



## **Written Submission to the Senate Water Bill Inquiry 2007**

### **Background**

- The Murray Lower Darling Rivers Indigenous Nations (MLDRIN) is a confederation of traditional owner groups from along the Murray River. MLDRIN have negotiated a Memorandum of Understanding (MoU) with the Murray Darling Basin Ministerial Council, which was signed by the Hon. Ian Sinclair on behalf of the Murray Darling Basin Commission in March 2006 at Albury.
- The MoU recognises the shared responsibilities of the MDBC and traditional owners in caring for land and water and provides a pathway for partnership.

### **Concerns**

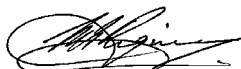
- MLDRIN is still concerned about the lack of recognition in the draft *Water Bill 2007* of Indigenous rights and interests.
- This is against the spirit of the MoU negotiated between MLDRIN and the Murray Darling Basin Ministerial Council.
- In addition, Australia is a signatory to a number of International declarations that compel nation states to recognise Indigenous peoples in natural resource management. The UN *Convention on Biological Diversity* (1992) has been ratified by the Australian Government and it relates to the sustainable use and equitable benefit sharing of biodiversity. Articles 8(j) and 10(c) specifically address the rights of Indigenous people.
- Furthermore, the *ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries* also specifically provides for Indigenous peoples rights in terms of natural resource management (see Article 15).
- These legal instruments confer rights on Indigenous peoples that can be separated into 5 distinct parts:

1. The right to participate in the use, management, protection and conservation of natural resources;
  2. The right to be consulted before natural resources on their lands are explored or exploited;
  3. The right to studies on the effects of such exploration and exploitation;
  4. The right to benefit in the profits made from any exploitation and use of natural resources; and
  5. The right to be compensated by government for any damages caused by such activities.
- MLDRIN believes that draft *Water Bill 2007* falls well short of these International instruments and those under Australian law including the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)* and the National Biodiversity Strategy. These acts specifically provide for the inclusion of Indigenous peoples in NRM processes.
  - The final *Water Bill 2007* should include an explicit recognition of Traditional Owner inherent rights to land and water and provide a consistent legislative approach for Indigenous engagement and participation in natural resource management.
  - Furthermore, the *Water Bill 2007* should also include provisions for water for a cultural purpose, which is an allocation for traditional owners to decide where and when water is used, based on their own cultural-economic aspirations and spiritual beliefs.
  - Allocating water for a cultural purpose is consistent with the *National Water Initiative* and other land and water policies in the various jurisdictions such as *The Living Murray Indigenous Partnerships Project*.

Please feel free to contact MLDRIN Coordinator, Steven Ross on 02 6024 8841 or 0428 292 506 or via email on: [steven.ross@mldrin.org.au](mailto:steven.ross@mldrin.org.au)

Thank you for the opportunity to make a submission to the Senate Water Bill Inquiry 2007.

In Unity



Matthew Rigney  
MLDRIN Chairman