



30 June 2026

Department of Water and Environmental Regulation
Submitted online

Fitzroy-Derby water resources management plan – Submission on Consultation Draft

Mayala Country encompasses 380,000ha of sea and island country in the north of King Sound. Our Country is adjacent to the water plan area and its health relies on the groundwater from the Martuwarra and the broader water plan area.

Mayala Inninalang Aboriginal Corporation (MIAC) is the native title prescribed body corporate representing Mayala native title holders and we have prepared this submission on behalf of our members.

Freshwater sources on Mayala Country are rare, occurring only on some islands. Any activities that threaten the reliability or quality of these scarce water sources is of grave concern to us, and we ask for caution, and support with ongoing monitoring to identify issues beyond the boundaries of the water plan area early.

Mayala people and Country will not benefit from any development or extraction of water from the water plan area, but could be significantly impacted.

In this submission we have outlined the Mayala water story, and provided a number of limited comments on the draft.

We ask that consideration of our story and the comments inform the next draft of the management plan.

Mayala Country & Our Water Story

Freshwater sources on Mayala Country are rare, occurring only on some islands – and comprise *oola* (springs), *oongoor* (rockholes) and *oombarn* (intertidal seepages). These sources are important to Mayala people for a raft of reasons:

From a cultural perspective, ground water plays a pivotal role within the sacredness of how country interconnects, how the Mayala manages to continue to survive. Mayala are an intergenerational nomadic people, our ancestors have transferred knowledge of seasonal transfer between island from island to keep country sustainable. Mayala People have always been connected to country, always going back to country ensuring the survival of country.

Across the Mayala Native Title Determination Area ground water exists in certain islands including the water source that sits below the saltwater surface known traditionally as 'oombarn'. The oombarn are located within the underwater seascapes and is spoken by traditional knowledge holders who speak to the water being the source of survival for all life, spiritually, ecologically, and culturally.



The bio-cultural health of all living creatures depend on the underground aquifers connected to Mayala sea country and the mainland beyond our traditional borders; Mayala Country is home to threatened and vulnerable species including nabarlek, golden bandicoot and northern quoll.

The seasonal rain waters in rock pools, 'oongoor' are just one of the water sources in the area. One of Mayala's creation stories speaks to the "Aarlinygoon" (Rainbow Serpent); it is centred around the interconnectedness within a cultural framework perspective. It is an essence of the production of natural water cycles contributing to the survival of our bio-cultural ecosystem.

The thunderstorms formed during the build-up for the wet season recharge the system; helping generate water back into the aquifers. Underground aquifers like the *Wallal* provide life to Mayala Country. Insufficient data is available from a western science perspective, however, from our cultural perspective we understand the triggers that form the rainstorms within the sub-region of the King Sound contribute to the recharge for underground water in all directions.

Mayala will be impacted culturally, spiritually, and physically by changes to the water system. Mayala country carries its own water story which supports the natural rainwater recharge process on country which contributes to the underground aquifers. The principle carried within indigenous knowledge system is based on the cycles of life come from the recycling of water.

What happens up stream will impact downstream. The Fitzroy River plays an important role of giving life to Mayala Country, valuable sediments carried through the flow of the river finds its way from fresh to salt waterways and ends its journey in Mayala Country and the surrounding saltwater country adjacent to Mayala which support our marine life and produces other benefits in the survival of plants and animals on our islands and coastal areas nearby. We have our water story; however, our water story is only a small part of the bigger water story which connects Mayala with the rest of the Kimberley Aboriginal People.

For further information on Mayala Country please see the [Mayala Country Plan](#).

Recommendations

1. *A precautionary approach needs to be taken to water extraction not solely to manage impacts on the water plan area – but also beyond its boundaries*

The plan does little to consider potential impacts or strategies to manage impacts on Traditional Owners, Country or users of water beyond the plan area. Mayala Country will be impacted by the proposed activities, so we ask that those impacts are acknowledged and where possible, mitigated.

2. *Expand groundwater monitoring programs beyond the water plan area (strategy F)*

To determine the extent to which impacts from groundwater extraction are felt beyond the water plan area including Mayala Country, we ask that a monitoring program is established beyond its boundaries. MIAC would welcome a discussion about establishing a monitoring regime on Mayala Country – considering both environmental and cultural indicators.



3. Implement the 2025 Traditional Owner Recommendations

MIAC endorses the Traditional Owner recommendations from the 2025 engagement process between DWER and Kimberley Traditional Owners.

We welcome the limited measures in the draft water plan that respond to Traditional Owner concerns such as no dams and no further licencing of surface water – but don't believe the plan sufficiently addresses the needs of Traditional Owners and we ask for further adoption of the remaining recommendations.

4. Instate a decision-making role for Traditional Owners

The water plan needs to give effect to Traditional Owners' strong and ongoing calls for shared decision-making.

In the 2025 recommendations, Traditional Owners recommended a statutory committee with shared decision-making authority for the plan area that is made up of at least 50 per cent Traditional Owners. Traditional Owners also recommended the establishment and operation of a regional PBC body to be involved in water planning, licensing and management.¹

The draft plan does not give Traditional Owners any role in decision-making, proposing instead an advisory committee. The idea of an advisory committee was not supported at the water forum in 2023 or by the Working Group in 2025.

We raise this point specifically to highlight its importance to future governance of the water plan area and beyond.

5. Require best-practice engagement with Traditional Owners

The draft plan does not include a process for best-practice engagement between water licence applicants and Traditional Owners. A clear process for best-practice engagement with Traditional Owners must be designed with Kimberley Traditional Owners and included in the final plan. DWER should work with the Traditional Owner Working Group, the KLC and PBCs to co-design a best-practice engagement process.²

This engagement should extend to requiring the involvement of rangers/Traditional Owner representatives in water monitoring and co-designing monitoring indicators.

6. Need for law reform

WA's water laws are outdated and not fit for purpose – the main law regulating water licensing and management in WA, the *Rights in Water and Irrigation Act 1914*, was created over 100 years ago. Under that law, Traditional Owners and native title parties cannot seek merits review of licensing decisions, but proponents can. Some of the limitations in the draft water plan are because of the current water laws.

WA urgently needs new, best-practice water laws that incorporate best-practice water planning and management frameworks, recognise Traditional Owner rights in water and require Traditional Owner involvement in planning and decision-making.

¹ See recommendations 3.1.1, 4.1.1 and 4.1.2 from the 2025 Traditional Owner recommendations.

² See recommendation 3.4.7 in the 2025 Traditional Owner recommendations.



Before new water laws are in effect, the government should make changes to the current laws to ensure native title and cultural heritage are relevant considerations in water licensing and to give native title parties a right of review in the State Administrative Tribunal for licence decisions.³

Conclusion

Thank you for your consideration. We hope the above input assists to strengthen the plan, improve Traditional Owner voices, improve monitoring and minimise effects beyond the boundaries of the water plan area.

Yours sincerely

[Redacted signature]

Rowena Mouda

[Redacted text]

Mayala Inninalang Aboriginal Corporation RNTBC

[Redacted text]

³ See recommendations 5.1.2 and 5.1.3 in the 2025 Traditional Owner recommendations.