11. Aboriginal water values and uses
Part 11.
Aboriginal water values and uses

The Murray-Darling Basin Plan requires Basin states to identify objectives and outcomes for water, based on Aboriginal values and uses water, and to have regard to the views of Traditional Owners on matters identified in the Basin Plan.

Victoria engaged with Traditional Owner groups within the Wimmera-Mallee Water Resource Plan area to:
- outline the purpose, scope and opportunity for providing water to meet Traditional Owner water objectives and outcomes through the Murray-Darling Basin Plan
- define the role of the water resource plans in the Basin, including but not limited to the requirements of the Basin Plan (Chapter 10, Part 14)
- provide the timeline for the development and accreditation of the Wimmera-Mallee Water Resource Plan
- determine each Traditional Owner group’s preferred means of engagement and involvement in the development of the Wimmera-Mallee Water Resource Plan
- continue to liaise and collaborate with Traditional Owner groups to integrate specific concerns and opportunities regarding the water planning and management framework
- identify Aboriginal water objectives for each Traditional Owner group, and desired outcomes.


When engaging with Traditional Owners groups that span both the Wimmera-Mallee and northern Victoria, Victoria’s North and Murray Water Resource Plan has been referred to as the Northern Victoria Water Resource Plan and is so called in Chapter 11 of the Comprehensive Report.

This part outlines:
- Traditional Owners in the area for the Wimmera-Mallee Water Resource Plan
- Traditional Owner objectives and outcomes for water
- approaches to addressing risks to Traditional Owner water-related values and uses
- how regard was had to Traditional Owner water values and uses in the development and implementation of Victoria’s Aboriginal Water Policy
- opportunities to strengthen protection of Traditional Owner values and uses through existing arrangements and agreements.
This part includes contributions by each of the Nations in the area for the Wimmera-Mallee Water Resource Plan. Each contribution identifies the objectives and outcomes of water, and Traditional Owner views for each group. Victoria’s approach to meeting Part 14 of Chapter 10 of the Basin Plan has been to incorporate the views of Traditional Owners through their contributions to the Water Resource Plan. This part includes accredited text that responds to Basin Plan requirements under Part 14 of Chapter 10 of the Basin Plan.

11.1 Basin Plan requirements

Section 10.52 of the Basin Plan requires the Wimmera-Mallee Water Resource Plan to identify the following:

• the objectives of Indigenous people in relation to managing the water resources of the water resource plan area; and
• the outcomes for the management of the water resources of the water resource plan area that are desired by Indigenous people.

The Basin Plan also requires regard to be had to the views of relevant Indigenous organisations on:

• their values and uses of water when developing Water Resource Plans
• a further range of matters listed in section 10.53:
  a. Native Title rights, Native Title claims and Indigenous Land Use Agreements provided for by the Native Title Act 1993 in relation to the water resources of the water resource plan area
  b. registered Aboriginal heritage relating to the water resources of the water resource plan area
  c. inclusion of Indigenous representation in the preparation and implementation of the plan
  d. Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives
  e. encouragement of active and informed participation of Indigenous peoples
  f. risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.

A water resource plan must have regard to the views of Aboriginal communities about cultural flows under section 10.54 and provide at least the same level of protection of Indigenous values and uses as existed before the Basin Plan under section 10.55.
11.2 Traditional Owners in the Wimmera-Mallee water resource plan area

Caring for Country is the essence of Aboriginal social, spiritual, economic and physical wellbeing, and the basis of cultural lore. Cultural connections to Country do not follow the boundaries of the Wimmera-Mallee water resource plan area, or indeed state boundaries, and are not represented in how water is managed in the region.

The Wimmera-Mallee Water Resource Plan includes a surface water area and a groundwater area. The Wimmera-Mallee water resource plan area includes surface water that is sourced through the Wimmera system (see Part 2), which is distinct from the River Murray and its floodplains. The identification of surface water areas for the purposes of developing water resource plans do not reflect Aboriginal connection to Country where water is sourced from the River Murray.

The boundaries of the Wimmera-Mallee Water Resource Plan do not align with Country as recognised through ‘boundaries’ represented in current Traditional Owner agreements at a Commonwealth or Victorian Government level. Figure 25 provides a representation of where Traditional Owners are located within the Victoria’s water resource plan areas.

Some Traditional Owner Groups are being represented in both the Wimmera-Mallee and Northern Victoria Water Resource Plan. These include Barapa Barapa, Dja Dja Wurrung, Latje Latje, Nyeri Nyeri, Ngintait, Tati Tati Wadi Wadi, Wadi Wadi, Wamba Wemba and Weki Weki. Any changes to content in the Wimmera-Mallee Water Resource Plan because of this ongoing consultation will be represented in the Water Resource Plan for northern Victoria. It is therefore important to refer to both plans to understand the Traditional Owners’ aspirations for water.
Figure 25: Representation of Traditional Owner groups in Victoria’s Wimmera Mallee Water Resource Plan areas
11.2.1 Working with Traditional Owners

Local Traditional Owner knowledge and expertise is needed to progress the realisation of Aboriginal water objectives and outcomes in Victoria's water policy development and management framework.

“It is our human right – the rights of the indigenous people of Australia. To be involved in water, have the right of access to water, and be participating players in the decisions made regarding water. “

Brendan Kennedy, Tati Tati Nation, July 19, 2017

It is expected that incorporating Traditional Owner objectives into Victorian water planning and management will benefit the community through an improved understanding and management of local waterways.

Victoria is required by Basin Plan to engage with Traditional Owners in the development of water resource plans to ensure that the objectives and outcomes of Traditional Owners for water resource management of Basin resources are formally identified. DELWP engaged with Traditional Owners who are formally recognised under the Native Title Act 1993 (Cth), the Traditional Owner Settlement Act 2010 (Vic) and the Aboriginal Heritage Act 2006 (Vic), as well as with Traditional Owner Nations as identified in a guide to Traditional Owners in water resource plans areas, approved by the Murray Lower Darling Rivers Indigenous Nations (MLDRIN), the Northern Basin Aboriginal Nations (NBAN) and the Murray-Darling Basin Authority (first published in September 2015 and updated in October 2018).

DELWP welcomes contributions of Traditional Owner groups who have expressed an interest in the processes, noting it is unable to recognise Nations’ statements of boundaries where these are not supported by formal agreements with the Victorian or Commonwealth Government.

Traditional Owners engaged through the Wimmera-Mallee Water Resource Plan include (in alphabetical order):

- Barapa Barapa (see Part 11.3.1)
- Dja Dja Wurrung (see Part 11.3.2)
- First Peoples of the Millewa-Mallee (Nations of Nyeri Nyeri, Ngintait and Latje Latje) (see Part 11.3.3)
- Martang Pty Ltd (see Part 11.3.4)
- Tati Tati Wadi Wadi (see Part 11.3.5)
- Wadi Wadi (see Part 11.3.6)
- Wamba Wemba (see Part 11.3.7)
- Weki Weki (see Part 11.3.8)
- Wotjobaluk peoples (represented by Barengi Gadjin Land Council) (see Part 11.3.9)

Some Nations identified within the Wimmera-Mallee Water Resource Plan have Country or areas of significant cultural interest within other Victorian water resource plan areas:

- The First Peoples of the Millewa-Mallee Registered Aboriginal Party (representing Latje Latje, Nyeri Nyeri and Ngintait) boundary falls in both the Northern Victoria Water Resource Plan and the Wimmera-Mallee Water Resource Plan
• Dja Dja Wurrung Country as recognised under its Traditional Owner Settlement Agreement straddles both the Northern Victoria Water Resource Plan and the Wimmera-Mallee Water Resource Plan

• Barapa Barapa, Tati Tati, Wadi Wadi, Wamba Wemba and Weki Weki Nations have identified objectives and outcomes and expressed interest in water on Country in both the Northern Victoria Water Resource Plan, and the Wimmera-Mallee Water Resource Plan

A staged engagement and consultation approach has been used to identify objectives and outcomes with Traditional Owners in the Victorian share of the Murray-Darling Basin. This approach considers and respects the preparedness, prioritisation and resourcing of each individual Traditional Owner group to best participate in the preparation of Victoria’s water resource plans.

Engagement through the Wimmera-Mallee Water Resource Plan was undertaken with individual Traditional Owner groups to outline the Basin Plan requirements for Victoria’s water resource plans. Engagement included joint discussion of timelines, consideration and response to how best to develop objectives and desired outcomes of each group.

Different means of engagement included workshops, meetings, Nation meetings, community gatherings and information sharing on Country in response to the preferences of each Traditional Owner group.

11.3 Traditional Owner contributions to the Wimmera-Mallee Water Resource Plan: identifying objectives and outcomes and recognising values and uses

Contributions to the Wimmera-Mallee Water Resource Plan were prepared for or by each of the Groups within the plan area, to meet requirements of the Basin Plan. The contributions included in this part have been approved by representatives of the Traditional Owner group for inclusion in the Comprehensive Report.

The contributions meet the requirements of Part 14 of Chapter 10 of the Basin Plan as they detail the objectives and outcomes for water for the respective Traditional Owners. The contributions also outline their views about the values and uses of water. Part 14 of Chapter 10 of the Basin Plan requires regard to be had to several matters and the contributions provide views on those matters.

It is intended that the information contained in the contributions can assist in achieving objectives and outcomes beyond the scope of water resource plans.

The following part presents the contributions as approved by each Nation group. The content of each contribution represents the views of the contributors. They do not necessarily represent the views of the Victorian Government. This document is not an instrument to add to the discussion of Country or to give validity to potential claims for recognition or disputes with other Nations.
11.3.1  Barapa Barapa

The Barapa Barapa objectives and outcomes were workshopped in January 2018. The contribution was discussed at a Nation meeting, and signed off in January 2019.

11.3.1.1  Description

“There to the Barapa people, the land is our oxygen. We feel the presence of our old people being there. We have a spiritual connection to everything; the animals, the land and the water. We are the custodians of the land for future generations. When you visit our Country, you share this responsibility with us. Barapa Barapa are the river custodians, one of many Nations who are the Traditional Owners of Murray River Country”


Barapa Barapa has a strong association with the Murray River, and its tributaries, including around the area of Gunbower Forest in Victoria, with areas of significance including Reedy Lagoon, Guttrum and Black Swamp. Interests in water extend both geographically and through connection to water sources, to both the Northern Victoria and the Wimmera-Mallee water resource plans.

Barapa Barapa Country continues across the border to NSW, to Deniliquin, with several rivers feeding into the Murray being places of interest.

11.3.1.2  Current or pending agreements

The Barapa Barapa peoples are in the preliminary stages of their Native Title negotiation, along with the Wamba Wemba Nation. Negotiation may include progressing to a settlement agreement under the Traditional Owner Settlement Act 2010 (Vic).

11.3.1.3  Registered Aboriginal Party (Cultural Heritage)

Barapa Barapa does not currently have Registered Aboriginal Party (RAP) status, however, the group is undertaking the required preliminary work to apply to be recognised as a RAP for their Country as part of Native Title negotiations.

Barapa Barapa has spoken about the need for Native Title to include water rights. It is also concerned regarding the requirements for Registered Aboriginal Party status – for instance proof of occupancy, and the access barriers that preclude that.

11.3.1.4  Existing reference /scoping materials

Through the Barapa Barapa Water for Country Steering Committee there are several existing reference documents relating to water. The Barapa Barapa Cultural Watering Framework is the result of a four year project on the Lower Gunbower Forest, that helped determine cultural values and associated watering objectives at a series of sites. Victoria’s Water Resource Plans helped fund the project for several months, as there was a strong alignment with the requirements of the Murray-Darling Basin Plan.

9 Traditional Owner groups may not wish to share these: this can also denote that they exist and Government should be aware of it and respect existing materials.
In 2017, Victoria’s Water Resource Plans funded an Aboriginal Waterway Assessment with Barapa Barapa.


11.3.1.5 Barapa Wamba Water for Country Project
The current project builds on the Barapa Barapa Water for Country project, which commenced in 2014 to identify and map traditional values and sites of cultural significance in the Gunbower Forest. The second phase of the project focused on flow objectives and how these will deliver cultural outcomes in the Gunbower Forest. In 2018-19 the project has extended to gain understanding of the cultural values and aspirations of wetlands on Barapa Barapa and Wamba Wemba Country.

11.3.1.6 Preferred means of engagement
Barapa Barapa has stressed that any engagement regarding Country needs to have Barapa Barapa people involved from the outset.

The Barapa Wamba Water for Country Steering Committee is the “water arm” of the working group. The committee receives support from a water officer based in the North Central CMA: www.nccma.vic.gov.au.

Barapa Barapa MLDRIN delegates can be found at www.mldrin.org.au/membership/nations, and can be an initial form of contact.

While Native Title discussions are underway, the Barapa Barapa and Wamba Wemba working group is a key stakeholder and needs to be engaged, as instructed by the full group, to act in the best interests of Barapa Barapa and Wamba Wemba. The working group receives executive support from the First Nations Legal and Research Services.
11.3.1.7  Barapa Barapa and Water Resource Plans

Introduction

For several months, Victoria’s Water Resource Plans has been talking with Barapa Barapa through MLDRIN delegates, the Water for Country project steering committee, and the Barapa Wamba working group about water – including their objectives, desired outcomes, values and uses, thoughts on water entitlements, and how Barapa Barapa representatives want to work with Government.

Victoria’s Water Resource Plans provided funding support for delivering the Water for Country framework (2017) and associated meetings on Country and held both a community gathering (June 2018) and a Nation meeting (November 2018) to discuss Barapa Barapa’s contribution to Victoria’s Water Resource Plans. Barapa Barapa is also represented on the Northern Victoria Water Resource Plan Technical Advisory Group and has hosted an Advisory Group meeting on Country at Gunbower to help other members better understand their aspirations for water and what success may look like.

Barapa Barapa has also met DELWP on Country several times to further understanding of water on Country, how current practices can impact on cultural outcomes, and how these changes to the natural landscape in turn have a negative effect on native flora and fauna, and ultimately, erode the ability of Barapa Barapa to connect with the environment in a way that is respectful of both their cultural past, and of current day objectives.

Barapa Barapa people are strong advocates for water returning to Country, and for Country returning to healthy Country. Members of Barapa Barapa have also raised concern in regards to...
compliance from water users, and that permitted water extraction is still too high. In addition the heavily regulated waterways on Barapa Barapa Country have stopped water from overbank flooding reaching sites of cultural significance - including important story-telling sites many of which now have no water. Barapa Barapa believes water would be better managed if what it supported agriculturally was more sensitive to the landscape, and less thirsty. Lack of flows are impacting badly on protected native animals – and the way that flows are managed. For instance, regulated flows have destroyed fish populations that have not adapted to the changes in either timing, volume or temperature.

There is an ongoing challenge with salinity and soil health along the Murray and its tributaries, particularly in the past 50 years – Barapa Barapa reports that many lakes and billabongs that were fresh, now have salty water. Other water quality concerns have been raised – and a potential indicator in that deformed fish are being found in the Murray River. The management of public land that adjoins waterways is also a concern, including when land is leased to farms for grazing cattle, which causes degradation of the river bank, and impacts on water quality. Barapa Barapa also believes Traditional Owners should be involved in, and remunerated for, measuring water quality by using cultural indicators.

Barapa Barapa have been supported by the North Central CMA through a water officer employed, including to provide secretariat support. There is a clear preference for Barapa Barapa to also have a water officer for its Nation to help with work on the ground to get water back on Country, including re-establishing wetlands. For the position to make real inroads, Barapa Barapa suggest funding be for a significant time period, and appropriate funding and resources for the continuation of the steering committee, and for cadetships for people starting out, and to facilitate them commencing then moving into a long-term role to support youth. It is also important for there to be women and men, for cultural reasons. Barapa Barapa stressed it wants its people to be employed to work, monitor and manage water on Country – that it is seeking occupational opportunities.

Rights to information, images and culture shared by Barapa Barapa remain the property of Barapa Barapa people.

Objectives

The following are the objectives and associated outcomes for Barapa Barapa as determined through their work on the Water for Country Framework, meetings with Victoria’s Water Resource Plan team over a 12-month period, an open community gathering, and a Nation meeting. Barapa Barapa reserves the right to reflect on and change these as required.

Table 30: Barapa Barapa objectives and outcomes

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Achieving cultural outcomes</td>
<td></td>
</tr>
<tr>
<td>Barapa Barapa wants to be able to care for waterways and wetlands and participate in the decision-making processes that influence the sustainable use of water.</td>
<td>Water management is undertaken in a way that is integral to Barapa Barapa cultural identity.</td>
</tr>
<tr>
<td>That water management and water delivery supports the cultural practices for Barapa Barapa women, as advised by women on the steering committee, at gatherings, and through government consultation.</td>
<td>Barapa Barapa women are able to practice their cultural birthing practices throughout the Nation where women having birthing in special areas. That women have a say in watering regimes to meet their needs.</td>
</tr>
</tbody>
</table>
### Objectives

<table>
<thead>
<tr>
<th>Barapa Barapa and government work together to improve water quality so billabongs, lakes and wetlands that have become saline are restored to their freshwater status.</th>
<th>Culturally significant water bodies are returned to their freshwater status. Native flora and fauna return or thrive at important sites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barapa Barapa to participate in culturally informed watering through supported, active participation in the management of environmental water to ensure the consideration of Traditional knowledge and delivery of shared benefits.</td>
<td>Shared benefits of environmental water are accommodated, activated and achieved.</td>
</tr>
<tr>
<td>Barapa Barapa has an equal say at the table in how to manage rivers and waterways.</td>
<td>Decisions on water management, planning and policy are informed and influenced by Barapa Barapa as an equal partner.</td>
</tr>
<tr>
<td>Water is returned to culturally significant sites, as advised by Barapa Barapa.</td>
<td>Habitat on culturally significant sites is restored. Native animals and plants return or thrive.</td>
</tr>
<tr>
<td>Water management enables the restoration of traditional harvest activities to enable sharing of cultural knowledge and stories</td>
<td>Water management supports native flora and fauna.</td>
</tr>
</tbody>
</table>

### Rights to water

| Recognition and integration of Barapa Barapa custodians’ rights, needs, priorities and values in water management. Including increased engagement and participation of Barapa Barapa custodians in natural resource management through internal and external relationship building. | Barapa Barapa are recognised as the custodians on Country. |

### Working with water

| Resourcing us to participate in water policy, strategy and plans on Barapa Barapa Country. | Barapa Barapa achieves improvements in:  
- Economic participation (skills development / jobs)  
- Governance and leadership  
- Health, cultural and social wellbeing |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Barapa Barapa is able to access employment opportunities in natural resource management, and is remunerated for its participation in government</td>
<td>Barapa Barapa people are employed at water authorities, CMAs, Parks Victoria, Fisheries and there is a Barapa Barapa Water Officer for the Nation.</td>
</tr>
<tr>
<td>Government supports training programs for the Barapa Barapa community to explore and implement business opportunities with each other and other communities.</td>
<td>Barapa Barapa is supported by government, corporations and philanthropical societies to run its own water-based businesses.</td>
</tr>
<tr>
<td>Government supports a teaching program for the Barapa Barapa community to share knowledge with each other and other communities.</td>
<td>Barapa Barapa knowledge is shared and recognised, to provide better outcomes for waterways, native flora and native fauna.</td>
</tr>
</tbody>
</table>
Government adheres to Barapa Barapa’s requirements in regards to participation, including engagement timelines

Barapa Barapa cultural perspectives are sought at the beginning of projects and responded to in water management on Country.

Government acknowledges and accommodates Barapa Barapa requirements, including:
- plain English and no acronyms
- achievable timeframes
- self determination
- cultural awareness
- equal participation

Barapa Barapa wants to work with Government to support its own cultural values monitoring program.

A cultural values monitoring program on water is developed, funded and implemented to measure cultural outcomes on waterways.

Barapa Barapa seeks resourcing to undertake ecological surveys for water life - for example crays, freshwater mussels, fish, bugs, turtles, rakali and other important species – for water quality, and monitor cultural hot spots annually.

Species are monitored annually by Barapa Barapa.

Barapa Barapa is resourced to undertake surveys for cultural heritage, to indicate areas of high productivity in the past, as priority watering sites.

Determining priority watering sites for the environment is influenced by areas of cultural importance

Barapa Barapa has access to water entitlements to enable it to make watering decisions autonomously.

Cultural watering entitlement is held by Barapa Barapa

Yabby and fish farming is introduced by Barapa Barapa at sites and government works with Barapa Barapa to maintain appropriate water standards to support yabbies and fish at an economic scale.

Water quality and protection is brought to, and maintained at, a standard to support yabby and fish cultivation.

Barapa Barapa is able to harvest yabbies and fish for cultural and economic outcomes.

Barapa Barapa has mapped the requirements of culturally important flora and fauna, and their water dependencies (see below), and included this in its ‘Water for Country’ framework.

In discussions with Barapa Barapa, the Nation has repeatedly outlined the interdependencies between Country, culture and water:

“Cultural Heritage cannot survive without water”

Uncle Neville Whyman, November 2018.
Having water reach important sites, water of a quality that supports life, and to be available at times that support cultural values is imperative for flora and fauna, and in turn, vital for activities such as hunting, harvesting native plants for medicine and food, and fishing and yabbying.

Different people specialised in making tools for Barapa Barapa, and there was a big trading route. For Barapa Barapa to make their specialised tools, cultural implements and canoes, there needs to be water in certain places, at certain times, to enable plant and species to thrive in a way that supported the Nation.
<table>
<thead>
<tr>
<th>Asset category</th>
<th>Include</th>
<th>Water dependence</th>
<th>Aim</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plants</td>
<td>Old Man weed</td>
<td>Needs Seasonal flooding/drying regime - damp soils</td>
<td>Abundant healthy Old Man weed populations through wetting/drying</td>
</tr>
<tr>
<td></td>
<td>River Red gums (piyal)</td>
<td>Periodic flooding that reaches out onto floodplain in winter-spring</td>
<td>Healthy trees with little dieback and new annual growth</td>
</tr>
<tr>
<td></td>
<td>Cumbungi (Gumbung)</td>
<td>Needs seasonal flooding/drying regime</td>
<td>Some good healthy stands fringing wetlands (leaving open water), burn in winter</td>
</tr>
<tr>
<td></td>
<td>River Flax Lily</td>
<td>Needs functioning floodplains, mimicking natural conditions</td>
<td>Increase numbers and plants reproducing</td>
</tr>
<tr>
<td></td>
<td>Water Ribbons</td>
<td>Clean water, spring flooding</td>
<td>Abundant populations in spring in wetlands and creek.</td>
</tr>
<tr>
<td></td>
<td>Nardoo (talem talem)</td>
<td>Needs seasonal flooding/drying regime</td>
<td>Abundant healthy populations</td>
</tr>
<tr>
<td></td>
<td>Moonah</td>
<td>TBC</td>
<td>Healthy plants recruiting</td>
</tr>
<tr>
<td></td>
<td>River Mint (kapel-kup)</td>
<td>Needs seasonal flooding/drying regime - damp soils</td>
<td>Abundant healthy populations</td>
</tr>
<tr>
<td></td>
<td>Water pepper</td>
<td>Seasonal flooding and a drying regime</td>
<td>Some healthy populations</td>
</tr>
<tr>
<td></td>
<td>Native Lettuce</td>
<td>Needs seasonal flooding/drying regime</td>
<td>Abundant healthy populations at the end of spring</td>
</tr>
<tr>
<td>Asset category</td>
<td>Include</td>
<td>Water dependence</td>
<td>Aim</td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>------------------</td>
<td>-----</td>
</tr>
<tr>
<td><strong>Animals</strong></td>
<td>Fish (yawir) Large bodied native</td>
<td>Connectivity and stable flow during breeding (November) - irrigation causing unseasonal variability</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Turtles (toonimum)</td>
<td>Traditional ecological knowledge used to inform flow requirements to support species.</td>
<td>Abundant Murray Cod and Yellow Belly in Creek. Tout Cod present. Catfish (buk) in permanent wetlands. Carp numbers reduced</td>
</tr>
<tr>
<td></td>
<td>Goanna (tyuling)</td>
<td>Permanent refuges and protection during nesting seasons</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grey Kangaroo (kurre)</td>
<td>Traditional ecological knowledge used to inform flow requirements to support species.</td>
<td>Increase breeding and survival</td>
</tr>
<tr>
<td></td>
<td>Bardi and Wittchetty grubs</td>
<td>Water quality/saline/ water levels and bird breeding supported for food source</td>
<td>Maintain</td>
</tr>
<tr>
<td></td>
<td>Freshwater mussels</td>
<td>Water quality/saline/ water levels</td>
<td>Maintain</td>
</tr>
<tr>
<td></td>
<td>Crayfish</td>
<td>Well watered, healthy forest, and a spring rain</td>
<td>Maintain and protect</td>
</tr>
<tr>
<td></td>
<td>Water birds - Ducks, Swans (Kunawar), Magpie, Geese</td>
<td>Permanent refuges. Shallow areas. Periodic flooding in wetlands, right flow rate.</td>
<td>Mussels present and breeding</td>
</tr>
<tr>
<td></td>
<td>Emu (Kawir)</td>
<td>Permanent refuges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water Rats</td>
<td>Traditional ecological knowledge used to inform flow requirements to support species.</td>
<td>Increase breeding and survival</td>
</tr>
<tr>
<td>Asset category</td>
<td>Include</td>
<td>Water dependence</td>
<td>Aim</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------------------------------</td>
<td>--------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Water</strong></td>
<td>Reedy Lagoon Black Swamp</td>
<td>Permanent refuges with some drying phases</td>
<td>Areas of permanent clean open water</td>
</tr>
<tr>
<td></td>
<td>Gunbower Creek</td>
<td>Right seasonality - lowest in summer, highest in spring</td>
<td>Natural seasonal flows of clean water, some deep holes</td>
</tr>
<tr>
<td></td>
<td>Reedbed Swamp - Guttrum/ Benwell Forests</td>
<td>Periodic flooding (winter - spring)</td>
<td>Restore periodic flooding</td>
</tr>
<tr>
<td><strong>People - Tangible cultural heritage</strong></td>
<td>Scarred trees (coolamons, shields, shelter, canoes and women’s areas)</td>
<td>Periodic flooding</td>
<td>Sites surveyed and recorded. Maintain tree health - no loss of trees</td>
</tr>
<tr>
<td></td>
<td>Culturally significant trees (ring trees, burial trees, boundary trees)</td>
<td>Periodic flooding</td>
<td>Sites surveyed and recorded. Maintain tree health - no loss of trees</td>
</tr>
<tr>
<td></td>
<td>Earth mounds (villages and cooking sites)</td>
<td>Rarely inundated</td>
<td>Sites surveyed and recorded. Record and preserve</td>
</tr>
<tr>
<td></td>
<td>Middens</td>
<td>Rarely inundated</td>
<td>Sites surveyed and recorded - avoid bank erosion</td>
</tr>
<tr>
<td><strong>Intangible cultural heritage</strong></td>
<td>Women’s sites</td>
<td>TBD</td>
<td>Sites surveyed and recorded. Sites visited and cared for by Barapa Barapa Traditional custodians. No damage by visitors</td>
</tr>
<tr>
<td></td>
<td>Men’s sites</td>
<td>TBD</td>
<td>Sites surveyed and recorded. Sites visited and cared for by Barapa Barapa Traditional custodians. No damage by visitors</td>
</tr>
<tr>
<td></td>
<td>Cultural knowledge</td>
<td>TBD</td>
<td>Participatory water management with cultural knowledge included</td>
</tr>
</tbody>
</table>
Table 32: Barapa Barapa flow objectives with indicators

<table>
<thead>
<tr>
<th>Name</th>
<th>Objective</th>
<th>Indicator</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kulayatang (wet)</td>
<td>Maintain permanent water refuges</td>
<td>Open water in black swamp and reedy lagoon in summer</td>
<td>presence of remnant pools of sufficient quality water in summer. No further invasion of Ruby Red gums or Giant Rush</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Healthy water</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>water test kit - salinity and dissolved oxygen levels suitable for plants and animals. Groundwater bore levels appropriate – TBD</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Water enters fish ponds associated with mounds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Presence of water in fish ponds (cultural sites) during flood</td>
</tr>
<tr>
<td>Name</td>
<td>Objective</td>
<td>Indicator</td>
<td>Measure</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cultural Plants</td>
<td>Promote and maintain healthy cultural plants at culturally significant sites (Reedy Lagoon, Black Swamp, Reed Bed Swamp - Guttrum Forest)</td>
<td>Old Man Weed - lots of green in summer</td>
<td>Cultural harvest, plant surveys, seed collection and photo points at designated sites</td>
</tr>
<tr>
<td></td>
<td></td>
<td>River Red gums - Tree health scores and photo points to observe canopy for new growth annually and water gets to flood mark on trees periodically (inside Reedy Lagoon)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cumbungi (Gumbung) - weaves without breaking, looks fresh and tastes good</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>River Flax Lily - new plants flowering</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Water Ribbons - Abundant in spring</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nardoo - Plants are present and healthy after flood and look right (not tall and leggy)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Moonah - Plants flowering and recruiting</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>River Mint - Plants look healthy and are producing seed</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Water Pepper - Plants present and producing seed</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Native Lettuce - Enough plants to harvest</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Objective</td>
<td>Indicator</td>
<td>Measure</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Yumurriki</strong> <em>(Dreaming)</em></td>
<td>Barapa people sharing culture and caring for Country</td>
<td>Cultural and monitoring activities on Country</td>
<td>Number of people and hours on Country. People feel good on Country (video/questionnaire)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Protect and preserve culturally significant sites through appropriate flow regimes</td>
<td>No new erosion or exposure of cultural sites</td>
<td>Photo points at inflow and outfall points</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dead Scarred trees remain standing</td>
<td>Circumference measure/ photo points of dead scarred trees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Live scar trees are healthy</td>
<td>Tree health scores of live scarred trees</td>
</tr>
<tr>
<td><strong>Yawir</strong> <em>(fish)</em></td>
<td>Promote healthy and abundant native fish communities</td>
<td>Murray Cod and Yellow Belly are breeding.</td>
<td>Fish survey show range of ages including young of year (less than 1 year)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trout Cod and Catfish</td>
<td>Fish surveys show presence</td>
</tr>
<tr>
<td><strong>Tya</strong> <em>(soil/land)</em></td>
<td>Prime wetlands by prewetting soils in autumn</td>
<td>Aquatic plants respond to watering events</td>
<td>Plant surveys and photo prints</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Kunawar</strong> <em>(Black Swan)</em></td>
<td>Promote healthy water bird populations</td>
<td>Water birds breeding</td>
<td>Spring-summer surveys for eggs</td>
</tr>
</tbody>
</table>

11.3.1.8 Cultural flows

Barapa Barapa seeks water entitlement so it can make its own decisions about water on Country, and to provide economic outcomes for Barapa Barapa people. Barapa Barapa also seeks cultural outcomes through shared benefits from water held by others, such as through working with government on how water held as entitlement by the environment is used.
11.3.2  Dja Dja Wurrung

The Dja Dja Wurrung contribution was developed and signed off by the Dja Dja Wurrung Kapa Gatjin water advisory group, with support from the Dja Dja Wurrung Water Officer, in accordance with the agreement between Dja Dja Wurrung Aboriginal Clans Corporation Chief Executive Officer and MLDRIN delegate, Rodney Carter, and DELWP.

“Dja Dja Wurrung Country is a cultural landscape that is more than just tangible objects; imprinted in it are the dreaming stories, Law, totemic relationships, songs, ceremonies and ancestral spirits, which give it life and significant value to Dja Dja Wurrung People.”

Dja Dja Wurrung Recognition Statement

11.3.2.1  Description

The following is the work prepared, agreed and submitted by Dja Dja Wurrung, in a process agreed between the corporation and Victorian Government, to enable Dja Dja Wurrung to prepare its response to Victoria’s water resource plans, supported by Government when requested. The format is determined by the requirements of the Basin Plan, approached in a manner that meets the needs of the Dja Dja Wurrung Aboriginal Clans Corporation, and the people it represents.

Dja Dja Wurrung people, Country and agreements (TOSA)

On the 28 March 2013, after 18 months of negotiations between the State and Dja Dja Wurrung People, the Government of Victoria and the Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC) entered into a Native Title ‘Recognition and Settlement Agreement’. The Agreement formally recognising Dja Dja Wurrung people as the Traditional Owners of their Country and acknowledges the history of disbursement and dispossession that has affected the Dja Dja Wurrung People since settlement. Victoria’s Northern Water Resource Plan area covers a large part of central Victoria and consists of approximately two thirds of Dja Dja Wurrung Country. Dja Dja Wurrung Country, legally recognised by the ‘Dja Dja Wurrung Recognition and Settlement Agreement’, extends from the upper catchments of the Bulutjang (Loddon River) and Koliban (Coliban River) to Mount Franklin and the towns of Creswick and Daylesford in the southeast to the Yerrin (Campaspe river) Kyneton, Redesdale and Rochester in the east, Lake Boort in the north, Lake Buloke, Donald in the northwest, to the Avon Richardson River, Navarre Hill and Mount Avoca marking the south west boundary.

The basins within Dja Dja Wurrung Country represented by Victoria’s Northern Water Resource Plan include the Bulutjang (Loddon River) basin and part of the Yerrin (Campaspe River) basin. The waters of Yerrin (the Campaspe River) and its main tributary Koliban River (Coliban) are highly significant areas to the Dja Dja Wurrung people as well as the main storages within the Loddon System, such as Cairn Curran and Laanecoorie reservoir. Dja Dja Wurrung Country also encompasses the Bendigo and Clunes goldfields as well as the Loddon and Avoca River watersheds. The Northern Victoria Water Resource Plan area scope includes an abundance of wetlands and rivers that are currently of interest to Dja Dja Wurrung, such as Boort Lake, Bullock Creek, Tang Tang Swamp and the Bendigo Creek, and their confluences.
**Dja Dja Wurrung ENTERPRISES**

Dja Dja Wurrung Enterprises Pty Ltd, trading as ‘Djandak’, is the commercial arm of the Dja Dja Wurrung Clans Aboriginal Corporation. It is owned wholly by the Dja Dja Wurrung Clans Aboriginal Corporation and is a Supply Nation Certified Business operating since 2012.

Djandak primarily acts as a representative of the Dja Dja Wurrung Group regarding Natural Resource Management works. It is also the home of the Dja Dja Wurrung Water Unit and Kapa Gatjin (To Know Water) Advisory Group.

Djandak has a team of cultural and natural heritage experts and project staff who work on a wide range of natural and cultural resource management projects from practical on-ground works through to traditional ecological knowledge gathering and cultural education activities. Their services include natural resource management and conservation works, landscaping projects, environmental policy, strategy development and cultural services.

Djandak’s purpose is motivated and guided by the aspirations detailed in Dhelkunya Dja, the Dja Dja Wurrung Country Plan.

“Hundreds of years ago, our Country was mostly covered in open forests and woodlands, providing us with the plants and animals that we used for food, medicine, shelter and customary practices. Today, though our Country is vastly changed, it still holds many important values. We feel a moral responsibility to care for our Country as it binds us to the past, present and future”

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**Dhelkunya Dja Country Plan**

The Kapa Gatjin Advisory (To Know Water) Group is the water-focused subdivision of the ‘Dhelkunya Dja Land Management Board’. Its purpose within Djandak is to support and advise the Kapa Gatjin Water Unit on the execution of the ‘Rivers and Waterways’ chapter of the Dja Dja Wurrung ‘Dhelkunya Dja Country Plan’. The Kapa Gatjin Advisory Group is representative of the wider Dja Dja Wurrung community in water-related matters and is to be involved in all decision making and consultation within Victoria’s Water Resource Plan.

The function of the Kapa Gatjin Advisory Group is to:

- build on our creation storylines and connection to Djandak (Country) with our mob
- to support and advise the Kapa Gatjin Water Unit in developing and delivering the Country Plan aspirations for Rivers and Waterways
- work with the RAP to identify and care for cultural sites near Dja Dja Wurrung waterways
- promote cultural education between Dja Dja Wurrung Traditional Owners and Land and Gatjin (water) users and the broader community
- compile our cultural knowledge in order to produce resources to share knowledge with our community
- promote and build on partnerships with relevant stakeholders to collaborate on joint projects
- revive and conduct our cultural ceremonies associated with water
- assist with developing and progressing projects from Aboriginal Waterways Assessment (AWA) reports
- promote Dja Dja Wurrung self-determination through capacity and rapport building to ensure a legitimate and distinguished role in decision making and management of our waterways.
11.3.2.2 Agreements that influence water policy, partnerships, rights

Through their membership with the Murray and Lower Darling Rivers Indigenous Nations (MLDRIN) and the Federation of Victoria Traditional Owners Corporation (FVTOC), Dja Dja Wurrung actively participate in representing the rights of Traditional Owner groups in water policy and governance in Victoria and the Murray Darling Basin. Dja Dja Wurrung has also conducted an Aboriginal Waterways Assessment in May 2017 along the Coliban River and Upper Coliban Catchment Area alongside MLDRIN and North Central Catchment Management Authority, both of whom provided invaluable support to the project.

“The North Central Catchment Management Authority will ensure that the corporation is provided with the opportunity to be actively engaged in regional natural resource management strategic planning processes for which it is accountable in the Agreement area.

NCCMA will partner with Dja Dja Wurrung to develop joint project funding proposals to undertake natural resource management-related projects in partnership where suitable fund sources can be identified.”

Dja Dja Wurrung and North Central Catchment Management Authority Partnership Statement

The Dja Dja Wurrung Recognition Settlement Agreement (RSA) includes ‘Natural Resource Management Participation Strategies’, under which the State of Victoria has committed to provide the Dja Dja Wurrung people (through DDWCAC) with the opportunity to ‘actively participate in the development and review of natural resource management policies and strategic plans, and regional management and action plans’ within the Agreement area, in order to further Dja Dja Wurrung people’s rights and interests in water.

Schedule 16 – Natural Resources Management Participation Strategies of the Dja Dja Wurrung Settlement Agreement includes partnership arrangements between Dja Dja Wurrung and North Central CMA, which commits both parties to further developing a mutually beneficial relationship that will allow the organisations to work proactively together to build capacity, capability and sustainability. The MoU (memorandum of understanding) aims to define and further the relationship between the two organisations to deliver on North Central CMA commitments regarding the Dja Dja Wurrung RSA and to deliver outcomes that go beyond compliance with the RSA.

The RSA also includes a draft authorisation order, which authorises the take and use of water from a waterway or bore to meet any personal, domestic or non-commercial communal needs of Dja Dja Wurrung people. This order authorises the taking and use of water from a waterway or bore only where the Dja Dja Wurrung member has access to a waterway or bore in the circumstances set out in section 8(1) of the Victorian Water Act.

A ‘Traditional Owner Land Management Agreement’ is held between the state and Dja Dja Wurrung people and sets out principles to guide joint management of six parks that make up the Dja Dja Wurrung appointed land held under Aboriginal title by the Dja Dja Wurrung Clans Aboriginal Corporation. Parks include: Hepburn Regional Park, Paddys Ranges State Park, Kooyoora State Park, Wehla Conservation Reserve, Greater Bendigo National Park and Kara Kara National Park.
Dja Dja Wurrung have also secured freehold titles to three significant sites – Mt Barker (Yapenya), Carisbrook and Franklinford (Lalgambrook) in addition to the six parks jointly managed with the State.

The Dhelkunya Dja Land Management Board works in partnership with the Government to develop and implement joint management plans for these sites that consider all nine assets of the Dhelkunya Dja Country Plan; the Jaara people, cultural practices and customs, cultural heritage, flora and fauna/bush Tucker and medicine, rivers and waterways, land and climate, self-determination of Dja Dja Wurrung people, Traditional Owner economy under Dja Dja Wurrung Enterprises, and joint management.

11.3.2.3 Preferred means of engagement

Dja Dja Wurrung has managed their own consultation processes to engage Dja Dja Wurrung people in the development of the Northern Victoria Resource Plan, with support and involvement where required from the Water Resource Plan team at DELWP.

Dja Dja Wurrung Enterprises were funded through the inaugural Aboriginal Water Grants Program to employ a Water Policy Officer and the Kapa Gatjin (To Know Water) Advisory Group. As a result, Dja Dja Wurrung are in a position where we are able to coordinate consultation independently with Dja Dja Wurrung people, provided appropriate resourcing is made available for consultation activities. Dja Dja Wurrung therefore requests that the Kapa Gatjin Water Policy Officer is to remain first point of contact for all matters relating to the Water Resource Plan, which will then be communicated to the Kapa Gatjin ‘To Know Water’ Advisory Group for further consideration and endorsement.

This is the preference of Dja Dja Wurrung as it reflects the group’s rights to be engaged as an equal partner with the State and its agencies in land and water planning and management.

11.3.2.4 Water Resource Plan response

During consultation it has become clear that there is an ongoing process of peel back of values and uses of water occurring which will continue to inform the Victoria’s Water Resource Plan in the coming years. To ensure that this process and the learnings of this process can be captured by Victoria’s Water Resource Plans it is proposed that Dja Dja Wurrung be supported by DELWP in the annual review and updating of a Country Plan specific to Water in the water resource plan area. This Country Plan will build on the rivers and waterways Goal of Dhelkunya Dja and provide guidance as to Dja Dja Wurrung water policy, values and uses of water and objectives and desired outcomes for management which will greatly enhance the process and support Dja Dja Wurrung in providing ongoing engagement and input into the Water Resource Plan implementation.

Due to the constant evolution of water management over time, we feel it would be practical for Dja Dja Wurrung to produce a dynamic and flexible document that will, as previously mentioned, refine and review the rivers and waterways chapter of the Dhelkunya Dja Country Plan to provide more detailed and meaningful input that can better sustain Victoria’s water resource plans over their 10 year term. The document will create a firm basis for further planning and development regarding Dja Dja Wurrung values, uses, objectives and outcomes in water, and will allow us to take a progressive and all-inclusive approach in describing and implementing our cultural values into the Water Resource Plan.

We propose that the Dhelkunya Dja Country Plan is referenced within Victoria’s water resource plan to allow it to remain a ‘live’ scheduled document that will remain under Dja Dja Wurrung’s control and discretion, allowing for continuous capture and review of Dja Dja Wurrung water policy over time. This will permit us to be ongoing, flexible and proactive with our objectives/outcomes & values/uses without restricting our ideals or compromising how we wish to communicate our priorities and objectives for managing water on Country within Victoria’s water resource plans.
We also ask it is acknowledged that it is not possible to include all of Dja Dja Wurrung’s cultural water aspirations, uses, values, and places of cultural importance into one perspective, as our values are diverse and complex and can widely differ between family and clan groups. Dja Dja Wurrung request that the naming or identification of specific wetlands in the Water Resource Plan does not compromise the importance of those not listed, and that any cultural values provided in this response do not fully define the interests and beliefs of Dja Dja Wurrung people, which are multifaceted and cannot be defined through a single standpoint or response.

It is also requested that the Dja Dja Wurrung Intellectual Property and Research Policy (IP) protocols are respected and followed. The IP protocols outline measures intended to ensure that the cultural and intellectual property of Dja Dja Wurrung Traditional Owners is protected and respected. This reflects the rights and protections of Aboriginal Cultural Heritage as presented in the ‘Aboriginal Heritage Act 2006’, and the ‘United Nations Declaration on the Rights of Indigenous Peoples’.

The IP policy necessitates that Cultural Heritage and Cultural Knowledge are morally and legally the responsibility of their respective Traditional Owners, and that any Cultural Knowledge provided by Dja Dja Wurrung in this response is therefore the intellectual property of the Dja Dja Wurrung community. The collection and further use of cultural knowledge provided requires Free, Prior and Informed Consent of the Dja Dja Wurrung people, whom hold the right to keep confidential any information concerning their cultural practises, traditions and beliefs.

We feel confident that through this proposed process, we can make a significant ongoing contribution to Victoria’s water management and entitlement planning, policy and implementation by working in partnership with DELWP to progress our shared objectives of greater Traditional Owner involvement in water management, while simultaneously supporting self-determination and independence for Dja Dja Wurrung people in regard to water governance.

**Objectives and Outcomes**

**Table 33: Dja Dja Wurrung - Objectives**

<table>
<thead>
<tr>
<th>Objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dja Dja Wurrung people see their land and its waterways as central to their cultural identity and aspirations for community and economic development. As stated in the Dhelkunya Dja Country Plan, the Dja Dja Wurrung people wish to:</td>
<td></td>
</tr>
<tr>
<td>• Ensure all of our waterways are healthy, with the right water in the right place at the right time to meet the needs of the environment, Jaara people and the broader community</td>
<td></td>
</tr>
<tr>
<td>• Have a recognised and legitimate role in water governance, with genuine consultation in policy development and a recognised role in decision-making about our waterways</td>
<td></td>
</tr>
<tr>
<td>• Secure adequate and equitable water rights that meet our social, cultural, spiritual, economic and environmental needs</td>
<td></td>
</tr>
<tr>
<td>• Share our creation stories to teach people of how water works in the landscape</td>
<td></td>
</tr>
<tr>
<td>• Ensure that Dja Dja Wurrung cultural and spiritual values for gatjin are respected, acknowledged and celebrated.</td>
<td></td>
</tr>
<tr>
<td>• Government to work support Dja Dja Wurrung to continue to develop and unpack the rivers and waterways goal of the Dhelkunya Dja Country Plan to inform Dja Dja Wurrung values and uses for water</td>
<td></td>
</tr>
<tr>
<td>• Dja Dja Wurrung to be provided resourcing to develop more Seasonal Watering Plans for Country and to gain resourcing to develop more Environmental Watering Plans for Country</td>
<td></td>
</tr>
</tbody>
</table>
Objectives:

- Dja Dja Wurrung seeks the opportunity to access water and achieve visions without government involvement.
- Make water accessible for all Dja Dja Wurrung people.
- Acquire (tradeable) water entitlements (purchase, seek donations from private donors, access surplus water entitlements created through efficiency mechanisms under the Murray Darling Basin Plan) or purchase property with water entitlements attached.
- Work with water corporations to influence their delivery of urban or irrigation water. Use to enhance environmental flows to deliver on cultural objectives.
- Use Section 8A rights under TOSA to access water.
- Dja Dja Wurrung to become manager of Environmental water.
- Participation with CMAs and water corporations to collaborate to develop and implement plans for the protection and rehabilitation of our waterways.
- Work with CMA, VEWH and CEWH and other relevant government bodies so the release of environmental water, when available, can be timed with cultural outcomes and community events.
- Know how much water is going in/out of Country. Take stance on water consumers and research how much major consumers use. Develop relationships with other water users.
- Investigate water used on Country for financial/commercial gain. Investigate profits and GST to be shared with Dja Dja Wurrung. Add Dja Dja Wurrung logo to products sold for commercial gain (ie bottled water).
- Identify framework to decide which sites need cultural water, and how to identify them, i.e. perform case studies on possible sites, environmental watering plans, aboriginal waterway assessments.
- Government to ensure Dja Dja Wurrung is invited to elect representatives onto advisory and working groups of stakeholders and partners.
- Expand our knowledge of water markets and trading to develop guidelines and policies for buying/selling water.
- Be enabled to follow up on identified sites and their water rights: Mt Franklin, Mt Barker, Carisbrook.
- Advocate for Indigenous Land Corporation (ILC) to participate in water as well as land.
- Develop new partnerships and review existing ones. Place measures (i.e. Partnership evaluation tools) to make partnerships realistic/accountable.
- Build cultural competency with partners, i.e. through cultural awareness workshops.
- Dja Dja Wurrung to have more involvement in agriculture, farming, green/recycled water and be involved in Government decision making and planning.
- Consult other mobs to compare positions, share insights. Follow precedents that may have worked for them, learn from mistakes that may not have worked. Possibilities to trade water between mobs, creation of new Aboriginal water market.
- Make cultural activities more accessible on wetland sites.
Objectives:

- Create opportunities to involve the Dja Dja Wurrung community in the development and care of sites by training Jaara in water related matters i.e. monitoring.
- Develop our economic independence through education and training to build our capacity.
- Manage sites to support cultural activity and healing of Country.
- Negotiate to develop a framework for access and management of all natural resources i.e. cultural burning.
- Government to facilitate for land and water to be managed simultaneously to secure a cultural and holistic approach in water management.
- Secure both land and water rights to sites and wetlands.
- Increase community involvement at sites; interpretative and educational signage/audio, spiritual/healing places, vegetation (cultural, medicinal), wildlife, tourism opportunities (cultural walks, school programs, tourist attractions).
- Government to resource better weed removal and weed control of sites and for the introduction of native and/or endangered fauna back onto Country. ie) quolls, dingoes, emus, native fish and the removal of aggressive and invasive species that negatively affect the ability of indigenous species to survive.
- Revegetate wetlands to allow for food and fibre resources, and native, ecologically and culturally important plants.
- Build capacity through employing, procuring and training Dja Dja Wurrung peoples in water management and planning. Increase employment, training and economic development for Dja Dja Wurrung people through water-related projects.
- Conduct ongoing monitoring and maintenance of sites and waterways, preferably by Dja Dja Wurrung people.
- Employment and training of Dja Dja Wurrung people to undertake cultural monitoring and interpretation.
- Restore Cultural Flows and recreate Jaara Traditional ecological knowledge to inform management practises that heal Country.
- Management of impacts that degrade the natural character/health of sites or alter the natural flow of a waterway. i.e. bridges, fenced areas, rubbish, farming activity (grazing, cropping, runoff), land use upstream.

Table 34: Dja Dja Wurrung - Outcomes

Outcomes

To empower, improve and promote the physical, social, emotional, cultural, spiritual and ecological wellbeing of Country including gatjin, waterways, individuals, the Dja Dja Wurrung community and wider society. To achieve this, we expect the State to directly engage with the Djandak (through their water policy officer) in relation to water management, delivery and resourcing that supports the maturation of a Dja Dja Wurrung Water Unit through the initial following processes:

- resourcing, including funding for Dja Dja Wurrung
Outcomes

- to continue to develop and unpack the rivers and waterways goal of the Dhelkunya Dja Country Plan ensuring we continue to communicate the importance of Dja Dja Wurrung values and uses for water for the successful implementation of Victoria’s North and Murray Water Resource Plan

- for Kapa Gatjin Advisory Group to provide review and feedback on the Water Resource Plan and associated processes on an ongoing basis.

- to develop and implement a transition plan within 12 months of accreditation of Victoria’s North and Murray Water Resource Plan to empower Dja Dja Wurrung to achieve self-determination of gatjin on Country, including delivery of Seasonal Water Proposals and Environmental Water Plans.

- to develop Seasonal Watering Proposals for Country

- to develop Environmental Water Plans, integrating cultural knowledge and western science, initially for all waterways and wetlands with recognised Dja Dja Wurrung names.

- to maintain an Aboriginal Water Policy Officer position, to implement, develop and inform policy positions, processes and procedures with the support of the State.

- to deliver Aboriginal Water Assessments (on a seasonal basis) to inform all the above (at least 6 per year)

- As per schedule 16.4 of the Dja Dja Wurrung Recognition and Settlement Agreement

- Meet with relevant State government investors covered by this plan to develop funding proposals to support the above as well as relevant Dja Dja Wurrung values and uses for water in delivery of this Water Resource Plan (ie VIF, VEWH, etc)

11.3.2.5 Values and uses

The following table shows the association between objectives, outcomes, and values and uses:

**Table 35: Dja Dja Wurrung - The association between objectives, outcomes, and values and uses**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Outcome</th>
<th>Values and Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to develop and unpack the rivers and waterways goal of the Dhelkunya Dja Country Plan to inform Dja Dja Wurrung values and uses for water</td>
<td>Self-determination</td>
<td>Social</td>
</tr>
<tr>
<td></td>
<td>Build on Dja Dja Wurrung water policy</td>
<td>Economic</td>
</tr>
<tr>
<td></td>
<td>Can be used to inform Dja Dja Wurrung values and uses for water</td>
<td>Cultural</td>
</tr>
<tr>
<td></td>
<td>Better equipped to care for Country</td>
<td>Environmental</td>
</tr>
<tr>
<td></td>
<td>Can be used to inform management practises</td>
<td>Educational</td>
</tr>
<tr>
<td>Gain resourcing to develop more Seasonal Watering Plans for Country</td>
<td>Better equipped to care for Country</td>
<td>Social</td>
</tr>
<tr>
<td>Gain resourcing to develop more Environmental Watering Plans for Country</td>
<td>Can be used to inform management practises</td>
<td>Economic</td>
</tr>
<tr>
<td></td>
<td>Will assist in directly achieving Country Plan aspirations</td>
<td>Aboriginal-environmental</td>
</tr>
<tr>
<td></td>
<td>Capacity building</td>
<td>Environmental</td>
</tr>
<tr>
<td>Objective</td>
<td>Outcome</td>
<td>Values and Uses</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>----------------</td>
</tr>
</tbody>
</table>
| Opportunity to access water and achieve visions without government involvement | • Self-determination, self-sufficiency  
• Capacity building | • Social  
• Economic |
| Make water accessible for all Dja Dja Wurrung people | • Water access for all Dja Dja Wurrung people  
• ‘Closing the gap’ | • Social  
• Economic |
| Acquire (tradeable) water entitlements (purchase, seek donations from private donors, access surplus water entitlements created through efficiency mechanisms under MDBP) or purchase property with water entitlements attached | • Use to deliver cultural flows  
• Investment; sell allocations in dry years  
• Donate or sell at low cost to DDW community members working land  
• Deliver environmental water to wetlands on private lands  
• Use for agricultural production  
• Deliver Aboriginal environmental water to on site wetlands | • Aboriginal environmental  
• Cultural  
• Economic  
• Social |
| Work with water corporations to influence their delivery of urban or irrigation water. Use to enhance environmental flows to deliver on cultural objectives | • Use to enhance environmental flows to deliver on cultural objectives  
• Partnership | • Aboriginal environmental  
• Cultural |
| Use Section 8A rights under TOSA to access water | • Cultural flows  
• Water for cultural purposes | • Aboriginal environmental  
• Cultural  
• Economic  
• Social |
| Become manager of environmental water  
Participation with CMAs and water corporations to collaborate to develop and implement plans for the protection and rehabilitation of our waterways | • Take on management responsibilities that CMAs perform in delivering environmental water  
• Self determination  
• Establish a recognised and legitimate role in water management/planning  
• Development partnerships | • Aboriginal environmental  
• Social  
• Economic  
• Cultural  
• Environmental |
| Work with CMA, VEWH and CEWH and other relevant government bodies so the release of environmental water, when available, can be timed with cultural outcomes and community events | • Influence delivery of environmental water to best suit our cultural needs  
• Self-determination  
• Healing of Country and culture  
• Development of partnerships | • Aboriginal environmental  
• Social  
• Environmental  
• Cultural |
<table>
<thead>
<tr>
<th>Objective</th>
<th>Outcome</th>
<th>Values and Uses</th>
</tr>
</thead>
</table>
| Know how much water is going in/out of Country. Take stance on water consumers and research how much major consumers use. Develop relationships with other water users. | • Better able to monitor water on Country  
• Capacity building  
• Know how much water is going in and out of Country  
• Better equipped to take a stance on water consumers and their use of water | • Economic  
• Aboriginal environmental  
• Educational |
| Investigate water used on Country for financial/commercial gain. Suggestions that their profits and GST should be shared with Dja Dja Wurrung. Potentially add Dja Dja Wurrung logo to products sold for commercial gain (ie bottled water) | • Economic and business benefit  
• Closing the gap  
• Capacity building | • Economic  
• Social  
• Educational |
| Identify framework to decide which sites need cultural water, and how to identify them. ie) perform case studies on possible sites, EWPs, AWAs | • Framework will allow us to have a consistent approach to watering  
• Able to manage cultural water more effectively + efficiently  
• Information gathered can be used to inform future management practises and decisions  
• Capacity building | • Social  
• Aboriginal Environmental  
• Cultural  
• Educational |
| Elect representatives onto technical advisory groups of stakeholders and partners | • Recognised and legitimate role in water management  
• Capacity building  
• Building partnerships | • Social  
• Educational |
| Contact a water broker to expand our knowledge of water markets and trading to develop guidelines and policies for buying/selling water. Contact MILDRN for suggestions on how to use it to our advantage. | • Capacity building  
• Will allow us to develop guidelines and policies for buying and selling water  
• Make it easier to purchase water entitlements | • Social  
• Economic  
• Educational |
| Follow up on identified sites and their water rights: Mt Franklin, Mt Barker, Carisbrook. Argue ILC for water as well as land | • Learn how we can access water rights as well as land rights  
• Potentially gain access to water  
• Opportunity to manage water and land rights simultaneously (in these areas) | • Cultural  
• Environmental  
• Social |
<table>
<thead>
<tr>
<th>Objective</th>
<th>Outcome</th>
<th>Values and Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop new partnerships and review existing ones. Place measures (i.e. Partnership evaluation tools) to make partnerships realistic/accountable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Realistic and legitimate partnerships</td>
<td>• Social</td>
</tr>
<tr>
<td></td>
<td>• Governance</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Make partnerships transparent and accountable</td>
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</tr>
<tr>
<td></td>
<td>• Be seen as an equal partner rather than a stakeholder or contributor</td>
<td></td>
</tr>
<tr>
<td>Build cultural competency with partners ie) through cultural awareness workshops.</td>
<td>• Secure and respectful partnerships</td>
<td></td>
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<tr>
<td></td>
<td>• Equity and respect</td>
<td></td>
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<tr>
<td></td>
<td>• Reconciliation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Raising awareness</td>
<td></td>
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<tr>
<td>More involvement in agriculture, farming, green/recycled water.</td>
<td>• Environmentally friendly ways to access and use water</td>
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<tr>
<td></td>
<td>• Potential economic opportunities</td>
<td></td>
</tr>
<tr>
<td>It would be valuable to eventually consult other mobs to compare positions, share insights. Follow precedents that may have worked for them, learn from mistakes that may not have worked. Possibilities to trade water between mobs, creation of new Aboriginal water market.</td>
<td>• Keeping cultural water cultural</td>
<td></td>
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<tr>
<td></td>
<td>• Sharing insights will reduce mistakes and misinformation. Learning from others mistakes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Creation of Aboriginal water forum</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Self-determination</td>
<td></td>
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<tr>
<td></td>
<td>• The creation of an Aboriginal water market may further improve relationships between mobs, allowing us to mutually work together towards a single united goal – to heal Country</td>
<td></td>
</tr>
<tr>
<td>Possibility to plan and make cultural activities more accessible on wetland sites.</td>
<td>• Increased accessibility to sites</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Able to use wetlands freely for cultural activities</td>
<td></td>
</tr>
<tr>
<td>Create opportunities to involve the Dja Dja Wurrung community in the development and care of sites by training Dja Dja Wurrung people in water related matters i.e. monitoring</td>
<td>• Capacity building and training</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Involving mob in caring for their Country</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The more people trained in water, the larger the voice we have.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Better able to care for our Country</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Develop self-determination through economic ventures with water (i.e tourism)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Self-determination</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The creation of an Aboriginal water market may further improve relationships between mobs, allowing us to mutually work together towards a single united goal – to heal Country</td>
<td></td>
</tr>
</tbody>
</table>
### Objective

- **Manage sites to support cultural activity and healing of Country.**
  - Negotiate to develop a framework for access and management of all natural resources i.e. cultural burning.
  - Find a way to allow for land and water to be managed simultaneously to secure a cultural and holistic approach in water management. Secure both land and water rights to sites and wetlands.

### Outcome

- Consistent management framework for natural resources that respects cultural knowledge and standards
- More control over all our natural resources and the benefits of managing them
- Combining land, water, fire, cultural, societal and economical values to manage and care for Country in a Traditional way.
- Managing land and water rights as one entity will allow for a holistic approach in healing Country.

### Values and Uses

- Social
- Cultural
- Aboriginal environmental

### Community involvement at sites; interpretative and educational signage/audio, spiritual/healing places, vegetation (cultural, medicinal), wildlife, tourism opportunities (cultural walks, school programs, tourist attractions).

- Community involvement
- Educates general public
- Share stories and culture
- Tourism opportunities
- Revegetation will allow for resources such as medicinal plants, grasses for weaving etc

### Weed removal and weed control of sites.

- Introducing native and/or endangered fauna back onto Country. i.e. quolls, dingoes, emus, native fish
- Animal and pest (including fish) control of sites. Removal of aggressive and invasive species that negatively affect the ability of indigenous species to survive.
- Revegetating wetlands to allow for food and fibre resources, and native, ecologically and culturally important plants.

- Revegetation will allow for resources such as medicinal plants, grasses for weaving etc
- Using traditional ecological knowledge to restore Country and native flora/fauna.
- Animal, pest and weed control will manage any nuisance plants or pests that may have adverse effects on the environment and other fauna
- Promotes traditional practises by allowing Country to provide us with cultural materials our ancestors used

### Build capacity through employing, procuring and training Dja Dja Wurrung peoples in water management and planning.

- Increase employment, training and economic development for Dja Dja Wurrung people through water-related projects.

- Capacity building and training
- Self-determination
- Increase in employment and economic development
- Involve Dja Dja Wurrung people in the management of their Country and waterways

### Values and Uses

- Educational
- Social
- Cultural
- Economic
- Aboriginal-environmental
### Objective Outcome Values and Uses

<table>
<thead>
<tr>
<th>Objective</th>
<th>Outcome</th>
<th>Values and Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing monitoring and maintenance of sites and waterways, preferably by Dja Dja Wurrung people. Employment and training of Dja Dja Wurrung people to undertake cultural monitoring and interpretation.</td>
<td>• Consistent maintenance of sites and waterways will improve their health while providing employment and capacity-building opportunities for Dja Dja Wurrung people.</td>
<td></td>
</tr>
<tr>
<td>Restore Cultural Flows and recreate Djaara Traditional ecological knowledge to inform management practices that heal country</td>
<td>• Restoration of cultural flows • Better able to care for Country • Sharing of stories and knowledge • Healing of Country through traditional methods</td>
<td>• Cultural • Environmental • Aboriginal-environmental • Social</td>
</tr>
<tr>
<td>Management of impacts that degrade the natural character/health of sites or alter the natural flow of a waterway. i.e. bridges, fenced areas, rubbish, farming activity (grazing, cropping, runoff), land use upstream</td>
<td>• Minimising impacts such as upstream land use will allow for the natural flows of waterways to be preserved. • Assist in returning Country to its natural state, while reducing man-made disruption of natural flows that undermine both cultural and ecological values • Management of litter, farmer runoff, rubbish, vandalism etc will allow for improved site health and water quality</td>
<td>• Environmental • Cultural • Aboriginal-environmental</td>
</tr>
</tbody>
</table>
Values and uses case study no. 1

The Aboriginal Waterways Assessment (AWA) is a tool for Aboriginal communities to consistently measure and prioritise river/wetland health so that they are better placed to negotiate for their Country’s water needs. The tool is used to capture and record information about the cultural values, uses, and health of waterways and wetlands to assist Aboriginal people to be more meaningfully involved in water planning processes on their Country.

Out on country, the assessment teams share information, hold in-depth discussions, observe and closely inspect sites and build on collective data to complete each site survey form with a focus on various aspects of the waterway and its condition. The team hear presentations from key speakers about the site’s condition, history and significance, and record scores and relevant information about cultural values and waterway health.

While conducting their AWA’s, Dja Dja Wurrung participants documented feeling a strong sense of connection, healing and spiritual sustenance from their Country and ancestral spirits. The number of the Cultural Heritage sites visited during the AWA’s are supportive of this, and evidence a legacy of occupation that shows the important connection between Jaara (Dja Dja Wurrung people) and gatjin (water). Cultural heritage indicators and sites show how and where Jaara have used the waterways in the past, while the AWA tool helps us to record traditional ecological knowledge to continue to inform the management of our waterways today.
<table>
<thead>
<tr>
<th>Culturally important information</th>
<th>Environmentally important information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food and fibre knowledge</td>
<td>History of the site</td>
</tr>
<tr>
<td>Water flows and regimes that support cultural practices</td>
<td>Water quality and quantity</td>
</tr>
<tr>
<td>and customs</td>
<td></td>
</tr>
<tr>
<td>Traditionally ecological and botanical knowledge used to</td>
<td>Revegetation needs</td>
</tr>
<tr>
<td>care for Country</td>
<td></td>
</tr>
<tr>
<td>Presence of plants and animals used traditionally for</td>
<td>Ecologically important plants and vegetation communities</td>
</tr>
<tr>
<td>food, medicine, shelter and tools</td>
<td></td>
</tr>
<tr>
<td>Oral cultural knowledge about the area</td>
<td>Presence and diversity of fish species</td>
</tr>
<tr>
<td>Presence and diversity of native flora and fauna</td>
<td>Presence and diversity of native flora and fauna</td>
</tr>
<tr>
<td>Cultural tradition activities such as hunting, fishing</td>
<td>Geological and archaeological values</td>
</tr>
<tr>
<td>and ceremony</td>
<td></td>
</tr>
<tr>
<td>Dreaming stories and storylines</td>
<td>Soil and water health</td>
</tr>
<tr>
<td>Intangible heritage (sites and stories)</td>
<td>Identification of risks and threats to be managed</td>
</tr>
<tr>
<td>Tangible cultural heritage sites</td>
<td>Landscape types</td>
</tr>
</tbody>
</table>

“We feel a moral responsibility to care for our Country as it binds us to the past, present and future.”

Dhelkunya Dja Country Plan

The cultural and environmental data gathered from the AWA's assists Dja Dja Wurrung in identifying key cultural and environmental values specific to each area. This provides a clear basis for informed management objectives to be developed that will support these values and ensure their progress, to help further advance Dja Dja Wurrung priorities for managing our rivers and waterways. It also provides opportunities for Dja Dja Wurrung to identify how a Traditional Owner group can guide effective use of water allocation, and to assist in the decision making and planning over a range of projects and water policy.

“Water is number 1. Without it trees, birdlife species and vegetation suffer greatly.”

Dja Dja Wurrung participant during an Aboriginal Waterway Assessment at Tang Tang Swamp

Wimmera–Mallee Water Resource Plan

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Values and uses case study no. 2

The lakes and wetlands of the Boort wetlands are of extremely high cultural significance to Dja Dja Wurrung people. The greater Lake Boort contains the highest concentration of scarred trees in Victoria. Lake Lyndger was an important meeting ground, with groups of cooking mounds along the southern shoreline indicating that people met there in large groups. Kinypanial Creek is an intermittent creek along which numerous scarred trees and other significant cultural sites such as mounds, camp sites and artefact scatters have been recorded.

The Boort AWA results have been used to contribute to a management plan for the Boort wetland complex, which is currently a focus of management activity for Dja Dja Wurrung. It has also been used to inform water planning and delivery of environmental water to the site alongside the North Central CMA.

Tang Tang Swamp was identified by Dja Dja Wurrung AWA team as a highly important place within a wider catchment that is culturally significant to the Dja Dja Wurrung people. It features River Red Gums, significant marker ‘ring trees’, scar trees, basket weaving grasses and many other interesting cultural features. The Swamp is managed as a Wildlife Reserve is registered on the National Directory of Important Wetlands due to brolga nesting and many other visiting migratory waterbirds. It also contains ecologically important plants and vegetation communities such as Southern Cane Grass, aquatic plants and patches of rare native grassland.

Community perspectives and insights captured in the Tang Tang Swamp Aboriginal Waterways Assessment report will be used to further assist Dja Dja Wurrung people to make decisions about how they would like the Swamp to be managed, and help land and water managers to have greater insight into the cultural values of Tang Tang Swamp.
Today, Dja Dja Wurrung Traditional Owners are actively engaged in recording and preserving these sites. This work includes conducting cultural heritage surveys and salvaging artefacts effected by land use activities.

The Coliban River is an important part of the broader Dja Dja Wurrung cultural landscape. Scar trees, burial sites, artefacts, stone quarries and other cultural heritage sites have been recorded along the waterway.

Large stone tool scatters and significant Tachylite quarry sites can be found along the main channel and adjacent to storages in the Upper Coliban, demonstrating continuous use of the land and resources along the waterway for many thousands of years.

The Upper Coliban AWA has continued to inform a variety of projects, such as the South West Loddon Pipeline project delivered by GWM Water and the Integrated Catchment Management Plan that is being developed for the waterway.

As the AWA provides a consistent method to identify cultural values, assess cultural health of waterways and prioritise water management and regulation it can assist the decision making and planning processes of a range of projects. This is being demonstrated where the AWA’s provide the research to inform policy development and infrastructure investment to provide water management in support of cultural values and assets.
11.3.2.6 Cultural flows

Despite parts of the Country being recognised and returned to their Traditional Owners, there is still a strong disadvantage in the liberties of Indigenous people in Australia, as they do not have the same access to water rights as they do land rights. This is due to the introduction of the National Water Initiative (NWI), which saw the creation of property rights to water and tradeable water entitlements as necessary to address environmental damage and poor water management practices at the time. This was exacerbated through land and water rights being separated, this was put into effect in 2005 when the Victorian Water Act was amended to "unbundle" water for land title. Prior to this legislation, water and land rights were one entity and were allocated to people as they need it, at minimal or no cost to users. The uncoupling of water and land rights caused unintended consequences for Aboriginal groups, who, without access points or funds required to buy into water, cannot benefit from market-driven legislation.

There are instances, such as in Dja Dja Wurrung’s case, of gaining access to land, but being excluded in enjoying rights to water on that same land. Dja Dja Wurrung people’s relationship with water is holistic; combining land, water, culture, society and economy - relying equally on rivers, groundwater, wetlands and their Country to access cultural values, regardless of tangibility. Consequently, water and land rights are considered to be interwoven with each other, and it is of Dja Dja Wurrung peoples belief that they should be managed as so.

Therefore, it is in Dja Dja Wurrung’s best interests and long-term objectives to gain access and ownership to both water and land rights on our Country, and to enjoy and manage these rights simultaneously to support our ongoing cultural and spiritual connection to our Country and waterways.
11.3.3 First Peoples of the Millewa-Mallee: Nations of Nyeri Nyeri, Ngintait and Latje Latje

Objectives, outcomes and values and uses for water were workshopped, and signed off at separate nation meetings for Latje Latje, Ngintait and Nyeri Nyeri. The final contribution was signed off by the First Peoples of the Millewa-Mallee board, the membership of which includes a Latje Latje MLDRIN delegate, Ngintait MLDRIN delegate and a Nyeri Nyeri MLDRIN delegate.

11.3.3.1 Description

“We, the First Peoples of the Millewa-Mallee are people of the river and the scrub and desert area to the south and west of it. We are descendent from families whose ancestors are part of this Country; ancestors who cared for it, sang to it, danced on it and kept it strong and fat. The ancestors taught their descendants through each generation about their responsibility to care for their Country, despite the decimation caused by colonisation. Even when we were taken away, we still belonged. Country is family.”

The First Peoples of the Millewa-Mallee have lodged a native title claim under the Native Title Act 1993 (Cth) over an area in the north west of Victoria, that runs south of the Murray River to the Mallee Highway and west from the Calder Highway to the South Australian border, including the Murray-Sunset National Park. First Peoples of the Millewa-Mallee are also working through the process towards settlement with the State of Victoria under the Traditional Owner Settlement Act 2010 (Vic) (the Settlement Act) in relation to the same area.

First Peoples of the Millewa-Mallee Aboriginal Corporation (FPMMAC) is the representative corporation formed by First Peoples of the Millewa-Mallee for the purposes of their Settlement Act processes. FPMMAC has recently been appointed as a registered Aboriginal party under the Aboriginal Heritage Act 2006 (Vic) for the northern part of the First Peoples of the Millewa-Mallee claim area. In addition, FPMMAC currently has an application for registered Aboriginal party status before the Victorian Aboriginal Heritage Council in relation to the southern part of the First Peoples of the Millewa-Mallee claim area.

Eligibility to be part of First Peoples of the Millewa-Mallee is not based on language groups or Nations. First Peoples of the Millewa-Mallee is comprised of family groups, descended from apical ancestors connected to the area of the First Peoples of the Millewa-Mallee claim.

Individuals within First Peoples of the Millewa-Mallee identify as Latji Latji, Nyeri Nyeri and Ngintait, but these identifications are not the basis on which these individuals group together as First Peoples of the Millewa-Mallee.

The First Peoples of the Millewa-Mallee are connected to all surface and groundwater within their claim area, and in addition have significant interest and have indicated traditional cultural history in areas beyond their claim area, which for Victoria includes Hattah-Kulkyne National Park, Robinvale and the Lake Tyrrell area.

First Peoples of the Millewa-Mallee Country embraces many sites of cultural significance, including ceremonial grounds, cultural heritage such as earth oven remains, scar trees, birthing trees, shell middens, song lines, ancestral resting places, story places, and sorry places of grievous historical trauma. Cultural sites and places in traditional First Peoples of the Millewa-
Mallee Country are a direct link between contemporary First Peoples of the Millewa-Mallee people and their ancestors who created and cared for those places.

11.3.3.2 Current or pending agreements
In October 2015, the First Peoples of the Millewa-Mallee filed a native title determination application under the Commonwealth Native Title Act 1993 in the Federal Court of Australia. The application was accepted for registration in May 2016 and is currently being case managed by the Federal Court of Australia.

The First Peoples of the Millewa-Mallee first lodged a Part A Threshold Statement under the Settlement Act with the Department of Justice and Regulation of the State of Victoria in May 2016. This was revised in November 2016 and further supplementary material was provided in May 2017. The First Peoples of the Milawa-Mallee lodged a Part B Threshold Statement with the Department of Justice and Regulation in January 2018.

FPMMAC has recently been appointed as a Registered Aboriginal Party (RAP) under the Aboriginal Heritage Act 2006 (Vic) for the northern part of the First Peoples of the Millewa-Mallee claim area. In addition, FPMMAC currently has an application for RAP status before the Victorian Aboriginal Heritage Council in relation to the southern part of the First Peoples of the Milawa-Mallee claim area.

The First Peoples of the Milawa-Mallee’s proposed settlement area, native title claim area, and RAP area is geographically included in both the Northern Victoria and the Wimmera-Mallee water resource plans.

11.3.3.3 Existing reference /scoping materials
The First Peoples of the Millewa-Mallee are currently preparing their Country and Water Plan.

The Victorian Government funded through water resource plans an Aboriginal Waterway Assessment for the Ngintait Nation, conducted in 2018. The Ngintait Nation maintains intellectual property rights over the Aboriginal Waterway Assessment but will refer to it as they determine appropriate when working with government regarding water on Country.

Figure 28: Ngintait Nation Aboriginal Waterway Assessment 2018
11.3.3.4 Preferred means of engagement

The First Peoples of the Millewa-Mallee have informed the Victorian Government through the Water Resource Plan consultation that their preferred means of engagement with government agencies and government delivery partners is through the FPMMAC Board (the Board).

The Board is comprised of representatives of each of the identified family groups within First Peoples of the Millewa-Mallee (as required by its Rule Book), meets regularly throughout the year and is committed to ensure that the “right people speak for Country.”

The Board considers requests for collaboration, participation or consultation, and determines how best to structure First Peoples of the Millewa-Mallee’s involvement.

First Peoples of the Millewa-Mallee and/or Ngintait, Latji Latji, Nyeri Nyeri representatives who are consulting with Government must have the appropriate permission before sharing knowledge. Through ensuring Traditional Owner representatives to speak on behalf of Nations are approved, individuals consulting with government are protected from criticism. The approach also provides a record of information provided to government and when and how that information is able to be cited.

The majority of engagement on the Victorian Government water resource plans has been with First Peoples of the Millewa-Mallee as a whole and the FPMMAC Board. Due to the Victorian Government’s consultation requirements and following discussion with MLDRIN delegates for the individual Nations, separate Nation-level meetings were held with those who identify as Latji Latji, Ngintait and Nyeri Nyeri in November 2018.

Choosing the First Peoples of the Millewa-Mallee Board as the first point of consultation adds to the recognition expressed in consultation:

“We work as a collective. We’re strong when we stick together.”

Engagement requirements

As at November 2018, as First Peoples of the Millewa-Mallee have a registered native title claim, engagement within the First Peoples of the Millewa-Mallee claim area should be conducted by contacting the First Peoples of the Millewa-Mallee legal representative, First Nations Legal & Research Services on 03 9321 5300. In addition, it is expected any matters concerning Country, including water and works on Country undertaken in regard to water management, policy, planning or proposals, be referred to the First Peoples of the Millewa-Mallee in the first instance, via First Nations Legal & Research Services, with due consideration of the requirements of the Native Title Act 1993 and objectives relating to engagement contained in this water resource plan, most specifically:

- involving First Peoples of the Millewa-Mallee from the outset
- enabling FPMMAC and the right Traditional Owners to be involved as decision makers.

“We want the government to understand how we see the water. We have to be a part of the conversation everyone else is having about the river.”
As part of the First Peoples of the Millewa-Mallee Country and water planning process, the Department of Environment, Land, Water and Planning provided funding towards a film documenting a community gathering to talk about water and Country. Powerfully communicated in the film was the message:

“You government departments that sit behind us, we are all part of this. We can each and every one of us contribute. We don’t stand behind anymore. We walk and work together.”

This message was reiterated and strengthened throughout the engagement process between the First Peoples of the Millewa-Mallee and the Victorian Government.

In May 2018 First Peoples of Millewa-Mallee held a community gathering at Lake Cullulleraine. This gathering was part of First Peoples of the Millewa-Mallee’s process to develop a Country and Water Plan and talk about their contribution to Victoria’s water resource plans and was supported by the Victorian Government water resource in a funding agreement. The gathering saw members from First Peoples of the Millewa-Mallee meet and talk about water, hear how water management had changed with current water regulation, and re-connect over why water was important to them, as Traditional Owners.

Figure 29: Water for the future: Lake Cullulleraine community gathering for the First Peoples of the Millewa-Mallee

Credit: DELWP
“Being together like the Lake Cullulleraine weekend gives us energy being together. We’ve been disconnected….. but together we understand our place on Country and as family.”

Approved at consecutive Nation meetings for the First Peoples of the Millewa-Mallee November 2018

11.3.3.5 Water Resource Plan

**Introduction**

The Victorian Government has taken a source-based approach to its water resource plans and identified that First Peoples of the Millewa-Mallee had interests in groundwater contained within the Wimmera-Mallee Water Resource Plan. This approach also identified the majority of interests of this Traditional Owner group in relation to surface water – rivers, creeks, wetlands, lakes – related to water being sourced from the Murray River. Engagement with the First Peoples of the Millewa-Mallee therefore increased in 2018.

This approach, while being logical from a State Government perspective, has at times been challenging and counter-intuitive for Traditional Owner groups, whose boundaries do not replicate those of state governments, nor boundaries devised within state governments, such as those of water corporations, catchment management authorities, or public land managers. Water on Country is connected, and state Government boundaries have been expressed by the First Peoples of the Millewa-Mallee as an artificial concept over a landscape and culture that spans thousands upon thousands of years.

It has been agreed with the FPMMAC Board and through consultations, that the contribution from the First Peoples of the Millewa-Mallee for the Northern Victoria and the Wimmera-Mallee water resource plans be consistent.

On January 19th, 2018, the Department of Environment, Land, Water and Planning met with the FPMMAC Board to workshop preliminary objectives for water resource plans, specifically at that time, the Wimmera-Mallee Water Resource Plan, and agree on an engagement approach for the Northern Victoria Water Resource Plan.

At that meeting and at subsequent meetings of the FPMMAC Board, the FPMMAC Board endorsed the Department and the Federation of Victorian Traditional Owner Corporations to provide support to the First Peoples of the Millewa-Mallee to produce outcomes for both a First Peoples of the Millewa-Mallee Country and Water Plan and considered contributions, based on inclusive consultation, to the Victorian Government’s water resource plans. The 12-month collaborative program will be further documented in the Northern Victoria Consultation Report.

In discussions with the First Peoples of the Millewa-Mallee and at the culmination, through several meetings, the First Peoples of the Millewa-Mallee concluded that as a collective they sought to have a much bigger impact on water decisions, with a priority aim of getting water to Country that either hasn’t received water due to changed water management regimes and competing priorities, or has more need than is being catered for to restore or maintain cultural outcomes.

The end goal of the First Peoples of the Millewa-Mallee is a process for input which fosters self-determination. Along the way to this goal, First Peoples of the Millewa-Mallee view having an equal say as a necessity. The First Peoples of the Millewa-Mallee’s goal is that there is training for young Aboriginal people in caring for Country, whether in schools, with delivery partners, in negotiation skills and management, through training in plant identification and knowledge of...
water catchments or through certificates in cultural heritage with strong emphasis on culture related to water.

Similarly, in relation to representation at a leadership level, the First Peoples of Millewa-Mallee seek more representation on government boards that make decisions in relation to Country and water.

“There’s a lack of communication with us from government. People are walking all over us, and our Country.”

Statement agreed at Nation meetings, November 2018


Objectives and outcomes

Table 36: Objectives and outcomes for First Peoples of the Millewa-Mallee

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Outcomes</th>
</tr>
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<tbody>
<tr>
<td>Restock native fish species in waterways and bodies nominated by the First Peoples of the Millewa-Mallee, including BUT NOT LIMITED TO the Billabong at Berribee Homestead, where the fish will be able to mature and breed without unacceptable risk from predators or unfavourable water management regimes.</td>
<td>First Peoples of the Millewa-Mallee are empowered to make choices regarding locations and timing of fish releases based on sites that have cultural or historical importance, and areas that mirror fish movements and hunting in the past.</td>
</tr>
<tr>
<td>All Traditional Owners to be able to physically access waterways of cultural significance, and not be impeded by changed land conditions resulting from water and land management, unclear or restrictive access conditions through rules or regulations, or lack of recognition of the needs of Elders and people with more limited access opportunities.</td>
<td>First Peoples of the Millewa-Mallee can spend time looking after Country, fishing, yarning and sharing traditional ecological knowledge Access to waterways and water bodies of significance are improved for the First Peoples of the Millewa-Mallee through facility upgrades, rights and improved engagement and responsive management to understand and remove limitations.</td>
</tr>
</tbody>
</table>
## Objectives

<table>
<thead>
<tr>
<th>Access to waterways for other water users, including anglers, boaters, swimmers, joggers, four-wheel drivers and trail bike riders be better controlled to keep people from encroaching on culturally significant sites.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to water for cultural purposes, including fishing, swimming and canoeing, is available to physically impaired Traditional Owners.</td>
</tr>
<tr>
<td>Traditional Owner involvement in environmental watering decisions be ongoing and include decisions on site selection, quantities and timing.</td>
</tr>
<tr>
<td>Cultural outcomes are identified and catered for when managing water for the environment to achieve shared benefits based on traditional ecological knowledge and cultural values.</td>
</tr>
<tr>
<td>Restore songlines as discussed while on Country, and restore them so Traditional Owners can spend time on Country in a place of high cultural significance</td>
</tr>
<tr>
<td>The song lines are restored with access to fresh water via the naturally formed waterholes and Traditional Owners are enabled to make decisions regarding the Songlines, including in relation to economic opportunities through tourism and cultural activities.</td>
</tr>
<tr>
<td>Representatives from First Peoples of the Millewa-Mallee sit on water boards, including the Catchment Management Authorities, and Lower Murray Water, and Government supports First Peoples of the Millewa-Mallee to be confident, know the rules and requirements, and know how best to share knowledge.</td>
</tr>
<tr>
<td>First Peoples of the Millewa-Mallee are at the forefront of decision making and evaluation, of socio-cultural-economic factors and informing and influencing decision makers of how to plan, manage and accommodate cultural outcomes.</td>
</tr>
<tr>
<td>The First Peoples of the Millewa-Mallee takes a lead role in monitoring and evaluation</td>
</tr>
<tr>
<td>The First Peoples of the Millewa-Mallee are respected, listened to, and resourced to monitor, evaluate and participate in research on Country to determine from a cultural perspective how water management and planning decisions are impacting positively or negatively on Country in regards to water quality, flora and fauna protection and regeneration health in particular in relation to culturally significant species, and the protection of culturally significant sites.</td>
</tr>
<tr>
<td>Objectives</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td>The Victorian Government resources the First Peoples of the Millewa-Mallee to: employ an Aboriginal Water Officer to act as a liaison between the First Peoples of the Millewa-Mallee and Government and other bodies as agreed by the FPMMAC Board</td>
</tr>
<tr>
<td>Fund and support monitoring and evaluation of changes to Country that occur following different watering regimes, decisions and climatic conditions.</td>
</tr>
<tr>
<td>Funding for the First Peoples of the Millewa-Mallee to conduct Aboriginal Waterway Assessments at times determined by the Nation groups as the best way to gauge measures from a cultural perspective, including based on a seasonal calendar as determined by the First Peoples of the Millewa-Mallee based on their observations and cultural knowledge.</td>
</tr>
</tbody>
</table>
Case study: Involvement in managing groundwater

The Murrayville Aquifer is within the Wimmera-Mallee Water Resource Plan area, and is of significant interest to the First Peoples of the Milawa-Mallee. The Murrayville Groundwater Management Area (GMA) occupies 1,578 km² centred on the town of Murrayville, between the Murray Sunset National Park and the Big Desert. It supports some irrigation, including supporting potatoes, cereals and olives, and provides some town water use and domestic and stock water supply.

In 2017, Grampians Wimmera Mallee Water (GWMWater) released a new Groundwater Management Plan for Murrayville, after consultation with the Murrayville Groundwater Advisory Committee. This plan provides a management strategy for the aquifer to ensure it is protected and used sustainably. A representative from the First People of the Milawa-Mallee presented to the Murrayville Groundwater Advisory Committee to provide a better understanding about Traditional Owners’ interest in the aquifer, including accessing water for customary practices and commercial interests, and working with the authorities to protect the aquifer. These interests were captured broadly in the plan, through a statement for the future:

“The Local Management Plan (LMP) recognises and acknowledges that the Traditional Owners have a deep connection to their lands and water. The LMP identifies the need to develop a greater understanding of the cultural objectives and values relating to groundwater in the Murrayville area during the implementation of the LMP.”

As a result of gatherings on Country through funding afforded through the Country and Water Plan, and the Victorian water resource plans, the First Peoples of the Milwa-Mallee are now seeking ongoing active discussion with land and water managers to communicate their understanding of the groundwater resource and its significance to Traditional Owners in the past, and into the future.
Values and uses

Conversations with the First Peoples of the Millewa-Mallee regarding values and uses have been generous and insightful, but there is a shared concern that documenting these discussions overtly in a government plan may have an adverse effect on active and continuing involvement of First Peoples of the Millewa-Mallee in policy and planning.

Therefore, Victoria’s water resource plans for the First Peoples of Millewa-Mallee will refer to values and uses at a higher level, with the view that each and every conversation and decision relating to or impacting on cultural values and uses will involve First Peoples of Millewa-Mallee.

Values and uses include:

- It’s important that water comes to the places we hunt and gather, not just to places others value, such as farms and irrigation.
- We need to have our gatherings, our corroborees and our ceremonies.
- If you’ve got no water, you can’t regenerate land.
- We need to be able to look after Country, preserve Country, water those trees, manage erosion, restock waterways with native fish – native fish look after the waterways.
- As late as in the 1950s we still travelled by canoes, trapped, fished, traded with the farmers up and down the river, met friends, and met family.

11.3.3.6 Cultural flows

The First Peoples of the Millewa-Mallee are patently aware that water entitlements provide empowerment to make decisions outside the negotiation of managing and responding to multiple water users.

In addition to achieving cultural outcomes for Country, through water entitlement not bound to shared outcomes or benefactors, the First Peoples of Millewa-Mallee seek water entitlement to build their presence in using water for socio, economic, environmental and cultural outcomes. Three case studies to illustrate the relationships and the standard expected by FPMM for engagement on watering decisions include:

- Kings Billabong
- Lake Walla Walla
- Brickworks Lagoon
Figure 30: Cowanna and Brickworks billabongs are nationally significant wetlands at Merbein Common

Credit: DELWP
11.3.4 Martang Pty Ltd

Close to the source of the Wimmera-Mallee Water Resource Plan surface water area, Martang Pty Ltd represents the Djab Wurrung People. In September 2007, Martang was recognised as a Registered Aboriginal Party (RAP) by the Victorian Heritage Council under the Victorian Aboriginal Heritage Act 2006 (the Act). The Act recognises Aboriginal people “as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage”.

The Victorian Heritage Council recognised Martang as an organisation representing Traditional Owners able to demonstrate strong traditional links to the area. Martang’s RAP status is for the south-west of its application area. This includes the upper reaches of the Wimmera River and tributaries such as Spring Creek.

Initial contact with Martang indicated interest in conducting an Aboriginal Waterway Assessment on Lake Lonsdale. While there is no approved RAP for Lake Lonsdale, it has been acknowledged in the Lake Lonsdale Management Plan that there are numerous sites of cultural significance (Lake Lonsdale Management Plan, 2012). The area is now part of a joint Native Title claim from Barengi Gadjin Land Council, Eastern Maar and Gunditj Mirring. It is expected an Aboriginal Waterway Assessment would require agreement by all interested Traditional Owner groups.

The Victorian Government will continue to work with Martang to realise its water objectives under water resource plans, as per the stated objectives of *Water for Victoria*. 
11.3.5  Tati Tati Wadi Wadi

Tati Tati Wadi Wadi objectives, outcomes and values and uses for water were signed off at a nation meeting at Nyah. The final contribution was signed off by a Tati Tati MLDRIN delegate.

11.3.5.1 Description
Tati Tati Wadi Wadi First Nation are the Traditional Owners of their Country, river, lakes, creeks and lagoons and respectfully share tribal boundaries with the Mutti Mutti, Latji Latji, Wadi Wadi, Kurenji, Barkinji and Wergaia First Nations.

Tati Tati Wadi Wadi First Nation is represented in the Northern Victoria and Wimmera-Mallee water resource plans through interests around the Robinvale-Swan Hill area, with a focus on the Murray River and its tributaries and floodplains, and in Lake Tyrrell, a terminal lake at the edge of the Avoca Basin.

“The Tati Tati Wadi Wadi people have lived on this country since time immemorial, and we are the Sovereign First Nation of our River and Mallee country. We are the Traditional Owners of land, water, culture, language, ancestral heritage, law, customs, secret and sacred objects, songs, stories and artist impressions.”

Brendan Kennedy, Tati Tati MLDRIN delegate May 2018

Tati Tati Wadi Wadi Aboriginal Corporation was established in May 2007.

11.3.5.2 Current or pending agreements
Tati Tati Nation is a member of Murray Lower Darling River Indigenous Nations (MLDRIN). It is a strong advocate of MDLRIN as an inclusive and representative organisation for Traditional Owner groups in the Murray-Darling Basin.

Tati Tati Wadi Wadi people have never ceded their sovereignty, nor have they consented nor authorised any others to govern over their people and Country.

Tati Tati Wadi Wadi in working with the Victorian Government to provide their contribution to water resource plans state that their responses to water resource planning are in no way an admission of traditional ownership of water other than that of the Tati Tati Wadi Wadi people. The Nation further emphasised that it does not surrender its waterways nor recognise ownership of their water to any State or Commonwealth governments or their representatives.

The Nation is not currently in any Native Title, Traditional Owner Settlement Act or Registered Aboriginal Party negotiations.

11.3.5.3 Existing reference/scoping materials
Tati Tati Wadi Wadi received funding through Victoria’s water resource plans to conduct an Aboriginal Waterway Assessment at several sites of significance to the Nation. Tati Tati Wadi Wadi Traditional Owners group whom actually participated in the Aboriginal Waterway Assessment maintains intellectual copyright over the Aboriginal Waterway Assessment report.
Tati Tati Wadi Wadi asserts that no one person can speak for Country. It’s preferred means of engagement with government is initially through the participating Tati Tati MLDRIN delegate (Brendan Kennedy), who then determines the most effective way to engage more broadly.

Tati Tati Wadi Wadi has expressed strongly that decisions on how water is managed, including flow regimes, volumes, and structures to manage water, should be made in collaboration with Traditional Owners from both the perspective of improving cultural outcomes and applying cultural knowledge. In addition, government needs to understand discussions in regards to structures on Country should not be limited to cultural heritage as understood through the Aboriginal Heritage Act 2006 (Vic).

During consultation for the Victorian Government water resource plans, Tati Tati Wadi Wadi has told government that it wants to be funded to work alongside the government to improve cultural outcomes on Country:
“We want to be driving this bus and be able to implement our cultural sciences – at the moment we are not even in the bus, we are sitting at the back of the trailer.”

Brendan Kennedy, Margooya Lagoon, 2018

Tati Tati Wadi Wadi seeks ongoing and respectful conversations with government in a collaborative and co-managed structure, with access to talk directly to people in leadership positions, and not have their voice diluted through gatekeepers or through people with any conflicts of interest on Country.

Tati Tati Wadi Wadi asserts that collaboration should be cohesive across land, fire, biodiversity and water, to produce a shared perspective and better outcomes for Country.

“The Northern Victoria Water Resource Plan will provide the opportunity to build on these objectives and, through deeper engagement, identify specific outcomes for water on Country.”

11.3.5.5 Water resource plans

Introduction

The Victorian Government commenced discussions with Tati Tati Wadi Wadi regarding water resource plans in 2017, following the funding of the Tati Tati Wadi Wadi Aboriginal Waterway Assessment. Tati Tati Wadi Wadi included Victorian Government water resource plan representatives in the Aboriginal Waterway Assessment at several locations and discussed some of the observations and emerging objectives for water in subsequent meetings in the Robinvale area. Representatives from Tati Tati Wadi Wadi met with the government and MLDRIN in a planning meeting to map out the formal approach to contributing to Victoria’s water resource plans. Through MLDRIN, the Department of Environment, Land, Water and Planning provided funding for workshops and gatherings on Country, including a Nation meeting held on October 29 2018 to finalise the Water Resource Plan objectives and outcomes.

Over these meetings, workshops and gatherings on Country, Tati Tati Wadi Wadi has identified key objectives over a series of topics:

Caring for Country

“Tati Tati Wadi Wadi have a cultural responsibility to make sure water that flows through Country is healthy and flows downstream for Traditional Owner groups. We need to be resourced and supported to be able to fulfil that cultural responsibility.”

Approved at the Tati Tati Wadi Wadi Nation meeting, October 29, 2018

Tati Tati Wadi Wadi have approved a series of objectives for caring for Country, in relation to water and to land impacted by water use, activities and regimes.
The Traditional Owner group has also outlined a need to work in partnership with Government to be a part of a coordinated approach to monitor annual water flows and the impacts of water management and planning on Country, including rivers, creeks, wetlands, lakes, floodplains and swamps and their associated ecosystems.

Capacity through government resourcing was an objective raised by many participants in the Tati Tati Wadi Wadi meetings. Government funding was seen as a key to Tati Tati Wadi Wadi to revive cultural sciences, enabling them to use their cultural methods to improve the health of Country, and pass down the knowledge to younger generations.

**Connected Country**

Meetings on Country with Tati Tati Wadi Wadi included several discussions on infrastructure to change water flows or courses, including structures installed as part of the Murray-Darling Basin Plan Sustainable Diversion Limit Adjustment Mechanisms.

"Tati Tati Wadi Wadi do not agree and do not provide permission for the construction and operation of structures to regulate water on Country. Tati Tati Wadi Wadi do not agree to Sustainable Diversion Limit Adjustment Mechanisms in replacement for natural flows.

Don’t put structures into land where our ancestors are.”

Approved at the Tati Tati Wadi Wadi Nation meeting, October 29, 2018

Tati Tati Wadi Wadi wants environmental water delivered on Country in a way that links the channel of the river to the floodplains, creeks and wetlands, rather than through artificial means or infrastructure. The Traditional Owner group has stated to the Victorian Government through the water resource plan consultation that structures on Country are barriers that impede on their wellbeing and are the equivalent to environmental pollution.

**Respect and control**

For water on Country, Tati Tati Wadi Wadi people seek to be ongoing and equal participants with government departments and their delivery partners, including catchment management authorities and water corporations.
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Outcomes</th>
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</thead>
<tbody>
<tr>
<td>Tati Tati Wadi Wadi want more healthy, fresh water to flow through our Country, particularly over winter, every year.</td>
<td>Tati Tati Wadi Wadi determines the level of improvement needed for water quality and quantity, based on our determination of what meets our cultural requirements and outcomes.</td>
</tr>
<tr>
<td>Funding to be provided for each Traditional Owner Nation as identified by MLDIN in the water resource plan areas to have an Aboriginal Water Officer and water program funded and supported</td>
<td>We are resourced to work on Country and recognised, respected and remunerated for our expertise.</td>
</tr>
<tr>
<td>Aboriginal Waterway Assessments, cultural flows and management plans be resourced by government, and prepared or conducted on Tati Tati Wadi Wadi Country</td>
<td>Tati Tati Wadi Wadi be resourced, supported and empowered to conduct Aboriginal Waterway Assessments, manage cultural flows and undertake management plans.</td>
</tr>
<tr>
<td>Tati Tati Wadi Wadi to be gainfully employed to use cultural practices in a sequence agreed by Tati Tati Wadi Wadi people to improve water quality and increase cultural outcomes, including traditional burns and de-snagging.</td>
<td>Water quality and volumes support cultural outcomes for water on Country.</td>
</tr>
<tr>
<td>Tati Tati Wadi Wadi people to have access to water and waterways on Country for cultural wellbeing, cultural economic purposes, practices including swimming, drinking, canoeing</td>
<td>Tati Tati Wadi Wadi values and uses for water are supported, encouraged and facilitated.</td>
</tr>
<tr>
<td>Cultural values are protected and adhered to by private and public landowners</td>
<td>Water management needs to be reviewed, to ensure water on land that is privately owned can be managed in a manner that is respectful of cultural values.</td>
</tr>
<tr>
<td>Ecological restoration and conservation is driven by Tati Tati Wadi Wadi traditional ecological knowledge, with intellectual property retained, expertise fully funded, and support provided.</td>
<td>As equal participants, engagement between Tati Tati Wadi Wadi and government and agencies is ongoing, resourced and respectful and Tati Tati Wadi Wadi are considered as equal participants in making decisions.</td>
</tr>
</tbody>
</table>
Objectives | Outcomes
--- | ---
Tati Tati Wadi Wadi have ongoing collaboration and ultimately empowerment with government and agencies to restore connectivity of wetlands and waterways, and improve the health of water on Country, and on how water is used and managed on Country | Tati Tati Wadi Wadi people work with government and delivery partners to make decisions to improve the health of water on Country
We are adequately resourced and given the opportunities, and provided the water, to have control of how and when cultural watering objectives are met | Tati Tati Wadi Wadi have access to water entitlements, and to have a seat at the table in regard to environmental watering decisions
Tati Tati Wadi Wadi asserts that Government needs to align its processes across land, water, fire and biodiversity to collaborate with the people to produce a shared perspective. That Government funds Tati Tati Wadi Wadi to prepare a Country Plan, that all government departments and agencies must refer to | Collaboration with Tati Tati Wadi Wadi is cohesive and reflective of a shared perspective that is designed to allow Tati Tati Wadi Wadi to go directly to government

11.3.5.6 Case study
Tati Tati Wadi Wadi spoke in great detail in consultation with Victoria’s water resource plans about waterways of significance, referring to the lakes and the wetlands as lungs, and a great, inter-connected system hosting many ancestral sites. The people spoke of how water decisions made in isolation of considerations for Country degraded culturally significant sites through poor water quality, loss of flows, pest species dominating landscapes due to changed water management regimes, and of sites being cut off from the rest of Country. As an example of an area of interest, the Tati Tati Wadi Wadi group talked with DELWP several times at Margooya Lagoon.
Margooya Lagoon, east of Tol Tol, is easily accessible to the Robinvale township and supports an abundance of native flora and fauna. The lagoon is important to the Tati Tati Wadi Wadi Robinvale community, not only because of its proximity to town, but as an important cultural site.

**Concerns around Margooya Lagoon**

While the Margooya Lagoon has an environmental watering plan developed by the Mallee Catchment Management Authority, Tati Tati Wadi Wadi are concerned with:

- poor water quality
- degraded habitat for birds, native fish, plants
- the regulator installed at the lagoon, which waters the lagoon from the opposite end from the original feeder creek (dry during consultation in 2018)

Tati Tati Wadi Wadi wants to be involved in the water management of the Margooya Lagoon to achieve:

- revegetation of native plants for cultural practices and as habitat and food for bird, fish and fauna
- re-stocking native fish into the lagoon;
- reinstatement of how the lagoon receives water.

The Traditional Owner group would also like to have a protected place at Margooya Lagoon for them to visit and camp, without sharing with outside visitors.

**Margooya Lagoon values and uses**

Accessible as it is to town, Tati Tati Wadi Wadi consider the Lagoon to be a significant place to connect with Country. They would like to improve the traditional access of the Lagoon to improve accessibility.

The creation of a culturally safe place would enable Tati Tati Wadi Wadi to re-energise culture and educate younger generations.
11.3.5.7 Values and uses

Consultation with Victoria’s water resource plans naturally included considerable discussion around the values and uses water has for Tati Tati Wadi Wadi people, including its importance in the past, how it is valued today, and aspirations for the future.

There was talk about the many scar trees that are on Country and how they need water to survive and stay in the landscape, the ceremonial grounds that are now covered with thistles and not receiving any water, the connection of language, and discussion about many individual waterways and water bodies and their connection to Tati Tati Wadi Wadi.

Values and uses and the relevant waterways and water bodies discussed include but are not limited to:

- Old Camp Creek and Bumbang Creek, both which have cultural values.
- Belsar Island which was a place to visit, fish and swim
- Fish traps at Hattah Lakes and Belsar Island
- Thousands of generations of Traditional Owners, including descendants from Tati Tati Wadi Wadi around Chalka Creek.
- Lake Mournpall which is an important part of the cultural landscape
- Murrumbidgee Junction and Wakool Creek, on the border
- Burra Creek, which has no water at all, and includes an ancestral site
- Wood Wood, which needs water for the trees and the ancestral sites
- Nyah-Vinifera, which has a ceremonial site and many ring trees.
- Kulwin, as a potential area of significance for groundwater
- Lake Tyrrell, which has cultural significance for many clans, including Wergaia which as part of Barengi Gadjin Land Council has Native Title over part of the area. Tati Tati Wadi Wadi believes Lake Tyrrell needs a resource assessment to understand when and how the water should flow to the lake. There is a thought that Tyrrell was once connected to the Murray, not just the Wimmera-Mallee water system.

Tati Tati Wadi Wadi describes gadini (water) as central to beliefs, culture and survival as a First Nation. As stated in the Tati Tati submission to the Murray-Darling Basin Plan (2012), Tati Tati Wadi Wadi people have a “deep relationship with the waters, rivers, lakes, creeks, lagoons, tributaries, wetlands, trade routes, gathering places and sacred sites in our traditional lands, all of which hold great significance to us.”

The submission explains water has economic importance as a source of food, fibre, medicine and helps grow the plants used to make tools and cultural implements, and that the decline in the water quality and changes to the way water flows and is distributed has had a corresponding socio-economic impact on Tati Tati Wadi Wadi people.

In the words of the Tati Tati Wadi Wadi people, water is integral to song lines and creation stories.

11.3.5.8 Cultural flows

Consultation with Tati Tati Wadi Wadi has included discussion on cultural water entitlements, as a means to achieve either cultural outcomes, or provide economic opportunities. The people see that having a say on how environmental water can be used, including where, when and how, will improve cultural outcomes, however having access to water entitlements as a Traditional Owner group would give greater autonomy in how that water may be used. In addition, as First Peoples, Tati Tati Wadi Wadi assert they have an entitlement to cultural water rights. In its submission to the Murray-Darling Basin Authority on the Murray-Darling Basin Plan, it was stated that:
“The Tati Tati vision is for the Murray–Darling Basin Authority and its partner authorities to respect our right to own Gadini water and to provide direct water ownership rights with an allocation of 10 gigalitres every two years to be transferred – with funding – to Tati Tati. This would enable Tati Tati to ensure that our Gadini water system sustains our traditional, spiritual, cultural, economic and social existence for the present and into the future.

This water will help to replenish and restore highly culturally significant places for Tati Tati people... there should be water allocations for Traditional Owner First Nations to enable us to discharge our cultural responsibilities.”

Tati Tati Traditional Owners Submission on the proposed Murray Darling Basin Plan, April 2012

“Water encompasses Country like a living, breathing thing”

Approved at the Tati Tati Wadi Wadi Nation meeting, October 29, 2018
11.3.6 Wadi Wadi

Wadi Wadi Nation is represented in the Wimmera-Mallee Water Resource Plan through interests in the culturally rich Lake Tyrrell, a terminal lake at the edge of the Avoca Basin. Lake Tyrrell is Victoria’s largest salt lake and the largest saline groundwater discharge lake in the Murray-Darling Basin.

Wadi Wadi Country is located just west of Swan Hill, extending west towards Ouyen and south of Robinvale, straddling the Murray River.

A joint consultation was undertaken with NSW Department of Industry (DOI Water). This was the first time NSW and Victorian state governments delivered a joint consultation for water resource plans and agreed to adopt NSW’s approach to engagement. This involved contracting independent Aboriginal consultants, Strategic Small Business Solutions (SSBS), to undertake the engagement to provide a sense of independence, and to safeguard cultural knowledge.

All material in the following parts is First Nations Cultural Knowledge provided by Senior Traditional Owners and Traditional Owners of the Wadi Wadi Nation for this consultation report. Senior Traditional Owners also provided guidance on the consultation process and report draft.

Wadi Wadi contribution was reviewed and signed off by nine senior Traditional Owners who were nominated by the MLDRIN delegates.
11.3.6.1 Themes

“Managing water is complex and we need a seat at the table and there are a few seats at the table available now. That is the opportunity for the First Nations people right now. Get your information into the water resource plans to have your say”

Darren Murray, Principal Aboriginal Cultural Liaison Officer, DOI

From the interviews and workshops, it was evident that the following issues emerged as crucial to the Wadi Wadi Nation participants;

- water represents life
- grave concerns over present care of waterways is paramount
- special memories and spiritual and physical cultural connections to waterways are integral,
- accessibility is an issue
- First Nation management or input into waterways is strongly desired
- a firm belief that First Nations people hold solutions to present day waterways problems is collective
- financial assistance is required to repair and maintain damaged waterways under First Nations control and stewardship.

Figure 33: Murray River at Robinvale

Credit: Andrew McMahon, Strategic Small Business Solutions
**Water is “Life”**

The Wadi Wadi Nation participants said simply that the word water to their people is “Life”. Water is connected to all aspects of their lives, physically, culturally, and spiritually. It is the actual presence of a body of water that is crucial, as the body of water and the animal and plant life it contains connects to the land and the land connects to the animals and people it supports.

Water for connectivity denotes well-being, in the physical, spiritual and cultural sense.

First Nations views on water for survival in the physical sense differs from the value First Nations people place on water and waterways.

For example, a Wadi Wadi workshop participant noted upon first viewing a digital map of the Nation waterways that a particular lake had taken on the physical form of a very young baby.

The importance of this discovery was evident the next day when it was divulged to the consultants that the baby of the lake had been a discussion topic amongst Nation members at the previous nights’ BBQ and beyond.

**Care of waterways**

Grave concerns over current care of waterways was a strong recurrent theme emerged across all face to face interviews and during the workshops. That the current care of and for Nation waterways is inadequate, ineffective and damaging to the waterways was/is a collective concern of all participants. The colour and quality of the water in the rivers is not as remembered in the childhoods of the elders and TO’s. There were stories of clear and concise memories of children fishing in the river with mothers and grandmothers and being able to “clearly see the yellowbelly approaching”.

Water clarity is not the case today. First Nations Wadi Wadi people collectively describe the water as murky. Reasons cited for the murky quality of the waterways are pollution from recreational boats, racing boats, paddle steamers with diesel engines, poor stewardship, less native plants, more weeds, erosion and a rapid decline in fish stocks due to lack of breeding space.

There is serious concern for Aboriginal youth and the cultural experiences they miss out on that tie them to family, identity and tradition. Due to the rivers poor water quality, particular memories of Christmas Day celebrations on the river, with everyone swimming to cool down are not occurring as often, or not at all in particular regions as the Traditional Owner’s do not consider the river healthy enough to swim in.

Carp are of huge concern to the Wadi Wadi people, their prevalence and the long-term riverbank damage results in the decimation of fish native to the river system. There is major concern that the premise of sharing water, prevalent amongst First Nation communities is a concept not achievable under current western style governance methodology. First Nations people clearly expressed a belief of favouritism towards farmers in the current water sharing system, and that farmers either do not want to or do not know how to effectively and efficiently manage waterways.

**Cultural connections**

Special memories physical, spiritual and cultural connections to waterways are paramount to the people. If the waterways are not sustained naturally, the land suffers, the animals and plant life suffer, and the question of survival becomes a real and genuine concern.

The concern for First Nations people is not just one of the survival of the people, but of the survival of the land itself. Healthy water is at the core of the health of the land and the entire eco-system.
Special memories, physical, spiritual and cultural connections are borne out of lived experiences on and around the water and waterways. Memories of TO’s grandfathers burning bark and placing in the river to draw fish to the area in the then clear waters were shared.

Historically for Wadi Wadi people the waterways are integral to the stories that are passed down from their ancestor’s generation after generation about caring for the water and the land.

Traditional Owners are very deeply concerned that the knowledge held for millennia may be lost as the waterways suffer and the occasions for creating memories connected to water and land decline and the physical, spiritual and cultural connections are lost to Wadi Wadi youth.

Additionally, younger members of the Wadi Wadi Nation expressed a deep yearning to gain more knowledge of the water, the land and the history of their recent and long departed ancestors, so they may be able to continue their inherent culture and pass the lessons onto their children in perpetuity.

**Accessibility**

Accessibility to waterways is vital to the First Nations Wadi Wadi people. The water, land, plants and animals cannot be monitored for health, quality and cared for, fish cannot be accessed in the traditional way for eating and sharing with family, fish stocks cannot be monitored, and maintenance of the waterways and significant and sacred sites is problematic.

The recognition and accessibility to birthing trees, burial sites, scar trees, artefacts and the respect due to massacre sites is of concern.

Cultural events are less likely to occur due to lack of accessibility and continuity of cultural identity may be at risk.
11.3.6.2 First Nation management

First Nation management and input into waterways is strongly desired and financial assistance is required to repair and maintain damaged waterways under First Nations control and stewardship. From the workshops emerged a constructive plan to for the Wadi Wadi people to form a committee, register a corporation with ORIC and apply for funding through the Aboriginal Water Unit at DELWP. A DELWP employee presented at the Workshop and advised of funding pathways available to successful applicants.

Wadi Wadi people expressed their desire to run a program of waterways monitoring and management, using First Nations rangers to care for the waterways using proven traditional methods. It was noted that in some areas, First Nations people were already attempting to care for waterways by daily walking the banks and removing rubbish, such is their concern for the decimation occurring.

It was identified that funding for a boat, a four-wheel drive and wages are required to begin a program, the concept being that First Nations rangers would act a conduit to authorities to advise of illegal incidents, but also as a deterrent to potential criminal activity. First Nations people would also act as educators to the public, about caring for the river using sustainable methods of management and control. From this, an income stream could be possible, with culturally appropriate tours of First Nations history being made available to tourists, thus providing funding for the continuation of the caring for waterways program.

11.3.6.3 Stewardship

A firm belief that First Nations people hold solutions to present day waterways problems is collective. Throughout the consultation journey with the Wadi Wadi Nations Traditional Owners and the Wadi Wadi workshop participants it was clear that there is a common belief that solutions exist for the current problems with the waterways. The consensus presented was that these solutions have been available for all time, there is knowledge accrued over thousands of years and is there for the asking, the First Nations people just need to be asked and more importantly, actively listened to with action taken using the knowledge shared, with continuing involvement and real, genuine and meaningful inclusion of First Nations people.

A First Nations Wadi Wadi Elder described in detail instances of sharing knowledge with water authorities on where to sink drills to access water and being within mere metres or centimetres of the water table as proven when accessed. This ability the First Nations people attribute to is down to being so connected to the land they can read it, from experience, from memories, from oral history and from an innate ability to feel the land and its individual story.
### 11.3.6.4 Categories of values and uses

**Table 38: Wadi Wadi - Values and uses**

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Water is “life”</strong></td>
<td>Connectivity- physical, spiritual and respect for all lifeforms including the land and water itself</td>
<td>The emotive and symbolic thoughts, feelings and ideas evoked by images and visual connectivity with bodies of water such as the “baby of the lake” are representative of the water is “life” ideology. Community gatherings, corroborees, healing properties, cultural identity are all interwoven with the water is “life” theme.</td>
</tr>
<tr>
<td><strong>Animals</strong></td>
<td>Murray cod, river mussels, yabbies, Yellowbelly, redfin perch, black bream, tench and catfish, birdlife, kangaroos and rabbits, turtles, turtle eggs, swans, swans’ eggs and platypus.</td>
<td></td>
</tr>
<tr>
<td><strong>Plants</strong></td>
<td>Bush medicine (old man weed), burning bark (for fishing).</td>
<td></td>
</tr>
<tr>
<td><strong>Physical and emotional well-being</strong></td>
<td></td>
<td>Participants reported strong feelings of water bodies acting as calmatives, relaxing and destressing them when feeling low or anxious. Older Wadi Wadi nation members recalled physical well-being when they were able to access waterways and maintain physical activity on a regular basis, for food gathering and recreational purposes.</td>
</tr>
<tr>
<td></td>
<td>In one instance, a member who trained in her youth as swimmer off country and stalled, returned to Wadi Country and built her strength swimming the Murray River where the spiritual connectedness she felt inspired her on to winning gold medals.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>She also recalls the Mob swimming alongside her, feeling the connections and enhancing their own physical and emotional well-being.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Another Mob member tells the story of a drug addicted First Nations youth being ordered to spend time on the river at the suggestion of his father. The youth destressed, connected to the water and is now recovered.</td>
<td></td>
</tr>
</tbody>
</table>
Grave concerns over current care of waterways

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grave concerns over current care of waterways</td>
<td>Inadequate, ineffective and poorly managed waterways</td>
<td>Stories of algae build up and disappearing water bodies and swamps, lagoons and billabongs were common throughout the interviews and workshops. Deep concern over declining and decimation of native fish stocks due to lack of fish breeding grounds and severely polluted and eroded rivers was voiced repeatedly. The empty swamps contribute heavily to the declining fish stocks and they (empty swamps) are directly related to poor water management. To First Nations Wadi Wadi people, water sharing is a duty, it is a resource to take care of all things, past, present and future and it is feared that Western style management systems inherently do not understand how to effectively share water.</td>
</tr>
</tbody>
</table>

Accessibility

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessibility</td>
<td>Restricted and problematic accessibility to waterways</td>
<td>Restricted access to waterways, through legally enforced restrictive policies allowing farmers excessive access to water or through societal recreational pastimes such as 4WD access destroying habitat for both plants and animals and damaging natural pathways to waterways is causing concern to Wadi Wadi people. They feel they are unable to access fresh food sources, bush medicine or to care for the waterways as required culturally. Lore customs are passed from generation to generation on caring for the land and the water and restricted accessibility is counteractive to that process.</td>
</tr>
</tbody>
</table>

First Nations stewardship over waterways

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Nations stewardship over waterways</td>
<td>Custodial First Nations ownership</td>
<td>First Nations Wadi Wadi people see control and cultural ownership of the waterways as integral to the future of water in Australia. To that end, a committee was formed with the intent of forming an Aboriginal Corporation to run a ‘Management and Monitoring’ Waterways program under First Nations control. Initially funding would be required through the Victorian Aboriginal Water Program.</td>
</tr>
</tbody>
</table>

First Nations solutions to waterways issues

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Nations solutions to waterways issues</td>
<td>Collective consensus</td>
<td>Across the interviews and workshops was the belief that solutions to restore the water quality and address the water sharing issues are available and positive outcomes are achievable if the Wadi Wadi people can take control of the issues through the implementation of the above-mentioned water management program.</td>
</tr>
</tbody>
</table>
11.3.6.5 Feedback

Feedback from First Nation Wadi Wadi Members are outlined in Table 40 below.

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Water is Life”</td>
<td>Workshop</td>
</tr>
<tr>
<td>“Empty waterholes, swamps, lagoons and lakes are heartbreaking”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“I connected spiritually to the river on my Country and trained in that river and won gold medals in state swimming championships”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“There is no separation of the land from the water - they need each other”</td>
<td>Workshop</td>
</tr>
<tr>
<td>“It is Aboriginal lore to protect and care for the water and the land”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Anyone, no matter where they are from, or animals or plants who are on Country need to be protected and cared for with the land and the water”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Let the cultural flows come back naturally”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“The river itself is a lifeforce to us”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Culturally and spiritually the river, the creeks, they are a part of you”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Us TO’s think this is special that we are being asked what we think about water”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“We, the Aboriginal people have already restored (through funding) a dried-out wetland, Perricoota, cause we know how to do it and the birds are back now and breeding. Now it needs protecting but there are no people on the ground to do that”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Christmas Day celebrations were very special on the river, in those days we (all the kids) could swim in the river with the adults watching over us, but now, we don’t think the river is right to swim in. So we don’t really have Christmas down here. We drank the river water until the 1980”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Oh yes, we always drank the river water, it was clear and bright, and you didn’t have to take your own water with you like you do now”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>“Aunty used to send us kids down to the river to spear fish for our tea. We always got good fish to feed us all. Now I have a boat to fish in and all I can catch is carp”</td>
<td>Face-to-face interview</td>
</tr>
<tr>
<td>Ceremonial occasions, one TO and Wadi member reported their grandfather was a Ceremonial Man who would conduct initiation ceremonies in the River</td>
<td>Face-to-face interview</td>
</tr>
</tbody>
</table>
They want to be able to bring these rites of passage back to community, but would not let the young people into the river now as it currently is

"Water is for cleansing"

Water connects Aboriginal people, “upstream share with downstream”

"We still get inspiration just being near the water, I live the culture everyday but when I’m near the water I dance”

### 11.3.6.6 Evaluation

<table>
<thead>
<tr>
<th>Themes</th>
<th>Categories</th>
<th>Detail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water is “Life”</td>
<td>Connectivity</td>
<td>Poor water quality lessens accessibility that and weakens connectivity. Water is now not drinkable and a bad colour and not good for swimming. Cultural connection to water is integral to identity</td>
</tr>
<tr>
<td>Animals</td>
<td></td>
<td>Less animals, far less native fish, yabbies, freshwater mussels, a finding of 8 netted (1 albino) platypus which all died, less fresh food available for people, carp are devastating the rivers</td>
</tr>
<tr>
<td>Plants</td>
<td></td>
<td>Overgrowth of weeds, less to no bush medicine plant life available</td>
</tr>
<tr>
<td>Physical and emotional well-being</td>
<td></td>
<td>Less physical activity leading to health issues, poor diet lacking nutrients from fresh foods, less access to the calmative effects of the waterways leading to spiritual anxiety, depression and perhaps drug and alcohol problems</td>
</tr>
<tr>
<td>Current care of waterways is inadequate</td>
<td>Waterways damaged</td>
<td>Algae build up, damaged riverbanks, erosion, poor water quality, poor flow, 12 empty swamps, lagoons and creeks, silt has doubled (firestick burning solves silt issue)</td>
</tr>
<tr>
<td>Stewardship</td>
<td>Restricted access</td>
<td>Inability to care for water and land as required by First Nations Lore and gather food and plants for traditional purposes</td>
</tr>
<tr>
<td>Solutions</td>
<td>Custodial control</td>
<td>Without First Nations control and input, water problems will continue and worsen</td>
</tr>
<tr>
<td>Problem solving for waterways</td>
<td></td>
<td>First Nations Wadi Wadi members collectively agree that they hold the knowledge to solve the current issues and maintain strong, healthy and viable waterways into the future</td>
</tr>
</tbody>
</table>
11.3.6.7 Impacts

Table 41: Wadi Wadi - Impacts

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>“There is so much pollution from the boats, there are so many on the river”</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>“The race in Echuca starts in the wrong place, it is killing the area the fish breed in”</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>“There was so much silt from not opening the gates enough, that when gates were opened the river went black”</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>“A farmer let something into the river and the gum trees died”</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>“Uncontrolled tourism causes the river to be unhealthy”</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>We need more of this, this asking us TO’s what to do about the Water so we can fix it”</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>“The breeding grounds are affected in the river and now the creeks and the off-shoot waterways are wet and dry depending on weir releases, the fish stocks are too low now”</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>“We need water put back into the swamps, the bush tucker and medicine are gone”</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>“Water releases are mainly for the farmers, the irrigators”</td>
<td>Wadi Wadi TO</td>
</tr>
</tbody>
</table>

11.3.6.8 Feedback

Table 42: Wadi Wadi - Feedback

<table>
<thead>
<tr>
<th>Quote</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government and farmers don’t know how to share the water, so our sharing water beliefs are at risk.</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>We have no rights, not in this conservation, and we need a licence to be connected to water.</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>Our way is a preserved way of life – and advanced way of looking after Country, that way is at risk of dying out.</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>Our storytelling, our gathering on the water, our language has all changed because of a need for secrecy.</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>The Government need to realise culture is at risk and needs to be practiced traditionally and we need access for connection to our water and Country.</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>We see illegal fishing and we don’t like it.</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>Parks and Wildlife have restricted culturally significant areas.</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>Physical and spiritually emotional places are not accessible and are of historical significance.</td>
<td>Wadi Wadi TO</td>
</tr>
</tbody>
</table>
continued

<table>
<thead>
<tr>
<th>Quote</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>The feelings of safety and healing have been lost because we can't spend time in the water, putting our health at risk.</td>
<td>Wadi Wadi member</td>
</tr>
<tr>
<td>When we lived on the river as kids, the river was a shop, we got our food and our water and now we can't, and the young ones can't. We only ever took what we needed.</td>
<td>Wadi Wadi TO</td>
</tr>
<tr>
<td>Drug, alcohol and domestic violence issues are occurring and putting us at risk, because of a lack of access to water, to culture and cultural activities.</td>
<td>Wadi Wadi member</td>
</tr>
</tbody>
</table>

11.3.6.9 Objectives and Outcomes

The MDBA Part 14 Guidelines advise the aim of consultation processes should be ‘to identify Traditional Owners’ objectives for water management, and the desired outcomes that the objectives would contribute towards.’

‘Objectives are commonly understood to mean ‘aspirations’ or ‘goals’ and is often expressed as wishes.’

Table 43: Wadi Wadi - Objectives

<table>
<thead>
<tr>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>To have full “First Nations control of bush and water and that will result in fixing the problems”.</td>
</tr>
<tr>
<td>“To every problem there is a solution and Aboriginal people are the solution and have the solution to water problems”.</td>
</tr>
<tr>
<td>“Everything be respected, respect everything TO’s have fought for – Respect falls under Lore.</td>
</tr>
<tr>
<td>“We want government to engage more with Aboriginal people”.</td>
</tr>
<tr>
<td>To no longer feel like we are sharing our knowledge with Government and not being listened to. We are Traditional Owners of the land and should be Custodians of the land”.</td>
</tr>
<tr>
<td>To have genuine, real world jobs for Aboriginal people, like water and land rangers. To have MLDRIN advocate for funding so Wadi Wadi can set up a corporation through ORIC and apply through the Aboriginal Water Unit at DELWP for funding for an Aboriginal Water Ranger Program (AWRP) to operate in the Wadi Wadi area.</td>
</tr>
<tr>
<td>We want to define our objectives and work towards outcomes.</td>
</tr>
<tr>
<td>To stop going around in circles, sick and tired of it, we want to move forward.</td>
</tr>
<tr>
<td>To have cultural sites of significance identified and protected.</td>
</tr>
</tbody>
</table>
### Table 44: Wadi Wadi - Outcomes

<table>
<thead>
<tr>
<th>Feedback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carp are controlled, fish are re-stocked and breeding grounds are monitored and maintained, plants and bush medicine thrive again as First Nations control and management programs are implemented.</td>
</tr>
<tr>
<td>Rivers flow naturally again, waterholes fill up naturally and swamps will be healthy and full of wildlife. We want to drink the water, swim in the water and heal ourselves and our kids in the water.</td>
</tr>
<tr>
<td>Cultural identity, spirituality, connectivity and accessibility to water are all restored and rebalanced through respect for Aboriginal knowledge. Burial sites and sites of historical significance can be monitored and respected. Spirits can rest and not be upset by being disturbed.</td>
</tr>
<tr>
<td>Good communication with government and ongoing commitment from government to respect and act on Aboriginal Lore.</td>
</tr>
<tr>
<td>Receive funding with MLDRIN support for funding application to AWP and commence AWRP on Wadi Wadi traditional land, to begin culturally appropriate training and implement traditional methods of managing waterways. The ranger will report to the Wadi Wadi Corporation Committee with the committee reporting to the funding body. Observation and diligence is the key with the rangers reporting problems to appropriate authorities as required.</td>
</tr>
<tr>
<td>Signage will be in place and Aboriginal rangers will be surveying and maintaining and monitoring the rivers in line with the AWRP policies and procedures.</td>
</tr>
<tr>
<td>To have moved forward and have ongoing positive outcomes and decision making by water planners.</td>
</tr>
<tr>
<td>To have moved forward with the identification of all culturally significant sites and protective mechanisms in place where required.</td>
</tr>
</tbody>
</table>
11.3.7 Wamba Wemba

Wamba Wemba contribution was distributed to the Wamba Barapa working group on 11 December 2018 by the First Nations Legal and Research Services. There were no content amendment suggestions or objections to the report. A working group meeting was planned for 23 January 2019 for further discussion and feedback about the draft contribution. This meeting was cancelled due to sorry business and may be rescheduled for February 2019. As a result, any further amendments will be captured in the Northern Victoria Water Resource Plan.

11.3.7.1 Description

Clans/family groups

The Wamba Wemba Nation is defined by many clan groups that form approximately 16 family groups for the Nation. The clan groups are descendants of Wamba Wemba families.

Country

Wamba Wemba Nation is represented in the Wimmera-Mallee Water Resource Plan through interests in Lake Tyrrell and the Avoca River.

Wamba Wemba areas of interest are around the Loddon River, reaching northwards from Kerang, Victoria to Swan Hill, and including the area of the Avoca River, southwards towards Quambatook. In a north easterly direction. Their areas of interest goes over the New South Wales- Victorian border to Boorrorban and Moulamein, and extends to the vicinity of Barham and Lake Boga in Victoria.

Scope

Traditional Owners at the Nation meeting agreed to make the same contribution for both the Wimmera-Mallee Water Resource Plan and Victoria’s North and Murray Water Resource Plan.

During the initial planning meetings, key contacts decided to make separate contributions for water resource plans located in Victoria and NSW. This document focuses on aspirations of the Wamba Wemba on the Victorian side.

Organisations/Working Groups (NRM)

The main organisations and groups that Wamba Wemba people are involved in (within Victoria) are:

Table 45: Wamba Wemba - Organisations and groups

<table>
<thead>
<tr>
<th>Organisation/Working Group</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wamba Barapa Working Group (through First Nations Legal and Research Services)</td>
<td>They are in the process of progressing their native title claim and have requested that DELWP engages with the group where possible regarding on matters that affect their rights and interests on Country.</td>
</tr>
<tr>
<td>Barapa Wamba Water for Country Steering Committee</td>
<td>They are funded through DELWP Aboriginal Water grants and work with the NCCMA to make decisions on the Barapa Wamba Water for Country Project.</td>
</tr>
<tr>
<td>Wiran Aboriginal Corporation</td>
<td>They currently have four directors who are focusing on setting up the governance structures.</td>
</tr>
</tbody>
</table>
11.3.7.2 Current or pending agreements

Native Title and Traditional Owner Settlement Act

The Wamba Wemba and Barapa Barapa peoples are in the preliminary stages of their native title matter which may include progressing to a settlement agreement under the Traditional Owner Settlement Act 2010 (Vic).

Registered Aboriginal Party (Cultural Heritage)

Wamba Wemba do not currently have RAP status, however, the group is undertaking the required preliminary work to apply to be recognised as a RAP for their Country.

Traditional Owner views regarding arrangements

Traditional Owners noted frustration with the engagement process and advocated to be included at all levels of negotiations. Wamba Wemba Traditional Owners have expressed that the engagement process with stakeholders must be open and transparent and the group is adequately resourced to engage at an equal level with stakeholders. The Wamba Wemba group has noted that there are challenges in acquiring resourcing for the Corporation and to call full group meetings to consider stakeholder proposals.

11.3.7.3 Existing reference materials

Aboriginal Waterway Assessment

An Aboriginal Waterway Assessment was undertaken in 2015 by Wamba Wemba in the Werai Forest, NSW as part of a pilot research undertaken by the MDBA to test the tool in the Australian context.

Wamba Wemba look forward to ways to work with Victorian Government agencies to do an Aboriginal Waterway Assessment in future and to link the results with environmental watering programs.

Use and Occupancy Mapping

In 2009/10 a use and occupancy mapping project was conducted by the MDBA in conjunction with MLDRIN, Yarkuwa and the Deniliquin Local Aboriginal Land Council in the Werai Forest, NSW. Many Wamba Wemba Traditional Owners were involved in the project and several Traditional Owners were trained in use and occupancy mapping and have permission to continue using the tool.

Kerang Wetlands Ramsar Action Plan

NCCMA developed a detailed action plan in coordination with the multiple stakeholders with a role in managing these wetlands. This included Wamba Wemba and Barapa Barapa Traditional Owners who were involved in identifying cultural values and specific management actions to look after the wetlands.

Additionally, the North Central CMA has co-ordinated monitoring and NRM programs in the area in collaboration with Traditional Owners including weed control, revegetation, controlling rabbit populations and fencing high priority vegetation.
**Barapa Wamba Water for Country Project**

The current project builds on the Barapa Water for Country project, which commenced in 2014 to identify and map traditional values and sites of cultural significance in the Gunbower Forest. The second phase of the project focused on flow objectives and how these will deliver cultural outcomes in the Gunbower Forest. In 2018-19 the project has extended to gain understanding of the cultural values and aspirations of wetlands on Wamba Wemba Country.

**The Tyrrell Project**

The Tyrrell Project is a community driven project to deliver multiple NRM outcomes at the internationally renowned Lake Tyrrell, along with the Tyrrell and Lalbert Creeks; and, wetlands connected to the Wimmera-Mallee Pipeline. The Mallee CMA is co-ordinating the project with the advice from communities and Traditional Owner Groups including Wamba Wemba.

**Victoria’s Framework of Historical Themes**

This project included a case study on the social and cultural heritage landscape of Lake Boga.

**North Central CMA Waterway Strategy 2014 – 2022**

Recognises the knowledge, culture and perspectives of Aboriginal people and the importance of rivers and wetlands for Aboriginal values and uses. Actions in the strategy include:

“The North Central CMA will work with Traditional Owner groups to strongly align the 2014-22 North Central Waterway Strategy and ‘Whole of Country Plans’ and continue to explore opportunities to work with Traditional Owner groups on the strategy’s priority waterways” (p.14). The North Central CMA will see management.

**Mallee CMA Waterway Strategy 2014-2022**

Recognises that Traditional Owners continue to have connection with the Mallee’s natural landscapes and values near waterways. It outlines the following goals:

“To protect the extent and condition of Cultural Heritage (Indigenous and non-Indigenous) sites associated with waterways; and to increase community capacity for, awareness of and participation in waterway management.”

The strategy outlines the following principal "Traditional Owners - the skills, knowledge and perspectives of Indigenous people will be incorporated into waterway management."

**11.3.7.4 Preferred means of engagement**

The Wamba Wemba currently have two MLDRIN delegates.

The Wamba Barapa Working Group is an interested stakeholder and a point of contact for proponents undertaking work on Wamba Wemba Country. Luke Hockey of First Nations and Legal Research services is a preliminary contact point for the Working Group. For any substantial and important decisions regarding activities and projects on Wamba Wemba Country, the working group will refer these decisions to the full native title group. Some members requested to engage directly with Wamba Wemba people and not through peak body organisations.

During the consultation most people indicated that they preferred receiving information via post rather than email. They also appreciated face to face engagement as it shows respect.

Wamba Wemba have concerns from the lack of consultation from all government departments and water agencies to date and provided an example that environmental watering decisions seem to be made before the general public including Traditional Owners know about them. It would be interesting to know what is being watered; why it is being watered, and how much water
is being delivered over how many days. This would allow the opportunity to visit the site or co-ordinate an event associated with the watering.

Representatives from Wamba Wemba indicated that they would like to be aware of NRM projects across the sector and it was suggested to meet more regularly as a Nation to learn about and have input on various projects across the relevant teams/organisations.

Representatives felt that government do not have a clear understanding of the Aboriginal social structure (Nation Groups, clan groups, family groups) and how to engage effectively. There was a suggestion that there should be a representative from each family group involved.

11.3.7.5 Values and uses

The following statement was prepared by Ken Stewart and shared during the workshop receiving support by other Traditional Owners to include it in the Water Resource Plan as an explanation of why Country is important.

“OUR LAND and WATER

As a person of Aboriginal descent with close ancestral links to both Murray River Country and the Mallee/Wimmera Country there are many materials as well as ethereal markers in the present landscape that connect us to our People’s long history of association with the Landscape.

With the passing of time since European colonisation there has been a rapid decline in the practice of cultural traditions that have been passed from one generation to the next since time immemorial.

This makes all archaeological sites highly significant to firstly our Elders as some of them witnessed our Ancestors living the cultural practices that created these sites, secondly to me and my generation as this is how and where the Elders pass on to us the knowledge and wisdom of our culture, thirdly to our children and the future generations as this is our Ancestral Legacy.

While this holds true for all material culture sites such as mounds, middens, scarred trees and artefact scatters our burial places and the skeletal remains they hold are sacrosanct and are the most sacred sites we know because these are the resting place of our Ancestral families.
I and many others of my Aboriginal Countrymen and Countrywomen feel that we have been entrusted with the care and protection of these sites and song lines until it is time to pass this responsibility to the next generation.”

Kenneth Stewart

11.3.7.6 Workshop and field trip

During the workshop, an open discussion was had about why water is important to Wamba Wemba people with consideration of environment, social, economic and spiritual aspects. Aboriginal values and uses of water were also spoken about more informally during the field trip. The main themes that emerged included:

**Lifeline**

During the workshop water was described as “a lifeline – without it we have no fish or animals”. Another person mentioned “looking after the environment is looking after culture”. The presence and quality of water is the largest influential factor on the cultural health of the rivers, lakes and wetlands. Water itself is a cultural value simply by its presence and its wide-ranging effects on other cultural resources.

**Identity**

There is an inextricable connectivity between identity, spirituality and water. During the workshop one Traditional Owner mentioned “water is important to maintain identity and spiritual connection”. Wamba Wemba identity is bound through their connection to land and water and includes: totems, language, stories, beliefs and values.

**Plants and Animals**

There is a spiritual, cultural and ecological connection between water and the animals and plants that depend on water. During the workshop and field trip there was mention of plants used for bush medicine, food, craft such as basket weaving and ceremony artefacts. Scar trees are valued as a historical reminder of traditional harvesting techniques.

Animals commonly discussed included: turtles, black swans, fish, Murray cray and yabbies. The red tail black cockatoo and brolga were noted as being important. It is culturally important to preserve these animals to hunt and fish and continue a social/spiritual connectivity to the waterways.

“Murray cray is a delicacy food used in ceremonial occasions like weddings...Only take the big ones, not the ones with eggs. Aboriginal people only took what they wanted to use”.

Wamba Wemba workshop participant, October 2018

**Livelihoods**

It was mentioned that waterways support livelihoods whether it’s through providing food sources to eat, sell or to enjoy hunting as a customary activity. It was also recognised that there are potentially economic opportunities through aquaponics etc.
Lake Tyrrell

During conservation with one Traditional Owner, they highlighted Lake Tyrrell as a sacred place for men to navigate at night time “sky reflection”.

11.3.7.7 Literature

Further Wamba Wemba values and uses are listed below based on a literature review.

Social and Cultural History of Lake Boga

Lake Boga has a rich social and cultural history and has a case study prepared on it to demonstrate Victoria’s heritage (Heritage Council, 2018). The Aboriginal values for Wamba Wemba people identified in the case study include:

- Stories associated with the formation of the landscape, explaining the lack of trees around the lake, features associated with the lake and the river, the local fauna and the moon. (The formation of ancestral landscape)
- Evidence of numerous campsites and middens containing food remains of bone and fresh water shellfish, earth ovens used to cook meals, surface scatters of stone artefacts and burial sites. (Aboriginal economy, resources and customs)
- The Wamba Wemba occupied a wide area within the Kerang Lakes system including Lake Boga and nearby Lake Mannaar as well as land up to the banks of the Little Murray River (Barne Mille) and the Murray River.
- European settlement placed pressure on the Wamba Wemba populations as pastoralists were threatening their land, resources and cultural traditions. The Moravian Mission was established in 1851 and closed in 1856 unable to attract many Aboriginal people.
- In the late 19th century, land selectors moved into the area and water supply was formed to supply the new agricultural settlement. The town of Lake Boga developed to include railway station, shops and a school.
- Many Wamba Wemba people worked on rural land selections or worked on pastoral or agricultural properties, delivered mail, worked as shearsers or within the town itself.

During the field trip it was evident that Traditional Owners maintain a close association with Lake Boga and the township. This included the primary school and the cemetery and memories of spending time with family along the edges of Lake Boga.

Kerang wetlands

The Kerang Wetlands Ramsar Site Action Plan (State of Victoria, 2017) highlights Aboriginal values (Wamba and Barapa) including:

- mounds, scar trees, middens, burials, hearths, surface scatters and isolated artefacts
- the wetlands continue to function as places of spiritual and cultural connection
- the wetlands provide habitat for flora and fauna that are important resources for food and medicine

There is an abundance of cultural heritage sites with many recorded on the Aboriginal Cultural Heritage Register and Information System (ACHRIS). There are also sites that are not registered as a means of privacy and protection from the public including:

- important places for ceremonial or spiritual purposes
- places of gathering and social meetings
- camp sites
- fishing or food gathering sites
- places of trade
• women’s and men’s sites
• burial and ceremonial sites

11.3.7.8 Risks and impacts
During the workshop, Traditional Owners were asked “What are some of your concerns about water management and its impact on Aboriginal use and values?”.

“If you don’t look after the bush it will impact the river – everything is connected. Water affects everyone and influences multiple systems (economics, food, etc.)”

Wamba Wemba workshop participant, October 2018

The main themes raised included:

Water quality decline from land clearing, erosion of the river banks, blue green algae and blackwater events. The decline in water quality is reducing the cultural health of waterways by rendering the water unusable for humans and impacting plants and animals.

Inappropriate recreational use such as jet skis, boats and 4x4 produce pollution and destroy habitat.

Water regulation has completely changed the flow regime and near Swan Hill the river drops to very low levels impacting on social use and enjoyment of the river. Additionally, many wetlands in were noted to be drier than normal and a general comment that trees look stressed and cultural resources that would normally be expected are absent.

Water oversubscribed creating a barrier for Aboriginal people to enter the water market and sustain a livelihood with one person commenting “land is worth nothing without water”. There is also recognition that water needs to be respected, conserved and it is important for keeping Country healthy.

Over fishing of the rivers and people not following good fishing practices “only take what you need – that’s what we have done for generations”. Additionally, there were comments that now the river is full of carp and there was also concern releasing the carp virus and what the side effects will be.

Lack of involvement of Aboriginal people in water management has been detrimental to environmental and cultural health of waterways. Traditional Owners feel like a minority, are not adequately engaged and noted a lack of transparency the way water is managed and where the funding is going. It was also mentioned that people are not spending as much time on Country anymore and are losing the understanding of the landscape, where things are and why. One person mentioned that there is particularly a lack of women involved.

Un-named Waterways: during the workshop it was raised that there are many un-named waterways that have Aboriginal values and uses and may not be included in plans/conversations.

“Lake Tyrrell is a sacred place for men to navigate at night time “sky reflection”. A lot of people want to see it changed. It is as old as Mungo. Would like to see it protected. At the moment the Mallee Ralley goes through the state park and
should be moved to private property. They have dates, stories, tangible heritage and could go for UNESCO heritage. But they wonder how it will impact people living there. They’ve had burials destroyed, scarred trees burnt down. It’s of world heritage when you learn what’s there. 20,000 tourists visit each year to take selfies. Need structures to manage so they don’t cause damage. Currently applying for intangible heritage overlay. Could be years away.”

Wamba Wemba workshop participant, October 2018

11.3.7.9 Objectives and outcomes
The Wamba Wemba people have had a living connection with the rivers and wetlands for tens of thousands of years and are recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. They have an interest in managing waterways to protect cultural heritage due to long connection to the land and resources.

During the workshop, Traditional Owners were asked “How would you like the water in rivers and groundwater managed?” and “what is your vision for water management in 5 or 10 years?” The responses have formed the objectives and outcomes for the Water Resource Plan.

Table 46: Wamba Wemba - Objectives and Outcomes

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Outcomes</th>
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<tbody>
<tr>
<td>Encourage kids to stay in school and provide opportunities such as water sampling to start engagement.</td>
<td>Clear pathways for youth to work in the water sector and go into leadership positions</td>
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<tr>
<td>Provide a pathway for employment for youth in the water sector.</td>
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<tr>
<td>Set-up cadetships for youth.</td>
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<tr>
<td>Provide training and mentoring to promote leadership</td>
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<tr>
<td>Every CMA to have a dedicated Aboriginal position or identified role (meaningful position that is supported with ongoing training, clear positions description, long term contract and structure).</td>
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<tr>
<td>Government agencies to have direct engagement with Traditional Owners especially regarding job opportunities e.g. water quality monitoring, fish and bird monitoring, weed control, fencing, revegetation, fish habitat/fish ladder construction, installation of fish screens, etc.</td>
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<tr>
<td>Objectives</td>
<td>Outcomes</td>
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<tr>
<td>Building strong networks between Aboriginal people, Traditional Owners and Government for forward progression. Suggested on-going engagement (hold forums twice a year with waterway units, CMAs, Parks, TO's etc.).</td>
<td>Working in partnership with Government organisations</td>
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<td>To secure ongoing project funding for the Water for Country project.</td>
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<tr>
<td>Traditional Owner Involvement in environmental watering decisions to look for opportunities for cultural outcomes and to minimise the impact on cultural values.</td>
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<td>Improve communication and engagement across all government departments and other agencies.</td>
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<tr>
<td>To develop a project between NCCMA and Traditional Owners to restock Murray cray and yabbies. Potential to apply cultural mapping.</td>
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<td>To link outcomes from Aboriginal Waterway Assessments and Use and Occupancy Mapping to inform environmental watering programs.</td>
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<tr>
<td>Replenish fish stocks (good for culture/traditional practices)</td>
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<td>Manage recreational users of waterways (jet skis, boats and 4X4)</td>
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<tr>
<td>Work together with other Traditional Owner groups to create change.</td>
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<tr>
<td>Undertake full assessment of waterways in the Country. Document Elders knowledge as we go, build the information over time. We are unable to tell the government everything in a day</td>
<td>Document, learn and share knowledge to preserve culture</td>
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<tr>
<td>Do a skills audit across Wamba Wemba to understand who can contribute to what projects. A number of Traditional Owners are trained in cultural mapping.</td>
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<tr>
<td>Consideration of Aboriginal values and uses for unnamed waterways as well as named waterways</td>
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<tr>
<td>Dual naming system in place with the Aboriginal name and history of the site</td>
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<tr>
<td>Learn cultural knowledge to pass onto the younger generations. Teach language of everything related to land and water. If Aboriginal people do not work together the culture will be lost</td>
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<tr>
<td>Reinstate more natural watering regimes wherever possible.</td>
<td>Protect and manage culturally significant sites</td>
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<tr>
<td>Manage flows to restore habitat and protect wildlife especially for species of cultural and iconic significance e.g. black swan, Murray cray, yabbies, red tail black cockatoo and brolgas for example.</td>
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<tr>
<td>Improve management of tourism to minimise damage of cultural sites</td>
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</table>
### Objectives

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Outcomes</th>
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<tbody>
<tr>
<td>Joint management of waterways through funding and job positions (rangers, fisheries positions)</td>
<td>Work towards self-determination</td>
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<tr>
<td>Build a cultural centre to share history and cultural significance of Lake Boga. It may include a conference room, tourist information and sells arts/crafts.</td>
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<tr>
<td>Secure land for cultural learning and set-up livelihoods on Country. Secure water shares/licenses and have the opportunity to trade.</td>
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<tr>
<td>Develop activities/program to support women to connect with waterways such as: collecting reeds for basket weaving, collecting eggs etc.</td>
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<tr>
<td>Restore and maintain vegetation with bush medicine, craft, ceremony artefacts and food sources (for example, native grasses, common nardoo, old man weed, cumbungi, common reeds).</td>
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</table>

The ultimate goal is for healthy bush, healthy rivers and healthy people.

### 11.3.7.10 Environmental and cultural flows

During the workshop and field trip there were many discussions regarding cultural flows and environmental flows. A couple of people even questioned why there is any difference between them at all, given that healthy community is so closely related to healthy country, and environmental water is delivering healthy county.

Subsequent to this, Traditional Owners thought there needs to be more collaboration between environmental water managers and Aboriginal groups, so that there is greater understanding of each other’s objectives. One example was highlighted during the engagement that some environmental water targeted breeding and movement of Murray Hardyhead (which some Traditional Owners couldn’t see the value in), yet environmental watering managers are trying to discourage Redfin (which is a favoured fish to eat for some Traditional Owners). This conversation highlighted the difference between environmental flows and cultural flows – cultural flows should be something that Aboriginal groups have complete control over, and not be bound by restrictions that apply to environmental water. While there will be large crossovers between environmental and cultural flows (e.g. looking after river-red gums, Murray Cod), there will also be difference (e.g. environmental flows would target Murray Hardyhead while Aboriginal groups may want to farm Redfin), which is why cultural flows are needed in addition to environmental flows.

Another point that came up repeatedly was that there was inadequate cultural assessment during environmental watering events. An example given was of watering at Hattah Lakes could impact on burial sites or scar trees, yet there was no Traditional Owner on site to make sure the significant sites were not affected.

During the consultation representatives from the Mallee CMA and North Central CMA were keen to listen and work together to scope meaningful projects with cultural outcomes through the environmental watering program.

Other concerns raised about cultural flows were about the National Cultural Flows Research Project. Some Traditional Owners were wondering how it could be endorsed when they had not been consulted.
11.3.7.11 References


State of Victoria, North Central Catchment Management Authority (2017) Kerang Wetlands RAMSAR Site Action Plan

State of Victoria, Heritage Council (2018), Case Study 6: Lake Boga, Social and Cultural Heritage Landscape
11.3.8 Weki Weki

Weki Weki Nation is represented in the Wimmera–Mallee Water Resource Plan area through interests in Lake Tyrrell particularly nearby the area around Sea Lake. Consultation with the Weki Weki has indicated that they are on track to submitting their contribution to the Northern Victoria Water Resource Plan. Please refer to Appendix D for the consultation to date and refer to the final version of the Northern Victoria Water Resource Plan for their contribution that is also relevant to the Wimmera-Mallee Water Resource Plan. DELWP has been allowing the time that Weki Weki need to develop and finalise a meaningful contribution.
11.3.9 Wotjobaluk Peoples (represented by Barnegi Gadjin Land Council)

The Wotjobaluk People’s updated contribution was signed off by the Barengi Gadjin Land Council Board in February 2019.

11.3.9.1 Description

The Wimmera River, the Avon-Richardson and the lakes and woodlands of the Wimmera and Mallee plains have sustained the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk peoples for thousands of years.

These groups, often referred to collectively as the Wotjobaluk Peoples or Wotjobaluk Nations and represented by Barengi Gadjin Land Council Aboriginal Corporation (BGLC), were recognised in the 2005 Native Title Consent Determination, the first in south-eastern Australia. The Wotjobaluk Peoples were recognised as having non-exclusive Native Title rights over some Crown reserves along the banks of the Wimmera River, between a point north of Lake Albacutya to the junction of the Wimmera River with Yarriambiak Creek, including Lake Albacutya & Lake Hindmarsh. This does not include the waters of the river. The Native Title Act 1993 also does not provide for a right to negotiate over water.

BGLC also entered into an Indigenous Land Use Agreement (ILUA) with the Victorian and Australian Governments in 2005. Under the ILUA, related agreements provide for the grant of freehold title to three parcels of land over which the Native Title holders have demonstrated a strong cultural and historic connection (including land near the former Ebenezer Mission site).

Representatives of the peoples of the Wotjobaluk Nations, as of January 2019, are in negotiations with the State to assess what benefits may be available through the Traditional Owner Settlement Act.

BGLC is a Registered Aboriginal Party over a large part of Wotjobaluk Country under the Victorian Aboriginal Heritage Act.

The ‘Growing what is good’ Country Plan outlines what Wotjobaluk Nations peoples want for Country, including land, flora, fauna and water. The Country Plan is seen as an important reference document for anyone wanting to work with Wotjobaluk Nations peoples, including Government.

The Wotjobaluk and Wergaia Nations are members of MLDRIN, and Barengi Gadjin Land Council, as a foundation member, is represented on the Federation of Victorian Traditional Owner Corporations Board.

Barengi Gadjin Land Council is represented on the Wimmera-Mallee Pipeline Wetlands Environmental Watering Advisory Group coordinated by North Central CMA. It also has representation on the Mallee CMA Aboriginal Reference Group.

11.3.9.2 Preferred means of engagement

Barengi Gadjin Land Council has confirmed the preferred engagement for Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk peoples with government is via Barengi Gadjin Land Council. Individual Wotjobaluk Nations people cannot speak on behalf of the community. BGLC asks that those looking to engage with Wotjobaluk Nations peoples take the time to review the ‘Growing what is good’ Country Plan before commencing engagement with the corporation.

Barengi Gadjin Land Council also requests that as its recognised boundaries include Lake Tyrrell, that it is informed if Government engages with any other Traditional Owners in regards to water matters and Lake Tyrrell.
Introduction

Wotjobaluk Nations peoples and Water Resource Plans

“We are part of Wotjobaluk Country. It links us to our ancestors and spirits and it is the foundation of our future. If Country is treated with respect and care, and we can act on our responsibility for Country, then Wotjobaluk Country will continue to provide for us.”

‘Growing what is good’ Country Plan, 2017

Discussions between Barengi Gadjin Land Council and DELWP commenced in 2016, with a discussion that a lack of resourcing was a major impediment to progressing their water aspirations, and participating in Government planning and policy discussions.

As a result, in 2016, the Victorian Government, together with Barengi Gadjin Land Council Aboriginal Corporation and the Wimmera CMA, funded an Aboriginal Water Officer position, based at the Wimmera CMA. The funding also provided for the Wimmera River Aboriginal Water Project, to improve recognition of Aboriginal cultural connection to waterways and wetlands and support Traditional Owner aspirations in the lower Wimmera River system. The project represented a grassroots, localised approach to identify Wotjobaluk Peoples’ water resource objectives for a specific part of the Wimmera. It will be used to improve cultural, environmental, social and economic conditions, and to identify management options to achieve these objectives.

Figure 35: River Scene by Aunty Nancy Harrison, painting showing the pathways and Wimmera River coming from a cultural camping area

“We have a huge connection to the Wimmera River; it is a creation story path and has a very special place in our hearts. It is a major part of who we are as people.”

Aunty Nancy Harrison, Yanga Track Wanjab, Gadjin and Murnong 2012
A collaboration between DELWP, Barengi Gadjin Land Council and the Wimmera CMA, the Wimmera River Aboriginal Water Project was extended in 2017 for a further 12 months to provide increased evidence for Aboriginal watering outcomes based on Traditional Owner values and uses in relation to managing water. The project also increases capacity and support for Traditional Owners to effectively participate as water users, and raises awareness and appreciation of Aboriginal cultural and customary interests in land, water and natural resources. The project has included:

- engagement and foundational work to prepare for watering of the Billabong and other significant cultural places
- participation in governance training with Aboriginal Victoria to increase capacity for Aboriginal community representation on boards
- introduction of cultural awareness training for Wimmera CMA staff and board
- support for Barengi Gadjin Land Council business development, and training at Wail Nursery
- participation in community events in partnership with BGLC and Goolum Goolum to recognise Closing the Gap Day and Reconciliation Week
- A bark canoe event on the Wimmera River, at Dimboola

The Water Resource Plan funded and DELWP staff attended the lower Wimmera River Aboriginal Waterway Assessment, after which representatives from BGLC and the Aboriginal Water Officer briefed DELWP on Country on the outcomes. Attendance and support of a community Bark Canoe Event, and attendance at an Earth Oven event, provided further input.

**Barengi Gadjin objectives and outcomes**

As a result of meetings, workshops and community gatherings attended and facilitated during 2016 and 2017, and as a strong reflection of the *Growing What is Good Country Plan*, Barengi Gadjin Land Council has developed the following water objectives and desired outcomes for accreditation:

**Table 47: Objectives for Barengi Gadjin Land Council**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Have the ability to manage and protect Wotjobaluk Country and culture through recognition of our traditional rights, respect for our knowledge and cultural obligations, understanding of our aspirations and understanding of our history before and since colonisation.</td>
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<tr>
<td>2.</td>
<td>Develop our economic independence through education and training to build our capacity, so we can contribute to our Wotjobaluk community and the wider Australian community, and assistance to develop self-determination through economic ventures with water, including tourism and enterprise.</td>
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<tr>
<td>3.</td>
<td>Participation and partnership with State Government in water policy and strategy formation, development, implementation and management to strengthen Traditional Owner communities’ involvement and turn policy into effective management on the ground.</td>
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<tr>
<td>4.</td>
<td>Partner with catchment management authorities and water corporations to collaborate, develop and implement plans for the protection and rehabilitation of waterways and wetlands on Wotjobaluk Country.</td>
</tr>
</tbody>
</table>
**Objective**

5. Our involvement is adequately resourced to ensure participation in the formation, development and management of water policy, strategy and plans impacting Wotjobaluk Country.

6. Build capacity through employing, procuring and training Wotjobaluk Peoples in water management and planning. Create enterprises around Wotjobaluk cultural water practices.

**Table 48: Outcomes for Barengi Gadjin Land Council**

<table>
<thead>
<tr>
<th>Desired outcomes and priorities for Barengi Gadjin Land Council</th>
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<tbody>
<tr>
<td>1. Gurru, Ngalpakatia Ngelpagutya and surrounds: ancestral connections</td>
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<td></td>
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<tr>
<td>Desired outcomes and priorities for Barengi Gadjin Land Council</td>
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<td>---------------------------------------------------------------</td>
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<tr>
<td><strong>2. Barringgi Gadyin (Wimmera River): the lifeblood of the Wotjobaluk Peoples</strong></td>
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<tr>
<td>• continue to develop the River Yarns event, to share and re-create cultural knowledge about the River using the Aboriginal Waterway Assessment tool to help with this</td>
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<tr>
<td>• demonstrate alignment between environmental watering and cultural objectives, and advocate for environmental and cultural flows</td>
</tr>
<tr>
<td>• increase awareness and appreciation of Wotjobaluk culture and customary interests in land, water and natural resources</td>
</tr>
<tr>
<td>• increase protection and rehabilitation of significant cultural places</td>
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<tr>
<td>• restore native vegetation so there is a continuous corridor re-established along the length of the River</td>
</tr>
<tr>
<td>• increase employment, training and economic development for Wotjobaluk Peoples through water-related projects</td>
</tr>
<tr>
<td>• install fish and bunyart (eel) ladders at each of the weirs along the River</td>
</tr>
<tr>
<td>• work with the Catchment Management Authority, Victorian Environmental Water Holder and Commonwealth Environmental Water Holder and other relevant Government bodies so the release of environmental water, when available, can be timed with cultural outcomes and community events.</td>
</tr>
</tbody>
</table>
## Desired outcomes and priorities for Barengi Gadjin Land Council

| 3. The Ranch, the Common and the Billabong: historical connections | • create a management committee of Traditional Owners to oversee implementation of the management plan for the Ranch, including water requirements |
| | • restore indigenous plant and animal habitats, with particular attention to controlling priority weeds in the Ranch and the Billabong |
| | • renovate the Ranch, including the Billabong, to provide facilities for meetings and short-term accommodation |
| | • restore a natural flooding regime to the Billabong |
| | • work with the Catchment Management Authority, Victorian Environmental Water Holder and Commonwealth Environmental Water Holder and other relevant Government bodies so the release of environmental water, when available, can be timed with cultural outcomes and community events |
| | • explore the impacts of land use change and non-Wotjobaluk settlement on natural hydrology. |

## Values and uses

Barengi Gadjin Land Council has stressed that all waterways and water bodies on Country as outlined through the Native Title agreement and the RAP, and any identification of Country through further processes, including extensions of boundaries, are important to Wotjobaluk Nations peoples.

The Water Resource Plan objectives and outcomes for the Wotjobaluk Nations peoples are a clear indicator of the importance water has, traditionally, historically and economically. The following case study is an example of water values and uses for the Wimmera River.
River Yarns

In March 2017, we held our first of many River Yarns. This is stage one of the Wimmera River project that was allocated to BGLC and the Wimmera CMA to implement. The project is about Traditional Owner aspirations and values of the Wimmera River.

With BGLC and MLDRIN, we had a five-day project where the Traditional Owners of the Wotjobaluk, Jaadwa, Jadaadjali, Wergaia and Jupagulk peoples went along the Wimmera River starting from Horsham at one of our sacred sites named Wopert Bungandilar (Place of Feathers), the last resting place of our dreamtime story Tchingal the emu, through to our Ramsar wetlands site, Lake Albacutya. The Traditional Owners on the way had to fill out an assessment form called an Aboriginal Waterway Assessment. They had to reflect on how the landscape has changed and how can we get it back to the way it was, whether it be where they used to fish or swimming holes or just social, recreational and cultural uses of the water. It was a great week where Traditional Owners got to go back to where they grew up and tell the stories of what was around and what they used to do and also an emotional week for Elders to visit their past.

– Ben Muir, Aboriginal Water Officer Wimmera CMA

Aboriginal Waterway Assessments were undertaken at many sites along the Wimmera River in 2017 by Traditional Owners as part of River Yarns with BGLC, MLDRIN and Wimmera CMA – supported by Water Resource Plans. At this time Traditional Owners collectively agreed that re-watering and rehabilitating the Ranch Billabong would be highly beneficial for Country and Community. BGLC successfully applied for a grant under the Victorian Government $4.7 million cultural objectives program to restore flows to the Billabong, at the Ranch in Dimboola.

The ‘Come along and we will re-water The Billabong’ project, approved mid 2018, included the employment of an Aboriginal Water Officer within BGLC. It was recognised that surveying, planning and on-ground works programs for the nominated site would benefit the Ranch Billabong, however the learning and capacity building from the project would benefit the whole community and inform future projects identified, including Ebenezer, Antwerp and Goyura, all of which are adjacent to the Wimmera River and/or its tributaries (Datchak Creek and Yarriambiack Creek) and many more billabongs along the Wimmera River where Native Title is held.
The employment of an Aboriginal Water Officer was vital to provide the resourcing for BGLC to manage the project, and will build the internal capacity of BGLC to engage in the water entitlement and planning frameworks, for this project and into the future.

**Cultural flows**

Barengi Gadjin Land Council Aboriginal Corporation has indicated a desire for cultural flows as defined by the Echuca declaration for surface water and groundwater.

The Wimmera-Mallee Water Resource Plan acknowledges that Barengi Gadjin Land Council Aboriginal Corporation is seeking cultural flows and the conversation about these flows will continue as Victoria implements the Aboriginal Water Policy.

BGLC has expressed its strong interest in accessing water to support farming of indigenous plants as a commercial enterprise.
11.4 Having regard to Traditional Owner water values and uses

Traditional Owners have cultural, spiritual and economic connections to land, water and resources through their associations and relationship with Country. They have managed land and water sustainably over thousands of generations but historically Aboriginal connections and rights to water have not been an influencing factor in the development of Victorian water policy.

The environmental and consumptive uses of water are relatively well understood as water resource planning concepts; however, Aboriginal values and uses of water are not as well understood by Government.

Traditional Owner water values and uses are discussed further in the individual Traditional Owner contributions.

11.4.1 Assessing risk to Traditional Owner values and uses – a precautionary approach

While Traditional Owner values and uses of water encompass a wide range of cultural and environmental benefits, Victoria’s Water Resource Plan Risk Assessment grouped these benefits together as ‘Aboriginal Water’ as the limited information did not support risks to be assessed differently for each sub-group of Aboriginal use.

Aboriginal Water is an emerging term to describe the full range of Aboriginal interests and aspirations in water. It encompasses ‘Aboriginal environmental and cultural outcomes’ and ‘cultural flows’ including entitlements and identifies improvements in environmental outcomes, and economic benefits for Aboriginal communities.

Due to the historical exclusion of Traditional Owners in water ownership and management, a number of very high risks to the availability and condition or quality of surface water to support Aboriginal beneficial uses have been identified in the Wimmera-Mallee Water Resource Plan Risk Assessment (see Part 7 and Appendix B).

11.4.1.1 High and very high risks to the availability and condition of water to support Traditional Owner water values and uses

Several high and very high risks were identified in respect of the condition and availability of water to support Traditional Owner water values and uses. These risks are identified in Table 49 below.

Table 49: Risks to availability and condition of water to support Aboriginal water values and uses

<table>
<thead>
<tr>
<th>Risk</th>
<th>Availability of water</th>
<th>Condition of water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very High</td>
<td>climate change</td>
<td>climate change</td>
</tr>
<tr>
<td></td>
<td>government failure to proceed with strategies and programs for improved management of land use practices.</td>
<td>government failure to proceed with strategies and programs for improved management of land use practices.</td>
</tr>
</tbody>
</table>
### Risk Availability of water Condition of water

<table>
<thead>
<tr>
<th>Risk</th>
<th>Availability of water</th>
<th>Condition of water</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>extreme drought</td>
<td>extreme drought</td>
</tr>
<tr>
<td></td>
<td>bushfire</td>
<td>farm dams</td>
</tr>
<tr>
<td></td>
<td>farm dams</td>
<td>extreme wet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>bushfire land use change</td>
</tr>
<tr>
<td></td>
<td></td>
<td>non-compliance with the Victorian Water Act</td>
</tr>
<tr>
<td></td>
<td></td>
<td>earth resources development</td>
</tr>
<tr>
<td></td>
<td></td>
<td>pest and weeds</td>
</tr>
<tr>
<td>Medium risk:</td>
<td>extreme wet</td>
<td>increased utilisation of (existing) entitlements</td>
</tr>
<tr>
<td></td>
<td>land use change</td>
<td>flooding and overbank inundation</td>
</tr>
<tr>
<td></td>
<td>increased utilisation of entitlements</td>
<td>point source discharge</td>
</tr>
<tr>
<td></td>
<td>non-compliance with the Victorian Water Act</td>
<td>major asset failure</td>
</tr>
<tr>
<td>Groundwater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very High</td>
<td>climate change</td>
<td>N/A</td>
</tr>
<tr>
<td>High</td>
<td>earth resources development</td>
<td>earth resources development</td>
</tr>
<tr>
<td>Medium</td>
<td>extreme drought</td>
<td>N/A</td>
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<td></td>
<td>bushfires</td>
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<td></td>
<td>land use change</td>
<td></td>
</tr>
<tr>
<td></td>
<td>farm dams</td>
<td></td>
</tr>
<tr>
<td></td>
<td>increased utilisation of water access rights</td>
<td></td>
</tr>
<tr>
<td></td>
<td>increase in the number of entitlements leading to increased take</td>
<td></td>
</tr>
</tbody>
</table>

Continued availability of water relates to the ability for Traditional Owner communities to access water either at a particular time or in a particular volume. Therefore, the above identified causes or impacts on continued availability may change the seasonality of water (i.e. when it is available) or the volume of water available in the system for all users.

Condition of water primarily relates to water quality. Water quality is assessed in terms of whether the water is fit for purpose.

These risks are outlined in more detail in Appendix B.

Increases in earth extraction industries were seen to pose a threat to groundwater quality.
The risks to Traditional Owner water use were rated as very high to medium in recognition of the very limited information available to determine how Aboriginal water uses might be affected by the changes in the water resource. For example, Traditional Owner water use may be affected by salinity, pathogens or changes in surface water seasonality, but there was not sufficient information available on which to base this relationship.

Impacts on meeting environmental watering requirements and maintaining priority environmental assets are also recognised as risks to Traditional Owner water values and uses. These risk ratings are largely due to the lack of understanding and formal recognition of how Traditional Owner organisations and individuals may wish to use water and the volume required for those uses. Therefore, Traditional Owner water use is assumed to have a medium to very high sensitivity to any changes to surface or groundwater.

11.4.2 Strategies to address risk to Aboriginal water

The Basin Plan requires all medium to high risks to have strategies developed to address them. There are dozens of strategies cited to address risks to Traditional Owner values and uses. This is because addressing the cause of the risk – for instance, climate change or non-compliance – has its own set of strategies to deliver improved management of water resources including Aboriginal values and uses.

Risks related to Traditional Owner values and uses, and the strategies to address them are contained in Appendix B in Table 31 to Table 40 for the Wimmera-Mallee (surface water) water resource plan area and Tables 61 to 70 for the Wimmera-Mallee (groundwater) water resource plan area.

Table 78 in Appendix B contains an explanation of the strategies identified to address these risks.

As knowledge is shared between the water sector and Traditional Owners, more targeted strategies can be developed to further lower or mitigate risks to the availability and condition of water for Aboriginal values and uses.

The core strategy for addressing risks to Aboriginal water values and uses is Strategy 31 – recognising and managing for Aboriginal values. This strategy is cited for every risk associated with Aboriginal values and uses. Strategy 31 is a reconfirmation of Chapter 6 of Water for Victoria recognising and managing for Aboriginal values and the four actions contained within that chapter. The development of Victoria’s Aboriginal water policy is discussed below. Under the Basin Plan, the Basin states are required to report annually on the effectiveness of the management of risks to Basin water resources.

Upon accreditation of the Wimmera-Mallee Water Resource Plan, the Victorian Government and its agencies are obliged to report annually on compliance or progress with the water resource plan, including strategies to mitigate risk (section 10.43). The MDBA has a role in enforcing compliance with accredited water resource plans across the Basin. Victoria has committed to review the content of the Wimmera-Mallee Water Resource Plan upon any change of policy or statutory instrument to determine whether it is consistent with Victoria’s approach to water resource management. If the change of policy or legislation requires amendment to the water resource plan, Victoria is required to undertake consultation regarding the proposed amendment and provide reasons to the MDBA regarding the need for the amendment. These commitments are outlined in Part 1.

11.4.3 Identifying opportunities to strengthen protection of Aboriginal water values and uses: Victoria’s Aboriginal Water Program

Throughout 2015 and 2016, the Victorian Government worked with Traditional Owners and Aboriginal communities to develop a new Aboriginal water policy which became a cornerstone of
the Water for Victoria policy paper released in October 2016. The policy was developed in partnership with Traditional Owners through a specially formed Aboriginal Reference Group, extensive consultation under the Victorian Water Plan Aboriginal Reference Group, and supplementary commentary from community sessions and submissions over an 18-month period. The aims were to ensure greater Aboriginal inclusion in decision-making, and to incorporate Aboriginal values and uses of water into the State’s water management and planning framework.

The Aboriginal water policy sought to redress the very limited opportunity Traditional Owners had previously had to be involved in water planning and management decision-making. It included a $4.7 million investment to help identify Aboriginal water objectives, and a further $5 million to work in partnership with Traditional Owners and Aboriginal Victorians to develop a roadmap for access to water for economic development. The Victorian Government committed to identify seed funding and business finance opportunities to support Aboriginal enterprises investing in water.

The Victorian Aboriginal water policy provides a framework to support the preparation and implementation of water resource plans that meet the requirements of the Basin Plan (Chapter 10, Part 14). It provides three broad strategies for addressing risks as identified in the Risk Assessment (Appendix B). These are for the Victorian Government to:

- recognise Aboriginal values and objectives
- incorporate Aboriginal values and traditional ecological knowledge in Victorian water management and planning; and
- work with Traditional Owners and Victorian Aboriginals to build capacity to increase Aboriginal participation in water management.

Water for Victoria directs an ongoing partnership approach between Traditional Owners and Victorian Government water managers to:

- support Aboriginal participation in Victorian water planning and management frameworks through collaborative structures that address the rights and interests of Victoria’s Traditional Owners,
- increase capacity for shared benefits to realise Aboriginal water outcomes through working with water corporations, CMAs and the VEWH, and
- build capacity to increase Aboriginal participation in water management.

The above objectives and outcomes reflect the actions identified in Chapter 6 of Water for Victoria and are reflected in the accredited text below. Objectives and outcomes identified by each Traditional Owner group are included in Part 8.5.

For the purposes of section 10.52(1)(a) of the Basin Plan, the following objective of Indigenous people is identified in relation to managing the water resources of the Wimmera-Mallee water resource plan area:

a. To develop respectful partnerships between Traditional Owners, Aboriginal Victorians and the Victorian Government to:
   i. recognise Aboriginal values and objectives of water in Victorian water management, policy and planning
   ii. include Aboriginal values and traditional ecological knowledge in Victorian water management, policy and planning
   iii. facilitate Aboriginal access to water for economic development in Victorian water management, policy and planning
iv. build capacity for Aboriginal participation in Victorian water management, policy development and planning

b. The specific objectives for the Barapa Barapa Nation are identified in Table 30 of the Wimmera-Mallee Comprehensive Report.

c. The specific objectives for Nation groups represented by the Barengi Gadjin Land Council are identified in Table 47 of the Wimmera-Mallee Comprehensive Report.

d. The specific objectives for the Dja Dja Wurrung Clans Aboriginal Corporation are identified in Table 33 of the Wimmera-Mallee Comprehensive Report.

e. The specific objectives for Nation groups represented by the First Peoples of the Millewa-Mallee are identified in Table 36 of the Wimmera-Mallee Comprehensive Report.

f. The specific objectives for Tati Tati Wadi Wadi Nations are identified in Table 37 of the Wimmera-Mallee Comprehensive Report.

g. The specific objectives for Wadi Wadi Nation are identified in Table 43 of the Wimmera-Mallee Comprehensive Report.

h. The specific objectives for Wamba Wemba Nation are identified in Table 46 of the Wimmera-Mallee Comprehensive Report.

a. For the purposes of section 10.52(1)(b) of the Basin Plan the following outcomes for the management of water resources of the Wimmera-Mallee water resource plan area that are desired by Indigenous people are identified:

i. To partner with the water sector to make sure that the legislated objectives of the Victorian Environmental Water Holder consider identified Aboriginal water-related environmental outcomes

ii. To incorporate traditional and ecological knowledge into water planning and management using Aboriginal Waterway Assessments and other tools developed by Traditional Owners

iii. To achieve shared benefits in water resources

iv. To be notified by water corporations when opportunities to access water entitlements arise

v. Sustainable water strategies to be prepared considering opportunities for access to water for economic development for Aboriginal Victorians.

b. The specific outcomes for the Barapa Barapa Nation are identified in Table 30 of the Wimmera-Mallee Comprehensive Report.

c. The specific outcomes for Nation groups represented by the Barengi Gadjin Land Council are identified in Table 48 of the Wimmera-Mallee Comprehensive Report.

d. The specific outcomes for the Dja Dja Wurrung Clans Aboriginal Corporation are identified in Table 34 of the Wimmera-Mallee Comprehensive Report.

e. The specific outcomes for Nation groups represented by the First Peoples of the Millewa-Mallee are identified in Table 36 of the Wimmera-Mallee Comprehensive Report.
f. The specific outcomes for Tati Tati Wadi Wadi Nations are identified in Table 37 of the Wimmera-Mallee Comprehensive Report.

g. The specific outcomes for Wadi Wadi Nation are identified in Table 44 of the Wimmera-Mallee Comprehensive Report.

h. The specific outcomes for Wamba Wemba Nation are identified in Table 46 of the Wimmera-Mallee Comprehensive Report.

Section 10.52(3) of the Basin Plan also provides that opportunities to strengthen the protection of Aboriginal values and uses within the water resource plan area may be identified.

Opportunities to strengthen the protection of Aboriginal values and uses of water within the Wimmera-Mallee water resource plan area include:

10.52(3)

a. legislative changes to improve the ways that Traditional Owners and Aboriginal Victorians are engaged in water management and planning, and to improve incorporation of traditional ecological knowledge and Aboriginal water objectives and outcomes in decision making

b. further engagement on the National Cultural Flows Research Project (released July 2018) to identify opportunities to progress understanding of, and respond to, cultural flows in Victoria

c. engagement on the review of the Wimmera-Mallee Long-Term Watering Plan to occur following accreditation of the Wimmera-Mallee Water Resource Plan

d. engagement on the implementation of the Water Quality Management Plan developed under Part 7 of Chapter 10 of the Basin Plan

e. engagement on the review of the Northern Sustainable Water Strategy; increased awareness of section 8A rights under the Water Act 1989 (Vic) and to increase the capacity of relevant Traditional Owner groups to access these rights in the future

f. implementation of Aboriginal Participation Guidelines for catchment management authorities, which describe key principles and actions to support Aboriginal participation and inclusion

g. creation of several Aboriginal water officer positions during the development of this water resource plan and seeking funding to ensure these positions continue to progress the identification and implementation of values, uses, objectives and outcomes identified in this plan

h. continued implementation of the Water for Victoria Aboriginal Water Policy, as recommitted via the risk strategies and measures in this plan, to provide opportunities for further identification and protection of Aboriginal water values and uses in the Wimmera-Mallee area and to minimise or mitigate the high risks identified as much as practicable.

11.4.4 Building capacity and understanding

At the request of Traditional Owner groups seeking to expand their capacity to contribute to Victoria’s water management and planning framework, DELWP has funded and supported a number of projects and positions to help build understanding of Aboriginal water needs in the Wimmera-Mallee water resource plan area.
Initial funding carried through to 2018 to continue to build information on individual Traditional Owner group objectives and aspirations, and determine how government can best respond. This approach recognises that water resource planning and Traditional Owner timelines do not always align. Following the expenditure of the initial funding, DELWP will evaluate the success of the projects and consider the best opportunities to continue building capacity of Traditional Owner groups.

11.4.4.1 Aboriginal Waterway Assessments
At the outset of the water resource plan process, Victoria committed to fund six Aboriginal Waterway Assessments (AWAs) in Victoria’s share of the Basin, undertaken by MLDRIN in partnership with Traditional Owners, CMAs and other agencies, according to the requirements of each individual group.

The AWA program was established to consistently measure and prioritise river and wetland health so that Traditional Owners could more effectively participate in water planning and management in the Basin (MDBA, 2016). MLDRIN and Northern Basin Aboriginal Nations (NBAN) authorised the design and implementation of the AWA project. The MDBA’s report on an AWA pilot program in 2015 identified the following three key components of the AWA:

- **place status** – a statement of whether or not the place is an area of cultural significance and whether local Traditional Owners would return to the place in the future.
- **current use of the place** – a measure of the value of a river or wetland to Aboriginal people based on whether food and other resources are available and suitable for cultural use.
- **cultural stream health** – a measure made up of eight stream health indicators such as vegetation, riverbed condition and water quality.

The AWAs are the property of Traditional Owner groups, who can choose how they use the reports compiled by MLDRIN, and how and when they wish to share information.

Of the six AWAs to be funded – including for Dja Dja Wurrung, Barengi Gadjin, Ngintait, and Tati Tati/Wadi Wadi – one application was received from Traditional Owner groups and undertaken on surface water within the Wimmera-Mallee water resource plan area. Please refer to the “River Yarns” case study presented in the Wotjobaluk contribution above.

11.5 Acknowledging existing legislative rights
Basin Plan requirements stipulate that a water resource plan must provide at least the same level of protection of Indigenous values and uses as existed before the Basin Plan (Section 10.55 of the Basin Plan). In determining whether the same level of protection exists since the commencement of the Basin Plan a review of existing arrangements in 2012 and any amendments to those arrangements since that time was undertaken. This section outlines these existing legislative and policy tools and arrangements.

It was determined that there was no lessening of protections since the commencement of Basin Plan. While legislative protections have not changed since 2012, Victoria has introduced new Aboriginal Water Policy under Water for Victoria which seeks to improve understanding of Aboriginal values and uses in water and build capacity of Traditional Owners to participate in water resource management (see Part 11.4.3 above).

This Wimmera-Mallee Water Resource Plan provides the same level of protection as provided in transitional water resource plans for the Wimmera-Mallee (surface water) and Wimmera-Mallee (groundwater) water resource plan areas as it does not operate to limit any right to take water under section 8A of the Water Act 1989 (Vic).
11.5.1 Native Title Act 1993 (Cth)

Native title is a recognition under Australian law that some Aboriginal and Torres Strait Islander people hold rights and interests in land and water where they continue to practice traditional laws and customs. These principles are contained in the Commonwealth Native Title Act 1993. The characteristics of Native Title vary for each group, deriving from traditional laws and customs of the relevant group. The manner in which Native Title is recognised will depend on what is claimed and what is negotiated between all of the people and organisations with an interest in the area.

The Native Title Act 1993 does not provide for a right to negotiate over water. Current Native Title claims in Victoria are identified in Figure 36 below.

11.5.2 Traditional Owner Settlement Act 2010

The Victorian Traditional Owner Settlement Act 2010 allows the Victorian Government and Traditional Owner groups to make agreements that recognise Traditional Owners' relationship to land and to provide them with certain rights on Crown land.

Under this Act, a settlement package can include:

- a Recognition and Settlement Agreement to recognise a Traditional Owner group and certain Traditional Owner rights over Crown land
- a Land Agreement which provides for grants of land in freehold title for cultural or economic purposes, or as Aboriginal title to be jointly managed in partnership with the state
- a Land Use Activity Agreement which allows Traditional Owners to comment on or consent to certain activities on public land
- a Funding Agreement to enable Traditional Owner corporations to manage their obligations and undertake economic development activities
- a Natural Resource Agreement to recognise Traditional Owners' rights to take and use specific natural resources and provide input into the management of land and natural resources.
11.5.3 Victorian Aboriginal Heritage Act 2006

Under the Victorian Aboriginal Heritage Act 2006, Aboriginal people are recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage.

Registered Aboriginal Parties (RAPs) have responsibilities under the Act relating to the management of Aboriginal cultural heritage. While many cultural heritage sites are near water, the Act does not prescribe how water near or on culturally significant sites is to be managed.

11.5.4 Statutory rights to access water

Some limited recognition of Aboriginal rights to access water was introduced into the Victorian Water Act in 2013 for Traditional Owners who have a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010.

The Victorian Water Act 1989 provides that members of a Traditional Owner group bound by a land use activity agreement under the Traditional Owner Settlement Act 2010 have the right under Section 8A to take and use water.

**8A Traditional owner agreement for natural resources**

If a Traditional Owner group entity has an agreement under Part 6 of the Traditional Owner Settlement Act 2010, a person who is a member of a Traditional Owner group bound by the agreement has the right to take and use water on the land that is subject to the agreement—

a. in accordance with the agreement; and

b. if the water is to be taken from a place from which water may be taken under section 8(1).
Section 8A expressly states that this right is to “use water on the land that is subject to the agreement”.

This leaves agreements being able to authorise water to be taken and used for traditional purposes, as per the definition in section 79 of the Traditional Owner Settlement Act 2010. The volumes of water that could be taken are those needed for traditional purposes. There are two types of uses for traditional purposes under section 79 of the Traditional Owner Settlement Act:

(a) any personal or domestic needs of members of the Traditional Owner group.

This is effectively the same as domestic uses (part of domestic and stock uses) under the Victorian Water Act 1989:

1. The rights of a Traditional Owner group with a natural resource agreement on land owned by a member of the group to take water and use it would be the same as the domestic and stock rights under section 8 of the Victorian Water Act. This would include irrigation of a kitchen garden and watering of stock. In this respect, section 8A of the Victorian Water Act does not add anything to rights the land owner already has under section 8 of the Act

2. the rights of a Traditional Owner group with a natural resource agreement on Crown land would be limited by the nature of the land and the uses to which it may be put under the Traditional Owner agreement

(b) any non-commercial communal needs of the members of the Traditional Owner group.

This could include, for example, redesigning parts of a waterway or building fish or eel traps. Section 82 Traditional Owner Settlement Act 2010 allows “interference” with a “natural resource” which includes stone and gravel. It also allows diverting water to generate food produce for the Traditional Owner group to eat but not sell.

11.6 Cultural flows

Cultural flows are distinct from ‘Aboriginal environmental outcomes’, a term which may be used to describe outcomes chosen by Aboriginal people to achieve cultural benefits from environmental water delivery.

MLDRIN has developed the following definition of cultural flows, which is recognised in the Murray-Darling Basin Plan:

“Cultural flows are water entitlements that are legally and beneficially owned by the Nations of a sufficient and adequate quantity and quality to improve the spiritual, cultural, natural, environmental, social and economic conditions of those Nations. These are our inherent rights.”

MLDRIN Echuca Declaration, 2007
As water entitlements, cultural flows may have a commercial benefit where any revenue accrued goes to Aboriginal people, or they may be used for customary practices, environmental outcomes or personal use.

Ownership of water by Aboriginal people can bring many benefits, including:

• improved self-esteem and empowerment as a result of being able to care for Country
• improvements to health and wellbeing through being able to see Country in a healthy state as a result of using cultural water
• potential economic returns.

“As Traditional Owners, our community expectations are to use, develop and control water resources on and under our Country for economic purposes: to support and generate Aboriginal businesses that depend on water allocations; and to generate economic development opportunities through the trading of water resources on the market.”

Federation of Victorian Traditional Owner Corporations
Submission to Water for Victoria discussion paper, 2016

While Aboriginal environmental outcomes can occur as a result of healthier rivers and wetlands, and Victorian Catchment Management Authorities and the Victorian Environmental Water Holder are working to strengthen Traditional Owner and Aboriginal Victorian involvement, any shared benefits are still delivered via environmental water, not cultural flows.

In Victoria, there currently are no specific provisions for cultural flows as Traditional Owner-held water entitlements, although Victoria’s water management framework’s existing instruments and processes could be used to purchase temporary water or a water entitlement on the water market.

Traditional Owner groups consulted under Victoria’s Water Resource Plans have each indicated a desire for cultural flows for surface water and groundwater.

“It is our human right – the rights of the indigenous people of Australia. To be involved in water, have the right of access to water, and be participating players in the decisions made regarding water. “

Brendan Kennedy, Tati Tati Nation, July 19, 2017

The Wimmera-Mallee Water Resource Plan has been developed in response to the section 10.54 requirement of the Basin Plan to have regard to the views of Traditional Owners on cultural flows. Views can be seen through individual Nation contributions.

The Wimmera-Mallee Water Resource Plan acknowledges that Traditional Owners are seeking cultural flows and the conversation about these flows will continue as Victoria implements the Aboriginal Water Policy.
11.7 Engagement with Aboriginal communities

The development of the Wimmera-Mallee Water Resource Plan collaborated with Traditional Owners to meet the requirements of the Basin Plan.

Engagement with Traditional Owners has been framed by the Aboriginal Water Policy announced in Water for Victoria. The policy is the foundation of Victoria’s response to what Traditional Owners have said they want for water on Country in the Northern Victoria Water Resource Plan.

Engagement preferences of Traditional Owners in the area for the Wimmera-Mallee water resource plan are included in the individual Nation contribution. More information on consultation of the Wimmera-Mallee Water Resource Plan will be included in the Wimmera-Mallee Consultation Report (Appendix D).