

SUBMISSION — CONSULTATION DRAFT, FITZROY-DERBY WATER RESOURCES MANAGEMENT PLAN

The Aboriginal Water Holding: turning a reserve into self-determination

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June 2026 · Offered as questions and considerations in support of a Traditional Owner-led co-design, not a model to adopt.

Ridgeline Advisory acknowledges the Traditional Owners and custodians of the Fitzroy River catchment and the Derby Peninsula — a river known by many names across the nations of the catchment, including Martuwarra — and their continuing connection to land and water. We pay our respects to Elders past and present, and we recognise Traditional Owners as the first scientists and water managers of this Country.

How this submission is offered

The Fitzroy–Derby Aboriginal Water Holding is the water of native title holders, and how it is governed and used is theirs to decide. The plan rightly commits to co-designing that governance with native title parties and the Kimberley Land Council. I do not propose a model, and I do not speak for Traditional Owners. What follows is a set of questions and considerations, drawn from practical experience elsewhere, offered as a resource to that process, to be taken up, changed, or set aside as Traditional Owners see fit.

THE TRADITIONAL OWNERS' OWN RECORD

This catchment holds a long and continuing history that is the Traditional Owners' to tell, and they have already told much of it in their own words. On 3 November 2016 the nations of the Martuwarra concluded the **Fitzroy River Declaration**, the first instrument in Australia to recognise both First Law and the rights of nature. In it they affirm the river as **"a living ancestral being from source to sea"** with a right to life, to be protected for current and future generations and managed jointly by its Traditional Owners. In 2018 they established the **Martuwarra Fitzroy River Council**, an alliance of Senior Elders who speak for the river with one voice.

The authority behind the Aboriginal Water Holding is theirs, and so is the history. This submission works within them, and defers to the Declaration, the Council, and the Kimberley Land Council as the standing record of how this river is to be cared for.

Sources: Fitzroy River Declaration (3 November 2016); Martuwarra Fitzroy River Council (est. 2018), via the Kimberley Land Council. The quoted words are the Traditional Owners' own.

In short

Protecting the Fitzroy River and its water-dependent values comes first. Within those protections, the plan's proposed Aboriginal Water Holding, about 25 gigalitres a year, is its strongest lever for self-determination.

A reserve of water only becomes opportunity when Traditional Owners have a way to use it that they control, and only if and when they choose to. On the evidence elsewhere, what matters most is who decides and who keeps the value. The points below are offered to the co-design, in support of Traditional Owner authority and the Kimberley Land Council, not as answers.

1. Governance for the Holding that is genuinely Traditional Owner-led, and resourced to actually work.
2. Principles that protect decision rights and retained value in any commercial partnership.
3. Capability and brokerage support, so Prescribed Bodies Corporate can negotiate from strength.
4. A public timetable, so the interim case-by-case approach does not quietly harden into the permanent one.
5. A clear link between the Holding's governance and the proposed Water Advisory Committee.

1 Why I am writing

I write as a water-sector practitioner, not on behalf of any client, and not as a Traditional Owner. Over thirty years across government and regulated industry, including time as an executive at Water Corporation, I led the expansion of Aboriginal community water services to more than 140 remote communities. Most of that was practical work: bores, pumps, water quality, and getting parts up a dirt road before the wet season closed it. I also worked on regularising supply in Fitzroy Crossing and the communities around it. My advisory work since has included governance design for Traditional Owner water and joint-venture structures. The lesson I keep coming back to is in the provisions underneath the equity split: which decisions cannot be made without Traditional Owner consent, and how value is structured so it stays with the community instead of leaking away over the years. I have a long personal connection to the Fitzroy Valley as well. I offer what follows as a resource, with respect for the people whose Country and water this is.

2 What the plan gets right

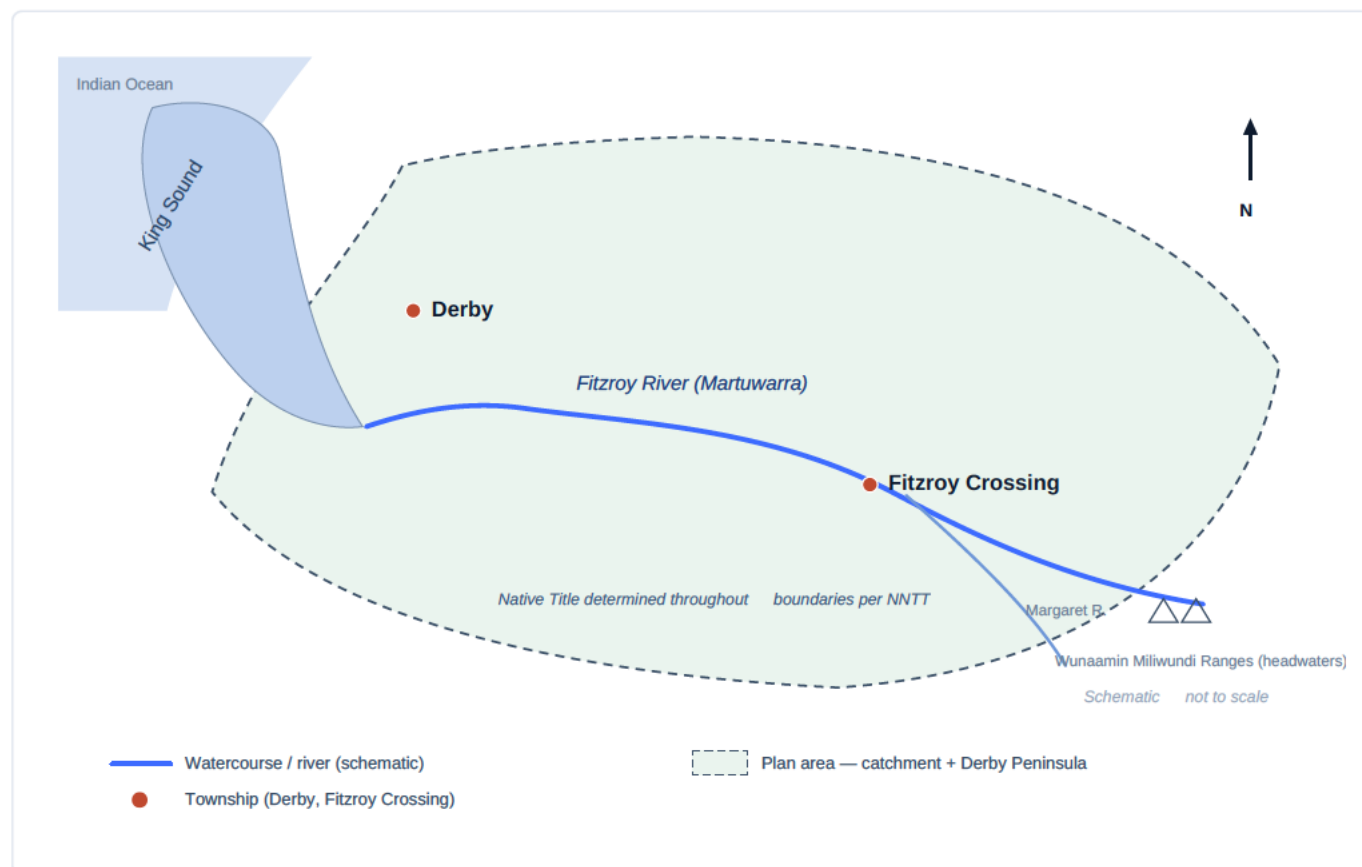
This is a careful draft, and much of it deserves support. The commitment that the Fitzroy and its tributaries will not be dammed, and that no further surface water will be licensed, protects one of Australia's last great free-flowing river systems. The precautionary groundwater limits, set at about 40 per cent of estimated rainfall recharge for a total of 75.7 GL a year, reflect real humility about a data-poor and highly variable climate. The Aboriginal Water Holding, the planned Water Advisory Committee, and the early engagement of Traditional Owners in licensing are the right instincts. Nothing here seeks to weaken these settings.

I want to be plain about one thing. When the draft was released, some Traditional Owners said publicly that it left them underwhelmed, that it did not go far enough on the questions that matter most to them. I am not in a position to speak to that, and I will not try to. Their reading of this plan carries far more weight than mine, and nothing in this submission should be taken as a non-Aboriginal voice pronouncing it good enough. My support is for the plan's protective settings, and for the Holding as an idea worth getting right. Whether the plan as a whole serves the people of this catchment is for them to judge.

3 Protecting the river and its values comes first

Any conversation about using water in this catchment has to begin, and end, with the values the plan exists to protect. The Fitzroy is a living system: groundwater discharge sustains the river pools and springs that hold through the dry season; aquifers connect to one another and to the surface; and a naturally occurring

saltwater interface has to be kept in its place along the King Sound coast. The plan recognises that all watercourses, wetlands and springs are likely Aboriginal heritage, that the catchment holds sites of deep cultural and social significance, and that the West Kimberley is a place of national heritage value. Protecting them is the whole point of the plan, and this submission treats it that way.



Schematic locator — for orientation only, not to scale or survey-accurate; the river system is generalised. Plan area and water resources after DWER, *Consultation draft – Fitzroy–Derby Water Resources Management Plan (2026)*. Native Title is determined across the catchment by several groups; authoritative determination boundaries are held by the National Native Title Tribunal (NNTT).

That is why the precautionary limits, the staged "initial development phase" approach (single licences unlikely above 3 GL a year), and the requirements for hydrogeological assessment, baseline monitoring and operating strategies matter so much, and why this submission treats them as fixed. It is also why the case made here is, at bottom, a case for stewardship. The Traditional Owners who would draw on the Holding are the same people who have cared for these waters for countless generations. Putting them genuinely in charge of how the water is used lines up the incentive to develop with the responsibility to protect. That alignment is what good water management needs.

4 The opportunity: the Holding as a self-determination lever

Of the water the plan makes available, about half of what can still be licensed sits in the Aboriginal Water Holding: roughly 25 GL a year, set aside for native title holders' economic development, "either independently or in partnership with others." It is a significant commitment, and today it is still only an entitlement on paper. The plan is candid that the Holding "does not guarantee access or a right to any person," that its governance is not yet settled, and that until a framework exists, access will be handled case by case.

Holding that water unused is itself a legitimate choice. No one is obliged to develop it, and the plan's caution rightly leaves that decision where it belongs. The point here is narrower: if and when Traditional Owners do decide to put some of the Holding to use, it is the absence of an agreed governance framework that will stand

in the way. The plan has already done the harder technical work: the hydrogeology, the staged limits, the monitoring. What it leaves deliberately open is the governance of the Holding itself. That governance gap is what this submission speaks to.

Groundwater in the plan (annual)	GL/year	Note
Total allocation limit	75.7	Precautionary — about 40% of estimated rainfall recharge
— General licensing	36.9	Of which roughly 25 GL is still available
— Aboriginal Water Holding	25.1	Reserved for native title holders' economic development
— Exempt use (stock, domestic, firefighting)	9.3	Does not require a licence
— Public water supply & reserves	4.4	Includes future Derby town supply
Available now for new licences	~50	About 25 GL general + about 25 GL from the Holding

Source: DWER, *Consultation draft — Fitzroy–Derby water resources management plan: policy and guidance* (2026), Table 5. Figures rounded; to be reconciled against the final published table.

"The Holding ... does not guarantee access or a right to any person."

— Consultation draft, on the Fitzroy–Derby Aboriginal Water Holding. The question this submission explores is how, in time, that reserve becomes something Traditional Owners can actually use.

5 Questions to ask of any partnership

Water on its own does not build an economy. Turning an entitlement into jobs and income usually takes three more things: capital, operating capability, and enough certainty that others will commit alongside the community. Commercial partnerships can supply all three, but only the right kind, and only on terms Traditional Owners enter freely.

There is good reason to be wary here. The history of resource deals on Aboriginal land includes too many where the value flowed out and the say stayed somewhere else. None of that is an argument against partnership. It is a reason to look hard at what separates a good one from a bad one. In my experience the difference comes down to a handful of plain questions.

The question	In a stronger arrangement	In a weaker one
Who decides?	Traditional Owners approve what happens on Country, and can say no	Consultation only; the real decisions are made elsewhere
Who keeps the value?	Retained equity and ownership — revenue and assets stay with the community	One-off payments or fees; value flows out
Is it investable?	Clear governance gives partners certainty without ceding control	Uncertainty that deters good partners or invites poor ones
Does it build capability?	Deliberate jobs, training and enterprise capability transfer	Lasting dependence on outside operators
Is culture in charge?	Cultural authority is built into the decisions	Culture treated as a constraint to be managed around
Can you walk away?	Free to act alone, or to partner deal by deal	Locked into a single counterparty

Questions a co-design might use to test any proposed partnership. The aim is Traditional Owner authority *and* investable certainty at once, not a trade-off between them.



Illustrative only: a water entitlement becomes self-determination when paired with governance, partnership and capability, and only within the plan's protections.

6 What good can look like

None of these is a template, and each carries its own hard lessons. They are here to show the pattern is real, and that the questions above are the ones that decide whether a partnership empowers. The Kimberley has its own deep base of Aboriginal-owned enterprises and community-controlled organisations, and their leaders are far better placed than I am to name the examples that matter most locally.

Arnhem Land Progress Aboriginal Corporation (ALPA)

Established in 1972, ALPA grew from a single community store into one of Australia's largest Aboriginal-owned enterprise groups: Aboriginal-governed, spread across retail, construction, services and training, and putting its profits back into member communities. It reports returning more than \$40 million to those communities last year, with over 80 per cent First Nations employment.

What it shows: patient, Aboriginal-governed enterprise compounds over decades. (Figures self-reported by ALPA; illustrative.)

Equity joint ventures on Country — an emerging model

A clear pattern has begun to take shape across northern and western Australia, most visibly in renewable energy. A Traditional Owner group enters a joint venture with a commercial developer and takes a real equity stake in the assets built on its Country, with the right to approve what gets built. That is more than a fee for access. In several instances the same groups had earlier experienced development imposed on their Country without their consent, and the equity model is, in part, a deliberate response to that history. Where these ventures are well built, with long-term offtake secured and governance clear, the community ends up owning part of the asset and holding real decision rights.

What it shows: partnerships work when Traditional Owners hold both equity and a genuine say, not just a share of the proceeds.

Murray–Darling Basin Aboriginal Water Entitlements Program

First Nations peoples hold rights to roughly 40 per cent of Australia's land through Native Title, yet own less than 0.2 per cent of surface-water entitlements. The Commonwealth's Aboriginal Water Entitlements Program, which began at \$40 million and has since grown to \$100 million, was set up to start closing that gap by buying water for First Nations cultural and economic use. Years on, the slow journey from money committed to water actually in hand is well documented.

The caution: a reserve announced is not a reserve activated. Governance, resourcing and clear access pathways are what close the gap.

None of these is a water story of exactly this kind. Two are enterprise and energy; the one that is about water is still working its way from announcement to activation. What they have in common is equity, a real say, and patience. The Holding is a chance to build those in from the start.

7 Considerations for the co-design

The first of these is a question for the Traditional Owner-led process the plan envisages. On the points the Department itself can act on now, I have put them as suggestions, offered in that spirit.

- **Governance and resourcing.** How can the Holding's governance be built with native title parties and the Kimberley Land Council so that it is genuinely Traditional Owner-led, and resourced well enough to actually function?
- **Recognise partnership pathways.** The Department might consider stating plainly, in the plan's guidance, that partnership and equity models are a legitimate route to activation, paired with a short set of principles (decision rights, retained value, cultural authority) that protect Traditional Owners in any commercial arrangement.
- **Capability and brokerage.** The Department might consider funding independent technical, commercial and negotiation support for Prescribed Bodies Corporate, so that good water is never committed to a weak deal for want of advice.
- **A public timeframe.** The Department might consider committing to a public timetable for standing up the Holding's governance framework, so the interim case-by-case approach becomes a clear bridge to something firmer.
- **Benefit beyond native title holders.** Ownership of the Holding, and the decisions over it, rest with native title holders, and that should not change. But the wider Aboriginal community of the region, including families who have lived here for generations without holding native title to this Country, has a real stake in what activated water makes possible. Whether and how the jobs, enterprise and services it generates reach that wider community is for Traditional Owners to decide. I note it here so it does not get lost.

- **Connection to the Advisory Committee.** The Department might consider how the Holding's governance will connect to the proposed Water Advisory Committee, with genuine Traditional Owner representation and a real voice in future iterations of the plan. The Committee may also be the right place, distinct from the Holding's own governance, for the region's broader Aboriginal community to be heard, so that wider voice never blurs into authority over the Holding itself.

One possible sequence (illustrative)	Focus
Early	Co-design governance with native title parties and the KLC; agree principles and interim access arrangements
Establishing	Stand up the governance body; resource PBC capability; set transparent, fair access criteria
First use	Support the first partnership(s); embed monitoring, cultural indicators and review
Ongoing	Adaptive review through the Water Advisory Committee; report progress publicly

Shown only to make the considerations concrete. The sequence, the pace, and whether to follow it at all are for Traditional Owners and the Department to decide together.

8 In closing

The Fitzroy–Derby plan has done the hard work of protecting a remarkable river while leaving the door open to opportunity. The Aboriginal Water Holding is the clearest expression of that opportunity, and the place where good intent most needs a practical path to follow. That path is for Traditional Owners to design and for the Kimberley Land Council to lead. If these questions help that work, they will have done their job; if they do not, set them aside. Either way I offer them in good faith, and I defer, on every point, to the Traditional Owners of the catchment.

Disclosure. The author is Managing Director of Ridgeline Advisory and advises clients in the water sector, none of whom hold any interest in the Fitzroy–Derby plan area. The author is not a Traditional Owner and does not speak for Traditional Owners, any native title body, or the Kimberley Land Council. This submission is personal thought leadership, offered in good faith as a resource, and is not made for or on behalf of any client.