

BRIEF COMMENT — NATIONAL WATER REFORM 2026: PRELIMINARY ASSESSMENT (INTERIM UPDATE, JULY 2026)

From recognition to shared authority: activating Aboriginal and Torres Strait Islander water interests

Matthew Cronin — Managing Director, Ridgeline Advisory · Perth, Western Australia

July 2026 · A focused response to Information Request 2: Aboriginal and Torres Strait Islander water interests (section 11), knowledge and capacity building (section 9), and the security of cultural water in non-statutory planning (section 3).

Ridgeline Advisory acknowledges the Traditional Owners and custodians of Country throughout Australia and their continuing connection to land, waters and community. We pay our respects to Elders past and present, and we recognise Aboriginal and Torres Strait Islander peoples as the first scientists and water managers of this Country.

How this comment is offered

This is a short, focused comment rather than a comprehensive submission, written from a Western Australian water-governance perspective. Ridgeline is not an Aboriginal or Torres Strait Islander organisation and does not speak for Traditional Owners; the Aboriginal and Torres Strait Islander bodies already before this inquiry carry that authority. What we add is a practitioner's view of governance design: the *how* of turning recognition into activated, community-controlled water. We do not comment on the water services and pricing reform stream.

In short

We support the Commission's interim assessment that progress on the water interests of Aboriginal and Torres Strait Islander people remains only "partially achieved" across every sub-element. On the evidence, the constraint now is not recognition but activation: turning representation into shared authority, and entitlements into water that communities actually control.

The national frameworks count representation and volumes reserved or recovered. They do not yet ask whether that water is activated under Aboriginal and Torres Strait Islander control. Four points, offered to the final assessment:

1. Assess this element against **shared authority and activation**, not representation and entitlement volume alone.
2. Recognise commercial **partnership and equity models** as a legitimate activation pathway, with principles that protect decision rights and retained value.
3. Fund independent **capability and brokerage** for native title bodies, so good water is never committed to a weak deal.
4. Where planning is **non-statutory** (notably WA), cultural water cannot be given binding security, a gap the assessment should keep visible.

1 Why we are writing

I write as a water-sector practitioner, not on behalf of any client, and not as an Aboriginal or Torres Strait Islander person. Over thirty years in government and regulated industry, including as an executive at Water Corporation, I led the expansion of Aboriginal community water services to more than 140 remote

communities. A good deal of that was practical work: bores, pumps, water quality, and the logistics of keeping remote supplies running through the wet season. My advisory work since has focused on governance design for Traditional Owner water and joint-venture structures. The Commission has already documented how far recognition has come. The harder question, and the one I want to speak to, is what it takes to turn that recognition into water communities own and control.

2 The pattern the assessment has identified

We agree with the interim ratings. Read together, the submissions the Commission cites describe one problem seen from three angles, each rated "partially achieved":

- **Advisory, not authority.** Participation is "framed largely through advisory and consultative mechanisms rather than shared authority" (CEG, sub. 17; First Nations Research Program One Basin CRC, sub. 41; ILSC, sub. 2).
- **Acknowledged, not embedded.** Cultural objectives are "acknowledged in plans and policy, but are not embedded in binding protections, allocation settings or implementation arrangements" (CLC, sub. 54; MCLE, sub. 48; McKay, sub. 36).
- **Announced, not activated.** The Aboriginal Water Entitlement Program has secured 19.8 GL, but under *interim* governance arrangements; the Inland Waters Target under Closing the Gap has, on the ILSC's account, been "in development for years" and is still unfinalised.

These are one problem, not three: the absence of activated, community-controlled governance. That speaks to the Commission's question directly. On the current record, few governance changes have produced genuine shared decision-making. Most have improved consultation without shifting who decides.

3 The missing middle: activation

There is a step between an entitlement on paper and an enterprise on Country, and the frameworks say little about it. A reserve of water becomes an opportunity only when its holders have governance they control, the capability to use it, and often a partner willing to commit capital on terms that keep authority and value with the community.



Illustrative only: reserved or recovered water becomes self-determination when paired with governance, partnership and capability. The frameworks count the first box and the last; the middle is where progress stalls.

The NWI and the draft National Water Agreement measure representation and volumes. Neither yet asks whether reserved or recovered water is activated under Aboriginal and Torres Strait Islander control. We suggest the final assessment measure that outcome, because it is the one the reforms are ultimately for.

4 From advisory to authority: a partnership test

Where activation happens through partnership, a handful of plain questions separate an arrangement that empowers from one that extracts. We offer them as a governance-design tool the Commission and jurisdictions could use to test whether a change delivers shared authority in practice, not only representation.

The question	In a stronger arrangement	In a weaker one
Who decides?	Traditional Owners approve what happens on Country, and can say no	Consultation only; the real decisions are made elsewhere
Who keeps the value?	Retained equity and ownership, so revenue and assets stay with the community	One-off payments or fees; value flows out
Is it investable?	Clear governance gives partners certainty without ceding control	Uncertainty that deters good partners or invites poor ones
Does it build capability?	Deliberate jobs, training and enterprise capability transfer	Lasting dependence on outside operators
Is culture in charge?	Cultural authority is built into the decisions	Culture treated as a constraint to manage around
Can you walk away?	Free to act alone, or to partner deal by deal	Locked into a single counterparty

A test for whether a governance change delivers shared authority. The aim is Traditional Owner authority *and* investable certainty at once, not a trade-off between them.

The same test bears on **knowledge and capacity (section 9)**. Planning, monitoring and cultural-indicator work routinely draw on Aboriginal and Torres Strait Islander knowledge; governance should ensure that Indigenous Cultural and Intellectual Property shared in those processes remains owned and controlled by its holders, rather than treated as a free input. Protecting it is part of the same shift from advisory to authority.

5 That the pattern is real

None of these is a template, and each carries hard lessons. They do show the pattern is real. What the strong cases share is retained equity and a real say in decisions, built up patiently over years.

Example	What it shows
ALPA enterprise	Aboriginal-governed since 1972; grew from a single community store into one of Australia's largest Aboriginal-owned enterprise groups, reinvesting in members. It reports returning over \$40M to communities last year, with 80%+ First Nations employment. <i>Patient, Aboriginal-governed enterprise compounds over decades.</i>
Equity JVs on Country energy	Across northern and western Australia, Traditional Owner groups take a real equity stake and approval rights in the assets built on their Country, not merely a fee for access. <i>Authority and value stay with the community when equity and a genuine say go together.</i>
Aboriginal Water Entitlement Program water	Commonwealth funding grew from \$40M to \$100M. 19.8 GL is now secured, but, as the Commission notes, under interim governance, and slow to reach communities. <i>A reserve announced is not a reserve activated.</i>

Two are enterprise and energy; the water case is still moving from announcement to activation, which is precisely the gap the assessment records. Enterprise and program figures are self-reported or from public reporting; illustrative, not audited.

6 A Western Australian gap: non-statutory plans and cultural water

One structural point from the jurisdiction we know best. The Commission rightly notes that WA's water allocation plans remain non-statutory, that entitlements are not yet NWI-consistent, and that some systems remain overallocated. For Aboriginal and Torres Strait Islander water interests this has a specific consequence: where plans are non-statutory, cultural objectives written into them cannot be given the binding security that consumptive entitlements enjoy. In WA, "acknowledged, not embedded" is not merely a drafting habit; it is built into the structure of the planning regime. We suggest the assessment keep this visible, and treat the move toward statutory plans as a precondition for giving cultural and environmental water genuine security. It is a Western Australian data point the current submission record is light on.

7 What the Commission might consider

- **An activation lens (s11).** Report progress on Aboriginal and Torres Strait Islander water interests against shared authority and activation, not representation and entitlement volume alone.
- **Legitimise partnership pathways (s11).** Recognise commercial partnership and equity models as a valid route to activation, paired with a short set of protective principles: decision rights, retained value, cultural authority.
- **Capability and brokerage (s9, s11).** Fund independent technical, commercial and negotiation support for native title bodies and Prescribed Bodies Corporate, so good water is never committed to a weak deal for want of advice.
- **Protect ICIP (s9).** Recognise and resource the protection of Indigenous Cultural and Intellectual Property in planning, monitoring and cultural-indicator work.
- **Statutory security (s3).** Treat non-statutory planning, as in WA, as a barrier to embedding cultural and environmental water, and track it as such in the assessment.

8 In closing

In our reading the interim assessment is right: recognition has advanced, and activation has not. In the end the reforms will be judged less by how many Aboriginal and Torres Strait Islander people sit on advisory bodies, or how many gigalitres are reserved, than by how much water communities actually own and control. That governance is designable. We offer this comment in support of the Aboriginal and Torres Strait Islander organisations already making the case to this inquiry, and we defer to them on all matters of their own interests and Country.

Disclosure. Ridgeline Advisory is a Western Australian advisory practice and advises clients across the water sector, including private water-services businesses and Aboriginal organisations. This comment addresses the National Water Initiative progress assessment only; it deliberately does not address the water services industry and pricing reform stream, in which the firm's clients may have an interest. It is independent thought leadership, offered in good faith, and is not made for or on behalf of any client, nor does it represent any client's views. The author is not Aboriginal or Torres Strait Islander and does not speak for Traditional Owners or any native title body.

Sources and confidence. Assessment findings, the 19.8 GL figure and the status of the Inland Waters Target are drawn from the Commission's interim update (PC 2026) and the submissions it cites. Enterprise and program figures (ALPA; Aboriginal Water Entitlement Program funding) are self-reported or drawn from public reporting and are illustrative, not audited.