



Yawuru Native Title Holders Aboriginal Corporation RNTBC ICN 7033

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RE: INQUIRY INTO THE NATIONAL WATER COMMISSION (ABOLITION) BILL 2014

Yawuru Native Title Holders Aboriginal Corporation RNTBC is the registered native title body corporate under the Native Title Act for the Yawuru Community under native title determination WCD2006/1. Yawuru Country consists of the town of Broome in Western Australia and surrounding land and waters. Nyamba Buru Yawuru Ltd was incorporated to provide services to the PBC.

Yawuru country is tropical but has long dry seasons in which there is little or no rain. There are no rivers in Yawuru country. As a result, the plants and animals of Yawuru country are reliant on freshwater springs that are fed by the aquifers below. Traditionally, the Yawuru people also relied on this freshwater for their survival. Many the Yawuru values and beliefs center around fresh water sources.

In contemporary times, these aquifers are now used to provide drinking water to the town of Broome and surrounding communities. They are also used for agriculture, watering cattle and for mining. Soon these resources will also be used for fracking, with plans to frack wells within Yawuru country already advanced, and there are plans led by the Western Australia Government to increase agriculture in the area. There is growing concern that overuse of the aquifers will impact the natural freshwater sources by either reducing flow or increasing salinity as salt water flows back in to fill the empty spaces left by overuse of the freshwater. This could damage or destroy the fragile ecosystems that are supported by the springs and has the potential to impact the drinking water supplies for the population of Broome and the Dampier Peninsula.

The terms of reference

We note that the terms of reference for the inquiry are simply "... to consider the impact of the Bill on the continuation of robust, independent and transparent monitoring and assessment of matters of national water reform and the management of Australia's water resources."

With respect, these terms of reference ignore the wider role that the National Water Commission has had in driving research and policy development for Australia's freshwater resources. The National Water Commission (Abolition) Bill 2014 does not address the work that the National Water Commission has done on the wider question of national water reform.

The Water Commission's review functions

The proposed changes transfer the role of auditing the Basin Plan and water resource plans to the Productivity Commission in a general way. The change can only be robust, independent and transparent if the Productivity Commission engages people of the appropriate level of knowledge, training and experience to conduct the assessments.

The National Water Commission already has those people and the appropriate frameworks in place and has built up the appropriate systems and expertise. To abandon that organisational knowledge would be a false economy.

The Productivity Commission

Ironically, in its 2012-2013 Annual Report *'Using Administrative Data'*, the Productivity Commission decried the "diminution... of specialist public sector research bureaux" as a contributing factor to Australia's failures in the area of evidence based policy development, which it describes as "an essential element of all good policy". (see also 2009-2010 Annual Report *'Good public policy — why evidence and process matter'*)

It was the National Water Commission's access to administrative data through its auditing power that enabled it, in part, to provide reasoned and evidence based policy recommendations on water reform. It was an important factor in the holistic approach to water management and reform that the National Water Commission was able to take.

While the Productivity Commission will no doubt do an adequate job of auditing the progress of reform plans, it does not have the capacity to use the information it will collect in the process in the same way that the specialist National Water Commission has been able to for the purposes of evidence based policy development. The holistic approach allowed by the structure of the National Water Commission would be lost.

Policy development focus

While the Productivity Commission also conducts independent research, its wide terms of reference means that the focus on the issues relating to water reform are likely to be lost amongst its work on the many other areas in its brief. In any given year the Productivity Commission can only concentrate on a relatively small number of areas for reform and so water reform related issues will inevitably not receive the same level of attention that they do currently.

The National Water Commission has been a voice of reason on complex matters such as the settling of competing demands for ground and surface water. Its position that decision-making must be informed by the best available science, broader natural resource management planning, socio-economic analysis and community input has strongly influenced discussions about water in our region. Its statements about environmental water requirements needing to be considered alongside economic, social and cultural ones reflects a measured and pragmatic approach to planning and management that considers all water uses.

Community engagement

Communities across the country have benefitted from the Commission's efforts to provide information, advice and resources on the national water reform agenda. We are not only more aware of the problems being faced in managing water nationally and in our regions, but we have been engaged in conversations about what options are available to us in facing them. In the Kimberley, for example, we have received National Water Commission support for local participation in water planning and sustainable management through initiatives such as the Kimberley Water Forum in 2008.

Indigenous Rights and Interests

Across Northern Australia, Indigenous people manage over 40% of the land and waters and have interests in well over 80%. Indigenous people are, therefore, a key stakeholder in water reform.

From the outset, the National Water Commission has been the first statutory body to recognize the importance of Indigenous people as a key stakeholder in water reform and has strongly supported and promoted Indigenous rights and interests in water and Indigenous participation in water planning and management.

The National Water Commission has supported the establishment of bodies such as the Indigenous Water Policy Group and the Indigenous Community Water Facilitators Network, which have been indispensable in engaging local people and their representative organisations in water reform processes.

Overall review

In 2011 COAG reviewed the National Water Commission and recommended that it should retain its review functions until the National Water Initiative was concluded and, further, that it should retain its knowledge leadership function. The submissions provided to that review were unanimously in favour of retaining the National Water Commission and supportive of the key role it has played in research and policy development.

As freshwater resources worldwide are increasingly being overutilised, contaminated or otherwise degraded, it is important that Australia remains on the front foot in this area. To do so requires a dedicated, independent body conducting real evidence based research and analysis to drive policy reform.

To eliminate such a key independent reform body for a relatively small amount of savings is, in our view, a false economy.

Yours faithfully,



Tony Lee

General Manager, Community Programs
Nyamba Buru Yawuru Ltd

