



## Committee on Aboriginal and Torres Strait Islander Water Interests Communique #2, August 2023

### 21st meeting, Cairns, 9, 10 August 2023

The Committee on Aboriginal and Torres Strait Islander Water Interests met on Gimuy-walubarra yidi land in Cairns, Queensland, on 9, 10 August 2023. The Queensland Department of Regional Development, Manufacturing and Water hosted the meeting. We enjoyed a warm Welcome to Country and Smoking Ceremony by Mr Henry Fourmile and Mr Gavin Singleton.

We focused on our strategic governance arrangements and policy position on water values and interests. Members endorsed a position statement that describes our priorities (Attachment A).

We agreed to do a Health Check of the committee, starting in September 2023, that will include a:

- skills and diversity assessment of membership
- review of operations and procedures.

We were thrilled to hear from Mr Dennis Ah-Kee, Wanjuru Yidinji Elder from Jaragun Ecoservices, Ms Joann Schmitter, tropical rainforest Mamu, Dyrbal Nation Aboriginal person and Rainforest Aboriginal Peoples' Think Tank representative, and Professor Allan Dale. They told us about work Traditional Owners in Cairns are doing to protect and restore rainforest river catchments. This will improve the health of the Great Barrier Reef.

The Department of Climate Change, Energy, the Environment and Water and state and territory departments shared strategies for:

- advancing Aboriginal and Torres Strait Islander peoples' inclusion in water policies
- access and ownership of water
- involvement in decision making.

We are particularly interested in the department's work to renew the National Water Initiative and we are supporting this work by advising on the development of a First Nations engagement strategy.

### **Next meeting**

Our next face-to-face meeting is in Darwin, NT, from 30 October to 2 November 2023.

Our last face-to-face meeting for the year is scheduled for Adelaide, SA, from 13 December to 15 December 2023.

Mr Grant Rigney and Mr Rene Woods

Co-Chairs

Committee on Aboriginal and Torres Strait Islander Water Interests

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## **Attachment A**

### **Position statement**

The Committee on Aboriginal and Torres Strait Islander Water Interests was established in 2020 and is led by a membership of Aboriginal and Torres Strait Islander peoples with extensive expertise across western and cultural water rights and interests, water science and management, and water policy and planning.

Committee members do not represent, speak, or act for any individual nation, organisations, or community groups. Committee members do not represent Commonwealth, state, or territory governments; however, where possible, the Committee seeks to have at least one representative from each state and territory to draw on their knowledge and experience at the local level to bring to the national discussion.

The Committee is supported by an Executive Officer and secretariat within the Australian Government Department of Climate Change, Energy, the Environment and Water.

The Committee plays a unique role in advising Commonwealth, state and territory governments on world-leading water reform initiatives occurring in Australia. The Committee recognises that Aboriginal and Torres Strait Islander peoples have been advocating for an equal voice in Australia's water planning and management legislation since colonisation in 1788. Aboriginal and Torres Strait Islander peoples never ceded ownership of lands and waters. It is the exclusive birth right of Aboriginal and Torres Strait Islander peoples to be supported to honour their cultural, spiritual, social, economic, and environmental rights to water.

The Committee operates within, and promotes, an environment of truth telling about the impacts of colonisation on Aboriginal and Torres Strait Islander peoples water rights and interests. The Committee aims to elevate the cultural, spiritual, social, economic, and environmental interests of Aboriginal and Torres Strait Islander peoples within Australia's water policies, programs, and legislation, to ultimately ensure Aboriginal and Torres Strait Islander peoples have enduring access to, ownership and management of water.

### **Principles**

The responsibilities of the committee are anchored by 5 principles, which seek to ensure that national water policies, legislation, and processes prioritise the rights and interests of Aboriginal and Torres Strait Islander peoples to have enduring access to, ownership and management of water. The 5 priorities are:

#### **Recognition**

Recognise and incorporate Aboriginal and Torres Strait Islander peoples' cultural rights and interests in water management, ownership, and governance.

Recognition is underpinned by declarations at a national and international level, and has regard to the principle of *free, prior, and informed* consent in the United Nations Declaration on the Rights of Indigenous Peoples.

#### **Language**

The Committee guides the use of appropriate language and terminology, that is consistent, inclusive, and accurate in describing Aboriginal and Torres Strait Islander peoples' cultural rights and water interests.

#### **Self-determination**

Procedures, programs, and processes relating to accessing, owning, and managing water in Australia, are developed through engagement with Aboriginal and Torres Strait Islander peoples *early and often*.

This includes acknowledging and incorporating expert Indigenous knowledge systems such as gendered sciences, innovation, and research and methodology of applied traditional law and custom in decision making.

### **Knowledge**

Two-way knowledge exchange is led by Aboriginal and Torres Strait Islander peoples and maintains a focus on the inherent rights of Aboriginal and Torres Strait Islander peoples to access, own, and manage water.

Robust knowledge sharing pathways between Aboriginal and Torres Strait Islander peoples and legislative and government demarcations are open and transparent and capture Aboriginal and Torres Strait Islander peoples' experiences – as well as social, political, and economic interests – to inform the development of holistic and ethical policies and strategies.

### **Values**

Acknowledge the impacts that research and policy decisions have on Aboriginal and Torres Strait Islander peoples water values and water dependent heritage sites, including waterways (highways) and anabranches (arteries and veins), submerged landscapes, wetlands (supermarkets), lagoons, billabongs, and groundwater aquifers (old water).

Strive for bold aspirations that challenge and empower all jurisdictions to recognise the cultural, spiritual, social, economic, and environmental interests of Aboriginal and Torres Strait Islander peoples.

### **Subgroups**

As of September 2023, the committee has 3 subgroups (following), which support and leverage the skills and interests of its members to drive specific committee objectives.

#### **Water reform subgroup**

- Guide the development of Aboriginal and Torres Strait Islander water Principles, Outcomes and Actions for inclusion in the renewed National Water Initiative.
- Provide guidance on inclusion of Aboriginal and Torres Strait Islander cultural water interests as part of the review of the *Water Act 2007* in 2024.
- Endorse a project plan for the development of a Commonwealth First Nations Water Strategy, including advising the department on engagement and consultation approaches.
- Engage programs and corporations that have a focus on cultural water rights, including the Indigenous Land and Sea Corporation and National Water Grid Fund.

#### **Water allocation and entitlements subgroup**

- Support Aboriginal and Torres Strait Islander peoples' engagement in the Murray–Darling Basin Aboriginal Water Entitlements Program.
- Ensure Aboriginal and Torres Strait Islander people are heard in developing options for a national First Nations water holding arrangement.

#### **Governance subgroup (until the end of 2023)**

- Guide the development of strategic governance priorities to support the operations and objectives of the committee.