

South Australian Water Regulatory Determination 2020

I wish to provide a submission about the outcome of Draft Determination which is open to public consultation.

As a member of the Aboriginal community and having spent the good part of my working life advocating for our people I am writing to argue for a reversal of ESCOSA decision to suspend any commitment to improving water quality in Aboriginal peoples living areas.

Many of us have worked with SA Water to improve outcomes for the people in remote areas. I have accepted the role of co-chair of the SA Water Reconciliation committee to advance the needs of our people and assist the corporation to be a proactive player in the lives of Aboriginal people.

In response to strong representation from Aboriginal people, community and the leaders in the Aboriginal affairs area SA water has responded and proposed a way forward. The plan includes community areas that need attention to overcome poor quality water, sustainable supply, debt mitigation, improved coordination of maintenance, support for the community to address internal infrastructure maintenance and improving relationships with suppliers of water.

The SA Water Plan 2020-2024 is a four-year business plan submitted to you as the economic regulator, ESCOSA. In the SA Water Plan 2020-2024, they have proposed key initiatives to improve water supplies to rural areas. This includes an investment of \$37.7m in upgrades to provide drinking water supplies to 7 communities (around 340 properties) that currently have a water supply, not suitable for drinking. These communities are Oodnadatta, Marree, Marla, Yunta, Terowie, Mannahill and Olary..

The initial focus is on the larger communities across 19 systems (around 650 properties) statewide that SA Water currently supply with non-drinking water. Solutions for the remaining communities (around 310 properties) would be explored during subsequent regulatory periods.

I have discussed how the Aboriginal people will gain access to technology that enables the supply of clean drinking water to this end SA Water explored a range of options for providing upgrades, which include groundwater desalination, water carting and storage, extension of pipelines, and point of use treatment.

The selection of priority areas to upgrade considered water quality impact, rainwater availability, water security, community resources, economic potential, current cost of water and cost of upgrades.

I observed in the Draft Determination notes that there was opposition for this proposal from stakeholders, over issues of both cost, and wider public policy considerations.

As a result, ESCOSA has determined that it is not prudent to fund these initiatives but has instead placed them on a contingent list to be reconsidered should further support for these initiatives be provided.

Observation

The vast majority of Australians hang to the coastal regions and this applies to South Australia, many of the Aboriginal people on the other hand remain in the regions and do so for cultural and strong continuing family ties to country. This obligation has resulted in the people being neglected by the system; water is a major issue:

“The supply of water for Aboriginal and Torres Strait Islander communities comes from a number of sources. Data from the Australian Bureau of Statistics (2007) shows the following sources of water supply for discrete Aboriginal and Torres Strait Islander communities as:

- ***bore water (58%)***
- ***town supply (19%)***
- ***river or reservoir (5%)***
- ***rain water tank (3%)***
- ***well or spring (3%)***
- ***other (2%).”***

Aboriginal health info-net

It appears to the casual observer that the basis upon which decisions are made is the scale of need but more pressing is the political and economic factors. Small groups of people, such those community groups in Aboriginal areas, don't have strong economic pull sufficient enough to move decision makers to commit funds to overcome the lack of drinking water;

“in all outback townships, where water is managed by SA Water, the supply is deemed non-potable.” Goyder Institute for Water Research 2015

In my work over the past two years it has been sad to observe areas who have been seeking to improve water quality has been largely ignored. Where Aboriginal community has been assisted it is with the strong financial backing of the Commonwealth Government using SA Water as a sub contractor.

The Aboriginal people suffer extreme health challenges amongst our biggest concern in regional and remote areas are kidney disease and cardio-vascular disease. In my work with the Aboriginal Lands Trust and as a private consultant it has been disturbing to hear the stories of elders who fear for the future of their people because of decades without potable water. Many people speak of dental problems because they can't use the water and the dangers when extreme summers descend on the people forcing many to drink unsafe water.

“the current ‘non-potable’ classification in Marree is attributable to the high chance of microbiological contamination and chemical parameters that have the potential to affect health consumers (DEWNR, 2010 p.5). The NHMRC Community Water Planner risk management plan (Yelland 2007) ranks Marree with a risk score of -2.” Goyder Institute for Water Research 2015

Much has been written and numerous talkfests have been convened but there has been little or no appetite to shift into action that will bring about a change in water supply and water quality in remote and regional South Australia. In a number of reports there have been recommendations to improve supply co-ordination and proposals to

investigate technology that provides a cost effective means of providing sustainable supply of drinkable water. I ask as an Aboriginal person what drives the thinking that ignores the recommendations of the researchers and overlooks international agreements protecting the rights of Indigenous people.

“Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September 2007.

Please reflect on the words in the United Nations declaration as it is applicable to your decision to stall the investment in regional South Australia.

The Essential Services Commission needs to be proactive in future proofing regional South Australia by being an active investor in water infrastructure to attract new investment that improves the health of people living in the small towns and communities.

The Aboriginal community is disappointed such a short term view was taken about an unresolved issue that extends over many decades and as a result we are back to square one and left with no alternative but to continue work with SA Water to look for opportunities to limit our communities suffering and if possible with limited resources drive improvements in these supplies.

As a member of the South Australian community and a proud Aboriginal person I request the Commission revisit its decision and approve the proposal put forward by SA water.

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