

# Progress Report April 2024

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



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We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.



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# Water is Life

Released in September 2022, *Water is Life: Traditional Owner Access to Water Roadmap* (*Water is Life*) sets out the Victorian government commitments and policy pathways in the short, medium, and long term to increase decision-making and resources for Traditional Owners in the management of water landscapes, as well as increasing Traditional Owner access to water.

*Water is Life* is founded in the Victorian government's recognition of Traditional Owner sovereignty, self-determination, and the need for a restorative justice approach to the way water is managed in Victoria. Development of *Water is Life* was led by Traditional Owners over 2021 and 2022. *Water is Life* includes 27 Nation Statements prepared by Traditional Owner groups, expressing their cultural and water-related values, goals, aspirations, outcomes, and any other relevant information deemed important by each Nation in their own words.

This document provides an update as of April 2024 on the progress to implement *Water is Life*'s 12 Targeted Outcomes.

## Approach to implementation

Implementation of *Water is Life* is a collaborative program of work between Traditional Owners, the Department of Energy, Environment and Climate Action (DEECA) and the water sector. There are multiple ways for Traditional Owners to be involved, and a flexible approach will be taken so that implementation is inclusive and meets the needs of all parties.

*Water is Life* commits to a program of systemic change through twelve Targeted Outcomes over short, medium and long-term timeframes. Implementation of each Targeted Outcome will proceed in a staged way. It will be undertaken through an adaptive 'learning by doing' approach. The lessons from early implementation activities, including pilot projects, will inform future actions.

Implementation of *Water is Life* will evolve in response to wider programs of restorative justice supported by DEECA and the Victorian government that return decision-making authority and resources to Traditional Owners, such as Treaty and Yoorrook.

# Progress to date on *Water is Life* Targeted Outcomes

Complete implementation of all *Water is Life* outcomes will be a long-term process. However, progress on many of the short- and medium-term outcomes is well underway as work continues towards achieving genuine, meaningful outcomes for Traditional Owners.

This section summarises key developments in *Water is Life* delivery against the following three themes:

- Increasing Traditional Owners' decision making in caring for water landscapes (Outcomes 1 to 6)
- Returning water for healthy Country, healthy mob and cultural economies (Outcomes 7 to 11)
- Implementation and accountability (Outcome 12).

The following updates describe key progress to date against *Water is Life* Targeted Outcomes and Actions and highlight upcoming work and opportunities for Traditional Owners to be involved. For a full list of *Water is Life* Targeted Outcomes and their implementation status, please refer to Appendix 1: *Water is Life* progress snapshot.

## Increasing Traditional Owner decision making in caring for water landscapes

### Recognition of waterways as living entities and Traditional Owners as a unique voice of these entities (Targeted Outcome 1)

Outcome 1 of *Water is Life* commits to recognise waterways as living entities in law, with Traditional Owners recognised as a unique 'voice' of the living entities. Traditional Owners have a unique cultural perspective on water based on their deep and enduring relationships to Country. Outcome 1 recognises the importance of the relationship between Traditional Owners and Country and establishes this relationship as central to sustainable water management.

A "Waterways as Living Entities" discussion paper has been drafted by DEECA, which explores embedding these concepts in legislative reform. Initial feedback has been sought on the draft paper from Traditional Owner groups involved in the development of this action through the Waterways of the West and Rivers of the Barwon (*Barre Warre Yulluk*) Action Plans, and DEECA will commence broader consultation with all Traditional Owners and the broader Victorian community in 2024.

DEECA has also begun development of a new Victorian Waterway Management Strategy (VWMS). The new VWMS is being developed in partnership with Traditional Owners and will incorporate living entity and voice concepts.

### Formal partnerships between the water sector and Traditional Owners (Targeted Outcome 2)

Many Traditional Owner groups are already working with the water sector across Victoria, some with formal agreements in place. Formal partnership agreements between Traditional Owners and the water sector can help take the next step to increase levels of Traditional Owner decision-making, develop capacity and resources available to Traditional Owners, and pave the way for the transfer of functions and powers for water and waterway management responsibilities.

To enable this, *Water is Life* commits to amending the Statements of Obligations for water corporations and catchment management authorities, and the Ministerial Rules for the Victorian Environmental Water Holder (VEWH), for consideration by the Minister.

A new Water Corporation Statement of Obligations (General) has been drafted and the next step will be to circulate for review with water corporations. These statements specify the obligations of Victoria's water corporations in relation to the performance of their functions and the exercise of their powers. The new Statement of Obligations incorporate expectations that water corporations enter formal partnerships with

Traditional Owner groups, where Traditional Owners wish to do so. Once the Statement of Obligations are amended, DEECA will work with Traditional Owner groups and the water sector to develop appropriate guidelines to support formal partnership agreements with Traditional Owners.

In March 2023 the Minister for Water wrote to all 18 Victorian water corporations to outline performance expectations in line with the government's policy priorities for the 2023-2024 business planning year. Included in the Letter of Expectations was a requirement for water corporations to deliver water for Aboriginal cultural, spiritual and economic values through implementing *Water is Life* and allowing increased access to water entitlements under current frameworks.

DEECA will commence a review of the Ministerial Rules for the Victorian Environmental Water Holder in 2024 with a review of the Statement of Obligations for Catchment Management Authorities expected to follow.

## Environmental watering site trials (Targeted Outcome 3)

*Water is Life* commits to a greater role for Traditional Owners in determining how environmental water is used for the purpose of healing Country, including a stronger role in environmental water planning and decision-making, and opportunities to directly manage environmental water allocations.

The VEWH and DEECA are currently working with Traditional Owner groups to develop Traditional Owner-led Seasonal Watering Proposals for five sites nominated by Traditional Owners. The sites confirmed as part of the trial include Thunder Swamp being led by Djaara, Musk Duck Wetland (Ned's Corner East) led by First People of the Millewa Mallee, Margooya Lagoon led by Tati Tati Kaiejin, Molesworth Recreation Reserve led by Taungurung Land and Waters Corporation, and Redgum Swamp led by the Barapa Barapa Wamba Wemba Water for Country Steering Committee.

Project scoping and planning with Traditional Owners is underway. In 2024, workshops will be held with trial participants to develop guidelines for Traditional Owner-led Seasonal Watering Proposals. In the longer term, the framework for multi-year agreements between VEWH and Traditional Owners working together to heal country will be developed with Traditional Owners, DEECA, VEWH, Parks Victoria and waterway managers.

## Development of the next Victorian Waterway Management Strategy (supporting Targeted Outcomes 1, 2 and 5)

DEECA is developing a new Victorian Waterway Management Strategy (VWMS). The VWMS is a statewide government framework that articulates Victoria's approach for managing waterways (rivers, wetlands, estuaries, and their floodplains), and outlines roles and responsibilities and policies to drive and leverage investment in relation to the management of waterways. The VWMS aims to build on *Water is Life* outcomes and provide directions for its implementation. The new VWMS is a key pathway to help increase the decision-making power and resources of Traditional Owners to care for water landscapes.

Over early 2024, DEECA have been engaging with Traditional Owners on policy to inform the development of the draft VWMS. The VWMS engagement approach is using multiple engagement pathways, including one-on-one meetings, regional discussions (groups and individual), online drop-in sessions and other existing forums.

Through the policy engagement phase, Traditional Owners have provided clear advice on the principles and commitments they would like to see embedded in the new VWMS. Topics covered have included strengthening Traditional Owner capacity and self-determination in caring for waterways, recognition of Traditional Owner rights in waterway management (including embedding principles of Free, Prior and Informed Consent), and achieving significant advancements in waterway partnerships, governance and decision-making over the next 10 years. Traditional Owners have also provided advice on the need for strong accountability by government and other water sector organisations during the implementation of the new VWMS, including the importance of monitoring and evaluation led by Traditional Owners.

The VWMS engagement process is also informing the development of policies and guidelines for the next round of regional waterway strategies. Traditional Owners have provided advice on culturally safe and self-determined partnerships with CMAs, developing adequate governance arrangements in the regional context, and providing alternative pathways for Traditional Owners-led processes towards sole management of culturally important waterways.

DEECA is working towards a VWMS Partner's Draft to be shared with Traditional Owners, CMAs and others at the end of May-early June 2024. Advice received on this Partners Draft will inform the development of a

revised draft VWMS for public consultation in late 2024. There will continue to be multiple opportunities to influence the process before developing the final VWMS, scheduled to be released in mid-2025.

## Increased involvement of Traditional Owners in public land management (Targeted Outcome 4)

DEECA is developing a new Public Land Act that will consolidate various outdated public land management acts. For Traditional Owners, updating the Public Land Act will create opportunities to advance self-determination through greater involvement in public land management.

DEECA has developed the reform proposals through a process of engagement with Traditional Owner groups, particularly with the 11 groups that are Registered Aboriginal Parties (RAPs). Engagement with Traditional Owners to date has included introductory meetings in 2019–20 and a workshop in 2021. DEECA then shared a detailed policy proposals paper with the RAPs for their feedback in December 2021 and an updated version of the policy paper in June 2023, reflecting feedback received from Traditional Owner groups, with follow up discussions. Policy proposals were also presented to the Traditional Owner Corporation Caucus in September 2023.

DEECA will continue to engage with Traditional Owner groups during the drafting of the Public Land Bill to ensure that the renewed legislation advances self-determination in relation to public land.

DEECA will work with Traditional Owners to determine how they would like to take up the opportunities presented by the reformed legislation. This may include, for example, where Traditional Owners would like to be appointed as a land manager, or where cultural reserves should be created.

The public land reforms will complement the other Outcomes to be realised through *Water is Life*, and existing joint management arrangements in place. The legislative reforms will explore opportunities to embed appropriate recognition of Traditional Owner values and interests in public land, such as enabling Traditional Owners to be directly appointed as public land managers, and providing greater flexibility in joint management between a Traditional Owner group and a State agency partner.

## Recognition of Traditional Owners as waterway managers and environmental water holders (Targeted Outcome 5 and 6)

*Water is Life* commits to identifying and addressing barriers to Traditional Owners taking on waterway management functions (Outcome 5) and management of environmental water as environmental water holders (Outcome 6). These are both long-term outcomes that will build on the learnings of Outcome 2 (partnerships with the water sector) and Outcome 3 (involvement in environmental water management).

## Water entity board appointments (supporting Targeted Outcomes 1-6)

Representation and participation in water sector governance from Traditional Owners and Aboriginal Victorians is a key part of ensuring that Aboriginal voices are heard at the highest level, and their guidance and insights can be included in water management decisions. Aboriginal board appointments to water sector agencies increased in 2023 to 21, up from 11 in 2019 and 13 in 2021. With this increased representation, 19 out of 28 water sector boards will have an Aboriginal board member.

## Continued investment in the Water Country and Community Program (supporting Targeted Outcomes 1-6)

*Water is Life* is central to the broader work of the Aboriginal Water Program, which continues to fund and provide support to Aboriginal Water Officer positions and Traditional Owner-led projects and initiatives. The Victorian government have invested \$34.6 million in Victoria's Aboriginal Water Program since 2016 - investing in Traditional Owner-led water projects and providing funding for 24 Aboriginal Water Officer positions across Victoria.

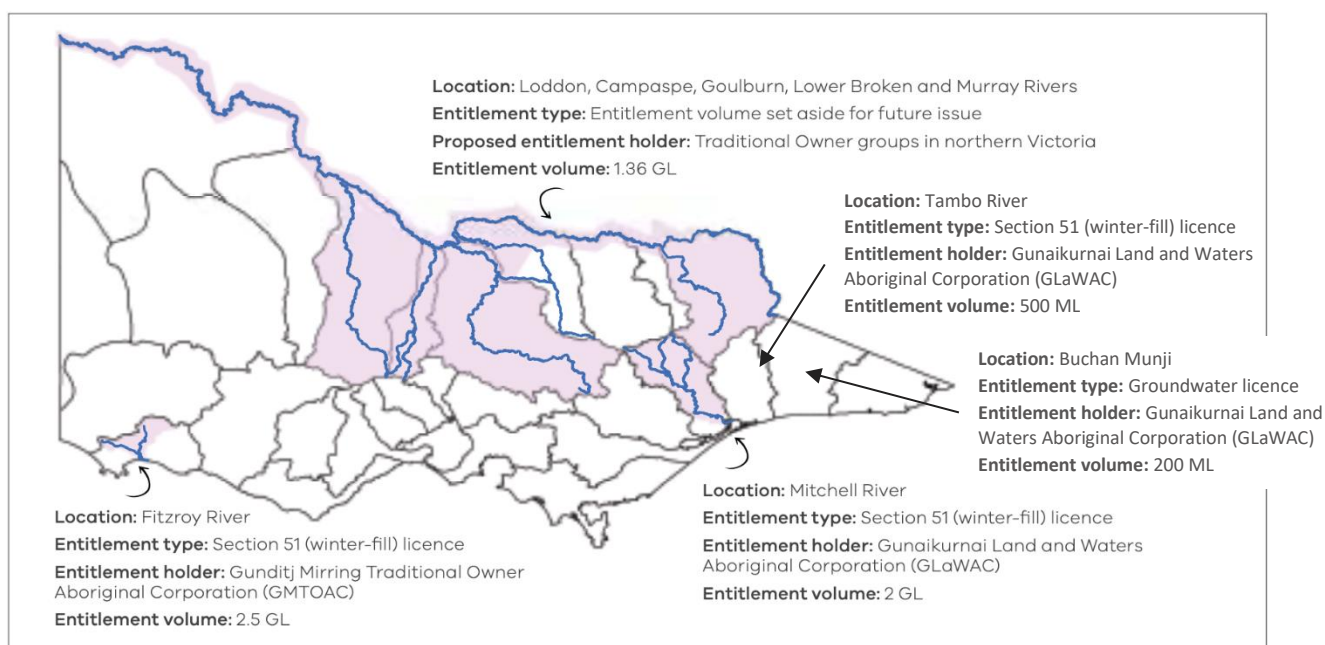
# Returning water for healthy Country, healthy mob and cultural economies

## Progressing water returns to Traditional Owners (Outcome 7)

*Water is Life* commits to return water to Traditional Owners across Victoria by acting quickly on existing opportunities, exploring future opportunities through planning and infrastructure projects, and developing a framework to support Traditional Owner access to water.

When *Water is Life* was published in September 2022, two water returns had been completed to Traditional Owners. These included 2 gigalitres (GL) of water in the Mitchell River returned to the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) in March 2021, and 2.5 GL of water to the Gunditj Mirring Traditional Owners Aboriginal Corporation in the Palawarra (Fitzroy River) system in March 2022.

As of April 2024, a further 0.7 GL has been returned to Traditional Owners since the release of *Water is Life*. These include 0.2 GL of groundwater entitlement at Buchan Munji, and 0.5 GL of surface water entitlement in the Tambo River, both to GLaWAC in August 2023. This brings the total volume of water returned to Traditional Owners as a result of government policy and commitments to 5.2 GL (5,200 megalitres).



**Figure 1 Water returns to Traditional Owners across Victoria**

## Acting quickly on existing opportunities within the current entitlement framework

DEECA are continuing to work through options to progress water returns to Traditional Owners. In the short term, there are a number of water returns being progressed across Victoria, including:

- In southern Victoria, Traditional Owners have submitted multiple applications for unallocated water. The licensing authority, Southern Rural Water, is progressing these applications with DEECA support and now has a dedicated officer working on these applications.
- The 'Latrobe 3-4 Bench' water entitlement is a 25 gigalitre bulk entitlement in the Latrobe River system, originally set aside for future coal fired power generation and no longer needed for this purpose. The Victorian Government has committed to reallocate 16 GL of the Latrobe 3-4 Bench water entitlement by 2024 to contribute to priority environmental flows, support cultural values and self-determined outcomes for GLaWAC, and to underpin the resilience and growth of agriculture. DEECA is leading this action and is currently in discussion with delivery partners, including GLaWAC, to collate information on a preferred sharing arrangement. The project is on track for reallocation of the 16 GL by the end of 2024.
- On the Moorabool River, the Government together with Barwon Water Corporation will co-invest in works to enable the return of 3.7 GL per year of long-term average equivalent Moorabool water



entitlement to be shared between the environment and the Wadawurrung Traditional Owners Aboriginal Corporation (WTOAC) for their self-determined use, and to increase water security for Geelong over the long term. A pilot for a cultural release of water was completed in early 2024.

- With the Bunurong Land Council Aboriginal Corporation (BLCAC) and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC), DEECA is currently evaluating opportunities to return water to them that is currently used by the Royal Botanic Gardens. This project is progressing with delivery partners.
- DEECA is continuing to work with WWCHAC on the transfer of a 1.4 GL entitlement in the Yarra River formerly used by the Amcor Paper Mills.
- DEECA have been working with WTOAC to explore opportunities to return water to the Durdidwarrah Wetland. A trial delivery of water was completed in early 2024.

## **Update on the 1.36 GL Connections water return**

In February 2022, an announcement was made by the (then) Minister for Water that 1.36 GL of water had been recovered through the Goulburn Murray Water Connections Project and would be set aside for Traditional Owner groups in northern Victoria. Following the announcement, DEECA has been working with northern Traditional Owner groups through an independent working group, to determine arrangements to hold and share the water collectively.

Supporting the return of these water shares is complex because the water is recovered across different river systems in northern Victoria, and it intersects the Country of many different Traditional Owner groups. There are diverse perspectives from Traditional Owner groups on how water returns should be progressed and who should be involved. As such, there is not a consensus on a single option, nor a solution that suits all.

DEECA would like to acknowledge that the complexity of navigating Victoria's water entitlement framework, which has not been designed to support outcomes for Traditional Owner management and ownership of water, as well as the amount of water spread across many Traditional Owner groups means there is much effort required for little water returned in this case.

At this stage, the nominated facilitators of the independent Traditional Owner working group have advised DEECA that they no longer have capacity to lead this process. Furthermore, some Traditional Owner groups have advised they wish to apply for the issue of water shares from the water recovered on their Country directly, and not as part of a collective process.

DEECA remains committed to working with all Traditional Owners to navigate these complexities and to progress this water return to Traditional Owners through a self-determined process, including through continuing to support the exploration of a collective water holding model that can enable the access and sharing of water for Traditional Owner groups both with and without formal recognition.

DEECA will be in touch with northern Traditional Owner groups to discuss paths forward in the coming months.

## **Developing guidelines for unallocated water and water infrastructure projects**

*Water is Life* commits to providing clarity and transparency on how all potential uses of unallocated water will be considered. As applications from Traditional Owners for unallocated water are being progressed, we are learning that there is no 'one size fits all' process for applying for and accessing unallocated water, reflecting different objectives, capacities and experiences. The guidance will document where there should be consistency of processes, but also provide suggestions for where flexibility is needed. The guidance will need to reflect what we are collectively learning from water returns.

DEECA has engaged with all water corporations on its expectation that Traditional Owners will be engaged early as part of developing water infrastructure projects and seeking outcomes for Traditional Owners where appropriate.

## Developing future opportunities as part of infrastructure projects and regional management plans

Since 2022, DEECA has engaged with all water corporations on its expectation that Traditional Owners will be engaged early as part of developing water infrastructure projects and seeking outcomes for Traditional Owners where appropriate.

In 2022, the Commonwealth Government broadened its investment framework for the National Water Grid Fund to provide funding for projects that: 1) provide safe and reliable water for regional and remote communities; 2) generate public benefit through responsible investment in water infrastructure for productive use; and 3) build resilient water infrastructure that is environmentally sustainable and culturally responsive. These guidelines enable Victoria to seek greater Traditional Owner outcomes in return for funding.

As part of the planning and design phase of the Victorian Murray Floodplain Restoration Project (VMFRP), there has been ongoing, intensive time and cost investment to employ Traditional Owners, mainly on Cultural Heritage Management Plans. This work is led by the Mallee and North Central CMAs with fourteen Traditional Owner groups including two Registered Aboriginal Parties. Work is also underway to better understand Traditional Owner land and water aspirations for the VMFRP floodplain such as through Aboriginal Waterway Assessments.

The aim of the VMFRP is to return a more natural inundation regime across approximately 14,000 ha of high ecological value Murray River floodplain in Victoria and improve the ecological, socio-economic, and cultural values of the floodplains.

Also released in September 2022, the *Central and Gippsland Region Sustainable Water Strategy* committed to a number of actions to return water to Traditional Owners. Work is progressing on these actions (see progress on existing opportunities above). The Traditional Owner Partnership, which was instrumental in the development of the Strategy, continues to be actively involved in its implementation.

## Developing a framework to support Traditional Owners entering the market

Traditional Owners are looking to source water as water market participants, particularly in Northern Victoria. To support free, prior and informed consent and decision-making, DEECA will work with Traditional Owners to identify water market information gaps and develop materials and guidance as needed. This action has been delayed so that we can assess and test what will be most valuable to deliver on to support Traditional Owners entering water markets, in the context of the Commonwealth's Aboriginal Water Entitlement Program and Victoria's ongoing work to deliver on healthy environment and Country under the Basin Plan.

## Addressing barriers to Traditional Owners holding water entitlements (Targeted Outcomes 8)

### Access to land to hold water entitlements

Current water licensing arrangements require applicants to nominate a parcel of land as a point of take in order to apply for a water licence. This limits Traditional Owners' ability to apply for water in catchments where they may not have landholdings. To work around this, Parks Victoria has agreed that Parks Victoria land can be nominated as a 'point of take' on licence applications, reducing one of the key barriers for Traditional Owners to apply for or holding water entitlements. Work is also underway to work with other public land managers to identify appropriate land. These arrangements provide a short-term solution to this barrier, while broader reforms to licensing processes are underway.

### Streamlining licence application processes

DEECA is working directly with water corporations to monitor the progress of, and provide support for, licensing application processes for Traditional Owners. A Licensing Review is also underway as part of the delivery of Groundwater Management 2030, which will focus on streamlining of licensing instruments as well as identifying opportunities for longer term licensing reform. As part of this work, DEECA are identifying barriers to licensing for Traditional Owners that may require reform.

## Coverage of water entitlement fees and charges (Targeted Outcome 9)

Water entitlements, as well as associated rights to use water, incur fees and charges. Returning water rights without addressing fees and charges would be a significant financial burden for Traditional Owner groups

and would undermine the restorative justice outcomes from water returns. DEECA have committed to fund fees and charges associated with water entitlements held by Traditional Owners, unless the use is purely commercial.

The Victoria Government will provide funding to Traditional Owner groups to pay for the fees and charges associated with water entitlements issued to them. Fees and charges are being waived by the relevant water corporation for entitlements where there are no associated management costs. This is the case for the water returns that have already occurred and Southern Rural Water has waived the fees and charges. Where there are management costs, such as in a regulated system, *Water is Life* states that the fees and charges for Traditional Owner water entitlements will be funded by the Victorian Government. Over the longer term, DEECA will work with Traditional Owners, water corporations and the Department of Treasury and Finance to develop a long-term sustainable funding program.

## Progressive cost recovery for commercial uses of water (Targeted Outcome 10)

*Water is Life* states that where Traditional Owners become purely commercial users of water, they will become responsible for an increasing portion of fees and charges over time to full cost recovery. DEECA will partner with Traditional Owners to develop a framework that defines commercial use and the timelines to transition to full cost recovery. This is a planned activity. While this framework is in development, DEECA will continue to provide funding to Traditional Owners to cover fees and charges associated with water entitlements.

## Supporting culturally appropriate ownership and use of water (Targeted Outcome 11)

This is a long-term outcome that will build on the learnings from water returns to Traditional Owners (Outcome 7) and work to address barriers in the short-term (Outcome 8). DEECA has commenced planning for this work and will partner with Traditional Owners to identify barriers and solutions to culturally appropriate use of water.

## Implementation and accountability

### Traditional Owner oversight of implementation (Targeted Outcome 12)

DEECA has been holding discussions with Traditional Owner groups about avenues for oversight and sought nominations for a *Water is Life* state-wide oversight committee. Based on the feedback received, DEECA has not proceeded with establishing an oversight committee as described in Outcome 12.

The WCG Deputy Secretary wrote to Traditional Owner partners on 24 January 2024 indicating a change to the way in which oversight will be delivered. DEECA will utilise existing forums such as the Caring for Country Partnership Forums and facilitate small group or one on one meetings with Traditional Owners as requested, to provide oversight of implementation and discuss *Water is Life* progress. DEECA will continue to discuss effective oversight with Traditional Owners and keep the door open for these arrangements to be adjusted to reflect Traditional Owners priorities.

DEECA remains committed to ensuring that reporting on *Water is Life* will enable DEECA and Traditional Owners to share lessons learned, provide an opportunity for Traditional Owners to share their experiences, and play an essential role in supporting an adaptive management approach.

## Traditional Owner-led projects

Traditional Owners across Victoria are leading significant programs and projects that reflect their priorities for managing water and waterways on their Country. This work forms a foundational part of *Water is Life* implementation, supported by funding from the Aboriginal Water Program. The below examples illustrate the range of work being undertaken by Traditional Owners in collaboration with DEECA and the water sector.

### Djaara's Gatjin Strategy

In June 2023, DJAARA released *Dhelkunyangu Gatjin (working together to heal water): Djaara Gatjin Strategy*. The Gatjin Strategy articulates DJAARA's expectations and priorities for managing water and waterways on their Country, and includes objectives to make decisions for Gatjin (water), secure water and entitlement rights, and establish a dedicated Djaara Gatjin Authority to manage their water interests. The Gatjin Strategy sits alongside and complements DJAARA's *Dhelkunya Dja Country Plan*.

Following its release, DJAARA have established the Wanggal\* Group of project partners including DEECA and water sector agencies, to provide strategic oversight and co-ownership of Gatjin Strategy implementation. DJAARA have led this group to develop a shared implementation plan which outlines key activities and commitments of each partner to contribute to the *Gatjin Strategy* long-term goals.

DJAARA Traditional Owners see the *Gatjin Strategy* as a key step in realising their right to involvement in Gatjin management and to water justice on country.



**Figure 2 DJAARA CEO Rodney Carter speaks at the launch of the Gatjin Strategy on the banks of the Campaspe River in Axedale (left) and members of the Wanggal Group together at the launch (right)**

\*Wanggal is a Dja Dja Wurrung word which means 'a cluster of combungi', symbolising 'many together stabilising the bank of the water'.

### Corop Cultural Waterscape

The Corop Cultural Waterscape is of high cultural importance for Taungurung people, and encompasses a series of interconnected terminal wetlands, several north-flowing streams and parts of the world's largest Box-Ironbark forest. Taungurung Land and Waters Corporation (TLaWC) is leading a project to establish culturally led, collaborative governance for the waterscape with key partners including DEECA, Goulburn Broken CMA, The Victorian Environmental Water Holder and Goulburn Murray Water.

Following Aboriginal Waterway Assessments (AWAs) conducted by TLaWC, and a co-design process carried out with partner agencies in 2023, the project is now entering a phase of work intended to demonstrate the feasibility of the cultural landscape approach and take significant early steps on the long journey toward healing the Corop Cultural Waterscape. This feasibility phase will include the establishment of project governance with partners and explicit linkages to Taungurung cultural governance, an integrated program of research bringing together scientific and Taungurung biocultural knowledge, close engagement with both the Taungurung and wider communities, and the establishment of pilot sites for the trialling of alternative management arrangements and healing practices.

TLaWC seeks to transform the current fragmented management of the wetlands, rivers and forests by existing government agencies, to a holistic landscape approach which focuses on the system as a whole by activating Taungurung culture, knowledge and decision making at the centre of the way Country is managed

and governed. The project promises to create significant opportunities to trial and apply the pathways established by *Water is Life* for empowering Traditional Owners in water management.

# Summary and lessons learnt

One year on from the formal launch of the policy, the foundational structure, strong relationships, and initial accountability mechanisms are in place so that the delivery of *Water is Life* outcomes can be a lasting success. Implementation of *Water is Life* is a long-term commitment, and one that requires enduring, sustainable change.

As part of the 'learning by doing' approach to *Water is Life* implementation, and the iterative nature of this program of work, DEECA are capturing lessons learnt to inform further implementation. The following provides a summary of the key themes to emerge from the first eighteen months of implementation, which will guide future work.

## Policy and legislation reform

While the Victorian Government has started to address the systemic exclusion and marginalisation of First Nations and Traditional Owners from water management, the fundamental changes necessary to reform legislation and policy settings will take time. *Water is Life* very clearly outlines pathways for legislative and policy reform, with short- and medium-term actions designed to lead to long-term actions and reform. This work will need to be done collectively by government, Traditional Owners and the water sector, who each bring expertise to the complexities of the water management framework.

## Oversight of *Water is Life*

Following the release of *Water is Life* in September 2022, DEECA invited nominations from Traditional Owners to form a *Water is Life* oversight committee. There were limited responses to the request for nominations. The Aboriginal Water Unit has been following up this request and discussing with Traditional Owners their perspectives and preferences for having oversight of *Water is Life*. Through these discussions we have heard varied perspectives on the proposed committee, including concerns about adding to engagement fatigue, and that establishing a dedicated state-wide committee does not suit some Traditional Owner groups.

As a result of feedback received, DEECA have adjusted the approach to ensuring Traditional Owners have oversight of implementation. A reflection from this process is the need for government to be flexible and open to change, to ensure we are supporting Traditional Owner self-determination.

## Formal partnerships

Partnerships between Traditional Owners and the water sector look different across the state. Some Traditional Owner groups have strong relationships with their water sector agency partners and do not feel the need for a formal partnership agreement, or they already have satisfactory agreements in place that meet their needs.

For those groups that wish to establish formal partnership agreements, further guidance on formal partnerships will be considered in order to provide clarity around expectations, whilst not being too prescriptive and enabling flexibility. DEECA plan to hold further conversations with Traditional Owners this year to inform the development of this guidance.

Emerging themes from discussions with Traditional Owners and water sector agencies to date include:

- The need to clarify expectations around how water sector agencies should resource partnerships.
- Scope for Traditional Owners and water sector agencies to share information with each other around how they have gone about developing partnerships and what's worked well.
- Traditional Owners can determine if a formal partnership agreement is appropriate for their needs and what it should look like. If a Traditional Owner group decides not to enter a formal partnership at a point in time, the option for a formal agreement should remain ongoing.
- The potential for multi-agency or regional partnership agreements or forums to provide an effective avenue for Traditional Owners to use their staff resourcing efficiently to engage with multiple agencies.
- The need for partnerships to pave the way for long-term outcomes, such as the transfer of water and waterway management functions to Traditional Owner groups that are of interest to them.

## Working to support appropriate resourcing

The Aboriginal Water Unit have heard that budget and funding models are undermining and impeding progress towards self-determination. Government driven funding cycles, managing multiple funding agreements, and the burden of multiple partnership and engagement requests from government are unduly burdening Traditional Owners capacity and ability to plan strategically, retain staff, and develop their organisations sustainably.

DEECA has been meeting with Traditional Owner Corporations to discuss these issues and identify options to address some of these challenges. Through the Environmental Contribution Tranche 6 (EC6), DEECA is seeking funding to resource Traditional Owner' self-determined priorities related to water management and *Water is Life* implementation. In addition, DEECA is seeking resourcing for partnership with Traditional Owners for Government-led projects and program priorities. The amount of EC6 funding will be announced with the state budget this year.

## Appendix 1: *Water is Life* progress snapshot

This section provides a summary of the implementation status and summary update against each Targeted Outcome and action in *Water is Life*. For a full description of progress to date and key initiatives, see Progress to date on *Water is Life* Targeted Outcomes on page 3.

**Table 1 *Water is Life* summary of progress against each Targeted Outcome and action, April 2024.**

Outcome		Action		Timeframe	Implementation status	Update April 2024
1	Living entity and voice	1.1	Develop new legislative proposals to recognise waterways as living entities through engagement with Traditional Owners and wider stakeholders for Government consideration	Short (1-3 years)	Started	<ul style="list-style-type: none"> <li>Preparing a discussion paper on proposed legislative changes.</li> <li>Victorian Waterway Management Strategy (VWMS) renewal will provide an opportunity to explore proposed changes.</li> </ul>
2	Partnerships with the water sector	2.1	Develop new provision in statements of obligation for Ministerial consideration requiring formal partnerships between Traditional Owners and CMAs and water corporations	Short (1-3 years)	Partially achieved	<ul style="list-style-type: none"> <li>Amendments to Statement of Obligations (General) for Water Corporations have been drafted.</li> <li>DEECA are meeting with water sector to discuss obligations.</li> <li>Victorian Waterway Management Strategy (VWMS) renewal will explore partnership obligations.</li> </ul>
		2.2	Develop new provision in Ministerial rules for the VEWH requiring formal partnerships with Traditional Owners for Ministerial consideration	Medium (3-5 years)	Not yet started – Planned for future delivery	
3	Traditional Owners have increased role in environmental water management	3.1	Develop new guidelines for Traditional Owners to submit seasonal watering proposals to the VEWH	Short (1-3 years)	Started	<ul style="list-style-type: none"> <li>Victorian Environmental Water Holder (VEWH) have been working with DEECA, Parks Victoria and CMAs to support project work for five trial sites, working with Traditional Owners to develop Traditional Owner-led Seasonal Watering Proposals for these sites.</li> </ul>
		3.2	Undertake localised pilot environmental watering projects	Short (1-3 years)	Partially achieved	
		3.3	Develop framework for agreements for transfer of environmental water allocation to Traditional Owners for dual environmental and cultural benefit in accordance with environmental water requirements	Medium (3-5 years)	Started	



Outcome		Action		Timeframe	Implementation status	Update April 2024
4	Traditional Owners have increased involvement in public land management	4.1	Explore a range of public land management opportunities for Traditional Owners through the renewal of Victoria's public land legislation.	Medium (3-5 years)	Partially achieved	<ul style="list-style-type: none"> <li>• New Public Land Act in preparation, consolidating multiple outdated public land management acts.</li> <li>• Identified as one avenue to increase Traditional Owner decision making over water landscapes.</li> </ul>
5	Recognition of Traditional Owners as waterway managers for specific locations	5.1	Identify and address barriers to Traditional Owners taking on sole management of waterways and develop new legislative proposals through engagement with Traditional Owners and wider stakeholders for Government consideration	Long (5+ years)	Not yet started – Planned for future delivery	<ul style="list-style-type: none"> <li>• Planned activity - long-term outcome that will build on the learnings from Outcome 2 and 3.</li> <li>• Victorian Waterway Management Strategy (VWMS) renewal will explore priorities and opportunities.</li> </ul>
6	Recognition of Traditional Owners as environmental water holders	6.1	Identify barriers to Traditional Owner management of environmental water and consider any potential new legislative proposals through engagement with Traditional Owners and wider stakeholders for Government consideration	Long (5+ years)	Not yet started – Planned for future delivery	<ul style="list-style-type: none"> <li>• Planned activity - long-term outcome that will build on the learnings from Outcome 3.</li> </ul>
7	Water is returned to Traditional Owner groups across Victoria	7	Enable water to be returned to Traditional Owners across the state by: <ul style="list-style-type: none"> <li>• Acting quickly on existing opportunities within the current entitlement framework</li> <li>• Developing guidance for unallocated water</li> <li>• Developing guidelines for water infrastructure projects</li> <li>• Developing future opportunities as part of infrastructure projects and regional management plans (Water Grid)</li> <li>• Developing future opportunities as part of infrastructure projects and regional management plans (excl. Water Grid)</li> </ul> Developing a framework to support Traditional Owners entering the water market for when no alternative pathways	Short (1-3 years)	Partially achieved	<ul style="list-style-type: none"> <li>• Four water returns completed in southern Victoria.</li> <li>• Multiple applications have been submitted for 'unallocated' water in southern systems.</li> <li>• DEECA continuing to progress return of 1.36 GL in northern Victoria and explore future opportunities for water returns.</li> </ul>

Outcome		Action		Timeframe	Implementation status	Update April 2024
			to water for economic development are available			
8	Access to land will not be a barrier to Traditional Owners water returns	8.1	Work with public land managers to identify available land	Short (1-3 years)	Partially achieved	<ul style="list-style-type: none"> <li>• Work to date focuses on section 51 licences, primarily linked to southern Victoria applications.</li> <li>• Parks Victoria has agreed that its land parcels can be nominated as a 'point of take' on licence applications.</li> <li>• DEECA is working with public land managers and water corporations to remove this barrier and reform regulatory framework.</li> <li>• DEECA established forums for water corporations to provide regular progress reports and exchange lessons learned, in order to improve processing of Traditional Owner licence applications</li> </ul>
		8.2	Work with water corporations as licensing authorities to streamline licence application processes	Short (1-3 years)	Partially achieved	
9	Coverage of fees and charges	9.1	Provide funding to pay for fees and charges associated with water entitlements held by Traditional Owners unless water corporations can waive the fees and charges	Short (1-3 years)	Partially achieved	<ul style="list-style-type: none"> <li>• Fees and charges are being waived by the relevant water corporation for entitlements where there are no associated management costs. This is the case for the water returns that have already occurred and Southern Rural Water has waived the fees and charges.</li> <li>• Where there are management costs, such as in a regulated system, <i>Water is Life</i> states that the fees and charges for Traditional Owner water entitlements will be funded by the Victorian Government.</li> </ul>
10	Progressive cost recovery for commercial uses of water	10.1	Undertake pilot commercial project funding agreements with Traditional Owners to inform framework	Short (1-3 years)	Not yet started – Planned for future delivery	<ul style="list-style-type: none"> <li>• Planned activity.</li> <li>• DEECA will partner with Traditional Owners to develop this framework.</li> </ul>

Outcome		Action		Timeframe	Implementation status	Update April 2024
		10.2	Develop a framework for identifying commercial use and timelines to transition to full cost recovery	Medium (3-5 years)	Not yet started – Planned for future delivery	
11	Traditional Owners can hold and manage water in culturally appropriate ways	11.1	Identify barriers to culturally appropriate use of water and develop new legislative proposals through engagement with Traditional Owners and wider stakeholders for consideration by Government if needed	Long (5+ years)	Started	<ul style="list-style-type: none"> <li>Planned activity to identify future legislative reform.</li> <li>Outcome will build on the learnings from short- and medium-term implementation activities.</li> </ul>
12	Oversight of <i>Water is Life</i> implementation	12.1	Traditional Owners have oversight of the implementation of <i>Water is Life</i> .	Short (1-3 years)	Partially achieved	<ul style="list-style-type: none"> <li>DEECA will report through existing forums and 1:1 meetings as requested by Traditional Owner groups. We will continue to be guided by Traditional Owners regarding appropriate oversight.</li> </ul>

**Table 2 Guide to the implementation status categories.**

<b>Behind schedule</b>	This action requires attention, unlikely to be fulfilled within committed timelines
<b>Not yet started – Planned for future delivery</b>	Work hasn't commenced yet (but is being planned for in line with <i>Water is Life</i> committed timelines)
<b>Started</b>	Collaboration or a scope of work has commenced
<b>Partially achieved</b>	The action has been partially achieved and still has remaining tasks to complete
<b>Achieved and completed</b>	The action has been completed in full
<b>Achieved and ongoing</b>	The action has been achieved, but ongoing effort is needed to ensure the intended outcome of the action continues to be maintained