



Indigenous Water Policy

Preamble

The National Farmers' Federation (NFF) notes that the issue of Indigenous water property rights is gaining some momentum, with several positions espoused by different groups representing Indigenous water interests. While the NFF does not support any particular one of these, this policy is aimed at ensuring that the interests of stock and domestic water users and irrigated agriculture, including Indigenous farming interests, are protected under existing water legislation.

The NFF supports the recognition of Indigenous water provided that the following principles are met:

- It is recognised that the existing pool of held or planned environmental water entitlements can be used to meet cultural needs;
- It does not result in third-party impacts on existing entitlement holders;
- It is consistent with existing water planning frameworks and upholds existing entitlements;
- It maintains the integrity and reliability of the consumptive pool, which underpins Australia's food and fibre production systems; and
- It respects the principle of equal commercial participation, meaning Indigenous economic water use should operate under the same rules and market conditions as other entitlement holders.

Water for Indigenous use can be broadly categorised as:

- Water for cultural uses (including traditional economic activities for trade); and
- Water for contemporary economic purposes (such as water trade and the production of agricultural crops and livestock).

The NFF supports cultural water being delivered through existing environmental holdings to avoid third-party impacts. Issuing any new entitlement (i.e., not acquired from existing water entitlement holders) will have third-party impacts on all remaining uses of water, including the environment. There is support for held and planned environmental water entitlements to be used for multiple benefits, including Indigenous cultural water use, as this will ensure no third-party impacts to existing entitlement holders.

The NFF does not support the issuing of new water entitlements for contemporary economic use, as this is inconsistent with property rights and is not supported by the National Water Initiative (NWI), which was agreed to by all Australian Governments. The NFF, however, supports the use of market mechanisms to acquire water for Indigenous use from existing and willing water entitlement holders. Access to water through rule changes is not supported.

The NFF supports enabling Indigenous peoples to participate in the water economy on equal commercial terms, including the ability to access and trade water like any other entitlement holder in the consumptive pool.

The agricultural sector views the consumptive pool as referring specifically to water available for productive and commercial use. A consistent definition between Government and industry is critical to avoid confusion and misaligned expectations.

Policy

- The consumptive pool refers to water available for productive and commercial use.
- The NFF supports the provision of water for Indigenous use only where this does not result in third-party impacts to existing entitlement holders, including stock and domestic and leaves the existing characteristics of licenses unchanged.
- The NFF supports the use of existing held and planned environmental water entitlements for co-benefits, including Indigenous cultural water use.
- The NFF supports the use of existing market mechanisms to acquire Indigenous water entitlements from willing sellers for contemporary economic use, but the water has to stay within the definition and characteristics of the respective pool it was acquired from (so for water from the consumptive pool, the water stays there for production and commercial use only).

- All water entitlements acquired through Government held by Indigenous people remain in Indigenous ownership and are held in perpetuity to provide enduring benefit and ensure rights are not eroded over time through sales.
- The NFF acknowledges that the ownership framework for Indigenous water entitlements for contemporary economic use is varied and is a matter for Governments and Indigenous peoples.
- Water acquired from the consumptive pool must retain the same characteristics as when it was first acquired, including being utilised in the area of acquisition.
- The NFF seeks that the delivery of Indigenous water to off river sites includes the associated river losses for the off-river delivery.
- Indigenous water must not interfere with, or be used to veto, existing or proposed infrastructure works that meet current regulatory requirements.
- If the above framework were adopted, the current hierarchy of water entitlements, as enshrined in State legislation, would be respected and therefore unaffected.

The Department of Climate Change, Energy, the Environment and Water and Murray-Darling Basin Authority are leading national discussions on Indigenous water rights. While the NWI and proposed National Water Agreement provide the overarching framework, the NFF maintains a national perspective to ensure consistency across jurisdictions. Implementation must align, where appropriate, with Basin-specific mechanisms and planning processes while upholding the NWI's commitment to respect existing water access entitlements and other property rights. Any national and State-based process must be coordinated and mutually reinforcing to ensure consistency across jurisdictions.

May 2025