

FACILITATORS' GUIDE TO INDIGENOUS WATER PLANNING

RESOURCE MODULES SUMMARY





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Annette Kogolo and Elaine Gardiner



 **North Australian Indigenous
Land and Sea Management Alliance**

Research in
river and estuary manage
in northern A



SERIES 1: WATER MANAGEMENT IN NORTH AUSTRALIA

Module 1.1: What is water reform?

Purpose

This module outlines the history of water reform in north Australia. It can be used to help demonstrate how water has been managed historically, and the impacts that this form of management has had on the Australian landscape. It should be used as an introductory presentation or brochure to help communities to better understand the need for water reform and for improving our ways of managing rivers and groundwater. It also seeks to explain why Indigenous people should participate in water reform.

Key questions

- What is water reform?
- Why is it happening?
- What is water reform aiming to achieve?
- Why is it relevant to Traditional Owners and Indigenous people?

Take-home messages

1. Obvious signs of stress on our river systems and water supplies, the impacts of droughts and competition for limited water is driving water reform.
2. All governments in Australia have identified the need for and have committed to better water management to address these problems.
3. North Australia is an important part of water reform as people look toward north Australia and its freshwater resources for the potential for agricultural development.
4. The participation of Indigenous people is essential to make sure Indigenous interests are put forward during water reform.

Content overview

1. Indigenous people managed water according to customary law for thousands of years before British occupation and colonisation.
2. New laws were implemented to manage water when Europeans arrived. Water played a key role in nation-building, economic development and establishing new settlements. This was sometimes referred to as 'drought-proofing' Australia.

3. Water management has led to many noticeable negative effects on the natural environment. The need for water to sustain people and industries in many urban and rural areas is now higher than the amount of water that can be extracted without environmental damage.
4. Water reform commenced in 1994 when all governments decided to work together to better manage water. Changes are being made to ensure that the environment is protected from the misuse of water, and to make sure all governments are managing water in a consistent way.
5. Understanding how much water is necessary for the environment is an area of developing science that requires a combination of science, traditional knowledge and local experience.
6. All states and territories are undertaking detailed studies of how much water the environment needs, and they are developing plans to make sure that this water is kept in the rivers for the environment.
7. Water reform is also part of getting the most value out of our scarce water supply. Governments and water managers try to work out the best ways to share water so that we get the greatest benefit of the people of Australia.
8. Water reform is increasingly important in north Australia as people look to its freshwater resources for the potential for agricultural development and mining, alongside other drivers of change.
9. Many people believe there is an abundance of water and vast tracts of undeveloped land in north Australia; although we are learning there isn't as much water as previously thought.
10. In north Australia, the state and territory water agencies are developing 'water allocation and management plans' to work out how much water is available, and set limits on how that water is to be used and shared.
11. These plans will play a major role in determining the future of development in the north. Indigenous people must be at the table for these important decisions about the region's future so that their interests are included in water reform.



Members of the Injino community, Cape York, Qld - Illilieh Woosup, Celia Ropeyarn, Betina McDonnell, Ina Sabo, Polly Woosup, Sandra Sebasio

Module 1.2: Understanding Australia's tropical rivers

Purpose

This module provides a brief introduction to the tropical rivers of north Australia. It demonstrates the seasonal flow characteristics of tropical rivers and how the different parts of the system play important roles in sustaining the environment, particularly in the dry season. This information is used to demonstrate the concept of environmental flow and its importance in sustaining biodiversity and landscape health. This module provides a foundation for recognising the need of water plans to allocate and maintain the availability of water in the environment.

Key questions

- What is significant about Australia's tropical rivers?
- How do they work?
- What is meant by environmental flow?
- What are the threats and opportunities for Australia's tropical rivers?

Take-home messages

1. Indigenous livelihoods and economies, as well as major industries like tourism and pastoralism, depend on maintaining the health of our unique tropical rivers.
2. Most tropical rivers have seasonal flows, so river features like waterholes and floodplains play a crucial role during periods of low water availability.
3. Environmental flow is the amount and quality of water that moves through the rivers and landscape and sustains the different parts of the river and its biodiversity, from the channels to the streams to the floodplains to the estuaries.
4. The need to maintain patterns of environmental flow may limit the amount of water that can be removed at different times of the year.

Content overview

1. North Australia is one of the great natural regions on Earth, and sustains largely intact natural systems. The natural environment provides much of the basis of the economic activity and quality of life for people in the north.

2. The tropical rivers of north Australia are one of the most important components of the landscape.
3. North Australia has a monsoonal climate with a short but intense wet season followed by a long dry season. The wet dry seasons mean that there are varying amounts of water flowing through the landscape at different times of the year.
4. North Australia can be divided into catchments. This helps us to understand how the water behaves in the landscape.
5. Two-thirds of Australia's total water runoff occurs in the catchments of north Australia, and north Australia has 70% of Australia's freshwater resources.
6. But not all of this water is available to be used. The majority of the rivers have no flow for more than half of the year.
7. The location of the water in the landscape also varies with the wet dry seasons, with groundwater becoming much more important for people and places during the dry.
8. The rivers of north Australia are diverse. While most of the rivers slowly dry out either completely or to form waterholes, some rivers are fed either through groundwater springs or through rainfall.
9. The amount of water in the landscape at different times of year is a critical driver for how the natural environment has evolved. The water in the rivers and groundwater at different times of year has a big impact on the diversity of species, where they live, and are important for their movement, growth and reproduction.
10. Tropical river systems have different component parts. Each of these parts has a different role to play in sustaining the environment.
11. River waterholes are a critical refuge for aquatic plants and animals when rivers stop flowing.
12. Floodplains play a critical role in the wet season as animals take nutrients and energy back to the river channel.
13. Water that flows out to sea is not wasted – it is essential to maintain the health of the estuaries and saltwater country.
14. The flow of water through the rivers sustains the different parts of the river, from the channels to the streams to the floodplains to the estuaries, is called the environmental flow.
15. If we change the amount of water, by taking out too much or altering the time of year that the river has high or low flows, we can have negative effects on the health of the river and the species that rely on it.



Western Australian Department of Water planners, Kate Gole and Rob Cossart, talk with Traditional Owners, Karagarri Water Strategy Meeting, WA, 2010

Module 1.3: How are governments involved in water reform?

Purpose

This module provides an overview of the key agreements that guide water reform in Australia, and shows how these agreements are being implemented by the different jurisdictions. It outlines the roles of key agencies: the Council of Australian Governments (CoAG); the National Water Commission; and the state and territory governments. It provides a brief introduction to the laws and responsibilities of state governments in each of the three north jurisdictions.

Key questions

- What government policies are important to know for understanding water reform?
- How is water managed by the different parts of government in northern Australia?
- Who is responsible for different aspects of water management?

Take-home messages

1. The blueprint for water reform is the National Water Initiative (NWI).
2. The NWI is an approach which tries to balance environmental restoration with the protection of water rights.
3. The NWI sets a high standard for Indigenous water rights.
4. Each of the state and territory governments has a different plan for implementing the NWI.

Content overview

1. The NWI is the agreement of all of the governments in Australia to improve the way that water is managed.
2. The NWI promotes a range of measures to balance the different needs that people have for sharing water, including regulations, trading and planning.
3. The NWI requires all governments to reduce water

extraction in areas that are over-allocated to make sure that they are at environmentally-sustainable levels.

4. 26% of surface water and 34% of groundwater systems in Australia are assessed as being over-allocated. Most of these catchments are in the southern regions of the country.
5. The main way that water use is managed is through the granting of water access entitlements (through licensing) and setting water allocation limits. By limiting water entitlements or placing conditions on extraction, governments can find ways to make sure there is enough water in the environment and for future use and public drinking water supply.
6. In some places, these water entitlements can be traded permanently or temporarily.
7. Water plans are used to work out how much water is available to be extracted and traded.
8. Water plans must look at the science, the impact on communities and community views when deciding how to set the limits on water extraction.
9. Governments have agreed to include Indigenous representation in water planning and incorporate Indigenous social, spiritual and customary objectives into water plans.
10. The NWI is the first time that Indigenous values have been considered as part of the national program of water reform, and commits the governments of Australia to acknowledging and protecting the special category of values that Indigenous stakeholders possess as Traditional Owners of the country's water resources.
11. The Council of Australian Governments and the National Water Commission have important roles in helping to implement the NWI.
12. Each of the states and territories has a different plan for how they will do what they agreed to under the NWI.
13. Not every government is meeting their promises under the NWI. Some governments are changing their water laws to bring it in line with their commitment.



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Michael O'Donnell discusses Indigenous Water Rights, Cape York Water Forum, Injinoo, Qld 2011

Module 1.4: The laws and policies of water reform

Purpose

This module outlines the important laws and policies in each of the three north Australian jurisdictions for water reform. Not all of the content will be relevant to all facilitators, and should be tailored to the relevant audiences. It also includes some of the recommendations that have been made by observers for the ways that water laws and policies could be improved in certain areas.

Key questions

- What are the relevant laws and policies that relate to water use in north Australia?
- How do they differ between the jurisdictions?
- What are some of the ways that the laws around water are changing?

Take-home messages

1. Each jurisdiction has different laws and arrangements in place for the management of water.
2. The laws relating to water are complex, but information is available from a variety of sources.
3. Not all jurisdictions have implemented the requirements for Indigenous participation of the NWI.
4. Water law in north Australia is evolving in response to community needs and expectations.

Content overview

1. State and territory governments have different laws and arrangements for the management of water.
2. In Queensland, water is managed under two main laws: the Water Act and the Wild Rivers Act.
3. The health of the environment is protected by the Queensland Government under the Environmental Protection Act. There is also an environmental protection policy which helps work out environmental values and water quality objectives for all Queensland waters.

4. Implementing water reform is part of the responsibility of the Department of Natural Resources and Mines in Queensland.
5. There is no specific statutory or policy requirement for Indigenous engagement, but the community reference panel is required to have cultural, economic and environmental interests. There are usually two Indigenous representatives on the CRP. Other approaches have been used in different areas.
6. In the Northern Territory, the Water Act from 1992 provides for the management and rules for water.
7. Different responsibilities exist for the Minister for Natural Resources, Environment and Heritage and the Controller of Water Resources.
8. The Department of Natural Resources, Environment, Arts and Sports (NRETAS) is responsible for water reform.
9. At present there are no specific legislative provisions for Indigenous engagement in the NT, however, this is achieved through the setting up of a advisory committee which includes Indigenous members. Some Indigenous advisory committees have been created.
10. The current framework for managing and allocating water in Western Australia is found in the Rights in Water and Irrigation Act from 1914, referred to as the RIWI Act. It has undergone several changes, and is expected to be revised in the near future.
11. Western Australia has a State Water Plan written in 2007 that provides a strategic policy and planning framework for meeting the state's water demands up until 2030.
12. WA water management is also guided by the Wetlands Conservation Policy and the Environmental Protection Act.
13. Implementing water reform is done by the Department of Water, but many other government agencies are also considered to have a role.
14. Under the current law, there is no express recognition of cultural heritage matters or native title issues. Expert studies of Indigenous values and associations with water have been commissioned in some cases.



Darwin
Region

Daly

Around 70 ecological, social, economic
and cultural researchers from 18
different organisations working
together in focus catchments

Module 1.5: How are scientists involved in water reform?

Purpose:

This module provides an overview of what scientists look at when they study tropical rivers. This can be used to inform communities of how they can be involved in research, and to provide them with an idea of what kinds of research might be of interest to them in the future.

Key questions:

- What do scientists study about water, and how does it contribute to water management?
- What have scientists discovered about the future potential of water in north Australia?
- What will be some of the impacts of future developments on water resources?

Take-home messages:

1. Scientists and researchers try to provide information to help governments and communities make better decisions for looking after water.
2. Many different forms of science play a role in helping us to understand water, including traditional ecological knowledge.
3. Working with scientists can provide important opportunities for training and jobs.
4. Understanding what scientists are doing on your country can help communities make sure that Indigenous knowledge is included and protected.

Content overview

1. Scientists and researchers try to provide information to help governments and communities make better decisions for looking after water. Their interests cover a range of areas.
2. Scientists will often try to work closely with local communities and Indigenous people to get a better understanding of water and country, and this can provide opportunities for training and jobs.
3. Scientists classify rivers and environments to show which have similar characteristics.

4. Information is gathered from a range of sources and using many different techniques.
5. Scientists who study water are also interested in the connections that water has with land, with biodiversity, and with people.
6. Information about the landscape can help us to make plans about how to make sure we use water for the right things in the right places.
7. Scientists use this information to create models that can help to predict how changes in land use and climate change impact on rivers.
8. Information about food webs is used to work out how much water is needed to keep plant and animal species healthy at all their different life stages.
9. Scientists and communities work together to find out what is important and what should be protected. This can include finding out about how water is important for cultural sites and practices.
10. Our rivers support many different kinds of activities and businesses, and understanding how water is important to people for different reasons helps us manage water better.
11. Researchers also study sustainable and culturally appropriate uses of water and coastal resources to find new forms of business for remote and regional communities.
12. Scientists look at the ways that people are involved and consulted in making decisions about the future of water.



Facilitators meeting, North Australian Indigenous Water Experts Forum, Mary River, NT 2009

SERIES 2: WATER PLANNING

Module 2.1: What is water planning?

Purpose

This module builds on the introductory material about water reform to show how water plans are the primary way that water reform impacts on people on the ground. It shows what water plans are, why and how they are developed, and looks at the different forms they take across the jurisdictions.

Key questions

- What is a water plan?
- Why have they been developed?
- What are the different forms of water plans?
- How much water is used by the different sectors?

Take-home messages

1. Water plans are the primary means for the implementation of water reform.
2. Water planners use science and community views to get a balance between water uses and water users.
3. These plans help to make better decisions about how water rights are delivered to different water users.
4. Water planning is an ongoing process that improves with new knowledge.

Content overview

1. Water plans are one of the means for the implementation of water reform.
2. One way to think about water plans is as agreements between the community and the government about how the water will be shared between the environment and the different water users.
3. Water uses vary between consumptive and non-consumptive uses. Because water connects people in a catchment, these uses can impact on each other.
4. Consumptive uses include water for farming, irrigation, forestry, mining, aquaculture, town supply and for household use. Water is also used by industries for processing.
5. Non-consumptive use includes water kept in rivers for

recreation, for cultural and spiritual use, transportation, delivery and for creating hydropower.

6. Water plans are necessary to achieve a balance between water use and the sustainability of the resource. They need to be flexible to changes and meet community needs.
7. Achieving this balance, planners use science and technical information, and information about the economic, cultural and social impacts of changed water and land use.
8. Using this information, water planners develop different water use and extraction scenarios. These scenarios are often presented to the community to get their views on what kind of future scenario is most acceptable.
9. There are different forms of water plans at varying scales: state-wide, regional, catchment and aquifer-level plans. Each jurisdiction has its own approach to planning.
10. Water plans become the main documents that planners use to decide whether or not a water entitlement should be given, and what conditions might be placed on that entitlement.
11. They also are necessary to make sure that people's rights to water are being met. These rights include stock and domestic rights, riparian rights or native title rights.
12. In some areas, water planners find that there is more water being used for consumptive purposes than there is water available. Planners have to work out how to reduce the amount of water being used to ensure the health of the system.
13. Governments are developing water plans for every region of the country, starting with the areas at risk. Not many plans have been completed for north Australia yet.
14. Water planning is a continuing process. As more information becomes available to planners, they can improve the way that water is allocated between uses and users.



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Researcher, Dr John Mackenzie, summarises TRaCK water research efforts at the CLCAC Water Forum, Sweers Island, Gulf of Carpentaria, Qld

Module 2.2: Key terms in water planning

Purpose

This module helps to clarify the different terms used in water planning. Terms introduced include consumptive pool, strategic reserve, mean annual flow, cultural flow, sustainable yield and sustainable diversion limit. It is unlikely that this module will be presented as a whole – and more likely that the slides can be added to other presentations or consulted in response to questions from the community.

Key questions

- What are the terms used in water planning?
- What is meant by...?
- How are terms used differently in the different jurisdictions?

Take-home messages

1. Water planning has its own language, and sometimes the technical nature of planning can be alienating to community participants.
2. Understanding the different terms and how they are used will help you to decipher some of the technical language of planning.

Content overview

1. Environmental flow.
2. Flow regime.
3. Mean annual flow.
4. Regulated system and supplemented system.
5. Runoff. Overland flow. Interception.
6. A water entitlement. An allocation of water.
7. Environmental water allocation.
8. Consumptive use and consumptive pool.
9. Diversions and extractions.
10. Sustainable Diversion Limit.
11. Sustainable yield.

12. Groundwater Dependant Ecosystems (GDEs).
13. Unallocated water.
14. Sleeper and dozer licenses.
15. Strategic reserve.
16. Cultural flow.
17. Over-allocation. Over use
18. Undeveloped. Develop up.
19. Conservation values and environmental values.
20. Wild River.



Town mural, Kowanyama, Cape York Peninsula, Qld

Module 2.3: The water planning cycle

Purpose

This module outlines the water planning cycle, to show the continual nature of water planning and the different forms of information that are needed at each of the stages. It also seeks to demonstrate how monitoring and review fit into water management. This module also outlines the concept of adaptive management.

Key questions

- What is meant by adaptive management?
- What are the stages in developing a water plan?
- What forms of information are required by planners at each of the stages of the planning cycle?

Take-home messages

1. Water planning and allocation is a continuing responsibility of government that improves as more or better information becomes available.
2. This approach is called adaptive management. It uses monitoring data, community feedback and review information to adapt plans to changes in circumstances.
3. A water planning process follows a series of key steps, and planners use different forms of information at each step in the cycle.
4. Planners take a risk-based approach to water management due to a lack of complete knowledge and uncertainty around future water availability and climate change.

Content overview

1. A water planning process follows a series of stages: data gathering, system modelling, scenario building, trade-offs, implementation and monitoring.
2. These steps in the planning process are combined into an adaptive management approach. This is a way of managing risk and uncertainty around our knowledge of how land use and climate change will impact on our water supply and environment.
3. During the first stage, planners gather information about how much water is available for use, and how it is being

used. Planners also look at what people want to do with water into the future, and the economic, social and cultural needs that people have for water.

4. Data gathering involves science and technical studies, but also involves getting feedback from the community.
5. All of the information is brought together to build a model of how the system works, and to look at how changes in water or land use will impact on the water supply. They also look at what environmental impacts could happen under different scenarios.
6. Planners work with the community to develop some goals for what they would like water sharing to look like. Different alternative scenarios are developed to achieve these goals.
7. Because water is scarce, not everyone's goals for the water supply may be possible. The planning process uses trade-offs so that people can reach a compromise about their own interests and the interests of others that are impacted by a water plan.
8. Planners develop different strategies to achieve those goals, and these are listed in the water plans. They may include making water available for specific uses, putting conditions on how much water can be used and when, putting water aside in reserves for the future, making rules for how water can be traded.
9. A water plan also outlines a process for monitoring or observing how these strategies work. Sometimes, plans are made based on the best guess of the planners, so monitoring helps to see if those strategies are achieving what they set out to achieve.
10. If the plan isn't working, or is having unexpected results, a plan includes a trigger for changing the plan. Monitoring is necessary for to know if the plan needs an urgent review.
11. Information from the monitoring goes back into the data gathering, and the cycle begins again.
12. Plans are usually designed for five or ten years. That way, water users have enough certainty to invest in business knowing that they can access the water. But it also makes sure that plans are responsive to changes.



Wagiman Traditional Owner Jabul Huddleston discusses a fish poster developed with TRaCK researchers at Ooloo Crossing on the Daly River.

Module 2.4: Science in water planning

Purpose

This module briefly summarises how science is used to support the water planning process. It describes the role of hydrological science, land use assessment, social and economic impact assessment and environmental science in developing water plans. Finally, it seeks to show how this science is used to create models and develop different options for water use and availability.

Key questions

- What is the role of science in each stage of the planning cycle?
- What science is used to assess environmental water requirements and impacts?
- What models are used?
- How reliable is the science and the modelling?

Take-home messages

1. Science is part of the knowledge that is needed to meet the challenges of water management. It helps us to make the best decisions based on the evidence that we have.
2. The science used for water management is complicated, but what the scientists are trying to achieve is similar for all water plans.
3. Communicating science to communities is essential so that people understand how the information has been used to make decisions.
4. Science helps us to know what is possible, but decisions about water allocation and management are social choices that we need to make collectively.

Content overview

1. The science that is used in water plans includes hydrology, ecology, economics and sociology.
2. Every catchment is different, so they each need careful studies to work out the way that the hydrology and the environment work for each system.
3. Hydrologists study the movement of water through the landscape. They use historical records and future prediction to work out how much water there is, and

how much is available for use.

4. Hydrologic assessment for water planning uses mathematical modelling of the connections between rainfall, stream-flows and groundwater behaviour.
5. Environmental science is used to identify parts of the environment and ecosystem functions that must be protected, and to determine their water needs. This is used to set limits on water extraction.
6. Water needs includes establishing a flow regime to maintain those water needs. A flow regime includes both high and low flow periods. Water volume, timing, quality and frequency may all be part of the environmental flow requirements.
7. As it is not possible to monitor all parts of an ecosystem to build knowledge of critical water requirements, planners and scientists work to select special sites that cover a range of environments to represent the connections across country as a whole.
8. Water planners use computer programs for river and groundwater modelling to understand the impacts of alternative water extractions and other water management actions on the reliability of water supplies.
9. Computer-based programs track water in the river and help make predictions on the quantity of the water resources available for consumptive use in catchments.
10. Models are also developed to observe how the climate is changing, and what impact this might have on the future of water availability.
11. To imagine what water might be needed in the future, planners use land use studies to work out what kinds of industries might be possible in different areas. These studies use soil and climate analysis to work out possible future land uses.
12. Changes to water availability have impacts on the social and economic circumstances of communities. For example, more irrigation can mean bigger populations, which means more infrastructure.
13. All of this information is used to develop scenarios.
14. Ongoing monitoring information is used to determine how well the water plan is meeting its objectives. Water quality and quantity can both be monitored, as well as changes in the natural environment which may be linked to the water plans.



Edna O'Malley, Chairperson, Miriuwung Gajerrong Corporation, WA

Module 2.5: Including community views in planning

Purpose

This module shows why community input is vital to the water planning process, and how communities have been engaged in water planning in different ways. The importance of ensuring that good representation is stressed, as well as some of the limitations that these forms of engagement have for Indigenous participants.

Key questions

- What is the role of community in each stage of this cycle?
- What information do planners need from community?
- How have communities participated in water planning in north Australia and elsewhere?

Take-home messages

1. Community input is regarded as an essential part of the water planning process.
2. The community provides local knowledge, experience and perspectives which help improve water plans.
3. Water planners need to work with the whole of the community to make sure that the plan is acceptable and that people will work together to help achieve its objectives.

Content overview

1. Water plans rely on good science, but also on input from local communities about their interests, issues and concerns about the way water is managed.
2. Decisions about how water will be allocated and shared between users, negotiating acceptable levels of change on local communities and livelihoods, and balancing the complex trade-offs between competing water uses need more than science. They require community input to determine what is desirable.
3. Community involvement is essential to make sure people understand what is happening during the water planning process, how decisions are being made, and

making sure that they have good information to provide useful input.

4. Water planning has important economic, social and cultural consequences for the development aspirations of a region. Community involvement is essential to determine the needs and aspirations of the catchment population.
5. Local knowledge is also a critical part of the planning process, and can be used to help inform the technical studies. For example, communities are sometimes involved in helping to determine environmental and social values to be protected by the water plan.
6. Where a water plan is likely to reduce the amount of water available for use, the community is required to participate to help work out how those strategies for water reduction can be achieved. People also have a right to be consulted on any other significant decisions that may affect the security of water access entitlements or the sustainability of water use.
7. Different types of community input are used in developing water plans – from providing information through to consultation to actively working together.
8. Community input is sometimes achieved through Community Reference Panels or Advisory Groups. These have representatives drawn from all of the sectors affected by a water plan.
9. Community views are also gathered from written submissions on a water plan.
10. Not all of these methods are appropriate for Traditional Owners and Indigenous communities. Many Indigenous people have felt excluded and alienated by the way that they have been expected to be involved in water planning.



Balkanu



North Australian Indigenous Land and Sea Management Alliance

Looking after our Country...our way.

The Mary River Statement

A declaration from the delegates of the North Australian Indigenous Experts Water Futures Forum.

In August 2009, about 80 Indigenous water experts from north Australia convened at Mary River Park in the Northern Territory to discuss and present their water interests and issues to the Northern Australia Land and Water Taskforce.

Convened by the North Australian Indigenous Land and Sea Management Alliance (NAILSMA), the Forum provided an opportunity to raise ideas and concerns about economic development and opportunities; the potential impacts of development in north Australia; and governance and institutional arrangements as they affect Indigenous community interests, aspirations and issues.

This Mary River Statement demonstrates the seriousness of Indigenous people's contribution and participation in policy decision making.

Interim Working Group

Delegates of the Forum elected an Interim Working Group to drive implementation of the Mary River Statement. The Group is made up of six people, two each from Queensland, the Northern Territory and Western Australia. The Group will engage other interest groups to develop partnerships that promote understanding, recognition and a common goal in water use and management. With the appropriate support, the Interim Working Group will establish a set of guiding principles for governments that articulate the interests of Indigenous peoples across north Australia.

"The elected Interim Working Group is ready to engage at all levels to facilitate a broader dialogue with Indigenous groups across north Australia."



SERIES 3: INDIGENOUS INVOLVEMENT IN WATER PLANNING

Module 3.1: Indigenous engagement and participation

Purpose

This module looks at how the requirements for Indigenous participation and the protection of Indigenous values in the water planning process have been implemented across north Australia. It shows some of the ways Indigenous communities and Traditional Owners have been engaged by government, with a particular focus on the northern jurisdictions. It also identifies those areas where improvements in Indigenous engagement have been proposed by the National Water Commission.

Key questions

- What are the requirements for Indigenous involvement in water planning under the National Water Initiative?
- How have these requirements been interpreted by governments?
- What have been some of the achievements from this engagement and participation?

Take-home messages

1. Governments have obligations under the National Water Initiative to involve Indigenous communities in water management.
2. Some efforts to include Indigenous people in decision-making have resulted in real benefits for communities, for the protection of cultural values and for the environment.
3. Improving Indigenous participation and including Indigenous knowledge are key priorities for improving water management.

Content overview

1. Under the NWI, governments are required to involve Indigenous people in water planning, and to ensure that their cultural, social and spiritual interests in water are protected.
2. In each of the jurisdictions, legal and policy requirements have been put in place to make sure that Indigenous communities are involved in the water planning process.

3. Approaches include representation on community panels through to involving Indigenous community members in documenting Indigenous knowledge and values.
4. In the Daly, an Aboriginal Reference Group was formed in direct response to the difficulties faced by Traditional Owners in participating in the Advisory Group.
5. Many benefits flow from proper engagement, including the recognition and protection of Indigenous rights and interests in water management.
6. In Western Australia, assessments of Indigenous cultural values have resulted in groundwater allocation limits being set conservatively to protect cultural sites.
7. In Queensland, strategic Indigenous reserves have been allocated in declared wild rivers and water plans in the northern part of the state.
8. In the Northern Territory, a reserve for future Indigenous use has been incorporated in the groundwater plans in Katherine, the Daly and at Mataranka.
9. Governments continue to point to difficulties in achieving appropriate Indigenous representation in local, regional and policy-level decision making and technical difficulties in quantifying Indigenous water requirements.
10. Most jurisdictions have improved consultations with Indigenous communities in water planning and management, but have generally found it difficult to incorporate effective strategies for achieving Indigenous social, spiritual and customary objectives in water plans, as envisaged under the NWI.
11. The National Water Commission says that building the capacity of Indigenous leaders to participate in water planning and including recognition of Indigenous knowledge of water systems are the main priorities for improvement.



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North Australian Indigenous Land and Sea Management Alliance

Looking after Our Country...Our Way.

A Policy Statement on North Australian Indigenous Water Rights

Issued by the North Australian Indigenous Land and Sea Management Alliance and the Indigenous Water Policy Group, November 2009.

As traditional owners we have an inherent right to make decisions about cultural and natural resource management in Northern Australia. In accordance with Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), we must have a central role in the development, implementation and evaluation of policy and legislative or administrative measures that may affect us concerning water.

This Policy Statement should be seen in the context of the following assumptions:

- Water is a limited resource and in some catchments the appropriateness of the division of water use into consumptive and environmental allocations remains unclear. While the Indigenous Water Policy Group position claims a guarantee of an equitable allocation to Indigenous peoples from the consumptive pool, such a rights-based claim is made on the assumption that environmental and cultural flows are properly assessed and protected.
- Indigenous knowledge is integral for any decision making (in accordance with Article 31 UNDRIP). Indigenous people do not wish to exacerbate avoidable environmental degradation associated with over-allocation of water and therefore believe that water allocations should be based on the best available knowledge (including traditional and contemporary Indigenous knowledge and western scientific knowledge), sensitive to variations in the flow regime and open to review and adaptation.
- Maintaining water flows is fundamental to ensuring the vitality and existence of Indigenous heritage and spirituality.

- **Water, land and Indigenous people are intrinsically entwined.**

(Mary River Statement – August 2009)



Module 3.2: What Indigenous groups say about water reform

Purpose

This module provides a snapshot of some of the important agreements and statements that Traditional Owners and Indigenous organisations around Australia have made about water and water reform. It can help communities to better understand their rights and what they should negotiate for when participating in water planning.

Key questions

- What have Indigenous people said about how they want to be involved in water planning and management?
- What are the common interests, values and concerns around participation in water management and planning?

Take-home messages

1. Many Traditional Owners and Indigenous groups around Australia have come together to talk about water, and to tell government how they would like to be engaged in water reform and water planning.
2. They are supported by Indigenous people around the world who are also seeking their water rights recognised, and many international agreements confirm that water access is a basic right.

Content overview

1. Indigenous Rights to Water Report: Lingiari Report to ATSIC (2002) was one of the first comprehensive reports into the values and aspirations for Indigenous people for fresh and saltwater management.
2. The Boomanulla Statement (2002).
3. Indigenous Peoples Kyoto Water Declaration, Third World Water Forum (2003).
4. Memorandum of Understanding between Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and Murray-Darling Basin Commission (2006).
5. Indigenous Water Policy Group (2006) formed to

influence national Indigenous water policy across north Australia, and coordinates with state and territory governments.

6. United Nations Declaration on the Rights of Indigenous Peoples (2007) contains many obligations that Australian governments are signatories to.
7. Echucha Declaration (2008, 2010) brought together all of the Traditional Owners from the Murray Darling Basin, and has shaped what is meant by cultural flows across the country.
8. Garma International Indigenous Water Declaration (2008) called on governments to fully adopt, implement and adhere to those international instruments that recognise the rights of Indigenous peoples and our right to land and water.
9. The National Indigenous Water Planning Forum (2009) brought together Indigenous leaders from around the country to meet with state and territory water agency staff to discuss Indigenous participation in water allocation planning processes.
10. This meeting resolved to create the First Peoples Water Engagement Council.
11. Mary River Statement (2009) was adopted by the eighty delegates of the North Australian Indigenous Experts Water Forum, and declared eight principles to guide Indigenous Water Policy.
12. The Mary River Statement included recommendations for policy reform, including the establishment of an Indigenous Water Commission and changes to native title legislation.
13. Policy Statement on North Australian Indigenous Water Rights (2010) built on the Mary River Statement to call for all water plans to recognise Traditional Ownership, allocate a cultural flow entity, and provide Indigenous people with a share of water for commercial purposes.
14. The First Peoples' Water Engagement Council (2010) is a new group which provides advice to the National Water Commission on national water issues.



Alan Maroney, Chair of the Mataranka Traditional Owner Water Allocation Reference Group, NT

Module 3.3: Principles for good Indigenous engagement

Purpose

This module can be used to inform communities about the principles that governments should adhere to when conducting water planning with Indigenous people. It can also be used to present to other stakeholders about commonly voiced Indigenous expectations for engagement in water use planning and decision making. It can be used as a basis for a workshop for a community to consider whether or not they agree with these principles, or how they can be better adapted to reflect a community's aspirations.

Key questions

- What should we be able to expect from governments and other stakeholders?
- What are the established principles for Indigenous engagement in water planning?
- What practices support the inclusion of Indigenous values in the planning process?

Take-home messages

1. There are ten principles that water planners and other stakeholders can follow to support Indigenous participation in planning.
2. These principles are reasonable requests that community can make of government and other stakeholders prior to engaging in a water planning process.
3. Not all communities will agree with these principles, so it is important to find ways to express these in your own terms.

Content overview

1. Listen to everyone's water stories. Before governments can meet Indigenous water needs, everyone needs to better understand the Indigenous concept of country and how it defines the water values of Traditional Owners.
2. Honour Indigenous people's right to participate. There are many stages in the water planning cycle, and Indigenous people are entitled to be involved in all of them.

3. Understand that new forms of engagement may be necessary to support Indigenous representation. Planning processes that rely on one or two Indigenous representatives are not consistent with accepted forms of governance and decision making.
4. Recognise that Indigenous people have diverse interests in water. Indigenous values are not limited to cultural values, but can include commercial opportunities, ecological restoration activities, land use planning and participating in research or monitoring.
5. Appreciate the impacts that water management can have on cultural heritage. Water planning decisions can negatively impact on sites of significance, which planners should understand and take into consideration.
6. Include the unique perspective of Indigenous people when setting environmental flows. This includes setting the terms and criteria for the assessment of cultural flows that are maintained as part of the non-consumptive pool.
7. Work together to help determine Indigenous water needs. Many of the values that Indigenous people have for water are difficult to express as volumes, but this should not be an excuse to avoid undertaking cultural assessments as part of the planning process.
8. Consider the native title rights of water. Some native title determinations have recognised limited rights to water, but in all instances planners must consider whether specific allocations are necessary to meet the terms of native title.
9. Support Indigenous access to water for improving livelihoods. Providing an Indigenous share of the water for cultural or commercial purposes is an important step in achieving Indigenous water rights.
10. Make sure everyone gets their fair share of the water. Many Indigenous groups are not yet ready to use water for commercial purposes, so a strategic reserve is a way of creating future opportunities for Indigenous people to obtain benefit from this natural resource.

Standing Together for Water Rights

"We must take part in all Water Reforms."



"Water, land and people can't be separated."



"We are the bosses of country."



"We have cultural laws to look after water."



"We don't want younger generations to live with the same hardship we older ones did."

North Australian Indigenous Experts Water Futures Forum

In August 2009, about 50 Indigenous water experts from north Australia convened at Mary River Park in Darwin to discuss and present their water stories, and issues to the Northern Land and Water Taskforce.

Convened by the North Australian Indigenous Land and Sea Management Alliance (NAILSMA), the Forum provided an opportunity to make known and discuss ideas, concerns, knowledge and capabilities, the potential impacts of development in north Australia, and governance and institutional arrangements to help affect Indigenous community interests, operations and issues.

The Mary River Statement is the major outcome of the Forum. It demonstrates the importance of Indigenous people's contribution and participation in policy decision making.

Indigenous representatives elected during the Forum are ready to facilitate a broad dialogue with Indigenous groups across north Australia.

www.nailsma.org.au



Barkun



Module 3.4: Water rights and Strategic Indigenous Reserves

Purpose

This module introduces the concept of Strategic Indigenous Reserves, or SIRs, as one way of providing communities with an equitable share of the water resource in a water plan.

Key questions

- What is a Strategic Indigenous Reserve (SIR)?
- What would you need to consider when defining an SIR?

Take-home messages

1. Water plans are beginning to recognise the need to provide water for commercial purposes for Indigenous people.
2. The laws around SIRs are under development, and groups have a defining role to play in the rules around SIRs.
3. SIRs are one way that Indigenous people can be guaranteed access to water into the future.
4. SIRs will require groups to come together to make sure that the rules for SIRs are in the best interests of the wider Indigenous population.

Content overview

1. New water plans are beginning to provide an Indigenous share of the water for cultural purposes and for commercial purposes.
2. Some governments are showing interest in adapting water laws to provide water for the benefit of Indigenous people.
3. Rules for how this water can be made available to Traditional Owners in a fair way are being worked out, and Indigenous people have a right to participate in these decisions.
4. Many governments have a 'use it or lose it' policy when it comes to water rights. Developing the infrastructure for water use can be expensive and require expertise.
5. Some Indigenous groups are not yet ready to access water for commercial purposes.

6. Strategic reserves for Indigenous people is one way that planners can take the long-term requirements of Indigenous people into account when developing a water plan.
7. Strategic reserves are water entitlements that are set aside or reserved so that Indigenous people can use them in the future.
8. This water can be used in many different ways, such as developing businesses, trading with other water users, or to being kept in the river to maintain environmental flows. It is up to the Traditional Owners.
9. Having a strategic reserve is one way of creating opportunities for future generations.
10. A strategic reserve creates many questions for groups to consider. Some of these questions are about who should have a right to access that water, and how do you make sure that no one with a rightful claim is disadvantaged.
11. Other questions relate to what is done when there is not enough water to meet everyone's goals, and how the profits from the use of the water should be distributed.
12. The Indigenous Water Policy Group has suggested that an Indigenous Water Fund be established to provide loans to access the water held as a strategic reserve.
13. Other options include establishing a trust that can hold the water allocation, and assists the Traditional Owners to make decisions about how it is used.
14. Whatever arrangements are decided, it is important that Indigenous people are aware of their rights to a commercial water allocation, and that communities have a strong negotiation position to maximise the financial and non-financial benefits of the water reserve.



Mona Liddy, Chris Griffiths, Murrandoo Yanner, Robbee Sallee, Water Unification Ceremony, NAILSMA IWPG Water Policy Launch, 2010.

Module 3.5: How have other groups been involved in water planning?

Purpose

This module outlines shows how Indigenous communities around Australia have been involved in water planning and management. It highlights some of the achievements of the Water Facilitator Network and similar initiatives. It can be used to give communities an idea of how they can participate in water planning and management activities.

Key questions

- How are Indigenous communities contributing to water planning and management around Australia?
- How have water facilitators supported Traditional Owners in water planning?
- What are Aboriginal Reference Groups?
- What are Catchment Action Plans, and how can they help?

Take-home messages

1. Communities are involved in water planning and management in a variety of ways.
2. Some approaches have been successful, such as Aboriginal Reference Groups and catchment action plans. But these will not work for everybody.
3. It is up to the Traditional Owners of each catchment to make decisions about how they would like to be involved in water planning and management.

Content overview

1. Around the country, some Indigenous community groups and organisations are defining their own ways to be engaged in water planning and decision making.
2. In the East Kimberley, groups have been involved in documenting traditional knowledge and finding ways for that knowledge to be incorporated into water plans without losing community ownership.
3. Some regions are forming new groups which bring together all the Traditional Owners from different language groups to make decisions together about water.

4. These groups have engaged with government on their own terms and consistent with custodial obligations. Agreement within the group develops a strong framework for negotiation.
5. In the Top End, Traditional Owners have formed Reference Groups and Advisory Panels, and these are working with the Government to help formulate water policy.
6. In the West Kimberley, Traditional Owners have been working with local landholders to improve access to country and to educate them about Indigenous water interests.
7. Facilitators have been working with communities across the north to document their concerns and aspirations for future water use.
8. This information is being used to develop catchment action plans that can be used to negotiate with government or to seek funding partners.
9. In the Gulf, Traditional Owners are developing their own catchment action plan and working with rangers to develop monitoring programs and capture water knowledge.
10. In Kowanyama, the Land and Sea group has been working for many years to build their own catchment action plan, and have documented their history to help mentor other groups.
11. In Cape York, language groups have come together to resolve issues around government policy on Indigenous access to water, and have developed a plan to map important water sites.
12. In the Mitchell River, the Traditional Owner Advisory Group entered into a partnership with researchers to make sure that they understand what research is happening on their country, and to make sure they benefit from such research.
13. Traditional Owners in each area work out together how they want to be involved in water planning, what information they need, and what types of projects or research they would like to do. This can help make sure that Indigenous communities are in a strong position to make informed decisions about future water use and management.

About this publication:

The Facilitators' Guide to Indigenous Water Planning is a field guide for facilitators to support Indigenous communities to better understand and participate in water planning, management and decision-making. There are four parts to the Guide: Handbook; Indigenous Water Planning and Engagement Overview; Resource Modules Summary and Resource Modules Power Point Files. The last three are only available electronically.

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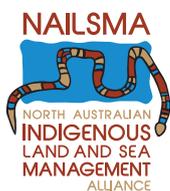
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