



Rubicon River damming successfully challenged by Traditional Owners, but river future still uncertain

The Taungurung Land and Waters Council (TLaWC) has successfully challenged a licence that would have permitted a much-loved river in Victoria's high Country to be dammed and diverted.

This river is of deep cultural significance to Taungurung people, history, Ancestors and the inherent obligation to care for Taungurung Country.

At a Preliminary Hearing at the Victorian Civil and Administrative Tribunal (VCAT), TLaWC challenged the legality of plans by Rubicon Station Pty Ltd to divert the Rubicon River by almost 600 metres through a private property near Rubicon, central Victoria, to power a small-scale private hydroelectric plant.

On behalf of TLaWC, lawyers from public interest legal group Environmental Justice Australia (EJA) argued at VCAT in early June that the licence granted by Goulburn Murray Water (GMW) for the scheme was unlawful.

On Thursday June 20, the VCAT tribunal agreed with TLaWC that Goulburn Murray Water's decision to grant the licence to construct works was unlawful.

TLaWC had also argued the licence would deviate the river, and that the water authority did not have the power to do this. But the tribunal did not accept this argument.

The tribunal set aside the licence to construct the work and sent it back to the decision-maker for reconsideration in accordance with the Water Act.

The VCAT decision is a partial win, because the works can't proceed lawfully until the decision-maker considers all licence applications.

But this may not be the end of the matter. It remains open to the decision-maker to reconsider the matter and issue new licences.

TLaWC continues to insist that no licences for these works and diversion should be issued, maintaining that these actions would seriously compromise the environmental and cultural values of this waterway.

TLaWC is seeking financial support in protecting this beautiful location and the life of the flora and fauna that inhabit this area, commencing a fundraising campaign to cover travel costs, filing fees, and expert costs.

Funding this important case will safeguard the future of this beautiful river and Taungurung cultural heritage. Donations can be made via www.taungurung.com.au/donation



TLaWC CEO Matthew Burns said:

“The Rubicon River and the adjacent Camp Jungai are part of a broader cultural landscape on Taungurung Country that have deep connections with our history, Ancestors and our obligations to care for Country.

“Taungurung people have cared for this Country for 1000 generations, dedicated to keeping the waterways healthy and full.

“TLaWC prioritises protecting, enhancing and restoring habitats for local flora and fauna, which does not align with the serious interference in a public river for personal use.

“The decision on June 20 to set aside the licence for reconsideration is a partial win for the Taungurung Nation, but the fight is not over.

“Our focus is to maintain Taungurung cultural values, limit negative environmental impacts and improve ecological conditions; advocating for healthy waterways to ensure everyone can enjoy these beautiful spaces on Taungurung Country for a thousand generations to come.”

EJA Lawyer Bruce Lindsay said:

“In its decision, the tribunal has clarified some important points about how our rivers and waterways are managed. Licences to manage how water and waterways in Victoria may be used and interfered with must be properly assessed and lawfully granted.

“It appears unlikely that these issues are yet resolved. The decision on use of water and the Rubicon River for the private hydropower scheme will go back to a decision-maker, whether GMW or the Minister directly.

“This is an important and ecologically healthy waterway to which the Aboriginal Traditional Owners have very strong cultural ties. These are matters of significant public interest. Maintaining an ecologically healthy waterway is in the public interest.

“Building private hydropower schemes on public waterways, for private gain, raises important questions of public policy. Where that might occur on healthy mountain streams, with strong Aboriginal cultural associations, invokes the need for careful scrutiny.

“Our client will continue to follow the next steps in this process closely.”

Media enquiries

Please contact TLaWC’s Communications Manager, Chris Sutton, on 0438 742 433 or csutton@tlawc.com.au for any interview requests.

[A short video detailing the story is available here and can be shared freely](#)