Dear Water Law Review Expert Advisory Panel,

The Water Bill Exposure draft is an important opportunity to ensure that Victoria’s water legislation recognizes the rights of Indigenous people to manage and use water resources. However, neither the existing *Water Act 1989* or the new exposure draft contain any meaningful provisions to provide for Indigenous water rights.

As Traditional Owners and long-term custodians of natural ecosystems, Indigenous people have a right and a responsibility to use water resources in their Country. The long-term impacts of colonization and discrimination mean that, in many cases, Indigenous people in Victoria have not benefited fairly from the exploitation and development of land and water resources. Indigenous people in Victoria still experience significant disadvantage. Recognizing Indigenous water rights is also important to address past inequality and ongoing disadvantage.

All Australian governments, including Victoria, are required to fulfill the principles of the National Water Initiative and the United Nations Declarations on the Rights of Indigenous People. The Victorian government must allow for Indigenous access to natural resources and promote the continuity of Indigenous culture and cultural practices.

There are a range of interstate and international precedents as well as sound policy advice from Indigenous organisations, academics and the National Water Commission that could be drawn on to inform improvements to the legislation.

I strongly urge the Advisory Committee to include the following key improvements to the Water Bill Exposure Draft.

* Dedicated cultural access licenses for Traditional Owners and Indigenous communities, to address the culturally-informed environmental priorities of Aboriginal peoples.
* Commercial allocations for Indigenous economic development, to increase the capacity for Aboriginal people to develop water-dependent enterprises.
* *Indigenous cultural* values should be identified, as distinct from ‘cultural’ values, in order to acknowledge the specific values and uses relative to Indigenous communities.
* Indigenous cultural values should be included in the ‘objectives’ and in the ‘core considerations’ under section 5 of the exposure draft.
* Legislation should require mandatory inclusion of Indigenous representatives in expert panels overseeing regional resource assessments and advisory panels appointed for the development of water resource management orders.

Please inform me about how you will address these important issues and of any further developments relating to the Victorian Water Law review.