

# KELLEHERS AUSTRALIA

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## In-House Memorandum

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### *Community Access to Water Laws*

Kellehers Australia has identified a low level of public awareness of water law. This risks under-enforcement of water laws and sub-optimal outcomes if public involvement is lower than contemplated by statutory regimes.

There is a need for increased awareness given an upcoming raft of new water resources plans to be made and accredited under the Federal Water Act that likely present a significant change to the water law landscape.

Kellehers Australia believes that with the strong contemporary focus on water reforms (e.g. Federal Water Act, Victorian Water Bill), the valuable user-friendly descriptions of water law regimes (e.g. National Water Commission's interactive website: <http://archive.nwc.gov.au/home/water-governancearrangements-in-australia>), as well as much discussion of complex water law topics among academics and water industry 'insiders', goes some way to assisting the public to greater awareness of water law.

However, we believe there is an unmet need for user-friendly information available to the public about how to use the resulting water law regimes in practice. Public information needs to go beyond merely understanding the broad outlines of the regime, or being consulted in the initial reform process, to hands on 'how to' information. Useful legal outlines have been prepared for governance and Aboriginal rights<sup>1</sup>.

However, international jurisdictions, such as Colorado in the United States, have public Users' Guides that assist the community in day to day water use legal requirements. Its 'Citizen's Guide to Colorado Water Law'<sup>2</sup> is an example.

We believe it is important that this most complex area of law is made far more user-friendly to the public in general in this way.

Cameron Algie  
31 March 2015

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<sup>1</sup>[https://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/envirojustice\\_healthy\\_water\\_ecosystems\\_discussion.pdf](https://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/envirojustice_healthy_water_ecosystems_discussion.pdf): "Healthy water ecosystems: exploring community involvement in water governance" (Environmental Justice Australia, April 2014); and [http://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/envirojustice\\_Aboriginal\\_water\\_rights\\_submissions.pdf](http://envirojustice.org.au/sites/default/files/files/Submissions%20and%20reports/envirojustice_Aboriginal_water_rights_submissions.pdf): "Aboriginal water rights: Legal Analysis of submission to Review of the Commonwealth Water Act" (Environmental Justice Australia, Nov 2014).

<sup>2</sup> [http://www.colorado.edu/geography/class\\_homepages/geog\\_4501\\_s14/readings/CG-Law2004.pdf](http://www.colorado.edu/geography/class_homepages/geog_4501_s14/readings/CG-Law2004.pdf) (Colorado Foundation for Water Education, 2004).

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KELLEHERS AUSTRALIA: [www.kellehers.com.au](http://www.kellehers.com.au) / e: [kellelegal@kellehers.com.au](mailto:kellelegal@kellehers.com.au)

497 Swan Street, Burnley, 3121, Victoria, Australia

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