**Overturning aqua nullius – securing Aboriginal water rights**

Today, the Hon. Michael Kirby AC CMG officially launched the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) publication, *Overturning aqua nullius*. The award-winning work aims to cultivate a new understanding of Aboriginal water rights and interests in the context of Aboriginal water concepts and water policy development in Australia.

*Overturning aqua nullius*, by Dr. Virginia Marshall, argues that Aboriginal water rights require legal recognition as property rights.

“Water access and infrastructure are integral to the successful economic enterprise in Aboriginal communities. Aboriginal peoples’ social, cultural and economic certainty rests on their right to control and manage customary water,” Dr. Marshall said.

“Establishing a Reserved Indigenous Water Rights regime is a crucial step towards improving Aboriginal health outcomes and advancing economic prosperity and cultural vitality.”

Drawing on the United Nations Declaration on the Rights of Indigenous Peoples, Marshall argues that the reservation of Aboriginal water rights needs to be prioritised above the water rights and interests of other groups. It is only then that we can sweep away the injustice of *aqua nullius* and provide first Australians with full recognition and status of their water rights and interests.

The AIATSIS Chairperson, Professor Mick Dodson, speaking at the launch of the book, said it is an extremely timely book that is both challenging and thought provoking.

“This book has the potential to become a starting point for a long overdue debate on water rights and access to water fundamental to Aboriginal Australian livelihoods. Dr. Marshall makes a compelling case that they are both essential to the spiritual and cultural lives of Aboriginal Australians,” Professor Dodson said.

“For too long Aboriginal water rights have been ignored by state and federal governments. As a consequence, the traditional owners of the land remain the poorest people living on it.”

Dr. Virginia Marshall is a Wiradjuri Nyemba woman who commenced legal practice in 2003. In 2005 she became an Executive Officer leading the Aboriginal Water Trust and was a member of the inaugural Indigenous Water Summit established by the National Water Commission. Since 2013 she has specialised in intellectual property and traditional knowledge, and commercial and contracts law.

Dr. Marshall was the first Aboriginal woman to graduate from Macquarie University with a Ph.D. in Law and is an active member of the Law Society of NSW.

*Overturning aqua nullius* (RRP $39.95) is published by Aboriginal Studies Press (ASP), the publishing arm of AIATSIS.

**Media enquiries**

Commsmedia@aiatsis.gov.au or 02 6246 1605

www.aiatsis.gov.au