

### National Water Agreement Response template

<i>Principle No. (if applicable)</i>	<i>Existing text</i>	<i>Proposed text if change required</i>	<i>Comment/Reasons</i>
<b>Whole document</b>		Clearer instructions on how the document is meant to work and how the plans are to be put together	<p>NOTE that the design of the entire document will encourage a “silo” mentality and potentially paradoxical and argumentative outcomes.</p> <p>Almost every “objective” would be the purview of different state and federal departments, who would be duty bound to “protect” their section (eg Aboriginal Affairs, Environment, Department of Primary Industries, Department of Commerce, Department of Small Business etc) - each of which may be consulting with community and Indigenous groups.</p> <p>As a result, an integrated, workable and agreed plan may not be possible in some states. The document thus favours division over harmony and activism over cooperation.</p> <p>What is needed is (a) weighting of the various elements so priorities are clear. Water for drinking and water for food production clearly takes precedence when there is a potential conflict, but this is not stated</p>
<b>Whole document</b>		Rework entire document	<p>One of our members had commented that the paper is very poor in construction and content and is irreparable in its current state, needing to be rewritten “from scratch”.</p> <p>A number of members commented on the short timeframes to achieve an outcome and poor consultation mechanisms, particularly with agricultural groups, calling it “rushed” and noting limited stakeholder involvement.</p>
<b>Whole document</b>		Rework entire document	<p>A number of members (many of whom have close and productive working relationships with Indigenous communities) commented that the document is wildly divisive, unbalanced and denies the “general citizen” rights to</p>

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			consultation that is specifically and exclusively afforded to Indigenous people.
<b>Whole document</b>		Inclusion of other sources of water.	There is no recognition, discussion or consideration of desalination as a water source.
<b>Whole document</b>		Inclusion of other sources of water.	There is no recognition, discussion or consideration of new of increased water storages and the effects these are likely to have on flows. This ranges from the effect of dams in the big picture all the way down to creek barriers and property tank water harvesting.
<b>Whole document</b>		Better weighting and discussion around “indigenous” groups	The document treats Aboriginal and Torres Strait islander communities like they are a single entity with a common point of view. This is not the case. In the absence of weighting, dispute mechanisms and better definition, it is entirely possible that the “decisions” of one Indigenous community will negatively impact another.
<b>Whole Document</b>		Method of sharing of non-essential water	Regardless of “baseline” weighting (ie water from drinking, water for food production), there is no discussion on sharing between the other groups, implying that there should be “winners” and “losers” - again, divisive.
<b>Whole Document</b>		Invisibility of “Schedules”	DCCEEW is proposing that a number of schedules can be introduced after the Federal Water Agreement is signed off.....eg only 1 schedule is identified at this stage , even though DCCEEW has stated others will occur. A member commented that Stakeholders could be “hoodwinked” into approving the document and then things change later through the schedules.
<b>Whole Document</b>		New wording	There is insufficient recognition of existing rules of management for water that currently in most situations already account for Climate Change and Drought.
<b>Introduction</b>		New wording	In the introduction there is no indication of % water use currently devoted to each of the stakeholder (eg drinking, food supply, environmental, cultural etc) and the proposed new splits between these groups.

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			<p>Specifically:</p> <ul style="list-style-type: none"> <li>- A snapshot of the nature and total volume of the natural capital</li> <li>- Who is using it and for what purposes</li> <li>- Aspirational shares of outcomes</li> <li>- Expected flows (eg Murray/Darling expected to drop 50% by 2030)</li> <li>- What is perceived as low value uses that would be reduced</li> </ul>
<p><b>Page 2</b></p>	<p>“Aboriginal and Torres Strait Islander water interests” (heading)</p>	<p>Delete or reword appropriately - NOTE that the comments SHOULD not be interpreted as other than writ.</p>	<p>1. The Insights paper quoted in the document recognises that the committee that developed it <i>“do not represent, speak, or act for any individual nation, organisations, or community groups. Committee members do not represent federal, state, or territory governments”</i>.</p> <p>In other words, the representative body was not representative, therefore the insights paper has no standing and should be excluded.</p> <p>2. The section notes that <i>“Aboriginal ....people have managed water holistically for more than 65,000 years, but since colonisation have been excluded from decision making... ”</i>. This is NOT true. It may have been true at the time of colonisation, but in recent times (since 1968) Aboriginal people have had as much ability to be included in decision making as any other Australian citizen, whether or not they have chosen to take it. In addition, a history of water management does not adequate equip any decision maker for a world population of 8BN or climate change, whether Aboriginal... or not.</p>

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			<p>3. It is appropriate to recognise that ALL citizens including Aboriginal and Torres Strait Island people should be included in decision making. NOTE that the way this whole project has been paid out specifically EXCLUDES ordinary citizens from comment. They use water too. See note below about wording.</p>
<b>Objective 1:</b>	The safe and secure supply of sufficient water quality and quantity to sustain our natural environments, Culture, economic prosperity and communities	Reword more appropriately, including all the dot points	This whole section assumes that (1) there is adequate water to meet all those needs, and (2) equally weights the access for each section. This is not possible in most places where net water is insufficient, either short term (eg drought) or long term (eg arid climate). This whole section needs to identify a WEIGHTING to each proposed use eg drinking water has higher priority than “culture” (which may include fountains)
<b>Objective 1:</b>	The safe and secure supply of sufficient water quality and quantity to sustain our natural environments, Culture, economic prosperity and communities	Reword more appropriately, including all the dot points	<p style="text-align: center;"><b>There are a few things missing!</b></p> <p>NOWHERE does this section suggest any allocation of water for the production of food!</p> <p>NOWHERE does this section suggest any allocation of water for the survival of animals (domestic, wild, for food, culture or otherwise)</p> <p style="text-align: center;">So presumably we can build a refinery (“economic prosperity”) but we can’t eat.</p> <p style="text-align: center;">That’s also were the weighting above comes in....</p> <p style="text-align: center;">WATER STORAGE is not mentioned.</p>
<b>Objective 1:</b>	The safe and secure supply of sufficient water quality and quantity to sustain our natural environments, Culture, economic prosperity and communities	Reword more appropriately, including all the dot points	<b>Many of the dot points are likely to be mutually exclusive.</b> In the absence of a weighting system, the objectives and dot points become just motherhood statements that basically lets any state to anything, particularly around pricing.
<b>Objective 1</b>	1.21 In line with Australia’s national and international agreements, including the National Agreement on Closing the Gap and the United Nations Sustainability Development Goals,	Delete or reword	There needs to be a fundamental recognition that there is a limit to “high service costs”. There needs to be a fundamental recognition that population drives service provision through taxation; and there is a limit to the ability not just to provide but to maintain services in truly remote areas with very low population (Aboriginal... or not).

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	efforts are made to ensure people living in regional, rural and remote areas are not excluded from access to water services due to high service costs.		This is generally understood by those who live remotely and an alternative is that there will be self-managed alternatives found with government assistance (eg tanks, bores, collection and local treatment), rather than a <i>carte blanche</i> expectation that water services in the bush will be identical to those in cities.
<b>Objective 1</b>	1.25. Consideration is given to making unallocated water available for Aboriginal and Torres Strait Islander Peoples, which contributes to their access to, management and/or ownership of water for Cultural, spiritual, social, economic and environmental values, in line with the National Agreement on Closing the Gap.	1.25 Consideration is given to making unallocated water available by ballot, with additional weighting in the ballot for Aboriginal and Torres Strait Islander Peoples, in line with the National Agreement on Closing the Gap.	There is a degree of divisiveness in the way that the discussion around Aboriginal and Torres Strait Island "rights" is phrased in the document. Consideration of "closing the gap" is critically important, but should be worded in such a way that the rest of the population and particularly other disadvantaged groups in the population (eg homeless, disabled) are not excluded.
<b>Objective 1</b>	1.26 Alternative ways of meeting water demand, such as through water trading, making use of the unused parts of existing water access rights, or by increasing water use effic.....	Reword and extend	Water Markets & trading arrangements remain unresolved in the document, including social, cultural & economic impacts of open trading of water
<b>Objective 1</b>	<b>Pricing (various places)</b>	Re-consideration, particularly of "cost recovery" and "upper bounds" pricing statements	Water is a commodity that is essential to life. It is essential directly, but also in the context of production of food for Australia's 27M population and the world's 8BN. Governments exist to undertake activities that the free market cannot or would not (ie to overcome market failure). Therefore, ALL water pricing should be at the "minimum possible pricing to achieve the goals or supply of suitable water quality for the intended purpose".
<b>Objective 2 – Investment in major water infrastructure that is effective,</b>	2.1.5. identify the full suite of economic, Cultural, environmental and social costs and benefits based on best available information	2.1.5 Identify the full suite of drinking water, water for food production, water for animal use, environmental, cultural and social benefits based on best	Without specified weighting, everything is considered equally, which is not appropriate when there is water use conflict. Clearly, drinking water and water for production of food much be the highest weighting. Note that "water for food production and water for animal use" DOES include a

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<p><b>strategic and transparent.</b></p>	<p>2.1.6. select projects based on the highest (positive) expected net social, economic, ecological and Cultural outcomes, meeting the community’s aspirations and values, where possible, and promote investment in projects deemed to have material net benefits</p>	<p>available information, in that order of weighting. Cost: benefit analysis should be included for all but the first two. 2.1.6 select projects based on highest expected net outcomes and promote investment in projects deemed to have material net benefits.</p>	<p>significant part of Aboriginal and Torres Strait Islander cultural use and includes wetlands.</p>
<p><b>Objective 3 – A water management framework, underpinned by national and international human rights principles, which recognises and protects Aboriginal and Torres Strait Islander Peoples’ Cultural, spiritual, social, environmental and economic water interests and values.</b></p>	<p>Heading and overall section</p>	<p>A water management framework underpinned by national and international human rights principles.</p>	<p>Setting Aboriginal and Torres Strait Islanders out in a whole paragraph as some kind of alternative human species is an insult to these people and to the rest of Australia and significantly hampers reconciliation. <b>All</b> Australians should have their cultural, spiritual, social, environmental and economic interests and values recognised and protected - and this will vary by population area.</p> <p>It is absolutely clear in this document that the “insights” document which is so heavily relied on as well as acknowledged as being non-representative, is a set of ambit claims. We suggest that <b>genuine</b> consultation be undertaken with <b>actual</b> indigenous peoples and groups, in a wide enough manner to be <b>actually</b> representative not only in generalities but also to identify areas where there is discord, <b>before</b> any inclusion into this document.</p>
<p><b>Objective 3</b></p>	<p>3.2. Acknowledgment that Aboriginal and Torres Strait Islander Peoples never</p>	<p>Delete.</p>	<p>Discussions about sovereignty have no place in a discussion on water sharing and are divisive. No conquered people have</p>

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	ceded lands and waters ownership and holistically managed lands and waters for more than 65,000 years, including during dynamic ever-changing climate challenges		ever “ceded sovereignty” and there is nothing that modern Australia can do about that. That people have “managed” for 65,000 years does NOT recognise that the planet has a population of 8BN for the first time, and that Australia a population of 27M for the first time - so all that history, sadly, comes to nought
<b>Objective 3</b>	3.3. Waters in all their forms are acknowledged to be living entities.....	delete	Water is not, was not and never has been a “living entity”, this is not “acknowledged”, and to include this in the document is an insult to human intelligence. If this is the standard of “aboriginal science” that is proposed to be relied on, then the courts should be the arbiter.
<b>Objective 3</b>	3.5. Aboriginal and Torres Strait Islander Peoples have internationally renowned, enduring and sustainable water rights, including access to, management and/or ownership of water for Cultural, spiritual, social, environmental and economic purposes in line with the National Agreement on Closing the Gap	delete	The National Agreement is not legislated and can be changed. This is a divisive statement and paradoxical to current water use. Respect and consultation should be normal, and not a threat.
<b>Objective 3</b>	3.7. Water management recognises and incorporates Aboriginal and Torres Strait Islander Peoples’ Cultural rights and interests in water management, ownership and governance. This recognition is underpinned by declarations at a national and international level, and has regard to the principles of free, prior, and informed consent.	Should read: “Aboriginal and Torres Strait Islanders believe that water management recognises and incorporates.... “	Without a declaration of Human Rights in Australia, then no person or group has any unalienable rights at all.
<b>Objective 3</b>	3.12. In good faith, efforts are made to remove barriers in water management frameworks impeding the access to, management and/or ownership of water	Remove the word “ownership”	Water, like air is a natural resource and cannot be owned, even water licenses can be revoked.

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	by Aboriginal and Torres Strait Islander Peoples.		
<b>Objective 3</b>	3.16. Self-determination and Indigenous Cultural and Intellectual Property are protected and defined in water planning and management processes by ensuring that meaningful consultation with Aboriginal and Torres Strait Islander Peoples occurs early and often and is underpinned by the principles of free, prior and informed consent.	Should read: “Where possible, self-determination and .....	The phrase is clearly not appropriate to heavily and previously developed areas, or areas where there is no significant indigenous representation without this change
<b>Objective 4</b>	Various	There are repeated references to evidence based decision making	Should read “where possible”, given that with rapidly rising population and climate change, previous science may not be applicable
<b>Objective 4</b>	4.1.3. Aboriginal and Torres Strait Islander Peoples’ knowledges, sciences and research	Delete	Covered in 4.1.1
<b>Objective 4</b>	4.11. Aboriginal and Torres Strait Islander water sciences and data, such as climate modelling, are based on diverse customary water and biocultural regions, which informs evidence-based decision making.	Delete	While relevant in consultations, sadly this is as potentially useless as is western science in a first-time situation of a world population of 8BN, an Australian population of 27M, and climate change.
<b>Objective 4</b>	4.14-4.19	Delete	Covered by earlier sections and is therefore tautological and repetitive
<b>Objective 5</b>	5.1 .....“protects indigenous cultural and intellectual property”	Should read : protects indigenous and non-indigenous cultural and intellectual property”	This is not limited to indigenous peoples, there are other cultural and intellectual elements that must be protected as well.



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<p><b>Objective 6 – Environmentally sustainable water planning and management that is interconnected, adaptive and responsive to climate change and other circumstances</b></p>	<p>Whole section</p>	<p>Reword</p>	<p>Without appropriate weightings on the elements that need to be considered, this objective tends to minimise others</p> <p>Water for drinking and water for food production must be paramount, given the rapidly rising population</p>
<p><b>Objective 6</b></p>	<p>6.11-6.3</p>	<p>delete</p>	<p>Has been covered elsewhere in the document. Note also the comments about various words in the section noted elsewhere</p>
<p><b>Objective 7 – Water management frameworks that facilitate the judicious and efficient use of water</b></p>	<p>General</p>		<p>The document does not make clear that while water access licensed can be traded etc, that water cannot be owned.</p> <p>Riparian ability is not considered and is apparently left to states?</p> <p>In urban areas, removal of flow by extensive tank use has apparently not been considered.</p>
<p><b>General</b></p>	<p><b>General</b></p>		<p><b>Dispute mechanisms have apparently not been considered.</b></p>