



Appendix D Consultation Report



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The Victorian Government consulted and worked with stakeholders, including the broader community and Traditional Owners, to develop the Wimmera–Mallee Water Resource Plan.

About this report

This report outlines the consultation carried out for the Wimmera–Mallee Water Resource Plan including:

- consultation for the risk assessment
- stakeholder engagement before the release of the draft plan in May 2017
- Traditional Owner engagement throughout the development of the draft and final plan
- community consultation during the formal public submission period
- how feedback in submissions was incorporated into the final Wimmera–Mallee Water Resource Plan
- follow-up consultation before the final plan was given to the Murray–Darling Basin Authority.

The report includes some discussion about consultation carried out during 2015–16 for the development of *Water for Victoria*, specifically about the emerging Victorian Aboriginal Water Policy. This consultation is relevant as the Basin Plan requirements for water resource plans helped to drive development of the Victorian Aboriginal Water Policy that was finalised in October 2016.

1. Introduction

1.1 Wimmera–Mallee Water Resource Plan

The Wimmera–Mallee Water Resource Plan demonstrates how Victoria will meet the requirements identified in the Basin Plan for the Wimmera–Mallee region, by bringing together existing arrangements from bulk water and environmental entitlements, groundwater management plans, sustainable water strategies and other legal instruments. It also outlines and starts to build on the Victorian Government's Aboriginal Water Policy.

The Wimmera–Mallee Water Resource Plan includes the Wimmera, Avon–Richardson and Avoca river systems and all groundwater beneath these rivers. These river systems extend from the Grampians (*Gariwerd*) and the Pyrenees, flowing north but ending – at Lake Tyrrell from the Avoca River, and Lake Albacutya for the Wimmera, before reaching the River Murray¹.

Lake Hindmarsh and the Ramsar site of Lake Albacutya are significant wetlands, and the Wimmera–Mallee pipeline supports a large collection of wetlands east of these lakes.

The Wimmera–Mallee Water Resource Plan was prepared by the Department of Environment, Land, Water and Planning (DELWP).

1.2 Changes through the Wimmera–Mallee Water Resource Plan

The Wimmera–Mallee Water Resource Plan makes no changes to Victoria's water management framework. It proposes that some existing instruments be revised and improved to address high or medium risks identified in developing this plan.

Any necessary changes to individual instruments will be made under Victoria's legislative framework, following stakeholder consultation.

In 2013, the Commonwealth Government bought the entire water entitlement of 28 gigalitres (GL) from the Wimmera irrigation district to provide environmental water to the Wimmera River for Lake Hindmarsh and Lake Albacutya. The irrigation entitlements bought by the Commonwealth deliver the 23 GL of long-term annual average water to the environment and fulfil the water recovery requirement of the Basin Plan for the Wimmera–Mallee surface water resource plan area.

As a result, sustainable diversion limits (SDLs) for this area have already been met and no further water recovery is required.

¹ Victoria's water resource plans use the name 'River Murray' because Victoria's legislation and instruments refer to it as such. We recognise colloquially that Victorians refer to the river as the Murray or the Murray River.

Table 1: Wimmera–Mallee Water Resource Plan: Stages of delivery

Stage	Actions
Risk Assessment 2015–16	<ul style="list-style-type: none"> • Working group formed • Advisory panel appointed • Working group and advisory panel meetings held • Preliminary risk assessment released to inform water resource plan • Traditional Owner engagement started
Draft Water Resource Plan 2016–17	<ul style="list-style-type: none"> • Coordination working group formed • Technical advisory group appointed • Stakeholder briefings began • Traditional Owner engagement and capacity-building continued • Aboriginal Waterway Assessments expression of interest process and implementation began • Stakeholder briefings continued • Draft released for public comment and submissions process
Final Water Resource Plan 2017–18	<ul style="list-style-type: none"> • Submissions and public meeting feedback addressed • Water resource plan finalised and submitted • Review required following Murray Lower Darling Rivers Indigenous Nations (MLDRIN) assessment
Resubmission to Murray-Darling Basin Authority (MDBA) 2019	<ul style="list-style-type: none"> • Water Resource Plan submitted following review and update of Traditional Owner content.

2. Wimmera–Mallee Water Resource Plan consultation approach

Victoria's water resource plans propose that our state's existing tools and instruments are the primary mechanism to deliver the Basin Plan requirements. Discussion and feedback in the Wimmera–Mallee tested this approach.

Water and how it is allocated and managed touches the lives of every person, including

- people who live in towns
- Traditional Owners and Aboriginal communities who have a deep connection with their landscape and commitment to Country
- industries depending on water sources and their workers who depend on continuing employment
- people who fish, boat and swim on lakes and river systems
- farmers who rely on water for their livelihood and to produce food
- people who advocate for the environment.

The Wimmera–Mallee Water Resource Plan does not propose changing Victoria's water entitlement and management frameworks. Recognising the critical role of water in the lives of people in the region, development of the Wimmera–Mallee Water Resource Plan included targeted stakeholder engagement with people representing local government and agriculture, water and catchment managers, Traditional Owners, environmental groups, recreation users as well as broader community consultation.

A new development within the plan was to identify the water objectives and outcomes of Traditional Owners.

As a result of the historical exclusion of Traditional Owners from 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 risk assessment for the Wimmera–Mallee Water Resource Plan (see [Appendix B](#)).

The Aboriginal Water Policy in *Water for Victoria* is the main strategy provided to address risks to Aboriginal values and uses in the water entitlement and management framework. This means that the Wimmera–Mallee Water Resource Plan recommits the Victorian Government to implementing this policy and all related actions to meet its obligations under the Basin Plan.

Once this water resource plan is accredited, Victoria will be required to report each year on the effectiveness of this risk strategy. Risk strategies can be revised if necessary, but any material changes to a strategy will require an amendment to the water resource plan (see [Part 1.5](#) of the plan for details).

When preparing the approach to consultation, the Wimmera–Mallee Water Resource Plan took into account the extent of change the plan would represent to stakeholders across the region.

This approach:

- sought to make sure target audiences understood the role of the Wimmera–Mallee Water Resource Plan, including timing
- outlined what changes were being proposed as part of the water resource plan process

- explained how the Basin Plan impacted on the Wimmera–Mallee region
- confirmed what was in scope for negotiation within the Wimmera–Mallee Water Resource Plan.

2.1 Cascading engagement

The consultation approach was based on four tiers of engagement:

1. Technical contributions and advice from delivery partners, government and peak bodies
 - Engaging with delivery partners, DELWP, other sectors of the Victorian Government, the Murray–Darling Basin Authority and peak bodies including Murray Lower Darling Rivers Indigenous Nations (MLDRIN), the Victorian Farmers Federation (VFF), VicWater, the Wimmera Development Association and Environment Victoria to:
 - recognise and respond to change and risk
 - assess existing arrangements and determine where change is required
 - understand obligations and make sure they are met.
2. Testing with primary stakeholders
 - Taking new policy recommendations or results of work to primary stakeholders, including an advisory panel, for decision making to:
 - acknowledge current conditions and concerns
 - test preferred ways of contact
 - adjust approaches to meet expectations.
3. Engaging with primary and secondary stakeholders
 - Engaging collaboratively with key stakeholders to:
 - build better understanding of different needs
 - identify opportunities and gaps in the Wimmera–Mallee Water Resource Plan
 - comment on risks and responses.
4. Consulting with and informing the general public
 - Providing information and opportunities for the general public to contribute, and using a plain English approach, communicate the essence of complex water resource plans in a summary document, social media and web text to:
 - provide information and seek comment on areas of interest
 - explain the Victorian water entitlement and management framework, and the relevance of the Basin Plan for the Wimmera–Mallee region
 - demonstrate and maintain the Victorian Government's position on water management.

2.1.1 Consultation objectives

Consultation and engagement in the Wimmera–Mallee aimed to recognise and respond to the importance of water to community members.

Objectives included:

- providing opportunities for stakeholders to discuss and comment on key risks and themes
- making information available to the wider community to comment on areas of interest
- making sure water resource plans contributed to a better understanding of Victoria's water entitlement and management framework by providing clear descriptions of the state's instruments and how they relate to each other
- consistently explaining and applying the Victorian Government's policy position on water management in consultation and communication materials
- making sure stakeholders and community members received information in time to consider it and respond.

2.1.1.1 Increasing understanding

One of the difficulties of Victoria's water entitlement and management framework is its complexity. The release of the draft Wimmera–Mallee Water Resource Plan was accompanied by supporting materials that included a summary document to help inform the public and clarify what the plan entailed.

2.1.1.2 Emerging policy

Engagement with Traditional Owners was a major focus during the development of the plan because knowledge and understanding of Traditional Owner water objectives and outcomes is a significant gap in Victoria's water management arrangements. Initially the approach was driven by the *Water for Victoria* policy development and engagement that was led through drawing up that statewide policy.

The water resource plan sought to build on Victoria's statewide policy by engaging with Traditional Owners within the Wimmera–Mallee area and collaborating with other parts of DELWP responsible for putting the Aboriginal Water Policy into action.

The engagement approach has been adapted to the needs, capacity and interests of each Traditional Owner and Nation group, while seeking to remain consistent with the principles and guidelines adopted by MLDRIN for the Basin Plan.

These include the:

- Murray–Darling Basin Authority (MDBA) Part 14 Guidelines
- Convention on Biological Diversity Akwé: Kon Guidelines
- United Nations Declaration on the Rights of Indigenous Peoples
- MDBA Position Statement 14A: Aboriginal objectives and outcomes:
 - a planned approach to properly engaging Traditional Owners (e.g. adequate time, appropriate venues and resources)
 - identification and involvement of appropriate Traditional Owners
 - Traditional Owners are properly notified of the opportunity to be involved in the water resource planning process (e.g. print, phone, electronic and personal media and town meetings)
 - clear information about water resource planning processes and content is provided to Traditional Owners
 - use of appropriate tools and mechanisms for recording and understanding Aboriginal objectives and outcomes.
- Murray–Darling Basin Authority Handbook for Practitioners.

Further details are provided for each relevant Traditional Owner and Nation group in section 8.

3. Preliminary Risk Assessment 2015–16

The risk assessment for the Water Resource Plan was developed through consultation with an advisory panel for the assessment and a DELWP working group. This work aimed to improve the quality of the risk assessment and to assist with the next engagement processes required as water resource plans were developed.

- DELWP working group: made up of leaders in policy areas in DELWP, with skills and responsibilities in surface water policy, interception (farm dams, and forestry), climate change, groundwater, water quality and drought. It provided preliminary review and contributions to data, methods and project outcomes.
- Risk assessment advisory panel: set up to review and provide high-level advice as the risk assessment was done.

Table 2: Wimmera–Mallee Water Resource Plan Risk Assessment Advisory Panel members

Organisation	Representative
DELWP	Chris McAuley (chair)
DELWP	Amber Clark
DELWP	Adrian Spall
DELWP	Dr Grace Mitchell
Goulburn Broken Catchment Management Authority	Chris Norman
Goulburn-Murray Water	Graeme Hannan
GWMWater	Andrew Barton
Mallee Catchment Management Authority	Jenny Collins
MLDRIN	Will Mooney
MLDRIN	Darren Perry
North Central Catchment Management Authority	Brad Drust
North East Catchment Management Authority	Catherine McInerney
Victorian Environmental Water Holder	Tori Perrin
Victorian Farmers Federation	Richard Anderson (observer)
VicWater	James Cleaver
Wimmera Catchment Management Authority	Greg Fletcher

3.1 Workshops

Workshops were held for the advisory panel to provide high-level guidance and endorsement of the risk assessment process in workshop one and the risk assessment outcomes in workshop two.

Workshop one held on 11 February 2016 sought agreement and endorsement from the advisory panel on:

- the context of the risk assessment
- the list of real, possible or perceived risks to be considered
- an approach to assess the likelihood and consequence of each identified risk
- any following work or processes for resolving identified issues.

Workshop two held on 15 April 2016 was to:

- discuss the draft application of the risk assessment
- review, refine if necessary, and endorse the draft assessment of major risks to be addressed in each water resource plan - noting that further approval was required within DELWP before submission of the first draft to the MDBA for comment and release for stakeholder discussion
- determine a pathway to resolve anomalies.

Main statements endorsed by the advisory panel at the completion of workshop two, subject to comments being addressed, were:

- the risk-based approach was consistent with risk principles
- documentation of the work was appropriate and adequately detailed the process
- the scenarios were suitable for further consultation, with agreed clarifications
- the revised risk assessment method was fit for purpose
- the risk assessment outcomes were fit for purpose for consultation.

Minutes of both workshops were documented and circulated to all who attended.

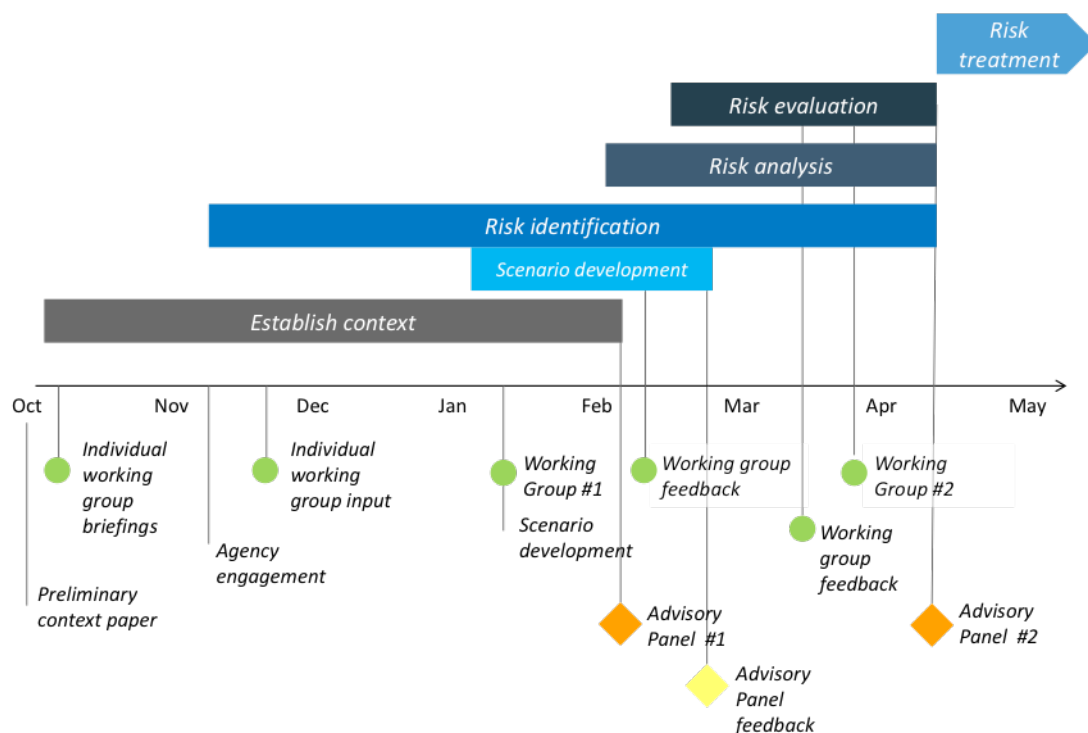


Figure 2: Chronology of project engagement (below the line) and alignment with stages of the risk assessment (above the line) for 2016–17

4. Traditional Owner values and uses: early discussions with peak bodies during 2016

During 2016, DELWP met Traditional Owner groups about the formation of the *Water for Victoria* Aboriginal Water Policy. While this was not directly consultation about water resource plans, it certainly had the relevant Basin Plan requirements in mind as the policy was being developed.

MLDRIN was engaged in the development of *Water for Victoria*, including as a member of the Victorian Aboriginal Water Reference Group set up as part of the policy consultation.

DELWP's Rural Water Programs Team presented to MLDRIN's board and full membership and provided updates on pilot projects that were informing the development of Victoria's Aboriginal Water Policy, and on DELWP's Aboriginal Inclusion Plan. DELWP had initial discussions with MLDRIN about establishing an Aboriginal Water Reference Group specially for water resource plans. In July 2016, Rural Water Programs proposed establishing an Aboriginal Working Group which would meet around six times a year.

In May 2016 the Victorian Government agreed to fund six Aboriginal Waterway Assessments through its water resource plans at locations decided through an expression of interest process run by MLDRIN. The Aboriginal Waterway Assessment tool has been designed to help Traditional Owners assess the cultural health of their Country and set priorities for environmental water delivery.

While these assessments are not specifically designed to contribute to water resource plans, it was hoped they would help relevant Traditional Owners discuss their water objectives and outcomes and produce targeted information for the water resource plans. The Barendgi Gadjin Land Council completed an Aboriginal Waterway Assessment on the Wimmera River and findings were relevant to the Wimmera-Mallee Water Resource Plan.

When *Water for Victoria* was released, discussions with MLDRIN's chair at the time, Darren Perry, recommended testing the potential of expanding the Aboriginal Water Reference Group to include Traditional Owners outside Victoria's share of the Basin.

Regular meetings were held with MLDRIN representatives and some presentations were given to the MLDRIN Board and delegates before the release of *Water for Victoria*, including but not limited to, meetings on 2 March, 13 April, 19–20 May, 5 July, 18 August and 2 October 2016. These covered subjects including involvement in the water resource plan risk assessment, approach to Traditional Owner engagement, Basin Plan requirements and development of the Aboriginal Water Policy.

On 12 July 2016, DELWP presented to the Federation of Traditional Owners Natural Resource Management sub-committee on water resource plans and the development of *Water for Victoria*.

The release of *Water for Victoria* in October 2016 provided the opportunity to develop a statewide strategic advisory body to make sure Aboriginal water values and uses were incorporated into Victoria's water planning and management.

Funding was secured to establish a statewide body and a two-day community meeting resolved to establish the Water for Country Project Control Group. MLDRIN was involved in the design of the Water for Country Project Control Group and was part of process to select members. The release of *Water for Victoria* enabled conversations with Traditional Owners to be framed by the new policy.



The *Water for Victoria* Aboriginal Water Policy was developed to address long-standing shortcomings in Victoria's water management arrangements and to help meet Basin Plan requirements for identifying Traditional Owner water objectives and outcomes, as well as increased protection of Aboriginal values and uses of water.

5. Development of the draft Wimmera-Mallee Water Resource Plan in 2016–17

The draft Wimmera–Mallee Water Resource Plan was prepared for public comment with contributions from technical and key stakeholders and through consultation with a technical advisory group and a DELWP coordination working group.

5.1 Wimmera–Mallee Water Resource Plan technical advisory group

A technical advisory group made up of key delivery partners and representative stakeholder groups was set up in November 2016 to inform and review content while the Water Resource Plan was developed. The group reflected community interests, highlighted water issues, took part in stakeholder and community consultation and steered the inclusion of wider stakeholder and community feedback into the final version.

The technical advisory group met throughout the drafting of the Wimmera–Mallee Water Resource Plan to:

- review working documents, including the draft Water Resource Plan
- share its skills and expertise and represent local perspectives within the water resource plan area
- take part in and, at times, lead community and stakeholder consultation and give feedback on what issues would most likely interest stakeholders, and their preferred tools of engagement.

The group reconvened to guide the incorporation of feedback from public consultation into the final Wimmera–Mallee Water Resource Plan before it was submitted to the Murray-Darling Basin Authority.

Table 3: Wimmera–Mallee Water Resource Plan technical advisory group members*

Organisation	Name	Title
DELWP	Heather Griffith	Manager, Water Resource Plans
DELWP	Geoff Miller	Regional Manager, Environment and Natural Resources
DELWP	Adrian Spall	Director, Water Information Management
Environmental Justice Australia (representing MLDRIN*)	Bruce Lindsay	Lawyer
GWMWater	Kym Wilson	Acting Manager, Water Resources
Mallee Catchment Management Authority	Jenny Collins	Chief Executive
North Central Catchment Management Authority	Tim Shanahan	Executive Manager, Program Delivery
Victorian Environmental Water Holder	Caitlin Davis	Acting Team Leader, Planning and Delivery



Organisation	Name	Title
Victorian Farmers Federation	Richard Anderson	Chair, Water Council
Wimmera Catchment Management Authority	Tony Baker	Statutory and Strategy Manager
Wimmera Development Association	Ralph Kenyon	Executive Director

Notes:

- While MLDRIN was represented, it was not expected to represent individual Traditional Owner views
- Environment Victoria was invited to be a part of the technical advisory group but was unable to participate at the time.

The group met three times in 2016–17.

This is a summary of those meetings:

Meeting one held on 6 December 2016 sought agreement and advice on:

- the group’s role and terms of reference
- the proposed outline and approach of the Wimmera–Mallee Water Resource Plan
- accreditation requirements
- a draft comprehensive report and summary document for public release
- issues and community perspectives in the Wimmera–Mallee
- consultation requirements.

Meeting two held on 7 March 2017 outlined and considered:

- key chapters in the draft Water Resource Plan
- the summary report
- the approach to public consultation.

Meeting three held on 27 November 2017 considered:

- feedback raised through public consultation
- submissions and discussion of responses
- feedback from the MDBA
- expected changes from the draft Water Resource Plan to the final document:
 - addressing MDBA feedback
 - Aboriginal water values and uses
 - recreational values
 - risk assessment changes and integration
 - compliance and enforcement
 - timelines.

5.1.1 DELWP coordination (working) group

This group made of up policy area leaders from DELWP with skills and responsibilities for surface water policy, interception (farm dams, and plantations), Aboriginal water, climate change, bulk entitlements, groundwater, water quality and drought. This group met monthly and provided preliminary review and contributions to data, methods and project outcomes.

6. Working towards identifying Aboriginal objectives and outcomes for water

During the development of the final Wimmera–Mallee Water Resource Plan the Government sought to engage local Traditional Owner groups in accordance with Basin Plan requirements.

The Murray–Darling Basin Plan requires that basin states identify objectives and outcomes of water based on Aboriginal values and uses of water, and have regard to the views of Aboriginal organisations as listed in Sections 10.53 and 10.54.

The Victorian Government, through DELWP, spoke with Traditional Owner groups within the Wimmera–Mallee water resource plan area to:

- outline the purpose, scope and opportunity for Traditional Owners, through the Murray–Darling Basin Plan
- define the role of 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 Victoria’s water resource plans
- confirm each Traditional Owner group’s preferred means of engagement and involvement in the development of water resource plans, especially how Nation groups would be engaged
- liaise and collaborate with Traditional Owners to investigate specific concerns about the water planning and management framework
- determine how to identify Aboriginal water objectives for each Traditional Owner or Nation group, and their desired outcomes.

The Wimmera–Mallee Water Resource Plan recognised that discussions to identify Aboriginal water objectives, and desired outcomes, would require a collaborative approach tailored to meet the needs of individual Traditional Owner and Nation groups.

Engagement was mostly through meetings on Country, providing support to Traditional Owner groups where requested. This was to identify objectives and desired outcomes for the Wimmera–Mallee water resources, support celebrating and sharing culture and traditional practices within Traditional Owner groups, discuss economic development opportunities and build relationships and Traditional Owner organisational and community capacity.

The Wimmera–Mallee Water Resource Plan turned to the Aboriginal Water Policy announced in *Water for Victoria* as the framework to address the high and medium risks to Aboriginal water identified in the preliminary risk assessment.

6.1 Traditional Owners in the Wimmera–Mallee water resource plan area

Traditional Owners in the Wimmera–Mallee water resource plan area include:

- The Wotjobaluk Peoples, represented by Barengi Gadjin Land Council Aboriginal Corporation. Wotjobaluk Country is in the heart of the Wimmera–Mallee water resource plan area. It includes the Wimmera River and Lakes Albacutya and Hindmarsh, and across to Lake Tyrrell, where the Wotjobaluk Peoples hold an Indigenous Land Use Agreement (ILUA) and Registered Aboriginal Party (RAP) status on part of the lake.
- The Jaara people, represented by the Dja Dja Wurrung Clans Aboriginal Corporation. Waterways within Dja Dja Wurrung Country included in the Wimmera–Mallee Water Resource Plan include the Avoca and Avon–Richardson Rivers and Lake Buloke, among other wetlands.
- The Ngintait, Nyeri Nyeri and Latje Latje Nations, represented by the First Peoples of the Millewa–Mallee Aboriginal Corporation. The Murrayville groundwater area of the Wimmera–Mallee Water Resource Plan is on the lands of the First Peoples of the Millewa–Mallee, who have identified highly significant songlines with associated watering points across both the Wimmera–Mallee and Northern Victoria water resource plans. Surface water in the First Peoples of the Millewa–Mallee’s proposed settlement area is mainly from the River Murray or connected sources and falls in the Northern Victoria Water Resource Plan.
- Martang Pty Ltd represents the Djab Wurrung people. Martang’s Registered Aboriginal Party area includes the upper reaches of the Wimmera River, and tributaries such as Spring Creek.
- Barapa Barapa, Tati Tati, Wadi Wadi, Wamba Wemba and Weki Weki Nations are represented in the Wimmera–Mallee Water Resource Plan through interest in Lake Tyrrell. Lake Tyrrell is connected to Tyrrell Creek, which in turn is connected to the Avoca River, and is an area of significant cultural importance. Part of Lake Tyrrell is covered by the Barengi Gadjin Land Council ILUA and Registered Aboriginal Party agreement, while; the remainder is not subject to any Registered Aboriginal Party, Settlement Agreement or Native Title status.

6.1.1 Link to Northern Victoria and the River Murray

Several Traditional Owner groups have interest in both the Wimmera–Mallee and Northern Victoria water resource plans, including Barapa Barapa, Dja Dja Wurrung, First Peoples of the Millewa–Mallee, Tati Tati, Wadi Wadi, Wamba Wemba and Weki Weki.

Their respective contributions detail values and uses and objectives and outcomes for water relating to the Wimmera–Mallee Water Resource Plan at January 2019. These contributions may be amended as the Northern Victoria Water Resource Plan is being finalised.

When water managers and policy makers are reviewing Traditional Owners’ contributions, it is recommended they read the contributions in both the Wimmera–Mallee and Northern Victoria water resource plans to make sure they are considering all information on Traditional Owner values, uses, objectives and outcomes for water.

Any substantive changes to content from Traditional Owner contributions when the Northern Victoria Water Resource Plan is being finalised will result in an amendment to the Wimmera–Mallee Water Resource Plan.

6.2 Feedback on approach – first formal assessment

Following the initial submission of the Wimmera-Mallee Water Resource Plan to the Murray-Darling Basin Authority (MDBA) for formal assessment on 29 June 2018, MLDRIN delegates assessed the engagement approach. They raised a number of concerns about DELWP's method for engaging with Traditional Owners. Concerns raised included.:

- unnecessary delays in starting water resource plan engagement and not properly taking Traditional Owners' needs and desires into account about how they were to be engaged in developing water resource plans
- the application of a source-based approach to engagement with Traditional Owners. This resulted in some Nations not being consulted about areas of interest that were geographically located within the Wimmera-Mallee water resource plan area.
- consistency of engagement between Traditional Owner Nations, largely due to the engagement being designed around the source-based approach to developing Victoria's water resource plans.

After the assessment was received, it was agreed between the MDBA and MLDRIN that DELWP would do extra engagement with Traditional Owners to provide them with more opportunities to contribute to the Wimmera-Mallee Water Resource Plan.

6.2.1 Revised work program

Following the initial MLDRIN assessment, engagement with Traditional Owners for water resource plans was based on these guiding principles:

1. Engagement on water resource plans is directed by the requirements of the Commonwealth Government Murray-Darling Basin Plan 2012 and supported by the Victorian Government's Aboriginal Water Policy.
2. The engagement approach is tailored to the needs of each Nation group, as advised by MLDRIN delegates wherever possible, and adhering to the key principles of:
 - a. inclusivity
 - b. self-determination
 - c. free, prior and informed consent.
3. DELWP takes responsibility for engaging with Traditional Owner groups within Victoria's share of the Basin and commits to building relationships between the state and Nations through face-to-face engagement on Country, supported by MLDRIN delegates, peak Traditional Owner organisations and delivery partners as required.
4. Feedback and information sharing from Traditional Owner groups is, when permitted, communicated to DELWP water senior managers to support integration of Traditional Owner requirements in policy and planning.
5. DELWP will endeavor to provide a clear narrative to talk through the issues, and use plain English to explain the complexities of water resource management.
6. Cross border issues are managed sensibly, with Traditional Owner groups to decide where and when they want the opportunity for joint consultation or involvement between states.

After the MLDRIN assessment DELWP re-engaged with Traditional Owner groups to:

- develop engagement plans relevant to each group in consultation with the nominated MLDRIN delegates or appropriate key contact
- support and fund Nation meetings to provide wider opportunity for Nation members to discuss the Nation's contribution to Victoria's water resource plans



- include, where possible, water senior management and key policy officers in Nation meetings to demonstrate commitment to continued engagement with Traditional Owners and to make sure experts in water resource management were part of the conversation and were starting to build relationships with Traditional Owners
- support and fund extra meetings required to finalise and approve contributions of Traditional Owner Nations for inclusion in Victoria's water resource plans
- capture Traditional Owners' views in water resource plans through contributions for each Nation, authored or co-developed with DELWP. The contributions were largely structured around a template that outlines matters relevant to addressing the requirements of Part 14 of Chapter 10 of the Basin Plan.

The finalisation of Traditional Owner contributions is based on meetings, workshops and community events supported by DELWP through the engagement process aimed at building capacity, shared understanding and delivering on the requirements of Basin Plan.

6.2.2 Tools used to support engagement

Aboriginal Waterway Assessments

The Aboriginal Waterways Assessment tool was funded by Victoria's water resource plans for six nations, including in the Wimmera-Mallee Water Resource Plan area, Wotjobaluk, Ngintait, Tati Tati, Dja Dja Wurrung Nations.

Aboriginal Water Officers

Funding support for water officers at the Mallee Catchment Management Authority and the Wimmera Catchment Management Authority. Aboriginal Water Officers are not expected to take responsibility for engaging on water resource plans, but instead they support engagement between Nations and government water planning and policy matters, including water resource plans.

Work programs and workshops

Work programs and capacity building directly through water resource plans. Work programs typically include meetings on-Country between water resource plan representatives and Traditional Owners to discuss water opportunities, issues, risks and challenges. Those discussions work to build possible responses to water resource plans, provide links between Nations and delivery partners and identify opportunities to increase engagement, involvement and representation in water planning and policy.

Nation meetings

Nation meetings/inclusive gatherings or workshops were scheduled for most Nations contributing to the water resource plans. The work before each workshop/Nation meeting and its format was specific to each Traditional Owner group.

Approach to questions

Meetings included an:

- explanation of water resource plans, including timelines
- outline of the aims of the engagement for water resource plans
- explanation of why Traditional Owners need to be involved.

Indicative questions and areas of discussion included:

- What does water mean to you and your people?
- Do you currently use water from Country? What for?
- What would you like to use water from Country for?
- What's stopping you?
- How important is it to be able to access water or water on Country?
- Which water-related places are important to you?
- What would you like to change regarding water on Country?
- Are you familiar with cultural flows? What are your views?

6.3 Engagement with Traditional Owner groups

6.3.1 Barapa Barapa

Barapa Barapa Country includes both sides of the Murray, including the iconic Gunbower Forest in Victoria.

DELWP began discussions with the Barapa Barapa Water for Country Steering Committee in 2017, presenting to the committee on 26 October that year and meeting on Country several times to discuss the project and future aspirations, including in March, April, July and November 2017.

Barapa Barapa hosted an on-Country tour by the Northern Victoria Water Resource Plan Technical Advisory Group, of which Barapa Barapa man Dixie Patten is a member, on 6 December 2017.

On 1 February 2018 DELWP met with the steering committee to workshop the views, objectives and outcomes for the draft Northern Victoria Water Resource Plan. The steering committee agreed in principle to a set of objectives and outcomes, including consideration of cultural flows. These became the basis for the Barapa Barapa contribution to the Wimmera-Mallee Water Resource Plan.

On 1 May 2018 DELWP presented on Country to the Barapa Barapa Water for Country Steering Committee on the water regimes of Lake Tyrrell and the Avoca River and how these systems are connected to the Wimmera-Mallee water resource plan area water supply system. The presentation included information on the Avoca River flow regime, entitlements and average take.

The draft objectives and outcomes for the Northern Victoria Water Resource Plan were presented to a community gathering of Barapa Barapa Traditional Owners in mid-2018 at Gunbower Island. Extra documentation outlined the purpose of water resource plans, the Basin Plan legislative requirement for states to liaise with Traditional Owner groups and the focus areas of consultation, the river systems of Victoria's share of the Basin and key questions for consideration and discussion.

On 13 November 2018 DELWP a Barapa Barapa Nation meeting was held to consider a draft contribution for water resource plans, where it was decided to also contribute to the Wimmera-Mallee Water Resource Plan. The Barapa Barapa people said they had concern for the whole system, not just Barapa Barapa Country. At that meeting, Barapa Barapa MLDRIN delegate Uncle Neville Whyman expressed the need for some changes to the contribution.

A shortened draft of the Barapa Barapa objectives and outcomes was sent to MLDRIN delegate Sharnie Hamilton on 4 January 2019 and was approved for inclusion in the draft Northern Victoria Water Resource Plan. A subsequent meeting with Barapa Barapa representatives at Kerang in January 2019 workshopped the entire contribution and approved for it to be included in the draft Northern Victoria Water Resource Plan and final Wimmera-Mallee Water Resource Plan.

6.3.2 Dja Dja Wurrung

The resubmission of the Wimmera-Mallee Water Resource Plan enabled Dja Dja Wurrung's contribution to reflect the Traditional Owner group's requirements, as communicated and responded to by DELWP, after the plan was first submitted to the MDBA. The first submission of the Water Resource Plan for the Wimmera-Mallee was severely constrained by an engagement approach that did not meet the needs of the Dja Dja Wurrung Clans Aboriginal Corporation, including its Settlement Agreement with Victoria.

Meetings between DELWP and Dja Dja Wurrung agreed that Dja Dja Wurrung's water aims were best met through an approach which enabled self-determination, using this structure:

- DELWP to fund Dja Dja Wurrung to conduct its engagement on water resource plans, keeping in close contact but not dictating methodology or approach
- DELWP to be available at Dja Dja Wurrung's request to provide technical, policy or facilitation support
- Dja Dja Wurrung to establish an advisory group for water within its corporation to enable continuity, capacity building, self-determination and transition to outcomes
- Dja Dja Wurrung to have a representative on the Northern Victoria Water Resource Plan technical advisory group.

A funding agreement between Dja Dja Wurrung and DELWP for water resource plans was signed on 13 December 2017. This resulted in a comprehensive and considered contribution to Victoria's water resource plans that was directed and produced by Dja Dja Wurrung, with collaboration by DELWP as requested.

The approach was devised in response to the shortcomings of the Wimmera-Mallee Water Resource Plan engagement through 2016-2017; Dja Dja Wurrung's contribution is updated as a result of the Wimmera-Mallee Water Resource Plan is being resubmitted.

Formation of the Kapa Gatjin (Knowing Water) Advisory Group was a highlight of Dja Dja Wurrung's water engagement. The group has agreed terms of reference and involves facilitated participation of Dja Dja Wurrung members to talk firstly about aspirations for water resource plans, and water more generally now and for the future, including values and uses of water.

The Dja Dja Wurrung water resource plan contribution for Northern Victoria and the Wimmera-Mallee states that:

The function of the Kapa Gatjin Advisory Group is to:

- build on our creation storylines and connection to Djandak (Country) with our mob
- support and advise the Kapa Gatjin Water Unit in developing and delivering the Country Plan aspirations for Rivers and Waterways
- work with the Registered Aboriginal Party (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.

The Kapa Gatjin group first met 1 May 2018 at Tang Tang Swamp.

Two further meetings of the Kapa Gatjin Advisory Group were scheduled for 2018, supported by the Dja Dja Wurrung water officer position.

According to Dja Dja Wurrung, Kapa Gatjin is not the first engagement point for the corporation. Any water-related issues are first to be communicated to the water policy officer, and/or the CEO of the corporation.

Dja Dja Wurrung Clans Aboriginal Corporation has clearly articulated it needs to be involved in policy development and at the outset of projects to best achieve water objectives. These include shared benefits through environmental water and, importantly for the organisation, cultural flows and economic benefits from water. These are the corporation's requirements, in line with its Settlement Agreement with the State of Victoria.

Dja Dja Wurrung Chief Executive Officer Rodney Carter is the MLDRIN delegate for Dja Dja Wurrung. The approach taken for the water resource plans contribution for Victoria is in full accordance with his requirements.

Consultation conducted by Dja Dja Wurrung may be updated for the Northern Victoria Water Resource Plan. As the Wimmera-Mallee consultation report was produced earlier, it is expected people wishing to know more about consultation done by Dja Dja Wurrung, with DELWP support, review the Northern Victoria Water Resource Plan consultation report when it is released.



6.3.3 First Peoples of the Millewa–Mallee

The First Peoples of Millewa–Mallee have a strong connection to Country. While most of the surface water on Country is sourced from the River Murray, songlines within the First Peoples of the Millewa–Mallee Registered Aboriginal Party area show an ancient history with the water within the landscape spanning both water resource plans. The Wimmera–Mallee Water Resource Plan also includes the Murrayville groundwater area.

Following conversations in 2017, DELWP, the Federation of Victorian Traditional Owner Corporations and the First Peoples of the Millewa–Mallee agreed on an engagement approach to work together to develop the contribution to Victoria’s water resource plans.

The First Peoples of the Millewa–Mallee’s preferred engagement is initially through their Board. Where MLDRIN delegates were accessible and appointed, they were engaged directly to approve and help lead the Nation meetings.

The approved engagement approach included two residential community gatherings in 2018, incorporating visits on Country to discuss water priorities and issues. Present and former Mallee Catchment Management Authority employees assisted by explaining the current water management regime and challenges, and DELWP staff explained water policy issues.

Before these gatherings, a meeting was held on Country with MLDRIN Ngintait delegate Uncle Norm Wilson on sites of importance to Ngintait. The Water Resource Plan funded the April 2018 Ngintait Aboriginal Waterway Assessment and DELWP attended the assessment for several days.

A meeting was held in Melbourne with Uncle Norm Wilson, the Mallee CMA Living Murray facilitator, the Federation and DELWP to organise the initial First Peoples’ community gathering. It was agreed the three-day gathering for the Ngintait, Nyeri Nyeri and Latje Latje Nations would include:

- several visits to waterways and bodies of cultural significance
- a presentation on water regulation from the Mallee CMA at Lock 9
- a short documentary to capture people’s thoughts at the event, provide a reference at a point in time and help to highlight discussions on water
- cultural activities
- families to be invited.

The first gathering was based at Lake Cullulleraine in May 2018 and held over several days, with accommodation and catering on site. Participants were presented with information on water resource plan requirements both orally, and through written materials and waterway maps made available.

A second gathering was held in September 2018, with people staying in Mildura and travelling to more places of significance and yarning about water objectives.

Places visited over the two residential gatherings were within the lodged Registered Aboriginal Party boundaries for the First Peoples of the Millewa–Mallee, which have now been approved by the State of Victoria.

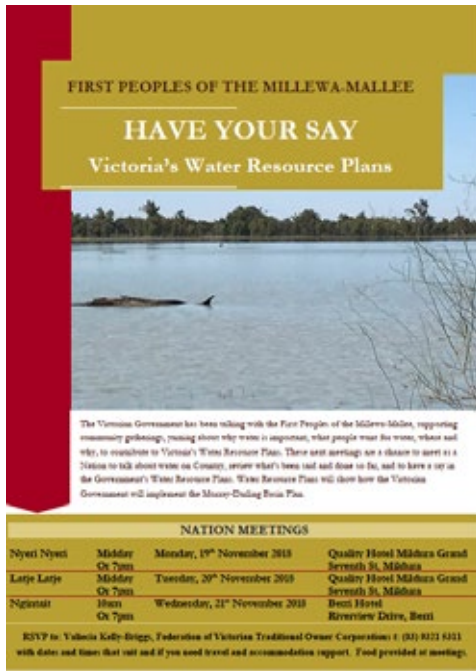


Figure 3: flyer for Nation meetings

Following the community gatherings, it was discussed with Uncle Norm Wilson, Aunty Susan Baxter, Nyeri Nyeri, and Melissa (Lisa) Jones, Latje Latje, as well as with First Peoples’ Chair Aunty Janine Wilson, whether separate Nation meetings were the best approach to discuss and approve the objectives, desired outcomes and statements collated from the community gatherings. It was agreed that meetings would be held for Ngintait in Berri, November 2018, Latje Latje in Mildura, November 2018, and Nyeri Nyeri in Mildura, November 2018.

As a MLDRIN meeting was scheduled for the week before and some delegates were waiting on approval, conversations were also held with Nyeri Nyeri men Mark Grist and Robbie Knight. Their advice was much appreciated.

The Nation meetings, facilitated and funded by DELWP, included handouts and were centred around confirming the content each Nation wanted to see.

Across the separate meetings there was strong consensus from the three Nations as the objectives and outcomes and statements reflected their own words from discussions on Country.

The Nation meetings started with an outline on water resource plans and their purpose, legislative requirements and opportunities. There was a screening of the video from Lake Cullulleraine and a recap on consultation with the First Peoples of the Millewa-Mallee to date.

The meetings then workshopped through the commentary which had been recorded while on Country and grouped under:

- water for Country
- values and uses
- capacity building
- engagement
- supporting statements and text.

A draft contribution was prepared from the Nation meetings for the final Wimmera-Mallee Water Resource Plan, and the Northern Victoria Water Resource Plan. The draft was presented at a special board teleconference, then approved a week later in December 2018.

This contribution replaces the initial contribution in the first submission of the Wimmera-Mallee Water Resource Plan.

Initial engagement with the First Peoples of the Millewa-Mallee: before 2018

Initial discussions between the Victorian Government and the First Peoples of the Millewa-Mallee on the Wimmera-Mallee Water Resource Plan centred on the Murrayville aquifer. DELWP had facilitated discussions and information-sharing between the First Peoples of the Millewa-Mallee Aboriginal Corporation, Grampians Wimmera Mallee Water and local landholders.

This followed Grampians Wimmera Mallee Water receiving a joint submission from MLDRIN and the First Peoples of the Millewa-Mallee in response to the water corporation’s public consultation on the Murrayville aquifer’s local management plan on 29 July 2016.

DELWP liaised with the First Peoples of the Millewa–Mallee, the chair of MLDRIN at that time and Grampians Wimmera Mallee Water about the aquifer several times in 2017. A key request of the First Peoples was to get more information on the water source, quantity, quality and drawdown of the aquifer. As a result, and together with Grampians Wimmera Mallee Water, this objective was added to the Murrayville Local Management Plan and communicated to the First Peoples of the Millewa–Mallee by correspondence on 14 September 2016:

The water corporation and reference group will continue discussions with Traditional Owners to understand and identify cultural objectives and values relating to groundwater in the Murrayville Groundwater Management Area. Appropriate amendments will be made to the local management plan as an outcome of these discussions.

The then chair of First Peoples of the Millewa–Mallee, Darren Perry, presented to the Murrayville Advisory Committee on Aboriginal values and aspirations for groundwater in the Murrayville area on 20 June 2017.

DELWP met the First Peoples of the Millewa–Mallee Aboriginal Corporation board member Janine Wilson on 21 July 2017. This discussion outlined water resource plan timelines, engagement through the Wimmera–Mallee Water Resource Plan, the Northern Victoria Water Resource Plan and the source-based approach to the water resource plan areas. Ms Wilson spoke about how a lot of government consultation had resulted in words spoken, but no action or, at best, ‘band-aid’ solutions. DELWP spoke about the water resource plan, how it came about and what it was about, and the Government’s approach, including talking with Traditional Owners to understand objectives and desired outcomes relating to water.

Ms Wilson told DELWP: “We want to have some control over our land and water that you took away from us.”

It was agreed:

- to ask for the water resource plans to be placed on the First Peoples of the Millewa–Mallee Aboriginal Corporation board agenda
- that Ms Wilson would ask DELWP to attend the ‘coming together’ to talk to Elders about water and what the water resource plan may mean to them
- that if the Traditional Owners preferred, the gathering may talk about water resource plans, and then DELWP would meet Traditional Owners separately.

On 4 September 2017, First Nations Legal and Research Services (formerly Native Title Services Victoria) confirmed that water resource plans had been discussed at a board meeting of the First Peoples of the Millewa–Mallee Aboriginal Corporation and the board had confirmed that they would talk further about water resource plans, with the assistance of the Federation of Traditional Owners.

DELWP met the Federation of Victorian Traditional Owners on 21 November 2017 and outlined a proposed presentation for the following board meeting of the First Peoples of the Millewa–Mallee Aboriginal Corporation. DELWP presented to the board on water resource plans on 19 January 2018.

While that meeting developed the water resource plan contribution has since been replaced, it also was a major step in agreeing to work together for the Northern Victoria Water Resource Plan. Given the Wimmera–Mallee Water Resource Plan resubmission, that contribution is the result of several months’ discussion, as outlined before.

Prior, the initial water objectives and outcomes proposed for inclusion in the Wimmera–Mallee Water Resource Plan were shared with the community and confirmed with DELWP on 1 March 2018 as being approved by the board and the broader Traditional Owner community.

At that meeting and at subsequent meetings of the First Peoples of the Millewa–Mallee Aboriginal Corporation board (FPMMAC), the FPMMAC Board endorsed DELWP and the Federation of Victorian Traditional Owner Corporations to provide support to the First Peoples of the Millewa-Mallee. This was to help produce outcomes for both a First Peoples of the Millewa-Mallee Country and Water Plan and to consider contributions to the Victorian Government’s water resource plans.

Note that consultation with the First Peoples of the Millewa-Mallee may be updated as we continue discussions through the Northern Victoria Water Resource Plan. As the Wimmera-Mallee consultation report was produced earlier, it is expected people wishing to know more about consultation done with the First Peoples of the Millewa-Mallee review the Northern Victoria Water Resource Plan consultation report when it is released.

6.3.4 Martang Pty Ltd

Despite several attempts by the water resource plan project team using phone and email, a meeting could not be scheduled with Martang Pty Ltd until after the release of the draft Wimmera–Mallee Water Resource Plan.

After the release of the draft, DELWP met with Martang’s Chief Executive Officer to discuss the plan on 29 May 2017, and understand what interest Martang’s Traditional Owners may have in participating. Martang confirmed that at a minimum it wanted to be recognised in the plan as being a Traditional Owner in the region and that, given its available resources and large number of other priorities, it did not want to have a significant involvement in the finalisation of the plan. DELWP agreed to draft a summary about Martang and its water interests and send to its CEO for review before being included in the final plan.

Martang expressed interest about management of culturally significant sites at the headworks storage of Lake Lonsdale, because it was a priority site. Martang said it would like to keep Lake Lonsdale at least 50 to 60 per cent full of water to protect the cultural heritage at the site. When water levels are low, cultural heritage sites on the lake bed get damaged by recreational users. DELWP discussed other ways to protect the site, such as managing access. Maintaining high lake levels during dry years would not be possible because of the lack of inflows to the lake, no matter how releases from the lake are managed.

Martang said it would be interested in conducting an Aboriginal Water Assessment at Lake Lonsdale, if neighbouring Eastern Maar Aboriginal Corporation was also interested. An initial phone call and follow up face-to-face meeting with Eastern Maar on 20 June 2017 confirmed interest in a joint assessment for Lake Lonsdale and DELWP took some initial steps to help progress this Aboriginal Water Assessment. However the area is now part of a joint Native Title claim from Barengi Gadjin Land Council, Eastern Maar and Gundit Mirring and it is expected an assessment would require agreement by all interested Traditional Owner groups before going ahead. This has not progressed further at this stage.

6.3.5 Tati Tati Wadi Wadi

Tati Tati Wadi Wadi² is represented in the Wimmera–Mallee water resource plan area through interests in the culturally rich Lake Tyrrell, a terminal lake at the edge of the Avoca Basin, and the geographic landscape of its areas of interest.

The Traditional Owner group has a strong interest in waterways and water bodies, including those now not receiving water around the Robinvale area, with a focus on the southern banks of the Murray, and west of Swan Hill, extending west toward Ouyen and south of Robinvale, straddling the River Murray.

From the outset, Tati Tati representatives have identified themselves as Tati Tati Wadi Wadi. It is acknowledged that there was a separate consultation for the Wadi Wadi Nation as represented in this Wimmera-Mallee Water Resource Plan.

DELWP started talking with Tati Tati in 2017 through discussions with Tati Tati MLDRIN delegate Brendan Kennedy, and other people identifying as Tati Tati Wadi Wadi.

An Aboriginal Waterway Assessment was funded by DELWP through the Water Resource Plan. The Aboriginal Waterway Assessment was carried out at several significant sites including:

- Gadsens Bend
- Margooya Lagoon
- Murrumbidgee Junction
- Narrung
- Lake Heywood
- Piambie
- Burra Burra State Forest
- Nyah-Vinifera State Park.

The MLDRIN-facilitated Aboriginal Waterway Assessment was held from 11 to 13 July 2017. A representative from DELWP's water resource plan team attended for several days.

A few weeks later a meeting was held with six representatives, including Tati Tati MLDRIN delegate Brendan Kennedy, to explain the purpose of the water resource plan, including how we were starting early engagement before preparing a draft for the Northern Victoria Water Resource Plan.

At that meeting, Brendan made it clear that there would be a need for the water resource plan representatives to come back to a broader group to explain about the consultation process and what it meant for Tati Tati Wadi Wadi, and that the meeting was the first of many discussions.

DELWP has attempted to honour that requirement through a series of meetings with the Nation. Early in 2018, in collaboration with Brendan Kennedy and before an overarching DELWP agreement to fund Nation meetings, DELWP entered into a funding agreement to help support Tati Tati Wadi Wadi meetings, in recognition of the barriers to participation. The resulting funding agreement was to facilitate workshops on water objectives, hold an inclusive gathering open to all people identifying with the Nation, conduct planning meetings and provide support for sign off.

In May 2018, water resource plan representatives and Tati Tati Wadi Wadi had a series of conversations about Lake Tyrrell about its inclusion in the Wimmera–Mallee Water Resource

² A July meeting at Robinvale in 2018 concluded the people present wished to be identified as Tati Tati Wadi Wadi. In November 2018, the MLDRIN full gathering formally appointed delegates for the Wadi Wadi Nation, that were not part of the Tati Tati Wadi Wadi consultation. These delegates had, from September 2018 led consultation for their Nation. The Water Resource Plan will continue to liaise with MLDRIN delegates to determine how best to meet the needs of the Nations, for the finalisation of the Northern Victoria Water Resource Plan, which should be referenced, once accredited.



Plan, its water management regime, its water source and whether Tati Tati Wadi Wadi wished to make a contribution to the Wimmera-Mallee Water Resource Plan. Tati Tati Wadi Wadi provided a statement and objectives for inclusion in the Wimmera–Mallee Water Resource Plan (May 2018), which appeared in the initial submission of the plan for accreditation.



Figure 4: flyer for Tati Tati Wadi Wadi Nations meeting

The resubmission of the Wimmera-Mallee Water Resource Plan has provided an opportunity to update the contribution.

Meetings between DELWP and Tati Tati Wadi Wadi were held on Country. These included workshops in July and August 2017, meetings in March and April 2018, and culminating in a Nation meeting on 29 October 2018 attracting around 30 participants at Nyah.

The Nation meeting included a handout presentation outlining the purpose of water resource plans, the consultation with Tati Tati Wadi Wadi up until then, retrospective and future timelines, and a full list of the objectives, outcomes, values and uses, and statements recorded to that point, for discussion and sign off.

Participants workshopped the objectives, statements and supporting text, which had been

prepared based on previous meetings, and approved them for inclusion in Victoria’s water resource plans.

The generosity of Tati Tati Wadi Wadi Traditional Owners to collaborate on water resource plans and give their perspective on what needs to be bridged in terms of Government policy, planning and management, is greatly respected.

As well as meetings on Country, MLDRIN delegate Brendan Kennedy was a representative on the water resource plan for Northern Victoria technical advisory group. This was extremely beneficial for water managers from DELWP, water corporations and catchment management authorities to hear his perspective and think about how to respond to Traditional Owner expectations.

A further meeting with Tati Tati Wadi Wadi is being considered under the Northern Victoria Water Resource Plan. This, and any changes that may result, would be reflected in the Northern Victoria Water Resource Plan consultation report.

6.3.6 Wadi Wadi

Wadi Wadi is represented in the Wimmera–Mallee water resource plan area through interests in the culturally-rich Lake Tyrrell, a terminal lake at the edge of the Avoca Basin.

MLDRIN delegates were contacted initially by DELWP in August/September 2018 to discuss an engagement plan.

After several meetings it was agreed:

- to run a Nation meeting over two days in Swan Hill on 11 and 12 October 2018
- fuel, accommodation and travel costs were covered by DELWP to support people's participation
- to coordinate mailouts, RSVPs and payment for attendance through First Nations Legal and Research Services who have contact details of all Wadi Wadi members
- to invite representatives from relevant organisations, including the executive officer of MLDRIN and environmental watering manager from the Mallee CMA.
- to carry out joint consultation with NSW Department of Industry (DOI Water)

This was the first time that New South Wales and Victorian Governments had delivered a joint consultation for water resource plans and agreed to adopt NSW's approach to engagement.

This text is from the final report delivered by the consultants as described below.

6.3.6.1 Scope

Independent Aboriginal consultants, Strategic Small Business Solutions (SSBS), were contracted by DOI Water to conduct the engagement to provide a sense of independence, and to safeguard cultural knowledge. The consultants were given this brief before the consultation process.

First Nations stakeholder consultants will:

- work with New South Wales' DOI Water and Victoria's DELWP and the Wadi Wadi Nation, which crosses the border of Victoria and NSW
- identify the importance of water to the Wadi Wadi Nation and seek information about the values placed on water and the Nation's vision for the future in water sharing and management. They will work in a culturally appropriate manner with the appointed Wadi Wadi delegate(s) to meet with identified Traditional Owners of the Wadi Wadi Nation and gain informed and agreed consent, using the data use agreements provided by DOI Water.
- conduct face-to-face interviews with identified Wadi Wadi Nation Traditional Owners after obtaining written consent
- seek Traditional Owner support for the planned workshops on water resource plans and encourage active engagement and participation
- make sure SSBS support the workshop by promoting discussion around key issues and creating a comfortable atmosphere conducive to open and direct feedback from participants
- prepare an extensive consultation report for DOI Water and DELWP that provides authentic data gained with consent from Wadi Wadi Nation members about their values and objectives for water resource planning in their Nation
- provide the report to interviewees and seek approval of report content during return face-to-face visits
- present the final report to DOI Water and DELWP for publication.

6.3.6.2 Methodology

The methodology for this consultation is based on a Nation by Nation approach developed by Strategic Small Business Solutions on "principles for culturally appropriate Nation-based



consultation". These principles are supported by a commitment to the practice of Indigenous data sovereignty and the use of qualitative research practices, including participant-centred research and generic thematic analysis.

Principles for culturally appropriate Nation-based consultation

Strategic Small Business Solutions rely on their proven approach to culturally appropriate consultation. While this is the first time we have taken part in the new method of Nation-based consultation, our approach as shown here has proven to be culturally appropriate and successful.

Strategic Small Business Solutions propose the following community consultation methodology for culturally appropriate First Nations stakeholder engagement:

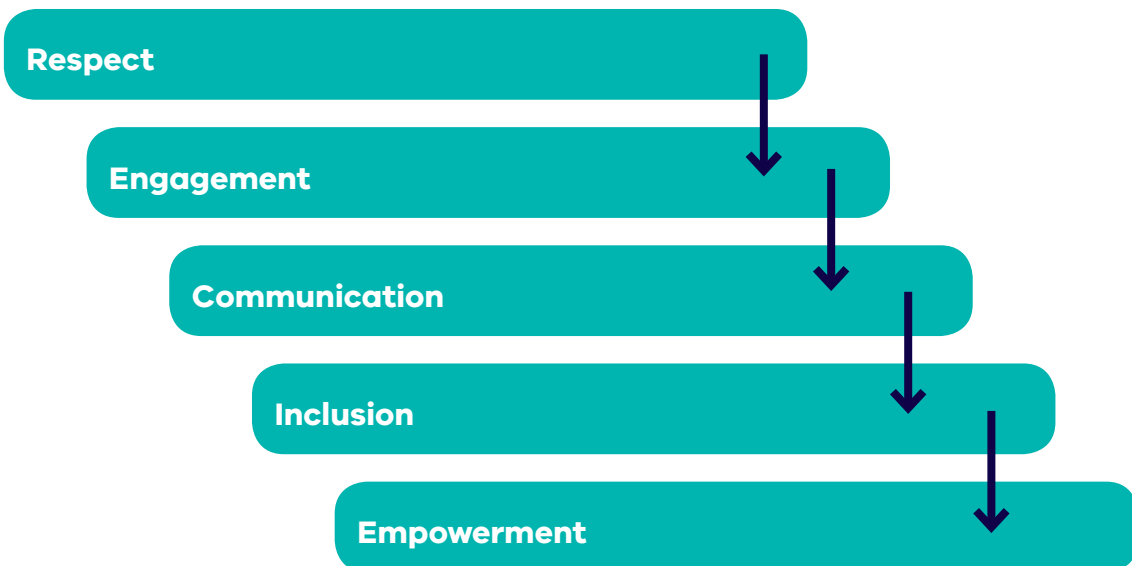


Figure 5: Proposed community consultation methodology of Strategic Small Business Solutions

Nation-based approach

The consultation methodology enables First Nations people to continue their traditional roles as custodians. A Nation-based approach, encouraged by the MDBA, Northern Basin Aboriginal Nations and MLDRIN, sustains the presence of individual Nations and allows them to contribute to water resource plans within the context of their cultural boundaries. With this approach, First Nations can assist government to make better decisions in water planning.

Governance structures of First Nations are complex and in their infancy in engaging with government. The engagement approach taken was guided by the MDBA, Northern Basin Aboriginal Nations and MLDRIN and considered accepted cultural protocols. It relied heavily on the Wadi Wadi Nation organisers. MDBA states that ‘the term ‘Traditional Owners’ is used to refer to those with recognised cultural authority to speak for Country’ and guides states to identify appropriate Traditional Owners for consultation. The use of the Nation organiser as a guide relied on widely accepted cultural protocol and lore which determines that only internal representatives have the cultural authority to speak on a Nation’s internal governance structures, guide consultative processes and identify senior Traditional Owners.

Indigenous data sovereignty

Part of a culturally appropriate consultation framework acknowledges the rights of First Nations people over their own knowledge. The contract signed between Strategic Small Business

Solutions and DOI Water included this definition of First Nations Cultural Knowledge:

‘Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs, and cultural laws and customs’

Consultants are required to identify any First Nations cultural knowledge gathered during the consultation. This can only be used for specific purposes in the accreditation of water resource plans. Wadi Wadi participants read through data use agreements which made them aware of the purpose of the research and the use of their knowledge, and signed consent forms, giving them options for the recording and storage of their individual data.

Research methods

Our research methodology is aligned with the principles of Culturally Appropriate Nation-based consultation and the MDBA Part 14 Guidelines. Ethical considerations include the de-identification of data, the explanation of the purpose and scope and participant consent. These aligned with general considerations in the guidelines:

- prior, informed consent of the affected Indigenous and local communities
- ownership, protection and control of traditional knowledge
- the need for transparency.

DOI Water supplied the data use agreements. They are a sign to First Nations people that they and their knowledge are being treated with respect. The research process was expected to be directed by participants, with Traditional Owner face-to-face interviews shaping the research design. This two-pronged approach was recommended by the MDBA.

Data was collected from eight Wadi Wadi Nation-identified Traditional Owners during face-to-face interviews in the Traditional Owners’ chosen location. A two-day workshop was conducted and further data was collected from just under 50 participants in a pressure-free environment.

Carefully thought out questions and prompts developed by the consultants encouraged open, narrative responses, in line with the principle of flexibility and MDBA guidelines to ‘use appropriate tools and mechanisms for recording and understanding Aboriginal objectives and outcomes.’ A qualitative data analysis of both interview and workshop data was used to ‘provide a fair-minded representation of information and knowledge gained through the consultation process,’ as guided by the MDBA.

6.3.6.3 Consultation process

The Consultation Process followed four phases.

- Phase 1: design and development – planning, development of consultation tools (question list and data use agreements) and participant identification (stakeholder list).
- Phase 2: preparation - face-to-face interviews with Traditional Owners to share information, build relationships and guide planning of later workshops.
- Phase 3: consultation – inclusive workshops with the wider Wadi Wadi community to gather more contributions into the clauses of Part 14 on objectives and outcomes based on values and uses of water.



- Phase 4: analysis and review - data analysis and report writing, including face-to-face presentation of the draft report to Wadi Wadi Nation members who took part in face to face interviews.

The MDBA Part 14 guidelines advise 'a planned approach to properly engaging Traditional Owners, including identification and involvement of appropriate Traditional Owners' (phase 1). They suggest that for genuine engagement in water resource planning, Traditional Owners be consulted for two specific purposes of information sharing/relationship building meetings (phase 2) and inclusive workshops (phase 3).

Phase 1: design and development

Phase 1 included development of a stakeholder list, a data use agreement and a question list for the face-to-face interviews.

Stakeholder list

The stakeholder list was a key document required in the early stages of the consultation. It guided Strategic Small Business Solutions and DOI Water to engage participants for interviews and workshops according to a priority of traditional Nation-based governance. Other regional stakeholders who don't operate on a Nation-based model were also included.

The list clearly classified stakeholders into these different governance types, to overcome previous reliance on a few key stakeholders at the expense of others:

- **Traditional Owners:** groups or individuals under Nation-based governance
- **external governance:** those with non-traditional governance structures imposed from outside the Wadi Wadi Nation
- **historically connected:** those from other Nations who live on Wadi Wadi Country.

The Nation Organisers, with their cultural authority and internal knowledge of Wadi Wadi Nation governance, were essential to developing the stakeholder list in this Nation-based approach. They provided Strategic Small Business Solutions with a list of Traditional Owners to make sure of inclusive representation of Wadi Wadi family groups and communities who do not always correspond to towns from a Western geographical perspective. These Traditional Owners are not necessarily associated with established lead agencies in the Aboriginal sector, but are recognised from grassroots governance structures as true cultural leaders by the Wadi Wadi community.

The stakeholder list was treated as a living document, with names being added throughout the consultation. All individuals on the list consented to share their details, either through the Nation organiser or Strategic Small Business Solutions. The list will be kept with DOI Water Aboriginal staff. As guided by the MDBA, 'better practice would expand and update available knowledge and understanding about the relevant stakeholder groups that are linked with the Basin water resources in an area'.

The Nation organisers were integral to the consultation. Freely-given consent and a culturally appropriate introduction to the identified Wadi Wadi Nation Traditional Owners was essential to the success of the interviews, comfort level of the interviewees and gathering of highly useful data. Strategic Small Business Solutions believe the consultation process would not have been achieved productively without the Nation organisers' contribution to the consultation project.

Data use agreements

Data use agreements allowed the Wadi Wadi Nation people, as a Nation and as individuals, to play a part in managing and controlling information they gave throughout the consultation.

Two different agreements were created for face-to-face interviews and workshops. These defined and explained:

- the purpose and scope of the consultation
- identity protection measures where data was de-identified and personal details stored securely
- data storage procedures, giving options for choice by participants
- data use where First Nations' cultural knowledge was limited to use for water resource plan development and accreditation, water planning and internal education.

Strategic Small Business Solutions concluded that once the data use agreements for the face-to-face interviews had been carefully explained and reviewed with participants, there was no room for doubt in participants' minds about the integrity, safety, ownership and use of the data once it had been shared freely with the consultants.

At first some participants appeared daunted by the data use agreements. However, they all agreed to sign them once they clearly understood that the signed agreements would protect their shared knowledge, and this relieved any anxiety.

The MDBA guidelines acknowledge that 'it is an ongoing challenge for Aboriginal organisations to engage multiple and repeated times with governments for a range of purposes.'

The reasons why we have data use agreements are:

- to safeguard First Nation' cultural knowledge
- that data gathered can only be used for the water resource plans, with participants consulted again for future water planning or approached to release the knowledge.

Question list

Strategic Small Business Solutions developed a question list in consultation with DOI Water. This was used for the face-to-face interviews to encourage conversation, shape interviews and ensure comprehensive coverage of information.

The list was useful as a guide, but was not always needed as interviews adopted a flexible, participant-controlled approach, and were often structured in a free-flow narrative style.

Phase Two – preparation

As the knowledge holders and heads of family groups within the contemporary cultural framework, senior Traditional Owners were invited to take part in interviews to share information, build relationships and shape the consultation by gathering feedback to guide the wider community workshops. Strategic Small Business Solutions did a series of face-to-face interviews with Traditional Owners in October 2018

Face-to-face interview participant data

In total eight Traditional Owners were interviewed in phase two. The first interview was terminated after it was agreed by all meeting with the Traditional Owner in her home that she was far too unwell to trouble her on that day. Aunty was terribly disappointed to be unable to participate as she expressed that the issue of water sharing was extremely important to her and her family and people.

There was an even gender spread as shown in Table 1. It is important to note that good representation for culturally appropriate consultation is measured not by numbers, but by inclusiveness of family groups and communities. In total, these Traditional Owners represented seven different family groups, more than 5,000 different people and spoke for a broad range of communities and different areas of Wadi Wadi Nation Country. The Nation organisers were included as participants. Consultants travelled more than 1,200 kilometres across the Wadi Wadi Nation and beyond to different locations.

Table 4: Participant Data: Traditional Owner face-to-face interviews

Date	M/F	Governance	Families Represented*	Location
12/10/2018	F	Grassroots	Davies/Wise-Sabina	Koondrook
13/10/2018	M	Grassroots	Kennedy	Robinvale
06/11/2018	F	Grassroots	Kennedy	Robinvale
13/10/2018	F	Grassroots	Kennedy/Baxter	Robinvale
13/10/2018	F	Grassroots	Ingram	Swan Hill
13/10/2018	M	Grassroots	Jackson	Balranald
14/10/2018	M	Grassroots	Firebrace	Echuca/Moama
14/10/2018	M	Grassroots	Firebrace/Morrison	Echuca/Moama
14/10/2018	F	Grassroots	Firebrace/Kennedy	Echuca/Moama

*Family groups represented do not necessarily correspond with surnames of participants.

Face-to-face interview participant identification process

Traditional Owners from these groups were invited to be participants, always with guidance from the Nation organisers:

- grassroots Traditional Owners on the stakeholder list, as provided by the Nation organiser
- further suggestions from interview participants, while on the ground
- Native Title applicants on the stakeholder list, as provided by Native Title Services.

Best practice culturally appropriate consultation dictates that the Nation organiser arrange with the Traditional Owner/s a time and location of their choice to meet the consultants Strategic Small Business Solutions. If the Traditional Owner/Owner's were then comfortable, an interview was done once consent was confirmed via data use agreements. SSBS did find, as previously experienced, that in line with culturally appropriate consultation a need to be flexible around booked appointment times and travel plans made with individual Traditional Owners is required along with an ability to adapt quickly to changed circumstances and move forward.

Face-to-face interview process

So that the process could be as culturally appropriate as possible, Traditional Owners were encouraged to choose how they would like the interview conducted, including:

- choice of venues, including own homes, motels, cafes and community venues
- food brought to their home or in a cafe
- options for sharing feedback such as question and answer, walks on Country or photo documentaries
- recording options such as voice recording, note-taking, or both
- on Country trips.

Interviewees were given an information package that included the data use agreement, a consent form, the list of questions and a water resource plan information booklet/workshop notes. Nation organisers introduced all those present to the Traditional Owner/s, including an Aboriginal cultural officer from DOI Water who was at all but two of the interviews. Strategic Small Business Solutions asked Traditional Owner/s how they would prefer to be addressed, thanked the Traditional Owner/s for their time, allowing us to talk to them on Country and paid

their respects to Traditional Owner/s and Elders past, present and emerging. All present yarned comfortably and the data use agreement was then provided and explained to the Traditional Owner/s who freely gave their consent to share knowledge in all cases was freely given. The consultants asked questions with the TO's sharing their knowledge where and when able about Water Sharing and Planning, in their home, in a café, at Nation Organisers and Consultants accommodation and in one case on Country on the riverbank which included a much enjoyed and appreciated visit to the "family camp" which is where the Traditional Owner and his family had lived until 1965 when they were compelled to move into the town.

The consultants asked questions and the Traditional Owner/s shared their knowledge where and when they could about water sharing and planning. This took place in their home, in a café, at Nation Organisers' and consultants' accommodation, and in one case on Country on the riverbank, with a much enjoyed and appreciated visit to the 'family camp' where the Traditional Owner and his family had lived until 1965 when they were compelled to move into the town.

The 'family camp' visit was a rare opportunity to gather information about how significant the water/land connection is to First Nations people, and the time and spiritual journey taken for them to have recreated their 'family camp' is not to be taken lightly (see photos).

Over the course of the face to face interviews journey, it was evident that the more the Traditional Owner/s shared their stories, the more they wanted to, with the consultants receiving phone calls from Traditional Owner/s after the interviews with more knowledge the Traditional Owner/s wished to share. The Nation Organisers did a tremendous job of encouraging attendance at the workshop to be held the week after the Traditional Owner interviews. The interviews appeared to cement the relationships forged between the Nation Organisers, Traditional Owner/s and the consultants. Strategic Small Business Solutions concluded that the face-to-face interviews are integral to effective workshop attendance and participation, and the importance and valuable contributions of the Nation Organisers cannot be overstated.

Face-to-face interviews feedback

The feedback from the Traditional Owners in these interviews will provide a good basis for the workshops and for the overall structure of the findings in this report. From these interviews, the following themes, were drawn out to guide the workshop discussions.

These themes from the interviews were drawn out to guide the workshop discussions:

- water represents 'Life'
- grave concerns over present care of all waterways
- 'special' memories and spiritual and physical cultural connections to the waterways for living and ancestral First Nations people
- accessibility to the waterways
- First Nations management of the waterways
- a firm belief that there are First Nations solutions to present water issues
- financial assistance required to repair damaged waterways.

The Basin Plan, Chapter 10, Part 14 requires that the views of First Nations people on the values and uses of water and a range of other issues including cultural flows, protection of First Nations water values and uses, identified heritage and identification of risks arising from the use and management of water resources are identified for inclusion in the water resource plans. It also requires that First Nations are given the opportunity to actively take part in identifying their own objectives and outcomes.

The feedback gathered in the face-to-face interviews allowed for extensive analysis. The recurring themes that were identified provided the basis for drawing the Wadi Wadi Nation Workshop questions to First Nations participants by aligning to culturally appropriate protocols.

As the Wad Wadi Nation consultation for Water Resource Planning is a collaborative project between New South Wales DOI Water and Victoria's the Wadi Wadi workshops location and venue had been arranged with DELWP under the guidance of the Nation organisers to align with culturally appropriate consultation protocols.

All Traditional Owners we spoke with supported the chosen workshop location and venues.

Phase 3 – consultation

Workshop participant data

A two-day Wadi Wadi workshop was held in Swan Hill Victoria on Thursday 11th and Friday 12th October, 2018. As per MDBA guidelines, this workshop put forward the opportunity for the Wadi Wadi Traditional Owners, along with other Wadi Wadi members to have their voices heard on the values and objectives of water resource planning within their Nations boundaries.

There was a total of 28 participants who signed the attendance sheet including Wadi Wadi members of all ages. There were an estimated 15-20 First Nations people in attendance who signed the attendance sheet. Of the 28 signed in as attending the workshop, 16 signed the workshop participation agreements.

Workshop logistics

As previously mentioned, the workshop logistics in this instance were organised by DELWP and the Nation organisers prior to the collaborative agreement between DOI NSW and DELWP VIC and the engagement of the consultants (SSBS).

The amount of people attending the workshop was more than anticipated based on prior workshop attendance, however less than had indicated attendance to the Nation organisers and DELWP. It is noted that travel costs, at a per kilometre allowance for travel over 100km's to attend and meal costs and accommodation costs were covered by DELWP.

The lunch on the day of the first workshop, followed by afternoon tea and a BBQ dinner were warmly received. The second day breakfast, morning tea and lunch were provided prior to closing the meeting.

This cost covering arrangement may have influenced the larger turnout than anticipated, based on prior workshop attendance, amount of Wadi Wadi Nation members who could travel to Swan Hill based on affordability and a wish to have their voices heard.

Workshop process: day one

All workshop participants and facilitators including consultants, DOI staff, DELWP staff and other organisational representatives met at the riverfront in Swan Hill on the banks of the Murray River as deemed most culturally appropriate by the Nation organisers and Wadi Wadi participants.



Figure 6: Smoking Ceremony – Swan Hill

Image credit: Andrew McMahon, SSBS

- a smoking ceremony was performed and Welcome to Country followed
- all workshop participants and facilitators then travelled to workshop venue, the Grain Shed
- workshops lasted between four to five hours according to the following structure:
 - lunch
 - introductions and acknowledgment of Traditional Owner's and Elders past, present and emerging, thanks for participants time and allowing the workshops on Country.
 - overview of the two-day workshop
 - water planning information session (DOI Water) and (DELWP)
 - data use agreement and consent (SSBS)
 - workshop 1
 - close meeting

All workshop participants and facilitators returned to Swan Hill riverbank for a BBQ.

Workshop process day two

Participants and facilitators met at the Grain Shed for the commencement of the workshop:

- re-cap of previous day
- MILDRIN presentation
- morning tea
- workshop 2
- lunch
- adjourn to Swan Hill riverbank
- close meeting

Data use agreement

SSBS found that the workshop participant agreements were met with a degree of trepidation and mistrust. We conclude that due to the large volume of attendees seated at round tables with other family members, there were mixed views regarding signing any documents perceived to be for the Government and this promoted discussion about the agreement itself.

In comparison, the face to face interview data use agreements were signed without hesitation. Further clarification was sought in some instances and as previously mentioned 16 participants



chose to sign the agreement. Other participants were willing to share knowledge whilst choosing not to sign an agreement. SSBS conclude that more time to address large numbers of workshop participants on an individual or small group basis would be helpful to allaying any concerns about the data use agreements.

Feedback Sessions



Figure 7: Workshop Participants – Swan Hill

Image credit: Andrew McMahon, SSBS

Some factors to consider in the feedback sessions:

- keep it simple
- use 3-4 questions
- use prompts to encourage discussion
- use examples to start conversations use photos, and
- use large colour maps.

Phase 4: analysis and review

Analysis

Qualitative data analysis was used to identify recurring themes in the face to face interviews and the workshop participation feedback. Data was gathered in a formal, yet comfortable forum with house rules applied beforehand so that all felt free to express their views directly and when required forcibly, however always in a civilised and polite and respectful manner. Participants clearly felt comfortable to ask questions of Government representatives and pushback respectfully when the answer was unsatisfactory to them or required further clarification. From this direct approach, honest data was gathered for analysis and is presented in Chapter 11 of the Comprehensive Report.

Review

All face to face interviewees were asked how they would prefer to review the draft report. All wished to be contacted again to review the report on a face to face basis. Those with access to email will be emailed a draft copy before the visit to ensure time has been allowed for a satisfactory review of their input, that the report is culturally appropriate and to request any amendments they deem necessary be addressed.

Recommendations for future consultation process

The following recommendations are made for future culturally appropriate Nation-based consultation rounds in the water resource plan development process:

- the Nation organisers in the Wadi Wadi Nation were crucial to the success of the consultation. Their combined input and guidance proved invaluable and determined accessibility to First Nation Traditional Owners. SSBS recommend the Nation organisers be engaged as early as possible in the process to begin identification of Traditional Owners and to determine the Traditional Owner's views on participating in the interview process
- the importance of the Nation organiser (delegate) cannot be understated and that MILDRIN/ NBAN play a more active role in determining the active status of the delegate prior to recommending the delegate to the Department. This may avoid a pressure situation on the delegate when contacted by consultants or the Department if they do not wish to be involved in the process.
- the project timeframes are reviewed to be more in line with more flexible culturally appropriate timelines, therefore allowing for availability for face to face interviews and travel arrangements to workshops.
- the DOI review the DELWP model for funding for workshop participants who are required to travel to attend workshops.



Figure 8: female MLDRIN delegates with a Traditional Owner

Image credit: Andrew McMahon, SSBS

6.3.7 Wamba Wemba

Wamba Wemba is represented in the Wimmera–Mallee water resource plan area through interests in Lake Tyrrell and the Avoca River. On the Victorian side of the Murray, Wamba Wemba Country includes an area around the Loddon River, north to Kerang and Swan Hill, and including the area of the Avoca River.

Engagement with the Wamba Wemba started during the preparation of the Wimmera Mallee Water Resource Plan in 2017-2018. This included meeting with the Wamba Barapa Working Group on 5 January 2018. After receiving the feedback from the MLDRIN assessment, DELWP changed its approach and adopted a Nation-based approach for future engagement.

MLDRIN delegates were contacted initially in August/September 2018 to discuss an engagement plan. It was suggested to involve another representative (referred to as Nation organiser) in planning the engagement because of his knowledge of the area.

After several meetings and phone conversations with each person this approach was agreed:

- to run a Nation meeting so that the engagement approach is inclusive
- to run separate meetings for NSW and Victoria and allow Traditional Owners to decide which meeting they would like to attend
- to run the meeting over a two-day period starting at midday on the first day and finishing at midday on the second day. This will allow people to travel in the morning and afternoon
- it was suggested that on the first day, run a meeting at the Grain Shed in Swan Hill to share information and on the second day conduct a field trip to visit Lake Boga, Round Lake and Turtle Lagoon
- fuel, accommodation and travel costs to be covered by DELWP to support people's participation
- to invite representatives from relevant organisations, including MLDRIN, North Central CMA and Mallee CMA
- First Nations Legal and Research Service to coordinate a mailout of invitations and information as they have up-to-date lists of Wamba Wemba members.

Based on this, the Nation meeting was coordinated mainly by the Nation organiser, with support from DELWP. First Nations Legal and Research Service coordinated a mailout of the invitation to 118 people on 16 October 2018. The mailout included an invitation to the meeting for 30 and 31 October 2018, a fact sheet and questions to think about before the meeting. The Nation organiser also called individuals to inform them about the meeting. Ten Traditional Owners registered for the event and nine Traditional Owners attended the meeting, including three women. One MLDRIN delegate was unavailable to attend as it was held mid-week and it was difficult to take time off work.

DELWP staff included the director of policy partnerships and experts on environmental flows and wetlands, as well as stakeholder engagement staff.

At the meeting on 30 October, the information packs provided included an agenda, information booklet on water resource plans, maps and an extract from the Kerang Wetlands RAMSAR Action Plan. Other resources also available at the meeting included a hard copy of the Wimmera Mallee Water Resource Plan, A0 map of the waterways in the area and fact sheets on environmental flows.

DELWP provided an overview of water resource plans and facilitated a discussion on Aboriginal values, uses, objectives and outcomes by proposing these questions:

- What does water mean to you and your community?

- What are some of your concerns about water management and its impact on Aboriginal use and values?
- How can we improve the water systems in the region?
- What is your vision for water management in the next 5 to 10 years?

Ideas were documented on a white board and included in the workshop minutes. The data use agreement was discussed up front to make sure everyone understood the purpose of the consultation, how the information would be used and to ask for consent to collect information and take photos. Every person signed the data use agreement.

For the field trip on 31 October, presentations were provided by the Nation organiser, Mallee CMA manager of environmental water, and native fish expert from North Central CMA and environmental water officer from the North Central CMA. MLDRIN's Executive Officer was an apology.

It was agreed DELWP would prepare a draft contribution on behalf of Wamba Wemba. The draft was distributed to the Wamba Barapa working group on 11 December 2018 by the solicitor at First Nations Legal and Research Service. 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.

6.3.8 Weki Weki

Weki Weki Nation is represented in the Wimmera–Mallee Water Resource Plan area through interests in Lake Tyrrell, particularly near the area around Sea Lake. Consultation with the Weki Weki has indicated they are on track to submitting their contribution to the Northern Victoria Water Resource Plan at the end of February 2019. Please refer to the following text 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.

MLDRIN delegates were contacted initially in October/November 2018 to discuss an engagement plan. It was suggested involving the Chair of the Weki Weki Aboriginal Corporation in planning the engagement.

After meeting in Wodonga this approach was agreed:

- run a Nation meeting so that the engagement approach is inclusive
- run the meeting at Tooleybuc, NSW, where there is easy access to a meeting room and accommodation
- run the meeting over an afternoon starting at midday and finishing at 5pm
- fuel, accommodation and travel costs to be covered by DELWP to support people's participation
- the Chair of the Weki Weki Aboriginal Corporation contacted Weki Weki members through email, facebook and phone/texts to inform them about the meeting and to register their details with DELWP
- First Nations Legal and Research Services were able to administer the payments before and after the Nation meeting to ensure quick payment.

The first meeting was held on 15 December 2018 at the Tooleybuc Sporting Club. 14 Traditional Owners registered for the event and 16 Traditional Owners attended the meeting, including five women. DELWP staff included the director of policy and partnerships, engagement coordinator, environmental watering specialist, Aboriginal water policy officer and a project officer.

The purpose of the first meeting was to meet and greet and provide an overview of the water resource planning process and invite Traditional Owners' contribution. This was the inaugural meeting between the Weki Weki and a Government agency. Information packs provided included an information booklet, agenda, maps and a data use agreement. Other resources available at the meeting included a hard copy of the Wimmera Mallee Water Resource Plan, A0 map of the waterways in the area and fact sheets on environmental flows.

The meeting was mainly an informal conversation led by the Elders. Weki Weki members were not comfortable signing the data use agreement and emphasised that trust needs to be built before handing over their intellectual property. They agreed to reconsider it once the contribution had been drafted.

DELWP provided an overview of the water resource plans, including timelines, facilitated an informal discussion on preferred means of engagement and water issues and started discussing objectives and outcomes for the Weki Weki people. By the end of the meeting, Weki Weki members expressed interest in developing a contribution and agreed to include a 'placeholder' in the draft report for the Northern Victoria Water Resource Plan. They resolved to meet again in January to prepare a contribution for the final Water Resource Plan. Minutes were taken during the meeting and were used by DELWP, with Weki Weki permission, to start drafting a contribution for the Northern Victoria Water Resource Plan. This was distributed by email before the next meeting.

The second meeting was held on 17 January 2019 at the Tooleybuc Sporting Club. 23 Traditional Owners registered for the event and 19 Traditional Owners attended the meeting, including

seven women. DELWP staff included the manager of the sustainable water strategies, an engagement coordinator and a project officer. A NSW representative attended, as requested by Weki Weki members. He outlined the NSW process for Traditional Owner engagement and observed the meeting.

The purpose of the meeting was to continue working towards a contribution to include in the Northern Victoria Water Resource Plan. The meeting was led by the Elders and there was an informal discussion about values and uses, objectives and outcomes, cultural flows and areas of interest. During the meeting, it was agreed that DELWP would continue working on the contribution based on the conversation, and distribute it by email before the final meeting in February 2019. The final meeting is intended to review the contribution, suggest amendments and sign off on it to be included in the Northern Victoria Water Resource Plan.

During the second meeting, the Weki Weki people mentioned they have interests in Lake Tyrrell particularly nearby the area around Sea Lake. Therefore, the Weki Weki contribution is also relevant to the Wimmera-Mallee Water Resource Plan.

6.3.9 Wotjobaluk Peoples

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.

Early discussions with Barengi Gadjin Land Council (BGLC), facilitated by Wimmera CMA in face-to-face meetings held on 20 April 2016 and 20 June 2016, included:

- how to engage Traditional Owners: BGLC said it was the gateway for government engagement
- understanding whole-of-Country planning
- the water resource plan process and the Aboriginal Water Program
- inviting a representative to be part of the technical advisory group
- understanding BGLC's requirement for more resources to determine priorities and values for incorporation into the Wimmera–Mallee Water Resource Plan.

In response to the early meetings, DELWP agreed to engage directly with BGLC and to attend community events at its invitation. DELWP also agreed to fund an Aboriginal water officer position, with contributions from BGLC and Wimmera CMA, to document Traditional Owner aspirations for the Wimmera River system, and prioritise cultural places of significance through community gatherings, site visits and discussions. The project would also seek to identify alignment between environmental watering and cultural objectives and make sure Nations' views on water were fed into the development of the Water Resource Plan.

The project would provide an increased evidence base for Aboriginal watering outcomes based on Traditional Owner values and uses, increased capacity for Aboriginal communities to participate as water users, and increased awareness and appreciation of Aboriginal cultural and customary interests in water.

Outcomes for the project would include an increased:

- evidence base for Aboriginal watering outcomes based on Traditional Owner values and uses
- capacity for Aboriginal communities to participate as water users
- awareness and appreciation of Aboriginal cultural and customary interests in land, water and natural resources
- participation by Traditional Owners in water for economic benefits.

MLDRIN facilitated a DELWP-funded Aboriginal Waterway Assessment on the lower reaches of the Wimmera River. DELWP representatives participated in planning the assessment on 11 November 2016, and attended the waterway assessment with Traditional Owners in 2017.

Broader management issues were discussed in several meetings on 30 September, 11 November and 5 December in 2016 and 13 February 2017 to talk about the impact of farm dams, water priorities for Lake Albacutya and Lake Hindmarsh and potential impacts of climate change.

BGLC and the Aboriginal water officer, Ben Muir, briefed DELWP on-Country about the key cultural assets related to water use and reliability around Horsham and Dimboola on 6 March 2017. This was followed by another meeting on 22 June 2017 between DELWP, the Aboriginal water officer and Wimmera CMA to address issues identified in the Aboriginal Waterway Assessment concerning places of significance to BGLC, including the Ranch and Billabong.



Figure 9: Aboriginal Water Officer Ben Muir, Wimmera River, Dimboola

BGLC's Brett Harrison, Ben Muir, Wimmera CMA and DELWP had several discussions, including face-to-face meetings on 22 June 2017 and 22 August 2017, on formalising the objectives and desired outcomes realised through work including the Wimmera River Aboriginal Waterway Assessment, Country planning and on-Country site visits. It was thought objectives and outcomes could be finalised at the October bark canoe or earth oven events, however Country planning was not complete because the Aboriginal Waterway Assessment report had not been forwarded to BGLC. DELWP attended the bark canoe event on 4–5 October 2017, and the BGLC earth oven event on 20–21 October 2017, and had informal discussions about water with Traditional Owners attending.

In December 2017, DELWP offered to workshop objectives and outcomes for the Wimmera–Mallee Water Resource Plan at the release of the '*Growing what is good*' Country Plan. BGLC offered to meet DELWP and representatives from the Federation of Victorian Traditional Owner Corporations on 24 January 2018 for a roundtable workshop on the objectives and outcomes for the Wimmera–Mallee Water Resource Plan.

These water objectives and outcomes were approved by the Barengi Gadjin Land Council at its board meeting in February 2018 for inclusion in the Wimmera–Mallee Water Resource Plan. These water objectives and outcomes represent Wotjobaluk Nations' recently completed Country Plan, an expression of the aspirations and outcomes for Country planning, with contributions from family groups, regional meetings and whole group gatherings. For that reason the '*Growing what is good*' Country Plan is a strong reflection of Wotjobaluk Traditional Owner values. The representative corporation, BGLC, is now tasked with identifying and carrying out actions that address priorities in the plan.



In October 2018 DELWP had discussions with BGLC about a joint meeting on Country on the Avon-Richardson River with neighbouring Traditional Owner group, Dja Dja Wurrung. The topic was raised at the same time with Dja Dja Wurrung. It was agreed that the approved contribution from Barengi Gadjin could be updated to make specific reference to Lake Tyrrell and BGLC's requirement as the Native Title holders to be informed about water works/visits on Lake Tyrrell.

In early January 2019 DELWP worked with BGLC to update the Wimmera-Mallee Water Resource Plan contribution for Board approval.

7. Community consultation: draft Wimmera–Mallee Water Resource Plan

In May 2017, following several months' discussion and engagement with key stakeholders, Victoria released the draft Wimmera–Mallee Water Resource Plan for public comment. The public consultation process with targeted and open consultation sessions helped stakeholders and communities to better understand Victoria's implementation of the Basin Plan. It provided a vehicle for interested parties to have their voice heard through a formal, recorded and publicly accessible response.

The three-month period of public consultation included:

- public meetings
- targeted stakeholder briefings
- presentations at existing stakeholder forums
- online consultation through engagevic.gov.au and accompanying submissions process
- meetings on Country with Traditional Owner groups
- direct contact with stakeholders by email.

7.1 Public meetings

These public meetings were held in Horsham and St Arnaud on the advice of the technical advisory group:

7.1.1 Public meeting 1

Horsham on 21 June 2017

Welcome to Country, Barengi Gadjin Land Council Key points raised:

- Recreational water and its importance to the Wimmera–Mallee
 - while not a requirement in the Basin Plan, recreational water was acknowledged in the draft Wimmera–Mallee Water Resource Plan to recognise the importance it held for stakeholders
- Water for tourism
 - including recognising the economic value of water for tourism
- Uncertainty about Aboriginal values and water uses
- Concern that the west Wimmera groundwater system was not included in the Water Resource Plan as this is where water demand is high.

7.1.2 Public meeting 2

St Arnaud on 23 June 2017

Welcome to Country by Karen Smith, Dja Dja Wurrung

"To some people water is money. To us, water is life."

—Karen Smith, Dja Dja Wurrung Clans Aboriginal Corporation

Key points raised:

- concern over what Aboriginal values and uses for water may mean to existing uses of lakes and rivers

- the importance of water for recreation, including for young people and mental health, not only for sporting activities and tourism
- monitoring the impacts of water volumes given large fluctuations in rainfall and water levels from season to season
- local communities want to contribute on local water issues
- concern about preferential treatment for particular lakes receiving water, and not others
- natural floods being allowed to occur—would the likes of Batyo Catyo receive water naturally under the Basin Plan/local management? Desire to get more water back in Batyo Catyo
- questioning what Victoria will do with submissions—will they be listened to?
- questioning why Walkers Lake received more water - water was pumped
- an observation that Buloke water is wasted.

7.2 Targeted stakeholder briefings

Table 5: Targeted stakeholder briefings

Stakeholder group	Key areas of interest	Forum
BioDiversity Catchment Partnership Committee (CPC)	Impacts on delivery of CMA natural resource management objectives	Meeting
Mallee CMA Aboriginal Reference Group (ARG)	Impacts on water quality, and health of Country Aboriginal Waterway Assessments, water resource plan timing and purpose	September 2017
Mallee CMA board	Impacts on delivery of CMA natural resource management objectives	Board meeting
Mallee CMA Land and Water Advisory Committee	Impacts on delivery of CMA natural resource management objectives	Committee meeting
North Central CMA's Wimmera–Mallee Wetland Environmental Water Advisory Group	Priority watering area on the map needs to be updated to incorporate North Central wetlands Aboriginal Water Program and alignment with environmental watering Lake Hindmarsh—impact of holding water in Horsham North Central wetlands are under-represented in the wetlands that have connections to the pipeline	Meeting 26 July 2017, Donald
Wimmera Development Association	West Wimmera groundwater exclusion from the water resource plan Study underway to look at economic value of recreational water in the region— Wimmera Development Association to provide copy to DELWP on completion	Meeting 14 June 2017, Horsham

continued

Stakeholder group	Key areas of interest	Forum
Wimmera and Glenelg Bulk and Environmental Entitlement Holders—Storage Manager Reference Group	Draft Wimmera–Mallee Water Resource Plan summarised for information. There was a brief discussion and submissions to the draft were invited	Meeting 14 June 2017, teleconference

Following the public meetings and stakeholder briefings, primary interests within the region included:

- recreational water
 - while not a consideration of the Basin Plan, recreational water was acknowledged in the draft Wimmera–Mallee Water Resource Plan as a high stakeholder priority
- water for tourism
 - including recognising the economic value of water for tourism
- incorporating Aboriginal values and water uses.

Twelve submissions made to the draft Wimmera–Mallee Water Resource Plan followed the themes from consultation—with recreation a keen point of interest, in particular its reliability. Submissions from delivery partners clarified some points specific to the Wimmera–Mallee area.

Two submissions were from community groups (Donald and District Landcare Group and Friends of Lake Wallace), four from peak bodies (the VFF, MLDRIN, Wimmera District Association and Victorian Recreational Fish (VRFish)), two were from individuals and four from government agencies.

7.3 Main points from the submissions

7.3.1 Recreational water

The importance of recreational lakes, including on mental wellbeing, and the economic value recreational water brings to the region. A request was made for the final Wimmera–Mallee Water Resource Plan to refer to the Wimmera Development Association report into the socio-economic value of recreational water.

A desire for recreational water to be more secure, including mention of a permanent water allocation.

Some focus on localised issues, such as ensuring correct information on Lake Batyo Catyo. This signifies how water for local communities is very much concentrated on local resources.

More generally, VRFish wanted the importance of Lake Toolondo highlighted.

7.3.2 Agricultural water

The VFF submission requested no change to how farm dams are managed within a water resource context without strong supporting evidence, consultation and a transition phase.

7.3.3 Environmental water

Localised support for environmental water was included through concern over local assets. The Donald and District Landcare Group made an individual submission supporting environmental water more generally, and the Friends of Lake Wallace group was concerned that West Wimmera was not included in the plan (note: Lake Wallace is outside the Murray–Darling Basin boundary so it cannot be included).

7.3.4 Technical input

Delivery partners including the Wimmera Catchment Management Authority, Grampians Wimmera Mallee Water and the storage manager for the Wimmera–Glenelg system made submissions largely providing better accuracy on some points. They also included suggestions to increase recognition that the water recovery target in the Wimmera–Mallee has been reached as the Wimmera–Mallee area has already met its water recovery target under the Basin Plan. DELWP is working with a Government agency which is seeking clarification around some modelling results and DELWP is confident it can resolve this with the agency directly.

There was concern that recreational water entitlement has lower security than urban or environmental water.

A review on the risk posed by climate change.

The South Australian Department of Environment, Water and Natural Resources asked for clarification or expanded information on several areas. DELWP held a follow-up meeting on 20 November 2011 to discuss these comments and confirm how the Border Groundwaters Agreement between South Australia and Victoria would be documented in the final plan.

7.3.5 Aboriginal water

A submission was made by MLDRIN, which was represented on the technical advisory group by Environmental Justice Australia. MLDRIN acknowledged that the Aboriginal chapter in the water resource plan was a preliminary draft, and that the final chapter would be expected to contain more information following ongoing engagement with Traditional Owner groups.

While the formal consultation period ended in August, DELWP held ongoing discussions with Traditional Owner groups and MLDRIN as it worked to identify Aboriginal water objectives and desired outcomes for inclusion in the final plan. This engagement has been through direct meetings on Country and by providing funding to better support Traditional Owner aspirations for culture and traditional practices, Country, economic development opportunities, and to build relationships and community capacity.

7.4 Preparing the final Wimmera–Mallee Water Resource Plan for submission

Following the public consultation and submission process and receiving final feedback from the MDBA in February 2018, the draft Wimmera–Mallee Water Resource Plan was revised to incorporate all relevant feedback. Some chapters were not altered much, but many chapters were rewritten entirely and the order of presentation of material with the plan was changed. The significant changes between the draft and final document are:

The accredited text for many parts was changed to better address the requirements of the Basin Plan, after extensive consultation and collaboration with the MDBA to develop suitable accredited text.

- A new chapter was created for recreational values with extral content, given the high level of community interest and concern about this in the public meeting and submissions received on the draft plan.
- The risk assessment was finalised based on feedback received on the preliminary risk assessment and the risk chapter was rewritten to reflect the finalised risk and updated risk strategies. Summary information about the risk assessment outcomes and strategies is also included at the start of a number of other chapters to provide context for the approach taken on that issue.
- Additional information on compliance was added into the first chapter and the content from

the review chapter (previously the last chapter) was moved to the first chapter.

- Some of the technical information in the sustainable diversion limits and interception chapters was updated, based on the best available information and feedback from the MDBA to ensure consistency with other Basin states.
- The environmental watering chapter was amended to clarify why no planned environmental water has been identified, and to provide clearer links to the long-term environmental watering plan and extra detail about how unregulated systems are managed in the region.
- The Aboriginal water values chapter was rewritten entirely, as intended, based on the engagement and additional work done between the draft and final plans on identifying Aboriginal objectives and outcomes for water within the area, and other requirements as stated in Chapter 10 Part 14. These changes are the result of the substantial engagement summarised in this document. A copy of the revised Aboriginal water values chapter was sent to each relevant Traditional Owner group and MLDRIN for review before finalisation.
- Discussions and priorities around water from Traditional Owner groups was facilitated by projects and increased capacity, such as the continued funding of Aboriginal water officer positions and their work programs. These included engaging with their own communities through cultural events designed to share knowledge, such as the bark canoe event on the Wimmera River, policy work supported by Victoria with Dja Dja Wurrung Clans Aboriginal Corporation and discussions between Barengi Gadjin Land Council, DELWP and the Wimmera CMA on how to restore the Billabong at The Ranch.

There have also been discussions with Traditional Owner groups to increase understanding of the Victorian water entitlement and management framework, including how to access to water entitlements and use section 8A rights.

The final Wimmera–Mallee Water Resource Plan is a significant step forward from the draft plan released in May 2017. The Victorian Government is now confident that it meets all Basin Plan requirements and addresses the feedback received where required. As well as meeting Basin Plan requirements, the plan will remain a useful reference for the community about how water is managed within the Wimmera–Mallee region and the various opportunities that exist to influence this through planning processes under Victorian legislation.

8. Meeting the Basin Plan requirements

8.1 Section 10.07(1)

Under this section, a water resource plan must contain a description of the consultation carried out. This requirement is satisfied by this report, Appendix D to the Wimmera–Mallee Water Resource Plan, which describes the consultation that occurred to develop the material contained in the Wimmera–Mallee Water Resource Plan before it was submitted to the MDBA.

10.07(1) The Consultation Report contained at **Appendix D** to the Wimmera–Mallee Comprehensive Report describes the consultation in relation to the plan that was undertaken before Victoria gave the plan to the MDBA under section 63(1) of the *Water Act 2007* (Cth).

8.2 Section 10.26(2)

This section requires that a water resource plan be prepared having regard to the views of local communities, including bodies established by a Basin state, that express community views in relation to environmental watering.

The views of local communities identified during consultation on *Water for Victoria*, the Wimmera–Mallee Long-term Watering Plan and during the development of the Wimmera–Mallee Water Resource Plan were taken into account in the preparation of this plan. This requirement is satisfied by this report, Appendix D to the Wimmera–Mallee Water Resource Plan, which describes the consultation that occurred to develop the material contained in the Wimmera–Mallee Water Resource Plan

8.3 Section 10.52(1)(a)

This section requires that a water resource plan identify the objectives of Indigenous people in relation to managing the water resources of the water resource plan area.

This requirement is satisfied as high-level objectives and outcomes of Aboriginal people in the water resource plan area are identified. The high-level objectives and outcomes do not speak to specific objectives and outcomes of individual Traditional Owner groups, but reflect the overarching sentiment that is common to Aboriginal people in the water resource plan area. The objectives and outcomes were originally published in *Water for Victoria*, released in 2016, and have been slightly modified for inclusion in the Wimmera–Mallee Water Resource Plan. The inclusion of these objectives and outcomes in addition to their own specific objectives was discussed and agreed with each of the Traditional Owner groups in the Wimmera–Mallee region.

These high-level objectives and outcomes were identified following extensive consultation on the preparation of *Water for Victoria* and continued consultation with Traditional Owners and Aboriginal Victorians in the water resource plan area during the preparation of this water resource plan. Regard was had to the social, spiritual and cultural values of Aboriginal people and the social, spiritual and cultural uses of the water resources in the water resource plan area. Details about consultation with the Aboriginal people in the water resource plan area are provided in section 7 of this report.

Further detail regarding actions taken to work towards the objectives and outcomes identified are detailed in **Part 8** of the Comprehensive Report. The plan also identifies, where available, individual objectives and outcomes of individual Traditional Owner groups. It is recognised that more work needs to be done to strengthen relationships between Aboriginal people and the water sector, as well as building capacity of the Aboriginal people to take part in water management policy and operational decisions.

The work done as part of developing this water resource plan represents the first steps in a long journey ahead for Victoria's water sector and Victoria's Aboriginal people. Part 8 outlines proposed strategies for continuing this journey together. Of particular relevance is the risk strategy 31 (detailed in [Table 78](#) of [Appendix B](#)), which recommits Victoria to continue to invest in work to identify, recognise and include Aboriginal values and objectives for water in water planning so that Aboriginal water objectives can be achieved.

8.4 Section 10.53(1)

This section requires that a water resource plan be prepared having regard to the views of relevant Indigenous organisations with respect to the matters identified under section 10.52 and the following matters:

- 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.

The Wimmera–Mallee Water Resource Plan was prepared having regard to the views of Traditional Owners and Aboriginal Victorians with respect to the matters identified under section 10.52 and those listed in 10.53(1) of the Basin Plan. [Part 8](#) of the Comprehensive Report, and this consultation report, describe the consultation process and consideration of the views of Indigenous organisations, specifically with respect to section 10.52 and 10.53 in the development of the water resource plan.

Specifically:

- a. the engagement approach had regard to Native Title and Traditional Owner Settlement Agreements in terms of identifying the relevant Traditional Owner and Nation groups to engage with and in terms of understanding the relevant obligations and responsibilities contained in these agreements.
- b. the Water Resource Plan had regard to Traditional Owners with Registered Aboriginal Party status under the *Heritage Act* (Vic).

Traditional Owner and Nation groups were invited to attend the technical advisory Group meetings of key stakeholders and were engaged with regularly throughout to provide opportunities for contribution during the development of the plan. Implementation of the plan will be done largely through the risk strategies detailed in [Table 78](#) of [Appendix B](#). In particular, risk strategy 31 recommits Victoria to continue to implement four actions to support Aboriginal participation in water management and improve outcomes for Aboriginal Victorians. DELWP will seek to continue to fund work which began during the development of the Wimmera–Mallee Water Resource Plan to fully realise outcomes and make sure implementation of the plan is effective.



- c. engagement has confirmed Traditional Owner groups are mindful of their intellectual property rights, and wish to maintain these rights. The government continues to work with Traditional Owners and peak bodies on how to realise outcomes without infringing on these rights where there are sensitivities.
- d. the engagement approach has sought to encourage active and informed participation of Traditional Owners and Aboriginal Victorians in developing the plan by listening to what they want, how they want to be engaged and what they need to participate, and by funding staff and/or projects to assist where we can.
- e. the risk assessment prepared in 2015–16, with input from MLDRIN, identified very high risks to Aboriginal water values and uses in the Wimmera–Mallee Region and a gap in the information available to identify and document Aboriginal water objectives and outcomes. This has been fundamental to the amount of funding and effort that has since been put into engaging with relevant Traditional Owner and Nation groups to develop the final plan, and in particular the water objectives and outcomes identified up until now in **Part 8.3** of the Comprehensive Report. **Part 8.4.1** of the Comprehensive Report describes the risk assessment outcomes relating to Aboriginal values and uses of water in more detail.

Regard was had to the social, spiritual and cultural values of Indigenous peoples and the social, spiritual and cultural uses of the water resources in the water resource plan area as required under section 10.52(2). Consultation with the Aboriginal people in the water resource plan area is detailed in this consultation report.

8.5 Section 10.54

A water resource plan must be prepared having regard to the views of Indigenous peoples with respect to cultural flows.

The Wimmera–Mallee Water Resource Plan was prepared having regard to the views of Indigenous peoples with respect to cultural flows. Cultural flows were also discussed as part of the consultation for *Water for Victoria*. These conversations revealed that cultural flows mean different things to different people and groups of Aboriginal Victorians and, in some cases, the term ‘cultural flows’ is being used interchangeably with other terms, such as cultural outcomes from shared benefits.

Victoria is pursuing opportunities to further discuss cultural flows and understand the impact of these various views on water resource management. The pathways to achieving this will differ for each water resource (see also section 11.7 of the Comprehensive Report for discussion of cultural flows).

The mid-2018 release of the National Cultural Flows Research Project findings provides an opportunity to engage further with Traditional Owners and Aboriginal Victorians to share knowledge and discuss the findings and desires to progress this work further. Preliminary discussions with each relevant Traditional Owner group during the development of the Wimmera–Mallee Water Resource Plan have determined a clear interest in entitlement, and how that may be progressed requires further discussion and policy development. DELWP is looking at opportunities to use the findings from the National Cultural Flows Research Project in its future engagement on the Northern Victoria Water Resource Plan, as well as broader implementation of Victoria’s Aboriginal Water Policy.

Engagement of Aboriginal Victorians in processes for water resource management provides a way for Aboriginal Victorians to identify their existing and future needs for water and to develop pathways to support and improve their spiritual, cultural, environmental, social and economic conditions. Water entitlements and rights were often discussed through the engagement for the Wimmera–Mallee Water Resource Plan. On a number of occasions the water resource plan

team provided information about water entitlements, the water market, how to access section 8A rights and specifics of the Wimmera–Mallee water entitlement system. Victoria will continue to provide up-to-date advice as required.

While the Wimmera–Mallee Water Resource Plan does not provide for Aboriginal water entitlements specifically, it does not prevent this from happening in future as the increased use of section 8A rights is permitted, groundwater is available within the sustainable diversion limits for the area and water is available for purchase on the water market within the regulated Wimmera River.

It is hoped that the information provided and the capacity built as the plan developed by funding several staff and projects related to Aboriginal water will increase Traditional Owners' capacity to engage effectively in Victoria's water sector to get access to water to meet their objectives in future. It is also hoped that the capacity of the water sector and understanding of Aboriginal values and uses of water has been increased through developing the plan, and this will also help to achieve Traditional Owners' objectives in future.

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