

Water is Life

Traditional Owner Access
to Water Roadmap



Acknowledgement

For tens of thousands of years, First Nations and Traditional Owners in Victoria have practised their law and lore, customs and languages, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources.

The Victorian Government acknowledges all First Nations and Traditional Owners of Victoria and pays respect to their Elders past and present. First Nations and Traditional Owners hold the knowledge, stories, custodial obligations, and cultural expertise that has always ensured the health of waterways and river Country. Each Nation and Traditional Owner group holds the cultural authority to speak for water, rivers, and river Country within their traditional region.

Water is Life is a first step towards acknowledging these injustices and establishes a framework to increase Traditional Owner roles in and resources for water management across Victoria.

The Victorian Government gratefully acknowledges the time, energy and expertise of First Nations and Traditional Owners who participated in developing in *Water is Life*. Participation by First Nations and Traditional Owners in this policy process should not be taken as implying that any First Nation or Traditional Owner has approved of or authorised the content of Section A of *Water is Life* (the Victorian Government policy commitments) or the settler-colonial water regime that has been imposed on their Country. Further, lack of participation in *Water is Life* by any Traditional Owner group does not indicate a lack of interest in water and waterway management.

Some of the policy options presented in *Water is Life* may not be appropriate or acceptable to all Traditional Owners. DELWP and water sector agencies will continue to strengthen engagement with all First Nations and Traditional Owners to increase their participation in water planning in a way that supports self-determination.

Overview

Water is Life is a pathway to genuine, meaningful outcomes for Traditional Owners. *Water is Life* recognises the central importance of the relationship between people and Country, embodied in the cultural water paradigm. Caring for Country and water can deliver thriving cultural economies and benefits for Traditional Owners, existing entitlement holders, and all Victorians.

Increasing access to water for Traditional Owners will deliver real benefits for Traditional Owners and the wider Victorian community. For Traditional Owners, holding and managing water leads to improved well-being, including physical and mental health. Flow on benefits of this include reduced demands on health care systems, increased labour productivity, and improved social cohesion.

Greater use of traditional ecological knowledge by Traditional Owners in managing water will lead to healthy and thriving ecosystems. Increased water for economic development by Traditional Owners supports increased economic independence and nation-building for Traditional Owner communities, with important well-being outcomes and increased autonomy and self-determination.

A pathway forward

The Victorian Government has made a commitment – on behalf of the people of Victoria – to work in partnership with Traditional Owners and First Nations to support their right to self-determination. In doing so we further our collective pursuit of reconciliation.

In *Water is Life*, we begin to chart a pathway forward in which existing water users continue to have certainty and confidence in the water entitlement framework, but where a restorative justice approach is taken to respect the rights of Traditional Owners and enable the omission of their water rights and interests to be addressed. In acknowledging this objective, it is also important to note that there is no intent to overturn existing rights to water, but rather to provide Traditional Owners greater access to water ownership and management within the existing water entitlement framework.



Water is Life is the fulfilment of a commitment made in Victoria's water plan, *Water for Victoria* (2016), and sets out clear pathways to increase Traditional Owner resourcing for and role in the care and management of water landscapes. This includes increasing the volume of water returned to Traditional Owners for cultural, spiritual, and economic use. *Water is Life* will also progress the vision of the *Victorian Aboriginal Affairs Framework* (2018-2023), which states: "All Aboriginal Victorian people, families and communities are healthy, safe, resilient, thriving and living culturally rich lives". *Water is Life* is an important step towards supporting Traditional Owner-led management and control of land, water and other natural resources and strengthening Aboriginal leadership, representation, decision-making and resource allocation/distribution at the local, regional and state levels.

As a step towards a future in which Traditional Owner voices are heard alongside those of the State, and in acknowledgement of Traditional Owner self-determination and sovereignty, *Water is Life* has two sections. Throughout this document, quotes from Traditional Owners are also used to show Traditional Owners' perspectives on specific issues. These quotes are a transparent mechanism to include Traditional Owner voices but do not reflect the policy of the Victorian Government.

Section A: Victorian Government policy

Section A of *Water is Life* sets out the Victorian Government commitments and policy pathways in the short, medium, and long term to increase decision-making and resources for Traditional Owners in the management of water landscapes, as well as increasing Traditional Owner access to water. This section has three main parts: 1. Increasing Traditional Owners' decision-making in caring for water landscapes 2. Returning water for healthy Country, healthy mob, and cultural economies 3. Implementation and accountability.

Section B: Traditional Owner Nation Statements

Section B of *Water is Life* comprises the Nation Statements submitted by First Nations and Traditional Owner groups across Victoria. These statements have been written by each Traditional Owner group in their own words, and are published without alteration (unless free, prior and informed consent was provided by that Traditional Owner group).

The Nation Statements express Traditional Owners' cultural and water-related values, goals, aspirations, outcomes, and any other relevant information deemed

important by each Nation. The Nation Statements are an essential step for increasing wider knowledge and awareness of Traditional Owner law, lore, and expectations for water management. In doing so, they offer a pathway for Traditional Owners to inform the Victorian Government's long-term policy agenda.

It is important to remember that these Nation Statements are not the policy of the Victorian Government and do not represent Victorian Government commitments. Publication of these Nation Statements should not be taken as an endorsement of the content by the Victorian Government.

Implementation of *Water is Life*

Water is Life will be implemented in a staged, transitional manner that uses pilots and partnership projects between the water sector and Traditional Owners to support a 'learning by doing' approach.

Implementation of *Water is Life* will involve coordination and collaboration between government departments (DELWP and other departments as needed), Traditional Owners, and water sector agencies, including water corporations, catchment management authorities, and the VEWH.

In doing so, the Victorian Government is building on its strong track record of delivering important change in the water sector to better recognise Traditional Owner rights and interests. Water sector agency response to changed expectations and operational requirements has been strong and we will continue to work together to deliver these important policy outcomes. Implementation of each Targeted Outcome will proceed in a staged way, involving consultation and collaboration with the wider community (Figure 5).

Traditional Owners have strongly requested that they have oversight of the *Water is Life* implementation process, including the ability to hold DELWP to account for commitments made in *Water is Life*. The Victorian Government will appoint an advisory panel, consisting of one representative from each Traditional Owner group in Victoria. This advisory panel would constitute the oversight committee, which may make recommendations to DELWP (or the Minister) but would not replace or limit the sovereignty and self-determination of any Traditional Owner group.

Water is Life outcomes and actions

Throughout *Water is Life*, targeted outcomes are identified that reflect what we have heard from Traditional Owners (Table 1). To achieve each outcome, the Victorian Government is committing to specific actions over the short, medium and long term.

Table 1: Twelve targeted outcomes in *Water is Life*

PART 1		
Targeted Outcome	Action summary*	Timing
1. Recognition of waterways and their surrounding lands as living, integrated, natural, and cultural entities in law, with Traditional Owners recognised as a unique 'voice' of the living entities	Develop new legislative proposals to recognise waterways as living entities through engagement with Traditional Owners and wider stakeholders for Government consideration	Short (1-3 years)
2. Traditional Owners can enter formal partnership agreements with the water sector that increase the capacity and resources available to Traditional Owners to make and implement decisions about water landscape management on their Country	Develop new provision in statements of obligation for Ministerial consideration requiring formal partnerships between Traditional Owners and CMAs and water corporations	Short (1-3 years)
	Develop new provision in Ministerial rules for the VEWH requiring formal partnerships with Traditional Owners for Ministerial consideration	Medium (3-5 years)
3. Traditional Owners have increased role in determining how environmental water is used for the purpose of healing Country	Develop new guidelines for Traditional Owners to submit seasonal watering proposals to the VEWH	Short (1-3 years)
	Undertake localised pilot environmental watering projects	Short (1-3 years)
	Develop framework for agreements for transfer of environmental water allocation to Traditional Owners for dual environmental and cultural benefit in accordance with environmental water requirements	Medium (3-5 years)
4. Increased involvement of Traditional Owners in public land management	Explore a range of public land management opportunities for Traditional Owners through the renewal of Victoria's public land legislation	Short-medium (1-5 years)
5. Recognition of Traditional Owners as waterway managers for specific locations	Identify and address barriers to Traditional Owners taking on waterway management functions and develop new legislative proposals through engagement with Traditional Owners and wider stakeholders for Government consideration	Long (5+ years)
6. Recognition of Traditional Owners as environmental water holders	Identify barriers to Traditional Owner management of environmental water and consider any potential new legislative proposals through engagement with Traditional Owners and wider stakeholders for Government consideration	Long (5+ years)

PART 2

Targeted Outcome	Action summary*	Timing
7. Water is returned to Traditional Owner groups across Victoria through the issue of water entitlements for their self-determined use	<p>Enable water to be returned to Traditional Owners across the state by:</p> <ul style="list-style-type: none"> Acting quickly on existing opportunities within the current entitlement framework Developing guidelines for unallocated water and water infrastructure projects Developing future opportunities as part of infrastructure projects and regional management plans Developing a framework to support Traditional Owners entering the water market for when no alternative pathways to water for economic development are available <p>The Victorian Government is not proposing to establish a direct water entitlement purchase program</p>	Short (1-3 years)
8. Access to land will not be a barrier to Traditional Owners applying for or holding water entitlements	Work with public land managers to identify available land	Short (1-3 years)
	Work with water corporations as licensing authorities to streamline licence application processes	Short (1-3 years)
9. Traditional Owners will be funded to pay any fees and charges associated with their water entitlements unless use is purely commercial	Provide funding to pay for fees and charges associated with water entitlements held by Traditional Owners unless water corporations can waive the fees and charges	Short-medium (1-5 years) Ongoing
10. Where Traditional Owners become purely commercial users of water, they will become responsible for an increasing portion of fees and charges over time to full cost recovery	Undertake pilot commercial project funding agreements with Traditional Owners to inform framework	Short (1-3 years)
	Develop a framework for identifying commercial use and timelines to transition to full cost recovery	Medium (3-5 years)
11. Traditional Owners can hold and manage water in culturally appropriate ways	Identify barriers to culturally appropriate use of water and develop new legislative proposals through engagement with Traditional Owners and wider stakeholders for consideration by Government if needed	Long (5+ years)

PART 3

Targeted Outcome	Action summary*	Timing
12. Traditional Owners have oversight of the implementation of Water is Life	Establish an oversight committee, including one representative from each Traditional Owner group	Short (1-3 years)

* The contents of Table 1 should be read as a summary of each outcome and action specified in Section A of *Water is Life*. The summaries should not be read as complete statements of the action.

