

Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) response to LVRRS Overview

1. What is your level of knowledge of mine rehabilitation in general?

Have some understanding.

2. What is important to you when you think about the rehabilitation of the Latrobe Valley coal mines?

The Gunaikurnai Land and Waters Aboriginal Corporation is looking closely at how mine rehabilitation in the Latrobe Valley aligns with the Gunaikurnai Whole of Country Plan, particularly in relation to the goals of healing Country, rights to use, manage and control Gunaikurnai Country and having a voice.

For Gunaikurnai as traditional custodians there are immense challenges to heal, protect and manage Country which has been drastically altered since colonisation including through mining. Gunaikurnai see all of Country as connected with no separation between landscapes, waterways, coasts and oceans and natural and cultural resources.

Rehabilitation of the coal mine sites should incorporate not only the sites themselves, but their impact on connected Country. For instance, cultural values mapping along waterways in the Latrobe River system by GLaWAC has identified many sites of cultural significance. We are already concerned about the impacts changing water quality and quantity is having on the flora and fauna which depend on our waterways. We will continue to work with our partner organisations including the West Gippsland Catchment Management Authority to better understand the potential impacts of using water to stabilise the mine pits now and in perpetuity, but would like to voice through this submission the importance of water for Country, including both surface water and groundwater, including water volume and quality and the way the natural systems function.

3. What do you feel are the most important things Government can do as part of the planning, rehabilitation, and post-rehabilitation stages of the Latrobe Valley coal mines?

GLaWAC welcomes the creation of the Latrobe Valley Mine Rehabilitation Authority, announced by the Victorian Government in September 2019, and its purpose to make rehabilitation of the mines stronger and more transparent. To have an ongoing role in the rehabilitation of mines and their impact on Country, we request ongoing two FTE positions for GLaWAC, to ensure the Gunaikurnai voice is included in the decision making and ongoing implementation and monitoring of mine rehabilitation.

GLaWAC considers the Government has an enduring role in ensuring mine rehabilitation is conducted in a way that helps heal Country, and acknowledges the Gunaikurnai obligation as traditional custodians of the land to look after Country.

We are concerned that mine rehabilitation should seek to heal Country, not take from Country, and not have any further negative impact on Country, now and in the future. In understanding and meeting these requirements, the Government needs to fully understand and respond to impacts of connected Country, including the lower Latrobe wetlands and through to the Gippsland Lakes system.

4. What do you feel are the most important things the coal mine operators can do as part of the planning, rehabilitation, and post-rehabilitation stages of the Latrobe Valley coal mines?

The legislative requirements on mine operators to rehabilitate land in accordance with and approved rehabilitation plan should take into account the impact the sites have on connected Country, and how any water used to rehabilitate the mines will take water out of the natural system and negate its use for any other purposes, including cultural flows for the Gunaikurnai. We expect the coal mine operators to provide for a positive legacy for the Valley and interconnected Country.

5. What do you feel are the most important things community and stakeholders can contribute as part of the planning, rehabilitation, and post-rehabilitation stages of the Latrobe Valley coal mines?

No response provided.

6. How would you like to be engaged in the rehabilitation process for the Latrobe Valley Brown Coal mines?

The Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) is the prescribed body corporate on behalf of the Gunaikurnai people, for the purposes of the Native Title Act 1993 (Commonwealth) and is a Registered Aboriginal Party for the purposes of the Aboriginal Heritage Act 2006 (Victoria). The State of Victoria has also entered into Recognition and Settlement Agreement with the Gunaikurnai people. The Recognition and Settlement Agreement, executed under the *Traditional Owner Settlement Act 2010*, affords Gunaikurnai people rights relating to the use of public land within their Agreement area. As such, GLaWAC sees its participation in the mine rehabilitation process as vital, and would look have discussions to best understand how we can engage collaboratively.

7. Overall, do the principles outlined in Section 4 of the LVRRS Overview meet your expectations (considering the important issues you identified above)?

GLaWAC considers the premise on which the principles are based are limited, specifically:

- That the mines are on private land should not deter the Government from prescribing the rehabilitation solution at each site; we understand rehabilitation plans need to be agreed, and our expectation is that Government would seek the best outcomes for Gippsland communities, including ensuring the enduring health of Country.
- GLaWAC considers that in addition to the noted social, environmental and economic factors cited, that there are cultural values and uses important to the Gunaikurnai.

8. Are there any changes you would suggest to the proposed principles outlined in Section 4 of the LVRRS Overview? If so, please provide a short explanation as to why you have suggested these changes.

Please consider the following refinements for Part one: Objectives of the Strategy:

- “Traditional Owners have a clear role in the preparation of rehabilitation and closure plans for the Latrobe Valley mines, and cultural values and uses are incorporated in rehabilitation plans.”
- “The impacts on other consumptive water users, the environment, cultural and other values will be prevented by conditions placed on the access to water for rehabilitation purposes.”

- The mine voids do not pollute nor change the ecology of downstream waterways, including the Latrobe River System, the Lower Latrobe wetlands and the Gippsland Lakes.

Please consider the following inclusion for Part two: Role of Government:

- The LVRRS and Traditional Owners will, through a collaborative partnership, incorporate cultural values and uses into rehabilitation and closure plans this would replace the current principle no. 2 in this section, and is, GLaWAC believes, a stronger statement of intent.

And in addition to principle 8.

- An assessment of future water availability scenarios and expected cultural flow requirements in the Latrobe River system and its estuaries.

And the following refinements for Part three: Role of mine operators

- Develop their rehabilitation and post-closure plans, in consultation with the community and collaboration with Traditional Owners, as required by legislation and with the consideration of the guidance and expectations set out in the Strategy.
- Identify the pathway to access any water required for rehabilitation consistent with Water Act 1989, the Victorian Water Entitlement Framework, and policy document Water for Victoria, how water levels would be maintained over the near and long term, and how access to water would not compete with water for the environment or cultural flows.

9. Are there any specific elements of the LVRRS Overview that were not clear, or need further information to be provided in the LVRRS?

GLaWAC is concerned in regard to how water used for rehabilitation would be held, for instance whether water for mine rehabilitation would be held as entitlement. Water rights are a key area of interest to GLaWAC. Securing water rights in the Latrobe Valley would enable GLaWAC to determine when to use water for Country for healing, growing or providing economic independence to Gunaikurnai people. Access to water is an integral path to restore customary practices, protect cultural values and uses, and heal Country. Water taken away from Country, on a perpetual basis, is of a major concern to GLaWAC.

10. Do you have any further comments on the LVRRS Overview?

Traditional Owner Group

Gunaikurnai Land and Waters Aboriginal Corporation
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Age Group

No response provided.

Gender

No response provided.