

**Submission to the Productivity Commission 2026 review of the National Water Reform  
24 July 2026.**

**Introduction**

Dharriwaa Elders Group (DEG) is a longstanding Walgett Aboriginal community-controlled organization (ACCO), an incorporated charity which began operating as an association in 2000 after starting as a program of the Walgett Aboriginal Medical Service in the late 1990s. Its Full Members are Aboriginal people living in Walgett over the age of 60, and has been driven from its earliest days to act upon the deteriorating wellbeing of the waterways in its area of interest in a critical floodplain in the Northern Murray Darling Basin.

Walgett is a river town of about 2,100 people, the majority Aboriginal. Walgett is where the Baawan (Barwon) and Ngamaay (Namoi) Rivers and many creeks, warrambuls and lakes meet in a large floodplain wetland, upstream of Bourke. It is beside the end of the Wambuul (Macquarie River). Walgett is now home to Gamilaraay, Yuwaalaraay, Ngiyambaa and Wayilwan Aboriginal Nations, as well other Aboriginal and non Aboriginal people.

Rivers and shallow groundwaters fed by the rivers have always been, and remain, central, to Walgett culture and life. For Aboriginal people, the health of the rivers and people are totally connected.

DEG members live with the drastic and measurable decline in river flows and river health. This is due to over extraction upstream and a failure to halt irrigation growth. We know what the solutions are to this situation. They include a strong, truly independent, fully funded regulator in the Murray-Darling Basin which is culturally and institutionally designed to be transparent and with a focus on enforcement. They also include strong Commonwealth responses to redress the balance currently benefitting irrigators, to rebuild the health of rivers and waterways and recognize the continuing dispossession of waterways from Aboriginal communities' enjoyment.

All solutions require fearless examination of the facts using available science and observance of legislative objects and requirements. This is why we need the Productivity Commission to hold Commonwealth and State Government to account and provide options for improvement in implementation.

**This is a brief submission to the Productivity Commission's second interim report on its review into the National Water Reform.**

We are disappointed in the standard of the interim report. It does not demonstrate that the Productivity Commission has undertaken its own research or any analysis. Instead, the review appears to have been drawn from the 2024 review, self-reporting by jurisdictions and a superficial paraphrasing of submissions.

DEG relies on grants and philanthropic funding to participate in water advocacy. It is unreasonable for a Government organisation to expect community groups with limited funding to undertake the research, analysis and explanations that should be undertaken by the reviewer. For this reason, we have declined to provide a comprehensive submission to this review.

We again draw your attention to the many submissions we have made to various consultative processes, which are available on our website<sup>1</sup>. We ask that these be considered by the Productivity Commission for this review and reflected in its final report.

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<sup>1</sup> <https://dharriwaaeldersgroup.org.au/reports>

The interim report states that 'DEG considers floodplain harvesting licensing in water management unlawful'. We ask you to please correct this statement. We have identified in various submissions that Bret Walker SC, the former Royal Commissioner to the Murray-Darling Basin Plan, has said that the increase of SDLs to accommodate floodplain harvesting licences in NSW is unlawful.

The statements in the interim report about floodplain harvesting in NSW grossly downplays the controversy and widespread discontent associated with these licences. Licences worth between two and four billion dollars were issued to water holders for free in the last three years. The volumes of the licences and associated accounting rules are excessive and have required increases in the SDL, which nearly wipe out the water recovery targets. Should future governments seek to reduce the licence volumes or conditions, they will be liable for compensation. It is a deeply inequitable process. Aboriginal people were not eligible to apply for these licences.

Your report says that DEG have simply 'raised concerns around over-extraction and declines in river flows...'. This is incorrect. We have cited a growing body of Western scientific research that demonstrates that irrigation extractions in the Northern Basin have increased in the last two decades. We have also explained how this research is consistent with what Aboriginal people have been telling governments for several decades. Please note that since our last submission, the MDBA has published a good summary of the scientific evidence of increased extractions in the Northern Basin in its technical report for the review of Menindee Lakes.<sup>2</sup> The Productivity Commission final report should reflect this evidence.

We briefly addressed some areas flagged in the interim report.

### **Water Resource Accounting**

Water resource accounting is not largely achieved. The national water accounts are produced at too high a level to be useful to any users or decision makers.

NSW does produce General Purpose Water Accounting Reports, which are somewhat useful. However, they do not report on floodplain harvesting take, and they are not produced for every valley.

Floodplain harvesting in NSW includes a component of 'exempt rainfall runoff', which is not regulated, licenced, measured or monitored. No floodplain harvesting take is recorded in the NSW water register. It is also not included in the Basin annual SDL compliance reporting framework. That is, a significant form of take in NSW is not accounted for.

### **Water interests of Aboriginal and Torres Strait Islander people**

We do not agree that there has been progress on increasing Aboriginal people's representation in water planning in NSW. The Regional Aboriginal Water Committees were not representative, were not made up of people that understood water, and were not adequately resourced for research or a secretariat. We understand they have now been disbanded.

Please incorporate key findings from the 'What we've heard report: Strong voices, Healthy waters' prepared for the Water Act Review. That identified 25 key messages raised consistently across the Country. The report notes:

*these key messages are longstanding and have been voiced with government many times without resulting in any meaningful change or accountability.*

These key messages are summarised below.

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<sup>2</sup> MDBA. (2026). *Menindee Lakes Review Technical Report*.

<https://www.mdba.gov.au/sites/default/files/publications/Menindee-Lakes-Review-Technical-Report.pdf>

### ***Shared decision-making and governance***

- 1. Lack of place-based decision-making with Cultural authority.*
- 2. Need for genuine partnerships.*
- 3. Need for fair, transparent agreement making as well as truth-telling (including the acknowledgement of aqua nullius)<sup>4</sup>.*
- 4. Increase Aboriginal and Torres Strait Islander representation in decision-making processes, and ensure the voices of men, women and young people are actively included through dedicated gender-specific and youth consultation opportunities.*
- 5. Need for collective catchment-wide decision-making.*

### ***Recognition of rights and self-determination***

- 6. Need for UNDRIP to be enacted/implemented in full.*
- 7. Aboriginal and Torres Strait Islander peoples should be considered rights holders, not stakeholders.*
- 8. Legislation recognises Aboriginal and Torres Strait Islander peoples' water rights, not just interests.*
- 9. Need for Country-centred decision making, with legislation recognising Country, kinship and the obligations of Aboriginal and Torres Strait Islander peoples to care for Country.*

### ***Protecting Cultural and spiritual water and water places***

- 10. Planning and management of water needs to recognise and promote Aboriginal and Torres Strait Islander Knowledges and Indigenous Science.*
- 11. Legislation and water management should apply Indigenous Cultural and Intellectual Property (ICIP) in all decisions and engagements; and should protect, promote and remunerate ICIP.*
- 12. Legislation should reflect that water is life and belongs to Country, with greater emphasis on sustainable management rather than economic and demand-driven allocation.*
- 13. Cultural water should recognise the quinary bottom line (economic, environmental, spiritual, social and Cultural benefits) and should not be limited to Cultural uses only.*

### ***Better outcomes for communities, especially with climate change and water quality***

- 14. All future planning needs to consider climate change and future generations.*
- 15. Need for better recognition and valuing of the role of Aboriginal and Torres Strait Islander Rangers, Indigenous Protected Areas, Indigenous Land Use Agreements (ILUAs), Indigenous Water Use Agreements (IWUAs), and other Indigenous-led land and water management arrangements.*
- 16. Water is over-extracted and over-allocated; water planning at all levels is failing.*
- 17. Regional and remote Australia water quality and security (including quantity and accessibility) need transparent monitoring and reporting.*
- 18. Indigenous-led metrics and assessments are important in monitoring and evaluating of waterway and Country health (healthy Country, healthy people).*

- 19. Water decisions need to consider catchment-scale cumulative impacts.*
  - 20. Floodplain harvesting needs clear policy and regulation.*
  - 21. Need for consistency across Commonwealth and state/territory water legislation and policies, including the National Water Agreement and Closing the Gap targets<sup>5</sup>, as well as EPBC Act and Ramsar Convention obligations.*
  - 22. Access to data and systems, ability to hold and control own data and information.*
- Accountability, complaints and fair processes***
- 23. First Nations water regulators would need to have real compliance and enforcement powers, including over government and large industry.*
  - 24. Compliance and enforcement should lead to remediation and restoration.*
  - 25. Need for clear culturally safe dispute resolution pathways for Aboriginal and Torres Strait Islander peoples.*

### **Water pricing**

Walgett does not have an adequate urban water supply. DEG has sourced funding for, and implemented, a reverse osmosis water kiosk, that is made available for anyone in Walgett. The reason Walgett does not have drinking water is because of irrigation extractions and agricultural run-off pollution upstream.

IPART has recently ruled not to pass on full-costs of WaterNSW to water users. That is, irrigation in NSW is not even bearing its own costs of supply.

The costs of providing towns like Walgett with an alternate water source through infrastructure should not be borne by the town residents, or even taxpayers. The costs should be treated as a cost of irrigation that is passed on to water holders.

We are available to meet with you in person to discuss to provide more input into your review, if that is useful.