

Scoping Study on:

# WATER ISSUES IN REMOTE ABORIGINAL COMMUNITIES



**SACOSS**

*South Australian Council  
of Social Service*

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# Contents

Introduction .....	5
Background .....	5
Issues initially prioritised by SACOSS for further scoping.....	8
Cost of living in regional/remote Aboriginal communities (metro and bigger towns versus remote Aboriginal Communities) .....	8
How water is supplied to communities and who has responsibility for what - inconsistencies in rules and governance .....	11
Water debt and restriction .....	20
Water quality and health impacts, education and understanding about healthy water use.....	23
Water security, innovation, technology and sustainability .....	27
Additional Issues raised by stakeholders.....	28
Acknowledgment of water rights .....	28
International obligations.....	29
Coordinated financial / workforce and water management plan required .....	31
Infrastructure / water supply.....	34
Bulk water meters.....	35
Economic opportunity .....	35
Advocacy .....	37
Closing comment .....	38
Next Steps .....	39
SACOSS Research Project.....	39
CARF Consultation.....	39
Attachment 'A' – Community concerns.....	41
Dunjibar Community – Oodnadatta .....	41
Marree Arabanna Peoples Committee – Marree .....	41
Umoona Community – Coober Pedy .....	42
Attachment 'B' – Stakeholder interviews .....	44
John Chester, Chief Executive - Aboriginal Lands Trust.....	44
Klynton (Kandy) Wanganeen – Chief Executive, Narrungga Nation.....	46
Shona Reid, Executive Director - Reconciliation South Australia and Member of the Housing Trust Board .....	49
Dr Roger Thomas, SA Commissioner for Aboriginal Engagement.....	51
Nerida Saunders, Executive Director Aboriginal Affairs and Reconciliation .....	53

Ms Khatija Thomas – Director Aboriginal Engagement and Inclusion, Department for Planning, Transport and Infrastructure .....	54
Nahtanha Davey, Ex-Chief Executive - Aboriginal Health Council of South Australia and Paul Gordon, Wallmans Lawyers Adelaide .....	56
SA Water .....	57
Attachment 'C' - Water supply and management table.....	58

## Introduction

The South Australian Council of Social Service is the peak non-government representative body for health and community services in South Australia, and has a vision of *Justice, Opportunity and Shared Wealth for all South Australians*. SACOSS does not accept poverty, inequity or injustice. Our mission is to be a powerful and representative voice that leads and supports our community to take actions that achieve our vision, and to hold to account governments, business, and communities for actions that disadvantage vulnerable South Australians.

SACOSS' purpose is to influence public policy in a way that promotes fair and just access to the goods and services required to live a decent life. We undertake policy and advocacy work in areas that specifically affect disadvantaged and low-income consumers in South Australia. With a strong history of community advocacy, SACOSS and its members aim to improve the quality of life for people disadvantaged by the inequalities in our society.

SACOSS has a long-standing interest in the delivery of essential services. Our research shows that the cost of basic necessities like water and electricity impacts greatly and disproportionately on vulnerable and disadvantaged people.

SACOSS would like to thank the Essential Services Commission of South Australia (ESCOSA) for funding this scoping study into water issues in remote Aboriginal Communities, and would also like to thank David Rathman for the contribution of his depth of knowledge, insights and experience in preparing this study.

## Background

The Essential Services Commission of South Australia (ESCOSA) provided SACOSS with a small grant to undertake a scoping study identifying some of the current key water issues affecting residents of Aboriginal Communities in remote South Australia.

In the early stages of this study, SACOSS met with representatives from SA Water, the Aboriginal Lands Trust and the Department of Planning, Transport and Infrastructure (DPTI), as well as key leaders and members of the Aboriginal community in Adelaide. These initial meetings led to SACOSS prioritising the following five issues for additional scoping work:

1. Cost of living in regional/remote Aboriginal communities (metro and bigger towns versus remote Aboriginal Communities).
2. How water is supplied to communities and who has responsibility for what - inconsistencies in rules and governance.
3. Water debt and restrictions in remote communities.
4. Water quality and health impacts, education and understanding about healthy water use.
5. Water security, innovation, technology and sustainability.

SACOSS engaged the services of David Rathman AM PSM FIML from Rathman Consulting to undertake this additional scoping work. David has extensive experience in Aboriginal community development and Aboriginal education, and has worked as a consultant for the last 5 years in the area of Aboriginal affairs, cultural studies, communication, community development and management, and Aboriginal education. David has held significant executive roles including Chief Executive of the Department of State Aboriginal Affairs, and has contributed across a range of other government roles to further Aboriginal education and community welfare. David is a current Board member of the SA Museum, the Chair of the Aboriginal Advisory Committee, SA Museum, and is also the co-chair of SA Water's Reconciliation Action Plan (RAP) Committee.

David was tasked with meeting multiple stakeholders including Aboriginal leaders, senior government employees, non-government representatives and members of remote communities to discuss the five issues identified above, and to provide a written report back to SACOSS on stakeholders' views.

The purpose of this study was to provide SACOSS with additional information to identify, prioritise and guide SACOSS' future research projects and advocacy work in this important area. Whilst the scope of this study does not extend to presenting potential solutions to these complex issues, suggestions for actions have been made by some of the stakeholders interviewed.

In examining the issues around the supply of water to Aboriginal people, David Rathman visited areas in the Far North and had discussions with leaders and members of the following communities (see **Attachment 'A'**):

- Umoona Community – Coober Pedy (December 2019)
- Dunjibar Community - Oodnadatta (December 2019)
- Marree Arabanna Peoples Committee – Marree (December 2019)

The study also includes David's notes from conversations with the following Aboriginal leaders and Government and industry representatives<sup>1</sup> (see **Attachment 'B'**):

- John Chester, Chief Executive, Aboriginal Lands Trust
- Klynton (Kandy) Wanganeen, Chief Executive, Narrungga Nation
- Ms Khatija Thomas, Director Aboriginal Engagement and Inclusion, Department for Planning, Transport and Infrastructure (DPTI)

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<sup>1</sup> Additional Aboriginal community leaders and NGO CEOs were provided with an initial summary of the responses in this scoping study and were asked to contribute over the last few months, but due to pressures on remote communities dealing with COVID-19, no additional input was received. SACOSS welcomes follow-up engagement on issues raised in this report.

- Nahtanha Davey, Ex-Chief Executive, Aboriginal Health Council of South Australia and Paul Gordon Wallmans Lawyers Adelaide
- Shona Reid, Executive Director, Reconciliation South Australia
- Dr. Roger Thomas, SA Commissioner for Aboriginal Engagement
- Nerida Saunders, Executive Director, Aboriginal Affairs and Reconciliation
- Representatives from SA Water.

All stakeholders interviewed identified water as a high priority. It was also one of the top five priority topics identified during DPTI's Community Municipal Services consultation around South Australia. Advocates and researchers have called for a single management team to oversee and coordinate water supply and maintenance for Aboriginal community groups across the state. This proposal has been recommended by a number of previous reports,<sup>2</sup> but to our knowledge no coordinated, holistic approach to the issue of water access, supply and infrastructure in remote communities across South Australia has been implemented.

This study attempts to shine a light on some of the water infrastructure, access and supply issues facing remote Aboriginal communities. Given the complex nature of the issues being discussed, it was not possible to contain the feedback from stakeholders interviewed to the five issues prioritised by SACOSS (outlined above). The study therefore sets out stakeholders' views on each of the five issues identified by SACOSS, and then goes on to summarise and explore additional issues raised. Both David and SACOSS have pointed to supporting research where relevant.

SACOSS would like to thank all the participants in this study, including SA Water for its cooperation and willingness to share information. For ease of reference, the participants interviewed are collectively referred to as 'stakeholders' throughout this study. SACOSS recognises there are many other stakeholders with knowledge and perspectives on water issues in remote communities who were not interviewed, and we acknowledge the views reflected in this study are not representative of the views of all stakeholders.

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<sup>2</sup> See for example: Willis, Eileen, Meryl Pearce, Bradley Jorgensen, and John Martin. 2015. "Water Supply and Governance Options for Outback Towns in South Australia." Commissioned Report. Adelaide: Goyder Institute. [http://www.goyderinstitute.org/r185/media/system/attrib/file/176/15\\_7\\_Outback%20townsMay%20web.pdf](http://www.goyderinstitute.org/r185/media/system/attrib/file/176/15_7_Outback%20townsMay%20web.pdf).

## Issues initially prioritised by SACOSS for further scoping

### Cost of living in regional/remote Aboriginal communities (metro and bigger towns versus remote Aboriginal Communities)

The increased costs of living remotely were repeatedly raised by stakeholders as an issue contributing to debt in communities and leading to poor health outcomes. Stakeholders were concerned that at present there is no consolidated group of indicators identifying and mapping Aboriginal community disadvantage. It was suggested that an index of Aboriginal disadvantage needs to be established, which examines the cost of living and homelessness. The index could include the cost of essential services including water, energy, telecommunications, transport for people and goods (particularly fresh food).

Relevantly, an inquiry into food prices and food security in Remote Communities was recently launched by the Federal Government's Indigenous Affairs Committee.<sup>3</sup> The Inquiry will pay particular attention to the availability and pricing of fresh and healthy foods in remote community stores. The Committee is currently calling for submissions / input from remote communities and will publish its final report by 30 October 2020.

In relation to the cost impacts and affordability of water, David noted the experience of Aboriginal households differs depending on their location. Aboriginal people who live in major cities or regional towns are required to pay for water if they own their property. Many Aboriginal people live in public housing and are not required to pay for water. The Lands Trust Communities have entered into lease agreements with SA Housing to manage the housing stock on the community, which in most circumstances releases the tenant from paying for water, and some Aboriginal communities have water costs subsidised by the South Australian Government pursuant to a Community Service Obligation (CSO).

To provide an example of the disparity between remote water costs compared to urban water costs, performance data published by ESCOSA<sup>4</sup> shows the average annual drinking water bill (not included sewerage) for water customers supplied by Ceduna District Council<sup>5</sup>

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<sup>3</sup> The Inquiry was referred to the Committee by the Minister for Indigenous Australians, the Hon Ken Wyatt MP on 21 May 2020, and will be reporting by 30 October 2020. See:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Indigenous\\_Affairs/Foodpricing](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Indigenous_Affairs/Foodpricing)

<sup>4</sup> ESCOSA, Regulatory Performance Reports, Minor and Intermediate Retailer 2017-18. See:

<https://www.escosa.sa.gov.au/industry/water/regulatory-reporting/regulatory-performance-reports>

<sup>5</sup> It is worth noting, the District Council of Ceduna has been in ongoing negotiations with SA Water for vesting of the Koonibba Water West Scheme in SA Water, See Annual Report 2018/19 p.13. See:

[https://www.ceduna.sa.gov.au/\\_data/assets/pdf\\_file/0028/345718/District-Council-of-Ceduna-Annual-Report-2018-2019-Adopted-20-nov-19.pdf](https://www.ceduna.sa.gov.au/_data/assets/pdf_file/0028/345718/District-Council-of-Ceduna-Annual-Report-2018-2019-Adopted-20-nov-19.pdf)

was around \$1,263, or \$400 more than the average household water bill for SA Water customers in 2017-18.<sup>6</sup>

During David's visit to Dunjibar Community, community members said the rainwater tanks were empty and no contingency plan was in place to resupply the people. Water from the reverse osmosis plant in the town (installed for tourists by the Outback Communities Authority) cost \$4 for twenty litres, and the local store had 10 Litre boxed water for \$8.

Therefore, the impact of water bills on an Aboriginal household's costs of living will depend on the supply and billing arrangements that are in place for the particular location of the household. This results in inequities between remote communities. A table prepared by the Aboriginal Lands Trust together with SA Water usefully attempts to identify the water billing arrangements for all remote Aboriginal communities in the state. The Table is attached to this study as **Attachment 'C'**.

While some (but not all) Aboriginal households in remote communities do not pay for water, or have water costs subsidised by the South Australian Government (see **Attachment 'C'**), some stakeholders pointed to increased pressure for cost recovery. 'User pays' issues have many of the stakeholders concerned about the decline in local resources for people to self-manage issues in these small communities. Stakeholders made the following points:

- Since the Aboriginal and Torres Strait Islander Commission (ATSIC) was dismantled, there has been a decline in targeted Aboriginal funding, and Aboriginal Land Holding bodies are significantly under-resourced.
- How will we water-proof a community and who pays for infrastructure and water supply? There are also plans to introduce user pay arrangements for power in some areas in the remote communities.
- Any move toward a 'user pays' system must be carefully planned to include education and a well-designed transition towards making a contribution to the supply of an essential service such as power and water. At a minimum, 12 months education and 12 months roll out indexed towards a transition to payment is needed.
- Any plan will only recover a portion of the cost of the supply.
- Where 'user pays' is introduced, consumer protections need to be accessible and enforced for water consumers in remote communities.

Stakeholders also pointed to growing unemployment and the challenges for the younger population. 'Normalisation' of the experiences of Aboriginal people is considered important

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<sup>6</sup> Average annual water bill for SA Water customers was around \$835 in 2017-18 (up from \$236 in 2001-02 an increase of 232 per cent). <https://www.escosa.sa.gov.au/ArticleDocuments/547/20190122-Water-SAWaterRegulatoryPerformanceReport-FactSheet.pdf.aspx?Embed=Y>

for services and Government, but is viewed by Aboriginal people as an erosion of the right to be partner in the future of country and well-being of the people.

### **Data on location, housing and disadvantage of Aboriginal people in South Australia**

David referenced the following data to illustrate some of the issues around housing, demographics and Aboriginal disadvantage which feed into cost of living considerations for Aboriginal households in South Australia.

The Australian Bureau of Statistics 2016 Census of Population and Housing<sup>7</sup> found that:

- In 2016, the majority (71.1%) of South Australia's Aboriginal and Torres Strait Islander population lived in the Adelaide Indigenous Region.
- Almost one in 10 (9.4%) people identified as being of Aboriginal and/or Torres Strait Islander origin in the region of Port Augusta, while the corresponding proportion was 6.2% in the Port Lincoln - Ceduna region.
- Aboriginal and Torres Strait Islander people were less likely than non-Indigenous people to report an equivalised weekly household income of \$1,000 or more in 2016 (16.1% compared with 34.9%).
- Aboriginal and Torres Strait Islander people aged 25 to 64 years were more likely than non-Indigenous people of the same age to have left school at Year 9 or below (16.7% compared with 6.4%). This is an improvement from 2011 for both groups (from 22.9% and 8.0% respectively).

The Australian Housing and Urban Research Institute's (AHURI) July 2019 Audit<sup>8</sup> of South Australia's current housing assets, found that:

- Home ownership rates for Aboriginal households are only slightly more than half that of the state average (35% compared to 65%).
- Outright home ownership is significantly lower at one third of the state average (10% compared to 30%).
- In 2016, Aboriginal households were more than twice as likely to be renters (60% compared to less than 30%) and more than four times as likely to be in social housing (26.5% compared to 6%).
- The proportion of renters in social housing was down from 35% in 2011 to 26.5% in 2016.
- The proportion of renters in private rental was up from 21% in 2011 to 30% in 2016, with the raw number in private rental more than doubling to 4,482 in 2016.

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<sup>7</sup> ABS Census of Population and Housing: Reflecting Australia - ABORIGINAL AND TORRES STRAIT ISLANDER POPULATION – SOUTH AUSTRALIA 2016 CENSUS DATA SUMMARY. See: <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20Population%20-%20South%20Australia~10004>

<sup>8</sup> The Australian Housing and Urban Research Institute's (AHURI) July 2019 Audit of South Australia's current housing assets [https://www.ahuri.edu.au/\\_data/assets/pdf\\_file/0027/44568/Audit-of-South-Australia-current-housing-assets-and-mapping-of-future-demand\\_pfr.pdf](https://www.ahuri.edu.au/_data/assets/pdf_file/0027/44568/Audit-of-South-Australia-current-housing-assets-and-mapping-of-future-demand_pfr.pdf) p.25

- The proportion living in public housing dropped from 29 per cent in 2011 to 23 per cent in 2016, but the raw number increased from 2,872 to 3,425;
- Both the proportion and raw number dropped in community housing although this may have been impacted by changes to remote housing programs between 2011 and 2016.
- The raw number of home owners increased by almost half to 5,243, even though the proportion remained stable.

Given these statistics, the AHURI found there may be value *'in considering the extent to which these households are affected by higher rental costs relative to income (that are increasing faster than mortgage costs relative to income) and the contraction of social housing.'*<sup>9</sup>

Noting Aboriginal households are four times more likely to be exposed to the social housing market as others, the Triennial Review of the South Australian Housing Trust (SAHT),<sup>10</sup> identified that there is an increasing proportion of tenants reliant on Commonwealth supports.<sup>11</sup>

The cost of living pressures for people in remote Aboriginal Communities comprise complex issues crossing over many policy areas. SACOSS considers it may be worthwhile obtaining case studies of individual Aboriginal households in remote communities to better understand the cost of living pressures and experiences of those households (this could link into a study SACOSS is looking to undertake on the experience of debt and water restriction in some communities).

### **How water is supplied to communities and who has responsibility for what - inconsistencies in rules and governance**

In examining previous reports and speaking with Aboriginal people, David has observed there is no unifying strategy to ensure sufficient water infrastructure and equitable access to safe and affordable water for *all* Aboriginal communities and homelands across the State of South Australia.<sup>12</sup>

At a high level, David has identified four areas with different approaches and a mixed range of support services.

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<sup>9</sup> Ibid, p.25

<sup>10</sup> PWC, Triennial Review 2013/14 to 2016/17 South Australian Housing Trust laid on the table of Parliament July 2018 <https://chcsa.org.au/wp-content/uploads/2018/07/2018-07-05-Triennial-Review-SA-Housing-Trust.pdf> p.iv

<sup>11</sup> With new tenant allocations increasingly reliant on Commonwealth supports and ageing current tenants whose primary income source is wages, who could also soon be reliant on Commonwealth supports.

<sup>12</sup> SACOSS understands that a broader policy framework for emergency water supplies is currently being examined as part of a cross-governmental 'Remote Communities Potable Water Supply Taskforce' led by the Department of the Premier and Cabinet. SACOSS was not involved in this task force and is unaware of the membership, terms of reference, potential mapping work and decisions made.

1. APY Lands has a dedicated team from SA Water to support the supply of drinking water and maintain infrastructure (pursuant to a Community Service Obligation).
2. Aboriginal Lands Trust communities and homelands are supported by mainstream services provided by SA Water or through Local Government. Some communities don't pay for water and others are severely impacted by being bulk billed for water.
3. Maralinga has a dedicated team from SA Water to support supply and maintain infrastructure.
4. Unattached communities such as independent Homelands, Oodnadatta and Marree receive a mix of support. Marree and Oodnadatta Aboriginal people are part of a wider community and rely on the Outback Communities Authority. Independent homelands are linked to SA Water supply, Local Government supply, or in one prominent community developed a self-sufficient supply structure.

Stakeholders raised the following concerns about supply<sup>13</sup> and governance of water in remote communities:

- The Aboriginal Lands Trust (ALT) expressed concern about the manner in which water is supplied to Aboriginal communities. The ALT has community groups who receive water from the District Council of Ceduna<sup>14</sup> (Ceduna Koonibba Water West Scheme<sup>15</sup>), District Council of Coober Pedy, Outback Communities Authority<sup>16</sup> and SA Water.
- Holistic scoping is needed on *how* water is supplied to all regions/communities i.e. bore water, potable, tanks etc. and who has responsibility / ownership of that infrastructure, both outside and inside the gate.
- A review of leasing templates is needed in relation to the management and payment of water where parcels of land may sit under one tenure but leases are renewed to ensure that those 'other' services can meet their obligations i.e. a community might

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<sup>13</sup> The Department for Environment and Water must prepare and maintain a State Water Demand and Supply Statement (see section 6 of the *Water Industry Act 2012*), in 2013, the Department prepared statements for the [Alinytjara Wilurara](https://www.environment.sa.gov.au/topics/water/planning/regional-demand-and-supply-statements) and the [South Australian Arid Lands](https://www.environment.sa.gov.au/topics/water/planning/regional-demand-and-supply-statements) see: <https://www.environment.sa.gov.au/topics/water/planning/regional-demand-and-supply-statements>

<sup>14</sup> Notably, the District Council of Ceduna is currently examining a policy framework for emergency water supplies as part of its Draft Annual Business Plan 2020-21. See: [https://www.ceduna.sa.gov.au/\\_data/assets/pdf\\_file/0025/643732/2020-21-Draft-Annual-Business-Plan-for-consultation.pdf](https://www.ceduna.sa.gov.au/_data/assets/pdf_file/0025/643732/2020-21-Draft-Annual-Business-Plan-for-consultation.pdf)

<sup>15</sup> District Council of Ceduna maintains two separate reticulated drinking water systems: **Ceduna Koonibba Water West Scheme ("Water West")** Water West is a reticulated drinking water system, providing customers west of Ceduna with a readily accessible source of drinking water. Finishing 10 kilometres east of Penong, Water West services the township of Denial Bay, Koonibba Community and is available to properties adjacent to the main line. See: <https://www.ceduna.sa.gov.au/services-and-facilities/waterservices/drinkingwaterservices>

<sup>16</sup> On the 27 August 2013 [ESCOSA](https://www.escosa.com.au/) granted the Outback Communities Authority a water retail licence for the sale and supply of water services at Copley, this was surrendered to SA Water on 1 July 2018.

have a range of services operating on the one lease – child care, health service etc. who quite often don't absorb the water cost.

- The Umoona Community is unclear about who is responsible for the infrastructure, and once the water crosses the boundary of the community, what agency is responsible for the management of water supply in the community.
- The debt in community is a major concern and stakeholders indicated this is often a result of poor governance or lack of resources to address issues on the ground.
- Communities in South Australia have not been treated as equal community groups since the Regional Council structure was dismantled.
- No one is picking up community development which has been dropped since the closing down of ATSIC Regional Councils.

Stakeholders indicated there was a need to develop a guiding matrix of internal/external water management, supply and infrastructure responsibilities across all Aboriginal communities in South Australia, identifying who has responsibility for what, both inside and outside the gate. For example:

- Does the responsibility for water supply in Aboriginal communities sit with Housing SA where the 40-year leasing arrangements are in place?
- Who has responsibility for water meters, use of smart meters, bulk water meters (was this included in the 40-year leases to Housing SA?)
- Who is responsible for managing the allocation of water bills, are there best practice approaches to this issue?

At a State Government level, stakeholders said there should be a prioritisation of need based on a thorough assessment of current water supply arrangements for remote communities across the state. It is unclear whether the State Government has mapped the responsibilities, water needs and infrastructure across all Aboriginal communities in the state, but some stakeholders did indicate this may have been done previously.<sup>17</sup> If this is the case, it would be useful for that information to be updated and made publicly available to inform advocacy and policy development for Aboriginal advocates. Whilst not completely comprehensive, the table prepared by the Aboriginal Lands Trust and SA Water at **Attachment 'C'** provides a useful outline of the current position of water supply to Aboriginal communities.

To provide further insight into supply and governance of water in remote communities in South Australia, staff at SA Water have helpfully provided information relating to the operation of its Remote Communities team which services 22 remote Aboriginal

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<sup>17</sup> SACOSS understands the recently established cross-governmental 'Remote Communities Potable Water Supply Taskforce' led by the Department of the Premier and Cabinet may have mapped some of the responsibilities for water in remote communities.

communities across the state on behalf of the South Australian Government pursuant to a Community Service Obligation.

By way of background, SA Water is required to provide a number of non-commercial services to the general community on behalf of the South Australian Government pursuant to Community Service Obligations (CSOs). The South Australian Government then provides SA Water with CSO funding as compensation for these non-commercial activities. The main CSOs are to compensate SA Water for (our emphasis):<sup>18</sup>

- the **under-recovery of costs** associated with **country water and sewer services (due to the requirement for state-wide pricing)**
- the provision of water and sewer exemptions and concessions to certain properties such as charities and public schools
- other payments such as the administration of the Pensioner Concession Scheme, Government Radio Network Services and emergency management services and **maintaining water and sewerage services in remote communities.**

#### **SA Water's CSO to maintain water and sewerage services in remote communities**

SA Water's Remote Communities team manages scheduled services, water quality monitoring and testing, emergency responses to related incidents and new consumer connections, in 22 remote Aboriginal communities pursuant to a State Government CSO. These communities are located on the Anangu Pitjantjatjara Yankunytjatjara (APY), Maralinga Tjarutja (MT) and Aboriginal Lands Trust (ALT) Lands, and include:<sup>19</sup>

- Amata
- Davenport (Fed from Morgan Whyalla Water Treatment Plant System)
- Gerard
- Indulkana
- Kalka
- Kaltjiti
- Kanpi
- Koonibba
- Mimili
- Murputja
- Nepabunna
- Nyapari
- Oak Valley
- Pipalyatjara
- Point Pearce (Fed from Morgan Swan Reach Water Treatment Plant System)

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<sup>18</sup> South Australian Government, South Australian Water Corporation, Audit 2016-17, p.435  
<https://www.audit.sa.gov.au/LinkClick.aspx?fileticket=9u-5C3KYz5g%3D&tabid=503&portalid=0>

<sup>19</sup> See SA Water website: <https://www.sawater.com.au/community-and-environment/our-water-and-sewerage-systems/our-networks/regional-south-australia-water-supply/remote-communities>

- Pukatja
- Raukkan (Fed from Tailem Bend Water Treatment Plant System)
- Umoona
- Umuwa
- Watinuma
- Yalata
- Yunyarinyi

SA Water must provide those services up to the following **operating cost** in each financial year for the 2020-24 period (in nominal terms):<sup>20</sup>

2020-21	2021-22	2022-23	2023-24
\$10 899 000	\$10 809 000	\$10 435 000	\$10 618 000

The State Government will make the following contributions to SA Water in relation to those operating costs:

2020-21	2021-22	2022-23	2023-24
\$8 383 000	\$8 594 000	\$8 809 000	\$9 029 000

SA Water will therefore contribute \$42,761,000 in operating expenditure to service these 22 communities for the 2020-24 period, and will receive a contribution from the State Government in the amount of \$34,815,000, amounting to a \$7.9m contribution by SA Water during 2020-24. It is unclear whether there is any State or Federal Government need-based funding allocated for capital expenditure works to improve or upgrade water infrastructure in remote Aboriginal communities<sup>21</sup> across the State. SA Water have noted the Federal Government had engaged it to manage a number of capital works improvement projects, stating many of those projects have already been successfully completed.<sup>22</sup>

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<sup>20</sup>In SA Water's recent Regulatory Determination for 2020-24 ESCOSA set out the directions from the Minister for Environment and Water relating to operating expenditure requirements for SA Water to provide services to these communities, in accordance with the CSO, See:

<https://www.escosa.sa.gov.au/ArticleDocuments/21489/20200611-Water-SAWRD20-FinalDetermination-StatementOfReasons.pdf.aspx?Embed=Y>

<sup>21</sup> Taking into account Aboriginal communities serviced by SA Water **and** communities not serviced by SA Water.

<sup>22</sup> See SA Water website: <https://www.sawater.com.au/community-and-environment/our-water-and-sewerage-systems/our-networks/regional-south-australia-water-supply/remote-communities>

### **SA Water’s CSO for under-recovery of regional water costs**

SA Water receives funding from the State Government for the under-recovery of costs for country water and sewer services pursuant to a CSO (due to the requirement for state-wide pricing). SA Water supply approximately 207,000 regional drinking water customers.<sup>23</sup>

SA Water have indicated this funding ensures all water consumption and supply charges (for water and wastewater services) are 100% subsidised for Aboriginal residents in the communities managed by the Remote Communities team (see list of 22 communities, above).<sup>24</sup> However, the Table at **Attachment ‘C’** indicates that whilst Umoona is serviced by SA Water under the Remote Communities team, Coober Pedy District Council (as the water provider) bills the Umoona Community. Similarly, Koonibba comes within SA Water’s Remote Communities Group, but the District Council of Ceduna<sup>25</sup> bills the Community.<sup>26</sup> It is unclear whether the information in the Table is out of date, or whether different arrangements are in place for different communities in the Remote Communities scheme. It would be useful to have a comprehensive account from the State Government of which Aboriginal communities are subsidised under the CSO, and which are not.

A Ministerial Direction issued to SA Water by the Minister for Environment and Water on 28 May 2020<sup>27</sup> provides more detail about the amount of the financial contribution by the State Government to the regional subsidies for 2020-24 under the CSO relating to state-wide pricing (see Direction E, below). However, it does not provide any clarity around what percentage of that contribution relates to water subsidies for Aboriginal communities, or which Aboriginal communities are subsidised and which are excluded:

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<sup>23</sup> This excludes the number of SA Water customers provided with non-drinking (non-potable) water supply identified for upgrade to potable in the Ministerial Direction of May 2020.

<sup>24</sup> SA Water indicated that at the time responsibility for these communities was transferred to SA Water, it was agreed that any State or Federal Government agencies with facilities in these locations should not be subsidised and instead pay for water consumption and associated supply charges.

<sup>25</sup> See: District Council of Ceduna Water Licence p.9  
<https://www.escosa.sa.gov.au/ArticleDocuments/960/20151014-Water-RetailLicence-CedunaCouncil.pdf.aspx?Embed=Y>

<sup>26</sup> Ceduna Aboriginal Corporation (CAC) has oversight of municipal services for homeland communities including Betts Corner, Yarilena, Dinahline, Warevilla, Munda Munda Watu Tjina, Konngawa Dundey Bullinda, Munda & Wanna Mar, and Akenta,<sup>26</sup> but it is unclear whether the District Council of Ceduna is responsible for water supply to all of these communities. See: <https://cac.asn.au/about/>

<sup>27</sup> On 28 May 2020, two weeks prior to the publication of ESCOSA’s Final Determination on SA Water’s revenue allowance for 2020-24, the Minister for Environment and Water issued SA Water with a direction made pursuant to section 6 of the *Public Corporations Act 1993*. See: <https://www.escosa.sa.gov.au/ArticleDocuments/21489/20200611-Water-DirectionsUnderSection6PublicCorporationsAct1993-GazetteNotice.pdf.aspx?Embed=Y>

The South Australian Government will make the following contributions to SA Water in each financial year of the third regulatory period in order to support the lowest levels of state-wide standard terms and conditions relating to price as possible:

(i) In relation to SA Water’s drinking retail services:

2020-21	2021-22	2022-23	2023-24
\$67 416 173	\$67 416 173	\$67 416 173	\$67 416 173

(ii) In relation to SA Water’s sewerage retail services:

2020-21	2021-22	2022-23	2023-24
\$40 162 827	\$40 162 827	\$40 162 827	\$40 162 827

### SA Water’s regional customer upgrade from non-potable to potable water

As part of its Regulatory Business Proposal for 2020-24, SA Water sought approval from ESCOSA to invest capital expenditure in a project to upgrade the water supply to potable water for some of SA Water’s regional customers who currently receive a non-potable water supply.

SA Water identified 19 non-drinking water systems that currently serve the properties of 650 SA Water customers in regional communities, providing water for irrigation, stock, washing clothes, bathing and flushing toilets. SA Water indicated these customers currently rely on other sources for drinking water (such as rainwater or groundwater).

SA Water’s plan to upgrade these systems to potable water was outlined at a high level in its Regulatory Business Proposal, with little specific detail provided. However, SA Water did indicate that:

*‘In determining the best solution and approach, we will work together with each affected community to understand what they want, and how this can be sustainably and cost effectively achieved. For example, installing a pipeline, treatment plant, point of use treatment or carting water.’<sup>28</sup>*

The Report of the Independent Chair of the Customer Negotiation Committee for the SA Water Regulatory Determination 2020-24 noted that the cost of the proposed project:

*‘... has not been refined but should the project proceed to completion in some future regulatory period the business case suggests it might cost in the order of \$100 million (\$150 000 per property) to implement and \$5 million per annum (\$8 000 per property per annum) thereafter to maintain. In very rough terms these costs have a net present value in the order of \$200 million.’<sup>29</sup>*

In order to reduce the impact of the project on SA Water customers’ bills, SA Water proposed a staged project over several regulatory periods with 340 services addressed in 2020-24 requiring an investment of \$37.7 million for infrastructure and an additional \$1.2

<sup>28</sup> SA Water RBP ‘Our Plan 2020-24’, p. 31

[https://www.sawater.com.au/data/assets/pdf\\_file/0018/421056/SA-Water-Our-Plan-2020-24.pdf](https://www.sawater.com.au/data/assets/pdf_file/0018/421056/SA-Water-Our-Plan-2020-24.pdf)

<sup>29</sup> Customer Negotiation Committee: Report of the Independent Chair– SA Water Regulatory Determination 2020, p. 65 see link: <https://www.escosa.sa.gov.au/ArticleDocuments/11296/20191112-Water-SAWRD20-CustomerNegotiationCommittee-IndependentChairReport.pdf.aspx?Embed=Y>

million per year in operating costs. SA Water indicated the priorities amongst the properties of these SA Water customers included the townships of Oodnadatta, Terowie, Maree and Marla.

The Independent Chair of the Customer Negotiation Committee for the SA Water Regulatory Determination, Mr John Hill, did not support the proposed project stating:

*'... the proposal raises important strategic questions for the supply of water to people living in remote areas which extend beyond those few customers presently served by SA Water. Those questions need to be discussed first with the Government and important policy questions resolved before SA Water proceeds unilaterally to improve the quality of service to a small number of people at great cost.'*

SACOSS agreed with the Independent Chair and supported a holistic government-driven 'needs-based' approach to equitably solving the issue of water supply across *all* remote Aboriginal communities in the state.<sup>30</sup> The proposal was also not supported by ESCOSA in its Draft Determination. The Draft Determination rejected the expenditure because it 'proposes a partial solution that provides limited incremental benefits to a small number of customers at a very high cost per directly-benefitting customer'.<sup>31</sup>

However, the proposal was strongly supported by Aboriginal leaders and members of some of the remote Aboriginal communities potentially affected by the proposal, including David Rathman, the Aboriginal Lands Trust, Dunjiba Community Council and the Outback Communities Authority,<sup>32</sup> with David stating<sup>33</sup>:

*'In response to strong representation from Aboriginal people, community and the leaders in the Aboriginal affairs area SA water has responded and proposed a way forward. The plan includes community areas that need attention to overcome poor quality water, sustainable supply, debt mitigation, improved coordination of maintenance, support for the community to address internal infrastructure maintenance and improving relationships with suppliers of water....'*

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<sup>30</sup> SACOSS, Submission to ESCOSA on SA Water's Regulatory Business Proposal, 19 December 2019, p. 13 see: <https://www.escosa.sa.gov.au/ArticleDocuments/21453/20200116-Water-SAWRD20-SAWaterBusinessProposal2020-Submission-SACOSS.pdf.aspx?Embed=Y> and SACOSS, Submission to ESCOSA on SA Water's Draft Determination, 15 April 2020, p.9. See: <https://www.escosa.sa.gov.au/ArticleDocuments/21479/20200430-Water-SAWRD20-DraftDecisionSubmission-SACOSS.pdf.aspx?Embed=Y>

<sup>31</sup> Essential Services Commission of South Australia, *SA Water Regulatory Determination 2020, Draft Determination: Statement of Reasons*, 4 March 2020, p. 130. See: <https://www.escosa.sa.gov.au/ArticleDocuments/21462/20200304-Water-SAWRD20-DraftDecision-StatementOfReasons.pdf.aspx?Embed=Y>

<sup>32</sup> See copies of all submission on the ESCOSA website: <https://www.escosa.sa.gov.au/projects-and-publications/projects/water/sa-water-regulatory-determination-2020>

<sup>33</sup> See: <https://www.escosa.sa.gov.au/ArticleDocuments/21479/20200430-Water-SAWRD20-DraftDecisionSubmission-DavidRathman.pdf.aspx?Embed=Y>

*The Aboriginal community is disappointed such a short term view was taken about an unresolved issue that extends over many decades and as a result we are back to square one and left with no alternative but to continue work with SA Water to look for opportunities to limit our communities suffering and if possible with limited resources drive improvements in these supplies.'*

On 28 May 2020, the Minister for Environment and Water, directed SA Water<sup>34</sup> to fund the non-potable water upgrade project, stating:

***'During the third regulatory period (2020-24), SA Water must upgrade the water supply to potable water for SA Water customers in the regional areas of Yunta, Oodnadatta, Maree, Terowie, Marla, Manna Hill (and the associated filling station at Peterborough)'.<sup>35</sup>***

The cost of this project was detailed in the Minister's Direction, as follows:

SA Water will fund capital expenditure of up to \$40.5 million over the third regulatory period together with associated operating costs not exceeding \$5.3 million (as per the tables below):

(i) In relation to SA Water's capital expenditure:

2020-21	2021-22	2022-23	2023-24
\$9 743 000	\$9 986 000	\$10 236 000	\$10 492 000

(ii) In relation to SA Water's operating expenditure:

2020-21	2021-22	2022-23	2023-24
\$538 000	\$1 006 000	\$1 694 000	\$1 993 000

The Treasurer<sup>36</sup> has directed ESCOSA to include the cost of the project in SA Water's allowed revenue for 2020-24,<sup>37</sup> which ESCOSA has done.<sup>38</sup> SACOSS understands there is still limited

<sup>34</sup>See: <https://www.escosa.sa.gov.au/ArticleDocuments/21489/20200611-Water-DirectionsUnderSection6PublicCorporationsAct1993-GazetteNotice.pdf.aspx?Embed=Y>.

<sup>35</sup>Direction to the South Australian Water Corporation Pursuant to Section 6 of the Public Corporations Act 1993, Minister for Environment and Water, paragraph K. See: <https://www.escosa.sa.gov.au/ArticleDocuments/21489/20200611-Water-DirectionsUnderSection6PublicCorporationsAct1993-GazetteNotice.pdf.aspx?Embed=Y>

<sup>36</sup>It is worth noting that in May 2020, around the same time as the Ministerial Direction was issued, the Treasurer issued a further Pricing Order under the *Water Industry Act 2012* requiring that the revenue in the Final Determination be fixed for the 2020-24 period *subject to* (amongst other things) 'a new or further direction issued by the Minister for Environment and Water, under section 6 of the *Public Corporations Act 1993*' See: [https://www.treasury.sa.gov.au/\\_data/assets/pdf\\_file/0003/215139/Second-Pricing-Order-for-the-Regulatory-Period-1-July-2020-to-30-June-2024.pdf](https://www.treasury.sa.gov.au/_data/assets/pdf_file/0003/215139/Second-Pricing-Order-for-the-Regulatory-Period-1-July-2020-to-30-June-2024.pdf)

<sup>37</sup>Clause 5.8.2 of the October 2018 Pricing Order issued by the Treasurer under the *Water Industry Act 2012* requires the costs of Ministerial Directions be included within the revenue controls under the Final Determination. See: [https://www.treasury.sa.gov.au/\\_data/assets/pdf\\_file/0011/41123/Pricing-Order-for-the-Regulatory-Period-1-July-2020-to-30-June-2024.pdf](https://www.treasury.sa.gov.au/_data/assets/pdf_file/0011/41123/Pricing-Order-for-the-Regulatory-Period-1-July-2020-to-30-June-2024.pdf)

<sup>38</sup> ESCOSA, SA Water Regulatory Determination 2020 - Final Determination: Statement of Reasons, June 2020, p.21 and p.133

detail on the planned project, which has been pitched at a high level, although the township of Oodnadatta has been flagged as a priority.

### **Minor and Intermediate water retailers**

Outside of SA Water, some Aboriginal communities are supplied with water by Minor and Intermediate Retailers. Across the state, Minor and Intermediate water retailers<sup>39</sup> collectively provide drinking water services to approximately 4,000 customers and sewerage or community wastewater services to approximately 94,000 customers. Many of these water providers are Local Government authorities, and some are private businesses. Minor and Intermediate retailers are licensed by ESCOSA<sup>40</sup> and must comply with a Regulatory Determination, consumer protection measures and reporting requirements set by ESCOSA. These water retailers are not as highly regulated as SA Water and arguably there is less visibility of the performance and operation of these services.<sup>41</sup>

It is unclear whether the costs of water supply for customers of Minor and Intermediate retailers in remote areas are subsidised by the State Government. It is also unclear whether these retailers are allocated funding for capital works programs to upgrade water supply systems. One Stakeholder supported Local Government being more involved, saying that ‘in many regions there seems to be limited involvement of Local Government in solutions for Aboriginal community matters. It seems to be State Government involvement primarily, but Local government are an important part of the picture’.

A comprehensive mapping exercise of the supply and governance of water across all Aboriginal communities and homelands in the state would assist with better understanding the roles and responsibilities of Minor and Intermediate water retailers in remote communities.

### **Water debt and restriction**

Stakeholders identified the need to reduce the burden of water debt in communities and to better understand ESCOSA’s role in ensuring Minor and Intermediate water retailers provide support for remote customers experiencing debt and facing water restriction. The ALT pointed to the example of the community of Yarilena, which according to members of the community had experienced restricted water flow for a period of 12 months due to water

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<sup>39</sup> A minor retailer means a retailer which provides retail services to up to and including 500 connections. An intermediate retailer means a retailer which provides retail services to more than 500 but up to and including 50,000 connections.

<sup>40</sup> See Licences issued by ESCOSA for Minor and Intermediate Retailers  
<https://www.escosa.sa.gov.au/industry/water/licensing/licence-register>

<sup>41</sup> Noting the most recent Performance Report from 2017-18 published by ESCOSA  
<https://www.escosa.sa.gov.au/ArticleDocuments/547/20190522-Water-MIR-RegulatoryPerformanceReport-2017-18.pdf.aspx?Embed=Y>

debt, apparently without being offered support from the water retailer (the District Council of Ceduna).<sup>42</sup>

The ALT indicated the lack of a specific body, organisation or support service to address hardship and financial stress in Aboriginal communities has forced the ALT to pay for massive water bills, which is way outside its legislative brief. Stakeholders said the cost of water is often borne by the incorporated body as the water supplier bulk meters the community.

Bulk metering also has an impact on debt accumulation. Stakeholders stated that debt is a major hurdle for some small communities as they are often supplied by the water authority without proper accounting of water usage by individual consumers.

Umoona community members said that whilst the Umoona community has access to potable water, the most concerning issue is the billing of water supplied to the community. Debt in Umoona has risen overtime with the community now having a bill of \$60,000. Most people in the Umoona Community are on limited fixed incomes, and can't absorb bill shocks. It was estimated that 90% of Aboriginal people in the Umoona community are dependent on pensions, carer payments and Newstart (now Jobseeker). David was advised that the Umoona community has access to one financial counsellor.

According to many of the stakeholders, debt in remote communities is a major concern, and is often the result of poor governance or lack of resource to address issues on the ground. Coober Pedy is one of the poorest towns in South Australia and some stakeholders said the cost of utilities is expected to rise 60% to 68% with the introduction of a 'user pays' system. It was suggested communities could look at exploring the possibility of writing off bad debt under section 143 of the *Local Government Act 1999*<sup>43</sup> (where applicable to local communities), and that a debt agreement model needs to be drawn up to move toward resolving debt with an approach to working together to make community debt-free.

Some stakeholders suggested the South Australian government needs to better ensure water and sewerage concessions are being applied to unsubsidised water bills in remote Aboriginal communities. Stakeholders said there was a need to develop an education package in remote communities around concessions schemes more broadly (including

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<sup>42</sup> The Ceduna Aboriginal Corporation (CAC) has oversight of municipal services for homeland communities including Betts Corner, Yarilena, Dinahline, Warevilla, Munda Munda Watu Tjina, Konngawa Dundey Bullinda, Munda & Wanna Mar, and Akenta, but this does not extend to water supply. It is unclear how all these homeland communities access drinking water and sanitation. See: <https://cac.asn.au/about/>

<sup>43</sup> *Local Government Act 1999*, South Australia. See: <https://www.legislation.sa.gov.au/LZ/C/A/LOCAL%20GOVERNMENT%20ACT%201999/CURRENT/1999.62.AUT.H.PDF>

energy concessions, rent payments), and the availability of financial counsellors and hardship supports.<sup>44</sup>

Stakeholders said it was essential that a more equitable system for all utility costs across all communities is considered by the State Government (water costs in un-subsidised communities puts significant pressure on people's limited, fixed income).

SA Water stated that the customer assist team at SA Water are closely monitoring the debt situation in the communities it supplies, and are working with community groups to enable payment plan arrangements. In one of the cases, the plan includes actions to pay the debt. Stakeholders indicated there needs to be a system to address debt before it gets beyond the means of the community members to pay the bill.

In SA Water's Draft Stretch Reconciliation Action Plan for July 2020 – June 2023<sup>45</sup> (SA Water's Draft RAP), SA Water commits to a number of actions aimed at 'building financial wealth and economic connectivity for Aboriginal people and businesses' (e.g. see Actions 9 to 17):

*'Supporting communities in new ways with safe, clean water and education and long-term opportunities which provide autonomy and sustainable opportunities for Aboriginal people and communities.'*

Relevant to the issue of debt and restriction, **Action 13 in the Draft RAP is to Support Aboriginal Communities in hardship through proactive and culturally appropriate engagement.**

It is unclear whether Minor and Intermediate retailers that supply water to some remote Aboriginal communities in South Australia have made similar commitments to supporting communities experiencing hardship through proactive and culturally appropriate engagement. Under the Water Retail Code<sup>46</sup> Minor and Intermediate Retailers must actively engage with and offer support to customers experiencing financial hardship, including through flexible payment arrangements and customer hardship policies.<sup>47</sup> In relation to debt recovery and water restriction:<sup>48</sup>

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<sup>44</sup> ConnectEd utilities literacy could be a valuable resource for community workers. See: <https://connected.org.au/>

<sup>45</sup> See link: <https://watertalks.sawater.com.au/draft-rap-consult>

<sup>46</sup> ESCOSA, Water Retail Code – Minor and Intermediate Retailers 2015, see: <https://www.escosa.sa.gov.au/projects-and-publications/projects/water/water-retail-code-minor-and-intermediate-retailers>

<sup>47</sup> See for example the Financial Hardship Water Services Policy of the District Council of Ceduna: [https://www.ceduna.sa.gov.au/\\_data/assets/pdf\\_file/0015/243204/4.10-Financial-Hardship-Water-Services.pdf](https://www.ceduna.sa.gov.au/_data/assets/pdf_file/0015/243204/4.10-Financial-Hardship-Water-Services.pdf)

<sup>48</sup> ESCOSA, Minor and Intermediate Retailer Regulatory Framework Information Sheet <https://www.escosa.sa.gov.au/ArticleDocuments/547/20190522-Water-MIR-RegulatoryFramework-InformationSheet.pdf.aspx?Embed=Y>

*‘Minor and Intermediate Retailers must not disconnect a customer’s supply of a sewerage service or water service for non-payment of a bill. They may, however, restrict the supply of a water service by constraining the maximum flow of water into a property or may commence debt recovery action for non-payment of a bill (although not both simultaneously), but only as a last resort. Before arranging for the restriction of water services, a retailer must use best endeavours to contact the customer personally to offer financial assistance – for example, offering access to its financial hardship program.’*

It is worth noting that in 2017-18, Minor and Intermediate retailers reported an increase in the number of legal actions (884) and water restrictions (24) (**908** in total) to recover debts,<sup>49</sup> (remembering that minor and intermediate retailers only provide drinking water to approximately 4,000 customers and sewerage or community wastewater services to approximately 94,000 South Australians). Notably, SA Water (which provides drinking water and sewerage services to approximately 1.7 million South Australians, including approximately 207,000 regional drinking water customers<sup>50</sup>) recorded a total of 265 water restrictions and legal actions during the same reporting period (2017-18).<sup>51</sup>

It was suggested by stakeholders that ESCOSA could focus on ensuring compliance and enforcement of water industry entities’ licence conditions and consumer protection obligations, with a focus on providers of water in remote communities.<sup>52</sup>

## **Water quality and health impacts, education and understanding about healthy water use**

### **Water quality**

Marree Arabanna members spoke to David about the contamination of areas in the town where the railways had spilt oil and diesel which had soaked into the soil. Members of the community have never been informed if any testing had been done, but they were advised not to touch water if it was sourced along the area previously occupied by the railways.

There is a perception in the Maree Arabanna Community that the Artisan Basin water quality has dropped dramatically since the introduction of major mining operations in the area. Senior Aboriginal people in the community have noted springs and traditional water

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<sup>49</sup> It does not appear that Minor and Intermediate retailers are required to report on the amount of customer debt for water services and supply, the addition of this reporting requirement could be considered by ESCOSA.

<sup>50</sup> This excludes the number of SA Water customers provided with non-drinking (non-potable) water supply identified for upgrade to potable in the Ministerial Direction of May 2020.

<sup>51</sup> ESCOSA, Minor and Intermediate Retailers Performance Report 2017-18, May 2019  
<https://www.escosa.sa.gov.au/ArticleDocuments/547/20190522-Water-MIR-RegulatoryPerformanceReport-2017-18.pdf.aspx?Embed=Y>

<sup>52</sup> Noting for example the issue of prolonged water restriction identified at Yarilena and the obligations in the District Council of Ceduna’s [Water Industry Retail Licence](#) and Water and Sewerage Services [Customer Charter](#)).

sources had dried up. In the case of a spring that is now dry, one Elder said ‘I lived here all my life and it has never been dry’.

SA Water provided some background information on the condition of the water resources around Marree, advising that the Department for Environment and Water (DEW) is the regulator for groundwater resources in South Australia, and information on the Great Artesian Basin can be found on its website.<sup>53</sup>

DEW’s website states that ‘over the period 2014–18, 76% of wells show rising or stable groundwater levels and all wells show decreasing or stable salinities.’<sup>54</sup>

SA Water also provided information on the water supply at Oodnadatta, stating:

*‘Non-drinking water is supplied to the township from two bores. This water supply is not suitable for drinking, food preparation or teeth cleaning. It is not treated or disinfected and may contain harmful microorganisms and naturally high levels of chemicals. Aesthetic guidelines for total dissolved solids and total hardness are also exceeded in this system.*

*Historically, most customers have been aware that this water supply has been unsuitable for drinking. SA Water’s billing system includes a printed message on every non-drinking water account that provides important information about their water supply. A detailed guide on how to use the non-drinking water is provided annually to the community and recently translated into Pitjantjatjara. Other general advice is provided in a letter and brochure that is mailed to customers. This information is sent out once a year as part of SA Water’s ongoing management of these systems.*

*A water quality monitoring program is in place. We routinely sample and test water at various points within Oodnadatta’s water supply network, including bores and ‘customer taps’ which are located on SA Water’s side of a water meter and may look similar to a fire hydrant marker post.’*

Notably, SA Water’s Draft RAP contains **Action 14 to support communities with safe drinking water and wastewater services.**

David Rathman concluded that it was unclear from his conversations with stakeholders if the water supply to all Aboriginal communities represents a health risk. Recent testing of the 22 Communities serviced by SA Water (listed above) has found no evidence of minerals

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<sup>53</sup> See: [https://www.waterconnect.sa.gov.au/Content/Publications/DEW/Far\\_North\\_PWA\\_GAB\\_J-K\\_GSR\\_2018.pdf](https://www.waterconnect.sa.gov.au/Content/Publications/DEW/Far_North_PWA_GAB_J-K_GSR_2018.pdf)

<sup>54</sup> See: [https://www.waterconnect.sa.gov.au/Content/Publications/DEW/Far\\_North\\_PWA\\_GAB\\_J-K\\_GSR\\_2018.pdf](https://www.waterconnect.sa.gov.au/Content/Publications/DEW/Far_North_PWA_GAB_J-K_GSR_2018.pdf)

in the bore water that represents a health risk.<sup>55</sup> People in some areas (for example Oodnadatta) have been advised not to drink the bore water given the water was not disinfected and therefore didn't meet the National standard for safe drinking water (prescribed by the Australian Drinking Water Guidelines). It is also unclear how frequent and thorough the testing of water quality is in communities that are not serviced by SA Water pursuant to the CSO.

### **Health impacts**

Many stakeholders supported scoping the health impacts of water, sanitation and hygiene in remote South Australian communities. It is worth noting a 2017 Discussion Paper by the University of Queensland into Water, sanitation and hygiene in remote Indigenous Australia.<sup>56</sup> The discussion paper pointed to numerous matters also raised by stakeholders interviewed in this study, including findings that contamination of drinking water remains a risk where monitoring regimes are 'not rigorous and consistent', and unpalatable bore water can cause a preference for sugared drinks.<sup>57</sup>

Stakeholders interviewed in this study called for an audit to be undertaken across communities using the minimum standards for safe drinking water, saying people suffer from preventable health problems without access to good water such as eye disease, kidney disease, bad teeth and gum disease, and suggested that there is a need to examine in detail if there is any long-term impact on health, particularly chronic disease information.

Some stakeholders noted the focus on access to clean and safe water is limited or non-existent, and education of the people about the healthy use of water is important for the future care of water infrastructure in the community. There needs to be state-wide program to clean tanks and keep them healthy.

David was told the Aboriginal Health Council of SA has one public health officer for the State and SA Health has stopped funding environmental health programs in communities.

Members of the Umoona Community wondered whether grey water could be used for reticulation for dust reduction and other environmental health issues. Umoona Council has

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<sup>55</sup> Tables 5 and 6 of SA Water's Annual Report includes information on water quality data for selected Aboriginal communities, see: [https://www.sawater.com.au/\\_\\_data/assets/pdf\\_file/0006/424662/2018-19-Annual-Report-with-financials-online-ISSN-HR.pdf](https://www.sawater.com.au/__data/assets/pdf_file/0006/424662/2018-19-Annual-Report-with-financials-online-ISSN-HR.pdf)

<sup>56</sup> University of Queensland's Report on [Water, sanitation and hygiene in remote Indigenous Australia: A scan of priorities](#) (2017) See also: Hall, Nina Lansbury, Sandra Creamer, Wendy Anders, Anthony Slatyer, and Peter S. Hill. 2020. "Water and Health Interlinkages of the Sustainable Development Goals in Remote Indigenous Australia." *Npj Clean Water* 3 (1): 10. <https://doi.org/10.1038/s41545-020-0060-z>.

<sup>57</sup> It is also worth referencing the 2003 National Strategic Framework for Aboriginal and Torres Strait Islander Health which contains conclusions that are still relevant 17 years on: *In a number of communities Aboriginal and Torres Strait Islander peoples do not have adequate access to safe water, housing, power, roads or sewerage, contributing to the burden of ill health*. See: [National Strategic Framework for Aboriginal and Torres Strait Islander Health](#) (2003) pp. 5, 8 and 10

been expecting to receive a share of the grey water for reticulation of its open space areas, but grey water allocation has not occurred since Bungalla left in about 2010/2012.

Members of the Dunjibar community said they have no connected potable water, and the bore system water is not fit for human consumption. People in Dunjibar are concerned for the elders and children in the town. Residents have requested health checks to establish if there are any adverse health outcomes from exposure to the bore water being consumed, used for washing clothes and bathing in. A member of the Dunjibar community said they had sought health assistance for two years without success.

People in Dunjibar weren't aware if any environmental health checks have been conducted. If they had been done, no information has been shared with the people in the town. Housing has installed water tanks in Dunjibar which are not connected to the houses. Community has requested connection and water purifiers without success. To further confuse the situation, members of the community said SA Water has advised people not to drink the untreated tank water.

A Dunjibar Elder said, 'They are waiting for us to die or leave our home country.'

### **Education**

Many stakeholders believe there is a need for a more comprehensive state-wide education programs for Aboriginal households about water use and maintaining safe hygiene conditions within the home. They felt the people needed to be better informed about the security of water supply and given a strong say in how water supply is provided to the community.

SA Water provided David with information on its role in remote water education:

*'For the past five years, we have been delivering a water education program aligned to the curriculum that is now being extended to Aboriginal students and teachers across the APY Lands and more recently into schools on the Far West Coast. Our community and education program provides opportunities for students and community to learn about the importance of water as a resource and how we can all contribute to sustainable water use and management. The program includes an online resource site for educators.'*<sup>58</sup>

SA Water's Annual Report 2018-19<sup>59</sup> provides a further description of the Aboriginal education program:

*'...which we deliver in partnership with KESAB environmental solutions, with a focus on teacher training for Anangu educators to enable community ownership and delivery of the program. The program is linked to curriculum and promotes the value*

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<sup>58</sup> See KESAB website: <http://www.kesab.asn.au/sawater/>

<sup>59</sup> SA Water: Annual Report 2018-19, 'Leading the way' <https://www.sawater.com.au/about-us/annual-reports/leading-the-way>

*of water and encourages sustainable use. This year we partnered with the South Australian Museum and took Anangu students to local water holes to test water quality and build their understanding of safe drinking water. The program was also delivered to Aboriginal communities on the far west coast.'*

SA Water's Draft RAP contains **Action 15 to 'support development of Community owned education programs that focus on the importance of water from an Aboriginal perspective and promote through our own education activities'**.

Given stakeholder feedback on the need for water education in some communities, it may be worthwhile identifying which communities are falling through the gaps in the provision of water, hygiene and health education.

### **Water security, innovation, technology and sustainability**

The respondents agreed water supply to small remote communities needs to be secured into the future. There was criticism that the *Water Industry Act 2012*<sup>60</sup> fails to provide adequate protection for small regional/ remote communities and communities within the Aboriginal Lands areas.

SA Water has worked to overcome the challenges of supplying safe and reliable drinking water to some of the communities it services. For example, at Watinuma, SA Water replaced water storage, treatment and distribution infrastructure. It also upgraded two bores (one solar and one electric), installing smart meters to monitor water use, a new remotely monitored computer system, and a 10-kW solar and battery storage facility to provide back-up power.

SA Water also provided David with information on the installation of smart meters in remote communities:

*'All Aboriginal communities with groundwater supplies managed by SA Water have had smart metering technology installed since approximately 2013. A fixed network collects the data, with the previous 24hours of data being collected overnight, processed and available the following morning. The ease of data collection has resulted in significant health and safety improvements and operational efficiencies. Quarterly billing (delivered to the relevant government agencies) has also been streamlined. Perhaps more importantly however, is the receipt of timely consumption data has enabled the Remote Communities team to address leaks during peak consumption periods, thereby avoiding major outages with long recovery periods. Currently, those systems with very low flows, such as Indulkana and Kenmore, are not metered due to issues observed with traditional brass meters. To this end, the*

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<sup>60</sup> *Water Industry Act 2012*, South Australia. See: <https://www.legislation.sa.gov.au/LZ/C/A/WATER%20INDUSTRY%20ACT%202012/CURRENT/2012.10.AUTH.PDF>

*Remote Communities team have been researching a composite (plastic) meter, currently only available in Europe, with the same smart technology as is already used. It is hoped that this will enable those supplies to be metered and monitored to ensure that the higher quality treated water is available when needed.*

*TiaTuckia, as a customer of SA Water, has also recently been fitted with a smart meter to assist with proactive water management’.*

According to the technical advice David received during the course of his research, the most effective way to clean salts from water in remote communities comes from using reverse osmosis. However, a major stumbling block to providing desalination in small communities is the cost, and many people questioned why a cheaper system couldn't be developed to mitigate the cost of desalination.

It was suggested by stakeholders that a world-wide search be undertaken to find more appropriate technology to provide new water solutions, and stakeholders considered that the Federal or State governments could potentially fund a trial of this technology in one community.<sup>61</sup>

In relation to this suggestion by stakeholders, it is worth noting a trial of **hydro panels** by the Central Desert Regional Council in the Northern Territory, funded by the NT government. The trial is taking place in the remote community of Yuelamu, about 300 kilometres north-west of Alice Springs, that has had longstanding drinking water supply issues.<sup>62</sup>

It is also worth looking to the Centre for Appropriate Technology Limited (Cfat Ltd) water management projects. Cfat Ltd ‘works with Aboriginal and Torres Strait Islander communities and a range of government and non-government organisations, to develop effective approaches that ensure basic water supplies function properly and meet the needs and aspirations of the residents’.<sup>63</sup>

## **Additional Issues raised by stakeholders**

### **Acknowledgment of water rights**

Many stakeholders considered Aboriginal water rights are a significant issue that must be addressed to ensure long term water security beyond the cities.<sup>64</sup> Stakeholders believe there is a need to understand and formally recognise water rights together with native title rights and co-management with Indigenous Land Use Agreements (ILUAs) or Consent

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<sup>61</sup> On 22 May 2020, the Federal Government announced a \$1.8 billion boost for road and community projects through local governments across Australia. It may be worth investigating whether funding of a trial for an innovative water solution could be secured through a local government grant.

<sup>62</sup> See: <https://www.abc.net.au/news/2020-05-07/remote-community-trials-hydropanels-to-shore-up-water-supply/12219818>

<sup>63</sup> See: [Centre for Appropriate Technology Limited \(Cfat Ltd\) water management projects](#)

<sup>64</sup> Note the 2008 Native Title Report, Chapter 6, Indigenous Peoples and Water see link: [https://humanrights.gov.au/sites/default/files/content/social\\_justice/nt\\_report/ntreport08/pdf/chap6.pdf](https://humanrights.gov.au/sites/default/files/content/social_justice/nt_report/ntreport08/pdf/chap6.pdf)

Determinations. It was stated that ‘a best practice model for future proofing water to Aboriginal communities needs to acknowledge Aboriginal rights to water’.

In conversations with the stakeholders, David heard how water was denied to communities in the past and was used as tool to control people’s land and access to their country. Waterholes were not accessible and became a power and control mechanism for the Government. Stakeholders said that many areas are still not treated properly today, and Aboriginal people are not involved in making decisions over the community area in which they live. One community member pointed to a lack of knowledge about traditional sources of water in Narrungga country, and it was noted that the Willows at Point Pearce was a source of water for the community for many years, but little is done to preserve these sites.

David pointed to a submission by the National Native Title Council to the 2014 Review of the *Water Act 2007* (Cth) on ‘Recognising Indigenous Water Interests in Water Law’,<sup>65</sup> which sets out the following key recommendations relating to Aboriginal rights to water:

- ‘1. There must be an Aboriginal water allocation in all water plans.*
- 2. All Australian governments should review existing legislation related to the management of water resources and enshrine in future legislation:*
  - Indigenous engagement in decision-making, planning and management*
  - Indigenous access to water for cultural and economic purposes*
  - The provision of necessary research, support and capacity building to allow Indigenous Australians to participate fully and effectively in water planning and management.*
- 3. The Council of Australian Governments (COAG) should establish and implement a National Aboriginal Water Strategy. An Aboriginal Economic Water Fund or funds should be established in cooperation with the states and territories to facilitate the strategy.’*

One stakeholder said the high cost of water must be addressed, and that Aboriginal ‘people shouldn’t have to pay for water, as it’s a rights issue like land rights’.

### **International obligations**

Stakeholders pointed to the need for a holistic approach to the issue of equitable access to water and sanitation in remote communities; an approach that involves all levels of

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<sup>65</sup> National Native Title Council to the 2014 Review of the *Water Act 2007* (Cth) titled ‘Recognising Indigenous Water Interests in Water Law’  
<https://www.agriculture.gov.au/sites/default/files/sitecollectiondocuments/water/63-national-native-title-council.pdf>

government and across all sectors. Stakeholders said the overall government response to potable water supply needs to be the same for all South Australians.

Strong feedback was given that State and Federal governments must guarantee clean water supply to remote South Australia and bring about a change of policy and strategy for Aboriginal communities. Stakeholders suggested a case by case approach to determine the best option, saying it is vital all people receive affordable running water which is fit for human consumption and 'we need a fresh look at moral obligation to provide clean water to all people in the State'.

In July 2010 the United Nations General Assembly Resolution 64/292 recognised the right to safe and clean drinking water and sanitation 'as a human right that is essential for the full enjoyment of life and all human rights'.<sup>66</sup>

In 2015, the UN updated its development agenda, outlining 17 Sustainable Development Goals (SDGs) to be achieved in all countries globally by 2030. The SDGs included a goal specifically focused on water and sanitation (SDG 6) to '**ensure availability and sustainable management of water and sanitation for all**'.<sup>67</sup> Australia is one of the 193 UN member countries that formally agreed to the SDGs on 25 September 2015. The Australian Government is obliged to address water, sanitation and hygiene (WASH) related aspects of the SDGs within and beyond its own borders,<sup>68</sup> and while Australia reports 100% of the population have access to safe water and sanitation, this is widely known to be incorrect.<sup>69</sup>

In relation to inadequate sanitation in remote communities, the example of Oak Valley was raised by one stakeholder saying it only has 4 flushing toilets in the whole community, with the remainder being drop toilets.

The view that Australia should focus on delivering safe water and sanitation at home as well as abroad is widely supported.<sup>70</sup> SA Water's Draft RAP July 2020 – June 2023<sup>71</sup> specifically acknowledges the UN Declaration on the Rights of Indigenous Peoples and aligns the Draft RAP with SDG3 (good health and well-being), SDG 4 (quality education), SDG 6 (clean water

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<sup>66</sup>United Nations, General Assembly, 64<sup>th</sup> sessions, Agenda item 48, Resolution adopted by the General Assembly on 28 July 2010, [Resolution 64/292](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292)  
[https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/64/292](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/64/292)

<sup>67</sup> United Nations Sustainable Development Goals, Goal 6: Ensure Access to water and sanitation for all  
<https://www.un.org/sustainabledevelopment/water-and-sanitation/>

<sup>68</sup> See research conducted by Nina L. Hall First published in Water e-Journal Vol 3 No 2 2018  
<https://watersource.awa.asn.au/publications/technical-papers/australian-indigenous-remote-communities-and-water-sanitation-and-hygiene/>

<sup>69</sup> See: [https://watersource.awa.asn.au/community/public-health/sustainable-development-goals-fact-sheet/#\\_ftn1](https://watersource.awa.asn.au/community/public-health/sustainable-development-goals-fact-sheet/#_ftn1)

<sup>70</sup> The Conversation, 'It's a fallacy that all Australians have access to clean water, sanitation and hygiene', 11 July 2016. See: <https://theconversation.com/its-a-fallacy-that-all-australians-have-access-to-clean-water-sanitation-and-hygiene-61436>

<sup>71</sup> SA Water's Draft RAP. See: <https://watertalks.sawater.com.au/draft-rap-consult>

and sanitation), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities and SDG 11 (sustainable cities and communities).

A 2018 research report undertook ‘a scan of water, sanitation and hygiene status in remote Indigenous communities within the context of implementing the United Nations’ SDGs – particularly SDG 6. It identified areas requiring priority attention in terms of drinking water, sanitation and hygiene in the remote communities of many states and territories.’<sup>72</sup>

This report made the following key observations that mirror the feedback received from stakeholders during the course of this scoping study:<sup>73</sup>

- **‘Address and action the ‘familiar story’ of poor water, sanitation and hygiene standards in remote communities:** *‘This is not new stuff. You know, you can look back and do some research for decades and what I’m telling you today is what was being said 20 years ago, so it’s not like any of this is new’* (NGO representative #1).
- **Raise expectations for WASH services in remote communities:** *‘What you find is, non-indigenous people who go out to communities quickly lower their expectations to what’s the prevailing norm. ... You’re in Australia ... so the benchmark ... is an urban [clinic] in Darwin or Sydney’* (Research representative #2).
- **Take time to create the right partnerships:** *‘To make something like this work, it takes some years to listen and to see what’s happened, and to survey the conditions ... [bring together] all the interested government agencies and all levels of government ...to develop a course of action [to] address the need’* (Government representative #1).
- **Enable hygiene-related health behaviours through providing appropriate infrastructure and funding:** *‘[Hygiene] is to do with people’s behaviour, but it’s also to do with the infrastructure that’s provided before behaviour sets in. You need to be careful about where the blame goes’* (Research representative #3).’

In addition to the international obligations outlined above, stakeholders also said there is a need to respect the UN declaration on the Rights of Indigenous people, suggesting the *Racial Discrimination Act 1975*<sup>74</sup> could be invoked to bring authorities to account for the neglect of Aboriginal people’s access to safe drinking water and sanitation.

### **Coordinated financial / workforce and water management plan required**

Some stakeholders made the following observations in relation to workforce and water management in remote communities:

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<sup>72</sup>Dr. Nina L. Hall, Australian Indigenous remote communities and water, sanitation and hygiene: a scan of needs, Water Source, 12 April 2018. See: <https://watersource.awa.asn.au/publications/technical-papers/australian-indigenous-remote-communities-and-water-sanitation-and-hygiene/>

<sup>73</sup> Ibid.

<sup>74</sup> *Racial Discrimination Act 1975* (Cth) <https://www.legislation.gov.au/Details/C2016C00089>

- We need to develop a best practice water management planning framework/template for all Aboriginal communities and best practice approach to integrating the use of the Community Development Program (CDP) workforce. Including education and capacity building arrangements where the tenant can fix their water hardware (replacing leaking taps, fixing a pipe etc.) to reduce the cost of a plumber.<sup>75</sup>
- Sustainable water systems cannot be achieved when external groups are relied upon to service Aboriginal people. You cannot wait for outside people - locals should be empowered to maintain the infrastructure.
- There is a need to overcome the lack of skills in small communities to deal with multiple agency groups. Unfortunately, there is no unity between communities about infrastructure and utilities.
- The co-ordination and governance of water supply to Aboriginal people in South Australia is not well defined and remains a mix of unconnected groups operating with a small group of consumers who have high level needs. There needs to be a coordinated financial and workforce plan.
- The water story is not well understood across the leaders in the community and a regular coming together of key stakeholders to talk about community infrastructure, utility services, and maintenance of essential services would go some way to overcoming shortfalls to improve the water quality, cost and supply for the consumer.
- The Aboriginal Community and those concerned with making progress need to ensure the current population and future generations are served by a system that has access to data and information about the Aboriginal community. The data and information regarding people and community needs to be consolidated into a South Australian Aboriginal Community Social, Health, Cultural, Education, Justice, Employment/Economic, Housing, Infrastructure, Land and Population Distribution profile.

The Aboriginal Lands Trust provided the following financial and water management plan proposal:

- *Revisit Mr. Harry Miller Senior's concept of a cooperative amongst homelands about housing infrastructure, power and water supply.*

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<sup>75</sup> See also the Global Change Institute and The University of Queensland's report on Strengthening community participation in meeting UN Sustainable Development Goal 6 for water, sanitation and hygiene (2016). See: <https://apo.org.au/node/70747>

- *Resolve the equity issues between communities who pay for water and those groups who receive water for free.*
- *Focus on homelands with cost of water and quality of water issues.*
- *Examine possible social enterprise in the community to stimulate economic activity.*
- *Work with water company groups to examine areas where a pilot program for clean water systems to improve water quality could be introduced. Three areas were nominated for consideration – Oodnadatta, Yarilena and possibly Wardang Island.*

In relation to workforce, SA Water provided David Rathman with Information on how Water Service Officers are employed in the remote communities it services, stating:

*‘Where possible, we aim to employ local people to undertake water service officer (WSO) duties in the communities we are responsible for. In a number of communities, such as Yalata, Nepabunna and Oak Valley, we engage the community and they arrange the monitoring themselves.*

*We are currently negotiating with Regional Anangu Services Aboriginal Corporation (RASAC) to provide WSO duties in APY Lands communities. Being the current CDP provider, this will allow for additional scope for workers, as well as additional training by SA Water.’*

SA Water also provided information about a plumbing course it provides in the APY lands to train local community members:

*SA Water has been working with Anangu students and community members to deliver a hands-on basic plumbing course to empower communities to fix frontline (community) water leaks. The short two hour practical-learning program also provides important water and sustainability messages. We identified this as an opportunity for dual benefit where our staff can be part of a cultural immersion experience, while teaching basic plumbing skills to the community.*

*Our first program was delivered to students involved in a certificate course in Horticulture and Construction from various communities across the APY Lands, based at the Trade Training Centre in Umuwa. Rather than inventing a new course, we integrated the plumbing component into the pre-existing course to ensure students were able to meet subject outcomes related to using hand tools and understanding sustainability issues.*

*Our staff started from first principles and designed a hands-on course, utilising visual materials and donating demonstration plumbing items from their own sheds. A water table with tap fixtures and toilet cistern was built by a local plumbing business that we donated to the Trade Training Centre.*

*Outcomes and Impact*

*To date over 40 students have participated in the program, due to high demand we are now delivering the training in communities across the APY Lands. We have*

*adapted our plumbing table to a simple pallet and tap system so it can be transported easily across the Lands. At this stage we can't attribute water savings directly to the community; however, the course is raising awareness which we anticipate overtime will lead to behaviour change and general water and dollar savings. Our people have also returned with greater understanding and are sharing their cultural knowledge across the business. This is helping us to continue to work toward building a positive and embedded culture of reconciliation through two-way learning. At the heart of these relationships is the direct involvement of our frontline people who are driven by a desire to achieve access and outcomes for Aboriginal people and communities.*

*"Initially there was a small group of lads, then word seemed to spread, and the group grew and grew...the banter was jovial, and the two-hour session ended up being closer to four. Basic skills were taught, and the lads were hungry for more."*

*"I would like to thank you for the training afforded our participants in Amata. It's a pleasure to see this practical and hands-on training beginning to stretch further west. Our men were appreciative of the way it was conducted, and I am sure it will benefit them into the future."*

As referenced earlier in this study, Actions 9 to 17 in SA Water's Draft RAP relate to 'supporting communities in new ways with safe, clean water and **education and long-term opportunities which provide autonomy and sustainable opportunities** for Aboriginal people and communities'.

**Draft RAP Action 9 is to 'improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development opportunities.'**

It is unclear whether water retailers in communities not serviced by SA Water have any programs dealing with employment or training courses for community members.

### **Infrastructure / water supply**

The ALT is concerned about the state of the water infrastructure which has been leaking unchecked in several locations. The ALT has worked with SA Water to address the problem but there remains the issue of who is responsible. SA Water only have responsibility to the gate in the 22 communities they service, and some infrastructure beyond the gate is not maintained. It is unclear how water infrastructure upgrades are paid for and maintained in communities not serviced by SA Water.

Some stakeholders considered there is a need to undertake a comprehensive survey on the current state of water infrastructure, including scoping of communities with old/ageing water infrastructure, both outside and inside the gate. It was suggested that housing should be more than just supplying housing, it should be concerned about water supply systems, and the relevant housing authority needs to focus on water supply and infrastructure.

Community members in Umoona are concerned about the underground infrastructure and the internal hardware in the housing, which is not serviced by SA Water.

It was said that since the demise of ATSIC, volunteer council members are expected to carry the responsibility for administration in their town, as well as be councillors.

One stakeholder said the security of water supply must be based on the Aboriginal people being first for allocation supply, there is the need to learn from other Indigenous groups worldwide and build on the best examples in the world to secure small community water supply.

It was also suggested the *Water Industry Act 2012* should be examined to determine if it excludes Aboriginal communities, and if so propose changes or regulations to provide explicit support for small and remote communities guaranteeing their entitlement to potable water supply.

### **Bulk water meters**

Stakeholders were broadly concerned with bulk meter reading at the boundary, saying this practice needs to be addressed. Houses and service providers in the Umoona community are individually metered but the community is not able to determine the consumption by individuals and groups because the provider doesn't read the meters attached to premises (it reads the bulk meter at the boundary), and the Umoona Council is left with the cost of water supply.

The Umoona Community is concerned about the lack of itemized information on the bill, as it is difficult for the community to address any problems and make corrective action. Community members pointed to a break in the mains which resulted in a \$24,000 bill.

### **Economic opportunity**

Some stakeholders pointed to the fact that water is very much becoming a tradeable commodity and if this is allowed to develop without taking into consideration Aboriginal needs, then communities will be locked out of further economic opportunities. One stakeholder provided the example of a company taking underground water from Yorke Peninsula, bottling it and selling it as one of the best forms of natural water with beneficial mineral content in Australia, and 'Aboriginal people don't even get a say about it, let alone a benefit'.

Stakeholders were concerned that currently there is no recognition of the rights of Aboriginal communities to underground water in traditional country. Aboriginal people have no say in who takes what and are not even involved in the regulation of what was, and is, an Aboriginal resource.

Stakeholders also expressed concern about economic opportunities being stifled by a lack of clean water. For example, Wardang Island needs a mainland connection for water and power from the point to the Island. The proposal has been on the books for three decades.

Without access to water, there is limited opportunity for economic development. It is unclear whether the State Government has responsibility for funding this project.

In relation to economic outcomes, SA Water's Draft RAP contains **Action 11 to Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes. Action 14 is to support communities with safe drinking water and wastewater services.** The provision of which would assist with pursuing economic opportunities in the communities SA Water services.

It is worth referencing the Aboriginal water program introduced by the Victorian Government which aims to 'better include Aboriginal people in the way water is managed and to reconnect communities to water for cultural, economic, customary and spiritual purposes'.<sup>76</sup> This program included an investment by the Victorian Government of \$4.7m over four years on an Aboriginal Water Grants Program 'to properly understand Aboriginal water values, uses, aims and requirements; including cultural heritage'.<sup>77</sup>

Relevantly, the 2017 Productivity Commission Inquiry Report into National Water Reform<sup>78</sup> made the following findings and recommendations in relation to economic opportunity and development for indigenous communities:

**FINDING 3.2**

*Access to water resources to achieve cultural values is increasingly being addressed by using specific mechanisms for engaging with Indigenous communities in the development of water plans — the exception is Western Australia.*

*The Northern Territory Government is also taking steps to provide Aboriginal landowners with increased opportunity to access water resources for economic development.*

*There is evidence that environmental water managers have used environmental water to achieve Indigenous cultural objectives, without forgoing environmental benefits.*

**Recommendation 3.2**

*State and Territory Governments should ensure that:*

- a. Indigenous cultural objectives are explicitly identified and provided for in water plans*
- b. progress in achieving Indigenous cultural objectives is regularly monitored and reported publicly*

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<sup>76</sup> See: <https://www.water.vic.gov.au/aboriginal-values/the-aboriginal-water-program>

<sup>77</sup> See: <https://www.water.vic.gov.au/aboriginal-values/the-aboriginal-water-program/aboriginal-water-grants>

<sup>78</sup> Productivity Commission Inquiry Report: National Water Reform, No. 87, 19 December 2017, p.29. See: [https://www.pc.gov.au/\\_data/assets/pdf\\_file/0007/228175/water-reform.pdf](https://www.pc.gov.au/_data/assets/pdf_file/0007/228175/water-reform.pdf)

- c. *there is public reporting of how Indigenous cultural objectives have been considered in the management of environmental water — both held and planned.*

### **Recommendation 3.3**

*Where State and Territory Governments provide access to water for Indigenous communities for economic development they should:*

- a. *source water within existing water entitlement frameworks, such as by purchasing water on the market or as part of transparent processes for releasing unallocated water*
- b. *ensure adequate supporting arrangements (such as training and business development) are in place to enable Indigenous communities to maximise the value of the resource*
- c. *involve Indigenous communities in program design*
- d. *specify and implement future governance arrangements*
- e. *regularly monitor and publicly report on these provisions (such as the volume of entitlements sourced, water used and supporting arrangements) and their outcomes.*

*Australian, State and Territory Governments should revise relevant provisions in the National Water Initiative to align with recommendations 3.3 (a) to 3.3 (e).*

On 23 October 2019, the Minister for Indigenous Australians, the Hon Ken Wyatt MP, asked the Federal Government’s Indigenous Affairs Committee to inquire into and report on opportunities for employment and economic development for Indigenous Australians.<sup>79</sup> The inquiry is still taking submissions and the Committee will present its final report by **30 September 2020**.

### **Advocacy**

The ALT pointed to the need for better advocacy, observing that currently, there is no lobby group and no point for collective thought amongst Aboriginal people. It was stated that ‘some people go to Roger Thomas, others come to the ALT or other leaders to get their views heard’.

Many stakeholders stated there is an overwhelming need for more conversation and engagement with the Aboriginal people.

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<sup>79</sup> See:

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Indigenous\\_Affairs/Indigenousoportunities](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Indigenous_Affairs/Indigenousoportunities)

## Closing comment

In examining the issues around the supply of water to Aboriginal people in remote communities, David Rathman visited areas in the Far North and had discussions with key people about what they believed needed to be done to provide access to clean drinking water and sanitation for Aboriginal people, wherever they might reside in South Australia. From these many conversations, David made the following observations:

*'The co-ordination and governance of water supply to Aboriginal people in South Australia is not well defined and remains a mix of unconnected groups operating with a small group of consumers who have high level needs.*

*The water story is not well understood across the leaders in the community and a regular coming together of key stakeholders to talk about community infrastructure, utility services, and maintenance of essential services would go some way to overcoming shortfalls to improve the water quality, cost and supply for the consumer.*

*Aboriginal health remains an important priority as the life expectancy rates and chronic disease amongst the people is an area of concern with clean water being essential to assist households to improve health and hygiene in the home and amongst vulnerable individuals.*

*Advocates and researchers have called for a single management team to oversight and coordinate water supply and maintenance in the Aboriginal community groups across the State. This proposal has been recommended by a number of previous reports but no action has been taken.*

*Introduce an education program for the people to understand the need to preserve water and acquire skills to undertake basic maintenance in the community.*

*User pays - if it is planned to be introduced in remote communities must have a two to three-year lead time with a matching education and graduated payment program.*

*Seek overseas examples of best practice and technology in supplying small communities.*

*Examine if the Water Act excludes Aboriginal community and if so propose changes or regulations to provide explicit support for small and remote communities guaranteeing their entitlement to potable water supply.*

*The Aboriginal Community and those concerned about making progress to ensure the current population and future generations are served by a system that has access to data and information about the Aboriginal community. The data and information regarding people and community needs to be consolidated into a South Australian Aboriginal Community Social, Health, Cultural, Education, Justice, Employment/Economic, Housing, Infrastructure, Land and Population Distribution profile.'*

## Next Steps

### SACOSS Research Project

Following on from this initial scoping study, SACOSS had identified a research project dealing with debt and water restriction in remote communities. David Rathman was engaged to undertake the project which was to involve the collation of case studies derived from face-to-face interviews with Aboriginal households in remote communities experiencing (or who had experienced) water debt and water restriction. SACOSS was keen to gain a greater understanding of the impact of debt and restriction on individuals, family groups and communities. Unfortunately, the project has been put on hold due to the Coronavirus crisis and the lockdown of remote communities under the *Biosecurity Act 2015* (Cth).

SACOSS is currently considering an alternative research project aimed at identifying gaps in publicly available data and information on equitable access to safe water and sanitation in remote communities. These data gaps have consistently been identified as a barrier to meeting commitments under frameworks such as the National Water Initiative (NWI) and the UN Sustainable Development Goals (SDGs). The research paper would seek to:

- Assess national and state-based monitoring, reporting, and auditing frameworks for safe and equitable access to water.
- Inform benchmarking to improve accountability and to guide strategic policy development and decision making around water investment in South Australia.
- Evaluate the alignment of existing governance and policy frameworks for providing access to safe drinking water and sanitation in remote areas of South Australia; and
- Map and assess existing data sources and frameworks to help establish a baseline around equitable access to safe drinking water and sanitation, identify data gaps, areas for improvement, and allow for progress to be monitored.

### CARF Consultation

SACOSS is currently consulting on possible advocacy and research projects to be recommended for funding under the Consumer Advocacy and Research Fund (CARF).<sup>80</sup> The issues identified by David and the stakeholders interviewed for this study have guided aspects of the consultation, and two relevant projects focusing on water issues in remote communities have been identified as priorities, as scoped below:

#### 1. Water in Remote Communities – Advocacy

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<sup>80</sup> The Consumer Advocacy and Research Fund (CARF) is established under the Water Industry Act 2012 (the Act). The CARF consists of the amount of \$250,000 (indexed) paid into the fund on an annual basis from water licence fees. Funding under CARF may be applied to support research or advocacy that promotes the interests of consumers with a disability, low-income consumers, or consumers who are located within a regional area of the State; or to support projects that advance the interests of consumers from an advocacy perspective.

- The objective of this project is to support consumer perspectives and advocacy related to delivering equitable access to safe and affordable water in regional and remote communities in South Australia.
- The project will seek to build a coalition of supporters to develop a long-term, unified, community-led strategy to address systematic equity issues around the cost of water, community infrastructure needs, and coordination of water supply and maintenance, with a focus on remote Aboriginal communities and homelands across the State.
- The project may include a mapping of the different approaches and roles and responsibilities for water supply and governance of water / infrastructure in remote communities in South Australia to identify gaps.
- The intended outcome of the project is to establish mechanisms for Aboriginal communities and individuals to effectively participate and influence water planning, management, implementation, and decision-making processes.

## **2. Capacity Building in Remote Aboriginal Communities**

- The objective of this project is to evaluate capacity building projects of locals in remote Aboriginal communities to maintain critical water infrastructure and to resolve localised issues. The scope of such a project could include:
  - Evaluation of the effectiveness of existing SA Water community education and training programs to better understand social return of investment;
  - Upskilling of local water operators to gain a better understanding of issues related to water contamination, treatment and water quality monitoring if applicable;
  - training to replace leaking taps and pipes, repairing health hardware, servicing meters, developing links with local water managers, education around avenues for accessing support from statutory bodies and organisations responsible for maintenance and service levels, and connecting to opportunities for workforce development;
  - a regional skills and training assessment identifying communities where gaps exist and identifying training and certification approaches.
- The intended outcome of the project is to build the capacity of local community members to play an active role in future proofing water in their communities and to provide avenues for developing skilled workforce.

## **Attachment 'A' – Community concerns**

### **Dunjibar Community – Oodnadatta**

**(Information provided to David Rathman from members of Dunjibar, in December 2019)**

#### ***Water governance and supply***

- The community water supply is managed by Outback Communities Authority and technical support from Water SA.
- The community has no connected potable water. The bore system water is not fit for human consumption.
- Housing has installed water tanks which are not connected to the houses. Community has requested connection and water purifiers without success.
- To further confuse the situation SA Water has advised people not to drink the untreated tank water.
- During my visit people said the rain water tanks are empty and no contingency plan is in place to resupply the people.
- Outback Communities has reverse osmosis plant in the town for tourists to top up water supply at \$4 for twenty litres of water. The local store has 10 Litre boxed water for \$8.
- An Elder said, “They are waiting for us to die or leave our home country.”

#### ***Health concerns***

- People are concerned for the elders and children in the town.
- Residents have requested health checks to establish if there are any adverse health outcomes from exposure to the bore water being consumed, used for washing clothes and bathing in.
- A member of the community said they had sought health assistance for two years without success.
- People are not aware nor been informed of any environmental health checks having been conducted. If they had been done no information has been shared with the people in the town.

## **Marree Arabanna Peoples Committee – Marree**

**(Information provided to David Rathman from members of Marree Arabanna Peoples Committee, in December 2019)**

#### ***Water supply***

- Bore Water supply for the town comes from the Outback Communities Authority. David spoke to an Elder who was reasonably happy with the water supplied in the town.

#### ***Water quality***

- Members spoke about the contamination of areas in the town where the railways spilt oil and diesel which had soaked into the soil. Members of the community have never been informed if any testing had been done but they were advised not touch water if was sourced along the area previously occupied by the railways.

- There is a perception the artisan basin water quality has dropped dramatically since the introduction of major mining operations in the area.
- Senior Aboriginal people have noted springs and traditional water sources had dried up.
- In the case of a spring that is now dry, the Elder said “I lived here all my life and it has never been dry.”

## **Umoona Community – Coober Pedy**

**(Information provided to David Rathman from members of Umoona, in December 2019)**

### ***Water Supply***

- The community is supplied with water from the mains system managed by the Coober Pedy Council.
- The water is desalinated.
- A system for using grey water is in place but it appears the Umoona Community obtains no direct benefit from the system.<sup>81</sup>

### ***Water Debt and billing***

- Whilst the Umoona community has access to potable water, the most concerning issue is the billing for water supplied to the community.
- Debt has risen overtime with the Community now having a bill of \$60,000.
- Coober Pedy is one of the poorest towns in South Australia and the cost of utilities is expected to rise 60% to 68%. Similar rises will occur for electricity.
- David understands the Umoona Council had offered to pay \$2000 a month to catch up, but there has been an inexplicable blow out in the debt.
- The account received by the Umoona Council is not itemized and there is no reference to the money being paid back by the people.
- Members were concerned that the water retailer is reading a ‘bulk’ meter at the boundary of the community. Houses and service providers in the Umoona community are individually metered, but the community is not able to determine the consumption by individuals and groups because the provider doesn’t read the meters attached to premises and the Umoona Council is left with the cost of water supply.

### ***Water management***

- Waste water management remains a concern for the community.
- Umoona Council has been expecting to receive a share of the grey water for reticulation of its open space areas.
- Umoona grey water allocation has not occurred since Bungalla left in about 2010/2012.
- Members of the community recounted the story of grey water which was to be provided to the community but unknown to the Umoona people there was an

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<sup>81</sup> The Aboriginal people David spoke with believed that resources had been misused by interest groups in the wider Coober Pedy Council area.

agreement to channel the community grey water to the caravan park and the school orchard. This went on for two years but after strong objections in the town this was stopped.

### ***Infrastructure ownership / management***

- The community is unclear about who is responsible for the infrastructure and once the water crosses the boundary of the community, what agency is responsible for the management of water supply in the community.
- The Community is concerned about the lack of itemized information of the bill as it is difficult for the community to address any problems with infrastructure and make corrective action.
- By way of example, Community members pointed to a break in the mains which resulted in a \$24,000 bill.
- Community members are concerned about the underground infrastructure and the internal hardware in the housing in Umoona.
- Members believe delays in addressing maintenance of mains connections by Coober Pedy Council have placed the community under debt pressure because leaking infrastructure has not been repaired in a timely fashion.
- A member was quoted as saying: "Council passes the issue onto SA Water or says they will get there when they can."
- The comment about the need to improve the Municipal Services funding to be more local and engaging of the Aboriginal people was expressed on a number of occasions. The need to take action about the internal infrastructure was a priority and being clear about who is responsible.
- Umoona has commenced discussion with the new administration of the Coober Pedy Council and there are hopeful signs of improved relations and the intent to be more inclusive of the Umoona council.

### ***Cost of living***

- David was informed the community has not had an environmental health program for approximately five years.
- Most people are on Centrelink payments. David was told that 90% of Aboriginal people in the town are dependent on pensions, carer payments and Newstart.
- The community has access to one financial counsellor.
- People are asking for Government to be more transparent about money which is given to Local Government for levels of disadvantage and the grant money distributed to support the Aboriginal community.

## **Attachment 'B' – Stakeholder interviews**

### **John Chester, Chief Executive - Aboriginal Lands Trust**

**David Rathman's notes from his meeting with John Chester in December 2019**

#### ***Water supply***

- The Aboriginal Lands Trust (ALT) is concerned about the manner in which water is supplied to Aboriginal community.
- ALT has community groups who receive water from Water West – Ceduna Council, Coober Pedy Council, Outback Communities Authority and SA Water.
- The manner in which people receive support has been a major advocacy task undertaken by John Chester.
- Oodnadatta bore water quality; ALT visited the area and has made representation on behalf of the people in Oodnadatta seeking a resolution. Water from bores in the area was tested by SA Water without any other area being located for improved water source.

#### ***Water debt and billing***

- The lack of a body, organisation or support services to address hardship and financial stress in the Aboriginal Community has forced ALT to pay for massive water bills, which is way outside its legislative brief.
- Debt is a major hurdle for some small communities as they are often supplied by the water authority without proper accounting of water usage by consumers.
- The cost of water is borne by the incorporated body as the supplier bulk meters the community.

#### ***Hardship programs***

- Hardship models need to be better understood by the Aboriginal community and it is important we consider a more equitable system for all utility costs that put pressure on people's limited income.

#### ***Water infrastructure responsibility***

- John Chester is concerned about the state of the infrastructure which in a number of locations has been leaking unchecked.
- The ALT has worked with SA Water to address the problem but there remains the problem of who is responsible.

#### ***Coordinated financial and water management plan required***

- The ALT has held meetings to encourage groups to action both short-term to long-term in ALT land areas.
- The ALT believes the state needs a single water plan for all Aboriginal communities and homelands.
- With regard to the problem of paying for water it was agreed the community/homelands who are required to pay need some short term assistance and a longer term solution with all agency groups meeting to establish the working

parameters of the terms under which a financial and water management plan will be undertaken.

- The groups called together by ALT discussed economic pressure on individuals, but it was noted in some community homelands a number of people have jobs.
- A Senior Aboriginal leader has stated the need for people in our community to understand and work with a user pay system.

***ALT Financial and water management plan proposal***

1. Revisit Mr. Harry Miller Senior's concept of cooperative amongst homelands about housing infrastructure, power and water supply.
2. Resolve the equity issues between community who pay for water and those groups who receive water for free.
3. Focus on homelands with cost of water and quality of water issues.
4. Examine possible social enterprise in the community to stimulate economic activity
5. Work with water company groups to examine areas where a pilot program for clean water system to improve water quality could be introduced. Three areas were nominated for consideration – Oodnadatta, Yarlilena and possibly Wardang Island.

## **Klynton (Kandy) Wanganeen – Chief Executive, Narrungga Nation**

**David Rathman's notes from his meeting with Klynton Wanganeen in December 2019**

### ***Systemic issues and governance***

- Mr Wanganeen believes water is a priority for the Aboriginal people and their communities. He considers it is important the system receives 'in time' information about the social challenges confronting Aboriginal people.
- At present there is no consolidated documentation of indicators; no index of Aboriginal community disadvantage.
- Opportunity is stifled by lack of clean water; as an example he spoke about Wardang Island and the need for a mainland connection for water and power from the point to the Island. The proposal has been on the books for three decades.
- Generating business opportunity is a safer ground, regrettably community are not a priority for Government.
- The community is confronted with fifth generation unemployment. In the regions people lack opportunity because there is no Aboriginal economy.
- He lamented a lack of knowledge about traditional sources of water in Narrungga country. The Willows at Point Pearce was a source of water for the community for many years but little is done to preserve these sites.
- The demise of ATSIC left financial and support vacuum for the Aboriginal people and the communities.
- Much of the resources that supported community based essential services "dried up." The Commonwealth abandoned community in remote areas.
- Government systems create hardship.
- There is a lack of connection between groups operating across the Aboriginal communities and they have little or no recognition of country governance.
- No incentive to encourage education and training.

### ***Right to safe and clean drinking water and sanitation***

- Klynton was not OK with the system. Access to utilities is a right.
- The right of Aboriginal people to water should be free; people shouldn't be under a user pay system.

### ***Water supply and infrastructure***

- Relevant authority needs to focus on water supply and infrastructure.
- Housing should be more than just supplying housing it should be concerned about water supply systems.
- Since the demise of ATSIC volunteer council members are expected to carry the responsibility for administration in their town as well as be councillors.
- The security of water supply must be based on the Aboriginal people being first for allocation supply.
- We need to Learn from other Indigenous groups worldwide and build on the best examples in the world to secure small community water supply.

- Use the most appropriate technology to supply clean water and secure supply. In the case of the Narungga nation harness the riches of the seas for energy and water desalination.
- In regard to climate and the environment, we need to work to reverse the white man's damage. Need to address pollution.

### ***Health***

- There are no resources to improve the environment and promote a healthy lifestyle.
- "Water is vital."
- Water is important for washing clothes, bedding and bathing. If you have don't clean water there can be a health decline with internal impact on family groups.
- People suffer from preventable health problems without access good water such as eye disease, kidney disease bad teeth and gum disease.
- Focus on accessibility is limited or non-existent; would the people in authority use bad water?
- Education of the people about the healthy use of water is important for the future care of water infrastructure in the community.
- Adults need to be an example to the children by having a healthy outlook about the use of water.
- Life Skills are not used in the support network to encourage best practice in the healthy use of water.

### ***Community management***

- Sustainable water system cannot be achieved when the external groups are relied upon to service the Aboriginal people. You can't wait for outside people; locals should be empowered to maintain the infrastructure.
- There is a need to overcome the lack of skills in small communities to deal with multiple agency groups. Unfortunately there is no unity between communities about infrastructure and utilities.
- Our community tends to hold onto small interests rather than think of the big picture and there is a lack of recognition of the strength of working together.
- ALT could co-ordinate the program.

### ***Advocacy***

- We need better advocacy because at the moment there is no lobby group, no point for collective thought amongst Aboriginal people; some people go to Roger Thomas, others come to me or other leaders.

### ***Exclusion from economic opportunities***

- Water is very much becoming a tradeable commodity and if water trading is allowed to develop without taking into consideration Aboriginal needs then our community will miss out on further economic opportunities, and as a result we will be locked out.
- Currently there is no recognition of the rights of Aboriginal communities to underground water in our traditional country and we have no say in who takes what and are not even involved in the regulation of what was, and is, our resource.

- An example is a company taking underground water from Yorke Peninsula, bottling it and selling it as one of the best forms of natural water with beneficial mineral content in Australia and we don't even get a say about it, let alone get a benefit.

## **Shona Reid, Executive Director - Reconciliation South Australia and Member of the Housing Trust Board**

**David Rathman's notes from his conversation with Shona Reid in January 2020**

### ***Water Rights for Aboriginal People***

- There is a need for more conversation and engagement with the Aboriginal people.
- There is continuing avoidance by government to address issues; similar to land rights - what are our water rights?
- Water rights are a significant issue that must be addressed to ensure long term water security beyond the cities.
- Water was denied to communities in the past (historically) and was used as a tool to control land and access to country. Water holes were not accessible and became a power and control mechanism for authorities in those times.
- Many areas are not treated properly today and community is not always involved in making decisions over the community area in which they live.
- There has been talk about Government holding community to ransom in relation to infrastructure when potable water is not available. Said to be a technique deployed to close community and bring people into the metropolitan area. (In the 2016 Census 71.1% of Aboriginal people lived in the Adelaide region).
- The high cost of water must be addressed; we need to ask if communities should have to pay for water... or is it a rights issue like land rights.

### ***Water Governance and supply***

- There seems to be lack of ownership of who is responsible for access to water and supply of water. Confusion from communities on who to talk to and negotiate with.
- Our system for dealing with water to small and large Aboriginal communities is convoluted.
- There is an historical mind set (dominant culture thinking) to working in the Aboriginal community.
- Government, DEW, DPTI and SA Water haven't figured out who is responsible.
- There is an answer but at this point in time there is no clear point of contact for the Aboriginal community.
- We need engagement and partnering. In those meetings there needs to be uncomfortable conversations to make big changes.
- People shouldn't have to pay for water when there is poor infrastructure. There needs to be a shared responsibility and shared expectations about the supply and use of water.
- Local Government need to be more involved. In many regions there seems to be limited involvement of Local Government in solutions for Aboriginal community matters. It seems to be State Government involvement primarily. Local government are important part of the picture.
- User pays hasn't been successful because it is a top down approach.
- Preservation of country and responsible use of the resources is important.
- "Let the Lands have a say."

***Community workers***

- Multi-service contractors do the work in the community.
- Communities need skilled trained local people to do the work, particularly pipe work and drilling for water.
- By having locally skilled people it allows the community to have power. It shifts the dynamic.

## **Dr Roger Thomas, SA Commissioner for Aboriginal Engagement**

**David Rathman's notes from his meeting with Roger Thomas in January 2020**

### ***Cost of living and lack of employment opportunity***

- We need to examine the economic viability of many Aboriginal community groups as going concerns that can gain a level of self-sufficiency into the future.
- At present, for some community areas (because of the winding back of Government financial support) self-sufficiency is sadly minimal and this affects the ability to pay for utility services provision.
- At present education hasn't changed the future prospects for local employment because there is no conversion to jobs.
- If you take the APY lands certificate training programs as an example, they are providing nothing new at the end; if you provide point of entry training there are no local businesses, insufficient local or State Government services to provide large numbers of jobs. No jobs, affects peoples choices. It is a problem in the regions.
- There is a skills deficit amongst the local people and when an external contractor is required to employ local people that lack of skilled labour leads to failure to deliver on employment because when the contractor comes into a community there is a skills deficit amongst the local people.
- This and a number of other economic pressures led to increased homelessness and with a growing numbers of Aboriginal people moving to the metropolitan area.

### ***Right to safe and clean drinking water and sanitation***

- Lack of action or slow progress in enabling Aboriginal people to access potable water could be taken as a racist act; why aren't we afforded the same essential services.
- It is discrimination. The Racial Discrimination Act could be invoked to bring authorities to account for the neglect of Aboriginal people's access to potable water.
- There is a need to respect the UN declaration on the Rights of Indigenous people.
- "Who holds the pie?" Provision of these services in our State is the State Government responsibility and they need to bring about change of policy and strategy for our communities.
- They must guarantee clean water supply to South Australia. We must have a case by case approach to determine the best option.
- We need a fresh look at moral obligation to provide clean water to all people in the State.
- The overall Government response to potable water supply needs to be the same for all South Australians.
- A common issue around Aboriginal Affairs research and strategy is the end result is questionable.

### ***Billing***

- The administrative system needs to reflect the shared approach by billing each user in the community.

***Health***

- An area like the APY lands has third world effects on health and standard of living with a flow on effect being poor conditions and poor hygiene.

## **Nerida Saunders, Executive Director Aboriginal Affairs and Reconciliation**

### **David Rathman's notes from his meeting with Nerida Saunders in January 2020**

#### ***Water quality and supply***

- Quality of water is the key issue and we need to work on supplying potable water.
- It is accepted there is a cost and alternative systems are costly.
- We need to acknowledge a number of groups receive grant money from the Commonwealth for essential services. This includes some Land holding bodies. Other land bodies have limited resources for responding to water or essential service infrastructure needs in communities.
- We need to work together to provide good quality water. Finding water in some areas remains a challenge.
- It is important there is a minimum standard we are working to in remote areas to provide drinking water.
- There needs to be state-wide program to clean tanks and keep them healthy.

#### ***User pays issues***

- How will we water proof a community and who pays for infrastructure and water supply? There are plans to introduce user pay arrangements for power in some areas in the remote communities.
- Any move toward user pay must be carefully planned to include education and well designed transition to making a contribution to the supply of a resource such as power and water. 12 months education and a 12 months roll out indexed toward a transition to full payment.
- Any plan will only recover a portion of the cost of the supply.

#### ***Lack of opportunity / services in regions***

- There is growing pressure in regional and city areas as people move to those areas to seek better opportunities for education and work.
- Some people are in the city to support family to be near the best health services.
- Young people are becoming more mobile, with young people going toward bigger centres.

#### ***Right to safe and clean drinking water and sanitation***

- All parties must value water as an essential resource. How do you keep the good underground water for people and use bad water for industry. Technology comes at a cost.
- You need rain and a sustainable water supply in the regions for community to flourish.
- Aboriginal people are important to our regions and it is incumbent upon us to supply sustainable essential services such as water.

#### ***Community management and decision-making***

- Aboriginal people must be decision makers in the community when it comes to essential services and not just be a receiver of services.

## Ms Khatija Thomas – Director Aboriginal Engagement and Inclusion, Department for Planning, Transport and Infrastructure

David Rathman's notes from his meeting with Khatija Thomas in January 2020

### **Water governance and supply – Municipal Services consultation**

- Water is a high priority. During Ms Thomas's Community Municipal Services consultation around South Australia it was one of the top five priority topics.
- The debt in community is a major concern and is often a result of poor governance or lack of resource to address issues on the ground.
- Community in South Australia has not been treated as equal community groups since the Regional Council structure was dismantled.
- No one is picking up community development which has been dropped since the closing down of ATSIC Regional Councils.
- Strategic planning in the community has stopped since the Government of the day said it raised expectations which it couldn't meet.
- During the consultation the cost of living didn't come up with more conversation about services, relationship with local Government, root cause of high bills, ability of people to pay for utilities, inadequate services and infrastructure neglect. All this is compounded by the entrenched institutional attitudes. There has been no change in the Government approach post structures such as ATSIC left.
- There is a lack of interest in Aboriginal community; there was a hand over without supports, "out of sight out of mind", a legacy never addressed.

### **Strategic failure**

- There is a colonial legacy which needs to be worked through with the Aboriginal community.
- Ms Thomas spoke about the "fault line of Federalism" which has led to a cluttered strategy for Aboriginal people.
- The strategy landscape is littered with different policies:
  - "Democratic governance is premised on the belief that all citizens are empowered to shape the society in which they live. Over generations, Aboriginal and Torres Strait Islander peoples have maintained that Australian democratic practice does not live up to this ideal, contending that the state's legal and political framework does not empower them with the capacity to have their voices heard and their interests considered in the processes of government. However, non-Indigenous Australians remain suspicious of Indigenous-specific political and legal mechanisms designed to rectify this structural fault. I argue that this suspicion – and Australia's governance framework more broadly – arises from a particular conception of democratic theory that marginalises Aboriginal and Torres Strait Islander peoplehood. If, as the Uluru Statement from the Heart calls for, Australia's political institutions are to be rebuilt so as to empower Aboriginal and Torres Strait Islander peoples 'to take a rightful place in [their] own country', that*

*conception of democratic theory must first be revealed and re-centred.*

*Multinational federalism offers one path towards a more equitable future*<sup>82</sup>.

- This has compounded the water debt, affected tenure and confused who supports the clean supply and treatment of water to small Aboriginal communities.
- Normalisation of services is a white concept and it is designed to integrate the Aboriginal community utility programs into the white systems. It has resulted in a suspicion of the intention behind integration of services with the mainstream community.
- There is a level of cultural insecurity, people worry about losing a culturally safe place.
- We need to unravel peoples mind set; do we need “whiteness training for Aboriginal people.”?

### ***Coordinated response***

- Water quality across the state is a mixed bag and the need for a better coordinated response is obvious.

### ***Right to safe and clean drinking water and sanitation***

- Sanitation was observed in the consultation by the Director as needing attention, relating the example of Oak Valley with 4 flushing toilets with remainder being drop toilets.
- It is important people receive affordable running water which is fit for human consumption. Water security is threatened by a lack of innovation and poor governance.
- We need to look at innovation around the world.

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<sup>82</sup> Harry Hobbs Griffith Law Review volume 27, 2018

## **Nahtanha Davey, Ex-Chief Executive - Aboriginal Health Council of South Australia and Paul Gordon, Wallmans Lawyers Adelaide**

**David Rathman's notes from his meeting with Nahtanha Davey and Paul Gordon in January 2020**

### ***Water use and supply***

- Water is high on the agenda for ACHSA.
- The group has met with Water SA over the situation confronting the people of Oodnadatta. Concern about people receiving two sets of advice from different agency groups about the use of tank and bore water.
- In the case of Oodnadatta the SA Water tests the water but don't publish the results.
- According to ACHSA no sizable community has any potable water.
- AHCSA believes the Board of SA Water needs to inform about the need to resolve the lack of potable water in Oodnadatta and smaller Aboriginal communities.

### ***Health***

- The AHCSA tested the water at Oodnadatta and there was no health risk.
- There is a need to examine in detail if there is any impact on health, particularly chronic disease information.
- SA Health stopped funding environmental health programs in communities.
- AHCSA has one public health officer for the State.
- The groups receive "spurts of funding" from the Commonwealth most of which is grant funding with no commitment to continuity of funding.

### ***Water debt***

- Debt should be written off in communities where there is no potable water.

### ***Infrastructure***

- The observation made by AHCSA is the lack of maintenance of infrastructure provided to the community.
- In Oodnadatta the school has a filtered water fountain (provided by Paddy Mills) which is not in use through lack of maintenance.

### ***Water quality***

- There is a need to closely monitor water quality. Determine what is acceptable.

### ***Cost of living***

- Need to create an index of Aboriginal disadvantage which examines the cost of living and homelessness.
- The index should include the cost of transport for people and goods particularly fresh food. Why are people choosing less healthy alternative.

## **SA Water**

### **David Rathman's notes from his meeting with representatives from SA Water in January 2020**

#### ***Water governance and supply***

- The SA Water staff outlined the need for people to understand the different requirements of each group, and that Aboriginal communities across the state are under a number of different water supply arrangements.
- SA Water said it was a challenge to address the needs of smaller community groups cost effectively due to distances from existing networks, the amount of new infrastructure required compared to the number of potential connections and historical arrangements.
- How you supply water depends on the region, where the water is from (e.g. bore water), and the challenge of finding reasonable quality supply.
- SA Water are seeking financial approval to upgrade Oodnadatta, Terowie, Yunta, Olary, Mannahill, Marree and Marla water supply.

#### ***Water quality and technology***

- Oodnadatta has a non-drinking water supply that doesn't meet the national standard for drinking water because it is not disinfected.
- SA Water explore new technology, but reverse osmosis is the best technology at present, in areas with high salts in the water.
- It is important to the SA Water team that they do not use the consumer of the service to experiment on with new technology, but to find technology that works.

#### ***Water use***

- SA Water's experience is usage in some areas is very high and there needs to be better education about water use.
- SA Water are installing smart meters to improve conservation of water and sourcing non-metal meters to suit local water conditions.

#### ***Community management***

- SA Water run Community Education programs to enable the community to manage some community plumbing tasks.
- SA Water engages water service officers in the APY lands.

#### ***Water debt***

- For groups with debt the customer assist team at SA Water are closely monitoring the situation and working with groups to enable people to be on a payment plan. In one of cases the plan includes actions to pay the debt.
- A debt agreement model needs to be drawn up to move toward resolving debt with an approach to working together to make community debt free.

## Attachment 'C' - Water supply and management table

Aboriginal community water supply and management arrangements (information provided by ALT and SA Water)

Community	Land Holding Authority	Service Provider (within community boundaries)	Water Source	Use of smart meters	Billing Arrangements
Yalata	ALT	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
Oak Valley	MT	SA Water Remote Communities	Local Groundwater & Rainwater	Yes	SA Water bills government agencies only
Koonibba	ALT	SA Water Remote Communities	Water West	No	Water West bills community, community on-bills relevant agencies (Housing SA, etc)
Scotdesco		Community managed	Rainwater		Nil
Betts Corner		Community managed	Water West		Water West bills community
Yarilena		Community managed	Water West		Water West bills community
Dinahline		Community managed	SA Water mains		SA Water bills community
Koongawa Dundee		Community managed	SA Water mains		SA Water bills community
Bullinda		Community managed	SA Water mains		SA Water bills community
Munda & Wanna Mar		Community managed	SA Water mains		SA Water bills community
Tia Tuckia		Community managed	SA Water mains		SA Water bills community
Munda MundaWatutjina		?	?		?
Warevilla		Community managed	SA Water mains		SA Water bills community

<b>Community</b>	<b>Land Holding Authority</b>	<b>Service Provider (within community boundaries)</b>	<b>Water Source</b>	<b>Use of smart meters</b>	<b>Billing Arrangements</b>
<b>Akenta</b>		Community managed	SA Water mains		SA Water bills community
<b>Wambiri</b>		Part of Port Lincoln?	?		?
<b>Kuranya</b>		Community managed	SA Water mains		SA Water bills community
<b>Poonindie</b>		Community forms part of SA Water service township of Poonindie	SA Water mains		
<b>Nepabunna</b>	ALT	SA Water Remote Communities	Local Groundwater & Rainwater	No	Nil
<b>Iga Warta</b>	ALT	Community managed	Local Groundwater	No	Nil
<b>Pukatja</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Amata</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Mimili</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Fregon</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SAW bills government agencies only
<b>Pipalyatjara</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SAW bills government agencies only
<b>Kalka</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SAW bills government agencies only
<b>Kanpi</b>	APY	SA Water Remote Communities	Local Groundwater	Scheduled	Nil
<b>Nyapari</b>	APY	SA Water Remote Communities	Local Groundwater	Scheduled	Nil

<b>Community</b>	<b>Land Holding Authority</b>	<b>Service Provider (within community boundaries)</b>	<b>Water Source</b>	<b>Use of smart meters</b>	<b>Billing Arrangements</b>
<b>Indulkana</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Murputja</b>	APY	SA Water Remote Communities	Local Groundwater	Scheduled	Planned for SAW billing government agencies
<b>Watinuma</b>	APY	SA Water Remote Communities	Local Groundwater	Installed	Nil
<b>Kenmore Park</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Umuwa</b>	APY	SA Water Remote Communities	Local Groundwater	Yes	SA Water bills government agencies only
<b>Watarru</b>	APY	Regional Anangu Services Aboriginal Corporation (RASAC)?	Local Groundwater	No	Nil
<b>Walatina</b>	APY	RASAC?	Local Groundwater	No	Nil
<b>Railway Bore</b>	APY	RASAC?	Local Groundwater	No	Nil
<b>Amaroona</b>	APY	RASAC?	Local Groundwater	No	Nil
<b>+ Many more homelands?</b>	APY	RASAC?	Local Groundwater	No	Nil
<b>Point Pearce</b>	ALT	SA Water Remote Communities	SA Water mains	No	Nil
<b>Davenport</b>	ALT	SA Water Remote Communities	SA Water mains	No	Nil
<b>Raukkan</b>	ALT	SAW Remote Communities	SA Water mains	No	Nil
<b>Gerard</b>	ALT	SAW Remote Communities	River Murray	No	Nil

<b>Community</b>	<b>Land Holding Authority</b>	<b>Service Provider (within community boundaries)</b>	<b>Water Source</b>	<b>Use of smart meters</b>	<b>Billing Arrangements</b>
<b>Umoona</b>	ALT	SAW Remote Communities	Cooper Pedy District Council	No	Cooper Pedy District Council bills community
<b>Dunjiba</b>	ALT	Community forms part of SA Water service township of Oodnadatta	SA Water mains (to individual properties)	No	Individual billing to property owner – including Housing SA
<b>Camp Coorong</b>	ALT	Community managed	SA Water mains	No	SA Water bills community