus water, if any exists, should be considered for consumptive use.

Environmental water allocations must be legally protected from future reduction.

7. Strong Compliance, Transparency, and Independent Oversight

Without robust enforcement, environmental protections become meaningless.

The Plan must require:

- Real-time metering of all licensed extractions.
- Public reporting of water use data.
- Independent scientific review.
- Regular ecological audits.
- Publicly accessible compliance records.
- Significant penalties for illegal extraction.
- Mandatory licence suspension for serious breaches.

The community has a right to know who is using water and whether licence conditions are being complied with.

8. Genuine Co-Governance with Traditional Owners

Traditional Owners have cared for the Martuwarra and its groundwater systems since time immemorial.

The Plan must move beyond consultation and establish genuine shared decision-making.

This should include:

- Co-governance arrangements with Traditional Owner groups.
- Decision-making authority regarding water licensing and allocation.
- Indigenous-led monitoring and compliance programs.
- Protection of cultural flows.
- Recognition of First Nations water rights.
- Free, prior, and informed consent for activities with significant impacts on Country.

Traditional Owners must be recognised as partners and rights holders in water governance.

Conclusion

The Martuwarra represents a once-in-a-generation opportunity to protect an intact river system before it is degraded rather than attempting to restore it after the damage has been done.

The Fitzroy–Derby Water Resource Management Plan must contain **strong, legally binding, and enduring protections** that:

- Permanently prohibit new dams and additional large-scale surface water extraction.
- Strictly limit groundwater extraction and prioritise groundwater-dependent ecosystems.
- Protect stygofauna and subterranean biodiversity from irreversible harm.
- Permanently prohibit unconventional gas extraction and fracking.
- Prevent large-scale irrigated agriculture and associated broadscale land clearing.
- Guarantee environmental and cultural water as the highest priority use.
- Establish transparent monitoring, independent oversight, and strong enforcement.
- Embed genuine co-governance with Traditional Owners.

Future generations will judge today's leaders not by how much they extracted, but by whether they had the courage to protect what can never be replaced.

The Martuwarra is not an industrial resource waiting to be exploited. It is a living river system of global ecological significance, a cultural landscape of profound importance, and a natural legacy that belongs to future generations.

This Plan must ensure that the Martuwarra remains free-flowing, ecologically intact, and permanently protected from irreversible harm. Anything less would fail both present and future generations.

Thanks for the opportunity to enable public consultation and submissions

Sincerely

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