

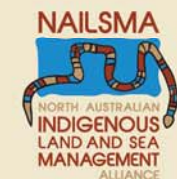
# WATER RIGHTS AND STRATEGIC INDIGENOUS RESERVES

## INDIGENOUS INVOLVEMENT IN WATER PLANNING

### Module 3.4

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.

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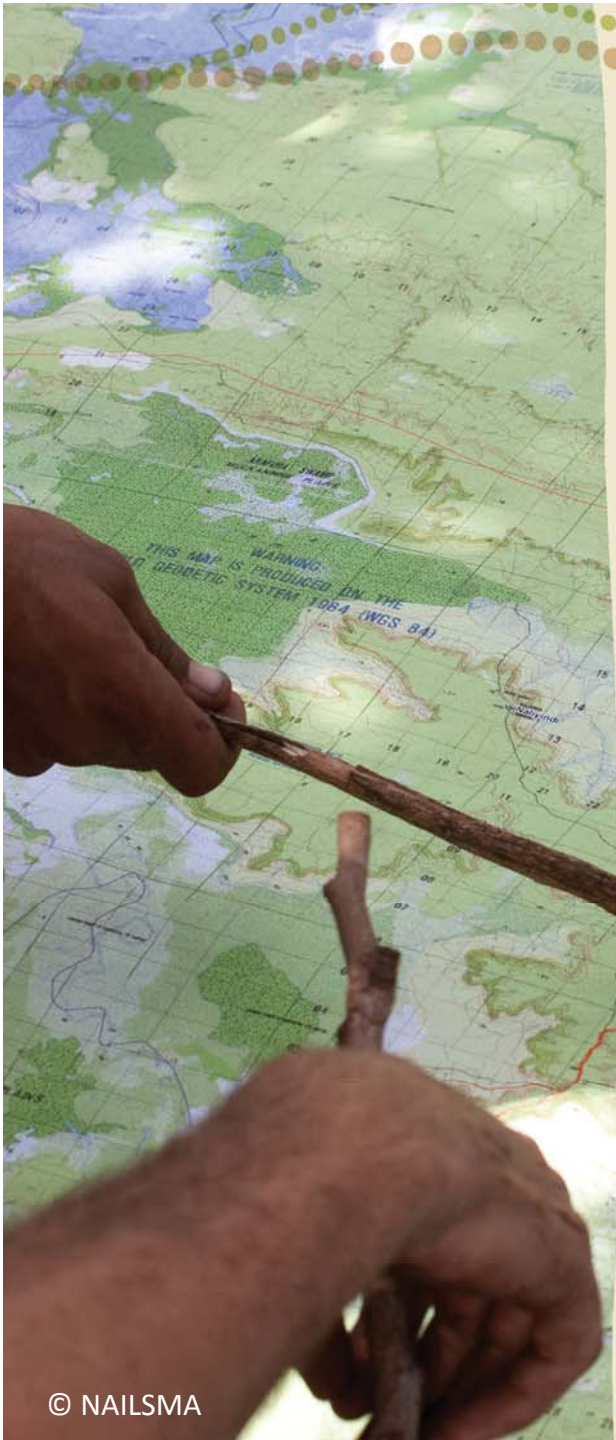
## WHAT IS A STRATEGIC INDIGENOUS RESERVE?

Water plans are beginning to recognise the need to allocate water to Indigenous people for commercial purposes. In some places, water is being reserved for Indigenous communities as Strategic Indigenous Reserves, or SIRs.

The laws around SIRs are under development. Indigenous groups have a defining role to play in the rules around SIRs.

SIRs are one way that Indigenous people can be guaranteed access to water for economic development into the future.

This presents an opportunity for Indigenous groups to come together to make sure that the rules for SIRs are in the best interests of the wider Indigenous population. The NAILSMA Indigenous Water Policy Group has conducted case study research to raise awareness of this opportunity and is working with communities in case study areas to assist them to determine their aspirations for management of an SIR.



## STRATEGIC INDIGENOUS RESERVES

# SETTING THE RULES FOR INDIGENOUS RIGHTS TO WATER

New water plans are beginning to provide an Indigenous share of the water for cultural purposes and for commercial purposes.

Some governments are showing interest in adapting water laws to provide water for the benefit of Indigenous people.

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.



## WHAT IS A STRATEGIC INDIGENOUS RESERVE?

In some parts of Australia water resources were fully allocated before Indigenous people could make legal claims to land and water. In these situations, water use is so constrained that it is now difficult to meet Indigenous people's water use needs. It also takes many years to prepare Native Title claims and for them to progress through the legal process .

This can mean that many communities are not able to participate in water planning while they are still working on land claims.

In north Australia where the resource is still being developed and demand for water is lower, Indigenous groups may be able to secure an allocation, but might not yet be ready to access water for business purposes. Water planners should take the long-term requirements of Indigenous people into account.

Strategic Indigenous Reserves offer one possible way to set aside or reserve consumptive water for Indigenous groups so they can use it in the future.



## DEFINITIONS

The **Strategic Indigenous Reserve** (SIR) is defined differently in the NT and Qld. There are currently no SIRs allocated in WA.

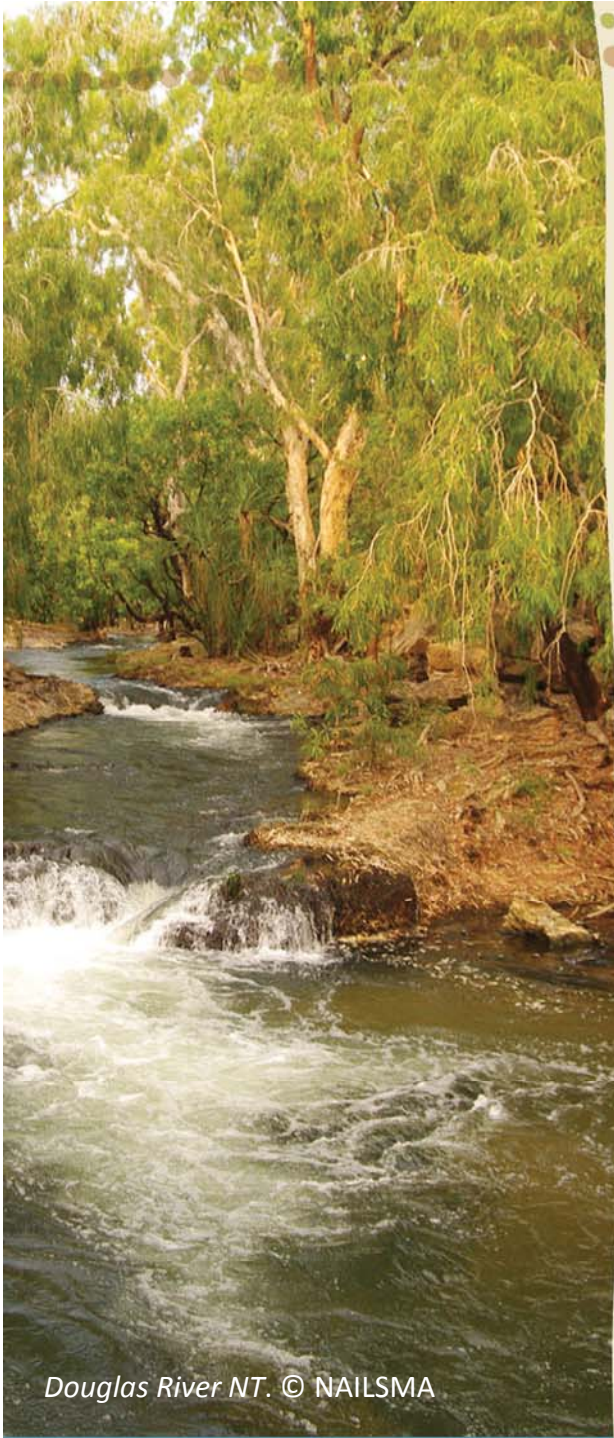
### **In the NT:**

*In a water allocation plan, a Strategic Indigenous Reserve (SIR) allocates an amount of water from the consumptive pool for Indigenous commercial development.*

### **In QLD:**

*An Indigenous Reserve provides Indigenous communities within a water resource or wild river plan with access to water for social or economic benefit.*

The NAILSMA Indigenous Water Policy Group is conducting research to find out how Indigenous communities would like to define a SIR and will release its policy statement in late 2012.



Douglas River NT. © NAILSMA

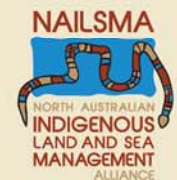
## STRATEGIC INDIGENOUS RESERVES

# CREATING FUTURE OPPORTUNITIES

Many Indigenous groups are not yet ready to use water for commercial purposes but it is important to ensure that they can access water for enterprise development in the future.

Without an Indigenous reserve, it may be expensive for Indigenous groups to buy into the water market in the future.

Having a Strategic Indigenous Reserve is one way to create opportunities for future generations.



## SETTING THE RULES FOR SIRs

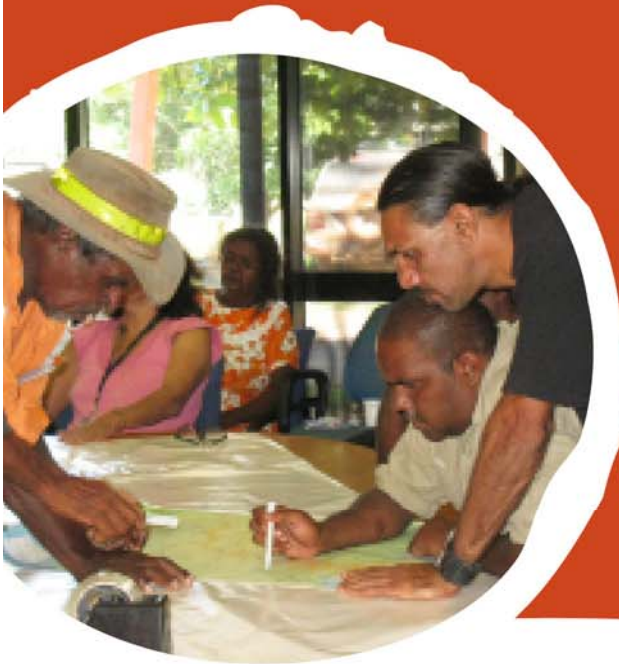
# QUESTIONS TO CONSIDER

This water can be used in many different ways, to developing businesses, trade water with other users, or can be kept in the river to maintain flow.

At the moment, governments are leaving it up to Indigenous people to decide how they want to manage the SIR.

A SIR creates many difficult questions for groups to consider, including:

- Who has a right to access that water?
- How can the SIR water be accessed?
- Who should make decisions about the SIR?
- What processes and structures need to be put in place to manage the water?
- How should benefits from the use of the water be distributed?



*Mapoon community members consider a cultural mapping project for the Wenlock River Cape York Peninsula, Qld. Photo: © NAILSMA*

# SETTING THE RULES FOR SIRs

# GETTING THE GOVERNANCE RIGHT



*Talking water with Karajarri Traditional Owners, WA. Photo: © NAILSMA*

The First Peoples' Water Engagement Council has suggested that an Aboriginal Economic Water Fund be established to provide loans to access the water held as a SIR.

This could help provide the resources to invest in water infrastructure to make use of the water for farming or aquaculture.

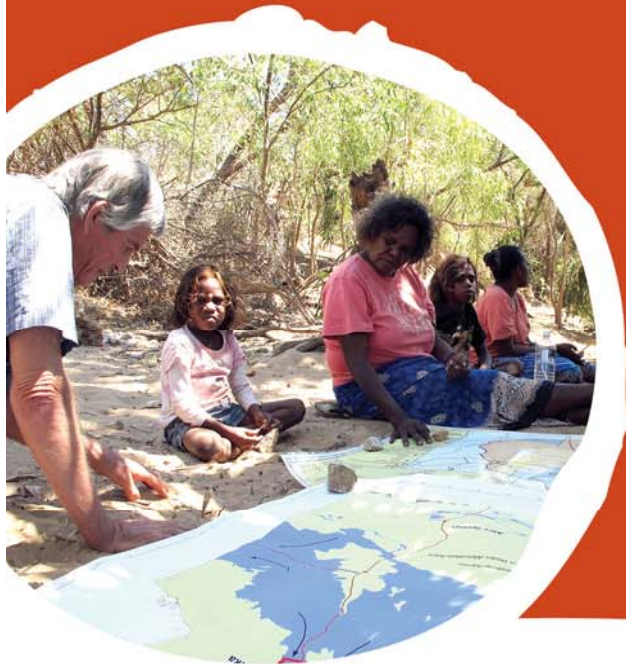
Other options include establishing a trust that can hold the water allocation, and assists the Traditional Owners to make decisions about how it is used.

The Indigenous Water Policy Group is conducting research in this area and will be releasing a policy statement with recommendations on implementing SIRs later in 2012.



## SETTING THE RULES FOR SIRs

# PLANNING FOR THE FUTURE



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.

*Talking water with Mataranka Traditional Owners. Photo: © NAILSMA*

