

## **Submission: Water is Life: Traditional Owner Access to Water Roadmap**

Date: 16/6./2022

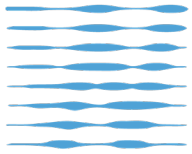
Confidential treatment:  has  has not been requested

Summary: By refusing to contemplate amendments of existing allocations and excluding the possibility of buybacks at the outset as foundational principles, the strategy cannot achieve its intended outcome. Traditional Owner water should be in addition to environmental water and unconstrained by imposed environmental needs.

Supporting documents: Long Term Water Resource Assessment

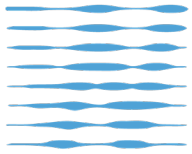
<https://www.water.vic.gov.au/planning-and-entitlements/long-term-assessments-and-strategies/long-term-water-resource-assessment>

Request to be heard:  Yes  No



## The Waterways Network submission to draft 'Water is Life: Traditional Owner Access to Water Roadmap'

- 1 The Waterways Network is a group of associates, a community of practice, led by the convenor. The network advocates for better water policy, regulation and on-ground action based on evidence, philosophy, and local knowledge to drive real change for the betterment of the environment in which we are all embedded, all living things that is, human and otherwise. Water is crucial for the health for ecosystems and the environment and for people. In a drying climate, it needs to be well-managed.
- 2 The Network is supportive of Traditional Owner rights to water and a broader and appropriate role in water management.
- 3 The Network is supportive of the intent of the strategy.
- 4 The Network supports restorative justice for Traditional Owners.
- 5 **Foundation: Principle 1 Existing entitlements remain protected.**  
By making this a foundational principle the government is ignoring the history of the settler state and depriving the strategy of key tools to better manage water both for Traditional Owners and for the wider community right at the start of the strategy.
- 6 Within this Foundational principle No. 2 are two separate principles that need to be addressed as independent principles rather than being incorporated into a single principle. The Network does not support the wording of the second principle.
- 7 The first part of the principle that should be considered separately is '**any proposals considered for Water is Life will not have adverse impacts existing entitlements to water without the holder's consent**'. This is not justified in the strategy and is an unrealistic opening principle for a strategy intended to address past wrongs, particularly in an environment where water is already over-allocated.
- 8 By making this declaration the strategy further embeds in government policy the resistance to using the tools needed to begin to address our water crisis. This crisis includes lack of Traditional Owner access to water.
- 9 Better management of water including not automatically renewing section 51 licences but testing them for renewal against a reasonable use criteria and licencing farm dams (as promised by Minister Neville some years ago) with a reasonable use test may create better opportunities for Traditional Owner water rights.
- 10 The strategy sets environmental water as being the source of water to do a good deal of the work of restoring Traditional Owner rights. A healthy environment is need of all stakeholders and restored Traditional Owner rights may enhance existing environmental water if that is the desire of Traditional Owners. If that is the desire of Traditional Owners then that would should be additive to the existing environmental entitlements.
- 11 We are supportive of the concept of Nation Statements.
- 12 '**Government is not proposing to fund a program of water buybacks**'  
It is difficult to see how a strategy can function to restore justice when at the outset there is no program to fund water buybacks (nor to affect existing entitlements).
- 13 The strategy does not acknowledge that not only is surface water availability is declining, but the demands on water including extraction, consumptive use and entitlements is increasing, for example there has been an increase in farm dams. While environmental water has been



## THE WATERWAYS NETWORK

provided for the environment, the available surface water for the environment has still declined, The burden of the decline has fallen more on the environment than on consumptive use. (See the Long Term Water Resource Assessment <https://www.water.vic.gov.au/planning-and-entitlements/long-term-assessments-and-strategies/long-term-water-resource-assessment>

- 14 This plan functions to assume away at the start the real tools needed to make a difference, to give Traditional Owners fair and justice access to self-determined water that is addition to the basic environmental ecosystem function requires, and in so doing devalues the environment.

**Summary:** The Network supports the return of Traditional Owner water rights. This should be additive to existing environmental rights, not substitutional. We support Traditional Owner involvement in management of environmental water but not as a solution to the need for restorative justice for water. Traditional Owner involvement in water management benefits us all. Traditional Owners have a right to self-determine their use of water, and that should be the target of the policy. The current policy as it excludes adjusting existing entitlements and refusing to contemplate buybacks is unlikely to fulfil its stated aims of restorative justice.