



Australian Government
Indigenous Land and Sea Corporation



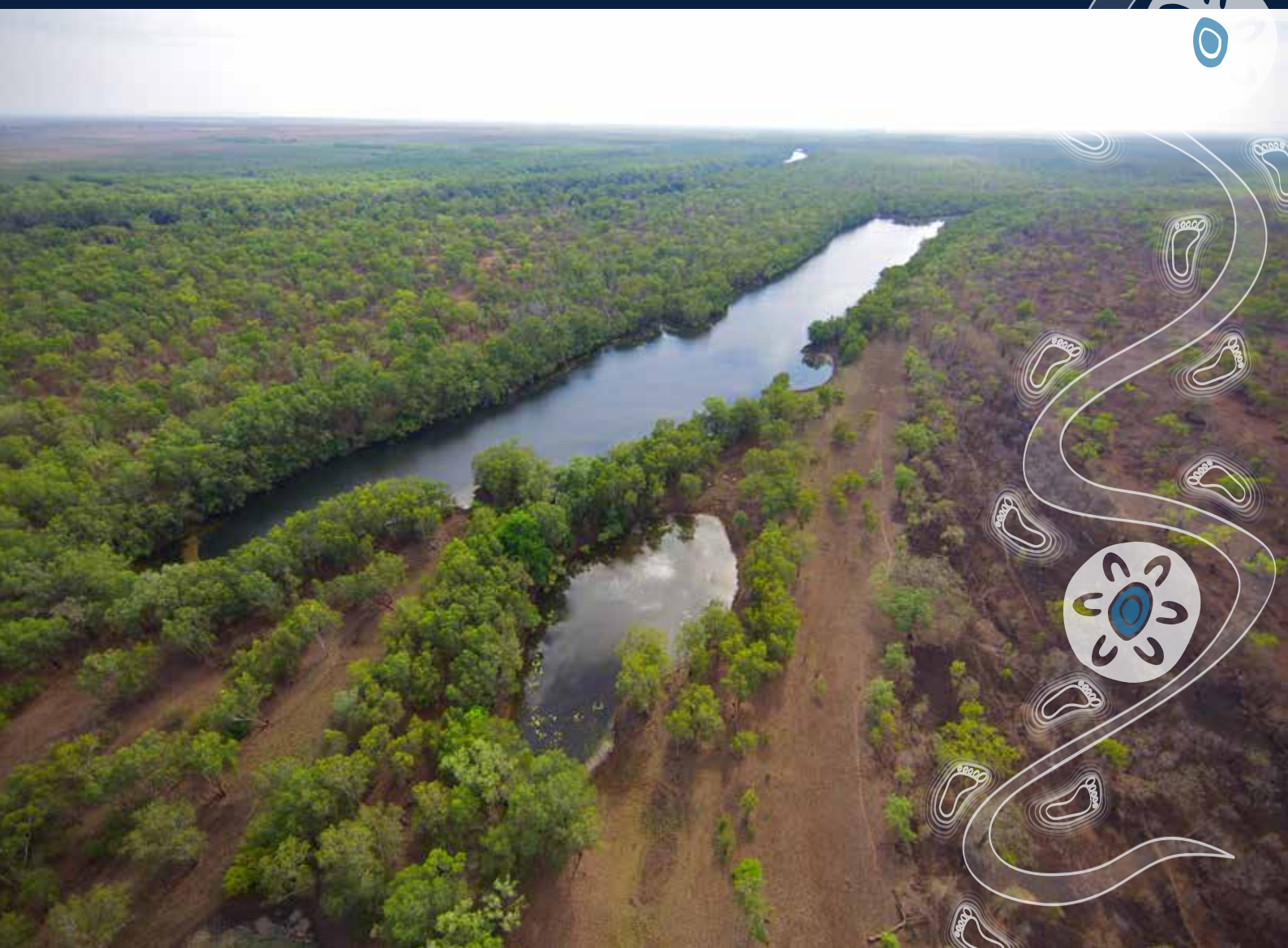
The **ILSC GROUP**

PEOPLE. COUNTRY. OPPORTUNITY.

Sector Leadership

Inland Water Companion Reader

*A guide to First Nations contribution
to the inland water sector*



Acknowledgement of Country



Artwork by Maisie Crawford-Owers.

In all our activities we pay our respect to the Traditional Owners and Custodians of the lands, waters and skies on which we live and work. We honour the resilience and continuing connection to Country, culture, and community of all Aboriginal and Torres Strait Islander people across Australia. We recognise the decisions we make today will impact the lives of generations to come.

A note on language

The terms 'Aboriginal and/or Torres Strait Islander', 'Aboriginal', 'Indigenous' and 'First Nations' may be used interchangeably throughout this document. Using these terminologies, we seek to acknowledge and honour diversity, shared knowledge and experiences as well as the right of individuals and communities to define their own identities. The C in Country is capitalised throughout this document as Country for Aboriginal and Torres Strait Islander people is a strong place of connection which provides

the upmost significance to their people and means more than physical land. In this document, Country may refer to land, freshwater and/or seawater.

Aboriginal and Torres Strait Islander readers are advised that this publication may contain the names or images of people who have died.

Established in 1995 under the *Aboriginal and Torres Strait Islander Act*, we provide for the contemporary and future land needs of Indigenous people, particularly those unlikely to benefit from Native Title or Land Rights. We work with our Indigenous partners to grow their economic, environmental, cultural and social capital by supporting their acquisition and management of land and water. In redressing dispossession, we provide for a more prosperous and culturally centred future for Indigenous people.

The Indigenous Land and Sea Corporation is a Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*.



www.ilsc.gov.au
FREECALL 1800 818 490



Contents

- 02 Acknowledgement of Country
- 04 National Indigenous Land and Sea Strategy
- 05 Introduction
- 06 Inland water and First Nations leadership
- 07 River systems
- 10 Water markets
- 11 Policy and legislation in the inland water sector
- 14 Major Projects
- 15 Opportunities and Challenges

National Indigenous Land and Sea Strategy

In 2022, the Indigenous Land and Sea Corporation (ILSC) undertook a nationwide consultation with its stakeholders. This consultation informed the development of the National Indigenous Land and Sea Strategy (NILSS) and Regional Indigenous Land and Sea Strategies (RILSSs) 2023-2028. This consultation identified five priority sectors, in which stakeholders wanted to see ILSC partner with First Nations¹ to elevate influence and drive progress at scale. The priority sectors are:

- Carbon
- Environmental Markets
- Renewables and Clean Energy
- **Inland Water**
- Fisheries and Aquaculture

This document provides an overview of the legislation, policies and programs, challenges and opportunities that impact on the involvement and leadership of First Nations peoples in the inland water sector.

It has been prepared as a companion reader to the ILSC Sector Leadership Future Industries Initiatives which provides a suite of initiatives for how the ILSC can contribute to the priority sectors.

This information contained in this companion reader was informed by First Nations experts in the sector and originally collated by Barratt Mollison Consulting Group Pty Ltd (BMCG) on behalf of the ILSC. It is an overview of issues and opportunities for First Nations peoples with an interest in the inland water sector. The ILSC recommends that First Nations people considering projects in the inland water sector seek specific advice regarding regional issues, opportunities, and business viability.



Figure 01. The National Indigenous Land and Sea Strategy 2023-28. Country and its people are at the heart of the NILSS and the reason for the ILSC's existence. Increasing Indigenous participation in the priority sectors is a priority under the guiding principle of self-determination.

1. For the purposes of this companion reader, we have used Aboriginal and/or Torres Strait Islander, 'Aboriginal', 'Indigenous' and 'First Nations' interchangeably.

Introduction

This document provides an overview of the key legislation, policies, and programs impacting First Nations people's involvement and leadership in the inland water sector. It also highlights current challenges and opportunities in advancing Indigenous leadership, ownership, and custodianship of inland water resources.

Water is a sacred source of life

*"For First People, water is a sacred source of life. The natural flow of water sustains aquatic ecosystems that are central to our spirituality, our social and cultural economy, and our wellbeing. The rivers are the veins of Country, carrying water to sustain all parts of our sacred landscape. The wetlands are the kidneys, filtering the water as it passes through the land. First Nations Peoples have rights and a moral obligation to care for water under their law and customs. These obligations connect across communities and language groups, extending to downstream communities, throughout catchments, and over connected aquifer and groundwater systems."*²

First Nations leadership in inland water sector

First Nations leadership in the inland water sector takes many forms (Figure 2). At its core, it involves increasing Indigenous influence over water governance and ensuring that First Nations people and organisations drive large-scale progress in ownership and custodianship.

Through effective policy, legislation, and community-led initiatives, First Nations people can strengthen their role as stewards of inland water, fostering sustainable management that aligns with cultural values and traditional knowledge.

Opportunities for First Nations leadership in the inland water sector span all uses of water, including cultural, environmental, economic, and household water.

First Nations Interests in Inland Water

- **Cultural water** – Refers to water that is legally and beneficially owned by Indigenous Nations in sufficient quantity and quality to enhance spiritual, cultural, environmental, social, and economic conditions. Recognising and protecting cultural

flows ensures that First Nations communities can maintain and strengthen their deep connections to water and Country.

- **Environmental water** – water necessary to sustain freshwater and estuarine ecosystems, supporting biodiversity, ecosystem health, and human livelihoods that depend on these environments. Protecting environmental water aligns with traditional custodianship practices that have maintained ecological balance for generations.
- **Economic Water** – Includes water used for commercial purposes such as agriculture, aquaculture, industry, and other businesses. Strengthening First Nations access to and control over economic water resources supports sustainable enterprise development and economic independence.
- **Household (Potable) Water** – Safe and reliable drinking water depends on healthy river and groundwater systems. Access to clean water is fundamental to community health, social well-being, and economic stability.

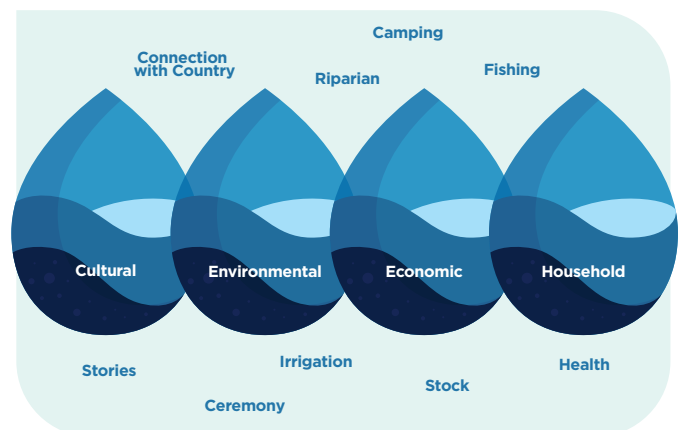


Figure 02. Opportunities for first Nations leadership in the inland water sector.

First Nations Self determination in water management

At the core of these opportunities is the principle that Aboriginal and Torres Strait Islander peoples, businesses, and communities must have the authority to care for, manage, and use inland water in ways that reflect their values and aspirations. Recognising Indigenous leadership in water governance not only upholds sovereignty and self-determination but also contributes to healthier ecosystems, stronger communities, and a more sustainable future.

2. Excerpt from '[A Pathway to Cultural Flows](#)' (Nelson, Godden, & Lindsey, 2018).

Inland water and First Nations leadership

Australia's inland water sector operates within a complex and dynamic system of policies, regulations, and water markets. The combination of federal and state frameworks, alongside market-based water management, presents significant challenges for First Nations peoples in securing water rights, practicing cultural water management, and participating in the inland water economy—particularly in the face of future climatic pressures.

Challenges in water rights and governance

The Native Title Act 1993 recognises water rights as part of Native Title; however, courts have upheld the right to use water only for domestic and personal purposes. The Act does not provide First Nations peoples with the right to negotiate on future water-related developments, limiting their ability to influence water management decisions on Country.

Additionally, state-based regulations and water markets create further barriers to securing water entitlements, restricting First Nations' ability to fully engage in water ownership, trade, and management.

peoples with greater access, control, and benefits from water resources.

- **Government funding and investment** - New funding initiatives support Indigenous-led water projects, improving access to water for cultural, environmental, and economic purposes.
- **Water rights** - Under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, Indigenous corporations can hold and manage water-related rights and interests.

Opportunities for First Nations leadership

Despite these challenges, there are increasing opportunities for First Nations participation and leadership in the inland water sector, including:

- **Policy reform** - Ongoing advocacy has led to increased recognition of Indigenous water rights and the need for reforms that provide First Nations

Further reading and resources

To learn more about First Nations water interests, advocacy, and policy reform, the [Committee on Aboriginal and Torres Strait Islander Water Interests \(CAWI\)](#), along with Associate Professor Bradley Moggridge and Professor Leslie 'Phil' Duncan, have developed a [Pictorial timeline of Aboriginal and Torres Strait Islander Peoples water interests](#).

A note on language:

For consistency, this document refers to water ownership from a non-Indigenous perspective. That is, referring to permits (or rights) to access water authorised under government frameworks. However, we recognise that First Nations peoples maintain inherent rights and obligations to use and care for Country including water under their laws and customs.

River systems

River systems and water management in Australia

The inland water systems of the Australian continent (Figure 3) are structured into drainage divisions, which are further subdivided into water regions and river basins. These divisions illustrate how water flows across the continent and define major hydrological catchments.

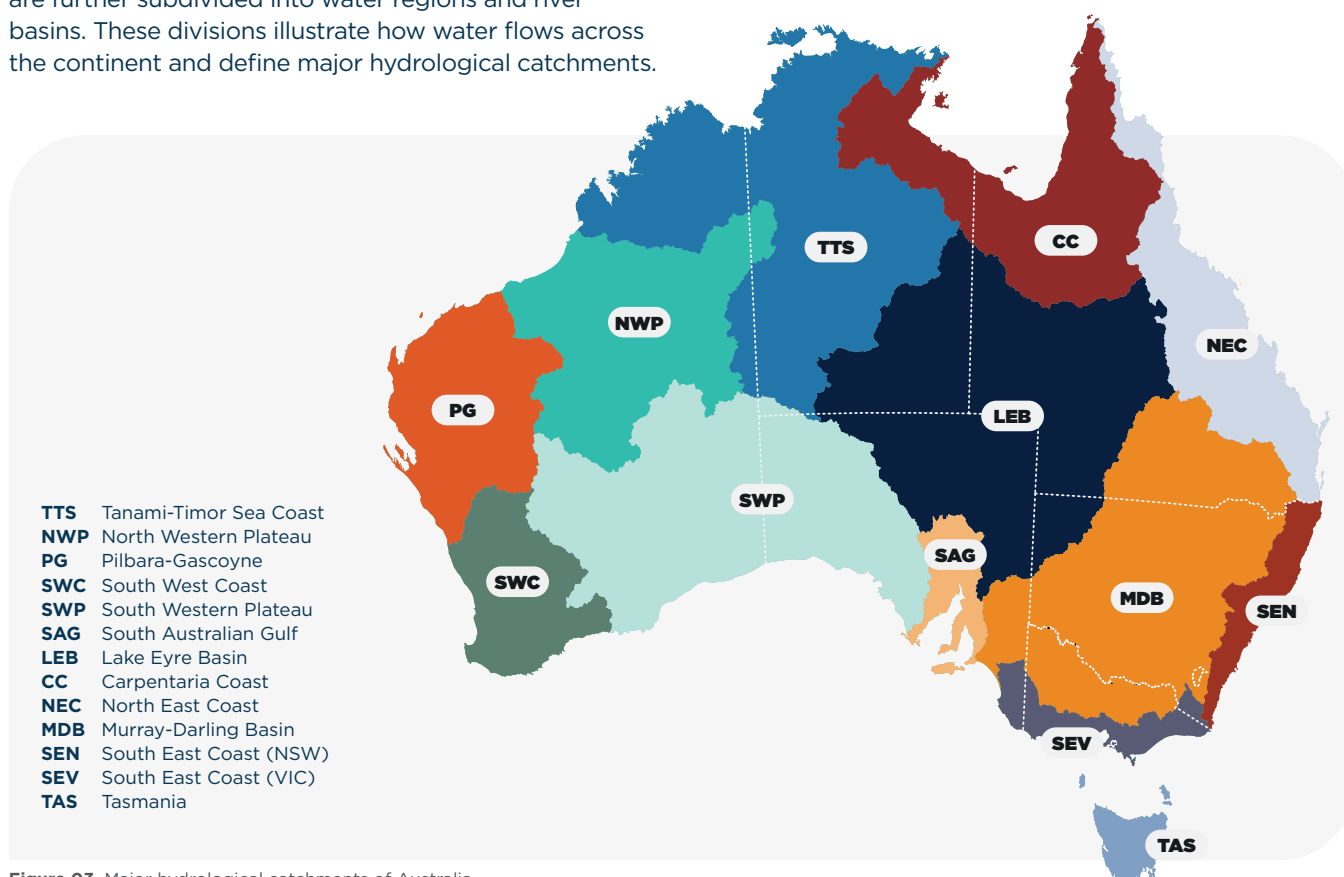


Figure 03. Major hydrological catchments of Australia.

Governance and Management of Inland Water

Managing Australia's river systems requires collaboration across multiple levels of government, each with distinct responsibilities:

- **Federal level** - the Department of Climate Change Energy, the Environment and Water, Bureau of Meteorology (BoM) and Geoscience Australia play key roles in monitoring, mapping, and providing critical data on drainage divisions and river basins. The Australian Government also works with states on cross-border water management.
- **State and territory level** - each state and territory is responsible for managing water resources within their jurisdiction, including policy development, water allocation, conservation efforts, and maintaining water quality standards.

- **Interstate coordination** - for river basins that cross state borders, such as the Murray-Darling Basin, the Australian Government collaborates with states through bodies like the Murray-Darling Basin Authority to ensure sustainable management.
- **Local and regional level** - local governments and regional water authorities oversee on-the-ground water management, including maintaining infrastructure, monitoring water quality, and implementing local water conservation programs.

By integrating efforts across these levels, Australia aims to balance water use, conservation, and sustainability while addressing the unique needs of First Nations communities and the broader population.

Case Study

Budj Bim cultural landscape – protecting Indigenous aquaculture heritage





Background

The Budj Bim Cultural Landscape, located in south-west Victoria, is world-renowned for its evidence of First Nations aquaculture. It is a significant cultural site of the Gunditjmara People, showcasing their sophisticated engineering in water management and eel farming. The landscape includes over 300 stone dwellings and an extensive network of channels, dams, and weirs used for trapping and harvesting kooyang (eels) for thousands of years.

World heritage recognition and land acquisition

In 2019, Budj Bim was inscribed on the UNESCO World Heritage List, covering 9,935 hectares as one of the largest and oldest aquaculture networks in the world. To increase protection and management of the site, the Indigenous Land and Sea Corporation (ILSC) supported the acquisition of additional properties for the Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC). This strategic acquisition addresses landscape fragmentation, ensures the maintenance of water flows and hydrology, and preserves the cultural and environmental significance of the area.

Cultural and Economic Benefits

The expanded ownership of Budj Bim enables greater access and connection for the Gunditjmara People to their traditional lands. It strengthens cultural identity, enhances the global recognition of Budj Bim as a World Heritage-listed site, and creates opportunities for Indigenous training and employment. Additionally, the acquisition supports the expansion of tourism infrastructure and services, fostering economic sustainability while preserving cultural heritage.

Ongoing Commitment

The ILSC has played a crucial role in supporting Gunditjmara ownership and management of Budj Bim. Between 2004 and 2013, the ILSC acquired and divested five properties to GMTOAC, demonstrating a long-term commitment to the cultural and environmental conservation of this historic landscape.

Conclusion

The Budj Bim Cultural Landscape is a model for Indigenous-led heritage conservation and sustainable development. Through continued land acquisition and investment in cultural tourism, the Gunditjmara People can protect their ancestral lands, share their knowledge with the world, and build a thriving future grounded in tradition and innovation.

Water markets

Water entitlements and allocations can be traded temporarily or permanently, with prices fluctuating based on supply and demand. Water trading in the Murray-Darling Basin, for instance, is valued at approximately \$4 billion annually. However, Aboriginal and Torres Strait Islander peoples hold only 0.2 percent of water entitlements³.

Water markets are designed to allocate water to its highest financial value however, ensuring equitable access - especially for First Nations people, remains a challenge. This issue is particularly important in over-allocated systems such as the Murray-Darling Basin, where the total volume of water entitlements exceeds the actual water available.

Key terms:

- **Water resource** - water available from various sources, including surface water, groundwater, and rainwater.
- **Water entitlement** - a long-term right to use a share of a water resource, typically from surface or groundwater.
- **Water allocation** - the volume of water an entitlement holder is permitted to use in a given year, varying based on availability.

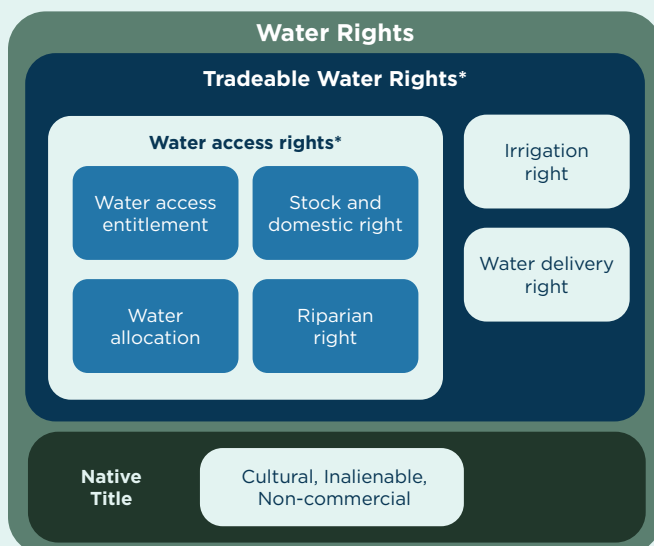
- **Water plans** - statutory plans for managing surface and/or groundwater, developed through stakeholder consultation and informed by scientific, cultural, and socio-economic assessments.
- **Water planning** - processes involved in preparing and adapting water plans to ensure sustainable management.

Water entitlement and allocation policies differ across Australia's States and Territories. For more information on Australia's water market, refer to official government resources or research publications such as DCCEE's web resources on [Water Markets](#).



Figure 05. Bidyadanga Aboriginal Community La Grange inc. received assistance from the ILSC to purchase Shamrock Gardens horticultural production facility. The property purchase included a 2.5GL water license⁴.

A water right is conferred by our under State law to take or hold water from a water resource. Also referred to as water products, water rights are based on State and Territory legislation. The diagram below provides an overview of water rights in Australia.



*Based on the *Water Act, 2007*.

Legal instruments

Water rights are administered through legal instruments.

These may include water instruments, property titles, or contracts with rural water utilities.

Water users may also require works permissions in order to extract and use their water.

Figure 04. Australia's Water Market.

3. [Benchmarking Indigenous water holdings in the Murray-Darling Basin: a crucial step towards developing water rights targets for Australia.](#)
4. National Indigenous Times, 16 Oct 2024: [Bidyadanga Aboriginal Community buys West Kimberley irrigation farm.](#)

Policy and legislation

National Water Initiative

The National Water Initiative (NWI) is Australia's primary framework for intergovernmental water reform, established in 2004 under the Water Act 2007 and overseen by the Productivity Commission. Reviews in 2017, 2020, and 2023 found, while Australian governments have made progress improving water management, new challenges, such as climate change and increased water demand, require further action.

To strengthen First Nations participation in water management, the Productivity Commission recommended that a renewed NWI (to be known as the *National Water Agreement*) should:

- Prioritise First Nations people's involvement and influence in water resource management.
- Ensure that the Committee on Aboriginal and Torres Strait Islander Water Interests (CAWI) leads the development of a new objective within the NWI.
- Recognise First Nations people's cultural responsibility for water and secure their continued participation in water governance.

Closing the gap and inland water rights

The National Agreement on Closing the Gap, includes 19 key targets aimed at improving life outcomes for Aboriginal and Torres Strait Islander peoples.

Target 15 is relevant to the inland water sector:

- **Target 15** - First Nations peoples maintain a distinctive cultural, spiritual, physical, and economic relationship with their land and waters.
- **Target 15a and 15b** - Relate specifically to land and sea rights.

Recognising the need for greater progress, the Productivity Commission's review of the National Agreement found that fundamental changes are needed to meet these goals. In response, the Commonwealth Government developed the Closing the Gap Implementation Plan, which includes:

- Establishing a new inland water target (Target 15c) to secure Aboriginal legal rights and interests in inland water under state and territory water rights regimes.
- Expanding Aboriginal and Torres Strait Islander access and control over inland water resources to strengthen cultural, spiritual, and economic connections.
- Embedding First Nations leadership in water policy and governance aims to create a more equitable and sustainable approach to inland water management.

Murray-Darling Basin

The Water Act 2007 included provisions for the management of the Murray-Darling Basin's water resources, ensuring sustainable water planning and allocation. Under this Act, two key entities were established:

- Murray-Darling Basin Authority (MDBA) - oversees water management across the Basin.
- Commonwealth Environmental Water Holder - enables the Australian Government to purchase water entitlements from willing sellers to support environmental recovery.

To support this, the Water for the Environment Special Account was created, allocating \$1.575 billion to recover 450 gigalitres (GL) of water between July 2014 and June 2024. This ambitious reform aims to restore environmental flows to the Murray-Darling River system, its wetlands, and floodplains.

The Water Act (2007)

The Water Act, implemented in 2007, sets national standards for the monitoring and management of water resources. The Water Act is scheduled for review in 2027. This will be a significant opportunity for Indigenous people nationally to advise on their expectations with regards to water management systems and decision making.

Policy and legislation

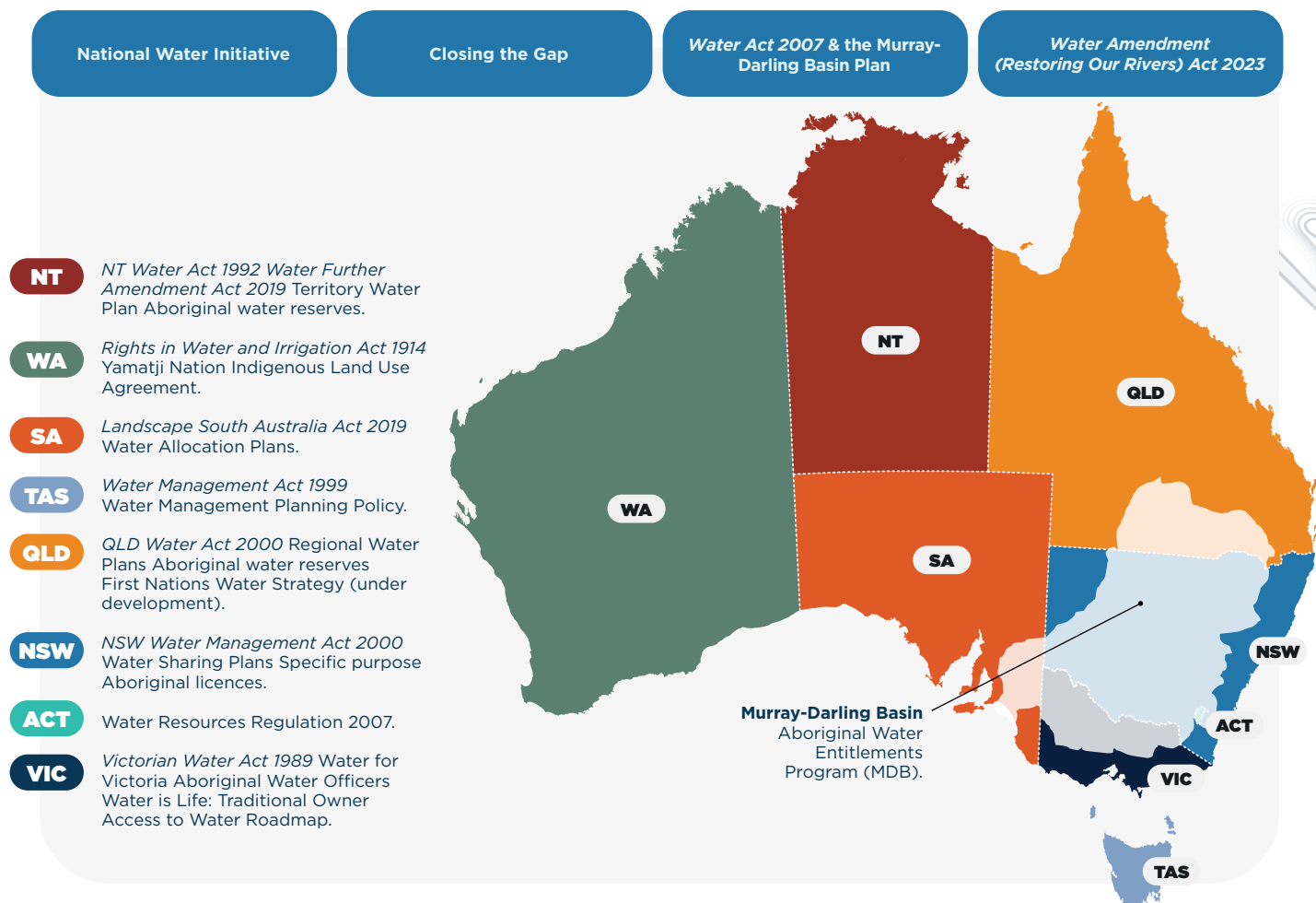


Figure 06. National policy and legislation in the inland water sector.

The Basin Plan (2012) and Water Resource Plans (WRPs)

The Basin Plan, implemented in 2012, establishes an integrated management framework for the Murray-Darling Basin, covering Queensland, New South Wales, South Australia, and Victoria. Key elements include:

- Sustainable Diversion Limits (SDLs) – Defines the maximum amount of water that can be extracted while maintaining environmental health.
- Water Resource Plans (WRPs) – Basin States are required to develop WRPs that incorporate Indigenous values and uses, including social, cultural, spiritual, and customary objectives. These plans must be developed in consultation with Indigenous organisations.

However, despite these requirements, the Basin Plan does not specifically allocate water for Aboriginal communities, and many WRPs have failed to deliver tangible water access for First Nations peoples⁵.

Productivity Commission Inquiry (2023)

In 2023, the Productivity Commission conducted an inquiry into the effectiveness of the Basin Plan and WRPs. The Inquiry Report (released February 2024) found that:

“Recognising First Nations values and delivering on First Nations interests requires Basin governments to improve how they partner and share decision-making with First Nations people. Building on recent reforms, Basin governments should publicly report on how Water Resource Plans deliver on First Nations objectives and outcomes and strengthen the capacity of First Nations people to engage in Basin Plan activities.”⁶

5. [Discussion Paper: Water and Indigenous People.](#)

6. [Murray Darling Basin Plan: Implementation review 2023.](#)



Extending the Basin Plan Deadline

In 2023, the Commonwealth Water Minister acknowledged that the Basin Plan would not meet its water recovery targets by the legislated June 2024 deadline. As a result, the Water Amendment (Restoring Our Rivers) Act 2023 was passed to extend the Basin Plan deadline to 2026, allowing for continued efforts to meet water recovery targets.

Water Amendment (Restoring Our Rivers) Act 2023

While this Act lacks explicit First Nations outcomes, it includes key funding commitments:

- \$100 million for the Murray-Darling Basin Aboriginal Water Entitlements Program (AWEP) to purchase of water entitlements for First Nations Peoples.
- \$9.2 million for consultation on First Nations water entitlement governance.

State and Territory Legislation Overview

Each state and territory has unique legislation impacting First Nations water rights:

New South Wales

- Water Management Act 2000: Regulates water-sharing plans, requiring consultation on First Nations cultural and economic water use.

Northern Territory

- Water Act 1992: Amended in 2019 to allow Aboriginal economic water reserves.
- Territory Water Plan (2023): Includes the formation of an Aboriginal Water Advisory Council.

Victoria

- Water Act 1989: Governs water allocation.
- Water for Victoria Policy (2016): Supports Aboriginal Water Officers and Catchment Management Authorities.
- Water is Life Roadmap (2022): Expands Traditional Owner involvement in water management.

Queensland

- Water Act 2000: Establishes Regional Water Plans, reserving 500GL for First Nations economic use.
- First Nations Water Strategy: consultations are currently underway to hear First Nations people's stories, views and aspirations about water. The consultations will inform government policies including the proposed Closing the Gap inland waters targets and proposed National Water Agreement.

Australian Capital Territory

- Water Resources Regulation 2007: No provisions support economic or commercial First Nations water interests.

South Australia

- Landscape South Australia Act 2019: Limited First Nations water access, except for the Far North Prescribed Wells Area.

Tasmania

- Water Management Act 1999: Recognises Aboriginal cultural heritage but lacks economic provisions.
- Aboriginal Strategic Priority (2022): Aims to integrate Tasmanian Aboriginal people into land and water management.

Western Australia

- Rights in Water and Irrigation Act 1914: No specific Indigenous water reserves.
- Yamatji Nation Indigenous Land Use Agreement: Allocates up to 25GL of groundwater for Yamatji Aboriginal Water Reserve.

Major Projects

The figure below highlights several major water infrastructure projects and programs that are either planned or currently in-progress across Australia.

While it is not an exhaustive summary and projects come and go regularly, it offers a snapshot and example of some key initiatives that could represent

opportunities to enhance First Nations leadership in the inland water sector.

A first step for many First Nations groups could be engagement with State and Territories regarding regional and catchment water planning, strategy development and review processes.

State	Project
Queensland	Sunshine Coast Desalination Plant
	Strategic Planning in Queensland project
	Cairns Water Security Strategy
	First Nations water strategy
New South Wales	Macquarie-Wambuul Water Security Project
	Northern Basin Toolkit
	Western Weirs Program
	SDLAM Program (Including Reconnecting River Country)
	Regional water security / pipeline projects
	Better Baaka and Better Bidgee programs
Victoria	Water is Life Roadmap (Partnerships and pilot programs)
	SDLAM and Basin Plan programs
	Coliban Regional Rural Modernisation
	Priority water sector reforms
South Australia	State prosperity project (Including Northern Water)
	Water security actions under closing the gap
	SDLAM and Basin programs (including Healthy Coorong, Healthy Basin & SA River Murray Constraint Measures)
	Improving Great Artesian Basin Drought Resilience (IGABDR)
	Urban and regional water security and governance programs
Northern Territory	Priority actions outlined in the NT Water Plan
	Outcomes from drinking water legislation reform
	Improved Water Security for Remote Communities
	Improved Water Outcomes for Homelands
	Adelaide River Off-stream Water Storage (AROWS) project
Western Australia	Water actions and initiatives under Infrastructure WA strategy
	Ord and Kimberly region irrigation expansion programs
Tasmania	Tasmanian irrigation schemes
	Tasmania Connections package
Across States	Regional water security and water allocation strategies
	National Hydrogen Infrastructure Assessment (large water requirement)
	Project and programs delivered under the National Water Grid Fund infrastructure investment program, with the objectives to:
	<ul style="list-style-type: none"> • provide safe and reliable water for regional and remote communities • generate public benefit through responsible investment in water infrastructure for productive use • build resilient water infrastructure that is environmentally sustainable and culturally responsive.
	National Water Grid First Nations Water Program Funding
	Regional water efficiency and optimisation programs (e.g. irrigation and water delivery projects that span multiple communities)

Figure 07. Major projects and programs in the inland water sector.

Opportunities and Challenges

The inland water sector presents a complex landscape for First Nations people, characterised by both challenges and opportunities. These issues are often interrelated, and many span across multiple themes, including funding and investment, which is a significant area of focus.

The following section highlights the challenges unearthed or confirmed during the ILSC's consultation on this topic. In response, this reader provides a range of opportunities to address such challenges, requiring partnerships of communities, governments and investors.

Funding and investment

Opportunities:

- **Federal funding commitments** - The federal government has made substantial funding commitments to improve water security and quality for First Nations communities. For instance, the *National Water Grid Fund* has allocated \$150 million to enhance water security and water quality in homeland Aboriginal communities. Furthermore, the *Murray-Darling Basin Aboriginal Water Entitlements Program* has committed \$100 million to increase First Nations access to water entitlements within the Murray-Darling Basin, which can offer new opportunities for Aboriginal communities to secure water for cultural, economic, and environmental uses.

Challenges:

- **Limited access to capital** - First Nations people frequently face challenges in accessing the necessary capital or funding to purchase and manage water entitlements. The legal ownership structures and caveats on land and water rights can restrict access to commercial finance, hindering the development of Country and the ability to generate revenue from water management.
- **Fragmented investment frameworks** - Current investment structures are often fragmented and project-specific, typically aligned with government priorities. These frameworks may lack continuity, resulting in a lack of long-term, sustainable funding. Funding is distributed across various states and government levels, which can complicate the ability to manage water resources effectively over time.

Water rights, interests, access, and markets

Opportunities:

- **Enhancing water security for Aboriginal communities** - There are opportunities to increase water security for homeland Aboriginal communities, which could provide health, cultural, economic, environmental benefits. *The Water Services Association of Australia (WSAA)* has published recommendations to close the water gap for people and communities, which could guide strategies to improve access for Aboriginal peoples.
- **Potential to provide unassigned water to First Nations peoples** - There may also be opportunities to allocate 'new' or unassigned water to First Nations people, ensuring they have a fair share of available resources for their cultural and economic needs.
- **Investigate delivery models** - Investigate delivery models for expanding Indigenous water rights and access, ensuring that these models incorporate Free, Prior, and Informed Consent (FPIC). This ensures that First Nations peoples have a say in decisions affecting their water resources.
- **Coordinated planning and engagement** - For the long term strategic acquisition of water rights for First Nations communities, enabling access to secure water resources.
- **Invest in Indigenous representation** - Investment in increasing Aboriginal representation in the inland water market, including through co-investment in state government projects and programs will help Aboriginal communities to have a more active role in water governance and management.

Challenges:

- **Complex water markets and over-allocation** - Water markets in Australia are complex and have already seen significant over-allocation, with fluctuations in price, especially during dry periods. This complexity is a barrier for First Nations people seeking to enter the water market, and this issue is likely to worsen over time, particularly with climate change exacerbating water scarcity. Currently, there is a significant gap in water access and economic development opportunities between Aboriginal communities and other water users.



Gayini (Nimmie Caira) wetlands
on Nari Nari country in NSW.
Photo: Annette Ruzicka.

Case Study

Gayini – Restoring traditional management of the largest wetland in the southern Murray River Basin.

Background

In 2019 the 88,000-hectare property, Gayini (Nimmie-Caira), on the Lowbidgee floodplain in southern New South Wales was handed back to its Traditional Custodians—the Nari Nari Tribal Council (NNTC). The NNTC are now able to manage and preserve significant Aboriginal heritage sites and the largest remaining wetland area in the Murrumbidgee Valley within the southern Murray Darling Basin. This floodplain and its associated wetland systems hold national and international ecological significance.

Tapping into Water and Environment funds

The project is an example of where government, philanthropic environmental organisations and First Nations people can partner for the return of Country and management of inland water. The property and its irrigation licenses were acquired in 2013 through agreement between the Federal and NSW Governments to buy back water for the environment under the Murray-Darling Basin Plan and conservation targets. The NNTC, Nature Conservancy, Wyss Foundation, ILSC and other partners then collaborated on the handback process to Nari Nari people.

Cultural and Economic Benefits

The entire Gayini area is a rich cultural landscape that has supported Aboriginal people for 50,000 years. The property is home to a wealth of Indigenous cultural features from sacred canoe scar trees to ancient burial mounds and camp sites. For thousands of years the First Australians in this area made interventions to boost the productivity of their Country – enhancing fish and bird stocks, and vegetation growth. Once more in possession of their land, Nari Nari people are caring for it using a combination of traditional and modern techniques to improve its productivity and enhance its values

The Nari Nari owners are demonstrating exemplary food production in balance with nature, through responsible low-impact grazing and, when appropriate, opportunistic cropping. Over time the NNTC plan to transition property management to a more balanced nature- and culture-based business model.

Ongoing Commitment

Since back managing this Country, Nari Nari have assessed and maintained roads and infrastructure, protected culture and heritage sites, and removed large numbers of feral pests. They have also reinstated a more natural flooding regime across the property and laid almost 400 kilometres of pipes delivering water to parts of the property where it is needed by livestock being managed for ongoing economic benefit.

Conclusion

The Gayini property is a model for collaboration when First Nations people, government and philanthropists share Country management objectives. The Gayini property through NNTC management provides species conservation and environmental water outcomes for the whole community, whilst restoring traditional cultural practice and creating ongoing economic development for the Nari Nari people.

Then Nari Nari Tribal Council (NNTC) Chairman, Ian Woods, said the official handing back of the property to Traditional Custodians enabled the Nari Nari people to reconnect with their country.

“This is a significant event for the Nari Nari people, who have been using traditional knowledge to sustain our country for thousands of years,” he said.

“Now with the ownership being officially handed back, we can continue to protect the environment, preserve the Aboriginal heritage of the land and enable the intergenerational transfer of knowledge of caring for country.

“We have identified and recorded around 2,000 cultural sites on the property including burial sites, middens and camp sites, which will now be under our protection. “Having the property back in Nari Nari hands will also allow us to pursue sustainable sources of income such as carbon farming, grazing in non-sensitive areas and cultural eco-tourism.”

ILSC Director, Roy Ah-See, said the partnership between government, Aboriginal people and environmentalists benefits both the Nari Nari people and the wider region.

Opportunities and Challenges

Knowledge and research

Opportunities:

- **Promoting Aboriginal voices and truth-telling:** There are opportunities to amplify Aboriginal voices in the conversation about water injustices and inequities. Truth-telling about the impacts of water management decisions on First Nations peoples is critical to raising awareness and advocating for change.
- **Incorporating Aboriginal knowledge systems:** By respecting and incorporating Aboriginal knowledge systems, water management strategies can be made more holistic and sustainable. Aboriginal people have deep, place-based knowledge about water systems that has been passed down through generations. This knowledge can complement modern science and be an invaluable resource in developing more effective water management practices.
- **Coordinated, strategic Aboriginal science and knowledge:** There is an opportunity to allow Aboriginal science and knowledge to form a foundational element of water decision-making. Strategic coordination and the inclusion of trusted Aboriginal science can ensure that water governance respects cultural values and practices while also meeting environmental and economic needs.
- **Access to culturally appropriate information:** Providing Aboriginal communities with culturally appropriate, accessible information about how to access and purchase inland water is crucial for improving their participation in the water market and for ensuring they can manage their resources effectively. Information should be presented in ways that are understandable and relevant to Aboriginal peoples, taking into account their cultural context and traditional knowledge. The establishment of a centralised, trusted repository for such information would be an advantage for accessibility by a range of First Nations communities.
- **Indigenous Rangers Program:** Continuing and expanding the Indigenous Rangers Program offers a unique opportunity to support Aboriginal people in water management, as many rangers are already involved in land and water management tasks. This program helps build practical knowledge and skills in water management, environmental conservation, and cultural heritage protection.

Challenges:

- **Lack of regard for Aboriginal knowledge:** The inland water sector often fails to adequately recognise or integrate Aboriginal knowledge systems, which have been developed over millennia. This oversight limits the ability to make informed decisions that incorporate Traditional Ecological Knowledge (TEK) and cultural insights about water management, which are essential for sustainable and holistic water governance.
- **Limited water literacy:** Some Aboriginal people have limited literacy in the legal, regulatory, and technical aspects of water management. Understanding the complex legal rules, government processes, and requirements associated with water regulation presents a significant barrier for Aboriginal communities, preventing them from fully engaging in water decision-making and management processes.
- **Lack of collaboration:** Water agencies across Australia need to demonstrate good will and seek genuine collaboration with Indigenous people across Australia.

Governance and decision-making

Opportunities:

- **Building a platform for Aboriginal participation:** There are significant opportunities to strengthen Aboriginal involvement in decision-making in water policy and resource management. By partnering with Federal, State, and Territory agencies (including the Commonwealth Environmental Water Holder), Aboriginal peoples' authority, knowledge, and experience can be better integrated into the decision-making process. This partnership could lead to more informed, culturally appropriate, and sustainable water management practices that align with Aboriginal values.
- **Empowering Aboriginal communities in water policy and decision-making:** Aboriginal communities can be empowered to play an active role in shaping water policy and decision-making processes. This could involve engaging communities in the development of water management plans, creating opportunities for Aboriginal participation in water policy discussions, and fostering partnerships that support Aboriginal-led water enterprises.

- **Enhancing sector representation:** There are opportunities to increase Aboriginal representation across the water sector. Supporting the establishment of culturally appropriate enterprises and programs will allow Aboriginal peoples to have a stronger voice and influence in water governance. Additionally, enhancing sector representation will help ensure that Aboriginal communities' perspectives and needs are better considered in water management decisions.
- **Professional development program:** Develop a professional development program to build internal capacity, empowering Aboriginal representatives to engage more effectively in water governance. This program could focus on developing skills in policy advocacy, legal frameworks, water management, and negotiation, which will better equip Aboriginal people to influence water-related decision-making processes.

Challenges:

- **Limited Aboriginal representation in governance bodies:** Aboriginal peoples' representation and engagement within the governance structures that influence decision-making in the inland water sector are currently limited. Non-Aboriginal voices often dominate the decision-making roles, which can result in decisions that do not adequately reflect the needs or aspirations of Aboriginal communities. This lack of representation can hinder the inclusion of Aboriginal cultural values, knowledge, and priorities in water resource management and policy development.
- **Lack of place-based and locally led support:** There is a need for more place-based and locally led support solutions to address the unique water needs of individual Aboriginal communities. Currently, programs, projects, and funding streams are often too rigid, not taking into account the diversity of needs and aspirations across different communities. To address these challenges, Aboriginal groups require flexible and adaptive programs that can be tailored to local contexts.
- **Unclear collective priorities:** Some Aboriginal communities have not yet defined or agreed upon their collective priorities and plans regarding inland water. This lack of consensus can create challenges in organising and advocating for water rights and management strategies. Strengthening community engagement and alignment of priorities will be crucial in advancing Aboriginal participation in water governance.

Capacity and capability

Opportunities

- There is potential to support capacity and capability development for landholders, businesses, and corporations through long-term programs focused on restoration, caring for Country, and sustainable revenue generation from land and water resources.
- Expanding pathways into careers in water science, planning, and allocation can strengthen expertise and participation in these critical areas.
- The matching of government allocated resources to community aspirations has the ability to achieve innovative outcomes in underrepresented areas of industry participation and leadership. For example: The Commonwealth Government has committed \$707 million to the Remote Jobs and Economic Development Program, aiming to fund projects through a Community Jobs and Business Fund and create 3,000 jobs in remote communities over three years.
- Additionally, \$38.4 million has been allocated to on-Country education for remote Aboriginal students over four years, including improved access to junior ranger programs.

Challenges

- Aboriginal communities and businesses often face limited resources and funding, despite already leading and contributing to initiatives across various sectors. These constraints can limit participation opportunities and long-term sustainability.



Australian Government
Indigenous Land and Sea Corporation



The **ILSC GROUP**

PEOPLE. COUNTRY. OPPORTUNITY.



**Western Division
(WA)**

Level 20, 140 St Georges Terrace
Perth WA 6000

PO Box 7502 Cloisters Square
Perth WA 6850

T (08) 9420 6300

F (08) 9467 2800

E westernoffice@ilsc.gov.au



**Central Division
(SA, VIC, TAS, NT)**

Level 7, 70 Franklin Street,
Adelaide SA 5000

GPO Box 652
Adelaide SA 5001

T (08) 8100 7102

F (08) 8100 7150

E centraloffice@ilsc.gov.au



**Eastern Division
(QLD, NSW, ACT)**

Level 18, 100 Creek Street
Brisbane QLD 4000

GPO Box 5212
Brisbane QLD 4001

T (07) 3854 4600

F (07) 3056 3394

E easternoffice@ilsc.gov.au

Established in 1995 under the *Aboriginal and Torres Strait Islander Act*, we provide for the contemporary and future land needs of Indigenous people, particularly those unlikely to benefit from Native Title or Land Rights.

We work with our Indigenous partners to grow their economic, environmental, cultural and social capital by supporting their acquisition and management of land and water. In redressing dispossession, we provide for a more prosperous and culturally centred future for Indigenous people.

The Indigenous Land and Sea Corporation is a Commonwealth entity under the *Public Governance, Performance and Accountability Act 2013*.



www.ilsc.gov.au
FREECALL 1800 818 490