
Fair enough

—
Working paper: Considering
equity, fairness and justice in
water policy August 2025





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Preface

Do you want to read this paper? Outlining our argument first.

Good policy design is essential, but technical soundness alone does not guarantee policy legitimacy, stakeholder compliance, or public trust. A policy can appear to be well-designed and well-supported by the evidence yet still fail if it is perceived as unfair.

What makes a policy fair? That's what this paper is about. Fairness is not just an ethical ideal; it is a driver of public responses, stakeholder acceptance, and long-term policy success. Fairness is only one part of policy development, but policies perceived as unfair can provoke stakeholder resistance, reduce compliance and trust in government, and stymie successful implementation. People do not judge the fairness of policies just by their outcomes. They judge them based on whether the process was transparent, inclusive, and aligned with their sense of justice. Even a policy that improves overall welfare can face resistance if people feel excluded, if they distrust the decision-makers, or if they perceive benefits and burdens to be unfairly distributed.

If you recognise that public trust in government policy is, in part, shaped by perceptions of fairness, identity, and political narratives not just by facts then this paper is for you. Like us, you want policies that are evidence informed but also seen as legitimate. That means engaging with the realities of how fairness is understood, how it influences political behavior, and how it should shape policy processes.

The challenge is this: fairness is not a single concept, nor does it mean the same thing to everyone. Perceptions of fairness play different roles in shaping public trust. People's judgements about fairness are tied to social identity, group affiliation, and issue narratives often more so than to objective assessments of policy outcomes. Simply designing the "best" or "optimal" policy is not enough; in the second-best world we live in, policymakers should consider how people experience and interpret fairness.¹ Policy compromises that look less efficient or effective to the policymaker might help implementation and delivery if they are understood by most stakeholders as "fair enough". A policy that is "optimal" but perceived as unfair will eventually face backlash. Fairness perceptions influence how stakeholders mobilise and whether policy implementation succeeds or fails.

This paper explores why fairness matters, how it shapes stakeholder and public responses, and what policymakers can do to engage with fairness in policymaking more effectively. It will show why people's judgements about fairness are not just about policy substance but also about process, identity, and trust. While our focus is on water policy, we hope the work is of broader relevance. Our aim is not to replace existing technical or professional expertise, but to complement it by offering insights that can enrich current practices, helping policymakers understand how fairness perceptions shape real-world policy outcomes and governance legitimacy.

Why does fairness matter?

Perceptions of fairness contribute to policy legitimacy and public trust in government. Policies perceived as unfair can provoke public resistance, reduce compliance, and reduce government authority and legitimacy.² Fairness perceptions influence stakeholders', and the public's, judgements about governments and policy, increasing or depleting governments' "moral capital," which is essential for policy legitimacy, effective governance and policy implementation.³

Many things go into good policy design and implementation. While technical knowledge and professional judgement remain essential, we think fairness should also be included for pragmatic reasons. By integrating perceptions of fairness into problem identification, policy design, communication, and implementation, policymakers can enhance legitimacy, increase compliance, and create more sustainable, widely accepted solutions to complex policy challenges. Water policy in Australia, and particularly in the Murray–Darling Basin, is a complex policy area with considerable interest group conflict. It has faced a wide range of stakeholder concerns about fairness in how policy has been made as well as the distribution of the benefits and burdens of policy change.^{4,5} Most importantly, water policy development always begins in "the middle of things"; starting on top of a long history of past policy decisions. While the examples in this paper will be drawn from water policy, the ideas are more generally relevant.

This paper covers three big ideas that explain why fairness matters for policymaking.

These are:

- **Fairness first, explanations later**, people usually make intuitive assessments about fairness and then develop reasons to support their judgements. These intuitions are hardwired by evolution, rooted in our species' need for cooperation and reciprocity. Fairness intuitions provide a foundational layer for decision-making, operating quickly and automatically before conscious reasoning takes over. Our evolved sense of fairness influences moral judgements before we construct rational justifications.
- **Fairness follows identity** intuitions about fairness are shaped by identity, worldview, community ties, and valued priorities. While fairness instincts are universal, different societies and groups develop distinct conceptions of what is fair based on how they think the world works and what they value. Whether fairness is understood in terms of equality, equity, merit, or need-based distribution depends on cultural norms, historical experiences, and social structures. Over time, fairness norms shift in response to changing social, economic, and political conditions.
- **Fairness is political** and governments need to be able to effectively mediate fairness conflicts to identify policy goals and design effective implementation. In complex societies, fairness is not a fixed formula but a contested terrain where different groups advocate for their own fairness narratives. Governments play a critical role in balancing competing fairness claims, establishing stable governance structures, and ensuring that policies reflect broadly accepted outcomes perceived as "fair enough". By structuring deliberation and decision-making, governments can shape how fairness is applied in practice, helping resolve conflicts through public policy design and democratic processes.

Fairness matters in policymaking because it starts as an intuitive moral judgement, shaped by evolutionary processes and the human need for cooperation. Yet these intuitions are not uniform or fixed; they are interpreted and modified through our cultural lenses identity, worldview, and community ties determine how we understand what is fair. Recognising this, interest groups strategically mobilise our underlying intuitions by framing policy debates through narratives aligned with particular identities and worldviews. In turn, effective governments mediate these competing narratives, structuring policy processes to balance diverse fairness claims, maintain legitimacy, and deliver policies that are both perceived as fair enough and practically effective.

We will develop a set of policy principles as we explore these three big ideas. A practitioners guide is also being developed by Watertrust Australia to provide additional practical guidance.



Fairness, executive power and water legislation

Fairness is not just an aspirational goal for water policy in Australia, but is also a principle of good policymaking and often a requirement embedded in legislation. When fairness is explicitly mentioned in water-related legislation, decision-makers usually retain broad discretion in determining its practical meaning. Recognising how this discretion interacts with public perceptions of fairness is crucial. The following sections explore the legal and political dimensions of fairness in water

policymaking and governance, highlighting both the wide executive power available to governments and the practical need for clear, consistent approaches to equity and fairness in policy design, implementation and management.

Executive power, democratic legitimacy, and fairness

Australia's Westminster tradition places significant policymaking authority with the elected executive, supported by a longstanding democratic ethos emphasising egalitarian public debate, social progress, and active government.^{6,7} Federal and state governments typically hold parliamentary majorities, allowing them substantial scope to enact bold policies even those perceived as unfair by some stakeholders. Although Australia's national and state constitutions set boundaries and courts enforce procedural fairness in administrative decisions, parliaments and cabinets maintain broad latitude to make policy within constitutional limits.⁸ Legality and fairness thus remain distinct: policies perceived as unfair may nonetheless be lawful.

Ministers possess considerable discretion in policy implementation, including resource allocation and regulatory decisions, provided they act within statutory limits and uphold the rule of law.⁹ While ministerial discretion aligns with Australia's historical expectation of an active, interventionist state, it also requires accountability through responsible government and democratic scrutiny.⁷ Public acceptance of government decisions critically depends on perceived fairness, transparency, and accountability not merely legality.

Australia's strong democratic values and expectations of citizen engagement mean perceived unfairness can quickly translate into political backlash. Over the decades, Australians have come to view fairness in governance as a national virtue whether in economic policy (e.g. progressive taxation, fair labor standards, universal health care) or social policy (e.g. accessible education, multicultural inclusion, anti-discrimination laws). Australians' belief in a "fair go" means that governments are expected to ensure a reasonable balance between individual initiative and social protection. Australia's unique blend of

egalitarian–democratic heritage and strong government powers has ingrained a popular expectation that fairness in opportunity, process, and outcomes should be a guiding principle of governance and public policy. Policies seen as unfair tend to provoke swift public response at the ballot box or through public debate. Leaders thus ignore Australia’s fairness norms at their peril. Sustained policy success requires maintaining legitimacy by proactively addressing public perceptions of fairness, transparency, and procedural justice.¹⁰

The legal mandate for fairness and equity in water policy

In addition to pragmatic considerations, policymakers must prioritise fairness and equity in water policy because these principles are embedded in much current Australian legislation at both federal and state levels. Despite their presence in legislation, these concepts remain poorly defined and inconsistently applied. This creates a challenge: policymakers must navigate statutory obligations that reference fairness and equity while also determining how to interpret and implement them in practice.

Our review of water legislation¹¹ found that equity is a ubiquitous legal concept in water governance across Australia, appearing in laws related to water entitlements, planning, environmental protection, pricing, and interstate water sharing. For example, a key object of the *Water Management Act 2000* (NSW) is to provide for “equitable sharing of water” (s3(e)), while the *Water Act 2007* (Cth) references equity within the principles of ecologically sustainable development (s 4(2)(a)) and gives the Murray–Darling Basin Authority the task of investigating ways to use “the Basin water resources in an equitable, efficient and sustainable manner” (s 172(1)(d)(i)). Similarly, the *Landscape South Australia Act 2019* (SA) requires that water allocation plans set out principles to achieve “an equitable balance between environmental, social and economic needs” (s53(1)(d)). Despite these requirements, legislation often lacks clear definitions of equity, leaving decision–makers with little guidance and significant discretion while limiting avenues for legal review. Significant court decisions have deferred to policymakers, treating equity as a political rather than a legal determination

(e.g. *Murrumbidgee Groundwater Preservation Association Inc v Minister for Natural Resources* [2005] NSWCA 10).¹¹

The policy challenge: balancing value systems and tradeoffs

Given statutory requirements, policymakers should treat fairness as both a normative goal and a practical governance challenge. The lack of precise legislative definitions creates inconsistencies across and within jurisdictions. For example, some laws mandate fairness in water allocation but fail to provide clear criteria for balancing competing claims, such as those between existing users, future generations, and ecological sustainability.¹¹ While some variations reflect geographic differences, significant ambiguity remains, highlighting the need for practical policy guidance to clarify legislative expectations, reduce legal uncertainty, build public trust, and ensure effective water management.

Balancing diverse and often conflicting stakeholder claims related to water policy and management will always be a challenge for policymakers. Stakeholders rarely hold to a single, fixed relationship with water; rather, their perspectives shift depending on context. For instance, a stakeholder group might view water as a tradeable commodity in market exchanges, a vital agricultural input when farming, a recreational resource when fishing or kayaking, and as holding intrinsic ecological value. Conflict over water policy fairness usually extends beyond allocations to encompass broader social, cultural, historical, political and place–based dimensions as well as judgements about how to organise and prioritise different values and make tradeoffs between them.¹²

Public service discretion

Public servants play a critical role in interpreting and implementing fairness principles embedded in legislation, exercising significant discretion within statutory frameworks and ministerial direction. Although bound by legislation and ministerial policy, public servants routinely make judgements that influence practical outcomes, such as evaluating competing water claims or balancing environmental and economic objectives. Their decisions are

guided by administrative law requirements, departmental guidelines, and professional norms that emphasise impartiality, consistency, and transparency. However, in the absence of clear guidelines on how policy requirements around equity and fairness are to be met, public servants' discretionary interpretations of fairness can vary widely, affecting both policy coherence and public perceptions of fairness. Ensuring that discretionary decisions are perceived as fair and legitimate requires meaningful engagement with stakeholders, robust internal accountability mechanisms, and effective communication of decision-making rationales to the public.



How this paper helps

The challenges posed by legislative ambiguity in defining fairness and equity reflect broader confusion about how fairness operates in policymaking. To navigate these challenges, policymakers need a pragmatic set of principles that translate broad legal commitments to equity into actionable policy processes likely to deliver “fair enough” results. Given the legislative discretion afforded to decision-makers, a structured approach to interpreting and implementing fairness in consultation with stakeholders is essential not just to ensure compliance with statutory obligations, but to build legitimacy and trust in water governance. This paper develops a set of nine principles from the three big ideas above, providing policymakers with a guide to balancing competing fairness claims and considering equity in water management. A

practitioners guide is also being developed by Watertrust Australia on how these principles can be applied in practice.

Watertrust’s approach

Watertrust is an independent and impartial broker of better water and catchment policy decision-making. We believe it is critical to rebuild trust and find common ground on water and catchment policy. We do not take sides and so in our work on fairness, we have put aside questions of who is right and what water policy should deliver to examine how people do consider fairness and how that matters practically for policymakers. This paper aims to be descriptive, not prescriptive; we explore how people’s moral intuitions about fairness take shape and are relevant to policy making, knowing that perceptions of fairness will be different and often in conflict.

As an input to this policy paper, we undertook a comprehensive review of the literature on equity, fairness and justice in water policy. You can learn a lot from this literature.¹³ However, some of it presents a challenge for the practical policymaker because many authors provide prescriptive definitions of fairness, equity and justice that reflect perspectives dominant in their fields. Much of this work prescribes what water policy should deliver and to whom.

We do not need a single definition for equity, fairness or justice to consider them seriously in policymaking. In fact, if we want to work effectively on practical policy matters with stakeholders, we need to understand what stakeholders mean when they use these terms.

As a prominent Australian researcher writing in the 1990s noted, *Government policies constantly state that resources will be allocated “equitably”, yet the area that has received least attention is the definition of what is “just”, or “fair” or “equitable” as seen by the range of stakeholders in water allocation decisions.*¹⁴

Only limited work has been done to address this issue in the intervening decades or provide practical advice for policymakers, despite the growing literature on water justice (see our companion literature review).¹³ We aim to address this issue here.

Watertrust's work on equity, fairness and justice in water policy

Watertrust's equity, fairness and justice initiative brings together six major research projects to inform this paper and help policymakers incorporate fairness into policy processes from problem formulation to design and implementation.

Reports for the following six projects, done in collaboration with researchers from across Australia, can be found on the

Watertrust website:

- Literature review,¹³ which examined peer-reviewed, academic research on equity, fairness and justice in water policy across a wide range of research fields
- Legal review,¹¹ which investigated how equity, fairness and justice emerge in the legislation of New South Wales, the Northern Territory, Queensland, South Australia, Victoria, and the Commonwealth
- Conceptual map,¹⁵ which reviewed key concepts of fairness, justice and equity and the implications that flow from the fact of disagreement over these values in discussions of democratic legitimacy
- Submissions analysis,⁴ an exploratory analysis of over 1800 submissions made to seven public inquiries into water policy in the Murray–Darling Basin over the last 10 years, second-reading speeches for key pieces of Federal water legislation, and five years of tweets to better understand how policy constituencies, advocacy coalitions and citizens understand fairness concepts
- In-depth stakeholder interviews,⁵ a Q-study approach to directly examine stakeholder perceptions of equity, fairness and justice in water policy and management in the Murray–Darling Basin through structured interviews with a wide range of stakeholders
- Representative population survey,¹²⁸ a major population-scale survey with Ipsos Australia that tested the results of the in-depth stakeholder interviews at scale and allowed us to make generalisable findings.



Intuition first, explanations later

Fairness is a moral intuition

Fairness is widely regarded as a fundamental moral principle across human societies, closely linked to justice and equity. But how do we arrive at judgements of fairness do we reason our way to fairness, or do we feel it intuitively? Research in psychology, evolutionary psychology, anthropology and neuroscience suggests that fairness is primarily an intuitive moral judgement, with rational explanations constructed after the fact to justify our “gut reactions.¹⁶ In other words, we feel something is unfair before we can articulate why.

Although fairness judgements are intuitive, they are not immune to reasoning and deliberation. Research in moral cognition suggests that intuitions can be refined over time, as reasoning challenges biases and people engage with other viewpoints. Deliberation when structured effectively can lead individuals to reassess their initial fairness judgements by exposing them to new perspectives, evidence, and principled debate. Rather than being fixed, fairness intuitions are shaped through reflection, dialogue and negotiation.

This interplay between intuition and reasoning suggests that fairness judgements operate on two levels. Fairness is felt instinctively, driven by rapid, automatic reactions based on simple heuristics, or rules of thumb what has been called thinking fast. Fairness can also be evaluated deliberately, where reflection, evidence, and structured reasoning refine or reshape our moral intuitions – thinking slow.^{17,18} Understanding how these processes interact is essential for policymakers.

Thinking fast: fairness as a universal yet culturally variable intuition

Fairness is a shared human intuition, present across all cultures, though societies vary in how they apply it. Research supports the idea that fairness evolved as a deeply held moral intuition, shaped by the need for cooperation and collective action.^{19–24} Fairness intuitions emerge early in life and can even be observed in young children and primates, indicating fairness’s deep evolutionary roots.^{25–27}

Neuroscience further supports this idea, showing how initial fairness responses are rooted in the activation of specific neural pathways. Brain-imaging studies reveal that receiving unfair treatment activates regions associated with anger and disgust, suggesting that intuitive fairness judgements precede reasoning, which comes later to justify or explain our response.²⁸

At their most basic, our fairness intuitions are about people getting what they deserve (and not getting what they don’t), embedded within broader moral ideas about harm, social obligations and collective responsibility.^{29,30} Cross-cultural research over the last two decades suggests that a concern for fairness is a human universal, but what counts as fair differs greatly across societies and cultures. In other words, people everywhere have an intuitive sense that some kind of fair treatment is morally right, yet the specific norms and triggers for their intuitions, and the heuristics that drive them, are shaped by cultural influences.^{31,32} Consequently, our intuitions about fairness are not just about the distribution of resources; they are equally about perceptions of respect, authority and merit.^{27,32}

Behavioural research confirms that humans are strongly averse to unfairness and violations

of fairness norms usually provoke strong emotional responses, including moral outrage, which can be both a catalyst for demands for social and political change and a barrier to their resolution.³³ One argument is that at the heart of most moral outrage including outrage over unfairness is a perception of harm. People across the political or cultural spectrum share a common moral core: we all care about preventing harm and injustice.³⁰ We are also willing to incur costs to punish violators of fairness norms a phenomenon known as altruistic punishment. This costly enforcement of fairness has been documented across societies, underscoring that our immediate impulse is to uphold fairness, often over self-interest. However, what we accept and what we punish varies widely across cultures and these differences are visible by the time children are about ten years of age.³² So, the instinct to be fair is universal, but what your “gut tells you” is fair depends on the culture you inhabit. When we disagree about fairness we are not disagreeing about the value of fairness (or avoiding harm), but on what is fair or harmful.

Thinking slow: deliberation and judgement

While fairness is an immediate moral intuition, political philosophy has long recognised that defining and applying fairness requires reasoned reflection. Philosophers have argued that fairness is both natural and constructed rooted in moral sentiment but shaped by social conventions, legal principles, and rational frameworks. Some approaches emphasise fairness as a product of impartial reasoning asking us to abstract away from self-interest to determine fair rules for all. Others see fairness as an evolving social practice, emerging from experience, habit, and the necessity of cooperation. In either case, fairness is not static; it is refined through reasoning, debate, and lived experience.^{34,35}

Yet, rational definitions of fairness do not tell us how fairness is actually felt or experienced. Public reasoning cannot override moral intuition it must engage with it. Democratic deliberation and negotiation is most effective when it acknowledges, rather than dismisses, the emotional force behind fairness judgements. People are not moved by abstract principles

or facts alone; fairness is something they feel. This means that deliberation must create space for people to express and refine their moral intuitions, rather than simply imposing technical definitions of equity or justice. Structured negotiation, dialogue, exposure to competing perspectives, and well-designed engagement help individuals distinguish between gut reactions and reasoned fairness claims. In this way, deliberation educates intuition rather than replaces it, making policy solutions more justifiable and more widely accepted.³⁶

Thinking slow is not about replacing our fairness intuitions with reason, but about broadening them so they better reflect the needs of policymaking in a diverse and complex society. Integrating fairness into policy is a moral achievement that builds on intuition requiring reasoning, negotiation, and thoughtful design.

Everyday language links fairness, equity and justice together

Everyday language supports the idea that fairness is intertwined with ideas about equity and justice to express people’s collective intuitions about what is morally right. The New Oxford Thesaurus groups equity, fairness and justice together, noting that they “express judgements springing from a belief that everyone should get what they are entitled to” tied to intuitions about “what is basically right, coupled with indignation if this is not achieved.”³⁷ Dictionary definitions, which describe the meaning of words by documenting language as it is used, similarly show how equity, fairness and justice are treated as a single, conceptual unit in everyday language:³⁸ “equity” is defined by “fairness” and “justice,” “fair” is described in terms of “justice” and what is “right,” while “justice” is linked to “equity,” “fairness” and what is “right”.

- **equity** – that which is fair and just³⁹
- **fair** – with justice or fairness; honestly, impartially; in accordance with what is right, honourable, or legitimate⁴⁰
- **justice** – consonant with principles of moral right or of equity; righteous; equitable; fair⁴⁰

This link between equity, fairness and justice in everyday language has parallels in both philosophy and law: John Rawls, probably the pre-eminent philosopher of justice in the 20th

century, concludes that “justice is fairness”;³⁴ and fairness sits behind the law of equity where decisions are based on what is fair in situations where the rigid application of the common law would cause an injustice.⁴¹

How this matters for policymakers

Once we see that fairness is a universally-held, yet culturally-variable intuition we are better prepared to understand and address water policy conflicts. We all know “in our guts” what is fair, but if we also know that our perceptions of fairness are unlikely to be shared by everyone it forces us to better understand the people involved themselves. As the Australian Policy Handbook emphasises, “perceptions hold sway as much as ideas.”^{4,5,42} Our own moral intuitions about fairness can help us understand other people’s as long as we take the time to listen to them and better understand their histories, their communities and their worldviews (see the next big idea, *Fairness follows identity*). People’s ideas about fair policy are not necessarily arbitrary, unjustified or wrong, instead they reflect different values and priorities about what is due to whom; values that can be subject to legitimate debate and negotiation. We do not have to share people’s views to understand them; yet, if we do not understand them we cannot effectively work with them.

Policy principles

Principle 1. Prioritise fairness as a core policy concern

Public policy does not operate in a moral vacuum fairness is a foundational moral intuition that shapes public trust, stakeholder acceptance, and policy legitimacy. When policies are viewed as unfair, policy implementation is compromised because public opposition intensifies, compliance declines, and the government’s authority and credibility are undermined. Policymakers must recognise that fairness is not merely a technical constraint it is a core component of legitimacy that must be prioritised and actively managed. Addressing issues of equity and fairness is also a widespread requirement in water legislation though rarely well defined.

Fairness operates on two levels. In some cases, it is felt instinctively, shaped by immediate moral intuitions what we might call thinking fast. In other cases, fairness is evaluated deliberately, shaped through reasoning, deliberation, and careful design of policy processes thinking slow. Effective policy-making requires understanding and engaging with both. Because fairness is both universal and culturally variable, defining it rigidly risks alienating stakeholders or oversimplifying complex realities.

Policymakers should ensure that:

Fairness considerations are built into the design of policy processes, not added as an afterthought.

People judge policies not just on who benefits, but on whether they feel fair. Because fairness is an intuitive moral concern, policymakers must engage with the various ways fairness is perceived rather than assuming a single objective standard. Policymakers themselves are likely to have views about what makes policy fair that differ from many stakeholders (see *Principle 4*). As we will see, fairness in policy is shaped by identity, worldviews, and partisan values, meaning policies should be designed with an understanding of how different groups experience and interpret fairness.

Principle 2. Policy efficiency and effectiveness require consideration of fairness

Fairness is not a secondary concern to efficiency it is an essential component of policy legitimacy.⁴³ Policies that ignore fairness concerns in favour of ideals of policy efficiency alone often provoke backlash, eroding public trust and legitimacy and crueling implementation. An “optimal” policy design is neither efficient nor effective if it cannot be implemented in the real world. Policy efficiency and effectiveness require consideration of fairness.

Policymakers should ensure that:

Policy is made for the second-best world we live in and avoid ideals of “optimal policy” design.

While technical policy models often focus on efficiency and optimal design, fairness is about public perception and legitimacy. This means taking past policies and politics, current values disputes and stakeholder concerns into account in policy design. People will often accept some losses if they believe the process is fair and if they feel their concerns have been heard.¹⁰ Negotiation and deliberation can educate fairness intuitions, helping the public distinguish between gut reactions and well-justified fairness claims. Long-term policy objectives may need to be approached in stages over decades not years or months.

Principle 3. Prioritise legitimacy alongside technical authority

Government legitimacy is not just a function of technical knowledge and authority it relies on perceptions of fairness and moral credibility. Policies that appear technocratic or detached from public values erode public trust, especially when they are seen as benefiting some groups at the expense of others.

Policymakers should ensure that:

The moral capital of government is preserved, recognising that perceived unfairness in one policy area can undermine legitimacy across government as a whole.

They balance expertise and representation technical expertise cannot tell us what we ought to do, policymaking usually involves complex value judgements and trade-offs, these cannot be fully understood without working, and negotiating, with stakeholders.⁴⁴⁻⁴⁶

Technical knowledge is essential for good policymaking. It helps inform policy decisions and avoid “magical thinking” among stakeholders and policymakers. However, as the old saw puts it, “experts should be on tap not on top”. Facts alone cannot settle matters of public policy because most policy issues also involve significant uncertainty, values conflicts, and difficult trade-offs this is particularly true in a changing climate. Policy should be informed

by technical knowledge, but never decided by it. Social science expertise, in particular, can help make stakeholders’ fairness perspectives visible by identifying underlying values, narratives, and intuitive notions of fairness shaping their different claims.

Fairness is not a matter of imposing one understanding of what is fair or equitable it is about policymakers negotiating and brokering workable outcomes from complex and conflicting fairness claims alongside evidence of feasible options, costs and benefits, and the likely distribution of gains and losses.⁴⁷ Policymakers should aim to actively engage with and understand, rather than dismiss, stakeholders’ moral intuitions.



Fairness follows identity

People's intuitions about fairness about what is due to whom are shaped by how they see the world, the communities they belong to, and the values they hold most dear.

Fairness is not a fixed principle with a single definition; rather, it is a moral faculty shaped by social, cultural, and political contexts. It is a universal human intuition, yet what we perceive as fair is profoundly influenced by historical experiences, social norms, and group identity. This is why fairness can mean protecting individual rights and earned rewards, providing for future generations and the natural world, or righting historical injustices and restoring land and water rights all of which reflect fairness intuitions, but through different identities and worldviews. In water policy, as in other contested domains, fairness disputes rarely stem from one side being objectively right and the other objectively wrong. Instead, conflicts emerge because different groups have distinct yet often equally legitimate conceptions of fairness anchored to the social groups they identify with.

Fairness is shaped by identity and worldview

Research shows that people do not assess fairness in a vacuum they interpret policies through the lens of their own and their groups' ideological commitments and beliefs about how the world works.⁴⁸ Policymakers cannot assume that fairness is self-evident or that facts alone will persuade stakeholders because "culture is prior to fact in the apprehension of societal risks [...] It is cognitively prior, in the sense that people's perception of what the facts are is shaped by their values."⁴⁹ Policy decisions are judged through competing perspectives

about what is fair tied to people's identities and shaped by deep-seated views about how society should function and what justice demands. The same policy may be interpreted in profoundly different ways depending on:

- *Group identity and values* – whether a policy reinforces or undermines a group's sense of itself, its status in society, and the obligations it believes others owe to it⁴⁸
- *Conceptions of harm* – who or what is perceived as vulnerable, and what fairness requires in terms of preventing or addressing harm³⁰
- *Beliefs about responsibility* – whether fairness demands collective solutions and government intervention, or whether it is best achieved through individual effort and autonomy
- *Understanding of the world* – different groups see different issues demanding different solutions: an environmentalist might see an ecosystem in collapse, requiring immediate action; while a farmer might see a hollowed-out community, demanding policies that support rural resilience; these contrasting perceptions shape what each group considers to be a fair distribution of benefits and burdens.

These differences often result in the formation of coordinated coalitions of stakeholders working together to influence policy decisions based on shared beliefs about what fairness requires. These groups can act with surprising coherence over time because they are united by shared identity and values and understandings of the world often encapsulated in shared narratives (see the next big idea, *Fairness is political*).⁵⁰

We should be wary of the "folk theory" of democracy that assumes individuals have clear policy preferences, ample information, and make decisions by rationally weighing

arguments.⁵¹ Long-standing research challenges this individualist ideal, suggesting that political identity and worldview are collective products of groups and advocacy coalitions rather than individual choices. Humans are highly social learners and our political beliefs emerge from group dynamics, shared cultures, and collective intelligence rather than isolated reasoning.⁵² What we “believe” about complex issues (be it immigration, climate change, or water policy) is heavily influenced by the beliefs held by our identity groups.⁵³ The social nature of learning means we absorb outlooks from our communities family, peers, political party networks, and media ecosystems tuned to our side that shape the way we approach policy issues, evaluate evidence and decide what is fair.

Fairness, heuristics and bias

Importantly, all of us, from experts and policymakers to citizens approach problems of fairness in policy using heuristics and simplifying assumptions about a highly complex world. Most of us have limited knowledge about any particular policy area and experts’ knowledge outside their domain is usually little different from that of other citizens. Research in public policy and psychology shows that “evidence-based policymaking” is often more aspiration than reality not because evidence is unimportant, but because policymakers and experts are susceptible to the same biases and heuristics that affect everyone. They can be overconfident in their own judgements, fall prey to groupthink in their advisory teams, and be susceptible to framing effects, bounded rationality, availability bias, and identity-based ideological cues.⁵⁴⁻⁵⁶

Two heuristics policymakers should know

Two common heuristics are particularly important in debates about fairness:

- **Socially-scaffolded reasoning** – Social groups often form around shared identity-defining beliefs, which function as membership criteria for the group, and people unconsciously adjust their reasoning to fit group identities. Individuals gain status and credibility by affirming group-defining beliefs, while those who challenge them risk

social sanction or marginalisation. These dynamics shape how issues are interpreted, which information is emphasised, which evidence is dismissed, and how fairness itself is defined. Policymakers and experts are not immune to these effects. Their professional networks, institutional cultures, and ideological commitments structure their interpretation of fairness in ways that often reinforce identity-driven narratives and group membership rather than reflecting a neutral assessment of evidence.^{48,53,57-59}

- **Naïve realism** – Naïve realism, the tendency to see one’s own perspective as objective and reasonable while viewing opponents as biased or irrational, plays a central role in fairness debates. It is not just a cognitive bias affecting individuals but a collective phenomenon reinforced by social and professional environments. Within identity groups, dominant assumptions about fairness, equity, and responsibility are often treated as self-evident truths, leading to an implicit expectation that others will naturally converge on the same conclusions if they are rational and well-informed. When this expectation is violated, opposing positions are often dismissed as self-interested, ideologically motivated or factually misguided, reinforcing division rather than fostering engagement. This bias is compounded by the ways in which social, political and professional identities structure belief formation, creating epistemic blind spots that make it difficult to recognise alternative fairness perspectives as legitimate, even when they are based on equally structured reasoning and evidence.⁶⁰

Even in the best of possible worlds these heuristics can lead to policy debates that become entrenched, with each side convinced of the obviousness of its own fairness framework and dismissive of competing perspectives. However, recognising these dynamics does not mean that all fairness claims will be equally reasonable or that stakeholders will always engage constructively. People are often unreasonable, deeply entrenched in their positions, and resistant to evidence or alternative perspectives, particularly when identities and deeply-held values are involved.

Fairness follows identity, but *thinking slow* can help identify feasible policy options

At the same time, human reasoning skills evolved primarily for argumentation to devise and evaluate arguments in a social context.⁶¹ We reason most effectively in mixed, diverse groups, where people can challenge and change one another's perspectives, heuristics and biases. Not only do well-designed deliberative processes help reduce polarization and foster mutual understanding among people with opposing worldviews, they can also enlarge the set of feasible policy options.^{62,63} Policymakers can use the outputs of stakeholder deliberations to inform policy decision-making, helping them consider expert evidence alongside stakeholder knowledge and values.

Three identities and their fairness perspectives in Murray-Darling Basin water policy debates

Watertrust's research in the Murray-Darling Basin highlights how fairness perceptions are closely tied to identity, worldview, and policy framing. Our analysis of thousands of public submissions, structured stakeholder interviews, and a large-scale representative survey consistently showed distinct patterns in how people from different backgrounds perceive the world and their place in it. These patterns do not imply strict uniformity within groups; rather, they represent coherent, identifiable perspectives that shape advocacy coalitions, policy debates and perceptions of fairness.

Our research identified three key dimensions that influence fairness claims:

- *Human relationship to nature*, fairness perceptions differ depending on how nature and human influences are understood and valued
- *Role of government*, different expectations around what fairness requires of government intervention, hands-off governance, or a complex mix

- *Appropriate knowledge for policymaking*, assumptions about what mix of knowledge scientific, local, or traditional knowledge should be prioritised in policy decisions.

Below, we outline three common identities that regularly emerge in Murray-Darling Basin water policy debates. These identities rural community, environmental, and First Nations illustrate common ways stakeholders frame fairness around water (we could have chosen others but these help illustrate our ideas). Each identity captures a set of recurring themes and should not be thought of as a rigid category. The descriptions here are intentionally simplified to highlight these common themes; however, our research found considerable internal diversity and overlap among individuals who often hold nuanced views and may align differently depending on a specific issue or context. Advocacy coalitions form around these identities not because every member shares identical views, but because people find strategic alignment on key issues, framed using shared themes and narratives (see [Causal stories about water policy in the Murray-Darling Basin](#)). This alignment shapes how fairness claims are presented and how policy debates unfold.

Rural community

Stakeholders aligned with agricultural and rural community identities often express concerns that Murray-Darling Basin water reforms unfairly burden regional and farming communities. Such reforms, they argue, are driven by distant agendas disconnected from rural realities. Central themes include the impacts of reforms on rural families and local communities, emphasising fairness as equitable recognition in political decision-making, and genuine respect for rural contributions. Commonly, these stakeholders portray themselves as ethical stewards, highlighting their responsible management of agricultural land, rivers, and ecosystems, and valuing water primarily for its role in sustaining productive, vibrant and liveable rural regions. This

perspective frequently objects to urban environmentalists' portrayals of farmers, seeing these as unfair attacks on an important Australian heritage, livelihood and approach to land stewardship.^{4,5}

Rural community advocates typically favour decentralised governance, calling for policies that respect regional autonomy and local expertise, and oppose top-down regulations from distant policymakers. They are often critical of market-based reforms, instead calling for government action to protect regional economies, support agricultural livelihoods, and maintain vibrant communities against corporate and external financial interests.⁶⁴⁻⁶⁶

Environmental

Environmental groups frequently frame current water management policies as neglectful and unfair, asserting that they fail to adequately protect the ecological health of the Basin. Historically grounded in urban-based conservation movements, these groups underscore the intrinsic value of nature, emphasising the importance of fragile ecosystems and iconic species that they believe are being harmed by excessive water allocations to agriculture. Their concept of fairness is typically anchored in prioritising scientific evidence for ecosystem protection and restoration over economic interests, often citing international commitments like the Ramsar Convention to advocate for robust, interventionist government policies.^{67,68}

Environmental identities commonly align with post-materialist values prevalent among urban and educated populations. They tend to frame fairness in moral terms, positioning urgent ecological protection as a moral imperative even if such actions impose significant burdens on agricultural communities. Although recent environmental advocacy has increasingly recognised Indigenous landscape management and water rights, it still largely maintains a view of nature as ideally pristine and untouched by human development.⁶⁹⁻⁷¹

First Nations

First Nations groups often frame fairness through deep spiritual and cultural connections to Country, the need for recognition of historical injustices, and calls for restorative justice.⁷² Central to this identity is the bond between Indigenous peoples and their traditional lands and waters, entailing interlinked rights and responsibilities.^{73,74} Fairness demands, from this perspective, genuine redress for historical dispossession through meaningful Indigenous water rights, substantive participation in governance decisions, and equitable economic opportunities.⁷⁵⁻⁷⁷

Water reforms in the Murray-Darling Basin are frequently viewed by First Nations as having perpetuated colonial injustices, marginalising Indigenous communities economically and politically in a “double dispossession” “[w]hen land was taken, the right to water went with it. But as some land has been returned to First Peoples through Native Title and other mechanisms, it has come back without water rights.”⁷⁸ Advocacy often links to international standards like the UN Declaration on the Rights of Indigenous Peoples, calling for structural reforms that genuinely restore Indigenous control over historically denied water resources.⁷⁴ Fairness, from this perspective, requires self-determination, equitable recognition of Traditional Knowledge alongside scientific expertise, and systemic measures addressing historical inequities.⁷⁹

Mutual understanding for “fair enough” outcomes

The above descriptions highlight identifiable themes to illustrate how fairness claims are deeply connected to identity, history, and core values. For policymakers, recognising these linkages is crucial. Equally important is promoting mutual understanding among stakeholders of differing identities and fairness perspectives, as this collective awareness forms the foundation for achieving broadly acceptable, “fair enough” policy outcomes.

How this matters for policymakers

Policymakers should approach fairness debates pragmatically: the goal is not to convince every stakeholder but to create policy that allows for workable agreements. This is most likely to be achieved where opportunities for negotiation and deliberation have led to outcomes most stakeholders believe are “fair enough”. Knowing how fairness follows identity should, however, encourage policymakers to acknowledge the moral weight of fairness claims and seek to better understand the ways stakeholders’ identities shape them. Well-designed and ongoing processes of deliberation and negotiation allow policymakers and stakeholders to develop a mutual understanding of the different identities and values that surround any policy issue.

Policy principles

Principle 4. Acknowledge policy choices are value-laden, not neutral

Fairness disputes often stem from stakeholders interpreting policy through their identities and values. Policymakers should publicly acknowledge that no decision-making process is purely objective or value-free every policy choice prioritises some values or interests over others.⁸⁰ These values and assumptions shape how problems are framed, evidence chosen, solutions identified, and outcomes prioritised.⁵⁶ Policy-makers can alienate key stakeholders if they define a policy problem and gather evidence without engaging them (see also [Principle 7](#) and [Principle 8](#)).

Relying on expertise and evidence does not make policy decisions value-neutral or legitimate. Policies should, of course, be informed by sound evidence. However, calls to “follow the science” or “let the facts decide” usually obscure values disagreements, uncertainty, difficult trade-offs and political choices. When policy decisions involve competing values and uncertainties, evidence alone cannot determine the way forward. Even when all parties agree on the facts, differing value-based priorities can produce multiple, valid “evidence-based” policy options. A failure to recognise the value-laden nature of all policy choices can unhelpfully obscure identity and values conflicts and undermine public trust in the evidence needed to make good

policy.^{47,54,80-82}

Specifically, policymakers should recognise:

- Policymakers’ own identities can limit their acceptance of alternative values, perspectives and legitimate policy options
- Expertise always includes implicit values and value choices and should never be assumed to be value-free
- Treating expert advice as neutral risks obscuring genuine differences of values and difficult trade-offs and can undermine public trust
- The legitimacy of policy outcomes is increased by engaging stakeholders from the beginning in joint problem definition and joint evidence gathering.⁸³

Fairness considerations linked to identity and group interests cannot be divorced from the processes of defining policy problems or gathering relevant evidence.⁸⁴ The challenge is not whether expertise is necessary in water policy but how transparently it handles inherent biases. Experts should be required to identify their underlying assumptions and identify value judgements that influence analysis.⁵⁶ Policymakers should guard against “stealth advocacy,” where scientific or expert advice implicitly promotes particular policy outcomes.⁸⁵ Policies that genuinely acknowledge and integrate multiple knowledge sources and identities are likely to be more broadly accepted and perceived as fair.^{86,87}

Principle 5. Recognise and engage competing fairness perspectives as legitimate

Responsible policymaking requires policymakers to acknowledge and respect the complexity of the values involved and people’s differing views on their relative importance. Recognising competing perspectives on fairness as legitimate not merely obstacles helps build policy legitimacy. Effective policymaking requires genuine engagement with the diverse ways stakeholders frame their claims about fairness, including how they perceive harm, responsibility, and justice. It needs processes that genuinely respect the differences among citizens, along with their diverse circumstances, perspectives, and objectives.⁸⁸ Long-term coalitions of stakeholders play a major role in shaping policy outcomes. These groups

form around shared values, coordinate across institutional boundaries, and influence policy debates through sustained advocacy and narrative framing (see the next big idea, *Fairness is political*).

In practice, this means policymakers should:

- Recognise diverse stakeholder and advocacy coalition views as genuine expressions of identity and historical experience and directly address differing perceptions of harm and justice
- Understand the history of policy development on an issue previous policies often create implicit expectations or “social contracts” with stakeholders any proposed changes can be seen as unfairly breaking these agreements; at the same time, stakeholders historically excluded from prior settlements may view the same changes as rectifying past unfairness
- Understand who the major advocacy coalitions are, what beliefs animate them, and how institutional structures shape the opportunities they have for influence
- Identify tractable issues and areas of common ground where multiple groups’ interests overlap, or reframe issues to uncover non-zero-sum solutions.

Achieving workable agreements requires deliberate efforts to understand stakeholders’ identities and how they shape fairness claims. Conflicts over what constitutes a fair and workable agreement can cause negotiations to break down.⁸⁹ Policymakers must invest time and resources into genuine deliberation and negotiation, ensuring the full range of identities interested in a policy question are engaged respectfully and early, recognising their unique perspectives and historical relationships with land and water.

Principle 6. Integrate meaningful negotiation and deliberation into policy processes on an ongoing basis

Fair policy outcomes depend on negotiation and deliberation, not simply technical analysis. Policymakers should establish inclusive, respectful forums where stakeholders can safely negotiate diverse perspectives shaped by their identities, values, and lived experiences this is where thinking slow happens and new ways to frame and understand policy problems and potential responses can occur.

Negotiation and deliberation should encourage participants to genuinely consider how different worldviews and values shape different ways of understanding policy issues, fostering mutual understanding and reducing polarisation without aiming for consensus or full agreement.

Preferences and priorities often emerge through the negotiation process itself, evolving as participants encounter new framings, evidence and unexpected areas of common ground. Engaging stakeholders in negotiation and deliberation framed as problem-solving exercises increases the likelihood of discovering innovative policy options that help address the key issues in values-based disputes.⁹⁰ Policymakers should aim to build iterative, adaptive negotiation processes into policy processes from the beginning with problem definition, enabling stakeholders to revise their views in response to evolving knowledge and shared experiences. Effective policymaking recognises that fairness is negotiated, not fixed in pre-existing views.

Negotiation and engagement is most effective when policymakers:

- Negotiate and engage with stakeholders and advocacy coalitions on an ongoing basis recognising that water policy development always occurs “in the middle of things”, on top of past policy decisions and existing conflicts between interest groups
- Recognise that existing legislation and policy goals can accommodate multiple, legitimate policy responses
- Facilitate structured dialogue and negotiation to surface underlying values
- Use structured decision-making tools to systematically clarify preferences and reveal assumptions⁹¹
- Acknowledge that preferences are likely to evolve through negotiation and plan accordingly
- Allow stakeholders and advocacy groups to help identify workable, “fair enough” policy decisions through deliberation and negotiation.

Practical strategies to promote more constructive negotiation and deliberation for complex values-based disputes will be included in the practitioners guide which is being developed by Watertrust Australia.



Fairness is political

Politics, in one classic formulation, is fundamentally about “who gets what, when, and how.”⁹²

Yet determining who deserves what and how the benefits or burdens of policy decisions are allocated is never just a technical matter it depends on competing stories that shape policy options and perceptions of fairness. Political debates centre around stories: different groups construct competing accounts of what the policy problem is, why it exists, who is harmed, and who bears responsibility for addressing it. This is as true for the big “P” politics of political parties, elections and campaigns as it is for the small “p” politics of community life. Policy stories often hinge on assigning blame or credit and simplifying complex causal chains into compelling narratives “every public policy problem is usually understood, even by the politically sophisticated, in simplified and symbolic terms.”⁹³ These stories are not just descriptive but moral: they define villains, victims, and heroes.⁹⁴ They often aim to activate moral intuitions about fairness to gain public and government support. This reflects the fact that in a democracy most political debates are about how government should act in situations where interests are in conflict.

Politics can therefore also be seen as a contest over influencing decisions about who gets what, when, and how by shaping the narratives that define policy problems and possible solutions.⁹⁵ The previous section discussed how people’s intuitions about fairness are shaped by their identities and how they see the world. This section looks at the political struggles between different interest groups to tell the stories that influence the exercise of government power towards their preferred policy outcomes.

Policy as a political battleground, fairness as a weapon

Policy decisions are not just outputs of politics they shape the very “terrain” on which politics plays out. Policies, once enacted, shape power dynamics by creating winners, losers, and vested interests. The potential to align the power of the modern state with particular interests profoundly influences how individuals and groups mobilise, whom they lobby, and what coalitions form. Crucially, because policy change tends to be sticky and have long-lived consequences, policy outcomes that favour their perspectives and values are a “prize” sought by major interest groups. As a result, groups invest significantly in attempts to shape policy design and implementation, viewing policy outcomes as high-stakes victories or defeats that can lock in advantages for periods much longer than parliamentary terms.⁹⁶

Interest groups recognise that public opinion may be unfocused or uninformed on technical policy details. Thus, rather than relying only on elections, they channel resources into lobbying, think-tanks, and issue campaigns. Indeed, the majority of money that groups seeking to influence policy outcomes spend goes to shaping mass and elite opinion and lobbying, not electioneering. Think tanks, industry associations, environmental groups and other NGOs become permanent fixtures in policy arenas forming advocacy coalitions, crafting expert information, and importantly framing and disseminating their favoured narratives. Most advocacy coalitions persist beyond electoral cycles. They draw on shared values and causal narratives to coordinate their efforts, influence the direction of policy reform, and resist change they perceive as threatening to their vision of fairness. They contest not only outcomes but also the institutional venues where decisions

are made, seeking favourable ground for their perspectives to prevail.^{50,97} Empirical research in political communication shows that how a policy issue is framed to the public can significantly shift opinions and stories about unfairness are particularly effective at driving change, or political polarisation, because they link directly to our identities and fairness intuitions.³⁰ Consequently, framing fairness through stories about what causes problems, who is responsible, and how those problems should be fixed is a key weapon in policy contests: by shaping how both the public and elites understand an issue, interest groups aim to expand or constrain the range of acceptable policy solutions.⁹⁴

Causal stories and fairness

Because policy influence is so valuable, interest groups devote great effort to framing issues and crafting narratives that advance their preferred solutions. How a policy problem is defined in public discourse determines which options seem legitimate and feasible because “political language is political reality”.⁹⁸ Objective conditions alone do not set the agenda; rather, interest groups and politicians compose narratives or “causal stories,” that explain what or who is causing a problem, why government must (or must not) act and how it should deploy its powers and resources. As political scientists have observed, “problem definition is a process of image making” where interest groups deliberately portray issues in particular ways attributing causes, blame, and responsibility to influence public sentiment and gain support for their position. By framing an issue with certain language and symbols, they shape perceptions of fairness, urgency, and feasibility.⁹⁴

A common insight in political science is that states of the world only become recognised as problems when people perceive them as changeable through action. Turning events into a political problem “relies on the ability to attribute cause, blame and responsibility” and crucially, to portray the situation as amenable to human intervention.⁹⁴ Causal stories are strategic interpretations of events that deliberately name causes, victims and villains, thereby mobilising support for particular solutions. They are told with vivid symbols, numbers, and narrative devices to shape how people understand harm and fairness in a

given situation.^{94,98} Causal stories carry fairness judgements. Framing the cause of a problem is never politically neutral: how a narrative assigns cause and blame also sets up who owes what to whom in the name of fairness and aims to activate our fairness intuitions and link to our group identities and assumptions about how the world works. Interest groups compete to dominate the policy narrative with their storylines. The battle of ideas and narratives is inseparable from the battle over policies.

Causal stories about water policy in the Murray-Darling Basin

Watertrust’s research into public debates around water policy in the Murray-Darling Basin reveals multiple causal stories including rural community, environmental, and First Nations narratives each strategically framing water issues to highlight specific forms of unfairness and responsibility. Derived from our analyses of public submissions, stakeholder interviews, social media, and Australian media coverage, these narratives aim to define policy problems, advocate for specific policy responses and alter the terrain on which policy battles are fought. There are other sets of causal stories we could have included for example, upstream and downstream stories but we have limited ourselves to these three in the interests of space.

Rural community stories

Rural community causal stories often frame water policy as inherently unfair to farming families and regional communities, strategically highlighting how government actions especially the Basin Plan, water buybacks, environmental watering requirements and water transfers for the environment impose unjust burdens on them. Rural community advocates tend to argue it is morally unfair that their communities are forced to carry disproportionate economic pain for environmental goals set by distant policymakers and politicians to appease

urban environmental ideals. In their causal stories, distant bureaucrats, politicians, and urban environmental activists emerge as agents causing harm to rural livelihoods as collateral damage for unrealistic environmental goals. Symbolic images of abandoned farms, closed schools and businesses, and rural towns in decline reinforce perceptions of unfairness, rallying public sympathy for rural communities. This narrative asserts that true fairness involves protecting the economic rights, traditions, and dignity of rural Australians and demands policymakers correct this imbalance.

Environmental stories

Environmental causal stories usually frame water policy in the Murray–Darling as a crisis resulting from unfair ecological exploitation, transforming water resources development in the Basin into a clear case of environmental injustice. Environmental groups often argue it is fundamentally unfair that powerful irrigators and indifferent regulators prioritise short-term economic gain over the long-term health of ecosystems and downstream communities. They suggest governments do too little because they are captured by irrigation interests. Dramatic symbols such as mass fish deaths and drying wetlands highlight the moral urgency of the issue, positioning nature itself as harmed by deliberate, negligent and irresponsible human action. In doing so, environmental narratives assert the moral responsibility and indeed obligation of governments to intervene decisively, enforcing stronger regulation, recovering more water to restore environmental flows, and rectifying past neglect.

First Nations stories

First Nations causal stories often frame water injustice as a direct continuation of colonial appropriation of Indigenous lands and waters, highlighting historical and ongoing exclusion from water rights and decision-making. Indigenous advocates usually emphasise that it remains fundamentally unfair that their communities

original custodians who cared for Basin waters for millennia now control a minuscule proportion of Basin water and are excluded from management decisions. These narratives clearly portray governments (past and present) as responsible for perpetuating this profound injustice through systemic neglect and the colonial logic of *aqua nullius*. Degraded rivers represent cultural loss and economic marginalisation, reinforcing Indigenous claims to restorative justice. From this perspective, fairness demands more than token inclusion it requires corrective policy action to address historical wrongs, including genuine recognition of First Nations' custodial rights, meaningful water allocations, a voice in management decisions, and assistance with economic development.

Good government and collective action

Because policies profoundly shape the terrain of political competition locking in advantages and defining future winners and losers they become arenas of sustained conflict over fairness claims. Competing groups deploy narratives about fairness to justify their preferred outcomes morally and influence institutional arrangements. Yet, precisely because these narratives invoke moral intuitions evolved for small-group contexts, fairness claims alone are inadequate to resolve conflicts over how benefits and burdens should be distributed in large-scale, complex societies.^{99,100}

Government institutions particularly independent, capable public services are essential mediators. Their legitimacy and effectiveness depend significantly on their ability to reconcile competing fairness stories into workable agreements and broadly acceptable goals, rules and practices. Effective governance is neither purely coercive nor purely voluntary but emerges from institutions balancing inclusivity and enforcement. Inclusive institutions which integrate multiple voices and provide mechanisms for accountability achieve legitimacy precisely by resonating with evolved fairness intuitions, ensuring that societal cooperation remains stable even amid the

conflicts between divergent interests.^{101,102} And when coercion is needed, the “best coercion is legitimate coercion.”¹⁰³ If governments attempt to impose solutions without sufficient inclusivity, they risk undermining cooperation by eroding the legitimacy required for long-term compliance.²

“Marketcraft” and fairness

Markets in modern democracies never operate free from government; they are deliberately shaped by laws and regulations that reflect political choices and values.¹⁰⁴⁻¹⁰⁸ Every aspect of a market who can participate, how prices are set, what rules govern transactions, and how disputes are resolved and whether to establish a market at all, reflects political priorities and has the potential to influence perceptions of fairness.

The role of government in shaping markets particularly those like water markets deliberately designed to deliver policy objectives requires “marketcraft,” a government responsibility that like statecraft requires skill and careful management.¹⁰⁴ Considering fairness is a key element of marketcraft. If markets are perceived as rigged, favoring entrenched interests, or amplifying inequalities, they will face political resistance and legitimacy crises. Perceptions of unfair operation can lead to public backlash, regulatory intervention, or outright market failure.¹⁰⁸⁻¹¹⁰

To maintain trust, governments must proactively monitor and adjust market rules, ensuring that participants feel the system is predictable, accessible, and responsive to changing social and environmental needs. Transparent decision-making, strong oversight, and meaningful stakeholder engagement are crucial to preventing market distortions that undermine both economic efficiency and social legitimacy.¹¹¹

While fairness claims can be weapons in the political battleground, capable government institutions and policy processes can help ensure these conflicts produce stable compromises rather than entrenched

divisions. By providing structured channels for negotiation, deliberation, and enforcement across multiple levels of governance, a capable state functions as an honest broker and enforcer it listens to advocacy groups, negotiates compromises based on shared notions of fairness, and crucially, has the means to implement those decisions once made and, if needed, compensate those who bear the burdens of change. Building the capacity and the accompanying institutions to channel society’s diverse values into collective solutions is an ongoing project.

Fair process: an anchor in the storm

Fairness in policy-making shapes the legitimacy and public acceptance of decisions. While democratic institutions grant elected governments the authority to enact policies, legitimacy also depends significantly on the perceived fairness of the decision-making process itself. Governments cannot satisfy all parties especially when policies become contentious or when major changes are required but commitment to fair process provides an anchor in these political storms.

Four key elements underpin judgements of procedural fairness: first, **voice** – genuine opportunities for stakeholders to present their views and see them seriously considered; second, **impartiality** – avoiding bias or undue favouritism; third, **transparency** – clear explanations of how and why decisions are made; and fourth, **respectful treatment** – ensuring participants feel treated with dignity.^{2,10} When these conditions are met, stakeholders are more likely to accept outcomes, even if the substantive result does not fully align with their preferences.

Many policy conflicts extend beyond distribution of resources and involve questions of recognition and respect. People who feel disregarded or disrespected are unlikely to accept policy outcomes as legitimate.¹¹² Conversely, fair policy processes can build legitimacy for even unpopular decisions by demonstrating transparency, impartiality, and genuine consideration of stakeholders’

perspectives.¹¹¹

The importance of procedural fairness, however, poses specific challenges for democratic systems when governments prioritise electoral outcomes. A government may strategically focus policy decisions to benefit constituencies essential for electoral success, potentially disadvantaging groups perceived as politically less valuable. Such strategies can create perceptions of unfairness and bias that erode public trust.

Despite these political pressures, disregarding fair process risks undermining the long-term legitimacy of policy outcomes and the public sector. Fair and transparent procedures offer stability precisely when policy-making grows contentious. By consistently embedding respectful consultation, impartiality, clear reasoning, and genuine participation even when politically challenging governments reinforce public trust and ensure democratic decisions remain robust, legitimate, and broadly supported.

How this matters for policymakers

Understanding that fairness is inherently political enables policymakers to better navigate contested issues by recognising that policy debates are shaped by competing causal narratives about fairness and harm that identify key characters and their actions. By identifying how different interest groups frame policy problems, policymakers can anticipate and manage political conflicts more effectively. Recognising how policy decisions alter power dynamics and create winners and losers helps policymakers appreciate the longer-term implications of their choices, allowing them to proactively address potential backlash. Additionally, committing to transparent and inclusive decision-making processes even when consensus is unlikely builds legitimacy by demonstrating respect for stakeholders' diverse fairness perspectives, reducing polarisation and strengthening public trust.

Policy principles

Principle 7. Focus on process before outcomes

We have seen that people care not just about policy outcomes, but about how decisions are made.² Even when policy change is necessary, sudden shifts that feel arbitrary or coercive provoke moral resistance. Managing fairness over time requires structuring change in ways that acknowledge and engage moral intuitions, while also guiding them toward reasoned consensus. Policies perceived as imposed rather than negotiated even if technically beneficial often fail due to a lack of legitimacy. Policymakers should ensure policy processes engage with the three core dimensions of fairness:

- **Procedural fairness** – whether decision-making processes are transparent, inclusive, and consistent.
- **Distributive fairness** – whether policy outcomes are seen as equitable or just.^{34,113}
- **Recognition and respect** – whether key stakeholders feel recognised and respected throughout the policy process.¹¹²

Policymakers should:

- Transparently identify stakeholders' roles in any policy decision. These will differ depending on the decision and the context. If stakeholders' views cannot influence a policy outcome, make this known clearly, shifting engagement towards issues like fair compensation for those who might suffer disproportionate burdens.
- Avoid performative consultation, where engagement outcomes will be ignored, or designed to confirm a pre-determined answer, rather than resolve competing fairness concerns
- Engage in open, good-faith deliberation where possible, recognising that democratic trust is built through genuine debate and negotiation noting the importance of voice, impartiality, transparency and respectful treatment
- Ensure that fairness is an ongoing commitment, not just a concern at the point of implementation policies should be reviewed and adjusted as fairness concerns evolve.¹⁰³

Deliberation and negotiation do not override moral intuition they refine it and this is their value. People are not moved by abstract principles alone; fairness is something they feel. Policymakers must create space for people to express and refine their moral intuitions, rather than simply imposing technical definitions of justice.

Ultimately, legitimacy is not about persuading the public to trust policymakers it is about ensuring that policymakers are worthy of trust. People are skeptical of institutions that claim to serve them while dismissing their concerns. Effective policy acknowledges that fairness is not a constraint on good governance it is essential to it.

Principle 8. Make time for early engagement, identify a clear decision and define an endpoint

Deliberation, inclusion, openness and transparency, and participation do not guarantee legitimacy or perceptions of a fair process. Indeed, they can undermine it if not done well.^{111,114}

Engaging with diverse perspectives early in the policymaking process rather than as a late-stage consultation exercise can mitigate the risks of unintended bias. Policymakers must actively seek out voices beyond their immediate professional and social circles, recognising that policy is not only about technical problem-solving but also about balancing competing worldviews and values.¹¹⁵

Good design is critical. “Inclusion friction” can waste resources and time.¹¹⁶ Poorly designed public participation can increase conflict and reduce public trust in policymaking.¹¹⁷ Who is at the table, the scope of their involvement, the design of the process, and the time allowed for stakeholder and public engagement are all important decisions.

Involvement that is too broad and too open, scope of discussion that is ill-defined, and timeframes that have no clear end point for a decision all risk increasing confusion and conflict. At the same time, excluding key interests, narrowing scope and compressing timeframes for engagement and deliberation can increase perceptions of unfair “back room deals” and reduce public trust.¹¹⁴

Resolving this tension is a practical matter that requires knowledge of the policy issue, political pressures and interested parties. It is helped by:

- focussing on a clearly-defined decision
- identifying those with “skin in the game”¹¹⁸
- allowing enough elapsed time for those affected to engage, but also respecting stakeholders’ time used in any engagement processes
- defining a reasonable point where deliberation will end (this may require breaking a complex policy problem into a set of smaller problems and working on them separately)
- involving affected interests early and repeatedly, particularly where there are uncertainties and limitations in expert knowledge.

Government legitimacy and authority depend on being able to scope a clear decision and bring debate to an end. Yet, if conflicts are shut down too quickly or dialogue is curtailed, legitimacy is lost.¹¹⁴ You can find further guidance in the accompanying Fair enough: Implementation guide for policymakers.

Principle 9. Use stakeholders’ fairness narratives to inform policy development

Recognising that fairness is inherently political should remind policymakers that policy debates are not only about evidence but also about competing narratives designed to activate moral intuitions. Policymakers should identify and engage with the causal stories stakeholders use to define fairness and assign blame and responsibility. Understanding these political dynamics helps policymakers anticipate conflicts, navigate interest-group competition, and build government legitimacy as a broker and mediator.¹¹⁹ Policymakers should consider how they can:

- Present information in ways that acknowledge stakeholders’ values and worldviews to enhance accessibility and trust
- Engage with stakeholders and advocacy groups to identify and test evidence they believe supports their causal stories and worldviews

- Frame policy choices and trade-offs to reveal underlying value conflicts: for many policies fairness will be contested what seems fair to one group may seem unfair to another. Clearly articulating how different causal stories lead to different interpretations of fairness will foster mutual understanding even when consensus is difficult.
- Use perceptions of fairness to help shape workable policy outcomes by:
 - Pacing change to avoid unnecessary disruption
 - Compensating those who bear disproportionate burdens from change
 - Preventing windfall gains that create perceptions of unfair advantage.

There are strong links between this principle and [Principle 6](#). They should be considered together.



Conclusion: the craft of integrating fairness into policy

Considering fairness is important for effective policymaking, not as an ideal but as a pragmatic necessity.

Stakeholders' perceptions of fairness are built on moral intuitions and shaped by identity, values, and political narratives, rather than by reference to any objective standard. They will differ and usually do so legitimately. Policies perceived as unfair regardless of their technical soundness risk public backlash, diminished trust in government, and compromised implementation.

In Australian water policy, particularly in the Murray-Darling Basin, ideas about the fairness of policy decisions are intensely contested. Environmentalists, rural communities, and First Nations groups, among others, each bring very different conceptions of fairness rooted in their unique histories, identities, and values. Effective water policy development and implementation depends not on imposing a single standard of fairness, but on acknowledging and engaging meaningfully with these diverse perspectives. Policymakers should recognise their own implicit biases and ensure that policy processes encourage deliberation, negotiation, and mutual understanding.

In real-world policymaking, different groups don't just bring different values they organise, strategise, and sustain long-term campaigns to embed their beliefs into policy. These alliances form around shared ideas about what is fair and what government should do. Recognising these long-standing coalitions and how they operate helps policymakers anticipate where conflicts are likely to persist, and where negotiation might be most productive.⁹⁷

Fairness also matters because it is inherently political. Interest groups mobilise competing causal stories about fairness strategically, framing policies in ways that resonate with stakeholders' intuitions to advance their own interests. Policymakers must identify and navigate these contested narratives recognising that achieving fairness in policymaking is not about reaching universal agreement but about crafting policies, and policy processes, that stakeholders perceive as "fair enough" to justify acceptance and cooperation. By prioritising fairness explicitly and systematically throughout the policymaking process from initial design through to ongoing implementation and management policymakers can strengthen the legitimacy and effectiveness of government decisions.

See the Table on the next page for a summary of the big ideas and policy principles discussed in this paper.

Summary of big ideas and policy principles

Intuition first, explanations later

Fairness is a moral intuition. Stakeholders' immediate response to a policy decision will reflect if it feels fair (thinking fast); however, policymakers can work with people's fairness intuitions to find workable agreements through well-designed negotiation and engagement (thinking slow).

Principle	Rationale
1 Prioritise fairness as a core policy concern	Perceptions of fairness contribute to policy legitimacy and public trust in government. Fairness is a core component of legitimacy that must be prioritised and actively managed to increase the likelihood of policy success.
2 Policy efficiency and effectiveness require consideration of fairness	Policies that ignore fairness concerns in favour of policy efficiency alone often provoke backlash. An "optimal" policy design is neither efficient nor effective if it cannot be implemented in the real world because of perceived unfairness.
3 Prioritise legitimacy alongside technical authority	Government legitimacy is not just a function of technical expertise or administrative efficiency it relies on perceptions of fairness and moral credibility. Policymakers should actively engage stakeholders' moral intuitions.

Fairness follows identity

People's intuitions about fairness are shaped by how they see the world, the communities they belong to, and the values they hold most dear. Fairness is not a fixed principle with a single definition; it is a moral faculty shaped by social, cultural, and political contexts.

Principle	Rationale
4 Acknowledge policy choices are value-laden, not neutral	Stakeholders interpret policies through their identities and values, influencing their perception of what is fair. Policymakers should openly acknowledge that no decision-making process, or decision, is entirely objective or neutral; each policy choice prioritises certain values and interests over others.

Principle	Rationale
<p>5 Recognise and engage competing fairness perspectives</p>	<p>Responsible policymaking requires policymakers to genuinely engage with and respect stakeholders' values, perspectives, and fairness claims. Treating competing views on fairness as legitimate, rather than as obstacles, builds policy legitimacy by acknowledging citizens' differing circumstances and perceptions of harm, responsibility, and fairness.</p>
<p>6 Integrate meaningful negotiation and deliberation into policy processes on an ongoing basis</p>	<p>"Fair enough" policy outcomes emerge from well-designed negotiation. Recognising that fairness is negotiated rather than predetermined and designing approaches for engagement with stakeholders that encourage thinking slow increases the likelihood of finding workable agreements.</p>

Fairness is political

Interest groups devote great effort to framing issues and crafting narratives that advance their preferred solutions. How a policy problem is defined in public discourse determines which options seem legitimate and feasible.

Principle	Rationale
<p>7 Focus on process before outcomes</p>	<p>People care not just about policy outcomes, but about how decisions are made. Policymakers should avoid performative consultation and engage in open, good-faith deliberation and negotiation.</p>
<p>8 Make time for early engagement, identify a clear decision and define an endpoint</p>	<p>Poorly designed public participation can increase conflict and reduce public trust in policymaking. Government legitimacy and authority depend on being able to scope a clear decision, identify who should be involved, and bring debate to an end.</p>
<p>9 Use stakeholders' fairness narratives to inform policy development</p>	<p>Policy debates are driven by competing narratives designed to activate moral intuitions. Policymakers should understand these political dynamics to help anticipate conflicts, navigate interest-group competition, design compensation (where needed), and build government legitimacy as a broker and mediator.</p>

Appendix: some definitions

Policy

What do we mean when we talk about public policy? In this paper, we use Paul Cairney’s broad definition of policy, that it is “the sum total of government action, from signals of intent to the final outcomes.”¹²⁰

This is broader than, but consistent with the Australian Policy Handbook that defines “public policy is an authoritative response to a public issue or problem” and “a course of action by government designed to attain specific results.”⁴²

We prefer Cairney’s broad definition because it is not just limited to well-defined and published policy. It includes, “an aim, a decision or an outcome; it may refer to issues that policymakers do not address; and, it is made and influenced by many actors who may or may not have formal authority. In other words, policy-making is a complex

and far-reaching process that involves many individuals, groups and institutions.”¹²⁰ Cairney’s definition allows us to include (and critique) the way policymakers sometimes use strategic ambiguity to minimise political accountability and can deploy consultation, engagement and “co-design” to deflect responsibility rather than meaningfully engage with the public.¹²¹ It also allows us to consider the discretionary actions of policymakers in policy design, implementation and ongoing management.¹²²

Governments are constrained by the policy instruments available to them and policy instruments in turn shape the policy choices governments can make.^{42,123} The Australian Policy Handbook presents one of many classifications of policy instruments and provides a practical framework particularly relevant for Australian policymakers. When we talk about policy in this paper we are including all of the policy instruments summarised in the table below.

Australian Policy Handbook classification of policy instruments

Instrument	Use in water policy	Examples
Advocacy	Using education, persuasion, information provision and narrative framing to build support for water reforms or supporting behavior change.	Public awareness campaigns; public websites for dam storage levels; hosting meetings with interest groups to discuss elements of water policy; educational programs on the benefits of environmental water flows.
Network Governance	Collaborating with stakeholders to co-design and implement water management strategies.	Co-design or deliberation on water policy decisions involving farmers, environmental groups, and First Nations communities; partnerships with NGOs to restore wetlands.
Money	Providing financial incentives or disincentives to shape water use behavior or support water policy objectives.	Subsidies for on-farm water-saving technologies; buybacks of water entitlements to increase environmental flows.
Government Action	Direct delivery of water-related services or infrastructure.	Construction of desalination plants to ensure urban water supply (links to network governance if a PPP); monitoring and compliance actions where taken directly by government bodies.
Law & Regulation	Establishing legal frameworks and rules to manage water use and trade.	The Water Act 2007; environmental water allocation requirements under state laws.

This typology highlights the diversity of tools available to policymakers. It also risks presenting these instruments as technical solutions to well-defined problems. However, policy instruments are never neutral – they reshape the policy “terrain” governments and stakeholders inhabit.⁹⁶ Policymakers must recognise that their choices about instruments are also choices about politics and power, whose voices are amplified in the policymaking process, and “who gets what, when and how”.⁹² By remaining attentive to these dimensions, water policy can better balance effective design with perceptions of fairness.

Policymakers

For our purposes a policymaker is a public official whether elected, appointed, or employed who has the authority to make, influence, or implement decisions that shape water policy and management outcomes. Policymakers operate across different levels of government, including federal, state, and local jurisdictions, and are directly involved in framing issues, setting goals and priorities, allocating resources, advising communities, choosing and implementing policy instruments, and resolving trade-offs among competing interests.

While policymakers rely on scientific evidence, stakeholder input, and legal frameworks, they are ultimately responsible for balancing technical expertise with public values and competing demands for water resources in a manner that promotes the common good. Many water policy decisions demand a level of bureaucratic discretion to translate policy goals into actionable plans and reconcile technical feasibility with a range of competing stakeholder demands.

While policymakers hold decision-making authority, other key actors influence the policy process. These include:

- Stakeholders include farmers, irrigators, First Nations*, and environmental groups
- Experts and advisors include hydrologists, economists, and legal professionals who frame the technical and legal options
- Lobbyists and advocacy groups include industry bodies, NGOs, and Indigenous organisations
- Public voices include local communities impacted by water scarcity or environmental degradation.

These actors are not policymakers but are instrumental in shaping the priorities, constraints, and evidence policymakers must navigate. Their perceptions of fairness matter for policymaking.

*Many First Nations communities argue that they are not “just another” stakeholder,¹²⁴ but rights-holders with distinct claims to self-determination and particular responsibilities for Country. We recognise that Aboriginal and Torres Strait Islander Australians have differing views on the use of the term “First Nations”. We use it here noting advice from AIATSIS, “There is a growing preference for First Nations Australians as a more encompassing term, because while it also is generic, it acknowledges the diversity of Aboriginal and Torres Strait Islander peoples” and that in the *Australian Government Style Manual*.^{125–127}

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