

Changes to the section 4- Definitions

"First Nations Indigenous Peoples Cultural Water Rights ", means a right that:

- (a) First Nations Indigenous Peoples Water Rights has the same meaning as is described in section ? of this Act
- (a) First Nations Indigenous Peoples has against all others the right to own and receive water to be known as **"Cultural Water"**, and includes,
- (b) a right to have a water delivery regime at intervals decided upon by the First Nations in accordance with First Nations Indigenous Peoples Cultural requirement..

WATER ACT 2007 - SECT 6

Planned First Nations Cultural Water

(1) For the purposes of this Act, **First Nations Cultural Water** is water that:

- (a) is committed by:
 - (i) the Basin Plan or a water resource plan for a water resource plan area to known as First Nations Cultural Water; or
 - (ii) a plan made under a State water management law for Cultural water; or
 - (iii) any other instrument made under a law of a State;to either or both of the following purposes:
 - (iv) achieving Cultural Water flows and to determine a watering release regime of Cultural Water ;
 - (v) other First Nations Cultural purposes that are specified in the plan or the instrument; and
- (b) cannot, to the extent to which it is committed by that instrument to that purpose or those purposes, be taken or used for any other purpose.

(2) For the purposes of this Act, **First Nations Cultural water** is water that:

- (a) is preserved, by a law of a State or an instrument made under a law of a State, for the purposes of achieving **Cultural Water** outcomes by any other means (for example, by means of the setting of water flow or pressure targets or establishing zones within which water may not be taken from a water resource, in particular taking into account the mandatory requirements for Indigenous Peoples water use as stated in Part 2, division 1, section 22 of the Commonwealth Water Act 2007); and
- (b) cannot, to the extent to which it is preserved by that instrument for that purpose or those purposes, be taken or used for any other purpose.

(3) The water may be traded to, or preserved for, the purpose or purposes referred to in [paragraph](#) (1)(a) or (2)(a) either generally or only at specified times or in specified circumstances as may be determined by resolution of Northern Basin Aboriginal Nations Full member gathering.

(4) Without limiting [paragraph](#) (1)(b) or (2)(b), the requirements of [paragraph](#) (1)(b) or (2)(b) are taken to have been met even if the water is taken or used for another purpose in emergency circumstances in accordance with:

- (a) the instrument referred to in that [paragraph](#); or
- (b) the law under which the instrument is made; or
- (c) another law.

(5) The establishment of a Northern Basin Aboriginal Nations Cultural Water Trust fund (hereinafter referred to as; “the NBAN Cultural Water Trust Fund) is established by this section. In the event of water needs in accordance with paragraph 4, just terms compensation is to be paid into the “*NBAN Cultural Water Trust*”.

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This is a suggested amendment to this section so as to legislate for Controlling First Nations Cultural Water Flows under section 8.

WATER ACT 2007 - SECT 8 River flow control works

WATER ACT 2007 - SECT 8

River flow control works

(1) For the purposes of this Act, a *river flow control work including the **First Nations Cultural flows*** is a work that:

(a) regulates the flow or control of water in the watercourses of the Murray-Darling Basin, including:

- (i) a dam, barrage, bank, regulator, weir or lock; or
- (ii) a work connecting a river channel with an off-stream work that regulates the flow or control of water **including but not limited to First Nations Cultural Water flows**; or

