

30 June 2026

Pew Charitable Trusts submission – Draft Fitzroy Derby Water Plan

Fitzroyderbywaterplanning@dwer.wa.gov.au

Introduction

The Pew Charitable Trusts welcomes the opportunity to provide this submission on the draft Fitzroy–Derby Water Resources Management Plan.

Pew has worked for many years, alongside partners including Environs Kimberley and the Kimberley – Like Nowhere Else Alliance, to support the long-term protection of the Martuwarra Fitzroy River. We recognise and respect the deep and enduring custodianship of this river and its catchment by Traditional Owners, and whose leadership is critical to its healthy future.

This submission complements the detailed submission prepared through the Kimberley – Like Nowhere Else Alliance, supported by the River Integrity Project, including its technical reports. This submission focuses on the broader policy significance of this plan, the opportunity it presents for the Western Australian Government, and key areas where further ambition and certainty are required.

A defining opportunity

This plan represents a critical moment for the future of the Martuwarra Fitzroy River and for water governance in Western Australia more broadly.

As the first water resources management plan for this catchment, it will set the practical rules that shape the river’s future for decades to come.

It is therefore a defining opportunity for the Government to:

- Deliver a lasting natural legacy for the Kimberley
 - Demonstrate leadership in protecting one of Australia’s last great free-flowing rivers
 - Establish a new governance model of partnership with First Nations Peoples’ and Traditional Owners
 - Set a benchmark for water planning at the national level
-

Strong foundations - but not yet locked in

Pew acknowledges that the draft plan contains important elements that should be recognised and strengthened.

In particular, the Government's policy commitments to no dams and no further surface water extraction are critical to maintaining the functioning of this iconic river system.

However, these commitments are not yet embedded in durable, enforceable mechanisms within the plan or broader framework of Western Australian water laws.

Recommendation:

The final plan should explicitly and permanently lock in the “no surface water” and “no dams” commitments to provide long-term certainty.

Increased groundwater extraction – key risk to the river

The draft plan appropriately recognises groundwater as a key component of the Martuwarra Fitzroy River system. Groundwater sustains the ecological function of the river, including maintaining dry-season pools, wetlands and cultural water sites.

However, the proposed scale of groundwater allocation presents the most significant unresolved risk within the plan.

The Martuwarra is a fully connected system — river, groundwater, floodplains and wetlands — and increased groundwater extraction will directly influence surface water outcomes over time.

The groundwater risk analysis prepared for the Kimberley Like Nowhere Else alliance by Angela Pursey provides a clear and robust technical basis for this concern.

That analysis demonstrates that:

- groundwater is fundamental to sustaining flow, refugia and ecological function across the system
- extraction at the scale proposed would likely reduce natural discharge that supports river health
- the hydrological connection between groundwater and surface water requires a precautionary approach

Taken together, this evidence reinforces that decisions on groundwater are effectively decisions about the future condition of the river itself.

Recommendation:

- Groundwater allocation limits should be significantly reduced, better reflecting a more precautionary approach, consistent with the evidence base.
 - The plan should include clear ‘triggers’ and mechanisms to reduce allocations further if impacts emerge.
 - The hydrological connection between groundwater and surface water should be explicitly embedded in decision-making with Traditional Owners and licensing frameworks.
-

A new partnership with Traditional Owners

A central test of this plan is whether it establishes a genuine partnership with Traditional Owners in water governance across the catchment.

While the draft plan includes positive steps, including recognition of Traditional Owner knowledge and proposed advisory structures, these do not yet provide the level of shared decision-making required.

There is a clear opportunity for Government to move beyond encouragement to engage and consultation toward a meaningful partnership for the long-term.

Recommendation:

The final plan should:

- Establish formal governance arrangements that provide Traditional Owners with a shared decision-making role in water planning and licensing
- Embed and fund co-designed monitoring, compliance, and data sharing frameworks.
- Provide a clear pathway toward long-term statutory co-governance arrangements

This would represent a nationally significant step towards best practice river catchment management and planning.

Legislative reform and long-term protection

This plan sits within a broader legislative framework that is not currently designed to protect rivers and water-dependent ecosystems over the long term.

The 2025 WA Auditor General's Reports into Water Licensing and Regulation is the most recent example pointing to the structural issues facing all stakeholders.

The plan should clearly signal the Government's willingness to use this process as a model of best practice. Delivering this could be a key milestone towards new partnerships with communities who call the Kimberley home, particularly First Nations Peoples'.

Recommendation:

The Government should:

- Make relevant amendments to water laws to give effect to key recommendations from the Traditional Owner Working Group and improve transparency in water policies.
- Make relevant amendments to water laws to ensure that floodplain harvesting is prohibited and falls within the current no further surface water commitments
- Work with other relevant agencies to actively support proposals from Traditional Owners to explore and establish new jointly managed national parks ie. Lower Fitzroy River National Park
- Ensure that future reforms enhance river protection, groundwater sustainability and shared governance with Traditional Owners
- Align reforms with commitments under the National Water Initiative and National Water Agreement

Next steps toward lasting protection

Getting this plan right represents a critical milestone, but it is not the end.

It should establish a pathway toward the following for the Martuwarra Fitzroy River catchment:

- Durable protection of surface water flows and floodplains
- Stronger and more precautionary groundwater extraction rules

- Formalised and funded Traditional Owner governance, monitoring and compliance
- Integrated protection across water, land and cultural values

Pew remains committed to working with Government, Traditional Owners and partners to support these next steps.

Conclusion

The Fitzroy-Derby Water Resources Management Plan is an important step and a key test for the WA Government. There is a real opportunity to set a new standard for water planning in the Kimberley through the partnership with Traditional Owners.

With targeted improvements, such as locking in key commitments to protect surface water and no dams; strengthening groundwater protections based on the best available evidence and transparency; and establishing genuine partnerships with Traditional Owners; it can become a landmark achievement for the Kimberley and for Western Australians.

Contact:

Mitch Hart – [REDACTED] Protecting Australia's Nature
The Pew Charitable Trusts

[REDACTED]