

Great Barrier Reef Traditional Owner

FACT SHEET

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This fact sheet outlines Traditional Owner Water rights in the Great Barrier Reef catchment areas to help Traditional Owners understand how they can participate in water planning on Country.

WHAT ARE WATER RIGHTS?

“A legal authority to take water from a water body and to retain the benefits of its use.

Water rights can come in the form of licences, concessions, permits, access and allocations.

As well as the right to take water, other related rights include: access, exclusion, alienation, and management of the resource.” (Productivity Commission, 2003).

WHAT IS A WATER LICENSE?

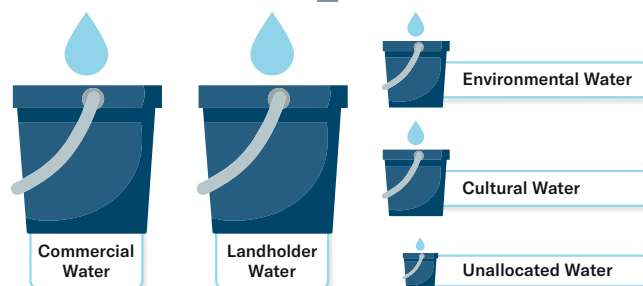
A water license is an authority granted under the Water Act 2000 to take and interfere with water.

WHAT ARE MY RIGHTS?

Traditional owners in the Great Barrier Reef catchments have the right to be included in decisions that impact on them through the United Nations Declaration on Indigenous peoples rights (UNDRIP). Our government endorsed UNDRIP in 2009, therefore when water policy is made we should be consulted. Traditional Owners have the right to access clean drinking water as a basic human right.

HOW IS WATER MANAGED ON MY COUNTRY?

The Queensland Water Act 2000 recognises the interests of Aboriginal people and Torres Strait Islanders and their connection with water resources. When preparing a draft water plan the interest of any Aboriginal parties or Torres Strait Islander parties in relation to the water resources for the plan area must be considered. In Queensland water is managed through water sharing plans. Water plans manage the water sources specific to each plan area. Water sharing rules are set out in water sharing plans in specific plan areas, they determine how water can be shared. These plans allocate water through water entitlements for different uses like farming, to keep the environment healthy, and for drinking water. There are sometimes small amounts of water that have not been given to a particular user, these are called unallocated water. Water sharing rules can change across different river catchment areas. There are 22 water plan areas in Queensland, based on



The Butchulla people participated in the review of the Mary Basin water-sharing plan in 2021. This marked the first time they were involved in water management specifically on Butchulla Country. However, the Mary plan did not take into account the cultural values of the Butchulla people or how they use and value water. To facilitate engagement, the Department of Resources reached out to the Butchulla people through the two native title-prescribed bodies. In response, the Butchulla people hosted a workshop in Maryborough to identify their cultural values and aspirations regarding water on Butchulla Country. As a result of this engagement Butchulla people now have their economic, social and cultural aspirations and cultural values identified and included in the water plan.

water catchments. These catchments collect surface water and rain into bodies of water such as streams, rivers, lakes, or reservoirs.

Water plans consider water sources, water uses, the cultural value of water and the environment (RDMW, 2023). A water sharing plan must outline desired cultural outcomes. A cultural outcome represents a positive impact for Indigenous peoples linked to water resources like aquifers, drainage basins, catchments, sub-catchments, and watercourses. Water plans must also consider the cultural heritage act.

Water sharing plans are reviewed every 5 years and updated every 10 years. This is one-way traditional owners can participate in how water is managed on Country. This can include identifying Indigenous values and uses of water and including them in the water plans.

QUEENSLAND UNALLOCATED WATER LICENSES

There are unallocated water reserves held in water plans across Queensland. This water can be made available for projects that provide social and economic benefits to Aboriginal people and Torres Strait Islanders. This unallocated water presents an opportunity to support sustainable development and resource management, helping to foster economic growth and improve the livelihoods of Indigenous communities in the region (RDMW, 2021). Each water plan has a water management protocol that can be reviewed and changed to allow Aboriginal people and Torres Strait Islanders to hold unallocated water reserves. Once updated, this protocol will describe the conditions for granting unallocated water, including who can get a water entitlement, how the amount of water available can be shared, and what social and economic opportunities this water can provide (RDMW, 2021).

Cultural flows

'Cultural flows' are water entitlements owned by First Nations people and communities. Cultural flows improve spiritual, cultural, environmental, social, and economic health and wellbeing. Cultural flows support First Nations people's right to use and manage water (MLDRIN, 2010).

Cape York Water Sharing Plan

'The Cape York Water Plan outlines extensive rights to water for Aboriginal and Torres Strait Islanders people that enable their participation in water management within the Cape York region. A major purpose of the Cape York water plan is to help Aboriginal and Torres Strait Islander people achieve their economic, social and cultural aspirations; There are several water plan outcomes that enable Aboriginal and Torres Strait Islanders to own water entitlements and participate in water management' (Queensland Government, 2019).

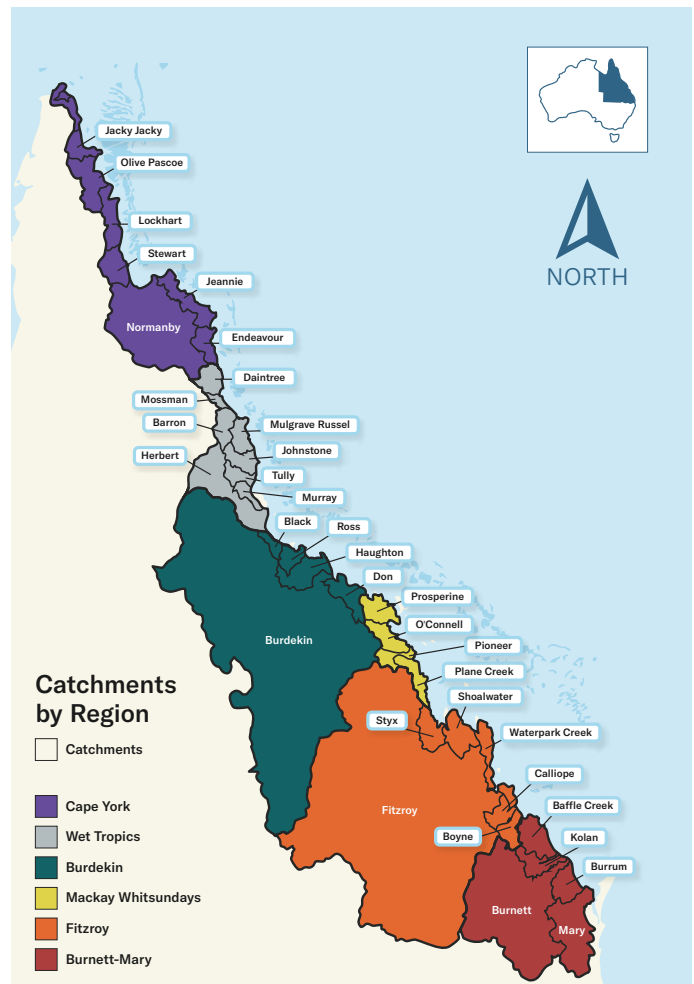
Unallocated water held in reserve in the Cape York Peninsula Heritage Area may be granted to assist an eligible person in supporting the economic and social aspirations of an Aboriginal or Torres Strait Islander community in the region.

NATIONAL WATER INITIATIVE

The National Water Initiative (NWI) is Australia's plan for water reform. Through the NWI the federal government has committed to increasing Indigenous Australians' involvement and influence in water resource management following an assessment of the NWI by the Productivity Commission in 2024. The federal government has committed \$9.2 million to consult with First Nations people nationally to find the best way to hold and manage water entitlements for the benefit of all First Nation people. This process will be led by the Committee of Aboriginal Water Interests, a committee established to ensure First Nations voices are reflected in national water reform (DCCEEW, 2024).

NATIVE TITLE LEGISLATION

The Native title Act provides Indigenous peoples the right to be engaged and, in some cases, compensated through the future acts process in relation to surface water and subterranean water, or living aquatic resources. This can include the allocation of water licences in water plan areas (Native Title Act, 1993).



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