

Our ref: BN22/8026

Your ref: EC22-000779

Mr. Tim Goodes
Executive Director
Murray-Darling Basin Authority
GPO Box 1801
CANBERRA ACT 2601

10 January 2023

Subject: Lachlan Alluvium Water Resource Plan – First Nations’ objectives and outcomes

Dear Mr. Goodes

Thank you for your letter regarding the Lachlan Alluvium Water Resource Plan (WRP) – First Nations’ objectives and outcomes.

Table 3 - *Aboriginal peoples’ objectives and outcomes in water resource management* in the Lachlan Alluvium Consultation Report – Schedule C outlines the links between the NSW water sharing plans (WSPs) and the First Nation objectives identified as part of the WRP First Nation consultation.

We sincerely regret that MLDRIN and the First Nations concerned has found issue with the material in the WRP. We developed and included the additional material, including Table 3, in good faith.

We devised Table 3 along the same lines as material in Queensland WRPs, to address MDBA assessment comments of the WRPs we submitted in June 2020 that there was not enough material to demonstrate a line of sight between the objectives and outcomes in NSW water management (essentially the objectives and outcomes in WSPs) and the information that Nations shared with us and to respond to MLDRIN Board and previous Chair comments that it is critical for First Nation objectives that reflect local groups objectives be included in the NSW WSPs.

We intended for Table 3 to move towards achieving that goal. NSW offered to work with MLDRIN on the revised WRP Part 14 content after the feedback on our initial WRPs. Unfortunately, this was not agreed to by the MLDRIN executive, as it was considered that any consultation may impact the WRP assessment. If MLDRIN had agreed to work with NSW, this issue would have been avoided.

While advice received from First Nations by MDBA suggests the objectives and outcomes relate to surface water resources only and not groundwater, this was not the department understanding at the time of consulting and preparing the WRPs given:

- our procurement strategy and request for proposals for consultants facilitating consultation with First Nations explicitly stated that the stakeholder engagement with each Nation will investigate surface water and groundwater values concurrently
- material used throughout the consultation such as the Information use agreements (face to face interviews) and interview questions outlined in the Nation Report appendices refer to both rivers and groundwater. For confirmation I refer you to the Yita Yita Nation report, submitted to the MDBA as part of the Lachlan Alluvium WRP.
- the First Nations reports often refer to ‘water’ rather than an explicit water resource
- the First Nations reports state the findings of consultation will be used in both groundwater and surface water resource plans.

I understand that during the workshops, that while the consultants and departmental staff aimed to get responses from participants on both surface and groundwater objectives and values, often the conversations were focused on surface water. As the consultation was as much a listening exercise, many times the conversations were not structured by the consultants and the focus was on what issues the participants raised.

Regarding your request to confirm that the WRP demonstrates ‘how the objectives and outcomes have been identified with regard to the social, spiritual and cultural values and uses that relate to those water resources as determined through consultation with relevant Indigenous organisations’, I can confirm that the information provided in this letter demonstrates that NSW covered both groundwater and surface water resources in seeking to determine the First Nation objectives and outcomes.

The groundwater First Nation objectives and outcomes as demonstrated in the Lachlan Alluvium WRP are entirely consistent with the accredited Border Rivers Alluvium and MDB Fractured Rock WRPs. Also, the four Nation reports that are included the Lachlan Alluvium WRP, are also included in the accredited MDB Fractured Rock WRP.

Further, the Lachlan Alluvium WRP provides the information that demonstrates that the social, spiritual and cultural values and uses that relate to those water resources was determined through consultation with relevant Indigenous organisations using the same approach as the accredited WRPs.

In the absence of further consultation, recognising this work as foundational and acknowledging the consultation focussed on ‘water’ - we took an inclusive approach. Table 3 was our first attempt to better understand the synergies and gaps between what we heard from Aboriginal people (about ‘water’) and the current water sharing plan objectives.

I acknowledge there are lessons here for the department in the consultation process and understanding the information provided by the community. Table 3 will be the subject of further consultation.

Our consultation planned for the following 12 months and for the NSW Aboriginal Water Strategy will further examine this issue and seek to better understand First Nations' objectives and outcomes relating to groundwater.

Please advise if you require any further specific information on this matter to assist in your assessment of the Lachlan Alluvium Water Resource Plan.

Yours sincerely,



Giselle Howard

Executive Director Water Planning