



Water is Life

Traditional Owner Access to Water Roadmap

Section B: Traditional Owner Nation Statements

Nation Statements

In developing and implementing a state-wide strategy such as *Water is Life*, DELWP works with all Traditional Owner groups who wish to participate, and that have the capacity (or wish to strengthen their capacity) to manage or own water, regardless of their status in state recognition systems. DELWP has invited all Traditional Owner groups to submit a statement to be shared in *Water is Life*.

The Nation Statements have been written by each Traditional Owner group in their own words, and are published without alteration (unless free, prior and informed consent was provided by that Traditional Owner group). The Nation Statements express Traditional Owners' cultural and water-related values, goals, aspirations, outcomes, and any other relevant information deemed important by each Nation.

The Nation Statements are not the policy of the Victorian Government and do not represent Victorian Government commitments. Publication of these Nation Statements should not be taken as an endorsement of the content by the Victorian Government. Where Nation Statements refer to Nation boundaries, this does not reflect any position of the Victorian Government in relation to any formal boundary determination processes.

The Victorian Government thanks all Traditional Owner groups who prepared their Nation Statements for inclusion in *Water is Life*. Understanding the detail, depth and complexity of Nations' and Traditional Owners' water-related objectives and interests will inform partnerships between the water sector and Traditional Owners.

Nation Statement development and role in shaping Water is Life

DELWP have been working with Traditional Owners across Victoria to develop *Water is Life*. This includes direct work with Traditional Owners, as well as work facilitated by DELWP's delivery partners, the Federation of Victorian Traditional Owner Corporations (FVTOC) and the Murray Lower Darling Rivers Indigenous Nations (MLDRIN). Funding was provided to Traditional Owner groups as well as FVTOC in partnership with MLDRIN, to support and coordinate Traditional Owner input into *Water is Life*. Traditional Owner groups have also had the option to work with FVTOC, MLDRIN or directly with DELWP to develop their Nation Statements. Funding has been available to participating Traditional Owner groups to cover costs of bringing Traditional Owner communities together to discuss and develop Nation Statements, and to support Traditional Owner organisations in writing and designing the statements.





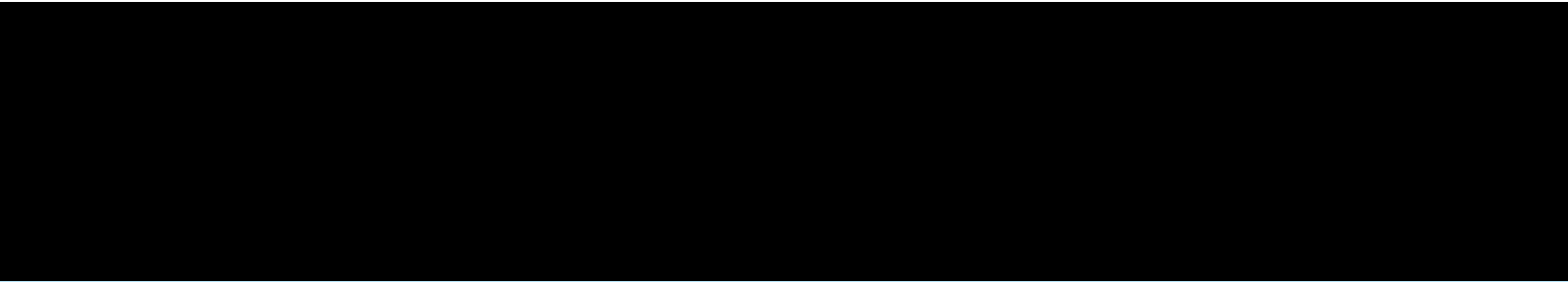
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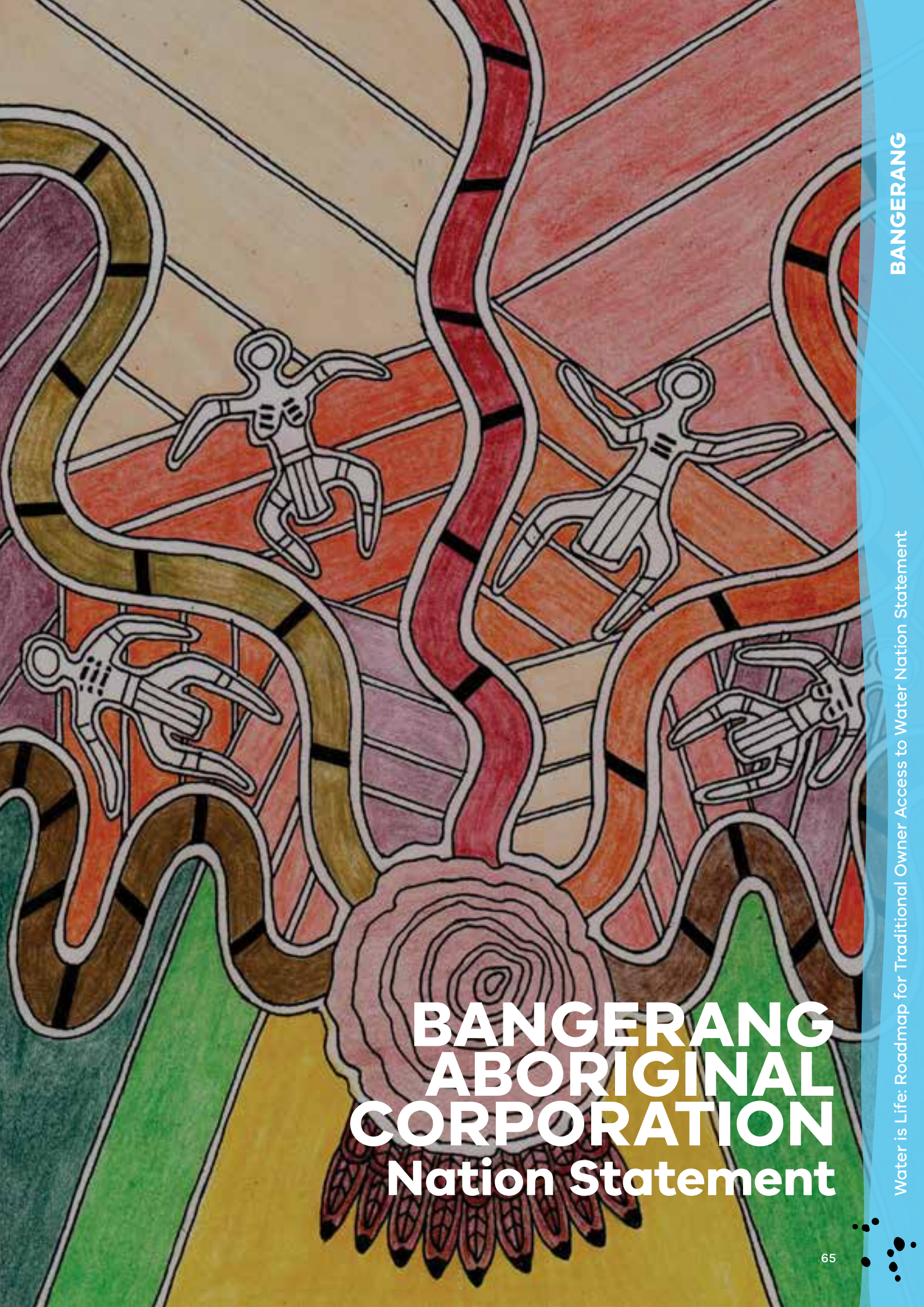
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BANGERANG ABORIGINAL CORPORATION Nation Statement



Yakama dorra Bangerang Woka. Galnyan yakurruumdja nyanan Yenbena, Woka, Walla, Yedabila.

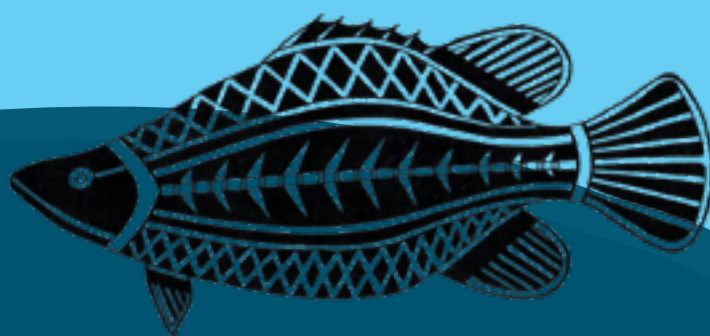
Welcome to Bangerang Country. Respect our People, Land, Waters and Animals.

We, the Bangerang People, assert our sovereign right as First Nation People, in what is now known as the States of Victoria and New South Wales, to self-determine on behalf of our own Community and Country. Bangerang is a Nation in its own right, and Bangerang People have never ceded these rights to any government or external representation.

To Bangerang People, self-determination is having a say on how water is managed and moving forward with our own priorities for water and Country. It's about making sure that all managers and carers of Country, whether Traditional Owner or government agency, work together for a healthy Country for future generations.

We are Freshwater People and water is the giver of all life. As Bangerang People, yarning about water is to also yarn of the environment and of connection to Country.

Water keeps Country alive; it keeps it vibrant and our rights to it have been passed down generation to generation from the time of our Dreaming when Dunatpan created the great Dunggula (the Murray River) out of Country with his body.



How the Murray River was Made

Told by Aunty Irene Thomas (Bangerang)

"Are you listening? I'm going to tell you a Bangerang story about how the Murray River was made.

One day an old woman was walking with her three dingoes. She was looking for grubs and berries. She walked a long way over hills and mountains, through forests and bushland and across a flat and waterless plain. Do you know what she did? As she walked, she dragged her digging stick behind her. The stick dragged and scratched, dragged and scratched, making a track along the ground.

Nearby there was Dunatpan, a big snake of many colours sleeping in the hills. The sound of the digging stick woke Dunatpan up and he came down the hills slithering and sliding. He was very angry! He thrashed to and fro, deepening the track made by the old woman. His movements carved out a wide riverbed. Soon after it rained and rained, creating a river that was long, deep and wide.

And that's how the Murray River was made, stretching all the way to the sea. Listen to the sound of the sea and you may hear the voice of the old woman as she sings in her sleep."

Healthy Water, Healthy Country, Healthy People

The Echuca Declaration states:
'The health of our spirit, body and
mind is improved and strengthened.
The land, water and people are one.'

As Bangerang People we cannot be separated from
our water or our Country, we are all one and we are
all essential to the health of each other.

Water is incredibly important to the Bangerang
Nation. From the wetlands and waterways in
the north east to the Barmah-Millewa Forest
further west, we care for all water on Country.

Bangerang Country includes the great
Murray River, water wells and natural springs.
It is our duty to ensure these water systems
are protected and that natural water flows
are restored to Country.

Women's statement

Bangerang Women share
a sacred connection to the
Dunggula as life-givers.
This connection includes
their responsibility to
protect water so water can
in turn nurture Country.
The Women of Bangerang
have equal rights to speak
for water and Country
under our Lore.

Men's statement

As Bangerang Men,
we have the spiritual
right and obligation to
care for Water, Country,
Community and Family.

Watering Country right

Bangerang People were always told that we didn't own the water, but that we were gifted the right to use the water. Water belongs to our Country, and as custodians for Country, we must have the right to manage water appropriately for future generations. Therefore, we, as Bangerang People, demand that our rights to water be recognised in allocations and entitlements.

Water rights alone are not sufficient for communities to achieve their desired water-based outcomes. The size of the water allocation must suit the desired project or activity, and ensure water is available at the times it is needed. Appropriate infrastructure, capital and resources to access and manage water according to our self-determined priorities are essential.

Bangerang Peoples' main vision is to have natural water flows at the right times of the year to match the needs of the water systems. For instance, when cold water is released from the Hume Dam, it has negative impacts on the breeding habits of animals in the waterways and this in turn affects the whole ecosystem.

The platypus is an important species for the Bangerang People, and their breeding and hunting habits have been impacted by past water management practices. To ensure the survival of this species in our waterways, we need to implement better management of these systems with the inclusion of the traditional ecological knowledge of our Elders.

Water flowing at the wrong times can also contribute to the development of black water and the deoxygenation of flood water in our forests. This impacts the life cycle of animals like crayfish and fish species and contributes to a decline in their local populations. This in turn affects natural food sources available for Bangerang People and impacts our capacity to fulfil our cultural duties for Country.

Poor management and lack of involvement of the Bangerang People has also led to the disappearance of many wetlands on our Country. Forests and wetlands have high cultural significance for Bangerang People, and we want to restore them back to their natural state. To achieve this, Bangerang People need an equal say over the water management decision-making.

We want to form partnerships with the organisations that control and make decisions about water flows, receive information about how those decisions are made and be included in water management decision-making processes.

Responsibilities and rights to water

Bangerang People want to be able to care for and protect culturally significant sites on Country and have our ownership over these sites recognised within existing systems.

There are many water wells found on Bangerang Country that are culturally significant as they are an important part of young boys' initiations. Bangerang People still have strong connections to these sites and tell stories of their creation. Due to a lack of knowledge regarding the importance of these sites both on public and private land, many of the wells have fallen into disrepair and are inappropriately managed.

Bangerang People want to generate public understanding and share our knowledge of these wells. We want to be equipped to rehabilitate these sites and create places for community enjoyment and ceremonies.

Bangerang People seek the resources to carry out Aboriginal Waterway Assessments and other monitoring activities on Country. This will help us be able to better understand the current condition of Country and ensure improved management in the future.

Bangerang People want government and organisations with roles that relate to waterways and landscapes to create employment opportunities for our community. This is especially important for the younger generations so they can spend time on Country and learn from both their Elders and western management approaches.

Employment opportunities need to be accessible. That means alternative knowledge acquisition needs to be recognised and valued. Even today, a lot of Bangerang youth don't have the opportunity to finish year 10, let alone university. Instead, they receive and retain knowledge of Country through oral history and the telling of stories. That knowledge and authority needs to be recognised by hiring organisations and formal education requirements made more flexible.

Managers of water

Bangerang Aboriginal Corporation wants to be involved in future water management reform processes across all levels of government. This includes the Murray-Darling Basin reviews, state-wide planning, regional and catchment level strategy development, and local government planning processes.

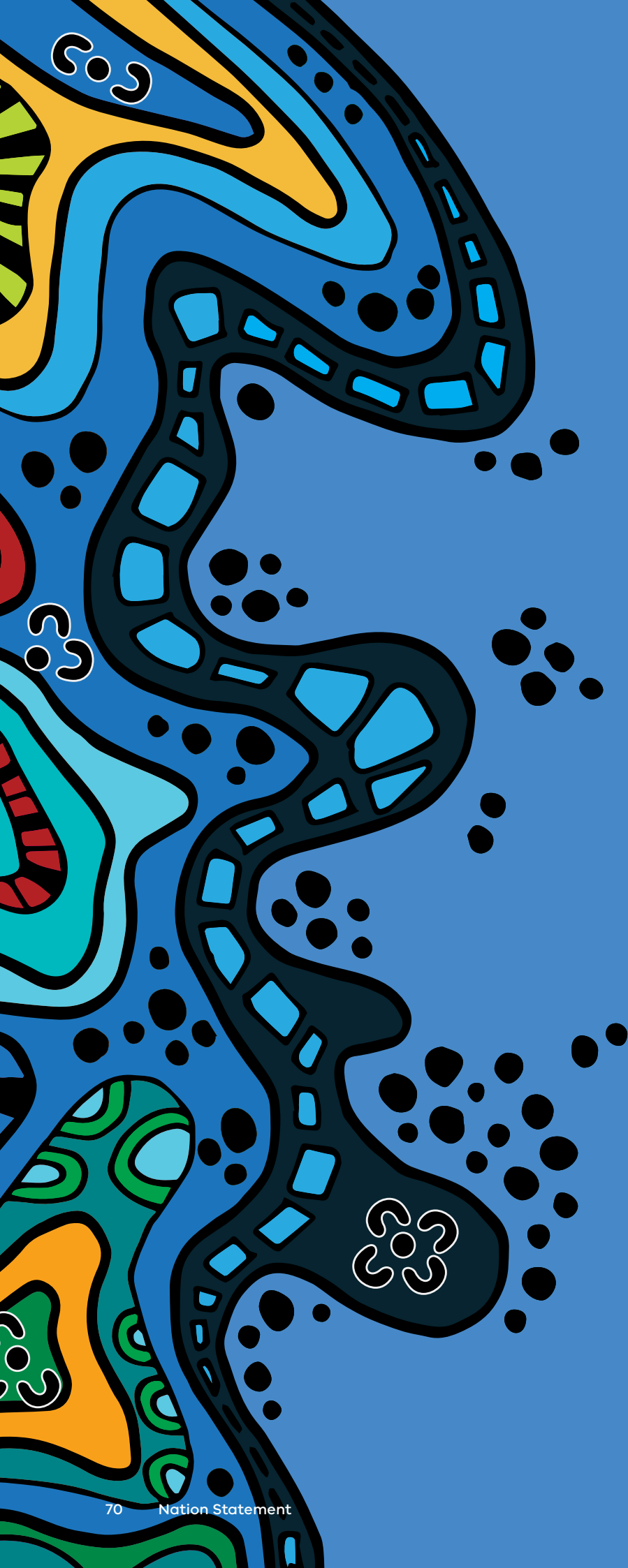
Bangerang People do not support 'divide and conquer' approaches when dealing with Traditional Owners. The Victorian Government must come to the table and work with all Traditional Owners. The 'Water is Life' Roadmap should enable a voice for all, not just those with the Recognised Aboriginal Party status. All Traditional Owner groups that were involved in developing the Roadmap must have the opportunity to meet the Victorian Government to air their concerns and review the Government's implementation strategy and processes. A key outcome from this Roadmap must be the building of better partnerships and shared understandings between Government and Traditional Owners.

The purpose of this statement is to promote the reconnection of the Bangerang People to our waterways and to provide us with a voice on how water is managed on Country.

Bangerang People do not give authority for this statement to be reproduced, edited or altered, or used for any purposes other than the 'Water for Life' Roadmap, without our prior and informed consent.

This statement is not intended to be a definitive or exhaustive articulation of all the Bangerang Nation's goals, priorities, or rights. Our position and aspirations will evolve over time, and we seek continued engagement with Government to articulate and act on these evolving priorities.

Our younger generation need to have equal rights and equal say over our Country and be empowered to work alongside all land managers to ensure the future health of our waterways.



BARAPARAPA Nation Statement

The following statement has been informed through engagement undertaken with Baraparapa Traditional Owners as part of the Roadmap for Aboriginal Access to Water. It also comprises extracts from the Department of Environment, Land, Water and Planning (DELWP) collation of Traditional Owner's Objectives and Outcomes (DELWP, 2019) included in the Northern Victoria Water Resource Plans.

The Baraparapa Nation is, and since time immemorial has been, sovereign over its own lands and waters.

It is the inherent right of the Baraparapa people to continue to maintain our spiritual and cultural identity to preserve what is left of our water and land. Water has a right to be recognised as an ecological entity, a being and a spirit and must be treated accordingly. For the Baraparapa Nation water is essential to creation and many of our Dreaming and other ancestral beings are created by and dwell within water.

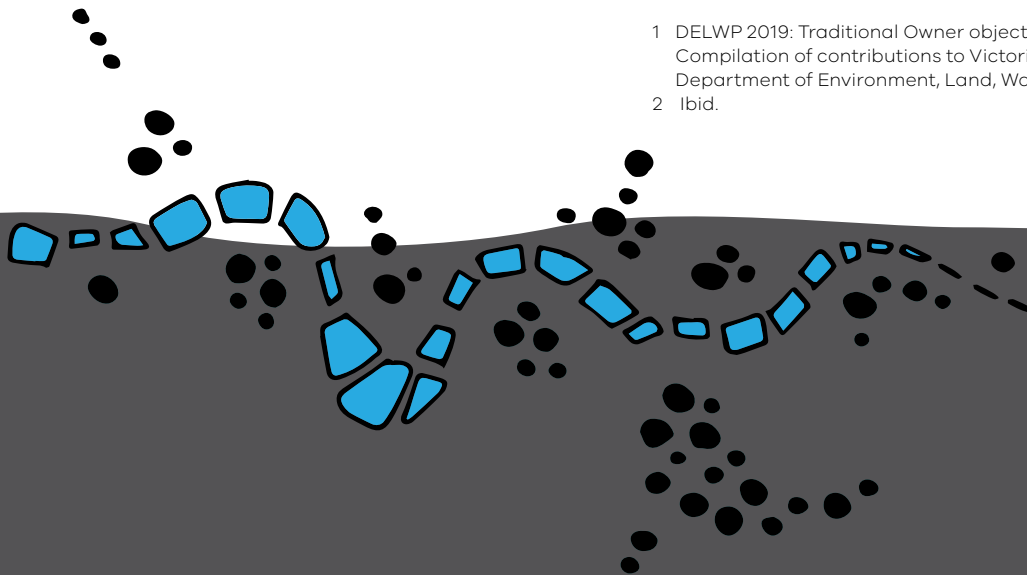
"To the Barapa people, the land is our oxygen. We feel the presence of our old people being there. We have a spiritual connection to everything; the animals, the land and the water. We are the custodians of the land for future generations. When you visit our Country, you share this responsibility with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

(Barapa Barapa Cultural Watering Framework, pub. North Central CMA, 2017 cited in DEWLP 2019).¹

Baraparapa has a strong association with the Murray River, and its tributaries, including around the area of Gunbower Forest in Victoria, with areas of significance including Reedy Lagoon, Guttrum and Black Swamp. Interests in water extend both geographically and through connection to water sources. Baraparapa Country continues across the border to New South Wales, to Deniliquin, with several rivers feeding into the Murray being places of interest (DEWLP, 2019).²

We understand that the Federal and State Governments of Australia say that they have lawfully acquired sovereignty over our lands but we deny and reject that statement. The Government must acknowledge dispossession as theft, the consequences of which include serious harm on mental and physical wellbeing of Baraparapa people who have been forced into intergenerational poverty and low standards of living. These consequences are still present today for many Baraparapa people and Government has an obligation to address them.

- 1 DELWP 2019: Traditional Owner objectives and outcomes: Compilation of contributions to Victoria's water resource plans, Department of Environment, Land, Water and Planning.
- 2 Ibid.



Imagine living in a world where you didn't have to worry about a dollar, it's hard to imagine, when that dollar is so hard to get, it's the world a lot of us are still living in today, that relates to health, wellbeing, a stable environment for your family, it relates to everything.

Baraparapa Traditional Owner, 2022

Water (& land) rights & access

Baraparapa want to repair and protect Country. It is important that water returns are transferred in a way that Baraparapa doesn't harm Country or people. Government purchase of water for Baraparapa ownership will be used for programs that build the health, wellbeing and wealth of Baraparapa people. The current process underway regarding how to 'hold' and how to share the 1.36 GL water entitlement announced by Government in late February, early March 2022 needs to develop clear protocols around sharing and accessing that water to each Traditional Owner groups with an interest in that water. Baraparapa welcomes this opportunity, and have an interest in owning a share of that water. It is important that other barriers to use of water are resolved, including access to land and resources for Baraparapa people to plan for and manage

that water. We need to set our people up socio-economically for ever, to bring people up out of poverty and no one has to put their hand out to afford basic needs. Further, with water ownership and access to land, Baraparapa can help shape the way the farming industry grows. Baraparapa are concerned about massive commercial farming companies coming in and buying up small scale family farms. This is repeating the theft of water from, and prosperity for, our region, with big corporations from overseas taking money overseas.

Baraparapa are also concerned at the drive to allocate groundwater from Country. Unallocated groundwater needs to be allocated to Baraparapa urgently, so we can leave it in the ground.

Increasing Nation's influence, power & authority in water landscapes

Baraparapa recognise that due to land and water theft and dispossession, there is now a need to develop strong partnerships with Government and its agencies. These partnerships are required to support Baraparapa re-build capability and capacity and to reinstate Traditional Ecological Knowledge into water planning. It is therefore critical that government adequately resources and collaborates with Baraparapa Traditional Owners to develop a Terms of Reference that establishes how the government has to engage with us.

These Terms of Reference must acknowledge Baraparapa people as rights holders, not stakeholders, and identify decision making governance structures where Baraparapa people have authority equal to the State for all land and water planning and work that affects Baraparapa Country. All Government agencies must then adhere to these Terms of Reference, and Baraparapa people must be adequately funded to participate in decision making processes.

The other consequences of dispossession include poor land and water management leading to degradation of land and water, and destruction of sacred sites. Prior to European occupation the natural floodplain from Pyramid Hill and across to Boort, water used to flow towards the Murray River flush all these systems every year. The lakes (including those in the Kerang Wetlands Ramsar site) used to feed from

Wandella Forest back in the day, not off the Loddon River. They started putting up roads, train lines and irrigation channels, which changed the way water moved and disconnected sites from each other. All that water funnelling through drains destroying cultural heritage sites, this damage cannot be undone.

Baraparapa people were unable to stop the destruction, despite intrinsically knowing that the management practices were harming Country, and therefore harming ancestors. This has caused untold spiritual and mental harm to Baraparapa people. Now this destruction understood by Government agencies, yet Traditional Owners have been provided with limited opportunity or resources to provide expertise into planning and delivery of rehabilitation programs. Baraparapa want to be resourced to design, implement and manage ongoing, native vegetation restoration programs, erosion control programs and waterways, floodplain and wetlands restoration & rehydration programs.

And finally, Baraparapa want Water Officers and/or River Rangers to be resourced to travel through Country to identify where threatening actions are occurring, and to be able to develop management plans for reversing the outcomes of these threats and heal Country, both on public and private land. Baraparapa want these roles to have the power to act on it when they come across people breaking the law and causing harm.



BARENGI GADJIN LAND COUNCIL ABORIGINAL CORPORATION Nation Statement



Barengi Gadjin
LAND COUNCIL
ABORIGINAL CORPORATION RNTBC

Lake Lonsdale
Credit: Wimmera CMA

It is with honor and privilege that we would like to respectfully acknowledge all Wotjobaluk Traditional Owner's past, present and future as we continue to walk in the footprints of our ancestors.

Barringgi Gadyin Wurrekang Tyerrangty Wergaia ba Jardwadjali

(Wimmera River, we speak Wergaia and Jardwadjali)

Our identity and culture are intrinsic to who we are as Wotjobaluk peoples. It is important that we cherish and nurture all aspects of our lands, water, and heritage to preserve the strength and resilience of our people and our nations.

Barringgi Gadyin (Wimmera River) is a watercourse that provided food sources and water sources such as clay pans, rockwells, and roots of many kinds of mallee eucalypts. Plants were used for food and other natural resources.

Our ancestors had the availability of native foods across the landscapes (Mussels, Fish, staple foods) and mobs moved around from season to season for ceremonial purposes, Wirrengen Plains and Lake Buloke were important areas for large gatherings for trade of items such as stone axes, spears and Kangaroo and Possum skins.

Barringgi Gadyin (Wimmera River) begins its journey in the Pyrenees Ranges and Flows Northwest across the Wimmera Plains to Gurru (Lake Hindmarsh) receiving in flow from fourteen tributaries. Barringgi Gadyin (Wimmera River) banks are lined with Bial (river red gums) and Black Box trees, scar trees and shell middens which demonstrate the Wotjobaluk nations long associations with the waterway.



Gurru (Lake Hindmarsh), one of Victoria's largest freshwater lakes in northern Victoria, is fed by Barringgi Gadyin (Wimmera River) and when it floods it feeds Nglapakatia/Ngelpagtya (Lake Albacutya) via Kromelak (Outlet Creek), which tends to happen every twenty years.

Last time Gurru (Lake Hindmarsh) was full of water was 1975, but the recent introduction of complex piping systems has affected the flow of this water system. The sustained wetlands that occur during flood are recognized under the RAMSAR convention of protection of wetlands. These are very significant to Wotjobaluk people, while Gurru (Lake Hindmarsh) and Ngalpapakatia (Lake Albacutya) are popular destinations for holiday makers and recreational users.

Wotjobaluk people's current connection to the waterways in line with our dreaming story (Thcingal the Giant emu). Our connection to country and our Native title Determination in 2005 where the connection to country and out waterways is our corporate name **Barengi Gadjin** which means the Banks of the river = *Barringgi* and Gadyin = *Water*.

Our rights and responsibilities are passed down through elders and ancestors. This includes generations of knowledge and history that determine how we care for country and be the rightful owners of our waterways. This knowledge and history connects people back to country, ancestors, and our future generations who will be the rightful owners and custodians of the lands and waterway for many years to come.

Our Water for Country programs and engagement with key stakeholders such as CMA and GWM water and other partnerships around our region is very strong. The capacity may be low but we just build on what we must to seek ownership of our waterways in the future which will improve water quality and brings back habitat.

Our watering of the Ranch Billabong is coming along strong. Works have included water deliveries, eDNA testing, water testing, installation of a 1.2km walking track and restoration of the ranch shack. We are working with Wimmera CMA and the VEWB on this project to get the best outcomes for Traditional Owners to come to country and to fulfil their dreaming and culture.

In some places of Barringgi Gadyin the banks are eroding, there are several ways that riverbanks can be protected but choosing the best method and when to do the works takes time.

Barringgi Gadyin (Wimmera River)

Credit: Wimmera CMA



BIDWELL FIRST NATIONS CLANS ABORIGINAL CORPORATION Nation Statement

BIDWELL

Water is Life: Roadmap for Traditional Owner Access to Water Nation Statement



Our position is based upon the stories of the Peoples who comprise the Bidwell First Nations Clans Corporation.

They are the descendants of the Bidwell First Nations Peoples, who, at the time of European settlement, exerted and enjoyed sovereignty over their traditional homelands.

They were acknowledged by surrounding First Nations Peoples as having sovereignty over Bidwell Country, its' natural resources and its' culture including its distinct language and lore.

We all do not accept that Bidwell First Nations People have, as a consequence of European settlement, ceded that sovereignty. The Clans and Peoples who comprise the Corporation entrust the Corporation to their interests in seeking to define and implement their sovereignty in a Treaty with the State and through the Treaty, other commitments and arrangements to advance the interests of and support all Bidwell First Nations Peoples and their Descendants.

We are also firmly of the opinion that as the first nations peoples of Far East Gippsland, the state (descendants of the European settlers) state owes our peoples significant compensation for their exploitation of our resources throughout the period of time we have been dispossessed of our lands. Such exploitation continues to this day and there is still no attempts by government to divert even a portion of the state incomes/royalties/fees from water/forests and lands to the original owners of the land.

Mallacoota

Credit: Phillip Stewart





Our Objectives

1. To meet with the management groups/teams of all Government Agencies and gaining a full understanding of their existing policies and strategies.
2. To undertake field trips into those regions of East Gippsland that we believe are either vulnerable to damage/destruction of the native environment and/or Aboriginal ancestry.
3. To protect, preserve and showcase the sovereign rights and interest of all our clans of the Bidwell nation and to protect sovereign rights and interest of our esteemed Ancestors and their descendant's sovereign rights and interest.
4. To provide a range of domestic and international Treaties, cultural integrity, land and justice, education, training, youth and sporting recreation, health, allied health, community support and housing services.
5. To ensure that our particular Bidwell cultural, religious and linguistic background is to be preserved, protected and recognised in community with others of Bidwell background, to enjoy our culture, to declare and practise our religion and to use our language.
6. To design, construct and manage a BFNC-Cultural Education Spiritual Museum, a Planetarium and Aquarium facilities on Country in Far East Gippsland to showcase our BFN Clans, Ancestors, tradition and customs, cultural heritage, history and language and build a capacity for self-determination and direct provision of community services.
7. To enhance spiritual and community safety, including prevention of family violence, combatting alcohol and other substance misuse, reduce offending and supporting victims of crime.
8. To monitor health, employment, housing, and spiritual wellbeing of Bidwell First Nations Clans community safety.
9. To develop and deliver cultural and spiritual activities to enhance health and wellbeing in BFNC community aimed at preventing transgenerational trauma and post-traumatic stress arising from illegal dispossession, dispersal, and DE culturalism of our people from their land and waters.
10. To repatriate, return and recover all off Country and domestic and international cultural materials-artefacts from museums and other institutions back to Country including our Bidwell Ancestors Human Remains.
11. To scope and lodge Bidwell applications pursuant to the Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic).
12. To scope a and manage applications as a Bidwell Registered Aboriginal Party (RAP) pursuant to the Aboriginal Heritage Act 2006 (Vic) aimed at protecting, preserving, and showcasing the Bidwell First Nations Clans cultural heritage.
13. To scope and manage Bidwell applications pursuant to the Native Title Act 1993 (Cth) aimed at preserving and protecting Native Title rights and interest.
14. To respect and recognise the Human Rights and interest of BFNC through international and domestic conventions and laws including the United Nations Declaration of the Rights of Indigenous Peoples.

To enable the above-stated objectives to be realised, we request the assistance and cooperation of the state government and all of its relevant agencies.

Guiding Principles

The objects are to be achieved through following principles:

- (a) Coordinating, as a central body, the activities of the Bidwell First Nations Clans on and off Country by:
 - (i) Being the point of contact for activities for all Bidwell Treaty, native title and cultural heritage, health, housing, social, cultural, employment, economic and human rights matters for the First Nations Clans on and off Country;
 - (ii) Negotiating with Government for Bidwell Treaty and related matters of common interest to the Bidwell First Nations Clans; and
 - (iii) Referring Bidwell human rights and social rights matters to the appropriate legal jurisdictions, Government or community services agency.
- (b) Restoring the Bidwell and waters On Country to their original beauty through education and proper cultural and environmental management.
- (c) Maintaining and strengthening of the Bidwell First Nations Clans Community and Peoples identity and culture through reconciliation and culture.
- (d) Improving the skills, education and employment prospects of the Bidwell First Nations Clans.
- (e) Improving living conditions of the Bidwell First Nations Peoples.
- (f) The holding of Bidwell land, water and other assets in its own right or on behalf of the Bidwell First Nations Clans Community.
- (g) Developing opportunities for the promotion and protection of Bidwell Elders' stories and knowledge.
- (h) The protection of Bidwell First Nations Clans intellectual property rights and language.
- (i) Education of the Community about the Bidwell environment and its cultural significance.
- (j) Development and delivery of cultural and spiritual activities to enhance health and wellbeing in the Bidwell First Nations Clans Community aimed at preventing transgenerational colonial trauma and post- traumatic stress arising from the illegal dispossession, dispersal and deculturalisation of our People from their lands and waters.
- (k) Development and delivery of programs that enhance and promote Bidwell cultural and traditional practices in the Bidwell First Nations Clans Community.
- (l) Strengthening and supporting the Bidwell First Nations Clans Community to maintain their Ancestral connection.
- (m) Enhancing and preserving the cultural identity of the Bidwell First Nations Clans Community children and youth.
- (n) Ensuring that all Corporation activities are in accordance with Bidwell First Nations Clans Community cultural values, customs, practices and lore.
- (o) Engaging in Bidwell commercial and business activities as part of or incidental to the objectives.
- (p) If appropriate, to operate and maintain a gift fund to be known as the "Bidwell First Nations Clans Aboriginal Corporation Community Gift Fund" in accordance with the requirements of the Income Tax Assessment Act 1997.

Cape Conran Yerang beach

Credit: Phillip Stewart

Issues and concerns

There a number of issue and concerns that the Bidwell people have with state government agencies and their management of the land, waterways and environment in East Gippsland.

By way of definition, our Native Title claim in East Gippsland includes all land extending from the Eastern side of the Snowy River and extending to and beyond the NSW border.

Our concerns are with the following state government Agencies (not in order of priority nor exclusive):

- A) Department of Environment, Lands, Water and Planning (DELWP)
- B) East Gippsland Catchment Management Authority (EGCMA)
- C) Parks Victoria
- D) Fisheries
- E) VicRoads.

The issues we want addressing include (not in order of priority nor exclusive):

- a) Fire management and prevention
- b) Management of the Crown Estate
- c) Commercial Forestry
- d) River water allocation
- e) Management of all waterways, including coastal waters
- f) Land disturbance and threats to Aboriginal artefacts
- g) Lack of Bidwell Aboriginal representation at all levels of management
- h) Compensation payments for land and resources stolen from the original owners.

We are strongly of the opinion that in respect to point (g) above, that our representation in management must go far beyond that of token or "lip-service" appointment of the odd Aboriginal Bidwell Clans representative on one or more Boards. Our definition of representation is one which reflects the full meaning of our original ownership of the land in question and one where the full impact of such ownership is properly reflected in decision-making.

Actions

As a first step in addressing our concerns, we need to prioritize:

1. Meeting with the management groups/teams of all Agencies and gaining a full understanding of their existing policies and strategies
2. Undertaking field trips into those regions of East Gippsland that we believe are either vulnerable to damage/destruction of the native environment and/or Aboriginal ancestry.

To this end, we request the assistance and cooperation of all relevant state government Agencies. We also require funding to enable the necessary field trips to gain full meaning. These excursions must also include the accompaniment of a suitable qualified archaeologist and environmentalist.

Our definition of representation is one which reflects the full meaning of our original ownership of the land in question and one where the full impact of such ownership is properly reflected in decision-making.

APPENDIX

THE ABORIGINAL PEOPLE

The Aboriginal inhabitants did not divide the Monaro into sub-regions. Almost the entire area was occupied by the Ngarigo people. The only other groups in the present Monaro were the Walgal in the northwest corner around Kiandra and the Bidawal, who were basically coastal people and whose territory extended inland through the southeast part of Bombala shire, south of Bombala, with the Snowy River as their northern border and Currawong Creek as their western. As in the southern tableland and the eastern Murray region, this high country offered significantly less ample food supplies than the coast. The Bidawal had both coast and tableland: Ngarigo were entirely highland people and so were consistently more nomadic.

The high country was not inhospitable if treated with respect and understanding. The tableland provided consistent vegetable food for mobile people: there were the tuber of the yam daisy in spring, summer and autumn, wattle-seeds in July and August or orchid tubers in August and September until May, there was fish in the major rivers (including large Murray cod in the Murrumbidgee), while crayfish, yabbies and platypus abounded in most streams. Meat from possums was in constant supply and teams of hunters could capture the larger game. There was the annual pilgrimage to the alpine country of the Bogong Mountains and Snowy Mountains. Here in December and January large numbers of men from various groups, not only from Monaro, assembled at the higher granite tors to feast on roasted bogong moths, while the women and children remained in the valleys below. All this made for a mobile existence, following natural patterns, totally different from those followed by the European settlers.

These patterns were disrupted from 1827 onwards, when Richard Brooks first grazed his animals on Gegendzerick, just northeast of Berridale. By 1836 the major runs of the colonial period were all occupied by Europeans. Exotic diseases, particularly syphilis and influenza, had a disastrous effect on the Aboriginal population. John Lhotsky, the observant Polish biologist, noted in 1834 that the Monaro group 'is already very weak, consisting of about fifty men; they are entirely tame (indeed not civilized but corrupted). The 'tame' ones serve as guides, most memorable Charley Tara who served Strzelecki well at Kosciusko in 1840, and probably some Aborigines worked sporadically on stations as they did on the southern tableland and in the Tumut area.

The Sydney Morning Herald report in 1856 that the Monaro Aborigines were almost extinct, but the census showed 166 Aborigines (Ngarigo) around Cooma and 319 (Bidawal) around Bombala. Still in 1867 Aborigines were receiving government blankets in Cooma and in 1872 Alfred McFarland met a group of about thirty Aborigines 'of every age', lying on possum rugs, roasting possum, and koalas while an old man whittled a boomerang. This group was camped west of Cambalong, where the Bombala and Delegate rivers unite.

The Snowy

Credit: DEWLP college Willow



History of the region and Bidwell song lines

The immense modification of the environment wrought by the Snowy Mountains Scheme was undertaken to supply electricity to much of southeast Australia and to regulate water supplies in the Murray and Murrumbidgee regions. The untapped resources of the snowfield and its major river, the Snowy, had been recognized in the colonial period. In 1884 the surveyor General of New South Wales floated the idea before the Royal Commission on the Conservation of Water that the Snowy River might be diverted northwards to the Murrumbidgee through the gap that was occupied by Cooma airport.

The catalyst which turned all this into reality was power shortage during WW2. After a detailed study of the hydro-electric potential of the alpine rivers 1942-4, the Chiefly government passed the Snowy Mountains Hydro Electric Power Act in 1949 and the Act was implemented to the full under the subsequent Menzies government. With the expenditure of \$820 million between 1949 and 1973, the Scheme succeeded in diverting the Snowy River and the Eucumbene to supplement the flow of the Murray and Murrumbidgee Rivers. It provides electricity for the central grid of NSW, the ACT, and Victoria.

The regular presence of gold in 1850s from decomposed granite in the Snowy and Eucumbene Rivers was confirmed by geologist W. B. Clarke. American diggers had prospected and partly worked on the southern part of the Monaro, where many beds of the Snowy River rise, and a party who have work continuously or two years on the Delegate and Snowy Rivers.

The first trout were introduced into the Monaro Rivers in 1884 and concentrated efforts to stock the Snowy River with annual offerings of trout fry over the fifteen years after 1888 were highly successful.

They are located above the highest flood level as indicated by accumulated flood debris, and often where creeks enter the river. The sites lay flat or gently sloping well-drained areas. If no flat or gently sloping ground existed over a long section of the valley, the lowest gradient available was used, or if too steep, no camp was made in the area. In size, the camps varied from containing only a few flakes to a few with several hundred artifacts. Water-worn pebbles were the main source of raw material, but one quarry site was found a near Delegate River junction. Comprising a large area of fine-grained grey lamprophyre rubble, many flakes, and several axe-blanks in the same material. The resources zones, within an hour to an hour and a half's walk from each of these lower Snowy River camps would be the river foods, such as eels, platypus, crayfish, and other fish.

With forest plentiful of possum, birds, and vegetable foods. The Snowy River provides a good supply of large pebbles of a particularly good quality stone for making tools, tools were found at a lot of the campsites.

The Aboriginal people swam the Snowy while the older men hunted nullee [meat]. They waded along in the river and caught trout. There was plenty of blackfish and luderick, coming up from the salty water feeding along the river-perch and platypus too. The rivers and creeks were lousy with platypus in the early days. There was salamander in that time as well. Salamander have a big hard head with big jaws and the nostril holes were about two or three inches across and the skin was that hard a pea rifle didn't hurt them. They were a sort of water lizard. They disappeared along with the platypus after the 1934 floods.

Approximately 60km of the lower Snowy and Delegate Rivers, on both banks, reveal 56 Aboriginal campsites... within an hour to an hour and a half's walk from each of these lower Snowy River camps would be the river foods, such as eels, platypus, crayfish, and other fish.



Cape Conran

Credit: Phillip Stewart

Cape Conran

Cape Conran is a very significant place to the Bidwell Peoples. It's a place where our ancestors gathered for many, many years.

The viewing platform at Salmon Rocks is built over our Ancestors shell middens, the top layer is still visible. A shell midden denotes a special gathering place, and the middens at Cape Conran have been dated over 10,000 years old.

This part of the coastline contained an abundance of food for our people, with many important sites all along the beaches of the Cape Conran area. This coastline bordered the lands of the Bidwell tribe east of the snowy and the Gunaikurnai tribe to the west of the Snowy River.

The beautiful, picturesque nature of the Cape, along with the abundance of food and availability of ochre made it an ideal meeting place for our ancestors to gather.



Mutton Fish - Abalone

Mutton Fish is easy to find and harvest, extremely rich in energy and accessible for as long as the beaches are freely open to everyone, this has always been a subsistence food. The Aboriginal tribes of the coast of Bidwell country in Victoria have had a long and complex relationship with the coastal environment that has nurtured our people for many thousands of years. We hope to tell the stories of this relationship of our ancestors and what has happened to people as their access to the coastal resources has been progressively restricted by European competition. Haliotis is a type of sea snail. There are seventy-five species known in the world and seven of these are found in southern Australian waters.

In Mutton Fish, the focus is on the Haliotis rubber or blacklip species found off NSW, Victoria and around Tasmania and across to South Australia. They are long-lived and prolific animals that feed exclusively on the algae and seagrass found on rocky reefs in waters up to twenty-five meters deep. They are mostly sedentary, developing a camouflaged coloring to suit their local environment, usually moving about and feeding at night to avoid predation by fish, manta rays and humans.

The European explorers and settlers used the name ear shell or mutton fish. Ear shell because its shape suggests an ear and mutton fish because the rich fatty meat smells and taste similar to mutton. Some have suggested that mutton fish was originally coined by Kooris of NSW and Victoria because Haliotis tastes like mutton flaps, a cheap cut of meat provided to Aboriginal people living on missions or working on farm properties. The name is still used by Kooris today. The Spanish American name abalone became widely used during the 1960s as the commercial exploitation and marketing of Haliotis infested.



BUNURONG LAND COUNCIL ABORIGINAL CORPORATION Nation Statement



Frankston Beach
Credit: D.Tutchener

The Bunurong cultural perspective does not separate water from Country, but instead considers water and places part of Bunurong Country and symbolic of the interconnectedness of life and people.

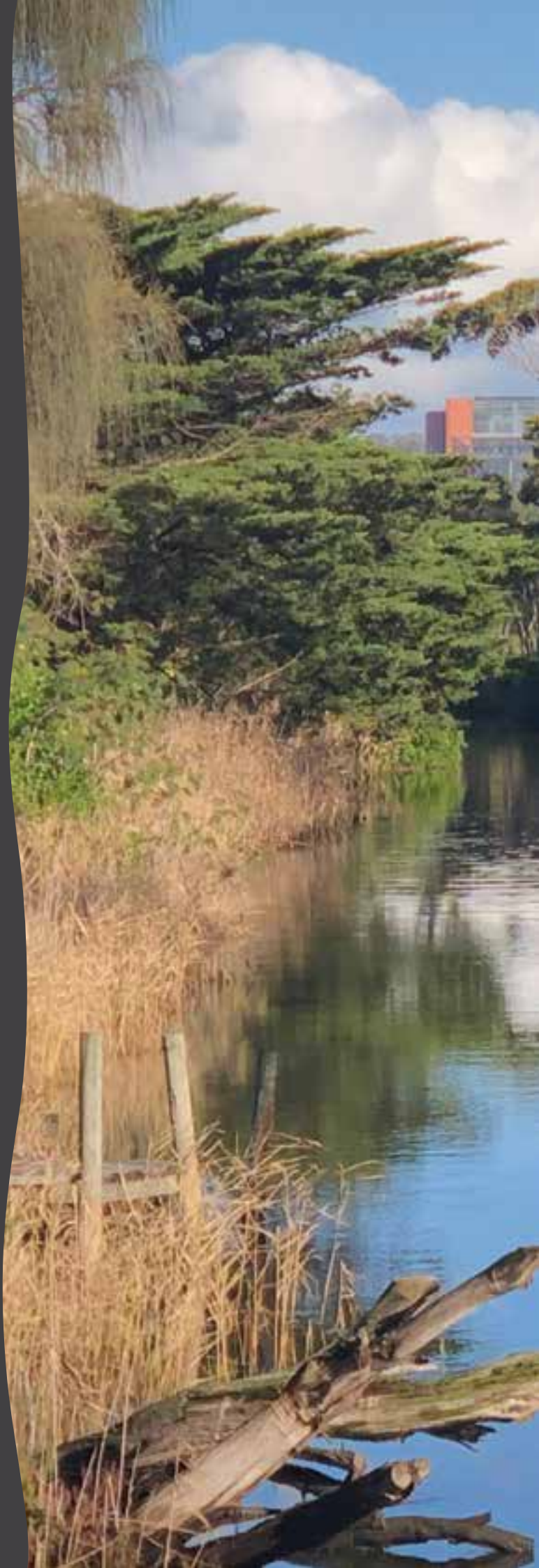
Water 'connects us to our Country', it travels through and with all Bunurong people, connecting us.

As a mutable substance, water's meanings, and the associated values also take the shape of its surroundings and connections. The Bunurong cultural values take the structure of stories, dreaming, life, creation, magic, health as well as traditions, customs, caring for Country, cultural rejuvenation, use, control, healing and survival. The value attached to water goes way beyond Western legislation and economics and is a spiritual connection, both to life and Community and all other people within Bunurong Country.

Overall, these values show a deep connection to Country and place and an overall desire to see water protected for all future generations. This desire also stems from the Bunurong people's strong commitment to self-determination and building productive relationships.

Bunurong people's relationship to Country makes Bunurong people who we are, and these connections to places, particularly water places within clan areas show these cultural landscapes as sentient beings themselves. Water is how Bunurong people have defined ourselves throughout time; Country and clan areas are bound by water. These places are defined by how water moves through us. It is through the movement of water that these landscapes are connected and divided.

Bunurong people heavily identify with being a salt-water people; this means that all the water flowing into the sea is connected within these cultural landscapes, places and Country. These rivers, creeks, wetlands and floodplains in Bunurong Country provide a resource-rich region that has allowed people in the past and the present to survive.





*For me walking in these sands is
recreating and walking in the
footsteps of my ancestors in the past.
It's about connecting, reconnecting,
and their spirits guide you and take
you to these places that they've
accessed and used for over forty
thousand years.*

Bunurong Elder

Kananook Creek
Credit: D.Tutchener



As Bunurong Country is rich in resources, the lifecycle of creation and destruction follows a seasonal flow. Water within these cultural landscapes has flowed, changed, and shaped Country and how it has been used since its creation.

This flow and the understanding of these lifecycles has been severely disrupted and denied through the colonial process. Through repeated attempts to eradicate the Bunurong people, the cultural landscape has also been forever altered.

Within the expanding boundaries of metropolitan Melbourne, Bunurong Country is still witnessing some of the most rapid development in Australia. However, the Bunurong Elders also recognise that although this damage is happening it also provides an opportunity to work together for positive change.

The role of water and health is crucial to maintaining healthy Bunurong lifeways. Water is not only for drinking and hygiene, it is not simply a resource to be measured and sold. Water also provides a connection to Country, a spiritual connection to place with immeasurable mental health and wellbeing benefits. Bunurong Elders say they need to be near water every day to feel at peace in the world and that by sitting near water they are calmed immediately, and it was within these places that they can listen and speak to Country.

The economic value of water is a crucial aspect of self-determination for Bunurong people. At the very core of this issue, Bunurong Elders have noted that the current market value of water and its mismanagement have disenfranchised the Aboriginal people of

Australia and continue to compound the negative effects of colonialism. The continued draining of this resource for profit by private industry is viewed as being detrimental to Bunurong peoples spiritual, emotional and physical health. Self-determination regarding water use and allocation is crucial to rebuilding and empowering the Bunurong community through access, employment and actual control of resources.

Bunurong Country is considered a sentient being, that is beyond time and contains the knowledge of all Bunurong Ancestors, so caring for Country creates a connection this understanding. Country and culture both provide purpose and meaning to Bunurong people. Water has always been a gathering place for people, it has always brought people together and it is hoped that by getting Bunurong people together on Country that certain cultural practices can be taught and rejuvenated.

At the very centre of how Bunurong people define themselves and other people is their relationship to water and Country. These relationships in turn inform the idea of Country, how Country is cared for and how Bunurong and other people belong to their Country. For Bunurong people the connection between Country and water is often to do with relationships between place and people.

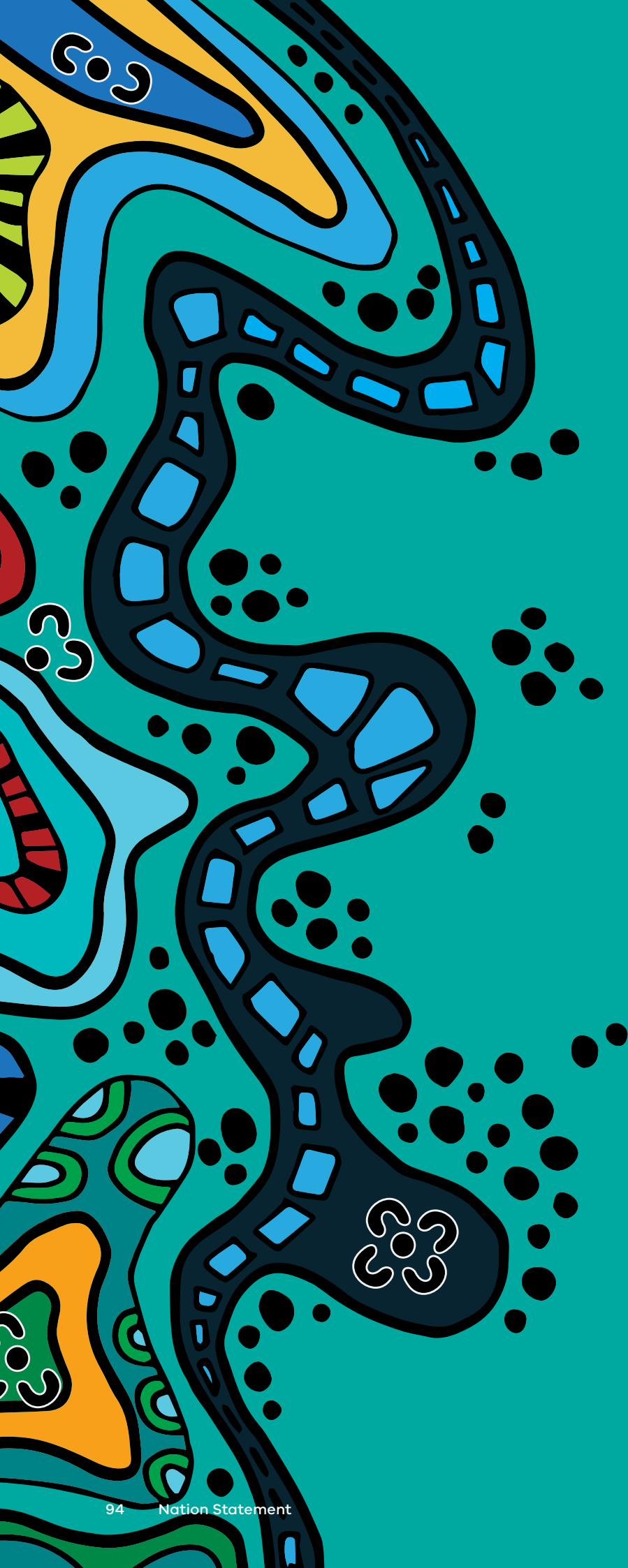
Water rights and increasing influence, power and authority in water landscapes

Through the Central and Gippsland Region Sustainable Water Strategy, BLCAC specified where Government instruments and tools need to be changed to remove barriers to accessing water.

The BLCAC has also stated that we seek water return of unallocated water sources on Bunurong Country, both from rivers and groundwater. Bunurong Elders have also stated they have interest in alternative water sources, including the significant recycled water held on Bunurong Country.

In addition to the short term aims outlined in the Central and Gippsland Region Sustainable Water Strategy, in relation to water management on Bunurong Country, BLCAC has the following objectives:

- BLCAC want access and control of water to continue a cultural connection to place and Country;
- BLCAC want to be involved in, and have control of decisions regarding the management of water on our Country, its use and distribution;
- We want water and water places to be reinstated to BLCAC people as part of cultural rejuvenation projects;
- BLCAC want to be able to actively manage our cultural landscape;
- We want water retailers and government bodies to partner with BLCAC at the commencement of projects and policies that regard the use of water and water places within Bunurong Country;
- We do seek to build meaningful and productive relationships with Government departments and water authorities; and
- We want to work with government departments, other Traditional Owner groups and water authorities in developing strategies that preserve, integrate and promote Bunurong and all Aboriginal rights and sovereignty into contemporary landscapes.



DALKA WARRA MITTUNG ABORIGINAL CORPORATION Nation Statement



Dalka Warra Mittung Aboriginal Corporation is an incorporated organisation registered under the Office of Registrar of Indigenous Corporations.

Our corporation represents the interests and aspirations of our family clan group in North-East Victoria who collectively share a wealth of cultural and scientific knowledge. It is our inherent right to be acknowledged as the first peoples of the land, mountains and rivers alongside our esteemed Dhudhuroa Ancestors, and to continue our responsibilities of caring for Country and educating others along the way.

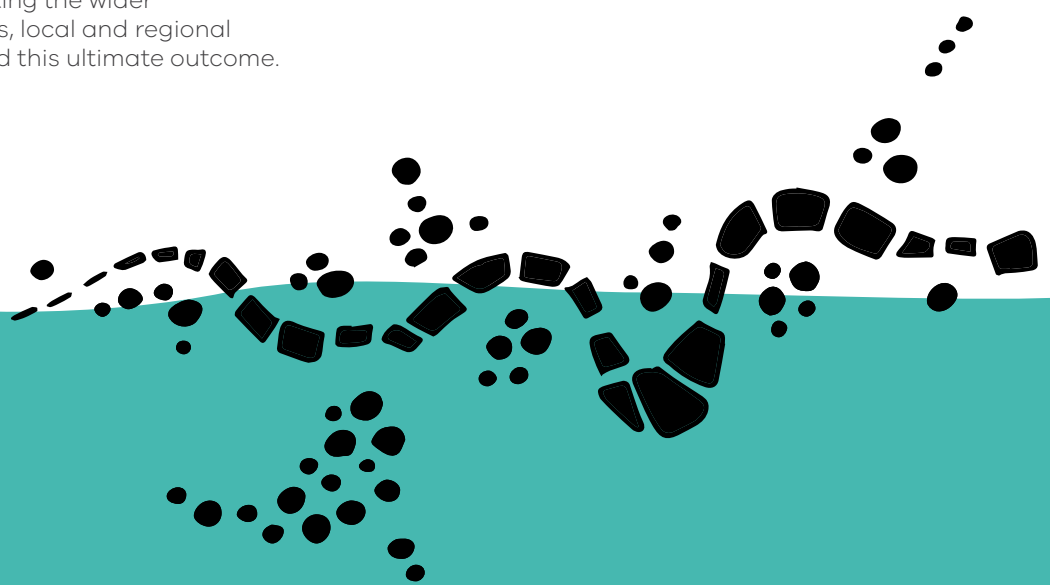
Our Country, in particular the Alpine National Parks, need our people to bring together the first stages of very important and overdue Country plans, land and water management plans, biodiversity management plans, cultural flows and cultural burns management plans and cultural heritage management plans, including our own community economic management plans. Together, these will work toward the ultimate long-term outcome of registering our Country – the Alpine National Parks – as World Heritage Listed Areas and with formal protection under an Indigenous Protected Area (IPA) program.

Dalka Warra Mittung are working to grow our base location and operations to begin our Country planning while implementing our long-term objectives with our strategic partners and educating the wider community, state departments, local and regional educational institutions toward this ultimate outcome.

There is power in us talking about how we're connecting to water as Aboriginal people, and how that's been taken away from us. We have roles and responsibilities to manage and maintain our waterways and landscapes; our totems, birds, insects, frogs, and other animals; and, a healthy nation of people. To that end, we need cultural burns as well as cultural flows.

Our culture is our business, and our business is our culture. We are walking in two worlds, and we're struggling in both worlds. We're losing people every day and every year. Our core business out in the North East is about increasing and strengthening the health of waterways and people, and increasing our connection to Country.

The Victorian Government, including its departments, agencies and other partners, need to accept that we are not all the same people. We have different values and principles about us and Country, and that our connection to Country is a very cultural and spiritual one. We have our language and our culture that connects us to our Country, and it's been that way for a very long time. Everything we aim to do is for the betterment of our people.



Our culture is our business, and our business is our culture. We are walking in two worlds, and we're struggling in both worlds. We're losing people every day and every year.

Water (& land) rights & access

Ownership of land and water

For Dalka Warra Mitting Aboriginal Corporation, finding opportunities to strengthen connection to Country means having ownership of Country, including Country near waterways. A lot of our sites are linked to waterways. Managing, preserving and having access to these sites is key to preserving our peoples' future and our present time.

Current management practices exclude our voice and ignore our commitment to Country, and this is not acceptable.

In the North East, there are currently no joint management regimes for the mountains. Under existing state frameworks, the state government solely holds that responsibility and contracts it out to Parks Victoria. Instead, we should have a Traditional Owner water management board, focused on the joint management of our lands and waterways, and move towards owning the titles of the water that flows from the clouds and atmosphere. Once that water hits our land, that's our land. We're connected to those mountains and waterways and our stories flow through them.

We are continually having to spell out to the State Government and the Commonwealth Government that we want to get back property titles, and own whatever is left from colonisation. We know this includes our waterways, and some Crown Land areas around our waterways. We need Traditional Owners to be equipped to become the Crown Land managers, for both land and water.

Economic development opportunities that connect to water

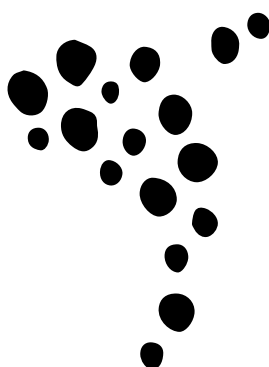
Others are making and gaining considerable wealth on and from our Country, but nothing is returned back to Aboriginal people. Dalka Warra Mitting are engaged on lots of government and agency projects on our Country. We're sick of being involved in other people's projects. We need to be equipped to have our own projects and cultural places, and our own management.

For example, a major priority for us is to build our own hub in the North East that we own and which governments and agencies lease space in. This hub would be a space where we see everyone working together on all of the existing projects and proposed plans. We could invite local businesses to form partnerships there too.

We also want to establish our own native fish farm in the North East. It will be an opportunity for us to restock our rivers and to have our own economic independence. That place will be like a hub too, an institution where we can educate our people about our connections, and where everyone including governments and agencies can come and learn about what we do. Out on these rivers our people farm their own fish; we want to continue to do that.

There's such a high demand for sharing knowledge and our culture, including considerable opportunities for taking people out on our Country.

This also presents the opportunity to build our wealth, and potentially invest funds raised back into buying our own land and developing our own capital infrastructure and assets to support our futures.



Increasing influence, power & authority in water landscapes

Disconnect between current land and water management, and what Country needs

The agencies, departments and officers that carry out environmental flow events and backburning regimes are not yet appropriately trained. They don't have the cultural knowledge or cultural training to connect into what we see as cultural burns, and cultural flows. For example, on our Country we have ten seasons, not four. The government departments and their officials don't know that. They wouldn't know when one season ends and another begins, or what plants, animals, birds and fish are a sign or indication that the seasons are changing. That also connects with our language, and with the night sky, including the moon and stars, which is our calendar. That tells us where we should be and what we should be carrying out on Country.

Government's calendars, financial years, and European seasons go against our beliefs, understanding of and connection to Country. These calendars, policies, legislations and regimes don't provide opportunities for us in the North East to develop as a people as part of Australian society, for economic development, or to strengthen our social, cultural or economic growth. The North East is a remote area, and you don't see any government people out here. Their offices are out in Melbourne, or in other regional locations. They don't travel out here to talk to us, and they still don't know who we are or where to find us. We feel unsupported.

There are many commercial and extractive opportunities out here in the North East, especially in resources. People are very concerned about what might happen to our fragile waterways as a result of exploration and extraction. Currently, the government has the decision making power about such activities. We need to be in positions with the power to manage those areas and make decisions about it. This could occur via establishing Traditional Owner land management boards, Traditional Owner water management boards, and/or through Traditional Owner Recognition and Settlement Agreements with the State. These sorts of agreements and arrangements would - we hope - prevent those resource exploration and extraction impacts that are likely under the current scenario with the government holding decision making authority.

We should have our own people in director and management roles that are core to forming and reforming policies within water and land management organisations. Our people should already be employed in these agencies doing this work.

Resourcing, support and funding

A significant proportion of the water that flows into the Murray River comes from our Country. That proportion should be reflected in the scale of resources made available for our people to care for Country and water; our ancestors did, and we can too, when equipped with the resources, and permitted with access, to do so. We want Country and waterway management plans for our Country. Offering Aboriginal Water Officer roles only for 12 month contracts does not offer security of employment or to develop longer-term plans for Country. Longer term roles, with ongoing and secure funding, are essential.

Many risks to the health of Country and waterways could be included and addressed through Country and waterway management plans. We need to be properly funded and resourced to go out and tackle these issues and risks to Country and cultural sites. Just a few examples include four-wheel driving, and people hunting and poorly disposing of deer carcasses that can contaminate wetlands and marshes. Parks Victoria only has a limited amount of funding. There's so much to be done on our Country and the input and involvement of the right people to form strategic plans and proper direction is a non-negotiable. Access to resources and funding are necessary too.

One specific recommendation that Dalka Warra Mittung wishes to make is to be resourced and equipped to utilise aircraft support and other aerial technologies which DELWP uses every day. We want to be the first mob in the North East to take people out for an aerial perspective. Not many of our people have used that kind of logistical support to carry out research, gather data and form a Country plan. We want to do that.

There are a lot of women's places up in our Country, and Dalka Warra Mittung are committed to ensuring that the women of our community are properly resourced to ensure the protection of their sites and their beliefs, but only on their own. Own voice is important.

State recognition

Our Country is very different from other mobs in Victoria with existing Recognition and Settlement Agreements; it's larger, it's a bigger landscape. We hope that we will reach a Recognition and Settlement Agreement with the State, out of court, which could be worth tens of millions of dollars. When talking about resourcing and funding Traditional Owners to carry out what we understand to be our responsibilities to land and water, this is the kind of money we need. We're not talking about little \$10,000 land projects; we're talking about the future with investments over the next 20 years.

We need support and capacity to help us put together successful funding applications to support the projects and activities that we want to run and see on our Country.

Without this capacity, expertise and skills, groups like ours continue to miss out.

When you are not formally recognised by the government, it can be very hard to have a voice about our Country; we aren't funded or resourced.

Transforming Foundations

We are not all the same

Governments need to find ways to talk across the different First Nations groups in Victoria; we're all different, we come from different landscapes, live in different environments, and come from different social and political backgrounds. We feel like we're being absorbed into the western mainstream system, which is absorbing our targets, and collapsing our efforts to pursue and address each of our own aspirations, goals and targets.

Governments and their agencies only have a limited understanding of us, with their connections and relationships with Traditional Owners still only developing. As one example, the North East Catchment Management Authority (NECMA) has got a challenge on their hands and they struggle to understand our language, to even find a place to start with working with us. The NECMA has not always had good relationships with local Aboriginal Nations. For years, Aboriginal people and TOs did not want to work there. In part, this may be because the NECMA is not provided with the budget that it needs to have the necessary conversations, to develop fair and equitable partnerships, to carry out cultural business, or to support plan implementation with Traditional Owners. Although this CMA is learning to become a lot more understanding, they still need help.

We know what needs to be done. We are seeking out opportunities to educate state funded departments (including the NECMA) and their staff about who we are and whose Country they are on.

Time for change

It is extremely frustrating that we're still having the same conversations in Aboriginal Affairs in Victoria 20 years down the track, even longer. Major disparities between Aboriginal and non-Aboriginal people continue to persist across Victoria: economically, culturally, spiritually, and socially. Many family groups and clans continue to suffer. We can add up and calculate how much land and water those people have, and it amounts to nothing. That's not good enough.

Non-Aboriginal people live well and are healthy in this country. You never see our people enjoying the full support and moral obligation and political fairness that others benefit from in Australia. Racetrack owners have more rights than Aboriginal people; they have water for their tracks! They gamble and drink with politicians; they have more rights than Aboriginal people. This cannot stand any longer. It's prejudiced, it's not equal, and we want equality.

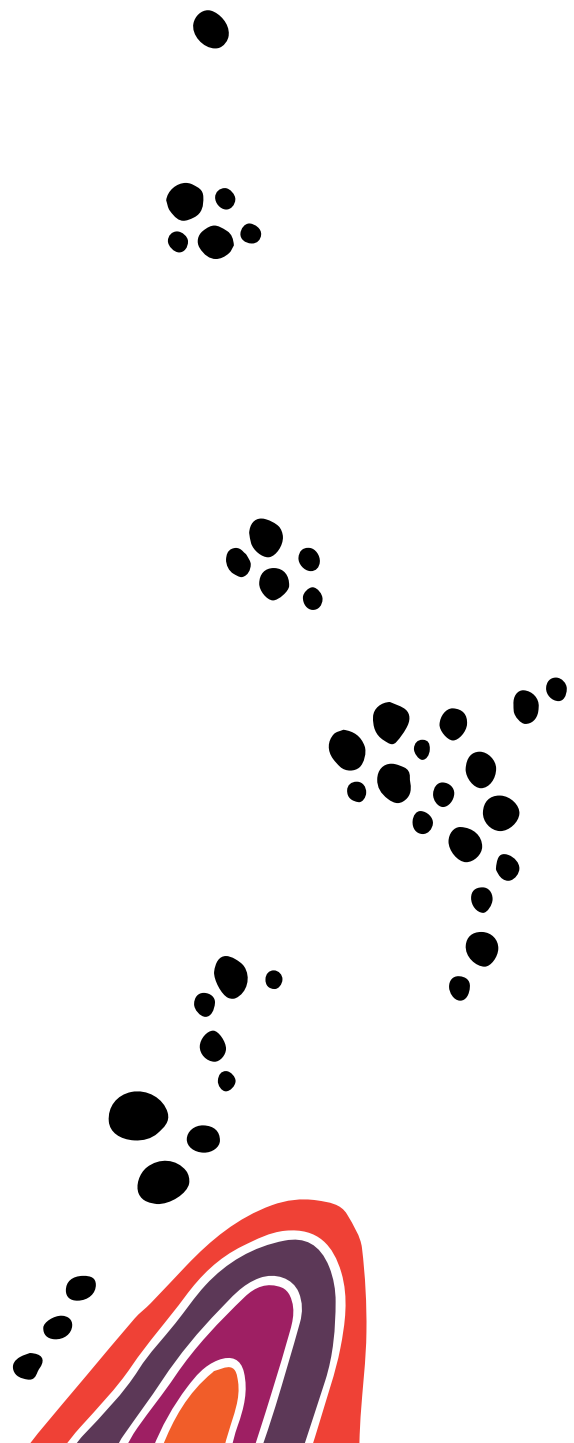
Conclusion and Next Steps

Our people are leaders across Victoria. We have led these conversations and empowered others across Australia to do the same. This is also coming through with the Treaty process. We have always been a leading-edge people, and leaders in this country for creating change, including through legislation and policy. We're ready for anything. We can do whatever the government is prepared to do, but the government has got to be prepared to actually do it.

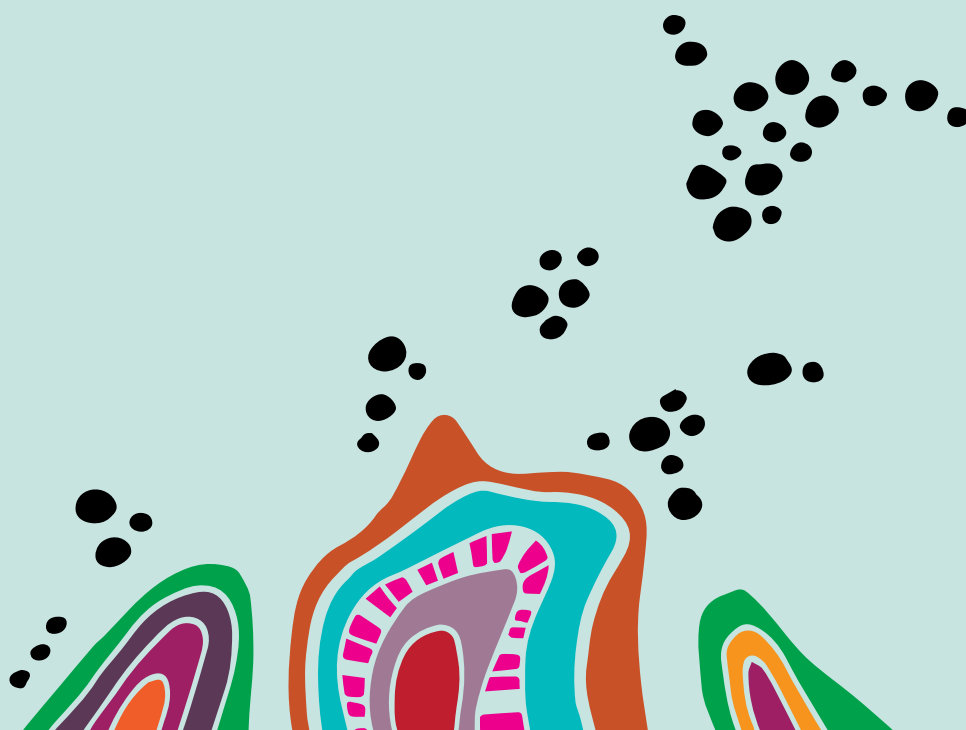
Dalka Warra Mittung contributed to the Water Resource Plans developed by the Victorian Government in the past. We are of the view that these Plans were a waste of money, and did very little out here for our mob and others across the North East. Additionally, there were things we wanted captured in the Water Resource Plans that the government took out. Those plans did not address those things that were very important to us.

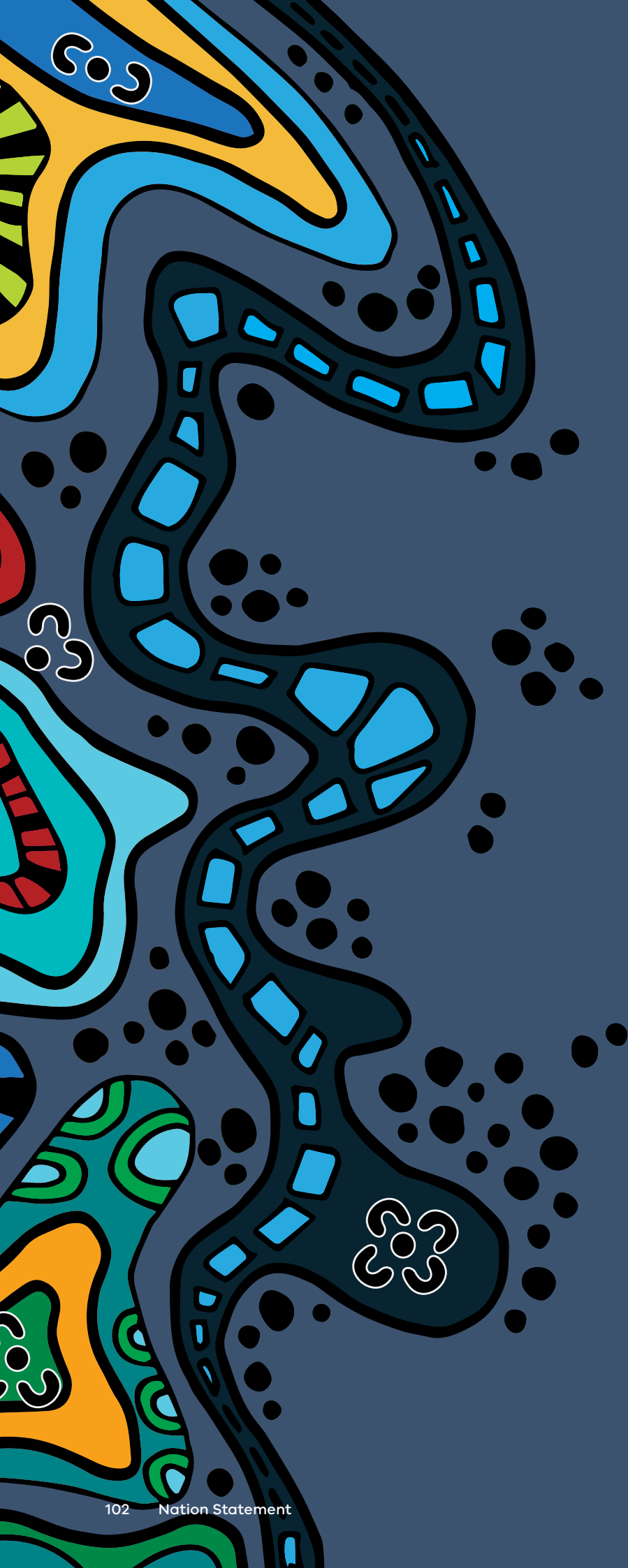
The Roadmap must not water down the truth and the things that are important to us. The Roadmap must be stronger, and lead to actual changes. We hope to see the government come up to our Country in the North East, sit down with us to continue the conversations and discussions started during this Roadmap engagement process, and to understand more deeply our responsibilities and values as First Nations peoples of the mountains, rivers and valleys.

It is our fundamental right to be properly resourced, funded and supported and share in the mutual benefits and outcomes across our landscapes as other Australians do.



When we collect data and information, and try to educate the wider community, the messages we're trying to send cannot be watered down like this again.





DHUDHUROA WAYWURRU NATIONS ABORIGINAL CORPORATION Nation Statement

KANDA BABURRA BABA
DJIMBOA MADONG
MANDARRA MANGKI

DHAUNG BIAMI KAWANDIKBA
DDJUDJA KANGWA KIANYU!

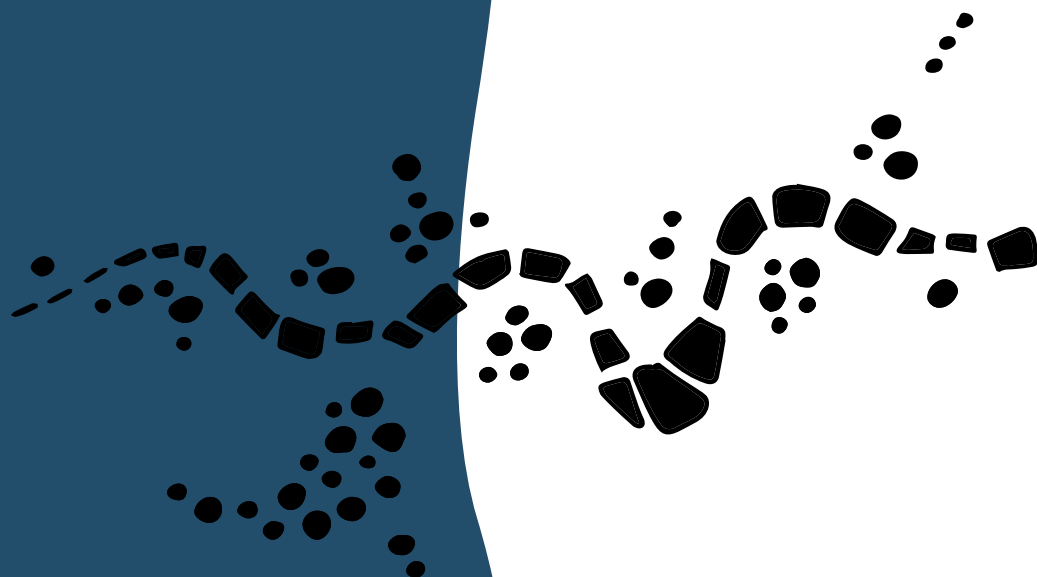
"The Creator Spirit Biami thundering from the stars sent the Old Woman with the Yamstick from the High Snow Country with his serpent to carve our freshwater rivers and billabongs. The water and Biami enable our Mothers camps, People, fish, animals and birds to be strong, powerful, happy and healthy. Every Nation has a right to exist and have their water returned. Return our waters and lands!"

"Water being the Creation Giver of Life is a spiritual, cultural, First Peoples and economic asset. We are the First Peoples of the Dhudhuroa and Waywurru Sovereign First Nations and we speak as a coalition of Voices for our Country on land and water that has never been ceded. We are the Right People, Right Language in the Right Land and water. Our sacrosanct Sovereignty, Treaties and Self Determination is embedded in all living and dead biodiversity's on our Country.

As First Nation* People of Victoria, we carry a duty and responsibilities to care for Country. We are the caretakers of Country, sky, landscape and waterscape including protecting and preserving our Clans and Ancestors sacrosanct rights and interests, language, religion, traditions and customs, creation stories, histories, and cultural heritage. Our collective obligations and duty is to our sacred waterways, the land, the animals and plants, and all parts of the ecosystem and landscape.

Our First Nations demand that there be no deliberate genocide by Governments or neighbouring Nations on the rights of our three partner First Nations – the Dhudhuroa First Nation Clans, the Waywurru First Nation Clans and the Ngurai Illum Wurrung First Nation Clans. These Nations have Country, language, water, Clans, Ancestors and Descendants, lore and cultural heritage that is unique to our Nations. Our Nations are not Yorta Yorta or Taungurung!

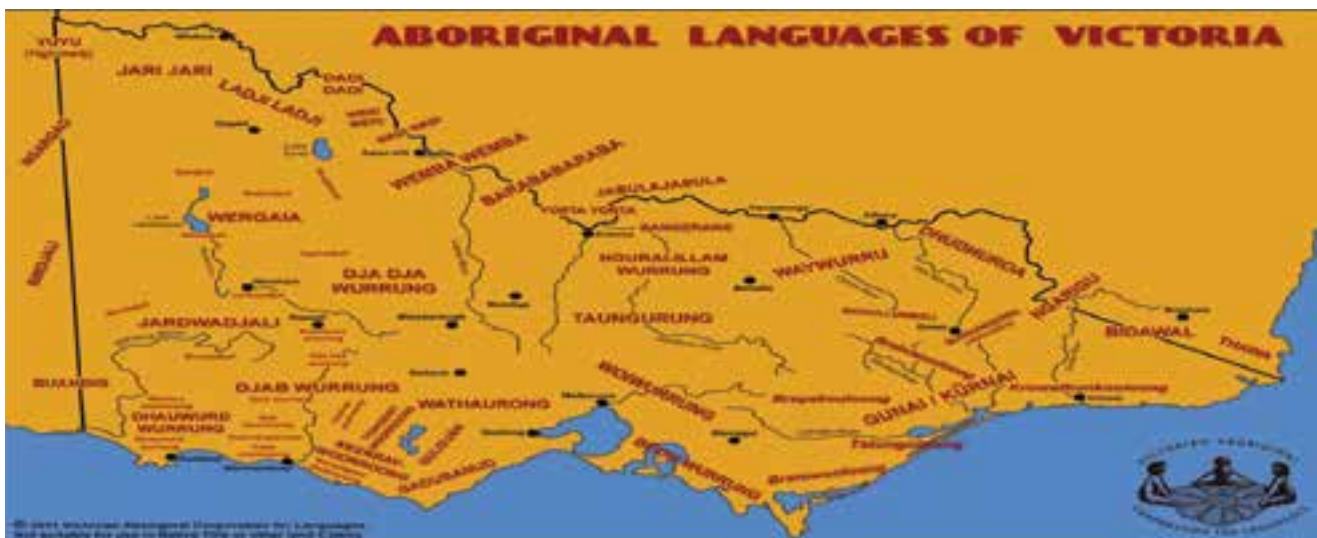
Our Lore and Biami has been passed down from generation to generation from the Dreaming and our sacred knowledge holds the key to Healthy Spiritual and Physical Country.



Our obligations as First Nations Clans in the past and now have been enabled or impacted by the following:

- Our First Peoples Sovereign Lore, Traditions and Cultural Heritage
- UN Human Rights Conventions
- United Nations Declaration on the Rights of Indigenous Peoples 2007
- *Australian Human Rights and Equal Opportunity Commission Act 1986 (Cth)*
- *Equal Opportunity Act 2010 (Vic)*
- *Native Title Act 1993 (Cth)*
- *Yorta Yorta Failed Native Title Determination 1998*
- *Aboriginal Heritage Act 2006 (Vic)*
- *Traditional Owner Settlement Act 2010 (Vic)*
- *Taungurung TOSA Agreement 2018*
- *Advancing the Treaty Process with Aboriginal Victorians Act 2018 (Vic)*
- *Aboriginal Land Rights Act 1984 (NSW)*
- *National Parks and Wildlife Act 1974 (NSW)*
- Planning and Development Laws
- Environmental Laws
- Commonwealth and State Indigenous Policies and Programs
- Treaty Authority and other Treaty Elements Bill 2022 (Vic)

We are the First Nations Custodians of all water that flows on our Country, and we demand that our Sovereign rights to water be recognised, enacted in law and our First Nations properly resourced to address all water issues.



©2011 Victorian Aboriginal Corporation for Languages

Rights to Water is a Priori Right (first right)

As Traditional Owners and Custodians of Dhudhuroa and Waywurru, we demand an equitable share of water on Country. This water will be used to nourish and nurture Country back to health, to support biodiversity outcomes, to protect cultural heritage sites and to create water-based business opportunities for our People including fishing and eco-tourism activities.

We demand that we are provided the legal framework to assume control of all environmental and cultural water on our Country. As the Custodians of this land, we know the watering needs of Country and can ensure that water returns to Country at the right time at the right levels. Despite decades of environmental planning, waterway management strategies and plenty of political handwringing, our waterways continue to be degraded, ecosystems destroyed and our wetlands left dry. It is time that environmental watering responsibilities be returned to us, so that we may apply the knowledge passed down from our Elders to ensure that our Country is no longer left degraded, thirsty and dying.

We demand water rights and allocations that are adequate to the environmental, cultural and economic needs of our Country and Community. These water allocations should be permanent, annual and include all ownership rights that would allow the water to be used for cultural projects, commercially or sold for profit. This will support the development of sustainable businesses and create job opportunities on Country for our People including in ecotourism, aquaculture and native food production.

We demand the right to transfer water allocations between different Clans and Nations without financial impediment or legal obstacles to ensure the health of any Country and to build collaborative water governance structures between First Nations Peoples.

We reject *Aqua Nullius* and the illegal, immoral and illegitimate ongoing removal of our Sovereign rights to water under the colonial systems and parliamentary regimes. Under these oppressive systems, our water was placed in the hands of settlers whose mismanagement has reduced water quality and flows to the damaging levels we see today.

We demand that the State of Victoria provide funds of up to \$500,00 annually to each First Nation for the establishment of administrative and governance bodies that will support our Nations to act on behalf of our water, land, Community and Culture on Country. The Government's financial support for these administrative bodies should be underpinned by the development of Treaties that address the injustices of the past and which recognise Dhudhuroa and Waywurru People as owners and managers of water and lands on Country so that we may care for it properly for the good of all Victorians.

Immediate funding should be also allocated for fully funded Secretariats to deal with the myriad of daily requests for our time and expertise via meetings, consultations, negotiations and oral and written advice provided to Government and Non-Government Organisations.



Dhudhuroa Baburra Country, Water, People and Biodiversity.

©2022 Merring-Jippa Murray Graphic Art

Management of significant sites and water systems

All Country is culturally significant to our Peoples. We demand that the heritage records and management of key sites on Country be handed over to the Dhudhuroa and Waywurru.

These include the Alps National Parks and waterways, Bright, Mt Beauty, Mudgeegonga Rock Art Complex, Chiltern National Park Rock Art Complex, Falls Creek and Mt Buffalo.

As the Custodians of this land,
we know the watering needs of Country
and can ensure that water returns to Country
at the right time at the right levels.



Dhudhuroa Waywurru Children on Jerang (Ovens River) the river of life for Dhudhuroa and Waywurru Peoples.

©2015 Ngarru Murray Photographer

Resourcing, Rights and Recognition

We demand that all Traditional Owners are adequately resourced to manage water on our Country regardless of recognition under settler law. Current Native Title, Cultural Heritage and Land Justice legislation results in Traditional Owners being divided into the Recognised and Funded versus the Excluded and Unfunded First Nations. This is unjust, divisive and inequitable.



Dhudhuroa Mary Jane Andrew aged 15 years (c.1865) seated in middle with Waywurru Lydia Beaton standing with child. Megan Carter Research ongoing on the photo.

Not One Inch of Land or Water has been returned to the Waywurru and Dhudhuroa Peoples - Outcomes over 29 years

Over the last 29 years of the *Native Title Act 1993 (Cth)* there have been only four native title determinations in the State of Victoria. Yet there are 38 First Nations across the state.

Over the last 16 years of the *Aboriginal Heritage Act 2006 (Vic)* only 11 Registered Aboriginal Parties have been determined by the Ministerially appointed Victorian Aboriginal Heritage Council. Yet there are 38 First Nations.

Over the last 12 years of the *Traditional Owner Settlement Act 2010 (Vic)* only 2 Traditional Owner Settlement Agreements have been determined. Yet there are 38 First Nations.

These native title, cultural heritage and land justice determinations occurred in the period 1998-2022 or over 24 years.

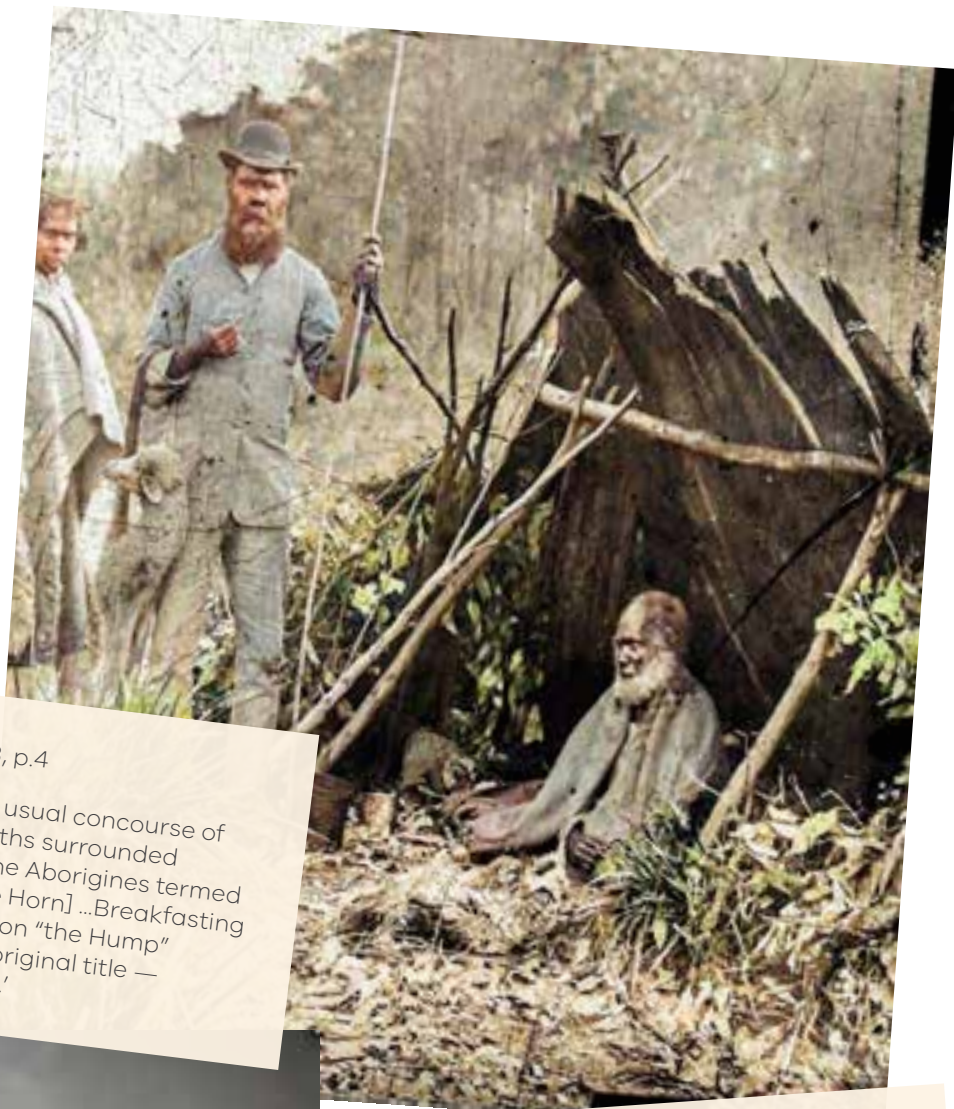
This in turn has led to serious, lengthy, costly and stressful litigations in the Supreme Court of Victoria and the Federal Court of Australia.

Much of the disputation is sourced in what is perceived as *"incompetent native title and cultural heritage research by Native Title Services providers, some questionably Traditional Owner leaderships"* and the Victorian Aboriginal Heritage Council (VAHC) enabled by the Department of Justice Native Title Unit (DOJNTU).

This reflects a modern-day twist to the *'divide and conquer tactics or rations, damper and blankets for our lands outcomes'* of the past, and pits Traditional Owners against each other. In effect each creates artificial corporate groups that may be not be Sovereign First Nations.

We demand that the State of Victoria recognise the sovereignty of Dhudhuroa and Waywurru People over our Country and resource us to effectively manage water on our Country according to our Lore and cultural obligations. We demand that we be provided with land and access to financial support to establish water-based businesses such as Fish Farms on Country so that we can create viable job opportunities for our People.

We demand that all unallocated water be handed over to Traditional Owners and that decision-making regarding water allocations across Victoria be managed by Traditional Owner Entities led by First Peoples.



The Argus, 9 June, 1883, p.4

'Doing the Buffalo' 'The usual concourse of crows and "bogong" moths surrounded Dudjeree Jingha — as the Aborigines termed this western peak — [the Horn] ...Breakfasting before daylight, we were on "the Hump" -Neddi Weela was its Aboriginal title — in time to see the sun rise.'



Ovens and Murray Advertiser, 19 April, 1883, p.1.

A trip to the Bogong' 'Paying a graceful tribute to the memory of the lamented Robert Ramsay for his efforts to retain the aboriginal nomenclature, he said the only high mountain in Victoria which had preserved its original name was the Cobboras. It appears the original name of the Buffalo was **Daw-daw-abonga**, the meaning of which is lost; the Horn was called **Dudjora Gingha**, and the Hump, Ned-dy-weela — the Saxon may preserve the last as Neddy Wheeler. Bogong means a moth, and once a year the natives repaired to the mountains for the express purpose of fattening on these moths, which inhabit the alpine heights in myriads.

The whites heard the black-fellows say at their departure, "Me go catchem bogong," and concluded that Bogong must mean "mountain," hence the misnomer of our highest alp. Yet in one respect the name is justified — there are countless hosts of bogongs on the Bogong. In "Black's big cairn," about twelve feet high, there are millions of them, and we only wanted an aboriginal epicure among us to behold that rare-bit, moth-cake. The gins knead them into a kind of thick paste, sometimes baked in embers, and always delicious as ortolans to the aboriginal palate. But the moth survives the black- fellow: will the blowfly survive the whites?'



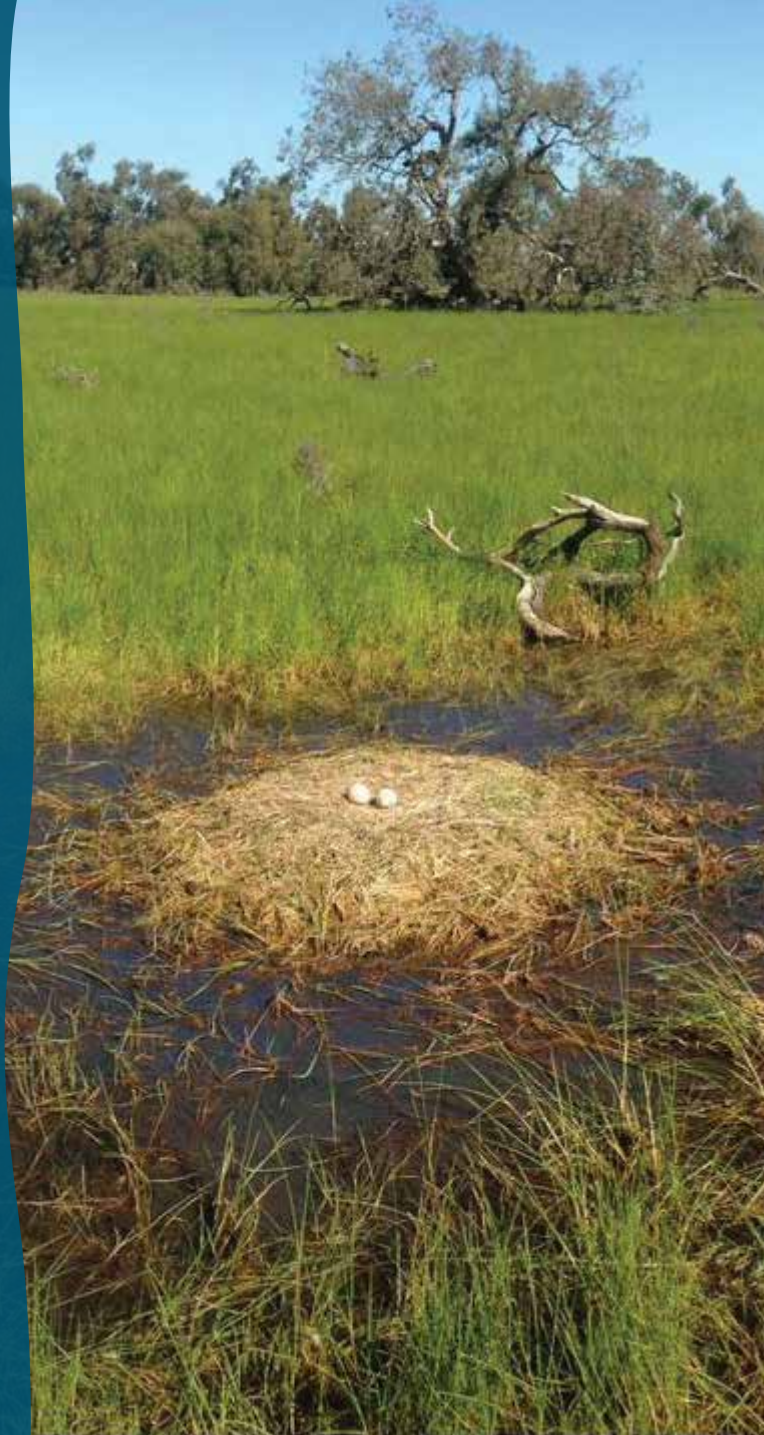
DJAARA Nation Statement



Our Vision for Country is to ensure that: The health and wellbeing of our people is strong, and underpinned by our living culture.

Our lands and waters are in good condition and actively managed to protect our values and to promote the laws, culture and rights of all Djaara.

As this Country's First People we are politically empowered with an established place in society and capable of managing our own affairs from a strong and diverse economic base.



Before European colonisation, the natural places within Dja Dja Wurrung Country were well known, had a name and song and were celebrated as part of our culture. Dja Dja Wurrung Country is a cultural landscape that is more than just tangible objects. Imprinted on it are the dreaming stories, Law, totemic relationships, songs, ceremonies and ancestral spirits, which give it life and hold significant value to Djaara (People). Country was mostly covered in waterways and wetlands that interacted with open forests and woodlands, providing us with the plants and animals that we used for food, medicine, shelter and customary practices. We had an economy; we had a political system and we had the resources and the means to take care of our community.

Today, though our Country is vastly changed, it still holds many important values that have survived, as we have survived. We feel a moral responsibility to care for our Country as it binds us to the past, present and future.

The river basins on Dja Dja Wurrung Country include:

- the western bank of the Yerrin (Campaspe River) basin and its main tributary the Koliban (Coliban) River.
- the head waters and mid-system of Bulutjang (Loddon River) and Avoca¹ River basins.
- the eastern bank of the Avon River.

¹ There are several language names for the Avoca catchment. Dja Dja Wurrung will be doing significant work on the Avoca throughout 2022-23 and will update language as needed.



...Country was mostly covered in waterways and wetlands that interacted with open forests and woodlands...

Across Country are an abundance of wetlands and rivers that are highly significant. Dja Dja Wurrung peoples (Djaara) see all the land and its creatures in a holistic way that are interconnected with each other and with Djaara. As such, it is important to note that Djaara see the concept of 'prioritisation' as creating competition between sites, and Djaara want to move away from this language.

The 'Dja Dja Wurrung Water Values for Country' project aims to articulate Dja Dja Wurrung's cultural water values to enable negotiation with the State to achieve self-determination in water policy and access to water on Country. Engagement with Djaara people and water industry stakeholders will enable DJANDAK to gather, understand, synthesise and document cultural and technical water knowledge into a persuasive and logical strategic document about DDW Gatjin (water) Values across Djandak (Country).

It will do this through developing a Djandak (Country) wide water management plan that reflects Dja Dja Wurrung values for Gatjin (Water) and looks to deliver a culturally and technically informed document which will enable an equitable discussion and negotiation over water shares and allocations through the review of the Northern Sustainable Water Strategy in 2023/4. This will enable Dja Dja Wurrung to be in the position to be able to negotiate about water management with the State on equal terms and enable Dja Dja Wurrung and the State to meet the objectives and outcomes of the Murray Darling Basin Plan.

This project aims to articulate the cultural values of water to enable negotiations with the State to focus on what matters to Djaara people. It will draw on current processes such as the Aboriginal Water Roadmap as well as previous work and processes undertaken between the State and Djaara within the broader

Environmental Water Framework, such as Water Resource Plans, Integrated Catchment Management. The roadmap will also draw on Djaara specific policy and frameworks around gatjin, Cultural management plans, Cultural knowledge tools and various Cultural values mapping tools such as Seasonal mapping, Aboriginal Waterways Assessments (AWA) and Cultural Values Assessments (CVA) which aim to document Cultural and Ecological values of a place on Country in a holistic way that is representative of Djaara's view of that area of Country.

Whilst Dja Dja Wurrung has already got a range of knowledge and will continue to build our capacity, it is important to acknowledge that while 'Cultural Values Mapping' is a critical piece of the puzzle but on its own won't necessarily deliver the desired outcomes of Dja Dja Wurrung having water rights on Djandak or long term water reform that enable self-determination by Djaara people regarding water.

A 'whole of Djandak Gatjin' strategy (Water For Country) that draws on technical models, includes technical solutions and addresses a broad range of tangible and intangible cultural values, is vital for improved water management. Acknowledging and capturing of the ongoing cultural obligation to care for Gatjin in planning is essential if the State and Dja Dja Wurrung are to have a conversation on equal terms. It is also vital to ensure future planning and water allocations meet obligations under the Recognition and Settlement Agreement.

Djaara wants to establish governance structures that see Djaara as the water holder and waterway manager. Governance must include structures that support collaborative decision making where waterways are shared between Traditional Owner Groups. Roadmap implementation should include adequate resources for neighbouring Traditional Owner groups to be able self-determine what this collaborative Governance structures

The 'Gatjin Water Authority' or the 'Djaara Water Authority' will provide a governance role for the Dja Dja Wurrung Group in gatjin (water), and will comprise of a Board made up of Djaara Directors and key Djaara people involved in the management of Gatjin(water) on Djandak (Country). The Authority will hold oversight of policy and strategy in relation to Gatjin and will support the implementation of

these to meet the needs and objectives of Djaara (people) and Djandak (country).

The Gatjin Water Authority will ensure there is a coordinated approach between all arms of the Dja Dja Wurrung Group in relation to water, and that Policy, Strategy, Planning and Monitoring all inform and guide the continued empowerment of the Gatjin Authority.

The Gatjin Water Authority aims to develop Djaara focused water policy for the Dja Dja Wurrung settlement area and within the Victorian Environmental Water Framework, and is expected to become the authorising authority for the Dja Dja Wurrung Group in relation to water management on Country. It will advocate for State water policy to align with Djaara Gatjin policy, including (but not limited to) the management and allocation of water for commercial, personal, ecological and environmental, cultural and spiritual purposes and outcomes.

The Gatjin Water Authority is still in development but is expected to be established during the life of the roadmap implementation. It is an ongoing process that is expected to change and grow according to the needs of the Djaara people. It is clear to the Djaara people that regardless of how the Gatjin Authority progresses, the transfer of roles and responsibilities over time to Djaara needs to happen now.

DJANDAK is currently working on various projects across areas of Country that are important to Dja Dja Wurrung², such as Kinypanial Creek and the Boort Lakes Complex (include Woolshed Swamp), Tullaroop Creek, Bendigo Creek and its floodplain wetlands including Tang Tang and Thunder swamps and wetlands on the Mooloort Plains (including the wetlands on private land such as Long Swamp) and their confluences.

Dja Dja Wurrung Country, legally recognised by the 'Dja Dja Wurrung Recognition and Settlement Agreement', extends from the upper catchments of the Bulutjang/Balutjul (Loddon River) and Golipan/Koliban (Coliban River) to Lalgambook (Mount Franklin) and the towns of Creswick and Daylesford in the southeast to the Yerrin (Campaspe River) Kyneton, Redesdale and Rochester in the east, Yung Balug Djandak (Boort Wetlands) in the north, Lake Buloke, Donald in the northwest, to the Avon Richardson River, Navarre Hill and Mount Avoca marking the south west boundary.

2 Disclaimer. It is important to note that this statement is not providing an exhaustive set of priorities. The concept of prioritisation creates competition between sites which Djaara want to move away from. We expect, through ongoing research that the number of systems and sites that Djaara identify for healing and cultural outcomes will increase. Which will also mean that water requirements will increase. Expectations that the Roadmap implementation will include research as a priority.

... acknowledging and capturing of the ongoing cultural obligation to care for Gatjin in planning is essential

Dja Dja Wurrung Country also encompasses the Bendigo and Clunes goldfields as well as the Loddon and Avoca River watersheds as well as part of the Southern Basin of the Murray Darling Basin. The Roadmap scope includes all of Djaara Country, including regulated and unregulated systems, private and public land and all cultural landscapes.

There are also a range of key areas that may be an immediate interest to Dja Dja Wurrung due to related projects, management, and cultural significance to the Djaara people. This will include an abundance of wetlands, rivers and cultural landscapes that the Dja Dja Wurrung Group have completed prior work, mapping or development for specific sites within various systems such as Loddon River is Victoria's second longest flowing river, stretching for approximately 430km. It has an extensive floodplain system upto 90km wide. Given the size of this river system, Dja Dja Wurrung's investigations have been focused on priorities within the basin. The Water Values for Country project aims to fill knowledge gaps for this basin to provide a holistic and connected view of the Loddon that is representative of the Djaara people.

Loddon - Dja Dja Wurrung have completed several AWA's within the Loddon catchment at key areas for future water management - such as Boort Wetland complex(including Woolshed Swamp and Kinyapanial Creek), Tang Tang (Gatjun Bulok) and Thunder Swamps, Upper Loddon at Birch's Creek. Dja Dja Wurrung have also completed a significant amount of work Bendigo Creek and its floodplain wetlands, such as Wanyarram Dhelk.

As well as within the Tullaroop catchment including Birch's, Creswick and Tullaroop Creeks, and various surrounding wetland and systems within the Moolort Plains such as Long Swamp, Middle Swamp, Merin Merin Swamp.

Campaspe – Dja Dja Wurrung has completed (several) awas as well as additional investigations and works along the Western side of the Campaspe River from Eppalock to Rochester including main tributaries and storages such as Five Mile Creek, Lake Eppalock.

Coliban – Dja Dja Wurrung have completed various AWAS in both the Upper and Lower catchment with extensive data on many sites on the Coliban river – it is recommended to engage with Dja Dja Wurrung directly for more information on specific sites.

We have sought to reflect Dja Dja Wurrung values, aspirations and key 'priority' areas across Country at a high level however this is not an exhaustive list and for more information partners should directly engage with DDW.

Dja Dja Wurrung would like to make it clear that all areas of Djandak (Dja Dja Wurrung Country) are of great importance and that the naming and identification of specific locations and species in this Roadmap, is intended to provide a focus for this Roadmap and should not compromise the importance of those not listed. Djaara also stressed that cultural values identified here do not fully define the interests and beliefs of Dja Dja Wurrung people, which are multifaceted and cannot be defined through a single standpoint or response.

There are also a range of key areas that may be an immediate interest to Dja Dja Wurrung due to related projects, management, and cultural significance to the Djaara people.



Water (& land) rights & access

Water sources

DJAARA wants to own water (and be the water holder) to deliver water for Djaara benefits and purposes.

The Drawing the Roadmap for Aboriginal Access to Water discussion paper (the discussion paper) (see Section 5 for more detailed response to the discussion paper) indicates the Government will commit to all Traditional Owners to own water, however the chapter that makes this commitment refers only to water yet to be allocated, such as unallocated water in the south of the state, and water savings achieved and made available through projects that are underway. While Djaara will welcome the first right of refusal of any unallocated water made available through those processes, it is unacceptable that this the only pathway to Djaara water ownership.

DEWLP has repeatedly advised Dja Dja Wurrung that there is no unallocated water available in northern Victoria, in fact the systems are over allocated. Further, the large-scale water savings project in the north are largely complete. Therefore, it stands to reason that even with consideration of the potential volumes of water that the stock take of current water savings projects identifies, watering requirements for Djaara's culturally significant sites are likely to far exceed any unallocated water found through this process³.

To resolve this, another pathway for the Gadjin Authority access water is the reallocation of already held water entitlements, and in particular entitlements associated with the Environmental Water Reserve.

The current water entitlements held by the environment that can be used on Djaara Country include:

- The Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005 not including passing flows, and comprising high and low reliability water shares, is around 6.7 gigalitres (GL).
- Additionally, the Commonwealth Environmental Water Holder (CEWH) holds 3.9 GL of high and low reliability water shares in the Loddon River System.

Discussion with Taungurung re water that leaves Waring (Goulburn River) via the Waranga Western Channel:

- Bulk Entitlement (Loddon River – Environmental Reserve) Order 2005 and the Goulburn River environmental entitlement also makes 10.7 GL of water holdings from the Goulburn system available to the Loddon system, via the Waranga Western Channel.
- Dja Dja Wurrung to conduct ongoing conversations with surrounding mobs (Taungurung, Yorta Yorta) regarding allocations in the Goulburn River.

Managing water rights

As above, Djaara wants to own water (and be the water holder) to deliver water for Djaara benefits and purposes.

Djaara have undertaken a range of technical and biocultural research, such as Aboriginal Waterway Assessments (AWA) and ecological investigations, across Country. Djaara have also participated in other water agencies programs of work. While these processes were designed to meet the needs of the water agencies, this has also allowed for Djaara to learn about current management frameworks undertaken by different agencies.

We have a strong foundation of knowledge behind our current waterway priorities and we are ready to take the next step to plan for and manage water at key priority sites⁴. We acknowledge that it will take time to transition from the current Victorian Environmental Water Holder (VEWH) holding water that is planned for and managed by Catchment Management Authorities (CMAs) to Djaara being the water holder and waterway manager for waterways on Djaara Country. The transition will require adequate resourcing, through which Djaara would build capacity⁵ and capability to manage water to achieve a range of cultural outcomes. Djaara has put forward two case studies to use as pilot sites to build capability and capacity to manage water on Country. See section 7.1 and 7.2 for detail. We expect to see a commitment by Government to properly resource and support Djaara to undertake this transition in the Roadmap and its subsequent implementation plan.

³ Sections 7.1 and 7.2 outline two case studies that demonstrate water requirements at two sites.

⁴ Disclaimer. Priority sites noted in this statement are not exhaustive. We expect, through ongoing research that the number of priorities sites for healing and cultural outcomes will increase. Which will also mean that water requirements will increase. Expectations that the Roadmap implementation will include research as a priority.

⁵ Djaara currently has one water officer, compare this to the CMA environmental water team where several environmental water reserve officers are responsible for one to two systems.

Currently available water rights

Djaara hold rights (*Water Act 1989* s. 8A) for the use of water for cultural customary and communal purposes, including the growing of food, fibre and livestock to meet the social and economic needs of Djaara. This statement is notifying the Government, that Djaara intend to activate our rights (*Water Act 1989* s. 8A) for the use of cultural customary and communal purposes, including the growing of food, fibre and livestock to meet the social and economic needs of Djaara, and we intend to take up to 150 ML per year from the system to do so.

Removing barriers - access to land

Djaara wants rights to own and manage public estate (public estate/other) that will restore Djaara's custodianship and associated obligations to care for land and water on Country. Yet a major barrier for Djaara to access water is not having access to land, as demonstrated in 'Program 2' of the Roadmap in which Djaara developed a business case around yabby farms.

Djaara currently works with Parks Victoria across a number of sites across Djaara Country, including those where Joint Management has been formally entered into. Joint management is established through agreements under the *Traditional Owner Settlement Act 2010*. The aim is to empower Traditional Owners to participate in the management of land and natural resources on Country. In most cases, Joint Management applies to land that has been handed back to Traditional Owners as Aboriginal Title.

These joint management arrangements are a great first step in reinstating Djaara custodianship, most roles offered to Djaara are at the bottom of the hierarchical governance structures, with decision making still ultimately undertaken by Parks Victoria senior management (white fellas). These structures need evolve so that Djaara are involved in the governance arrangements at each level of the

hierarchy. Further, Djaara is participating in joint management, with a view to transitioning to sole management of all public land on Djaara Country.

Removing barriers - Sustainable Funding model

The current investment framework is tied to Government priorities and largely distributed through piecemeal project scale funding agreements. The Roadmap should identify funding models that disengage funding from DELWPs investment priorities and processes, and instead, as per Outcome 2.3 in *Pupungarli Marmarnepu*, enables Djaara to self-determine what priorities and outcomes funding is used for, even in the case of economic development.

Funding for Nations should be at a minimum 20% of current water sector revenue (across all groups), such as the Environment Contribution Levy (ECL) and also included in Water Corporations in bids to the Essential Services Commission.

This model will:

- support extensive programs to support Elders being on Country with young Traditional Owners to enable cultural learning practices and knowledge exchange
- enable participation in governance structures under genuine Traditional Owner partnerships with water agencies
- ensure adequate resources available so Djaara can work proactively and preparedly in water planning and management
- allow Djaara to plan multi-year programs that support long-term employment, and
- build capacity beyond the AWO role and stand fund waterway management teams (similarly to how CMA have multiple Environmental Water Reserve Officers and waterway management project managers).





Increasing Nation's influence, power & authority in water landscapes

Djaara wants to be recognised by both State and Federal governments as the regional natural resource management (NRM) body and waterway manager for Djaara Country. As Country's custodian, Djaara is responsible for determining regional priorities based on self-determined cultural views rather than limited by western science centric views. The Gatjin (water) authority will require all regional water agencies that make decisions that effect to submit all water based projects including strategies, proposals, plans and other water activities to the Gatjin Authority for comment, approval or rejection.

Gatjin Water Authority will be the driver/authority/agency to oversee and provide Free Prior and Informed Consent for Djaara in relation to water based projects, strategies, plans and other water activities on Dja Dja Wurrung Country.

Partnerships

Djaara want to develop new or strengthen existing partnerships to include commitments to increasing the power and authority of Djaara around water management on Country.

The Victorian Aboriginal Affairs Framework 2018-2023 includes the number of formal partnership agreements for planning and management between Aboriginal communities and key water and catchment agencies as a measure for Goal 18: That Aboriginal land, water and cultural rights are realised.

The Dja Dja Wurrung Recognition and Settlement Agreement (RSA) outlines the requirements for agencies to engage with and/or partner with to increase Djaara influence in natural resource management. Specifically, the RSA requires the North Central Catchment Management Authority to enter into a partnership "statement" with Djaara.

Need to change current inequity for Djaara knowledge healing of Country – partnerships and opportunities to influence decisions is limited because of the point in the process where Djaara are included means these engagement opportunities are bound by 'needs' of others or funding that meets investor priorities.

The current approach to engagement often does not require organisations to commit to a level that goes over and beyond RSA requirements. There is no precedent for how engagement with Traditional Owners should be undertaken, with engagement requirements tending to rely on broad terms such as 'give regard', with little explanation as to what this means and how this can be delivered.

While some partnerships may go over and beyond RSA requirements (generally relating to specific projects), these partnerships need to be strengthened as they tend to sit at a 'memorandum of understanding' level rather than having the weight of a statutory requirement. Regular reviews and audits should be undertaken for these partnerships, something that does not commonly happen under the RSA/MOU model.

Partnership agreements need to acknowledge but not include statutory current responsibilities such as RSA rights. The partnership agreements should dictate how these requirements are met, and activate self determination rights for Djaara.

While Djaara have had some 'small wins' with partners such as North Central CMA (ie Wanyarram Dhelk project), our other partnerships are not to the level that is required to meet the self determination of the Djaara people and ensure they are leading these partnerships at the forefront.

Djaara wants to be recognised by both State and Federal governments as the regional natural resource management (NRM) body and waterway manager for Djaara Country.

Agency/group	Responsibilities/involvement	Transfer or influence
Minister for Water Oversight of the <i>Water Act 1989</i> and <i>Water Industry Act</i>	<ul style="list-style-type: none"> Issues bulk entitlements under the Water Act 1989 in two ways: <ul style="list-style-type: none"> Conversion of a pre-existing right to water into a bulk entitlement (section 47); or granting a new bulk entitlement (section 43). A potential bulk entitlement holder must apply to the Minister for Water for the conversion or granting of a bulk entitlement. The minister delegates a suite of obligations including decision making authority to Water Corporations and CMAs through Statements of Obligation. 	<ul style="list-style-type: none"> Roadmap must identify where Minister can grant a new bulk entitlement to Djaara The minister must, through the Roadmap, support systemic change with real and tangible outcomes, including committing to the policy and legislative reform that must be undertaken to transfer responsibilities as outlined below and be included in any Statements of Obligation for CMA's and Water Corporations.
Department of Environment, Land, Water and Planning (DELWP)	<ul style="list-style-type: none"> Manage the water allocation and entitlements framework. Develop state policy on water resource management and waterway management approved by the Minister for Water. Develop state policy for the management of consumptive and environmental water in regulated and unregulated systems. Act on behalf of the Minister for Water to maintain oversight of Water Corporations (in their role as consumptive water managers), and CMAs (in their role as waterway manager and flood management authorities (see CMA roles and responsibilities below) Responsible for management of public land along waterways including licensing of Crown water frontages. 	<ul style="list-style-type: none"> Respecting that Djaara is an independent nation whilst providing opportunities to develop frameworks and policies specific to the needs of Djaara. Where appropriate, the roadmap must support collaborative decision making between nations about shared waterways. Development of State-wide policy must be flexible so that nations can manage policy without having to refer to govt/state structures. Djaara is the decision-maker when acting on behalf of the Minister in their role as waterway manager for example) in the event of a flood the operational managers of the river system will seek guidance from Djaara regarding use and direction of those flood flows into floodplain systems. Up to 93% of Dja Dja Wurrung Country is privately owned and 65% of this is used for agriculture. Therefore it is critical that all public land on Djaara Country must be returned to the Djaara people.



Agency/group	Responsibilities/involvement	Transfer or influence
Rural Water Corporations <i>Storage Managers and Resource Manager</i>	<ul style="list-style-type: none"> Responsible for management of water delivery for irrigation, domestic and stock purposes, drainage and salinity mitigation Operate water supply infrastructure such as dams and irrigation distribution systems to deliver consumptive and environmental water. Manage recreation facilities (e.g., caravan parks) on storages Ensure the provision of passing flows and compliance with management of diversion limits in unregulated and groundwater systems. Work with the VEW and waterway managers in planning for the delivery of environmental water. Endorse deeds-of-agreement with private land holders. 	<ul style="list-style-type: none"> Djaara demands that any decisions made around altering the way water moves across and under Country, including any infrastructure such as dams and irrigation systems, must be approved by Djaara. Any decision making and design of recreational facilities in areas with Cultural significance must be done in collaboration or partnership with Djaara. Djaara to be involved in decision making about diversion caps. In taking on waterway management responsibilities, Djaara will have the final say on the management of passing flows. Any reviews of bulk entitlements that may effect passing flows must be reviewed and approved by Djaara. Transition of role over time for Djaara to eventually become water manager for 'catchment' defined by Country boundary lines. Through this transition Djaara will increase our influence over environmental water flows to achieve cultural, biocultural or seasonal outcomes.
Urban Water Corporations <i>Reticulated water services</i>	<ul style="list-style-type: none"> Responsible for the supply of drinking water and the removal and treatment of sewage and trade waste (including treatment to standard determined by the EPA to protect receiving streams). Manage recycled water (tertiary treated wastewater) (including for irrigation or to meet flow needs in flow stressed streams) 	<ul style="list-style-type: none"> Djaara to hold decision making powers for responding to breaches of EPA conditions including influencing how recycled water is disposed of and used across Country Djaara to be involved in any work that may review or alter EPA conditions set out in discharge licenses or similar.



Agency/group	Responsibilities/involvement	Transfer or influence
Catchment Management Authorities (CMAs)	<ul style="list-style-type: none"> Waterway Manager and Flood Management Authority under Water Act 1989 	<ul style="list-style-type: none"> Djaara to become the waterway manager, transitioning roles over time for Djaara to eventually become water manager for 'catchment' defined by Country boundary lines, and be responsible for flood & drainage management and catchment programs. Through this transition Djaara will increase our influence over water flows to achieve cultural, biocultural or seasonal outcomes Dja Dja Wurrung to be participating at a level of 'Collaborate' or Empower' (IAP2 spectrum). There is a need for more Dja Dja Wurrung people in leadership roles, mentorship and capacity building of Jaara youth to work in caring for Country roles, being skilled up for roles in positions relating to environmental water delivery on Country, and roles in monitoring.
Waterway Manager	<ul style="list-style-type: none"> Identify regional priorities for water management in regional Waterway Strategies. Environmental Water <ul style="list-style-type: none"> In consultation with the community assess water regime requirements of priority rivers and wetlands and identify environmental watering needs to meet agreed objectives. Propose annual environmental watering actions to the VEWH and implement the VEWH environmental watering decisions under S 192A of Water Act 1989 Identify opportunities for, and implement, environmental works to use environmental water more efficiently. Provide critical input to management of other types of environmental water (passing flows management, above cap water). Report on environmental water management activities undertaken. Rural Drainage <ul style="list-style-type: none"> the lead agency for rural drainage with CMA's (providing support to Councils and landholders). Facilitate development of rural drainage management plans Flood Management <ul style="list-style-type: none"> key role in flood planning and management. This includes a statutory obligation to collect and coordinate flood data and make it publicly available 	<ul style="list-style-type: none"> Where appropriate, the roadmap must support collaborative decision making between nations about shared waterways. Dja Dja Wurrung to work in consultation with other Aboriginal Groups, assess water regime requirements of key rivers and wetlands and identify cultural and biocultural watering needs to meet Nations objectives informed by cultural mapping and cultural knowledge tools.

Agency/group	Responsibilities/involvement	Transfer or influence
Victorian Environmental Water Holder (VEWH)	<ul style="list-style-type: none"> • Holds the environmental water entitlements that make up the Victorian Environmental Water Holdings and are the basis for Victoria's environmental watering program. • Make decisions about the most effective use of the Water Holdings, including use, trade and carryover. • Authorise waterway managers to implement watering decisions. • Liaise with other water holders to ensure coordinated use of all sources of environmental water. • Publicly communicate environmental watering decisions and outcomes. • Commission targeted projects to demonstrate ecological outcomes of environmental watering at key sites. • Report on management of the Water Holdings. 	<ul style="list-style-type: none"> • Dja Dja Wurrung wants the reallocation of environmental water to be owned by Djaara, including a transition stage where the VEWH supports Djaara to build capacity in the VEWH's current roles and responsibilities, including liaison with other water holders, with the aim for Djaara to be sole managers for water on Country.
Commonwealth Environmental Water Holder (CEWH)	<ul style="list-style-type: none"> • Make decisions about the use of Commonwealth environmental water holdings, including providing water to the VEWH for use in Victoria. • Liaise with the VEWH to ensure coordinated use of environmental water in Victoria. • Report on management of Commonwealth water holdings. 	<ul style="list-style-type: none"> • Refer to above regarding transition of responsibilities to liaise with the CEWH
Parks Victoria Land Manager	<ul style="list-style-type: none"> • Implement the relevant components of EWMPs. • Operate, maintain and replace, as agreed, the infrastructure required for delivery of environmental water, where the infrastructure is not part of the irrigation delivery system. • Where agreed, participate in the periodic review of relevant EWMPs. • Manage and report on other relevant catchment management and risk management actions required due to the implementation of environmental water. • Parks Victoria is the land manager of public land estate 	<ul style="list-style-type: none"> • Refer to comment in DELWP table regarding transfer of public land to Djaara

Transforming Foundations

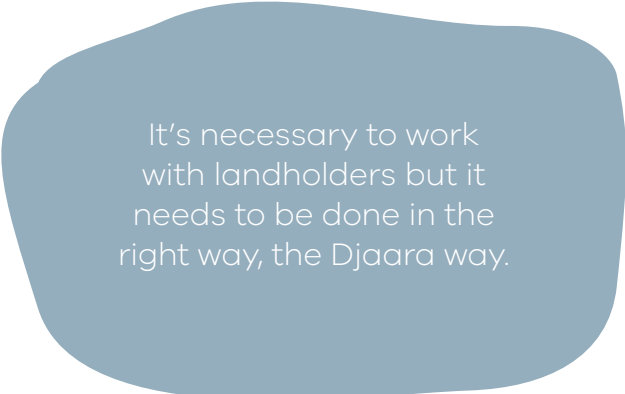
The *Dja Dja Wurrung* (Yes Yes speaking) *Djaara* (people of this Country) have been a part of this cultural landscape for countless generations. They have moved within their *Djandak* (Country) according to the seasons, customs and traditions of cultural practice. These movements were guided by a deep connection to Country, because there was no separation between people and Country, people are just one part of many that make up Country. *Djaara* believe that all of Country has *Murrup* (spirit), all things from creation are made of the same source of life. Water has spirit.

The rivers are the life blood of *Djaara* Country (*Djandak*), pumping water throughout Country like arteries of our bodies. Water is life, it is a living entity in itself and all life depended on the free flow of water throughout Country. We are nurtured by and born of water – we are water.

The natural and seasonal flow regimes on *Djaara* Country have been significantly altered by the creation of reservoirs and channels, enabling the control and release of flows when farmers want it for foreign crops that don't align with natural seasons or ecosystems. This is not in line with breeding times of many native species and therefore affects levels of sustainable populations. It also effects the movement of animals to have to go where the water is stored. Irrigation would have been a strange concept to our ancestors. Meddling with the natural course of water for human only purposes would have caused more harms than gains and breached the lore's of this land. It has undermined the spirituality of water and its integrity of the knowing the best path for its role in Country.

Our Cultural places need to be adequately protected for us to truly be able to call a landscape 'healthy'. This includes Cultural sites that may not be considered a priority under the current ecological Western-based frameworks. Things that are considered healthy to us, are not the same things that CMAs, water corporations consider healthy. This perception needs to change and Cultural values protected the same way that ecological values are, in order for us to be able to truly call a landscape 'healthy'. The returning of *Murrup* (spirit), practice (Caring for Country) and people (self determination of *Djaara*) to landscapes is vital to enable *Dja Dja Wurrung* to lead the decolonisation of the landscape to begin to level the playing field and allow for equality and reconciliation to occur. As such, the roadmap needs to recognise *Djaara* boundaries as the catchment to reflect the spiritual and holistic view of *Djandak* and enable *Djaara* to become the waterway manager for their Country.

Dja Dja Wurrung acknowledge the need to work with private landholders but emphasise that we cannot compromise DDW values in doing so. There is an inherent risk that landholders will want to do something that doesn't align with *Djaaras* view or approach. *Dja Dja Wurrung* cant go down a road where we are supporting this misalignment to happen.



It's necessary to work with landholders but it needs to be done in the right way, the *Djaara* way.

We cant lead the conversation if we are enabling it to be changed by others who are trying to take it in another direction. We need to talk to others and get their perspectives but its hard to lead change if we are not leading the conversation, and if we are not leading the conversation then the right changes are not made. Its important to hear them out but not to compromise on *Djaaras* values or aspirations while doing so.

Education is required on both ends, to be able to understand one another, particularly the more complex components of Aboriginal culture, so therefore we must work together to learn from each other, using past experiences as a guide to shape the future. The roadmap must commit to building cultural awareness across the water sector, and supporting *Djaara* to engage with private landholders and the wider community at a level that reflects the self determination of *Djaara*.

Response to Discussion Paper, Roadmap implementation & other government processes

It is important that these policy directions are no so vague that they could be used by DELWP to under resource and prolong the achievement of TOs self-determined water policy reforms. Drawing comparisons to the cultural fire space, Djaara is cautious of Traditional Owners being under-funded and progress being stalled through ongoing, unproductive conversations and meetings. There needs to be a strong commitment to the end point and then an adequately resourced process for transitioning from current framework to next. This is where regional and state discussions are so important.

Water rights

Policy direction 1

- Committing to specific returns of water to Traditional Owners

DELWP has consistently advised Djaara that there is no unallocated water remaining. Hard to respond to this until the volumes of the stock take are known.

Policy direction 2

- Making a share of unallocated water available to Traditional Owners before market-based allocation methods are used to make the remaining share available to other parties.

Definitely need a process that improves on allocating unallocated water to Traditional Owners, recent situations where this could have occurred have failed to even consider TOs– e.g. Goulburn Murray Water Connections Project additional 2 GL of water savings, or the South-west Loddon pipeline project.

Policy direction 3

- Developing a consistent and transparent policy for sustainable fees and charges for Traditional Owners to hold and use water.

Discussion:

Stocktake of water savings volumes are likely to be inadequate for managing already known priorities on Country (e.g. Boort may need 10s of GL some years). Will need to see what this looks like and what the expectations are. Is there an opportunity to review the carry-over system so Djaara could hold greater than 100% of the entitlement (for small volumes of water) over several years to then manage water at a site with greater access?

Traditional Owners have already been subjected to protecting the rights of existing entitlement holders is what TOs have been doing for the last ten years. Continual statements about protecting the rights of existing water holders in systems where advice has been that all water is already allocated is offensive. Water rights have never been ceded.

Expect these allocations to be permanent and high reliability water shares, unencumbered by fees and charges and able to be traded in years where Country doesn't need them.

Removing barriers

Policy direction 5

- Establishing mechanisms for those Traditional Owners that do not hold freehold land, native title, or settlement agreements, to apply water to land on their Country

DELWP in the past had a program for purchasing land for the reserve system, this could be renewed and include purchase property rights, land, land access, water for Traditional Owners to care for.

Policy direction 6

- Providing resources and support to Traditional Owners as they develop and implement self-determined water projects, management and planning for cultural, spiritual, social, economic, and environmental outcomes.

Traditional Owners Corporations should get a percentage of all water sector, including ECL and included in Water Corporations proposals to the Essential Services Commission.

Increasing influence power and authority

Policy direction 7

- Developing water-sector governance arrangements to ensure that Traditional Owners are formally and informally embedded in all aspects of the water sector's design and implementation of both policy and strategy

Womin-dji-ka Gutjun Bulok

Welcome to Brolga Swamp (Tang Tang Swamp)

The Djaara people of the Dja Dja Wurrung language group, welcome you to our traditional lands. We maintain a strong spiritual, physical and economic connection to the landscape and waterways that flow through Our Country.

Gutjun Bulok is part of the wetland system stretching from the Bendigo Creek, through Whingee Swamp and north to Kow Swamp.

The ecological and cultural values of Gutjun Bulok have been impacted by habitat fragmentation, stormwater contamination, agricultural run-off and upstream water use. Djaara seek your help to care for this special place by respecting the cultural significance of Gutjun Bulok and by caring for the plants and animals that live here.

Our vision for this area is for the *Martti Bhyal* (Ancestor Red Gum) to grow tall and strong with dense canopies, for the *Gutjun* (Brolga) to become abundant once again and for a stable water regime to be reinstated that mimics the natural flows of the area.

Djinap

The feather of Djinap the Yellow-crested Cockatoo is gifted to visitors in Welcome ceremonies as a symbolic gesture of safe passage on Djaara Country.

To the DOW people and the broader community it has become a well-known place for Gutjun. We invite you to use the original and unique language of Dja Dja Wurrung people and call this place 'Gutjun Bulok' meaning Brolga Swamp in DOW Djali language.

Our mother tongue is born of this Country, it is an expression of this Country, and it is the human form of what is spoken by the birds, the trees and all that is Country.

**"Ngoldurrong yana
dhelki murrupi
gundi dhelk djaa"**

**"Let's walk together
in good spirit for
good Country"**



Parks

Policy Direction 9

- Requiring DELWP, VEWH, public land managers, water corporations and CMAs to enter into partnership agreements with Traditional Owners, where Traditional Owners want to work in partnership to achieve water-related objectives, with those agreements setting out how they will work with and support Traditional Owners.

It's important that agencies move from current exclusively western science mindset to a culturally safe partnership recognising and respecting Aboriginal traditional knowledge and ways of being. Current approach is being undertaken by agencies processes, lots within those meeting structures are irrelevant to Traditional Owners, Djaara wants to influence the structure of these meetings moving forward.

Many identified roles for Traditional Owners are at the bottoms of organisational hierarchies with little influence or power, and decisions continuing to be made by senior agency staff. This needs to change to include Traditional Owner roles and responsibilities at all organisation structure levels

Policy direction 8

- Requiring DELWP, water corporations and CMAs to provide opportunities, and support, for Traditional Owners to be involved, from the outset, in infrastructure projects.

Traditional Owners are the decision-makers on water programs with control over project resources. DELWP explore and conduct projects in response to community pressure, not considering Traditional Owners' input or objectives. Djaara as a water authority and project investor would fundamentally change this dynamic, with projects proposed to Gapa Gadjin for approval. Moorcroft's *Spectrum of Recognition* (Figure 1) applies well in this instance, including laying out a pathway towards shifting power and ensuring more effective and inclusive partnership.

Water rights and potential large-scale changes

Policy Direction 10

- Developing options to create a specific Aboriginal water product if Traditional Owners and First Peoples are unable to achieve their water-related objectives in other ways.

Djaara wants all the mobs to come together and collectively create an Aboriginal Water framework, how is water held that respects the autonomy of each TO group but enables collective management of landscapes.

Peripheral to influencing water landscapes

Policy direction 4

- Working in partnership with Traditional Owners and First Peoples to address interjurisdictional issues, especially in the Murray Darling Basin.

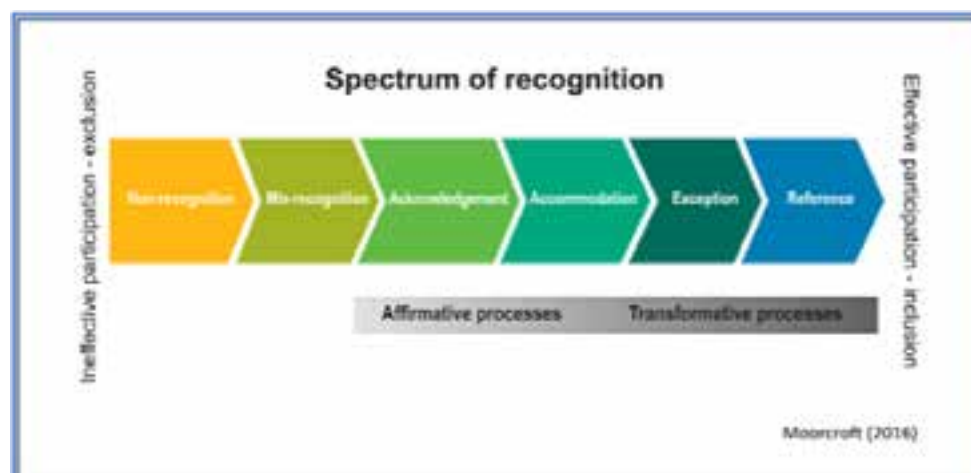


Figure 1: Spectrum of recognition. Source: Moorcroft 2016

Case study 1

Introduction

The case study presented here demonstrates the pathways to some of the water reform areas that are important to Djaara⁶. These include:

- Accessing high reliability water shares to meet the watering requirements.
- Increasing influence, power and authority in water landscapes, including strengthening partnership agreements with agencies with the objective to transition to sole management of Djandak (land), Wi (fire), and Gadjin (water).
- Removing barriers to water access and management through providing adequate resourcing to provide capacity to undertake required engagement, planning, management and monitoring of the complex.

Background

The Boort wetland complex, comprising Kinypanial Creek, Lake Boort, Lake Lyndger, Woolshed Swamp and Little Lake Boort (the complex) (Figure 2), is located on the Country of the Yung Balug Clan of Dja Dja Wurrung Clans Aboriginal Corporation (DJAARA).

The meaning of Boort in language is “smoke on the hill” and is a reference to the importance of the location and its connection to fire and Country. Yung Balug means Quoll People, named for the Clan’s totem, the Eastern Quoll (Figure 3). The Eastern Quoll is listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, and is locally extinct. DJAARA and their Yung Balug Clan is seeking to restore their spirit species back to Country.

⁶ When DJARRA is in all caps the word is referring to the Aboriginal Corporation. Djaara without caps refers to people. DJANDAK in all caps refers to the economic development arm of DJAARA. Djandak without caps refers to land.

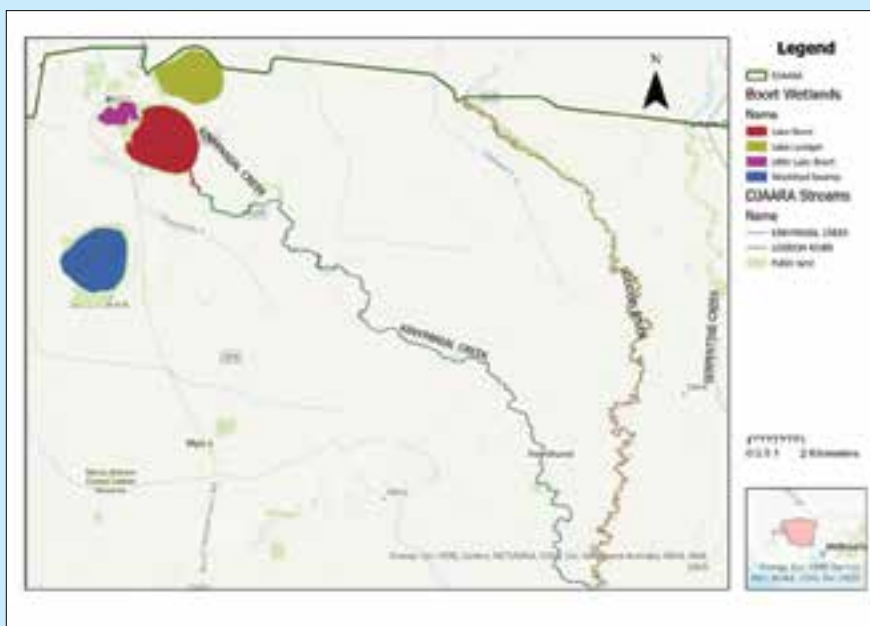


Figure 2: Boort complex showing, Woolshed Swamp, Lake Boort, Lake Lyndger, Little Lake Boort, Kinypanial Creek and the Loddon River.



Figure 3: Eastern Quoll Credit: Australian Wildlife Society.

Country Setting

The area contains significant cultural heritage sites and artefacts within and around the complex. These demonstrate that the DJAARA and their Yung Balug Clan have a long and continuing connection to this landscape. The abundant evidence includes the large number and diversity of scar trees (over 500), burials (some of these have been repatriated), numerous cooking mounds, documented photographs and the name Boort. One cooking mound was carbon dated, providing evidence that the site was occupied from a few thousand right up to 180 years ago. (Jida Gullpilil, pers. comm)

The complex has been subject to a range of severe disruptions since European invasion including changes to hydrology, the invasion of non-indigenous plants and animals, vegetation clearing and firewood harvesting and the displacement traditional Aboriginal land and water management practices. This has had far reaching consequences including the localised extinction of many species of indigenous plants and animals, the death of many large old trees⁷ across the beds of the wetlands and increased difficulty in the Traditional Owners practicing their cultural rights.

Despite this, the Yung Balug Clan's connection continues through to this day and is embedded in the Gatjin (water), Wi (fire) and Djandak (land), plants and animals. Highly significant cultural values have survived in the area including many biocultural values such as old growth River Red Gum (Plate 1) and Black Box trees (Plate 2), and important populations of native plants (Plate 3) and animals. It is important to note some of these populations of plants and animals are dangerously small, and may potentially become locally extinct if the wetland complex is not holistically managed.



Plate 1
Sea Eagle nest in river red gum tree

Source: Damien Cook



Plate 2
Very large, old growth black-box tree with a diameter at breast height (DBH) of 1.46 m.

Source: Damien Cook



Plate 3
Flat-sedge (*Cyperus gymnocaulis*), culturally significant weaving plant

Source: Damien Cook

⁷ Boort and Lyndger are named as lakes, however prior to European invasion the wetlands had extensive woodland vegetation communities, which means they would have been swamps.

Investigations and planning undertaken to date

Since 2016, the DJAARA and their Yung Balug Clan have been working towards being sole managers of the complex through undertaking research, management planning and implementation. This includes:

Program Governance

- Developing a governance structure with the DJAARA and their Yung Balug Clan as the decision makers.

Overarching

- Mapping and assessment of cultural heritage at Lake Boort.
- Engaging an ecologist to undertake a habitat assessment of the complex to determine if it is feasible to reintroduce the Eastern Quoll. This work identified that there is enough resources available to have a free ranging viable population of Eastern Quoll at Woolshed Swamp (for more detail Mansergh, 2020). However, without intervention (i.e., management of Djandak, Wi and Gadjin) the condition of the habitat will decline, and this opportunity will be lost. Further, the whole complex needs to be connected to ensure a long-term viability of the species. The report defines the habitat needs of the Quoll and the management of the landscape required to enhance the quality of habitat for the species.

Djandak (land)

- Collaborated with Parks Victoria to develop a land Management Plan for Lake Boort.
- Implemented key actions from the Management Plan, including an extensive revegetation project that took advantage of the natural flooding that occurred in 2016/17, reinstating swampy woodland habitat over several years.

Wi (fire)

- Inclusion of the complex in Fire Operations Plans
- Undertaking cultural burns on the surrounding grasslands and woodlands on the higher elevations.

Gadjin (water)

- Undertaking Aboriginal Waterway Assessments, and ecological investigations⁸ (such as plant surveys, fauna surveys, documentation of incidental animal observations such as frog, mammal, reptile and bird sightings). These were undertaken post the flooding in 2016, and at various stages of the wetland drawing down. The project is a great example of Djaara and western scientists sharing knowledge.
- Mapping vegetation communities against bathymetric data. Seeking expert ecological advice on watering requirements (such as how often, how deep and for how long) of key species in each vegetation community.
- Undertaking a hydrological survey and hydraulic modelling of flows entering the wetlands via irrigation channels (note this study did not include Woolshed Swamp) and testing the feasibility of using Kinypanial Creek (the natural flow path) to determine the volumes of water required. These findings are to give an indication, and will need to be refined once Yung Balug have established their objectives, but it should be noted that Lake Boort, and Lake Lyndger – and likely Woolshed Swamp – hold up to 10 GL each at maximum capacity.
- Initial work under taken on developing a Cultural Water Management Plan, in place of the Environmental Water Management Plan that was prepared in 2010.
- Input into seasonal watering proposal developed by the North Central Catchment Management Authority for 2021/22 autumn watering, in particular the watering requirements (depth and season) for culturally significant species, such as flat sedge.

⁸ These ecological surveys also included four Traditional Owners being trained in ecological monitoring methods and data analysis during each survey.

Next Steps

1. Finalise cultural management plan for the complex (including water):
 - 1.1. Resourcing the DJAARA and their Yung Balug Clan to establish management goals and objectives, drawing on all the research undertaken over the last few years
 - 1.2. Defining the management actions to achieve the outcomes including the water regime across the complex both spatially and temporally
 - 1.3. Determining the water volumes required. Initial estimates are between 5 GL to 10 GL per year each year depending on cultural values being targeted, allowing for wetting and drying cycles but holding water in the system every year.
 - 1.4. Determining the works required to improve hydrology (e.g. connecting Woolshed Swamp to a water supply) and connectivity (i.e., working with private landholders to determine the best agreement to allow for wildlife corridor to between sites (particularly between Woolshed and Boort).
2. Managing Djandak, Wi and Gadjin management activities:
 - 2.1. Resourcing DJAARA and their Yung Balug Clan to provide oversight to the next and to be able to increase management responsibilities more people will need to be engaged, and they will need to learn how management is currently undertaken.
 - 2.2. Establishing a trial program over five to ten years and allocating an annual water entitlement to manage the site. Djaara understand the transition of power will need to occur over time. In the short term DJANDAK want to partner with the CMA to build capabilities and capacity within DJANDAK.
 - 2.3. Develop a monitoring program that measures the full suite of cultural outcomes, including biocultural, economic, health and wellbeing, employment, and a range of others as determined by DJAARA and their Yung Balug Clan.
 - 2.4. Reintroducing the Eastern Quoll and several prey species (such as the rufous bettong), including putting up a predator proof fence.
3. Partnerships and transition
 - 3.1. Developing or strengthening partnerships agreements with the VEWB and North Central CMA, Parks Victoria, DELWP Forest Fire to support the transition of management responsibilities.
 - 3.2. Reviewing management actions from partner strategies and management plans that could improve hydrology, such as reinstating natural flow path through removal of levee banks⁹ and other obstructions, to enable more frequent natural flooding.

⁹ There are key actions identified in the North Central CMA's regional floodplain management strategy.

Case study 2

Kamarooka wetlands Complex - Tang Tang Swamp

Tang Tang Swamp is part of the Kamarooka Wetlands Complex (Figure 4) located on an active floodplain in the Bendigo/Myers creek sub-catchment on the eastern Loddon River floodplain about half an hour north of Bendigo.

Tang Tang Swamp is one of the last remaining wetlands on Djaara floodplain Country with living, mature (old growth) river red gum trees (including many 300+ years old) (Plate 4). It is classified as a temporary freshwater swamp and it is a remnant of an earlier stream course on the floodplain of Bendigo Creek. The wetland contains a high diversity of water dependent plants and animals. As well as the stands

of mature river red gums, the wetland supports aquatic plants and patches of rare native grassland (Plate 5). These vegetation communities provide habitat to more than 43 waterbird species, 14 are listed as significant, and at least 19 of which have historically bred at the wetland.

The site has very high cultural significance to Djaara. A significant number of trees pre-date European occupation when their ancestors lived among them. The wetland would have provided for many needs of Djaara people and cultural heritage remnants (such as middens) are scattered throughout.



Figure 4: Kamarooka Wetland Complex featuring Tang Tang Swamp



10 DEPI 2014, The Victorian Wetland Classification Framework 2014, Department of Environment and Primary Industries, East Melbourne, Victoria.

Investigations and planning undertaken to date

Aboriginal Waterway Assessment

In 2017, Djaara undertook an Aboriginal Waterway Assessment at Tang Tang and identified a range of significant values and threats to those values. At this point in time, these can't be shared here due to confidentiality. But the outcome of this work has identified a range of actions that are required to be undertaken that will align with Principle 3.

Cultural fire

Djandak has managed several cultural burns at Tang Tang Swamp and the other public land swamp in the wetland complex, Thunder Swamp. This practice is ongoing.

Sustainable Hunting Action Plan Phase 1 (SHAP 1)

A number of on-ground actions were undertaken with SHAP 1 funding. These were primarily to improve visitor access and experience including fence removal, gates installed, car park defined, and improvement to the way the swamp can be accessed by walk ins, and cultural interpretative signage. Under the SHAP 1 project Djandak also constructed a sand bag levee to mitigate the impact of drainage to the downstream north of the wetland and extend the duration of flooding (a natural event) as well as make the wetland deeper to enable waiting of river red gum trees at higher elevations, which were showing signs of stress.



Plate 4
Old Growth River
Red Gum tree



Plate 5
Extensive Cane Grass vegetation community





Next Steps

Selection as a pilot site and develop a management plan

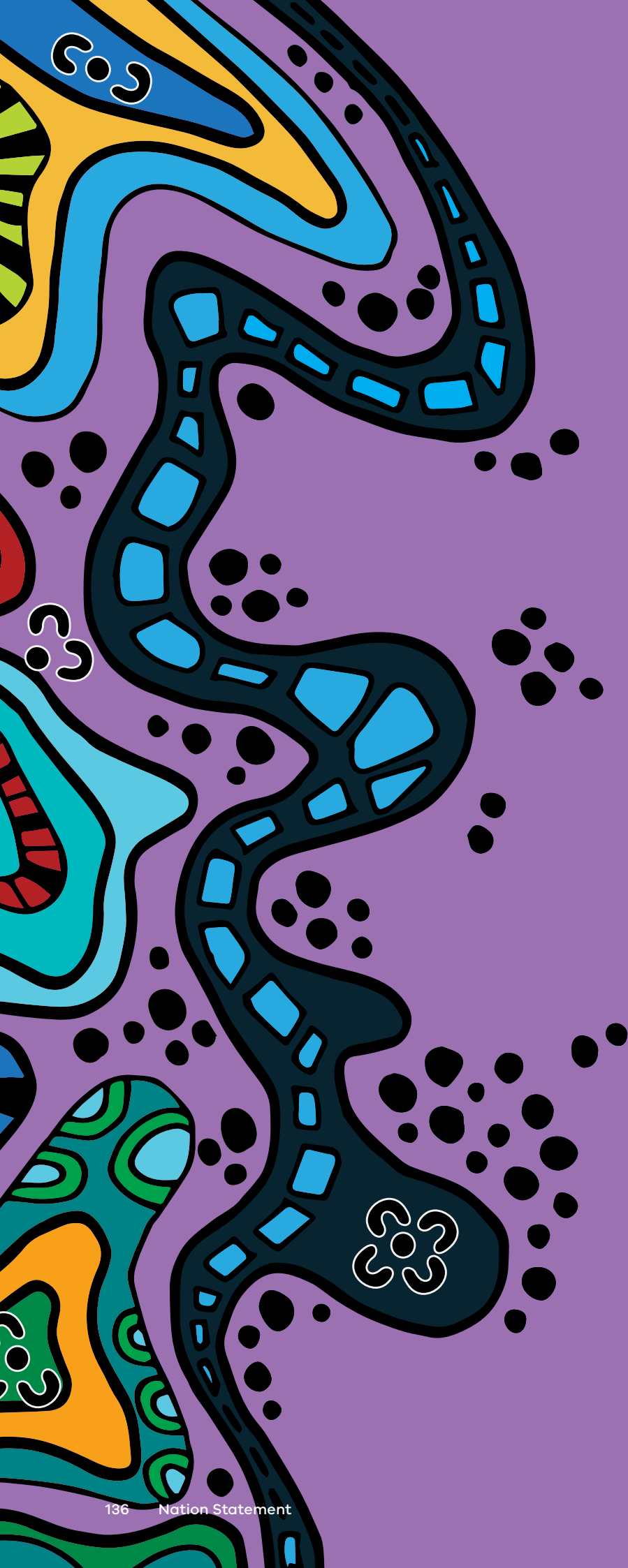
Djandak collaborated with the North Central CMA to co-design a project proposal under the Environmental Contribution Levy Tranche 5. The project wasn't funded, as the Department provided the CMA with COVID 19 employment stimulus funding to construct "shovel ready" fishways in the north of the region. However, the project activities outlined below align well with Principle 3.

1. **Establishing cultural management outcomes and cultural approvals:** This activity will be undertaken in year 1 and will fund a project officer (0.5 FTE) to review the Tang Tang Swamp Environmental Water Management Plan (EWMP) and develop a Water Management Plan (WMP) that includes cultural (and environmental) outcomes including:
 - i. engaging the local family group (clan)
 - ii. engaging key stakeholders and the local community to include local knowledge and current management decisions
 - iii. developing an Aboriginal Cultural Heritage Land Management Agreement (ACHLMA)¹¹ with Parks Victoria, which will complement the WMP, and provide an agreed framework for protecting and managing Aboriginal cultural heritage during ongoing land management activities.

2. **Detailed design review and approvals:** Detailed design was completed four years ago. Since this time, research and engagement has contributed to new information being available and it is prudent to ensure the design incorporates this information where necessary. This will be completed in year 1 along with the preparation of new design drawings (if necessary), native vegetation assessment and other approvals.
3. **Construction and commissioning:** The project will fund the construction of a pipeline from GMW-managed water storage Tandara pondage to Tang Tang Swamp and associated delivery infrastructure in year 2. Construction will be managed by GMW. The construction phase will require ecological commissioning of the delivery infrastructure (i.e. the delivery of water) and removal of a temporary sandbag sill. The North Central CMA will enter a Memorandum of Understanding with GMW to seek funding for operation and maintenance and the infrastructure would be included on the GMW asset register.

References

DELWP (2019) *Traditional Owner objectives and outcomes: Victoria's water resource plans*. Department of Environment, Land, Water and Planning, Melbourne.



DUDUROA DHARGAL ABORIGINAL CORPORATION Nation Statement



Who We Are

We are proud people of the Duduroa nation.

We are the people of the stones and mountains, and makers of ice and rain. We have been looking after country, water and cultural heritage in the North-East region for decades, and our ancestors for thousands of years before this.

We have never ceded sovereignty and we assert our rights to water in our country.

Our Vision for Water and Country

For future generations to enjoy healthy waterways which are thriving and rich in resources, with cultural heritage protected. Being the sovereign water holder and authority to manage water so that country and its people can thrive.

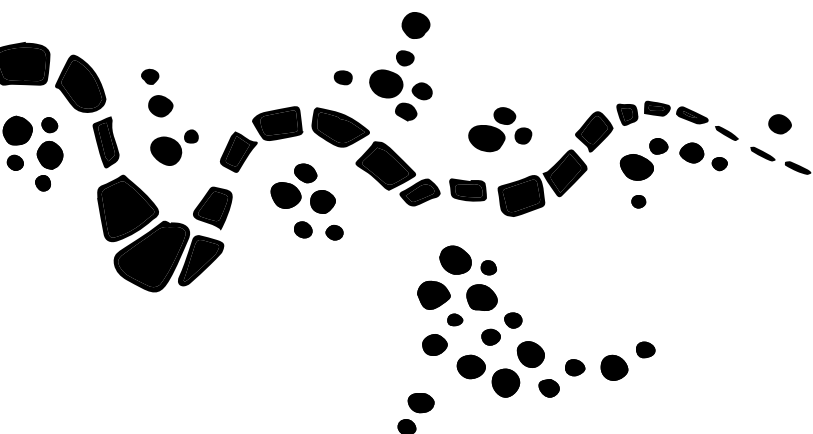


Our Objectives

- Continue to rebuild our strong nation and to exercise our full rights to country and water.
- Protect the environment in Duduroa country and ensure the health of the land and waterways, including cultural burning.
- Develop and promote DDAC's On-country Plan, which includes investigating opportunities for getting back to country for the practice of cultural beliefs and Duduroa Dhargal aspirations for managing water, land, biodiversity and cultural heritage on all Duduroa Dhargal country.
- Become the decision makers for environmental water and work with government agencies to build partnerships in managing country and water.
- Gain authority to hold, manage and allocate water in Duduroa country with no restrictions or use fees.
- Be well resourced to be able to deliver water, manage water and run cultural programs for water management, education and other programs.
- Work with other nations upstream, and downstream of the rivers which are born in our country, to care for water and its associated totems, so that everyone can be healthy and thrive.
- To reconnect to traditional knowledge and practice that guides us on how to manage water and all that is associated with it.

What We Expect from the Roadmap

- Funding for water infrastructure to deliver Aboriginal water on our country
- Water allocation for Duduroa to utilize for aspirations for country
- Recognition of our full rights as Indigenous people
- Support and resources to deliver our aspirations for country through a Country Plan
- Recognition of Duduroa authority to make decisions about water on country
- For Aboriginal people to have an equal seat at a roundtable of water stakeholders in order to understand others requirements of water
- Recognition that all water is Aboriginal water, and that other uses for water are sub-allocations from Aboriginal water
- To be empowered to participate in managing water and traditional resources that rely on water – birds, animals and plants through ongoing financial support/employment in water management





Eastern Maar
Aboriginal Corporation





EASTERN MAAR

Nation Statement

Tower Hill, Dhauwurd-Wurrung Country



NGOOTJOON PARREEYT -
PARREEYT POONTEEN

The Eastern Maar
Aboriginal Corporation
(EMAC) is the Prescribed
Body Corporate and
Registered Aboriginal Party
that represents the Cultural
Obligations, Rights and
Assertions of the Eastern
Maar as described in
our Country Plan
*Meerreengeeye
Ngakeepoorryeeyt.*

The Eastern Maar comprise five major Maar/Mara language groups, being Gulidjan, Gadubanud, Keerray, Djargurd & Dauwurd wurrung. Additionally, Eastern Maar include Djab Wurrung, a West Kulin speaking group. Eastern Maar is our self-descriptive in context as outlined above. Maar/Mara is translated to the English word "People".

The following Statement is made on behalf of the Eastern Maar in accordance with our governance processes.

Meerreeng, Parreeyt pa Moornong (Land, Water and Sky) are zoetic constitutional balancing components of the greater Maar bio-cultural landscape. With respect and adherence to Maar law/lore, a reciprocating relationship with these elements, each remain the key definers of what and who the Eastern Maar are. These definers are manifested in our strong, ongoing, and continuously evolving and living culture, unmovable identity, and our inherent obligation to safeguard our Ancestral Territory from the existential threat of ongoing colonisation.

For meaningful, genuine, considered, and progressive dialogue to occur, it is important to firstly acknowledge Eastern Maar's constitutional parity with that of the Crown. It is this constitutional parity that protects Eastern Maar sovereignty and parreeyt rights.

Parreeyt, in context of Maar Ancestral Territory is unceded in any legal framework including those developed by the Crown of England, it's governance structures and delegations of authority to what is now known as Australia and the State of Victoria. Eastern Maar have never consented, surrendered, nor granted rights of access to the Crown in any capacity.

This assuming of ownership by the Crown was done so with a campaign of wholesale violence resulting in occupation of Maar Ancestral Territory. This occupation continues to be upheld today via the many laws, regulations, policies and procedures, well-resourced government institutions and vested external parties, that proactively promote an intimidating and violent enforcement regime to protect those interests, alongside a narrative into the broader public designed to marginalise and misalign Traditional Owners generally. The financial investment made into the deliberate destruction of Eastern Maar society over a period of 190 years has been exorbitant for the reward it has brought to the Crown and its subjects.

With that in mind, the Waterways Roadmap plan presents an opportunity for all parties to step toward depoliticising parreeyt and promote parreeyt for what it really is, in accordance with the Eastern Maar law/lore. It is the right time for the new Waterways Roadmap to be brave, progressive, and responsive to the opportunity Eastern Maar presents. This opportunity is a parreeyt-driven social plan for the re-investment in Eastern Maar Society, our governance structures, language, knowledge, and obligations to protect Parreeyt in accordance with Maar law/lore, for the benefit of all Victorians.

As such, Eastern Maar challenges the Crown's intent for parreeyt management in its current form. This includes parreeyt being reduced to a resource that is sectioned, monetised and compartmentalised for the purposes of financial management.

The Maar know that all parreeyt is bio-cultural in its entirety irrespective of the titled “allocations” such as “cultural flows” for example.

It is the intent of this statement to share both our position on parreeyt, to articulate why and promote the opportunity for a greater collaborative bio-cultural values-based approach for the future.

The Eastern Maar strongly encourage the Crown to acknowledge and respect the cultural obligations, the assertion of rights and self-determination of the Eastern Maar to develop and apply our own policies and procedures with precision and clear intent for effective change in the interest of parreeyt and all associated bio-cultural values. That the Crown acknowledge the disparity in the current relationship it has with Eastern Maar and begin a reset process that will establish a relationship founded upon real recognition of Eastern Maar’s unceded authority to speak for parreeyt, and to make decisions for parreeyt. To explain why current regimes for parreeyt management is in direct conflict with Eastern Maar law/lore and values, it is also important to understand our relationship with parreeyt to begin with.

Firstly, Eastern Maar law/lore requires us to question the how, why and when any new interaction with parreeyt is required and/or the appropriateness of that interaction.

As a higher end foundation of these laws/lore, we know Meerreeng, Parreeyt, Moornong, pa Maar (land, water, sky, and people) to be intrinsically co-dependent upon the other to sustain high levels of health and prosperity. This reciprocating co-dependency and co-beneficiary relationship model is akin to that of a family and thought of as so, in the highest order. Together we are each of the same and inseparable. Unable to be compartmentalised and segmented.


Any interaction should not be to the detriment of the values we are obliged to consider.

Secondly, Eastern Maar relationship with parreeyt is further underpinned by our understanding of life & death and what happens to our Spirit when the body is no longer required. It is a fundamental belief of the Maar, that our Spirit comes from Meerreeng, and our Spirit goes back to Meerreeng. Collectively, our Meerreeng, Parreeyt, Moornong, Allam Meen, Bunjil, pa Maar (Land, Water, Sky, Ancestors, Creator and People) are collectively, the Dreaming. A creative force of a self-perpetuating omnipresence. The Spirit of our ancestors is in the Meerreeng we walk upon, and parreeyt being the medium used to travel through meerreeng. This knowledge of parreeyt heightens its significance and underpins our relationship, with a sacredness rarely paralleled by other natural elements. This relationship with parreeyt has broader and long-term benefits for all Victorians. The Crown’s acceptance of our values, relationship & principles, will promote and achieve broader environmental & biodiversity targets, cleaner water, greater water security and longer-term economic benefits in context of real climate change and other current and impending pressures. Accepting our values, relationship and principles also elevates parreeyt for its spiritual importance within the broader community, offering a greater perspective to Australian society within context of the localised bio-cultural landscape in which they live.

It is in this relationship with parreeyt that we relate to it as we would a family member, as with individual relationships with an Elder and/or a newborn infant. With a sense of concern, caution, reverence, and calm optimism. Therefore Parreeyt is Sacred. And with that sacredness comes an obligation to act as its advocate, its guardian, its community, its family.

Parreeyt is a bio-cultural value that has been “managed” inappropriately via the policies and procedures of successive Australian and Victorian governments whose ideology is firmly rooted in the false narrative of aqua nullius and colonisation.

This compartmentalisation of parreeyt now generates a transaction-based relationship that normalises terms such as “unallocated water” and “allocations of cultural flows”.

A wide waterfall cascading over dark rocks into a pool of water, with a green grassy bank in the background.

Thanang Poonart (Hopkins Falls).
Dhauwurd-Wurrung and Kirrae
Whurrung Country

The current governance system for parreeyt management is one borne out of colonisation, dispossession, and a race-based campaign to dispossess Eastern Maar of parreeyt. This regime alienates and marginalises Eastern Maar from our role as contributors and benefactors of parreeyt. This regime continues in the year 2022 in the form of the *Water Act 1989*. This Act is but one part of many mechanisms that have acted to suppress the role of Eastern Maar in all matters bio-cultural as exemplified in Section 7: the Crown's "right" to use, flow and control of all water in a waterway and all ground water. The Eastern Maar remind the Crown that we have never ceded any right, ownership, or control of parreeyt to the Crown in any manner at any time. That said, Eastern Maar remain open to genuine dialogue with the Crown based on a real recognition of our rights discussion.

Further to that point, Eastern Maar objects to the narrative that reduces the status of Eastern Maar's inherent rights to that of the "rights" of water leaseholders via the current system's limited rights for water shareholder model. "Entitlement holders" as referred to in the discussion paper's statement are limited rights holders subject to the conditions set by the Crown and does not at any time take from the Crown it's ultimate "ownership". Eastern Maar remain outright owners of rights and obligations to care and make decisions for parreeyt.

Eastern Maar also declines to use the vernacular of the current management regime and challenge the notions and definitions of "set asides" "allocations" and "unallocated" in context of the values and relationship outlined above.

Eastern Maar's ownership of and/or access to parreeyt cannot, nor should it be, recognised as part of a process founded in the doctrine of aqua nullius as outlined above. Considering the magnitude of the injustice inflicted upon Eastern Maar, it is not acceptable that Eastern Maar be subjected to more trauma by the Crown's persistence in confining Eastern Maar to a licence/permit model that recognises only limited "rights" and further upholds the notion of aqua nullius. However, it remains Eastern Maar's strongest desire to work with the Crown to establish a new order of rights recognition and resulting processes and its accompanying mechanisms that acknowledgement Eastern Maar's parreeyt sovereignty whilst enhancing the longer-term water security for all Victorians. Eastern Maar should not be confined to the current regime for all the reasons outlined above.

At the very least, Eastern Maar assert that the role of all Traditional Owners' decision-making authority is equal to, if not greater than, the decision-making status of the Crown within their respective Ancestral Territorys. This provides the Crown with opportunity to act based on the values it claims to possess and co-develop a new model of operation.

The new model will acknowledge the cultural obligations, rights, and assertions of Eastern Maar.

- This requires the Crown to recognise the legitimacy of our rights, law/lore and governance processes as being uncaded to theirs and in equal step.
- The Crown must commit to a process of genuine transfer of power and accountability to effectively enable self-determination. It must also recognise that Eastern Maar's rights and assertions are unique to our nation and will require a unique response.
- All parreeyt management going forward must be based on the understanding that all flows are bio-cultural and requires a reset on how decisions are made.
- Eastern Maar are the Cultural Guardians of Meerreeng, Parreeyt and Moorrnong for our respective Ancestral Territory. This is a role of uncaded authority that has been vested to us by Maar Allam Meen (Ancestors).

Eastern Maar's objective for the coming 30 years is driven by all that has been articulated in this statement. Regarding parreeyt, it is Eastern Maar's primary objective to restore waterways to a healthy condition as determined by its bio-cultural value within the broader landscape. This will in turn provide a stable foundation that supports a rich and abundant biodiversity, providing greater contributions to the overall health of all Victorians.

In succinct form:

- Eastern Maar management will focus on bio-cultural regions and landscapes.
- Eastern Maar recognise that fresh, brackish, and saline systems are of equal value and must be managed as part of the greater bio-cultural landscape.
- Eastern Maar view Country through the lens of a bio-cultural landscape containing intricate, complex, and multi-layered cultural values in an anastomosis manner.
- Eastern Maar seeks to work with neighbouring Traditional Owners where shared values may be identified that intersect across bio-cultural regions, with an intent to foster a greater landscape-based bio-cultural regional management approach.
- Eastern Maar supports all Traditional Owners in the practice of their culture on waterways.
- Eastern Maar's goal is to reinstate our role as primary knowledge holders, decision makers and practitioners for parreeyt with all the associated cultural obligation, shared benefit and accountability.
- Eastern Maar are committed to this objective and believe that the reinstatement of our role is achievable with genuine recognition by the Crown and a clear willingness on the part of the Crown to work with us.

A “water return” would and should only be an accepted outcome if it is one component of a greater redress action in context of this statement.



Eastern Maar's Unceded Rights and Access to Water

Eastern Maar challenges the licencing of "unallocated water" if it is intended by the Crown to be a means of complete redress to Eastern Maar for past injustices perpetrated directly or indirectly by the Crown.

A "water return" would and should only be an accepted outcome if it is one component of a greater redress action in context of this statement. Again, this is an achievable objective should the Crown commit to a process of recognition of Eastern Maar cultural obligations, rights, and assertions. However, to achieve this as an initial outcome, this would require the development of a new legal framework and mechanism to account for Eastern Maar's unceded rights and own governance processes.

Eastern Maar Law/Lore warrants a request for a full account of the uses and sources of parreeyt on our Ancestral Territory. This will be collated and presented in a readable format to enable Eastern Maar an informed, free, and informed consent to ascertain what volumes are already "allocated" by the Crown for use in industry, agriculture, environment etc.

Eastern Maar asserts our ownership of parreeyt rights including "allocated and unallocated" parreeyt as authorised by Eastern Maar law/lore. Eastern Maar however invites the Crown to work collaboratively with Eastern Maar to explore modes of management that do not currently exist that will be in accordance with Eastern Maar law/lore equal to the law of the Crown.

Eastern Maar will not pay fees to the Crown for access to parreeyt. If Eastern Maar were supportive of a

"handback model", that model too must recognise and reflect Eastern Maar sovereignty. Eastern Maar self-determination includes the exploration of all options available to Eastern Maar for benefits that are enjoyed by the Crown and other lease holders/ stakeholders. Eastern Maar has at no time consented to the Crown's usurping of parreeyt and the application of fee structures then imposed for conditional access.

Therefore action 2.4 concerning the fees and charges the government has been collecting for the parreeyt which has been denied to Eastern Maar for more than 200 years further disempowers and dispossesses our people and denies our right to self-determination on our Country by monetising parreeyt and requiring us to beg for "free" access to our own resources. Dictating to Traditional Owners how they may use their resources, especially if it is to support economic development which the Crown has enjoyed for the past 200 years is not supported Eastern Maar are not opposed to the access of parreeyt by all other Victorians and would welcome the opportunity to work closely with the Crown to accommodate allocations in a new parreeyt governance model. Eastern Maar promote a shared water holder model that ensures decisions made about parreeyt are not to the detriment of the bio-cultural values possessed by Eastern Maar. Eastern Maar believe this is an achievable model that can mitigate climate change challenges for the immediate future and existing challenges that are the result of existing parreeyt management now.

Lake Beeac is a Ramsar wetland,
Gulidjan Country

Reintroducing Eastern Maar's role as a waterways landscape manager

Under current management laws of the Crown and resulting governance processes, Eastern Maar has no recognised statutory decision-making platform that accommodates a full, free, and prior consent model of participation and contribution. This continues to be contrary to the obligations Australia has signed to uphold as part of the United Nations Declaration on the Rights of Indigenous Peoples. Eastern Maar has within its Ancestral Territory many waterbodies including highly valued Ramsar listed wetlands, crater lakes, playa lakes, saline wetlands, fresh wetlands, brackish wetlands, extensive aquifer deposits, watercourses including "named and unnamed" waterways. Eastern Maar are acutely aware of the complexities of trying to manoeuvre through the multiple layers of existing parreeyt management agencies and their policies and procedures. Current models of management are problematic, cumbersome, and ineffective.

Lake Bullen Merri Lake Reserve exemplifies the current practice of wetland management as part of what is known as the Western District Lakes. Lake Bullen Merri has a boundary that is determined by the Doctrine of Accretion on one side with fixed boundaries for the remainder.

The below example is the management model of all parreeyt in the Eastern Maar Ancestral Territory and highlights the bureaucratic malarkey that is prevalent in siloed entities. Furthermore, this model of management is itself a significant factor in the detriment to parreeyt generally.

"Unreserved Crown Land" is a term associated with parreeyt in context of riverbeds, creek beds and seabed. The Traditional Owner Settlement Act delineates such a tenure as out of bounds for Traditional Owner conversation. "Unreserved Crown Land" are unceded lands. Whilst the Crown grapples within itself about who has delegated accountabilities, "unreserved Crown lands" are more often neglected by the Crown and subjected to a range of infringements by other Crown subjects.

The Curdies River that flows from Cobden to Peterborough recently gained notoriety for a high number of dead cattle that had been discovered within it, accompanied by a blue green algal bloom. It was determined that DELWP would lead the recovery of 21 dead cows and have them buried on adjacent private property. It is not the charter of DELWP to undertake such works; but no other Crown

In the multitude of conversations Eastern Maar participate in for this one wetland, each of the following outputs have a separate agency/department lead. These are:

1. The Lakebed (Parks Victoria)
2. Public access (Corangamite Shire, DELWP, Parks Victoria)
3. Blue Green Algae Bloom (Corangamite Shire)
4. Recreation (boating, skiing) (Better Boating Victoria, Victoria Police)
5. Fishing (including stocking and enforcement) (Victorian Fisheries Authority)
6. Water extraction licencing (Southern Rural Water)
7. Catchment Management (Corangamite Catchment Management Authority)
8. Biodiversity - Flora and Fauna Management (DELWP)
9. Flood Management (DELWP)
10. Emergency Response (Fire, Search & Rescue) (DELWP, Victoria Police, CFA)
11. Public Asset Management (Corangamite Shire)
12. Stakeholder Management (Topic dependant)
13. Committee of Management Foreshore (Corangamite Shire)
14. Other interested parties - Camperdown Angling Club
15. Contaminations - Environment Protection Authority Victoria
16. Cultural Heritage and Native Title - Eastern Maar Aboriginal Corporation

agency would take responsibility. Such a response is typical of treating the result and not treating the cause. The Curdies River, like so many, has no fencing that separates stocked private land and the waterway. This results in dead livestock frequently fouling parreeyt with decomposing carcasses. The quality of water is compromised by urine, excrement, pugging, farm runoff, chemical runoff and the encroachment of agricultural plants and environmental pests. With the onset of climate change, algal bloom, high nutrient counts, salinity, and soil erosion will continue to rapidly expand. A bio-cultural values-based management regime will mitigate these threats and risks and afford Eastern Maar stakeholders such as our farming communities' greater certainty and climate change security.

But for all the concerns Eastern Maar possess for this one waterway, there remains thousands of others within our Ancestral Territory that are at the whim of an ineffective and destabilising management regime that cannot and does not accept accountability and refuses all opportunities and invitation from Eastern Maar for our intervention. The response to such opportunities and invitations are consistently negated by the limitations of an ongoing colonised mindset toward Eastern Maar. Current management regimes devised by the Crown are a self-perpetuating regime of harm and decline as evidenced in the continued downfall trends in parreeyt values right across the state of Victoria.

Further to the role Eastern Maar has by authority of our unceded obligations, Eastern Maar's resources do not reflect the demand created for responding to the ineffective bureaucracy applied in the management of parreeyt. This scenario creates a vacuum for accurate information going out and coming in to both the Eastern Maar Nation and the broader Victorian community. The current management model promotes an environment of mistrust between Eastern Maar and agencies/departments, and further still, even between agencies/departments internal to government. It too creates deficit workplace cultures with a "too hard" inclination when faced with enquiries from Eastern Maar. This demand upon Eastern Maar's capacity to fill these gaps are further compounded by decisions made in the absence of any dialogue or input from Eastern Maar at the inception stage or by decisions made that are contrary to our objectives. However, it is argued that more harmful in the current management regime are decisions that are not made. A practice that remains of great concern and alarm to Eastern Maar.

In that regard, action 2.3 is partially supported to ensure that Traditional Owners are made aware of issues and opportunities not just to "return water" but to properly manage parreeyt and make decisions for all water, not just "unallocated water", and that the actions required are fully funded in line with the expectations of self-determination for Eastern Maar Citizens. The proposal to identify and overcome barriers, including any legislative amendments, is fully supported and should be fully funded as an immediate priority and Traditional Owners must co-design with the government a criteria for understanding, prioritising the consideration of, and addressing any "third party impacts" relative to the rights of Eastern Maar to manage parreeyt.

With regards to parreeyt management, Eastern Maar believe that this is opportunity for the Crown to overhaul its current management regime including funding models to include the role Eastern Maar are reinstating for ourselves. In the area of natural resource management, Eastern Maar recommend the Crown develop and implement a funding model that sees Eastern Maar funded with parity to all corresponding Government Departments independent of Crown interference. Activating true Eastern Maar self-determination and enabling Eastern Maar bio-cultural values and objectives to be delivered with partnering agencies and departments in support will also be a benefitting Closing the Gap measure and effective reconciliation in action.

Agency and department partnerships and any prospective management agreements with all parreeyt agencies and departments who possess delegations of decision-making powers should be pursued under this new model.

For meaningful and long-term tangible success, there is a requirement for the Crown to invest in the Eastern Maar, co-develop a new parreeyt management model that captures and accurately reflects Eastern Maar bio-cultural objectives and enhance Eastern Maar capacity to deliver on-ground works. This new management regime should not hinder, negate nor impinge upon the Eastern Maar. Investment in the Eastern Maar by the Crown is not a new initiative. The Crown has previously made significant investment in the form of restriction of movement, kidnapping of children, mass murder, enslavement, torture, sexual assault, forced indentured work and the retainment of income streams of the Eastern Maar. The Crown's investment has sought the reduction of language use and customary practices, the denial of property rights and human rights.

We now call for the Crown to reinvest in the Eastern Maar for the right outcomes.

Immediate Outcomes/ Opportunities

- Eastern Maar assert the right to have mandated delegations of empowered decision making that will work alongside existing Crown governance processes for the management all parreeyt within our Ancestral Territory until a new model is co-developed.
 - therefore, requiring Eastern Maar to apply to government for access and to action our parreeyt rights as described in action 2.1 of the draft Water is Life plan is not supported and Eastern Maar notes that the plan identifies that the funding required to implement these actions proposed in the plan is not currently approved and cannot be guaranteed.
 - action 3.2 is partially supported, to the extent that the Victorian Government would provide the required resources to transfer power and resources from “the water sector” to Traditional Owners, not as a negotiated agreement requiring ministerial approval, and then Traditional owners would take over the required decision-making and responsibilities for parreeyt and then work in partnership with relevant “water sector” partners and other stakeholders.
- Eastern Maar assert the right to be part of a review of parreeyt management within our Ancestral Territory. The development of a Terms of Reference for such a review and afforded the appropriate resources to action any recommendations that may be promoted because of any such review.
- Eastern Maar strongly encourage the Crown to seriously consider Eastern Maar’s invitation to work alongside each other within the principles of parity in governance structures and the opportunities identified in this statement.

Since European occupation, all parreeyt within Eastern Maar’s Ancestral Territory has been manipulated by intrusive practices. These works were often and continue to be undertaken on the premise that they are “improvements” for the purposes of industry, primary producing and township development.

These “improvements” include:

- Diversion schemes (eg: Lake Corangamite, Cundare Pool, and Lough Calvert)
- Wetland drainage
- Watercourse channelling
- Wholesale Habitat Destruction
- Native flora and native fauna eradication
- State Sponsored Introduction of inappropriate plants such as Tall Wheat Grass

- Inappropriate modifications including clearing, grazing, and cropping of dry lakebeds
- Dam construction in waterways and waterbodies
- Excessive drilling and installation of bores
- Extinction and endangerment of critical flora and fauna species.

The Crown is accountable for the legacy of issues created by the ongoing colonisation of Eastern Maar’s Ancestral Territories. This is perpetuated by the monotone culture within its governments, departments, and agents. The lack of best practice principles for the benefit of parreeyt have resulted in significantly degraded bio-cultural values and altered landscapes in a way that has overwhelmingly been to the detriment of Traditional Owners, all Victorians, and including the Crown.

To assist the Crown in recognising the destructive role it has played within the Eastern Maar Ancestral Territory and to highlight the restorative role the Crown could have in support of an Eastern Maar lead recovery, Eastern Maar propose a range of empowered and authoritative recommendations to firstly neutralise the current trends of decline and begin to implement measures to reverse those trends.

Eastern Maar intends to lead a recovery of bio-cultural values and call for the Crown to support the Eastern Maar with a whole of government approach response, resourcing, and funding for Eastern Maar’s **Pang-ngooteekeeya weeng malangeepa ngeeye (Remembering our Future) Bio-cultural Landscape Strategy.**

The Eastern Maar Strategy will work to finesse the bureaucracy, develop prescriptive objectives and corresponding plans, effect understanding of Value, adapt measurables in response to bio-cultural value, afford greater certainty to stakeholders and mitigate climate change on localised levels.

Resourcing

It has not gone unnoticed that any action in the plan requiring financial and other investment is not guaranteed and is subject to the usual government bureaucratic bargaining. The government’s allocation of scarce resources has, for generations, created a destructive legacy which now requires reviewing of the funding models of Traditional Owner Corporations to better reflect the resources required by Traditional Owner Corporations and the ongoing nature of the works required, to rectify current declining trends.

A review of funding models for Traditional Owner Corporations should be undertaken with a term of reference that reflects the self-determination, cultural obligations, and assertion of rights by respective Traditional Owners.

Current funding sources are departmentalised, short term, short sighted and reflect the fractured operational nature of government itself. For Traditional Owner Corporations to participate in the Crown's land and water management regime, Traditional Owner Corporations are often required to compromise on fundamental values for gains that can only be described as politically motivated and reinforcing of a status quo of colonisation.

Funding should be provided on par with that of a departmental scale and independent of the government of the day. Such a funding model should give long-term certainty to Traditional Owner Corporations and of a singular source. Empower Traditional Owner self-determination, reflect Traditional Owner cultural obligations and enable a platform for long term vision, planning and adaptive implementation of bio-cultural recovery strategies.

It is Eastern Maar's informed position that funding "opportunities" will be declined if that opportunity does not support the long-term objectives of the Eastern Maar Citizens. All works undertaken by Eastern Maar will be guided by cultural obligation, real empowerment, and demonstrable tangible benefits for Eastern Maar Citizens. Eastern Maar works undertaken will not be driven by bureaucratic KPIs and politicking. Traditional Owners have a foundation role in land, water and resource management that is in equal standing, at the very least, with the Crown, its institutions, and governance processes.

Cultural Obligation is founded in the knowledge of Country through our intergenerational relationship with it including authority to speak on its behalf.

Transforming Foundations

The Victorian people have an opportunity to effect long-overdue change.

Eastern Maar will work with the Crown and its governments to build capacity and resilience within existing governance processes that will create an environment for adaptive change regarding the evolving nature of the Crown's relationship with Traditional Owners as an empowered rights-based demographic, unceded to the Crown nor any other foreign power.

Eastern Maar understands that current state agencies and departments are challenged by Traditional Owner assertions of rights in context of existing laws, regulations. Policies, and procedures that are founded in the colonisation of a people. Eastern Maar have a role in the decolonisation process of Commonwealth and State Governments and encourage such parties to build their capacity to better respond appropriately, and professionally. Eastern Maar encourage greater conversation about the role of Government within the Eastern Maar Ancestral Territory and the need for recognition of its failures.

Eastern Maar encourage the Government to create a culture of an openness to Eastern Maar knowledge bases, transfer of knowledge methodologies and the application of that knowledge within the Eastern Maar Ancestral Territory as held by the Eastern Maar.

Eastern Maar invite Government of all levels to work collaboratively to address and mitigate climate change and the accompanying heightened risks of flood and bushfire, biodiversity decline and extinction, reduction in natural resources and forecasted increases of pestilence.

Eastern Maar invite all stakeholders, including our primary producers (farming communities) to work closely with Eastern Maar to better provide greater food security for the future including parreeyt security.

Eastern Maar invite a whole of government and community approached response to working together based on genuine recognition of Eastern Maar sovereignty. Genuine recognition of Eastern Maar knowledge and genuine recognition of the obligations and role Eastern Maar has with regards to our Ancestral Territory.

Eastern Maar will co-develop a management regime for parreeyt with the Crown when the Crown is ready to do so.



Sheoak Falls, Gadubanud Country

Overview of Discussion Paper, Roadmap implementation and other government processes

The Eastern Maar remain optimistic that the current Waterways Road Map will reflect the opportunity that is present in Eastern Maar's invitation for a greater collaborative approach to parreeyt management whilst recognising the unceded rights, assertions, and obligations of the Eastern Maar.

At the time of writing this statement, the Waterways Road Map is challenging to read as a progressive, strong, direct, and brave document. It is unsteady, risk averse and can only be consumed as a maintenance schedule.

The Eastern Maar encourage greater conversation about parreeyt with the intent to better understand

it as a value in context of the broader bio-cultural landscape that is the Eastern Maar Ancestral Territory. The Waterways Road Map does not facilitate a platform for expansion and instead works to contain the influence of Traditional Owners to that of one within existing frameworks that again have been created to place the Crown at the top. It reinforces dispossession and ongoing cultural destruction.

Despite the self-limiting nature of the current draft, the Waterways Road Map is and should be considered as an opportunity for Restorative Justice for Traditional Owners, Proactive Reconciliation for all Victorians and Traditional Owners, and a mitigation plan for climate change.

Final comments, thoughts and recommendations

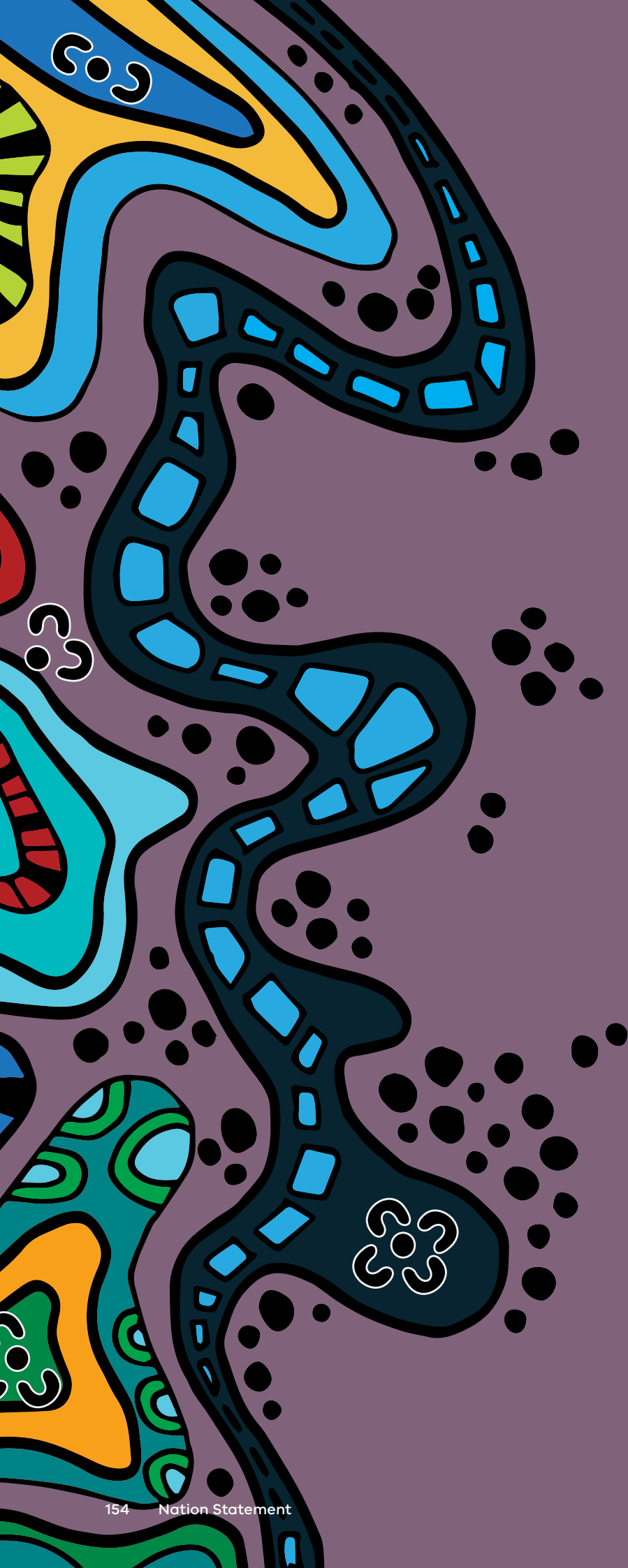
Whilst the Monarchy (The Crown) is the oldest form of government in the United Kingdom, it is not the case within the unceded territories of the various respective peoples that now make up the Eastern Maar.

With one thousand years of history in the United Kingdom, the Crown's story begins on the lands and waters of what is now known as Australia, only as recently as 1770 with the "planting of the Union Jack" by Captain James Cook on an offshore island. This is despite the many peoples of this land and water each possessing their own forms of government for as many as 60,000 years. This false assertion of rights to govern over these lands and waters of these sovereign peoples were created illegally, immorally and executed with indiscriminate violence upon the original peoples of the lands and waters.

It is understood that the Crown has a less formal role as 'Head of Nation' as in the past. The Crown is recognised by its subjects as the "Sovereign" and reportedly acts as a focus for so-called national identity, unity, and pride. Its role is to give a sense of stability and continuity; officially recognising success and excellence through its various awards; and supports the ideal of voluntary service.

With these roles in mind, The Eastern Maar calls for the Crown to remove the barriers instilled by its institutions that marginalise our Citizens from a society which has built a national identity, unity, and pride on the genocide of the Eastern Maar. To recognise our full and unhindered inclusion in the decision-making processes as a mechanism of broader stability and continuity in the face of climate change. To officially recognise the success and excellence of Eastern Maar, not in tokenistic accolades: but, in full recognition of rights. And lastly, we invite the Crown to volunteer its resources to end the campaign the Crown and its agents conduct against all indigenous peoples within its claimed reign here and around the world.

On a local level, the Eastern Maar remain optimistic in the opportunity we present to the Crown, its governments, and the broader community, to build meaningful relationships with us and to work together in the interests of all parties to futureproof the habitability of our Ancestral Territory beginning now and into the future.



FIRST PEOPLES OF THE MILLEWA-MALLEE ABORIGINAL CORPORATION Nation Statement

The following statement has been informed through engagement undertaken with First People of the Millewa-Mallee Aboriginal Corporation as part of the Roadmap for Aboriginal Access to Water. It also comprises extracts from the Department of Environment, Land, Water and Planning (DELWP) collation of Traditional Owner's Objectives and Outcomes (DELWP, 2019) included in the Northern Victoria Water Resource Plans.

We, the First Peoples of the Millewa-Mallee Aboriginal Corporation (FPMMAC), are people of the river and the scrub and desert area to the south and west of it.

We are descendent from families whose ancestors are part of this Country; ancestors who cared for it, sang to it, danced on it and kept it strong and fat.

Our ancestors taught their descendants through each generation about our responsibility to care for Country, despite the decimation and the pain suffered as a result of colonisation and the loss of our lands and water. But even when we were taken away we still belonged.

Our Country is part of our family and vice-versa.

The First Peoples of the Millewa-Mallee are connected with the waters that flow across, under and through our lands. The Millewa river, waterways, lakes, wetlands with all their birds, fish, plants and animals that inhabit them. All the surface and underground waters within our claim area, we care about and need to care for. Our old people are buried in the special places like Lindsay, Mulcra and Wallpolla Islands.

First Peoples of the Millewa-Mallee Country embrace and respect their many places of cultural significance with their great age, including the song lines that cross this country joining the ceremonial grounds and creation places. Our sacred places include the earth oven remains, scar trees, birthing trees, shell middens, ancestral resting places, story places, and the sorry places of grievous historical trauma. Cultural sites and places on Country are a direct link between contemporary First Peoples of the Millewa-Mallee people and their ancestors who created and cared for those places (DELWP, 2019).

We know these waters also extend beyond our boundaries of caretaking but we continue the cultural connections, including historic family connections, into neighbouring areas like the Chowilla wetland system in SA, Hattah-Kulkyne National Park, Robinvale and the Lake Tyrell area.

Water (& land) justice

FPMMAC have developed a biocultural landscape matrix program, which includes several conservation and economic development projects planned that require permanent annual water entitlements.

These comprise:

1. A fish hatchery that will breed both large (Murray Cod and Golden Perch) and small-bodied native fish. Native fish will be sold for stocking rivers and wetlands that will deliver on environmental outcomes through increasing populations of native fish in waterways on Country. They will also deliver social and economic outcomes through employment and providing a source of revenue for the Corporation. Detailed designs have been completed. When at full capacity the hatchery will require 365 ML/year to run it. We do not estimate this will occur for a number of years. A pilot project is currently underway at our seed nursery site in Irymple. This project will use no more than 100 kilolitres per annum.
2. Belar Nursery – Biocultural Resource Centre, a commercial native nursery based at Irymple, Victoria. A botanical nursery and seed bank for endemic plant species. This project will deliver multiple outcomes, including cultural, economic, social (health and justice) and environmental. We are identifying rare and threatened EVCs from FPM Country and will be propagating these species as part of the revegetation of damaged country. This enterprise presents an opportunity to partner with the Mallee Catchment Management Authority to complement environmental watering in the region by undertaking revegetation works across these areas.
3. A native seed processing unit, seed bank and propagation area to be established at the newly procured 20 acre block of land at Birdwoodton. The estimates for water entitlement and requirement at full capacity is around 70 ML/year. This enterprise will grow specialised native plants that do not flower annually for use in conservation activities on Neds Corner, surrounding Parks Vic land and available for external purchase and plantings.
4. FPMMAC are the future owners of Ned's Corner – a 30,000 hectare property abutting the Murray Sunset National Park, now owned by Trust for Nature and co-managed with FPMMAC until its hand-over in February 2024. FPMMAC are yet to determine the water volumes required to rejuvenate and maintain the previous bio-cultural landscape values across this area, prior to the detrimental consequences of European farm practices. Outcomes include: Land rejuvenation and restoration of endangered ECVs; native fish hatchery; a cultural burning regime which will be incorporated into the adjoining Parks Vic country where appropriate and the Safe Havens project (see below). There is a need to upgrade the river pump and water infrastructure.
5. The Safe Haven program, funded through DELWP, will include cultural mapping across the area in order to identify, manage and preserve cultural heritage; plus the fencing of a sanctuary aimed at restoring long-lost native marsupials plus other endemic fauna from this unique semi-arid region of Victoria within a vermin-proof fenced area of the property – will need water access (likely to be dams). This project will be solely managed by FPMMAC. It is anticipated that negotiations with Parks Vic will take place to access the future use of an area featuring Mallee woodland as part of the Safe Haven project. To repair and re-establish the original vegetation regimes as much as possible will require water to ensure the young plantings can survive.

Recognising rights holders, capacity building and decision-making empowerment.

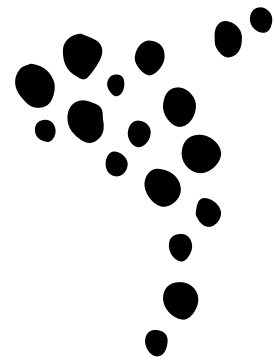
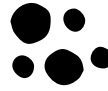
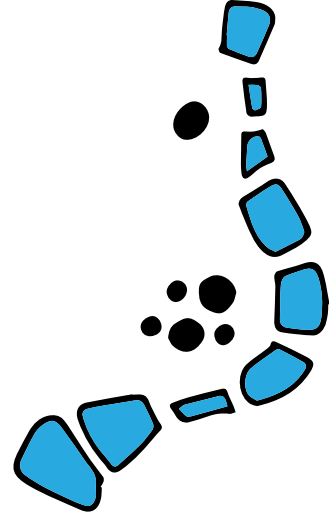
- **The Custodians of Country:** Cultural Ranger program including River Rangers, operate in land management, river, wetlands, fish and aquatic systems, cultural heritage, bush and forest management, native animal sanctuary, native plant nursery, native seed bank and seed production area, building and construction. It is important that this program is supported through a long-term sustainable funding model, to ensure employment certainty. Further, the program should be expanded to include extensive training in land and water management skills, including cultural burning and other relevant certification and general project management.
- **FPMMAC involvement** (and adequately resourced) in whole management cycle, including:
 - *Annual e-water planning and management*
 - > FPMMAC involvement in environmental watering decisions (currently incorporated in Mallee CMA seasonal watering proposals) including site selection, quantities and timing.
 - > Ensure that FPMMAC are effectively engaged and involved throughout the year as watering events are planned and delivered. A recent environmental watering event of Lake Walla Walla was not shared and consequences included the destruction of cultural heritage sites by four-wheel drivers, and a missed opportunity for FPMMAC to follow-up the environmental watering with revegetation activities.
 - > Link with management of native fish hatchery including selecting the location and timing of environmental water to support fish releases based on sites that have cultural or historical importance. Planting of appropriate riparian plant species to provide habitat for fish survival. 50:50 release – 50% for environmental releases.
 - > Amend governance structures around planning for and management of environmental water. Ensuring Seasonal Watering Proposals are endorsed by the FPMMAC Board prior to submission to the Victorian Environmental Water Holder.
 - *Long-term planning and management (including the funding for employment to undertake)*
 - > development of site-based water management plans.
 - > establishment of biocultural objectives.
 - > developing and implementing a monitoring program including establishing a baseline and trajectory for key biocultural and cultural indicators.
 - > evaluating monitoring data and updating management objectives.
 - *Infrastructure projects*
 - > Involved in development of solution to identified problem (Free Prior and Informed Consent).
 - > Endorsement role of FPMMAC for any infrastructure project on FPMMAC Country, including Cultural Heritage Management Plans.
 - > Develop and implement a monitoring program that demonstrates outcomes of infrastructure projects already constructed (or those under development but infrastructure decisions have been made), on biocultural and cultural values, with data collection informing future management decisions.
 - > FPMMAC must be consulted to become engaged as contractors and participants during construction and operation of the Victorian Murray Floodplain Restoration Project within the RAP area and possibility of adjacent areas.
 - > FPMMAC are demanding to be part of the post construction management program for the VFMRP projects. i.e. timing of release, volumes etc.
 - > FPMMAC members need support to pursue and obtain capacity building and expertise to provide consultation as TOs.
 - > Representatives from FPMMAC can provide cultural heritage awareness training. This should be mandated for all agency Boards including the Mallee CMA, Lower Murray Water Corporation and other Government organisations and agencies including contractors on infrastructure projects.

Next steps

FPMMAC have long-term plans and a strategy to reclaim their place as whole-of-country managers. Support and assistance has been received by DELWP in particular to strive towards this goal.

The promise of the return of the Neds Corner property to FPMMAC management provides a wonderful opportunity to demonstrate traditional land management practices initially by collecting seeds, their propagation and re-planting of long-lost species from this landscape, and then returning the long-lost animals.


Returning the waters through the VMFRP is also very important. The renewing of Victoria's public land legislation and inclusion of the recognition of TOs cultural knowledge and management of landscape will be very important in achieving this aim.





GUNAIKURNAI Nation Statement





Water or 'Yarnda' is a vital source of life for Gunaikurnai people throughout time, until present day. Gunaikurnai people know the value of water and how it has shaped our lifestyles and traditional stories. It is this knowledge to be passed down through generations.

Waterways are significant to Gunaikurnai people. Within the Native Title settlement area there are 43 rivers and 729 creeks as well as many lakes, wetlands, waterholes, estuaries, and a vast coastline. Our sovereignty over our 'Yarnda' flows from our (Kowa-a) mountains, (Kae Wat – a) creeks, (Yarram Yarram – a) rivers, to Murla, Toonalook and Nerran (the three Lake bodies that make up the Gippsland Lakes system).

Rain falls on our Country and the water comes from our Country's earth and snow. We value our assets, including the Wonangatti. Water is a right of our Country, people and lineage. It is an inherited right for Traditional Owners of Gippsland where our people, clans and cultural practices are defined by water.

Water was once a safe haven for our people during colonization and the massacres of Gippsland. "They were shot, until the water was red with blood." This is a quote from those times.

This same water and water all over our Country sustained our people for long periods of time and for over 27 thousand years. We will only heal once our water is given back as a safe haven, culturally and economically.

'Extraction' of water from our Country heavily impacts on its health and our peoples' well-being, we must have water returned.

The fight for water rights in Victoria and across Australia is difficult as we are still battling to reconcile with colonized concepts, and the 'Crown', and the given value of water that will now have inclusion but also barriers for Traditional Owners. We need Reform in this State and across Australia.

Tim Paton, GLaWAC Aboriginal Water Officer,
June 2022

**Woolshed Creek in the Mitchell River
National Park, East Gippsland**

Credit: GLaWAC

Front cover: Foot Printz 2

by Alfie Hudson

As Gunaikurnai, we see our land (Wurruk), waters (Yarnda), air (Watpootjan) and every living thing as one. All things come from Wurruk, Yarnda and Watpootjan and they are the spiritual life-giving resources, providing us with resources and forming the basis of our cultural practices. We have a cultural responsibility to ensure that all of it is looked after.

Access to water is integral to the Gunaikurnai people to restore customary practices, protect cultural values and uses, gain economic independence, and heal Country.

Water rights must be returned to the Gunaikurnai, so we can restore and reserve waterways, and practice self-determination on how and where our water supports our culture, our Country, and our Mob, including for economic purposes.

GLaWAC seeks to have the authority to make decisions about Country and to lead the management of Country, including water resources, on behalf of the rest of the community. We want to be resourced to actively manage water on Gunaikurnai Country, including waterways, wetlands and lakes, in a culturally appropriate way.

We want to be fairly compensated for water that others have taken, and we want it recognized we never ceded our sovereign rights – all water that rests or falls on Gunaikurnai water is Gunaikurnai water.

We are Gunaikurnai, the First people of our Country. We have survived for tens of thousands of years, often against great adversity.

We have looked after Country and passed on our stories and traditions through countless generations.

We continue to survive and thrive, maintaining connection to our Country and to our ancestors.

Sovereignty never ceded

The Gunaikurnai never ceded rights to Country - to land and water.

For thousands of years, the Gunaikurnai People were taught, don't take too much, don't be greedy. This ethos sustained the Gunaikurnai for many thousands of years, but is the opposite of what the colonial squatters did when they forced themselves onto Gunaikurnai Country in the 1840s. The squatters took away the native bush tucker by clearing the land, they drew too much from the water, changing the landscape forever. Horrendous massacres of Gunaikurnai people took place, disease was introduced. The Gunaikurnai People were robbed of their land and waters, their culture. (Un)settlement was a violation of the sovereignty of the Gunaikurnai People, and an attempted genocide – by 1850, a scant decade following 'settlement', it was estimated 90 per cent of the Gunaikurnai People had been massacred, or died.

Following desecration of People and Country, Government policy in the 1860s moved to the destruction of Aboriginal culture, forcibly integrating Aboriginal People into 'white' society, compulsorily taking Traditional Owners from their Country into missions where traditional practices were forbidden. This cultural genocide continued right through to the 1950s, almost 100 years later, when many Aboriginal families at Lake Tyers¹ were forced to move to towns to "assimilate" and get jobs.

Yet despite these horrendous war crimes, the Gunaikurnai People remained strong, connected to Country, connected to Mob, and committed to sovereignty.

Water justice for the Gunaikurnai people has been strongly articulated in many forums, for many years. This statement comes from the Gunaikurnai Whole of Country Plan, the GLaWAC Elders Council, presentations and feedback to the GLaWAC Board and the GKTOLMB and, at the core, the Gunaikurnai People who have advocated so strongly and tirelessly for rights restoration.

¹ In the early 1900s, Lake Tyers was one of the last reserves in Victoria. The Aboriginal Protection Board believed Victorian Aboriginal people were dying out, closed many other missions, and moved the people to Lake Tyers.

Our stories and songlines link us to our ancestors, who travelled across the Country practicing the customs that make us Gunaikurnai. They moved throughout the landscape to harvest and protect natural resources, to seek refuge from the seasons, and to trade and mix with neighbouring groups.

The story of Tidilick the frog tells our people, don't be too greedy. We ask through this Statement to people and Government who have, manage or seek water from Country, don't be too greedy.

Tidilick

Long ago there was a big frog and his name was Tidilick. He went to the river to have a drink. He began to drink the water from the water hole, then from the creek, then the river, 'til there was nothing left.

All the animals were thirsty. There was no water anywhere.

The animals called a meeting, they decided that one of them should try to make Tidilick laugh. Turtle and platypus played leapfrog. That didn't make Tidilick laugh. Duck and bird flew around. That didn't make Tidilick laugh. Bataluk strutted to and fro puffing out his stomach. Tidilick was nearly asleep. Snake said, 'Let me try'. He started a wiggly, squiggly dance. He twisted and nearly tied himself in a knot.

Then came a rumbling noise from Tidilick and it grew louder and louder. His mouth opened and he began to laugh. A mighty gush of water came out of his mouth, all the water came back to the water holes and the rivers.

Tidilick tells of the natural history of the area and the flood records the period of natural change. It shows the location of Lurtbit Yauung Brataualung clan group who recorded this story. It shows the natural history of the country going through a turbulent time of great natural change, which shaped the landscape as we know it today.

Water rights returned

Returning water to the Gunaikurnai as the Traditional Owners of Country opens a door long closed, restoring the custodial rights to say how, if and when to call on water for Country, water for mob. The return of water to its traditional custodians is a return of water to Country, and paves the way for strengthened sharing of traditional knowledge, customary practice and a self determined future.

Water rights across Gunaikurnai Country must be returned to the Gunaikurnai People, water ownership is the only way the Gunaikurnai People can self determine what they want for their water on Country and for mob, and when. We see that water rights restoration will pave the way for, and inform, bigger transformational and institutional changes but water has to be returned first. The handback to GLaWAC on behalf of the Gunaikurnai of the 2GL Mitchell River water was a great first step, and achieved in spite of existing barriers from instruments and tools, through a partnership approach that was committed to overcoming obstacles. However, water returns to Traditional Owners need to transition to Government policy, regulation and legislation, not rely on goodwill.

Through our ongoing relationships with government agencies and other partners, GLaWAC is aware of several pathways for water rights return. GLaWAC

acknowledges that some avenues are straightforward and others less so, and some may yield large or small water volume returns. Regardless, GLaWAC seeks that all pathways are explored in partnership with us and that all options and opportunities are priorities. Water handbacks must be as free from constraints as possible, ensure the greatest transfer of decision-making power to Gunaikurnai as possible, and should be expediated so that these possibilities are turned into a reality as fast as possible. The Roadmap must set timelines for these water returns.

Gunaikurnai Country is rich in natural resources and has sustained its people for many thousands of years.

What we seek

GLaWAC seeks the immediate return of unallocated water, water that has been identified by Government as being available for taking. We say it's not available, it is Gunaikurnai water that has not yet been taken and given away.

This is a unique opportunity for immediate water handback. GLaWAC seeks the following:

Gunaikurnai People want the right to own, use, manage and control our resources

The Mitchell River near Glenaladale, East Gippsland
Credit: GLaWAC

Now

Unallocated water on Gunaikurnai Country, where GLaWAC expresses an interest through a formal application to Government, be returned immediately.

- This includes unallocated water on the Tambo, Franklin and Albert rivers.
- We seek the full or proportionate return of unallocated water, subject to Section 40.
- We ask DELWP and Southern Rural Water (SRW) to ensure that these applications progress in a streamlined and timely manner, keeping GLaWAC informed throughout the process, and delivered.

Just as we did with the historic return of 2GL of water from the Mitchell River to the Gunaikurnai, if there are other people interested in unallocated water, we acknowledge that and seek an equitable share. We will continue to reject pressures to quantify volumes we seek to be returned as this does not accommodate cultural water and caring for Country and mob, but rather, to 'using' water.

Securing portions of unallocated water through restorative justice from Government, for GLaWAC before it goes to market is our immediate priority.

GLaWAC can confirm the powerful message that water rights restoration sends. The two billion litres of water returned from the Mitchell means the Gunaikurnai are now able to yarn about how, where and when that water can be used for cultural, environmental or economic purposes. The decision will help restore customs, help us protect culture, and heal Country.

Next steps

- GLaWAC asks the Minister for Water to change the 'Ministerial Policies for Managing Take and Use Licences (Minister for Water, 2014b)' and any other policy or legislation, so section 51 licences do not have to be linked to land until such a time as water is sought to be extracted.
- We ask the Minister for Water to ensure that for the Gunaikurnai and all other Traditional Owners who do receive what are now termed as section 51 licences, that there is not a renewal date after 12 years as currently exists – rather that this water be handed back in perpetuity.
- There must be reform to enable cultural water to be held and recognised in its own right, not retrofitted into a commodity-based framework, and not be subject to a licence renewal – it should be 'rights water', not 'leased water', for Traditional Owners.
- We seek water restoration from the Latrobe Valley as the Valley transitions away from coal power generation.

The rivers that flow on Gunaikurnai Country, we believe belong to Gunaikurnai People.

Gunaikurnai Elder, 2021

GLaWAC is concerned about the water under the ground, that it is treated like it will always be there, or like it does not matter. Across Gunaikurnai Country, small ephemeral springs are drying up. Overuse of groundwater has caused the water table to drop in South Gippsland and some cultural sites sustained by groundwater are no longer watered.



A vision for the Valley

As the power generation moves away from coal mining in the Valley, GLaWAC in partnership with the West Gippsland Catchment Management Authority and Southern Rural Water, sees a unique and exciting opportunity for Gunaikurnai Country and mob, and for all water on Country including the rivers, Lower Latrobe Wetlands, and the Gippsland Lakes, and all forms of life that depend on them. Return of water that has been taken for years for power generation could provide a once in a lifetime opportunity for Country, for the Gunaikurnai People, the environment, and for all the people who either call the Valley home, or enjoy the rivers, creeks and Gippsland Lakes.

- GLaWAC seeks as a matter of urgency to have water returned to the Gunaikurnai People in the Latrobe River system from what is called the three four bench, held in Blue Rock. This water-21,700 megalitres – is held by Government as a back up for power generation, but is not used.
- We understand there is interest from farmers in the Valley and a demonstrated need for the environment for the three four bench water, and we support the water being shared in equal thirds. Sharing this water equally between GLaWAC, the environment, and farmers can help build a lasting future for the Valley.
- As more power stations are taken off line or reduce operations and the need for maintaining a drought reserve for power generation continues to be proven as unnecessary, we seek a share of the power station drought reserve.
- GLaWAC seeks a share of the water private power companies hold as bulk entitlements for power generation, once power is not generated for Victorians. This water was a unique arrangement as part of the social licence to operate, for the benefit of Victoria. Without power generation, that social licence is null and void.
- GLaWAC is of the position that once this water is no longer reserved for mining, it is essentially 'unallocated' (and the unallocated water policy would apply). Accessing this volume will be part of a long-term transition plan around mine and coal plant closures in coming years. GLaWAC wants to be central to all discussions regarding this water.

Groundwater

GLaWAC seeks to be granted licences from unallocated groundwater, as it applies for it, and through this water statement, confirms GLaWAC's interest in all water on Country. We ask Government to remove the artificial barrier of having to say when and how this groundwater would be 'used' through a bore licence application. Groundwater returned to GLaWAC may not leave the ground – if and when GLaWAC seeks to bring it to the surface, that would be the time to put in a bore licence application.

Southern Rural Water places limits on groundwater through caps, and a licencing assessment framework that have been set without guidance or input from Gunaikurnai rights holders. For instance, even though the licencing assessment framework includes an assessment of groundwater-dependent ecosystems which may have some clear links to protecting Country, it's not underpinned by Traditional Owners' priorities, perspectives or paradigms; indeed, groundwater systems are inherently defined and described based on viability or suitability for agricultural development. Accordingly, GLaWAC wants to see (and be part of) efforts to explore options for reflecting Traditional Owners' values and priorities in extraction caps to ensure those sources and their dependent ecosystems are protected. This applies to both 'incorporated' and 'unincorporated' groundwater sources, the latter being those that government considers not likely to be intensively developed.

GLaWAC seeks to partner with Southern Rural Water to assess the feasibility of placing cultural caps on extraction from unincorporated and incorporated groundwater systems to limit how much water is available and protect these resources for the future. If there were cultural caps in place expressed as a set defined value, then DELWP and Southern Rural Water would have to assess them in application processes. These buffer zones, or exclusion zones expressed as a cultural cap would be on defined areas of cultural value and significance. GLaWAC understands that these groundwater options/opportunities may take longer. We also understand guidelines for groundwater are being developed by the Department and would like to understand when Traditional Owners will be engaged on these.

Working with our water corporation partners

- GLaWAC understands that urban water corporations (Gippsland Water and East Gippsland Water) have unused water associated with their bulk entitlements each year. The volume of this water is not a fixed amount; it varies year to year based on customers' use and water availability. In the future, GLaWAC looks forward to discussion with partners to explore opportunities where this unused water may support cultural outcomes while still meeting urban water customers' needs.
- We will work with Gippsland Water on the revision of the Merriman Creek bulk entitlement, and we confirm through this statement that GLaWAC seeks the return of unused water in Merriman Creek. This would be healing water for the Gunaikurnai People.

GLaWAC seeks a share of any water savings achieved through behavioural change, infrastructure upgrades or augmentation to be returned to the Gunaikurnai. Gunaikurnai water was taken and given to farmers, industry, just as irrigators and the environment currently enjoy.

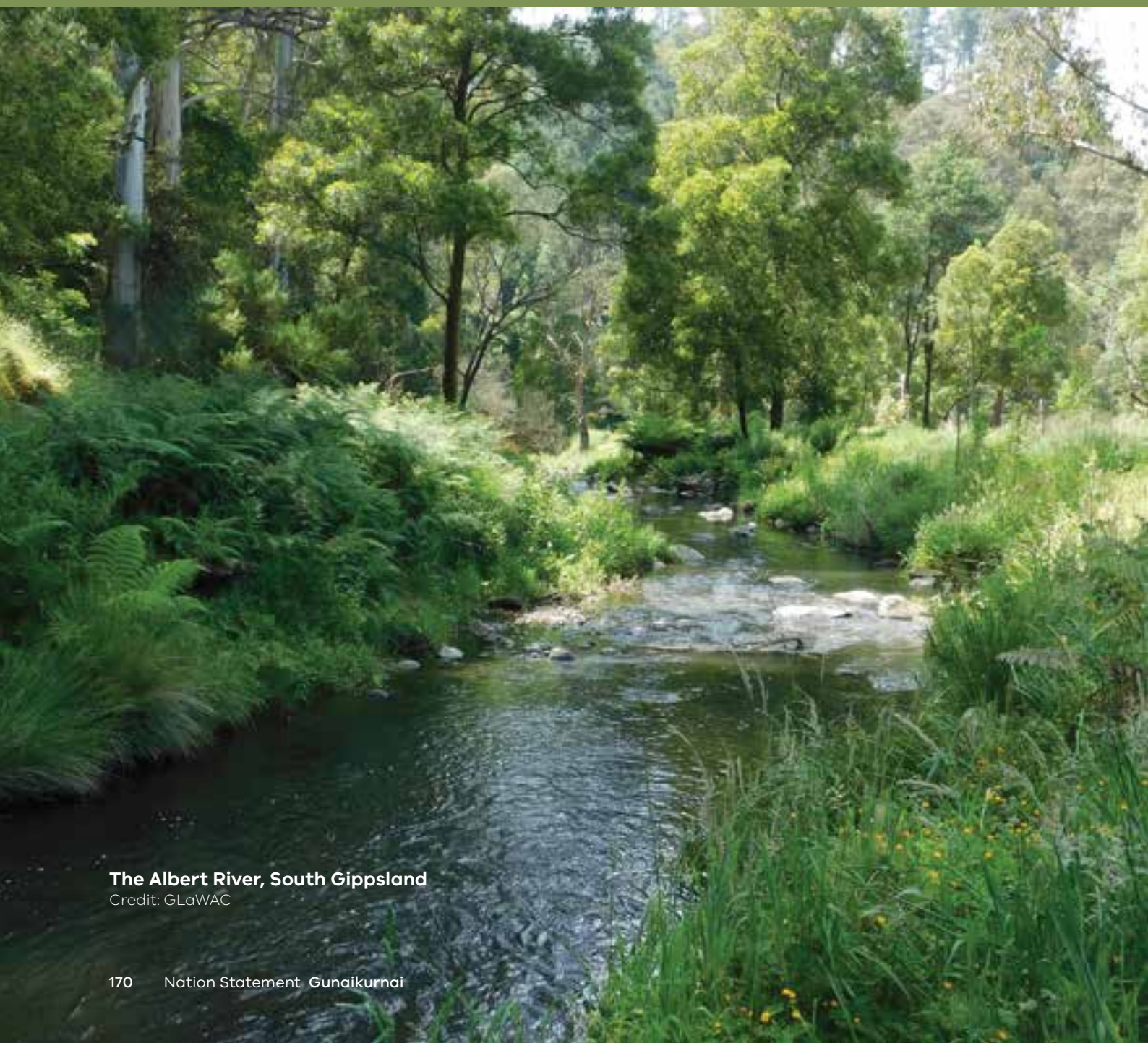
- We are working with water corporations, through both the Central and Gippsland Region Sustainable Water Strategy, and the 'Water for Life' water supply demand strategy being delivered by Melbourne Water and urban water retailers.
- GLaWAC and East Gippsland Water are partnering in a proposal to increase storage capacity at Woodglen, which would expand the opportunities for GLaWAC cultural water in the Mitchell River. This is represented in the Central and Gippsland Region Sustainable Water Strategy.
- GLaWAC acknowledges that water savings from customer behavioural change campaigns are unlikely to yield much water return, but we highlight that even small volume water handbacks are of interest to GLaWAC.
- Through the SWS, and Water For Life, GLaWAC has expressed it seeks a return of water when larger scale augmentation of the water supply network comes on line.

As stated in the Central and Gippsland Region Sustainable Water Strategy, we want it confirmed with water corporations to waive relevant fees where Traditional Owners hold water entitlements that do not add to the costs of water management in a system, and for Government to pay the associated fees and charges where Traditional Owners hold water entitlements that have inherent water management costs and water is not used for commercial purposes.

Gunaikurnai People want to lead what happens on Country, considering the cultural landscape when making water decisions, to look after the waterways from the source to Sea Country, and manage for the animals, plants, water and people.

This connected Country view has kept Country healthy for thousands of years.

GLaWAC wants Gunaikurnai to be able to work on Country, managing to our own cultural values and uses, giving our young people the opportunity to learn from knowledge holders and reinstate culture. Being resourced to work on Country to meet the needs of our People, and our priorities will provide stability and self-determination outcomes.



The Albert River, South Gippsland
Credit: GLaWAC

Alternative water sources

GLaWAC looks forward to discussing opportunities associated with alternative water sources in the future, but in the short to medium term the interest is more with river water and groundwater, including when these sources are freed up through augmentation.

Traditional Owners are not the first in line with the bucket. We're way down behind everyone else. We're not even considered. And we need to change that. The water is so important to us. We want to be first in line with the bucket. Gunaikurnai Elder, 2021

Be authorised to lead managing land and water

The current water management framework system that claims to govern waters on Gunaikurnai Country embodies historical and ongoing theft of the unceded inherent rights and interests in water held and exercised by Gunaikurnai People and Country for thousands of years.

The Gunaikurnai Land and Waters Aboriginal Corporation on behalf of the Gunaikurnai People partnered with the Victorian Government on the Central and Gippsland Region Sustainable Water Strategy (CGRSWS), working closely with DELWP and with the Minister for Water's CGRSWS Consultative Committee.

For GLaWAC, the Central & Gippsland Region Sustainable Water Strategy was an 18 month collaboration with Government and its delivery partners and the opportunity for us in south of the state to start to influence outcomes for water, negotiate directly with decision makers and together start down a future where water is returned and injustices to Traditional Owners who never ceded sovereignty are acknowledged. These new relationships that we formed together are a step toward real change.

GLaWAC does not want a statewide policy that does not recognise the Gunaikurnai voice nor adequately conciliate to Gunaikurnai water and land – our Country. We want to work together with Government and other mobs, but at the core of what we do, we do for the Gunaikurnai People. Gunaikurnai Country – water and land – is unique, and decisions for Country should be directed, undiluted, by Gunaikurnai People.

GLaWAC seeks to have the authority to make decisions about Country and to lead the management of Country, including water resources, on behalf of the rest of the community. We want to work together with our partners – water corporations, Catchment Management Authorities, land managers. We understand the value of partnerships. But we want to have a say, have a voice. As stated in the CGRSWS, we seek to explore opportunities to express cultural values through environmental and urban water, and we want to be involved more strongly in the management of environmental water.

Empower Traditional Owners' 'voice' in all aspects of water management through the implementation of this Strategy.

The Mitchell River near Glenaladale, East Gippsland

Credit: GLaWAC



We want to be:

We want the Roadmap to provide a very clear, transparent and measurable process to meet the water objectives of GLaWAC and be the line in the sand that moves from talk to action.

We want the Roadmap provide a very clear, transparent and measurable process to meet the water objectives of GLaWAC and be the line in the sand that moves from talk to action. We have participated in the Roadmap, and collaborated strongly in the Central and Gippsland Region Sustainable Water Strategy (CGRSWS) using the Gunaikurnai Whole of Country Plan, the advice from our Elders Council, the guidance from the GLaWAC Board and the Gunaikurnai Traditional Owners Land Management Board, heard the voice of the Gunaikurnai Community out on Country, and spoken with our knowledge holders. We seek the Roadmap to mirror the priority actions in the CGRSWS, and build on them through implementation.

GLaWAC wants the way governments think and make decisions about water to be reframed. Current options start from and are embedded in a western approach to watering, which offer (at best) opportunities for Traditional Owners to 'provide input' into management plans and other existing tools and instruments. We need systemic changes that empower Traditional Owners to actually shape both the management and decision-making processes and the tangible and intangible outcomes they generate. Such an approach is reflective of Gunaikurnai's status as rights holders.

A cultural framework approach to water repositions economic or 'consumptive' water uses within a cultural landscape. That framework gives you a way to work through trade-offs and choices about water.

We think that we can look after the rivers better. When you have a look at some of the rivers that have irrigation, it's all mud. It's full of carp. That's not what we're about. We used to be able to drink out of that, our People. We want a larger say in how things work on our Country.

Gunaikurnai Elder, 2021

The Mitchell River near Glenaladale, East Gippsland
Credit: GLaWAC

Environmental water

- For GLaWAC, water becomes more alive when it is management of Gunaikurnai's water, not someone else's water. However, there are opportunities associated with the management of environmental water that GLaWAC wants to pursue where they align with cultural values.
- It is a long-standing misunderstanding that cultural outcomes and needs are automatically achieved by watering events that target environmental outcomes. For too long, this myth has served to exclude (or at best, offer token inclusion opportunities to) Traditional Owners from decision making about e-watering.
- GLaWAC expects that recent early conversations about opportunities for GLaWAC to influence the management decisions regarding environmental water will continue. We are interested in working with the VEWH to incorporate cultural outcomes for Traditional Owners. This may include the transfer of decision-making powers in some instances, in time.
- As one example, GLaWAC is interested in exploring the idea of transitioning the current one-year seasonal watering approach used by the VEWH and CMAs into a cultural landscapes approach that focuses on delivering culturally based outcomes over a duration of 5-10 years. Within this re-framed approach, annual seasonal watering plans would become more of a reporting mechanism for working towards those outcomes. There will still be environmental outcomes from watering events and activities within this re-framed approach, but they will stem from Traditional Owners' priorities and approach to caring for Country. That's because cultural watering delivers on a whole suite of outcomes including social, cultural, spiritual and environmental connections.
- GLaWAC talking with the CMA about a possible opportunity for joint management of water that supports the lower La Trobe wetlands. GLaWAC wants to work with the VEWH and West Gippsland CMA to further explore this opportunity (and possibly others like it), and determine its suitability for Gunaikurnai rights holders.
- GLaWAC understands that DELWP has recently reviewed its guidelines for development Environmental Watering Management Plans, to prompt long-term partnership with Traditional Owners. GLaWAC was not involved in this process. We expect to be involved in the next update to the guidelines, which we understand is planned for 2022/23.

Decision making and measuring success

The introduction of the quadruple bottom line key principle in the SWS and commensurately, Water for Life, has enormous potential benefit for better, more inclusive and more sustainable outcomes for Traditional Owners, and for the community more broadly.

This statement is a reflection of GLaWAC's position at a moment in time. It is not intended to be – and should not be read as – a definitive or exhaustive articulation of all our goals, priorities or rights. Our position and aspirations will evolve as time passes and our rights are given effect to.

The well-being of our mob is our top priority. More than just physical health and security, it is about being respected, having stable employment and housing, and maintaining a strong spiritual connection with our Country and our ancestors.

We can be healthy if our Country is looked after, and we can be strong if our living culture is thriving. Country needs water, and mob needs water.

Empowering Traditional Owners to influence management and decision-making processes that include Gunaikurnai waters

- Gunaikurnai people are rights holders, not 'stakeholders'. This needs to be facilitated through inclusion in legislation, policy and partnership agreements, not just be dependent on relationships.
- We are interested in leadership and control over water landscapes, not just consultation on decisions others have already made.
- The Central and Gippsland Region Sustainable Water Strategy was an example of embedding Traditional Owners into policy development across all levels from the outset. The Partnership approach worked for the SWS because the participating Traditional Owner corporation representatives had:
 - The time to work on how we wanted to input and work together as RAP groups, and with the government process
 - Traditional Owner corporations were engaged and started to meet well before the project kicked off within government beyond the SWS itself
 - A seat at the table at multiple levels within government
 - The space to thrash out ideas and influence outcomes with others
 - We held the pen [to write our Traditional Owner chapter in the SWS].
- Models that deliver important outcomes such as these need to be included in all other water processes. But, caution that this exact model won't necessary 'roll out' well for other processes – each deliverable must be co-designed and outcomes driven.
- GLaWAC is asked to participate in and contribute to many water and broader Country management proposals. Our staff are already stretched thinly. We need resourcing for more staff, and opportunities for training to better understand all the processes we are asked to contribute to.
- We are concerned that some discussions and involvement we have with the lower levels of DELWP/SRW do not filter through to senior decision-makers. We want a forum where we have access to decision makers and the Minister – including one on one time.

*We should have a huge say in who gets what and how.
We should be the first people invited to the table.*

Gunaikurnai Elder, 2021



Implementation

- GLaWAC is very wary of governments kicking the can down the road. We have said on many occasions and in many forums what it is we want.
- It is extremely important that the Roadmap clearly outlines an implementation strategy, and a framework for Traditional Owners to hold the government to account.
- Implementation must be specific to each mob, and take advantage of opportunities as they emerge – for example the opportunity presented to mobs with unallocated water on Country.
- Reporting of implementation needs to consider different Nations' priorities and goals.
- The Roadmap can make links to other government water processes and identify vehicles to further progress and implement Roadmap commitments. However, this should not be a way of delaying all actions on Traditional Owners wants and expectations, preventing progress through opportunistic avenues that may arise. Implementation of the Roadmap must be multi-pronged.

Woolshed Creek in the Mitchell River National Park, East Gippsland

Credit: GLaWAC



GUNDITJMARA

Nation Statement

This statement was written by Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC) with input from Gunditjmara and endorsed by the GMTOAC Board.



PAR-EEY T POONDEE-TEEY T

"WATER IS LIFE"

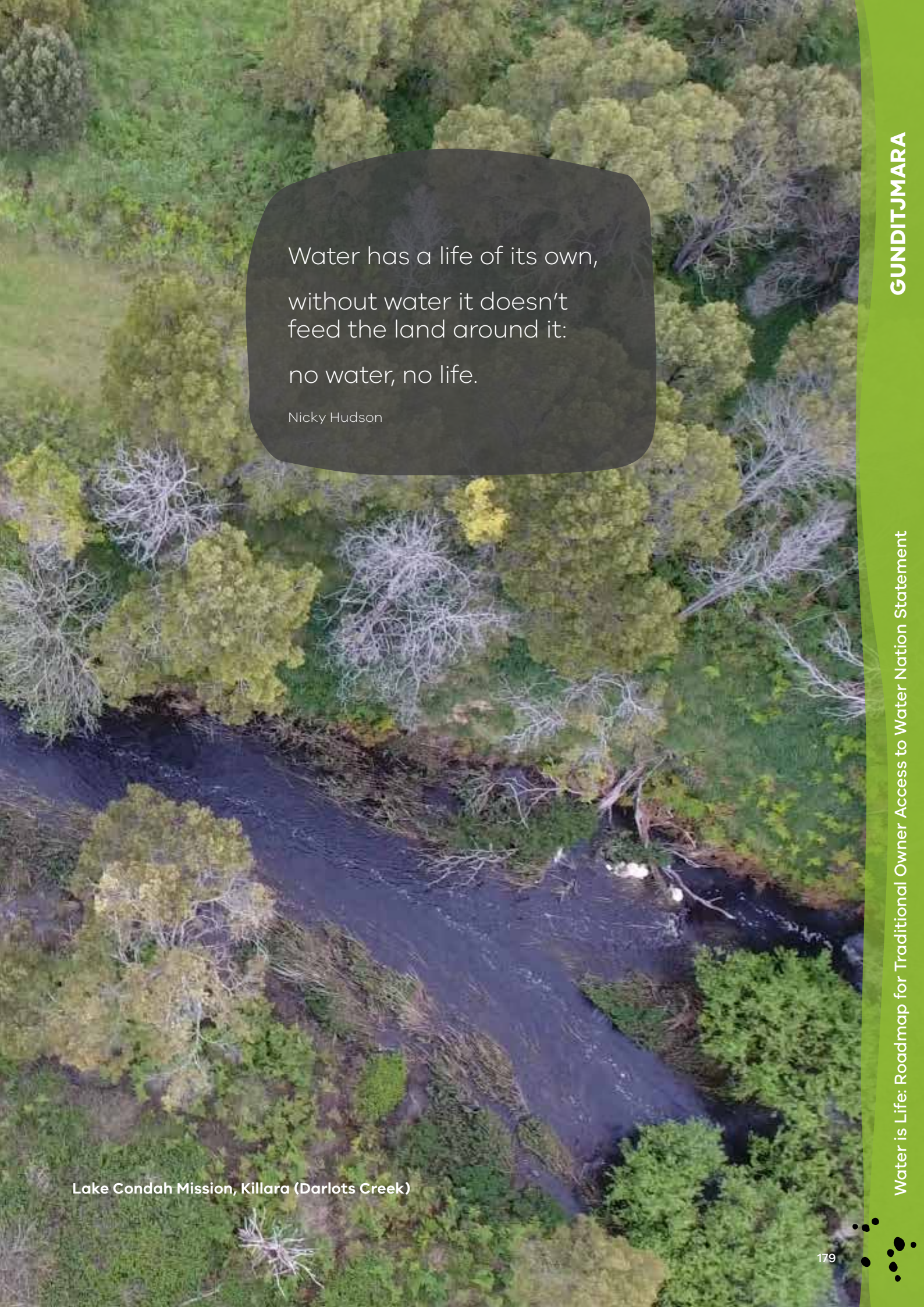
This publication contains Indigenous traditional knowledge and/or traditional cultural expression of the Gunditjmara people. All rights reserved. Dealing with any part of the traditional knowledge and/or traditional cultural expression in this publication for any purpose that has not been authorised by the custodians is a serious breach of the customary law of the Gunditjmara people and may breach the Copyright Act 1968 (Cth).

We consent to this statement being published in its entirety as part of the DELWP Water roadmap only. We do not consent to the editing of this statement or the use of this information for any other purpose.

This statement is prepared without prejudice to any negotiation or litigated outcome of any Native Title determination applications covering land or waters within Gunditjmara Mirring.

It is acknowledged that any future outcomes of native title determination applications may necessitate amendment of this statement and require notifications pursuant to procedures in Division 3 of Part 2 of the *Native Title Act* (1993) (Cwlth). The statement is also prepared without prejudice to any future negotiated outcome between the Government/s and Gunditjmara. It is acknowledged that such negotiated outcomes may necessitate amendment to this statement.

All efforts have been made to warrant that the information within this statement is true and accurate. GMTOAC does not guarantee that this statement is without flaw and therefore disclaims all liability for any error, loss or other consequence that may arise from the use of any form of this statement.

An aerial photograph of a river, identified as Darlots Creek, winding through a lush, green forest. The river is dark and reflects the surrounding trees. The forest is dense with various types of trees, some with bright green foliage and others with more muted, yellowish-green tones. The river flows from the upper left towards the lower right of the frame.

Water has a life of its own,
without water it doesn't
feed the land around it:
no water, no life.

Nicky Hudson

Lake Condah Mission, Killara (Darlots Creek)



GUNDITJMARA

Ngatanwarr (greeting you mob).

We are Gunditjmara - the Traditional Owners of Country (*Mirring*) - the descendants of the first water (*pareeyt*) movers in south-western Victoria.

Our ancestors led the way for us, they are still here with us. Their ingenuity and engineering of Pareeyt movement across the landscape shows the complexity of our economy and lifestyle. We actively intervened in and managed the productivity of Mirring in harmony with the landscape.

Gunditjmara have never ceded rights to Pareeyt, the Pareeyt owns us, the Pareeyt has never ceded its rights to us and as such we demand to be recognised as the rightful Pareeyt custodians.

Fulham Reserve - Bochara

Credit: Nicky Hudson

As Gunditjmara we demand...

Pareeyt must be acknowledged as the lifeblood of Mirring and managed in partnership with First Peoples.

Acknowledgement of climate change and assert that keeping Pareeyt on Mirring and restoring Pareeyt systems across Mirring must be a priority. Pareeyt should not be diverted off Mirring.

Our laws and cultural protocols are recognised in settler state law.

All Pareeyt is cultural Pareeyt and as it is not able to speak for itself or travel without restrictions. We need to be its voice asserting our right to protect Pareeyt and Pareeyt systems.

We should never have to pay for cultural Pareeyt.

All unallocated Pareeyt is offered back to First Peoples for us to formally return it to heal Mirring and support cultural economies on Mirring.

Cultural flow entitlements continue to be provided to Mirring and improved through a partnership between Western science and Traditional Owner knowledge.

GUNDITJMARA MIRRORING AND PAREEYT

GUNDITJMARA MIRRORING

Gunditjmara Mirring (Country) covers an estimated area of 7,000 square kilometres and occupies the south-western corner of Victoria. It extends over an area of land bound by important cultural Pareeyt systems generally originating at Gariwerd (Grampians National Park) including:

- east of the *Bochara* (Glenelg River)
- west of the Hopkins River
- south of the Wannon River, and
- south-west of Mustons Creek.

In addition to these major waterways, Gunditjmara Mirring includes volcanic plains, dynamic coastlines, adjacent seas, limestone caves, a range of forest types and extensive wetland, rivers, creeks, and lake environments. Broadly speaking and as defined in the *Budj Bim Cultural Landscape World Heritage Nomination* (Brown, Rose, McNiven, & Crocker, 2017) Gunditjmara Mirring is a cultural landscape that covers:

- **Woorrowarook Mirring** – Forest Country that includes swamps, wetlands and forests.
- **Bochara Woorrowarook Mirring** – River Forest Country that is focused on waterways, including the lower Bochara (Glenelg River) and its tributaries, bordering creeks, swamps, wetlands, lakes, heaths and forests.
- **Nyamat Mirring** – Sea Country where fresh and saltwater meet, and where kooyang (short-finned eels) come from to travel along inland waterways and wetlands and to where they return for breeding. Nyamat Mirring also includes those submerged lands and waters that bear the footprints of Gunditjmara ancestors. Importantly it is the place where the spirits of Gunditjmara cross the sea to Deen Maar (Lady Julia Percy Island).
- **Tungatt Mirring** – Stone Country which is focal to the volcanic environments of Tappoc (Mount Napier) and Budj Bim, including the Budj Bim lava flow, and extensive lakes and wetlands created as a result of the volcanic eruptions, such as Tae Trak (Lake Condah). Tungatt Mirring is characteristic of rugged stony outcrops cloaked by Manna Gum forests which transect through waterways and intersperse wetlands and swamps. Tungatt Mirring is crucial to the story of Gunditjmara aquaculture.

GUNDITJMARA PAREEYT

Gunditjmara Pareeyt (water) means all *Pareeyt* contained within Gunditjmara Mirring, including the connection to sea Country and *Nyamat* (salt water) and to the sky – the Milky Way is known as *baarnk*, the big river (Wettenhall, 2010).

Mayaang (rain) that falls on Gunditjmara Mirring is cycled and is captured in areas like Gariwerd (Grampians landscape), which is a major source of *Pareeyt*, the life blood for Gunditjmara Mirring.

That catchment supports the UNESCO recognised Budj Bim World Heritage Aquaculture System – *Tae Rak* (Lake Condah), *Killara* (Darlots Creek), *Palawarra* (Fitzroy River) – and those major *Pareeyt* systems that bound and flow through Gunditjmara Mirring including, but not limited to: *Bochara* (Glenelg River), *Woolloerrunt* (Crawford River), *Yumarala* (Eumeralla River), *Wheringkerneitch* (Merri River), Mustons Creek and the Hopkins River.



Smoking Ceremony Glenelg River

*Water has been given to us and our Country forever.
Water as a commodity is not our cultural way.
Ancestors have provided water for us forever.
Only through the frontier wars has that water
become a commodity.*

Denise Lovett



GUNDITJMARA HAVE NEVER CEDED RIGHTS TO PAREEYT

We are Gunditjmara, who have never ceded our rights to Mirring and Water. All Gunditjmara have a responsibility to ensure that Gunditjmara Mirring and Water is cared for and protected.

During the late 1970s and early 1980s, Gunditjmara, led by Aunties Christina Saunders (Frankland) and Sandra Onus fought for the protection of Gunditjmara cultural heritage specifically at the construction site of the Portland Aluminium Smelter. After being appealed through all Victorian state judicial systems, the Federal Court of Australia in the *Onus vs Alcoa of Australia Ltd* case in 1981, upheld the role of First Peoples of Australia to protect and care for our cultural heritage. The Commonwealth of Australia responded to the decision with the following landmark pieces of legislation:

- *Aboriginal and Torres Strait Islander Heritage Protection Act* (1984), and
- *Aboriginal Land (Lake Condah and Framlingham Forest) Act* (1987).

The significance of the return of Tae Rak (Lake Condah) cannot be over-estimated. It included the former Mission area, and the lake, creeks, rivers and wetlands that are now recognised to have World Heritage significance for their ancient engineering and building structures and aquaculture infrastructure. This highlights the importance of cultural Pareeyt to Gunditjmara.

It took 11 years for the Gunditjmara and the Victorian government to reach agreement on native title.

A native title consent determination was finally agreed to on 30 March 2007 recognising that Gunditjmara had maintained a traditional connection to their land and waters. In total, native title was recognised across 2000 parcels of vacant Crown land, national parks, reserves, **rivers, creeks** and **sea**, equating to 140,000 hectares or 1400 square kilometres in land area.

The rights include:

- The right to have access to or enter and remain on the land and **waters**
- The right to camp on land and **waters** landward of the high-water mark of the sea
- The right to use and enjoy the land and **waters**
- The right to take the resources of land and **waters**, and
- The right to protect places and areas of importance on the land and **waters**.

All these rights are subject to the lore and laws of the Gunditjmara.

"As Gunditjmara, we have an obligation to our people and to all people, to look after the water and land in a sustainable way. We are people that care for Country and have an obligation to make sure Country stays healthy and sustainable for all life."

Nicky Hudson



Tae Rak Weir

GUNDITJMARA LANDS AND WATERS HAVE BEEN STOLEN

As a result of the frontier wars, the massacres, and the removal of people from Mirring, Gunditjmara have been dispossessed of their inherent rights to lands and waters.

This truth has never been acknowledged.

"In the same way terra nullius was used by foreign powers and governments to seek to extinguish Aboriginal peoples' ownership over Australia, there remains the myth of aqua nullius." Marshall, 2017

Gunditjmara have never ceded their rights to Pareeyt and believe that the only way that Traditional Owners can achieve true water justice is if the untruth of aqua nullius that is embedded in Australian water legislation is addressed. Specifically, in Victoria the foundation of First Peoples' water dispossession is signified in section 7(1) of the Water Act (1989), which provides that the Crown has the right to use, flow and control of all water in a waterway and all groundwater. We believe that this must be addressed.

"Stolen lands, stolen waters, and stolen authority too"
Evon Barker

"We demand to be returned to the rightful decision-makers on Country for water."
Denise Lovett

Only through allowing Traditional Owners true self determination and allowing them to lead new transformative approaches to care for and manage Pareeyt will the foundation of aqua nullius be annulled.

Gunditjmara must have acknowledgement that they have the right to use, flow and control Pareeyt in waterways and groundwater systems. We support and encourage the state government to design and develop treaties with First Peoples and Traditional Owners that address the significance of cultural Pareeyt.

Broader legislative and governance reforms are required to make sure that First Peoples are empowered to self-determine their level of decision making and understanding around Pareeyt management.

Gunditjmara demand that:

- All Pareeyt is cultural water and must be recognised as such in settler state law
- Gunditjmara cultural Pareeyt should be free of all fees and charges
- There must be no restrictions placed on Gunditjmara cultural Pareeyt for use by Gunditjmara to maintain and manage Mirring
- Commercial interest groups such as the Forestry Industries, recreational and pipi fishing, and the racing industry must not continue to be given a priority over Gunditjmara views on Pareeyt management, and
- Gunditjmara must be given every opportunity to achieve self-determination and occasion to nurture and re-establish our cultural economies.



Racecourse Swamp - Kurtonitj

by Shea Rotumah

There were brutal killings, and the frontier wars and massacres that happened here, that's how our Country was taken from us... that's not reflected when we say Country was colonised. Colonised implies settled, and it wasn't that simple here.

How do we distinguish ourselves to not be the colonisers too? ...If you're not in it, the farmers will get everything, the environment and our cultural flows will get nothing. How do we participate but not become them? If we become black colonisers, it moves too far from where we are as cultural people.

Denise Lovett

GUNDITJMARA ARE RIGHTS HOLDERS

"[Gunditjmarra must have rightful] capacity and [be empowered to decide] whether this is our priority... get back to having a rightful position, rights holders. We need to figure out at what level we want to be involved, finding the right spot for us as a mob of people." Denis Rose

Gunditjmarra are Pareeyt and Mirring rights holders and should be involved in all water conversations and management, including groundwater, surface water, and water entitlements.

We aspire to be engaged in holistic management of Mirring that does not separate Pareeyt from Mirring.

We as Gunditjmarra:

- Demand to be recognised as rights holders not stakeholders in relation to Pareeyt
- Demand to be recognised as Pareeyt decision makers where culturally appropriate
- Assert the right to free, prior and informed consent for all decision making that relates to healthy Pareeyt
- Will no longer abide engagement and consultation in relation to healthy Pareeyt that is not informed by Gunditjmarra cultural values and takes into consideration language, gender responsibilities, custodial responsibilities and wellbeing, cultural evolution and intergenerational responsibilities
- Require that all assurances to Pareeyt must be founded on self-determination and take into consideration of Gunditjmarra law, lore and custom, and
- Require that all methodologies relating to the study of Pareeyt on Gunditjmarra Mirring are prepared in partnership with Gunditjmarra.

We expect to be acknowledged as leaders in decisions relating to the connection, care, control and management of Mirring and Pareeyt, and at a minimum, be partners with government and industry as our skills are improved and governance structures strengthened and resourced to lead Pareeyt management.





Killara (Darlots Creek)

WATERWAYS ARE ANCESTRAL ENTITIES

If Gunditjmara Pareeyt is healthy,
Gunditjmara Mirring is healthy.

If Gunditjmara Mirring is healthy,
then Gunditjmara and their culture will be healthy.

We the Gunditjmara consider Gunditjmara Mirring as the “decision maker”. Gunditjmara Mirring should be recognised and appropriately empowered and resourced as a “Water Decision Maker”.

Waterways are part of songlines and stories. Many Pareeyt landscapes are ancestral entities in themselves and Gunditjmara have an obligation to care for these spiritual and cultural beings – this is not negotiable.

Although Pareeyt is part of cultural economies, Pareeyt is not a commodity to Gunditjmara. When water falls on Mirring, it is Mirring’s Pareeyt, that is where it belongs.

What Gunditjmara land and waters mean to me, is that we are part of it as Gunditjmara people, we’re responsible for it, obligated to it, if we did not have our land and waters we would not have our identity and purpose, and I suppose the rest of the Country wouldn’t have us as a conscience of Country, of doing the right thing, that takes us back to our ancestors, our grandparents, and it’s about blood as well.

Basically, if we did not have land and water, we would not have blood, so it means everything that I do and everything that we do as Gunditjmara people always is related to the land and waters.

Damein Bell

WATER JUSTICE FOR GARIWERD CASE STUDY

Gariwerd is a member of our family – like our grandmother, our mother, our sister, our daughter. This acknowledgement is important to us. This is not just park management to our people. This is the return of a stolen family member. This is why it is so important to decolonise the management of land, water, fire, wildlife and the place names of our bio-cultural landscapes. Our reunion with Gariwerd reaffirms our obligations to look after our family member, our Country.

Traditional Owner foreword, Parks Victoria (2020), iii

Gariwerd is a source of water ('life blood') for Gariwerd itself, as well as for the adjoining Countries (e.g. water from the Gariwerd ranges supports the Gunditjmara aquaculture systems in the World Heritage listed Budj Bim Cultural Landscape). It is also recognised as the largest water catchment for the region, supplying water to nearby towns and surrounding farmlands.

Gariwerd

Gariwerd's mountain ranges, running roughly north to south, rise above the otherwise flat terrain of Victoria's western plains. The ranges catch water from the rain-bearing westerly winds. The largest ranges, Serra and Mount William, receive up to 1000 mm of rain annually. On the northern (Wimmera) side of the Grampians the rain is collected in several reservoirs, Lake Wartook (1887), Lake Lonsdale (1903), Lake Fyans (1916) and Lake Bellfield (1966). There are other storages further north. The largest storage is Rocklands Reservoir (1953), on the west of the Grampians, damming the waters of the Bugara (Glenelg) River. When full, Rocklands Reservoir has a volume of nearly 296,000 megalitres with a surface area of just over 6000 hectares. The total amount of water available is just over 452,000 megalitres when all major reservoirs are full.

The *Catchment and Land Protection Act 1994* provides legal protection for water supply catchment areas. Most of Grampians (Gariwerd) National Park is a designated water supply catchment area, servicing many communities in the broader Grampians, Wimmera, Mallee and central areas of Victoria.

The creation of the water supply lakes, reservoirs and other artificial water bodies (as well as associated infrastructure) have impacted on Traditional Owner cultural values through transforming wetlands into reservoirs. The restoration of water flows, wetlands and water-dependent ecosystems within Gariwerd is considered by Traditional Owners to be critical to the health and healing of Country.

The unique cultural and environmental values of Gariwerd are of national and international significance. Gariwerd is a living ancestral being and has a right to life. It must be protected for current and future generations and managed jointly by the Traditional Owners. The Greater Gariwerd Landscape Draft Management Plan details three Traditional Owner Corporations (Gunditj Mirring Traditional Owner Aboriginal Corporation, Eastern Maar Aboriginal Corporation and Barengi Gadjin Land Council) as partners in the management of Gariwerd.

Despite the recognition of Traditional Owner rights and interests in Gariwerd, Aboriginal people still have almost no control over the way that water is used and managed in the Greater Gariwerd Landscape.

Traditional Owners assert the need to better recognise environmental/cultural water flows, to protect the landscape from further water capture, and for controls on water extraction from rivers and groundwater supplies (in Gariwerd and surrounds).

We propose that the Traditional Owners of Gariwerd work towards the:

- Recognition of the Greater Gariwerd Landscape as a living ancestral being, with a right to life
- Recognition of the Greater Gariwerd Landscape's role as a water source for the region by formally according the Greater Gariwerd Landscape the role of a water holder

- Creation of a Greater Gariwerd Landscape Council as the voice of Greater Gariwerd, founded on cultural governance
- Developing a collaborative governance arrangement for the management of all waters flowing within and from the Greater Gariwerd Landscape in partnership with Parks Victoria, water authorities, CMAs, and the wider communities, and
- Working with the state government to implement law and policy reform to support all of the above.

By recognising and acknowledging the impacts of colonisation and dispossession, we can collectively redress these ongoing harms and celebrate this opportunity for constructive reconciliation with the whole community. Gariwerd is a place of healing and spiritual renewal, a place that connects the body, soul and mind. It is a place that allows us to reconnect with Country, and also connects Aboriginal and non-Aboriginal people. As this place heals, so do we.

CARING FOR PAREEYT

PAR EEYT NEEDS TO HAVE A BROAD DEFINITION

The definition of Pareeyt in settler state law must include a recognition that 'water is life', which respects and includes First Peoples' laws, cultural protocols, cultural values and uses of Pareeyt.

Settler state law must define explicitly that waterways and watercourses are part of songlines and storylines for First Peoples. Pareeyt management must include Traditional Owner knowledge of environmental calendars and hydrological cycles at a minimum.

*Water isn't a resource,
it's a life support system for everything
on Country and us. Shea Rotamuh*

DEDICATED RESOURCES ARE REQUIRED TO CARE FOR THE HEALTH AND QUALITY OF PAREEYT SYSTEMS

Dedicated resources are required to maintain the health and quality of Pareeyt systems such as *Bochara* (Glenelg River) and *Tae Rak* (Lake Condah), *Killara* (Darlots Creek) and the *Palawarra* (Fitzroy River) which form important elements of the Budj Bim World Heritage Landscape – this is non-negotiable.

Gunditjmara believe that there needs to be the establishment of a Budj Bim Authority to manage Gunditjmara Pareeyt rights and interests within and surrounding the UNSECO Budj Bim World Heritage Landscape, specifically, *Tae Rak* (Lake Condah), *Killara* (Darlots Creek) and *Palawarra* (Fitzroy River).

*... we [Gunditjmara] need to help educate those
in government, farmers, water authorities, how
to culturally appropriately manage a waterway
to keep it sustainable; trying to help people
understand the reasons why we are doing this...*
Nicky Hudson

FUNDING TO SUPPORT AND IMPLEMENT PAREEYT PROJECTS

Gunditjmara require dedicated, secure, ongoing funding to support and implement Pareeyt projects, including development of partnerships, resourcing (staffing and equipment) for waterway and wetland restoration and protection of groundwater for spring fed systems. To do this Gunditjmara expect at a minimum:

- Changes to the distribution of resources, specifically the availability of funding directly to First Nations to determine their own interests in delivery of Pareeyt projects at a program level rather than from project to project
- Long term, lasting resourcing (staff and equipment)
- Continued infrastructure development throughout Gunditjmara Mirring, and
- Continued and lasting research projects to address our priorities for Pareeyt management.

Gunditjmara will continue to work with Glenelg Hopkins Catchment Management Authority and other industry partners to implement cross-tenure Pareeyt management until we are appropriately skilled, empowered and resourced as Water Decision Makers to determine our own priorities and implement actions on ground. This will be an on-going conversation, where organisations and partners must show a genuine commitment to transferring power and decision-making authority to Gunditjmara. Tokenistic engagement and resourcing within limited timeframes will not be tolerated.

PAR EEYT MANAGEMENT NEEDS TO RESPECT CULTURE

All management of Pareeyt needs to respect First Peoples law, lore, cultural protocols, and cultural values – this is non-negotiable.

Gunditjmara people have managed Pareeyt sustainably, as part of thriving cultural economies, for tens of thousands of years. We demand that our knowledge and sovereign authority be respected.

All management of Pareeyt need to consider Gunditjmara cultural protocols and cultural values. Settler state processes must allow enough time and resources for these to be made a priority in Pareeyt management. Legitimate decisions on Pareeyt require time and conversations with community.

LAND PURCHASE AND ACCESS TO LAND FOR PAREEYT MANAGEMENT

Because of the importance of the Budj Bim Cultural Landscape to Gunditjmara, the Budj Bim lava flow, and the extensive eel and fish traps, stone houses and associated cultural heritage, Gunditjmara have been actively seeking to acquire properties that are part of the journey made by the lava flow and the aquaculture systems associated to it. Now recognised as a World Heritage Landscape, Gunditjmara manage much of the area including:

- Tyrendarra (southern component)
- Kurtonitj (central component)
- Budj Bim (northern component)
- Lake Condah Mission
- Allambie
- Tae Rak (Lake Condah), and
- Lake Gorrie.

The importance of acquiring properties associated to Gunditjmara Mirring and getting recognition of our native title rights to Mirring is meaningless without the life that Pareeyt gives to Mirring. The re-flooding of Lake Condah was negotiated as part of the 1980s settlement with the Victorian government and has become a corner stone to the improvement and management of Pareeyt on Gunditjmara Mirring, specifically the UNESCO Budj Bim World Heritage Cultural Landscape (Weir, 2009).

Gunditjmara assert that land purchase and access to land for Pareeyt management is critical for Mirring and community. We have been dispossessed of our land and cultural Pareeyt for too long. We assert that:

- Ownership of Gunditjmara Mirring and Pareeyt is a priority to Gunditjmara
- To manage Pareeyt sustainably and in accordance with cultural practices we believe that jurisdictional boundaries need to be put aside, so we are, at a minimum, equally involved in the decision making and management of Pareeyt resources on Gunditjmara Mirring
- Gunditjmara require support and funding to purchase and access land for Mirring and Pareeyt management to nurture and re-establish our cultural economies through Indigenous Land Use Agreements, Native Title, private sale and/or other administrative processes where available, and
- Long term funding must be provided to all Traditional Owner groups without restrictions for cultural Pareeyt management and support to purchase and access land.

GUNDITJMARA MANAGEMENT PLANS AND AGREEMENTS

We aspire to be engaged in holistic management of Mirring that does not separate Pareeyt from Mirring.

On behalf of Gunditjmara, GMTOAC have the following strategic plans and agreements in place with government and other partners:

- Kooyang Nyamat Mirring Sea Country Plan (2005)
- Lake Condah Restoration Conservation Management Plan (2008)
- Environment Water Requirements of Darlots Creek and Lake Condah (Final recommendations) (2008)
- Ngootyoong Gunditj Nyootyoong Mara South West Management Plan (Parks Victoria, 2015)
- Budj Bim Cultural Landscape Master Plan 2022-2030 (2021)
- The Greater Gariwerd Landscape Management Plan (2021)
- Budj Bim Indigenous Protected Area Plan of Management (2022)
- Budj Bim Cultural Landscape World Heritage Strategic Framework (2022)
- Nyamat Mirring (Sea Country) Plan (In draft)

INFRASTRUCTURE NEEDS TO BE MINIMISED TO PROTECT OUR RIGHTS AND INTERESTS IN PAREEYT MANAGEMENT

Infrastructure, including water storage, needs to be minimised to protect First Peoples' rights and interest in Pareeyt management.

Gunditjmara believe that up-stream water storage and flows (i.e. Wimmera Mallee Pipeline) need to be minimised and well-regulated to protect the sustainability of important Pareeyt flow into Gunditjmara rivers, creeks, floodplains, wetlands and ultimately the sea, thus allowing the hydrological cycle to remain healthy. Gunditjmara also believe that the removal of inappropriate infrastructure needs to occur to enhance natural flows and species movement within waterway and wetland systems.

In the absence of a cultural Pareeyt allocation, Pareeyt delivery to the UNESCO Budj Bim World Heritage Cultural Landscape is entirely dependent on the amount of Pareeyt flowing from upstream of the Killara (Darlots Creek) and Palawarra (Fitzroy River).

GUNDITJMARA AQUACULTURE SYSTEM

CASE STUDY

Waterways are a central attribute of the Budj Bim Cultural Landscape - a complex hydrological system, including wetlands, swamps and sinkholes. Gunditjmara's successful restoration of Lake Condah has enhanced the capacity of the system to achieve water flows similar to the preceding thousand years. Arup, 2021

Within the UNSECO Budj Bim World Heritage Landscape there is extensive physical evidence of deliberate manipulation, modification and management of Pareeyt flow and ecosystems by Gunditjmara to intensify accessibility to food resources, specifically kooyang (eel) trapping and live storage. Gunditjmara's connection to this aquaculture system and connection to Pareeyt resource manipulation began at least 6,600 years ago. It evolved into large-scale modification of local hydrological regimes to capture kooyang and artificially developed containment ponds to enhance their availability (Brown, Rose, McNiven, & Crocker, 2017).

This tradition continues with GMTOAC led research and development that has both a cultural benefit and an economic independence outlook, including the recent development of a kooyang aquaculture enterprise and associated visitor experience at Tae Rak. This connection and care for Mirring is further enhanced by the recent water allocation of 2.5 gigalitres of winterfill water returned to Gunditjmara from the Palawarra (Fitzroy River).

"Water is life for Gunditjmara Country and its people. GMTOAC are thrilled by the [water allocation] announcement. By keeping this water within the Palawarra (Fitzroy River) system, it means we can continue to care for Country just as our ancestors have for thousands of years." Denis Rose

We are the descendants of the first water movers, we've created the channels. We had that decision-making authority and capacity, and it was taken from us and not recognised.

Denise Lovett

Through community consultation, this dictates what cultural values are for Gunditjmarara... in the modern sense as well.

Chris Saunders



CLIMATE CHANGE REQUIRES URGENT ACTION TO RESTORE PAREEYT SYSTEMS ACROSS MIRRING

Gunditjmara acknowledge climate change and believe that keeping Pareeyt healthy, on Mirring and restoring Pareeyt systems across Mirring must be a priority to combat this.

To keep Gunditjmara Pareeyt healthy and reduce the impacts of threats such as climate change, Gunditjmara must have the capacity to lead through an exchange of cultural values and management principles. Partners must further acknowledge and understand cultural Pareeyt values and processes.

The knowledge and practices of Gunditjmara, scientists, communities, land managers and research partners inform sound management. This is what forms the basis for developing clear, long-term Pareeyt management strategies and priorities that together, can assist to tackle climate change.

"[Gunditjmara] want to be part of the decision-making about where water goes on our Country [in relation to climate change]; what... that means for us, what... that entail for us, what capacity do we properly need, not just our cultural knowledge; if we talk about where water is going on our Country, what do we... [need] to bring? The end result of it not being done is climate change, we're right in the middle of it." Denise Lovett

Convincing Ground

Credit: Tyson Lovett Murray

CULTURAL FLOW ENTITLEMENTS

Cultural flow entitlements must be provided to First Peoples – this is not negotiable.

Water authorities should just leave the water there, leave it for the land to soak up, nurture the lands, why not just leave the water in the system? Denise Lovett

Gunditjmara require that for Pareeyt to continue to be the lifeblood of Mirring, annual cultural flow management regimes must be identified and quantified to meet the values and needs of Gunditjmara. This can be achieved through culturally appropriate hydrological and ecological modelling, and on-ground watering trials.

We demand that no Pareeyt should be extracted or diverted from the Glenelg River.

Gunditjmara must be resourced appropriately to lead and recommend policy, legal tools and reform for the effective implementation of cultural flows through Pareeyt planning processes, as well as institutional and governance arrangements, legal strategies and reform.

Overarching aspirations relating to cultural flows include:

- Pursuit of permanent protection of all wetland sites and other Pareeyt sources
- The achievement of economic independence through enterprise development and Pareeyt trading, and
- Sustainability of designated sites, such as Tae Rak, as educational facilities for intergenerational transfer of cultural knowledge and practice, and as an exemplary demonstration site of Gunditjmara management of Mirring.

PAR EEYT FOR THE ENVIRONMENT

Pareeyt as the lifeblood of Mirring must be managed by First Peoples – this is not negotiable. Pareeyt for the Environment is Cultural Pareeyt.

First Peoples challenge the water authorities on their authority to manage Pareeyt. There is no legitimate basis for this authority, and it should not be self-given.

First Peoples come from Mirring and legitimately question who owns the Pareeyt. First People challenge who gave agency for the water authorities to do this, as it did not come from us, we were not part of it when it was created.

To manage Pareeyt as the lifeblood of Mirring Gunditjmara assert that:

- Ways of managing cultural Pareeyt for cultural resource and ecological benefits will be learnt
- New ways of learning that integrated cultural knowledge and traditional Pareeyt management into park and reserve management must be explored
- Expertise must be shared to build cultural heritage capacity among agencies and cultural Pareeyt management capacity among Gunditjmara
- Combined land, ecological, water and cultural objectives, such as undertaking cultural flows and cultural burning to restore wetlands and bring back wildlife, must be priorities for management of Gunditjmara land and Pareeyt
- Non-native fish species are detrimental to native species and habitats. Their management and removal must be a priority for Gunditjmara Pareeyt systems, including Rocklands Reservoir where non-native species are stocked.
- Cultural Pareeyt systems that had been degraded from past land use, such as formally cleared and farmed areas that are now Indigenous Protected Areas, must be restored, and
- Drainage where possible must be reversed to restore cultural Pareeyt systems, including but not limited to the UNESCO Budj Bim World Heritage Landscape and other culturally important aquaculture and wetland systems.

Water Authorities are not the water gods... water has become a commodity; through that process that has been imposed on us [Gunditjmara] and our Country, it has been a detriment to us. Denise Lovett

UNALLOCATED PAREEYT

All available records of water entitlements must be made available to First Peoples so that true, prior and informed consent can take place when all unallocated Pareeyt is offered back to First Peoples as a priority. Pareeyt extraction and diversions needs to consider First Peoples' leadership and management conditions and aspirations.

The legal ownership of all unallocated Pareeyt on Gunditjmara Mirring is to be immediately reassigned to GMTOAC to care for and manage on behalf of Gunditjmara.

GROUNDWATER MANAGEMENT

All unallocated ground Pareeyt on Gunditjmara Mirring must be immediately transferred to GMTOAC to care for and manage on behalf of Gunditjmara.

The *Groundwater (Border Agreement) Act (SA) (1985)* must be amended as a priority to take into consideration First Peoples' cultural values and Pareeyt aspirations.

WATER LICENCE REVIEW

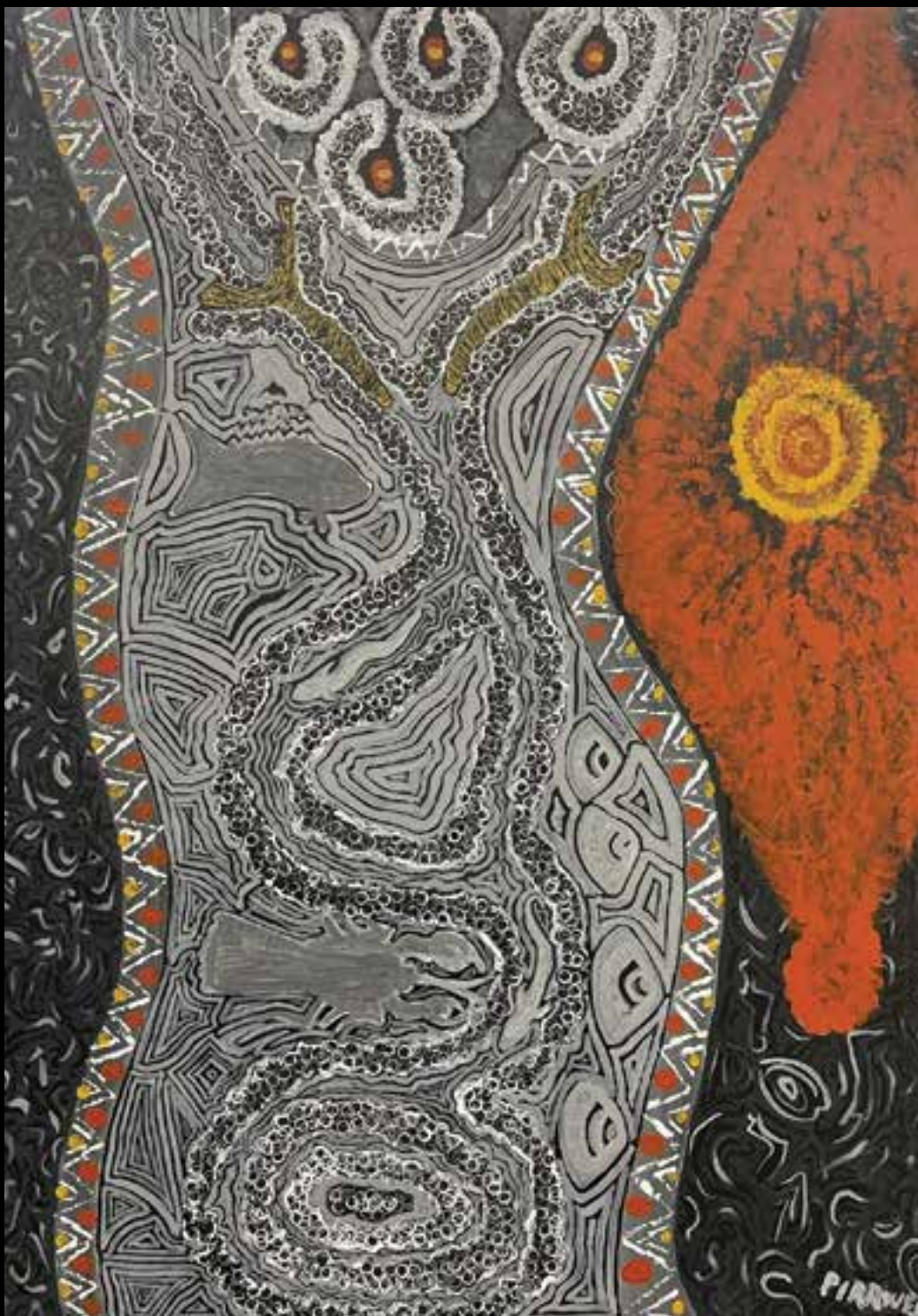
As a show of good faith government should review water-use licences to reduce the term of water licences as a commitment to First Peoples, acknowledgement of climate change, and the future changes and pressures upon Pareeyt resources.

I think the issues with this water licence that we've just received from Southern Rural Water is a really good example; we got asked the question: what are you going to do with the water?

It's about stopping anyone else from access it; as climate change bites further; it's about stopping the extraction of water for other purposes, rather than us [Gunditjmara] doing anything with it, other than a small portion of it; it's about us controlling it; the fifteen year licence is highly inappropriate, there'll be political change, there'll be climate change, there'll be people with more power and more dollars, where will this leave us in 15 years' time, the battle for water will be bigger. Denis Rose

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Water has memory by Shea Rotumah

As with the painting, water has memory, the species might be gone or close to becoming extinct. But the water remembers, as does the trees, rocks and sand.

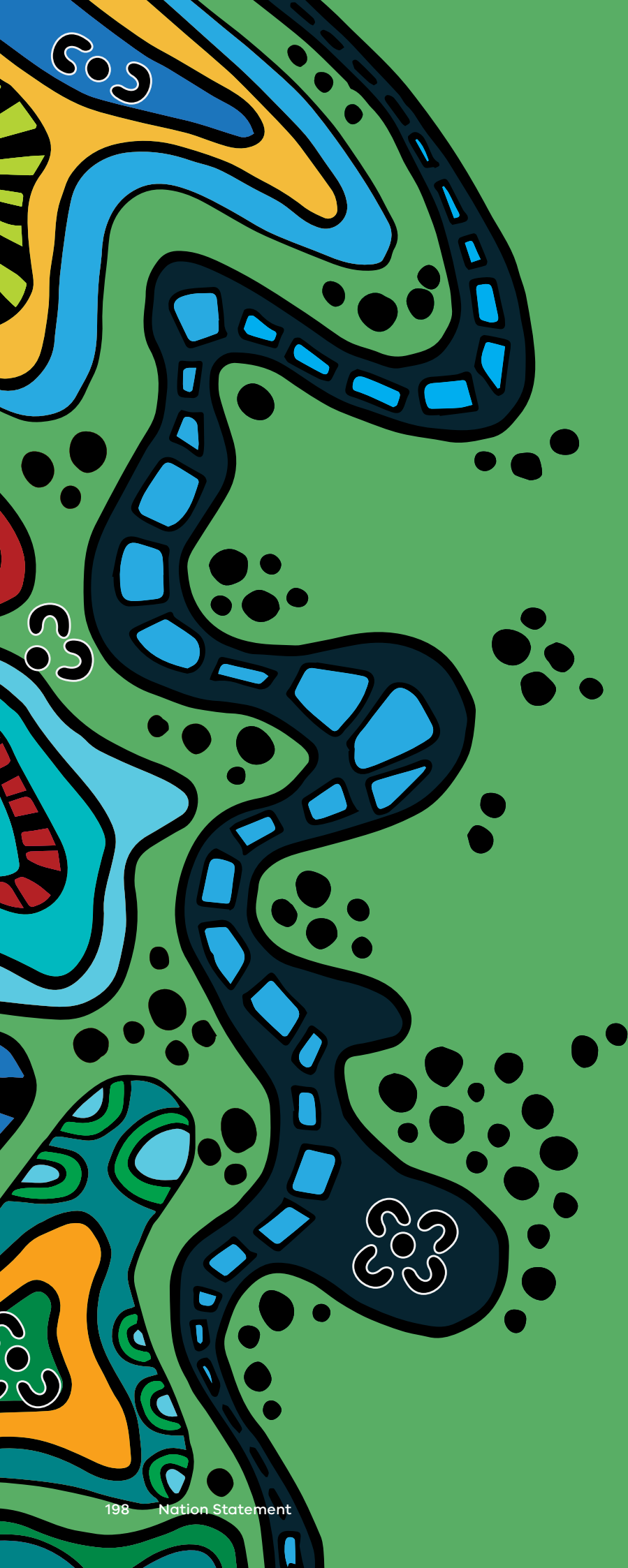
Water should be used to encourage all species, habitats and ecosystems to recover and find the balance required to thrive on this everchanging landscape. More needs to be done.

Every species is me and I am them, one... linked by a symbiotic, reciprocal relationship.

You can take the man out of country, but you can't take country out of the man.

From the Yarra Pygmy perch to the old man salt bush, and everything in between Mirring is made up of every piece of the puzzle, we can't afford to lose anymore pieces.

This is for all of Gunditjmara Country, including Nyamat Mirring.



JAITHMATHANG TRADITIONAL ANCESTRAL BLOODLINE ORIGINAL OWNERS FIRST NATION ABORIGINAL CORPORATION Nation Statement



Myermyal is Life

Jaithmathang own and hold rights to the following statement including determining when to share it, and with whom.

This statement is reflective of Jaithmathang's position at the time of writing. It is not intended to be a definitive list of all goals, rights or aspirations. Instead, our statement is capturing a moment in time in Jaithmathang's renewed journey towards water access and rights, and will continue to evolve.

The government should respect that all Nations have different ideas and aspirations. Government needs to recognise this, and not treat different Nations as though we are the same. Government must work with all Traditional Owners, regardless of their RAP status.



Jaithmathang People and Our Original Bimble (Country)

Jaithmathang people are the Spiritual and Cultural Gatekeepers and Caretakers of the Yerto Alpine region. The Alpine, Bogong and Omeo High Plains Country is Jaithmathang Original Bimble (Country) created by Bunjilla. For more than 20,000 years before colonisation, we have been the knowledge keepers and the protectors of the high country. It is our spiritual belonging and living association with our Mung, Mother, our Tyer, Ground, Buller and Mountains.

Although colonisation brought the near decimation of our people and triggered changes to the environment that have harmed our Bimble, the Jaithmathang spirit remains strong. We were once recorded as a deceased people, but for those of us who remain, our connection to Bimble and our sense of cultural responsibility to care for Bimble, has never wavered.

Our people, once more than 5,000 strong, have lived and thrived for endless generations on Jaithmathang Bimble. We breathed, walked, sang, danced, and passed on lore in our traditional land, and strictly practiced care for our Bimble and our sacred totemic flora and fauna, which are as sacred to us as our air and our water. We are all one.

Just as our Ancestor Jaithmathang Yin escorted Elders and their warriors from other Nations along sacred pathways into Jaithmathang Bimble to join in ceremony, spiritual guidance and song, we are now forging the pathway for our return to Jaithmathang Bimble.

As Spiritual and Cultural Caretakers, we have the responsibility to protect all the sites in Jaithmathang of cultural and historic importance, and to manage and care for our Bimble in its entirety, so that, as Traditional Owners we can provide access for all our Jaithmathang people in a culturally safe way. We need to heal our Bimble, to heal our spirit, and to reinstate our traditional cultural values and protocols.

We are bound by the lore of our old people handed down by generations past and we seek to ensure that our Bimble remains healthy, strong, and respected. It is painful for us to be separated from our lands and to have knowledge of the damage that has been done to Bimble and its creatures. The devastation of Bimble has occurred through changes to traditional land, water and fire management, the introduction of non-native animals and plants as well as commercial and residential development activities. When Bimble suffers, so too do the Jaithmathang people.

Our people, once more than 5,000 strong,
have lived and thrived for endless generations
on Jaithmathang Bimble.

Jaithmathang Traditional Ancestral Bloodline Original Owners First Nation Aboriginal Corporation (Jaithmathang TABOO)

The Jaithmathang Traditional Ancestral Bloodline Original Owners First Nation Aboriginal Corporation (Jaithmathang TABOO) is working to commence the journey of cleansing, healing, and reconciliation for Jaithmathang people and for Ancient Original Traditional Bimble. We are the Original Traditional Owner Group that represent the continuation of the Ancestral Bloodline of the Jaithmathang Original Peoples.

As Spiritual and Cultural Caretakers, our aim is to lead by example and to encourage our First Nation people to reinvigorate their beliefs in their rightful cultural heritage and to recognise their ancestral belonging through cultural education, including bloodline belonging. As part of this spiritual journey of rediscovery and healing, Jaithmathang TABOO is committed to improving the life skills, health, and well-being of Jaithmathang people and developing opportunities for growth and economic independence, especially for our future generations.

Through forging relationships and working with government representatives, relevant stakeholders and the wider community, Jaithmathang TABOO seeks to develop meaningful and committed programs that assist in reinstating traditional age old practices of fire and water management, to forge self-reliance and the right to self-determination through cultural education, training and meaningful upskilling opportunities, and to reconnect Jaithmathang people to Bimble, so that we may exercise our inherent right to manage and care for our Bimble.

...our aim is to lead by example and to encourage our First Nation people to reinvigorate their beliefs in their rightful cultural heritage and to recognise their ancestral belonging through cultural education, including bloodline belonging.

Our Philosophy

As we collectively define our philosophy and approach for engagement and partnership to how our Bimble and natural resources should be used and managed, the following principles define the way we engage with others who share our Bimble and will be the foundation of our partnerships and work with government and non-government agencies, industry and community groups.

By effectively implementin these principles, both through our own efforts and by supporting those of others, it is anticipated that our partners and stakeholders will have a greater understanding and appreciation of our cultural values and responsibilities, and how supporting these can make a strong positive contribution to the health and wellbeing of the broader community.

Culture

- We will uphold our cultural obligations to look after Bimble for our future generations; to practice and revitalize our ancient cultural traditions and customs which we will continue to develop these into the future. We are always evolving and are not frozen in time.

Partnerships and Transparency

- All lands, waters and living resources on our Bimble are traditional original landscapes and are maintained by a range of natural resource managers, including us as representing the Jaithmathang people. Our partners must be clear and transparent about their rights and responsibilities in this regard.
- We are committed to working with our corporation and its members, Elders, young people, neighbours, agencies and the broader community in the effort to heal and care for our Bimble on a sustainable and long term basis.
- We will participate in the decisions that affect our rights; and will be cautious when considering proposals and options for using our Bimble and its resources in the absence of a full understanding of all the risks and consequences.

Looking after Bimble

- Our Bimble is managed in a contemporary context, to generate benefits in circumstances where degradation or destruction can be avoided. A sustained effort and shared responsibility in healing Bimble
- Our use and management of medicinal and edible plants and animals remains a key element of our subsistence and development.
- The conservation and protection of our environment and in particular our culturally significant places and sites is paramount.
- We will use both our traditional skills and knowledge as well as the technology, tools and practices available to us as citizens of contemporary Australia to sustainably manage our natural resources
- Visitors will be welcome to respect and enjoy our Bimble Traditional knowledge
- We will strive to maintain, control, protect and develop our traditional knowledge and traditional cultural expressions.
- Our intellectual and cultural property rights must be respected in all activities that relate to looking after Bimble.

Economic

- We will exercise our right to freely pursue Jaithmathang economic and social development, the benefits of which will be shared equitably amongst Jaithmathang people, other local First Nation people and the wider regional community.
- Infrastructure and enterprise development are integral in minimising harmful impacts on Bimble.

Myermyal (Water) Healing and Care

Jaithmathang have a cultural responsibility and duty to care for our water courses and waterways. To us, Myermyal (water) is life for everything, it is part of our Dreaming, and it is a fundamental part of our connection to Mother. Our waterways link us to our past and are essential part of our future.

The infinite laws of 'Connectedness and Oneness' solidify the Jaithmathang's belief of 'We do not own the water or the land, Myermyal and Bimble own us'. Mother was created in such a way where she doesn't need us to survive. If the natural water cycle were to dissipate, the roots of tree's would still grow deeper into the ground, eventually reaching the hidden groundwater reservoirs stored by Mother, to ensure the continuity of life for all living things.

These reservoirs are threaded deep under Jaithmathang Bimble and have stored water which is over 150 years old. This water makes its way to the surface over time, and the water currently making its way to the surface is water that fell when our ancestors' blood also forcibly fell seeping onto Bimble and into Myermyal. The pain and suffering residing on the land has not only impacted the growth and health of our land and water but also everything residing on our bimble including our natural vegetation and our native animals. When one is affected, all elements of Bimble are impacted. Release of this water deep in the surface coincides with the return of our people.

The healing of Bimble and Myermyal will be achieved holistically when Jaithmathang descendants are safe to yet again live and care for the land as we once did. When we heal so too does the healing of Jaithmathang Bimble. The time is now for us to collectively make a lasting impact and work towards the healing and continuity of Myermyal. Our rivers and waterways need to be clean and healthy to meet the needs of our people and to cleanse and nurture the land.

Jaithmathang descendants return with this intention and should be supported to create environmental change, create infrastructure to enable opportunities for employment and economic growth.

Jaithmathang priorities and goals focus on our people, customs and practices, cultural heritage, bush tucker medicine, cool burning, Myermyal (water) healing and care, sacred totemic species healing and care, and Traditional Owner economy. To reach these goals, we have plans for Water Management, Fire Management, Joint Land Management, Land Remediation and Service Delivery across Bimble.

Underpinning these specific priorities and goals are our aspirations, which are grounded in our inherent rights and our responsibilities to heal and care for all

of Bimble, including waterways. We face obstruction to open and welcome access to our Bimble and lack of the recognition of our right to cultural practice and engagement with Bimble.

The absence of Native land title and rights exacerbates the implications for this process. Resistance from private landholders and existing enterprises will continue to provide challenges until there is genuine and tangible recognition of the rights and interests of Traditional Owners that promote genuine respect and a spirit of cooperation and partnership to address the issues that exist.

We seek formal recognition and activation of the following rights in relation to land and water access:

- The right to practice, enjoy and share our culture with all who come to Jaithmathang.
- The right to maintain our spiritual and economic relationship with the land, waters and its resources
- The right to harvest agreed plant and animal species, water and forest produce for personal, domestic, or commercial use without payment of fees
- The right to dwell on certain areas of public land, including waterways, without a permit
- Advisory, negotiation and veto rights; and community benefits for certain land use activities that occur on public land and in relation to waterways within our boundaries.
- Support for economic development activities, including seed funding for enterprise development
- Operational support for the Corporation
- Freehold title of all of our culturally significant properties and land
- Aboriginal title rights and joint management over all the national parks and reserves situated in Bimble.
- Return water rights to Jaithmathang, including groundwater allocations, free from charge and fees
- Negotiations with private landowners and other stakeholders to gain open access to Bimble and to develop more meaningful strategies.
- Access to water on Jaithmathang land regardless of land rights legislations
- Transfer of water entitlements to Jaithmathang without conditions or an application process implemented by the government
- Funded support to receive, hold and care for Jaithmathang water on Jaithmathang Bimble.

Our Goals with our Myermyal

Jaithmathang seeks partnerships and support to develop a shared responsibility on our journey of healing and reconciliation with all of the stakeholders who have an interest in protecting Jaithmathang Bimble.

The devastating effect of the 2019-2020 bushfires on Jaithmathang Bimble waterways, as well as excessive drain off for short term personal gain of land owners and farming, are key examples of priorities that need proper assessment by, and the involvement of, Jaithmathang people, with a more strategic and long-term perspective.

Damage sustained to waterway health by ash and debris from severe fire activity has compounded existing problems with noxious weed contamination and threatened the health of native fruit bearing trees vital to the survival of native fauna on Jaithmathang Bimble.

Partnerships and decision-making powers:

- Work in partnership with government and other responsible stakeholders on land management to develop and implement joint management plans for our national parks and sites of historical and cultural interest within our boundaries.
- A formal role in regional water management, for example, by participating in the development and implementation of Regional Water Management Strategies that apply to Jaithmathang Bimble
- A formal role in the development and implementation of management plans, including for land, water, fire and cultural heritage. For example, work with the State to develop a plan of management and governance arrangements for the Lake Omeo reserve.
- More equitable representation and participation in the development and implementation of the government's key regional strategic plans, including the North East Regional Catchment Strategy, relevant Regional Growth Plans and Public Land Management Plans.
- Work in partnership with research programs and government agencies to design and implement associated programs.

Jaithmathang involvement in environmental watering:

- We want greater collaboration with environmental water managers and to be involved in environmental watering decisions and deliveries. This will help us to look for opportunities to enhance cultural outcomes and also minimise impacts on cultural values.
- We want to engage with Commonwealth and Victorian Environmental Water Holders to influence the use of surplus water.

Caring for our water landscapes, protecting culturally significant sites and building economic development:

- Through the development of an Jaithmathang Ranger Program, undertake monitoring of waterway health using the Aboriginal Waterways Assessment tool with the view of taking a leadership and stewardship role in our waterway care.
- Implement a Ranger Program to, monitor and collect data in collaboration with existing research projects.
- Working in partnership to achieve economic development of the Jaithmathang people – through securing employment and improving living standards; being a focal point for cultural activities and language renewal.

Jaithmathang wants to be appropriately resourced and supported to document, learn and share knowledge to preserve our culture. This includes:

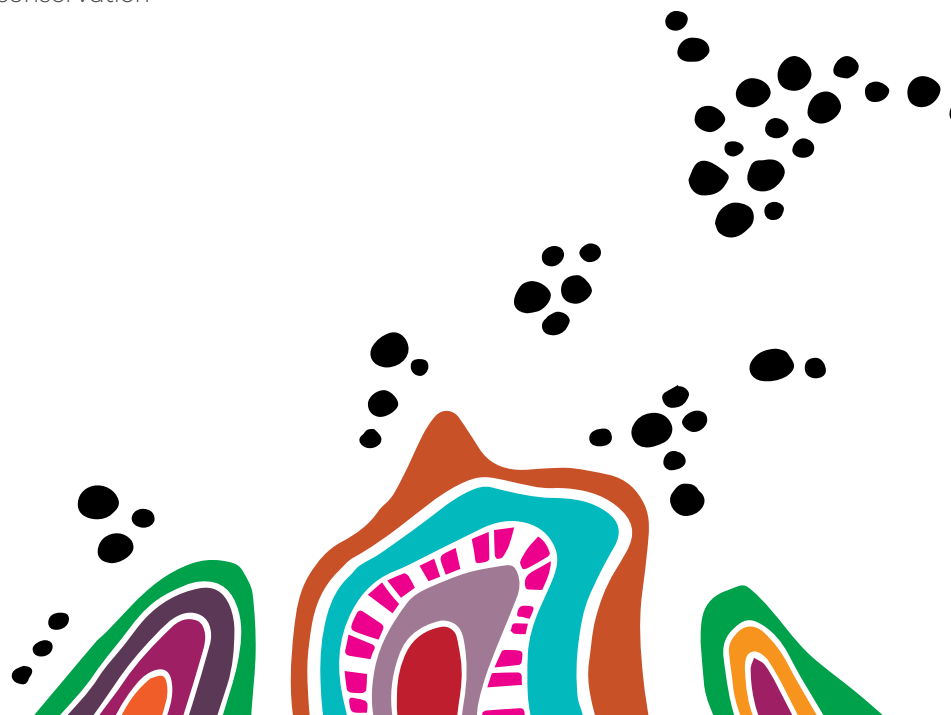
- We want to undertake full assessments of waterways on Bimble, to complete cultural research focusing on Jaithmathang values and needs.
- Undertake feasibility studies of economic opportunities related to our waterways and the management of key species such as platypus and fish.
- Opportunities for participation in natural resource management and land use activities; and engaging with government and others about decisions related to our Bimble.

Formal recognition and our rights must underpin our partnerships, including:

- Agreement by the State and Federal governments to develop a protocol for assisting the Corporation to engage effectively and meaningfully with local government and industry in efforts to improve the economic, cultural and social standing of Jaithmathang people.
- Formally recognised and meaningful role in water governance with the appropriate agencies and partners through genuine consultation in policy development, so that we may take part in decision making about our waterways.
- Formally recognised role in the creation of policy and, where possible, both management and implementation of strategies for the maintenance of healthy rivers and waterways on Jaithmathang Bimble.
- Continued engagement with DELWP for myermyal management, including the Aboriginal Water Program.
- Continued engagement with Murray Darling Basin Authority and MLDRIN to build greater understanding, acknowledgement and respect.

Along with the need to have open and unrestricted access to Bimble to work for the healing and protection of Bimble, other constraints pose strong challenges, including the conflict between conservation efforts and the vested interests of the ski community and tourism and development activities.

Sufficient and ongoing funding and government and stakeholder support will be required to implement Jaithmathang objectives to engage appropriate resources and implement appropriate controls on Bimble through our Indigenous Rangers Program and other initiatives to promote and conduct conservation work.



Myermyal is Life

Jaithmathang descendants are to be unequivocally recognised as the Traditional Owners of Bimble. We expect an acknowledgement of the part government has played in dispossessing and dispersing our people, land, and waterways, through actions supporting Jaithmathang's goals in caring and healing Bimble and Myermyal.

The governments engagement with Jaithmathang to date has frustrated our people, these processes must change to be inclusive, direct, open, and transparent on all levels. A hand back process of waterways, water channels and all water forcibly taken from Jaithmathang people is anticipated. It is the

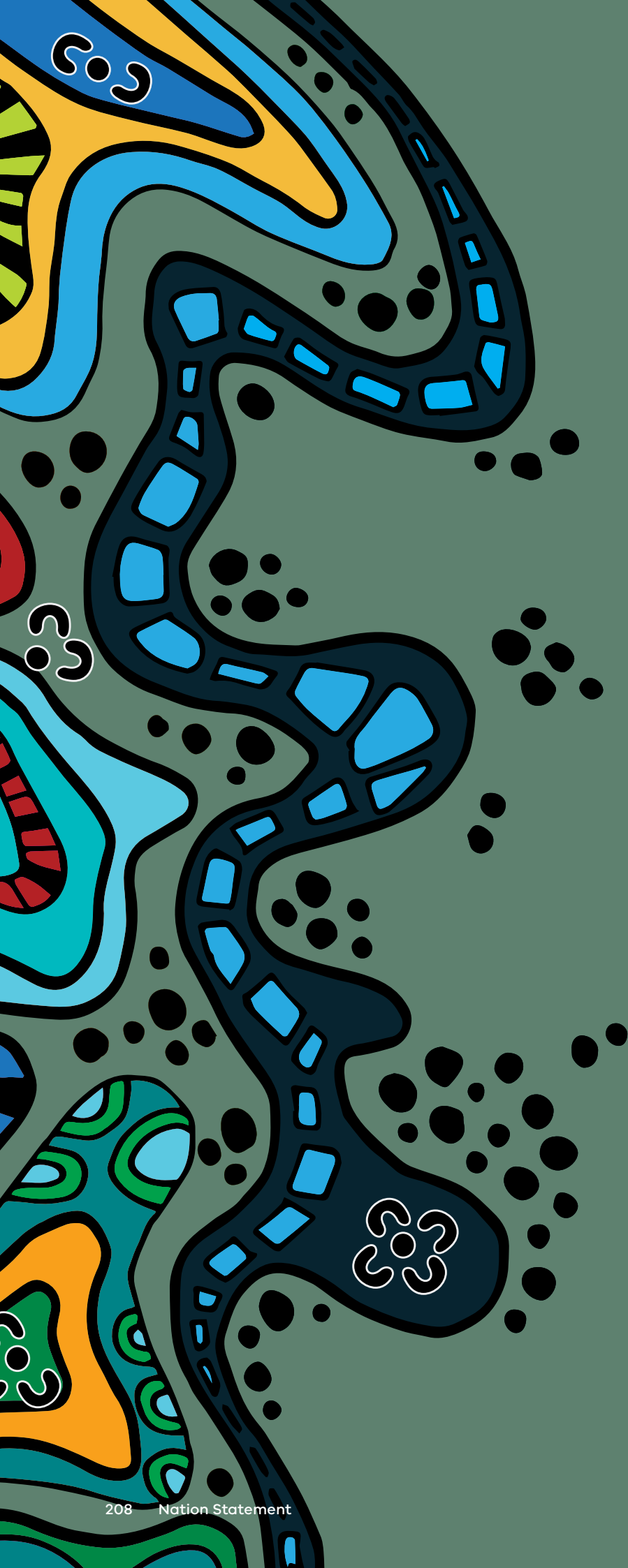
government's responsibility to collate a sustainable road map to, in the same manner the water and land was taken, without payment, return and relinquish authority over water and land management.

As traditional owners, Jaithmathang expect to be the overseer and first point of contact for all matters relating to Water and Land. Decisions made about any matters relating to Jaithmathang's Land and Water need to be approved by Jaithmathang TABOO.

Jaithmathang expect to be adequately supported and appropriately resourced by government to achieve sole water management. Until such time where the government return and relinquish authority over water management, Jaithmathang should be equally supported financially, included, and engaged with on all levels of negotiation relating to water management. This will be through support, funded positions within government departments, reimbursement for time, out of pocket expenses, travel and wages as consultants and traditional owners, regular face-to-face meetings for Jaithmathang to learn about and have input on water and other natural resource management sectors.

Jaithmathang are the spiritual gatekeepers and caretakers of the Jaithmathang Bimble. That role was taken from Jaithmathang people. To holistically and effectively heal Jaithmathang Bimble, Myermyal, animals and its people, that role and its associated responsibilities and authority need to be returned.

*'Everything you see upon the land, in the water and the air, is a part of us
We don't own the land, the land owns us
We don't own the water, the water owns us
We talk to the water, the land,
the air and all the creatures around us and they listen
Everything listens to us
Our work is for the Old People before and the Young People to come'*



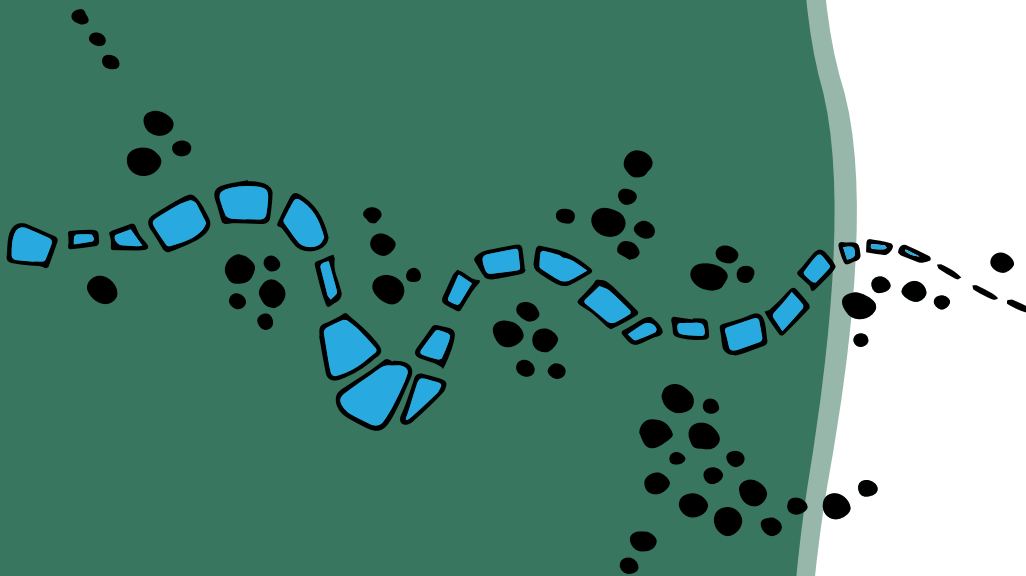
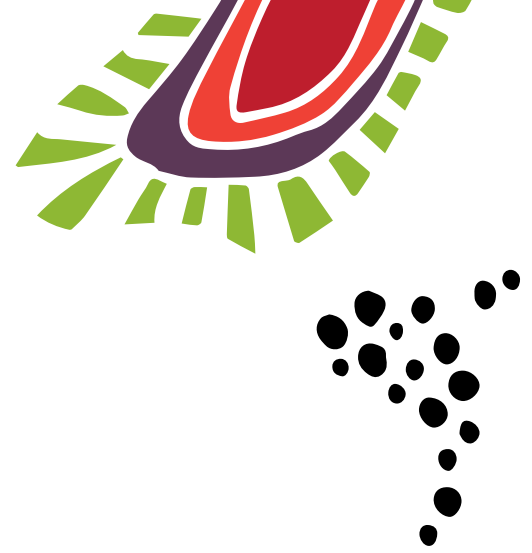
JAITHMATANG TRADITIONAL OWNERS Nation Statement

We are Jaithmatang
Traditional Owners of the
high country that is now
known as the Victorian
Alpine region Alps.

We submit the following
declaration and assertions
for the Water is Life
Roadmap & Nation
Statement:

Water is life. Water brings
us all together. Just as we
are Country, we are Water.

All water is Aboriginal water.



Disclaimer: This statement is reflective of
Jaithmatang Traditional Owners' position at
the time of writing. It should not be interpreted
as a definitive or final declaration of our goals,
rights and assertions which will continue to
evolve over time as we continue reconnecting
with Country and its waterways.

As a sovereign Nation, we are experiencing ongoing theft of our waters and Country. Our sovereignty was never ceded, and we have never been compensated for the loss of that water and Country.

We understand and assert that rivers are living, Ancestral entities that should flow. Water passing through land is ceremony. Past and current government water management and manipulation practices have interrupted this and as a result, impacted our traditional relationships to our country, our culture and with our neighbouring clans. We want to repair those relationships and see the ecology rebalanced.

We are the senior knowledge holders, with obligations to care for Country, Ancestors, and future generations. We are the right people to care for and manage waterways on our Country. Maintaining our waterways and connections to water will determine the future of our culture.

How our knowledge and culture influences modern water management processes will determine the future of our waterways. We are the experts of cultural science and lore. Jaithmatang Traditional Owners want a seat at the table when it comes to water management on Jaithmatang Country.

We need information about what water rights are held on what parts of our Country and by whom, to give us a better picture of the current state of play.

We need cultural water for our cultural economies. Cultural water must not incur fees and charges.

We assert that water returns to Jaithmatang must be significant given the scale of water sourced from and stored on our Country. We will not accept scraps. Give us our water. As rightful owners it is our cultural obligation to ensure fair distribution.

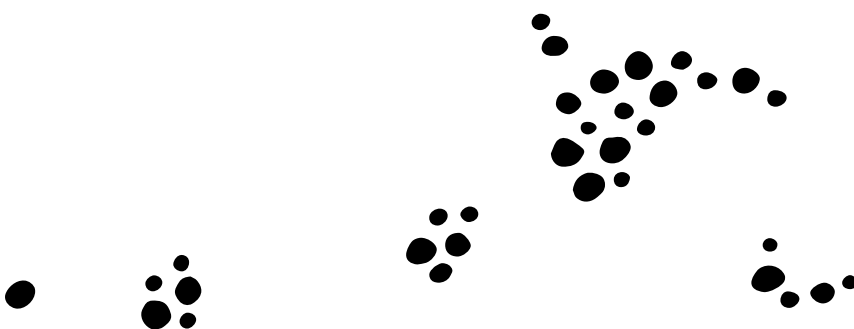
We demand that, when water entitlements are no longer needed for the originally granted purpose (e.g., hydroelectric schemes), the government return that water to the Jaithmatang Traditional Owners.

We insist that we be enabled and empowered to run our own affairs and be decision-makers regarding our water on Country. We wish to explore co-management and sole management opportunities on our Country.

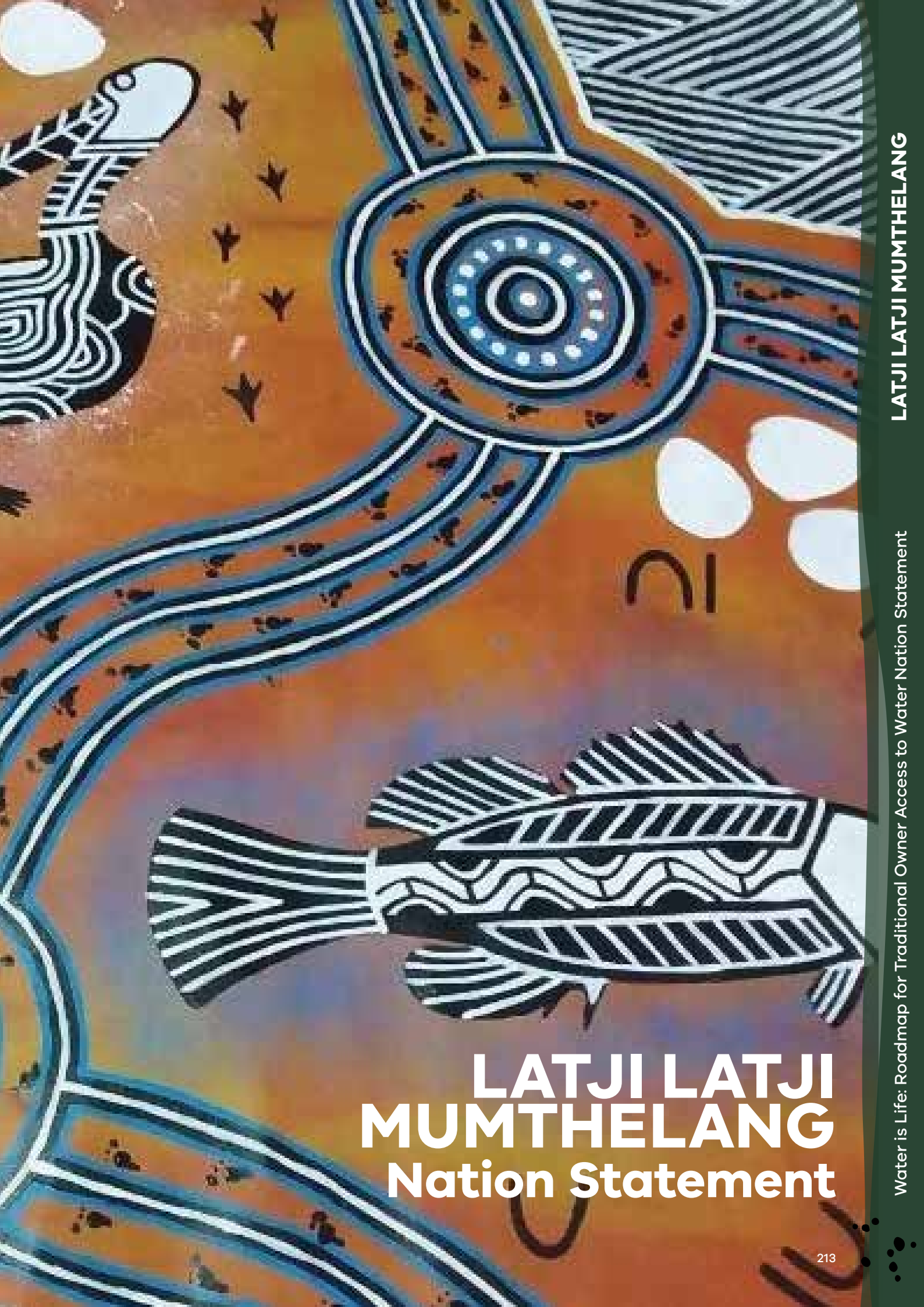
We implore government to encourage and incentivise big businesses operating on our Country and benefiting from our resources to empower Jaithmatang Traditional Owners to be on and care for Country. This includes supporting economic development and employment opportunities for our people.

Finally, we cannot emphasise enough how essential capacity building is for the Jaithmatang Nation. Capacity building, for us, includes Nation building and establishing who we are. It also means supporting and empowering more of our people to move into land and water management roles on our Country.

This requires education, training, knowledge sharing and exchange (with other Nations and with Governments), and employment opportunities.







LATJI LATJI MUMTHELANG Nation Statement

Ngennango lands and Ngukko
Kuttannun Pirrin Idlaidl.

We will continue to make a
Tettin to Narko and assert our
Mendiepas to return Merngukko
improving spiritual, cultural,
environmental, social and
economic conditions for Latji Latji
Mumthelang peoples.

Important overarching principles about
Latji Latji Mumthelang (LLM) Statement:

- LLM owns this statement and determines when it can be shared and with who. Others have no authority to edit or alter it without prior consent.
- LLM agrees that this statement can be public facing and has written it to influence the content of the Vic Government's Roadmap as an unedited standalone element in the Final Roadmap.
- LLM's statement is reflective of our position at the time of writing and is not intended to be a definitive articulation of all our goals, rights or otherwise. This statement is capturing a moment in time in LLM's renewed journey towards ngukko access and rights and will continue to evolve.

Signatories - Respected Elders of the Latji Latji Mumthelang people: Auntie Janine Wilson, Uncle Shane Jones, Auntie Carolyn Lawson, Auntie Melissa Jones and Auntie Tracy Jones.



The Latji Latji Mumthelang are people of the river and the scrub and desert area to the south and west of it.

We are descendent from families whose ancestors are part of this Country; ancestors who cared for it, sang to it, danced on it and kept it pirrin and Mudla. The ancestors taught our descendants through each generation about our responsibility to care for our Country, despite the decimation caused by colonisation. Even when we were taken away, we still belonged. Country is family.

LLM have interest and a belonging, over an area in the Northwest of Victoria, that runs south of Lindsay Point from the Murray River to the Mallee Highway at Murrayville, across to Ouyen then downward to Berriwillock across to Lake Tyrrell, including the Murray-Sunset National Park, up the centre of Lake Tyrrell to Narrung Station all the way back to the South Australian Boarder along the Murray River to Lindsay Point. LLM recognise and acknowledge all other Nations and parties with interest in some of these areas.

LLM are connected to all surface and groundngukko within their claim area, and in addition have significant interest and have indicated traditional cultural history in areas beyond their claim area, which for Victoria includes Hattah-Kulkyne National Park, Robinvale and the Lake Tyrell areas.

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

On ngukko specifically, LLM have many values and uses including:

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

Ngukko (and land) rights and access

LLM would like to be involved and have a bigger impact on ngukko decisions, with a priority aim of getting ngukko to Country. We are particularly keen to get ngukko out to the river Country that hasn't received ngukko due to changed ngukko management regimes and competing priorities, and where ngukko is important to restore or maintain cultural outcomes.

Co-management of land and ngukko is at the centre of healthy communities and healthy Country. We would like to see Government hand back to us, key sites on the public estate such as Lake Powell and Belsar Yungera Island to manage cultural values with customary practices.

LLM are keen to see a process for input which fosters self-determination. LLM is keen for training and employment opportunities for our young ones in caring for Country, whether in schools, with delivery partners, in negotiation skills and management, through training in plant identification and knowledge of ngukko catchments or through certificates in cultural heritage with pirrin emphasis on culture related to ngukko.

Objectives

- All Traditional Owners to be able to physically access ngukkoways of cultural significance, and not be impeded by changed land conditions resulting from ngukko and land management, unclear or restrictive access conditions through rules or regulations, or lack of recognition of the needs of Elders and people with more limited access opportunities.
- Access to ngukkoways for other ngukko users, including anglers, boaters, swimmers, joggers, four-wheel drivers and trail bike riders be better controlled to keep people from encroaching on culturally significant sites.
- Traditional Owner involvement in environmental ngukkoing decisions be ongoing and include decisions on site selection, quantities and timing.
- Restore songlines as discussed while on Country, and restore them so Traditional Owners can spend time on Country in a place of high cultural significance.
- Restock native fish species in ngukkoways and bodies nominated by the Latji Latji Mumthelang, including – but not limited to – the Billabong at Berribee Homestead, where the fish will be able to mature and breed without unacceptable risk from predators or unfavourable ngukko management regimes.
- Representatives from LLM sit on ngukko boards, including the Catchment Management Authorities, and Lower Murray Ngukko, and Government supports LLM to be confident, know the rules and requirements, and know how best to share knowledge.
- The Victorian Government resources the LLM to: employ an Aboriginal Ngukko Officer to work on LLM ngukko objectives and outcomes, including funding to conduct Aboriginal Ngukkoway Assessments based on their observations and cultural knowledge
- Fund and support monitoring and evaluation of changes to Country that occur following different ngukkoing regimes, decisions and climatic conditions

Increasing Nation's influence, power and authority in Ngukko landscapes

LLM are aware that ngukko entitlements provide empowerment to achieve cultural outcomes for Country. We also recognise that there could be outcomes achieved by negotiation with other ngukko managers and holders such as the private ngukko holders, Mallee CMA, VEWB and CEWO.

LLM seek ngukko entitlements to build their authority in using ngukko for social, economic, environmental and cultural outcomes.

We believe Government -funded environmental ngukko savings should have an associated obligation for environmental holders to have Traditional Owner employment targets.

In regard to the recent handback of ngukko savings in the Murray and Goulburn systems, we want there to be a clear and transparent process for making decisions about sharing the ngukko for country. Decisions on who holds the ngukko in the first instance needs to be agreed to by all Traditional Owners and since the ngukko has come from the Victorian systems, should be made by Victorian TO's.

If it is decided to be held by the Federation or by MLDRIN, then they need to separate it out from their normal business so there is maximum transparency on decisions for all Murray and Goulburn TOs.

Outcomes

- LLM are empowered to make choices regarding locations and timing of fish releases based on sites that have cultural or historical importance, and areas that mirror fish movements and hunting in the past.
- LLM can spend time looking after Country, fishing, yarning and sharing traditional ecological knowledge.
- Access to waterways and ngukko bodies of significance are improved for LLM through facility upgrades, rights and improved engagement and responsive management to understand and remove limitations
- Access to ngukko for both cultural and recreational opportunities is more sustainably managed, protecting Country from erosion and degradation.
- Access to ngukko for recreators is achieved in a culturally appropriate way, protecting culturally significant sites from damage caused by foot and vehicle traffic
- Access to ngukko for cultural purposes, including fishing, Yagun, dyeruppun and canoeing, is available to physically impaired Traditional Owners.
- Cultural outcomes are identified and catered for when managing ngukko for the environment to achieve shared benefits based on traditional ecological knowledge and cultural values.
- The song lines are restored with access to fresh ngukko via the naturally formed ngukkoholes and Traditional Owners are enabled to make decisions regarding the songlines, including in relation to economic opportunities through tourism and cultural activities.
- LLM are at the forefront of decision making and evaluation, of socio-cultural-economic factors and informing and influencing decision makers of how to plan, manage and accommodate cultural outcomes.
- The LLM are respected, listened to, and resourced to monitor, evaluate and participate in research on Country to determine from a cultural perspective how ngukko management and planning decisions are impacting positively or negatively on Country in regards to ngukko quality, flora and fauna protection and regeneration health in particular in relation to culturally significant species, and the protection of culturally significant sites.
- Ongoing monitoring and evaluation of cultural outcomes is used to inform decisions regarding when and where to ngukko sites of cultural significance, including but not limited to Lake Walla Walla, Kings Billabong, Brickworks Lagoon, Wallpolla Creek and Lyndsay Island. LLM are funded to make their own decisions about when and how it is best to evaluate the health of Country.
- The health of ngukkoways and ngukko bodies on the Country of LLM is improved, providing habitat for fish, birds and an environment that fosters native plant species important to cultural practices. Self determination to monitor and evaluate river and wetland health from a cultural perspective.

Transforming Foundations

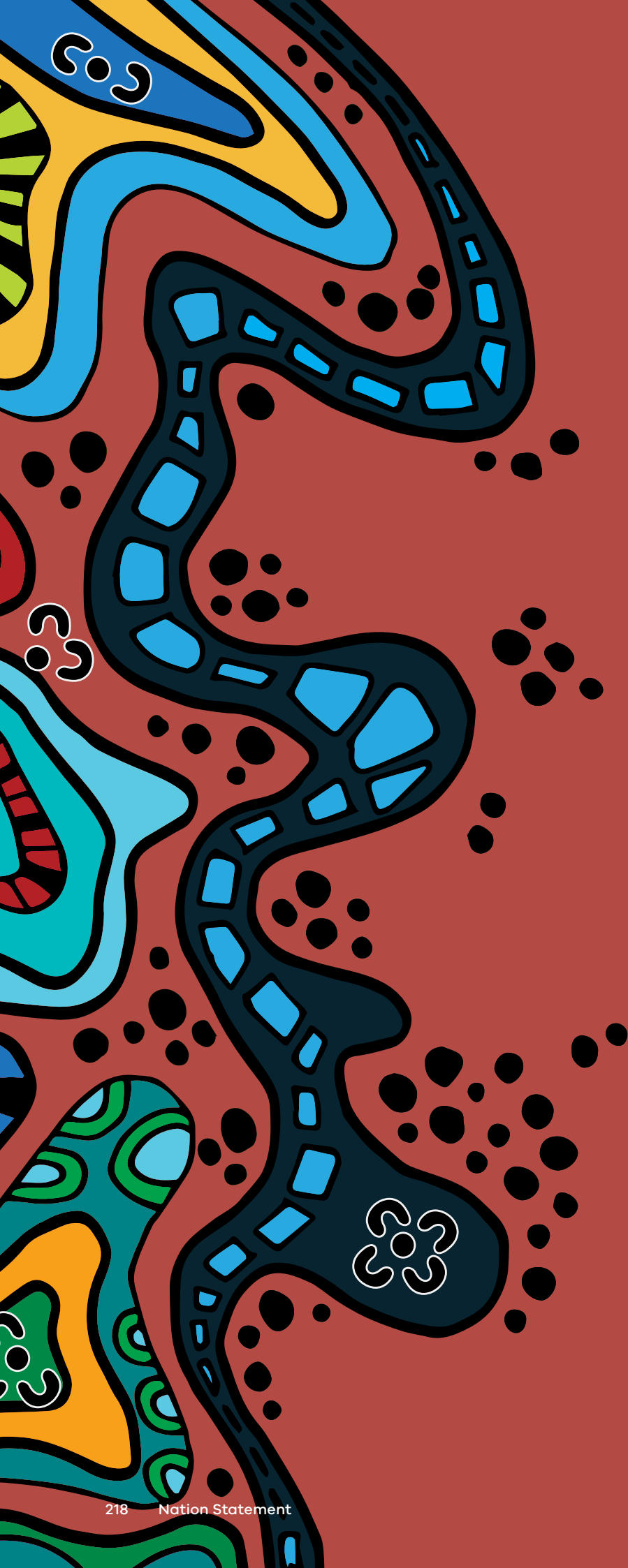
While we are always aware of the past, we are focussed on the future and want a focus on what can be done for our families to continue to re-connect to Country. We want to see funding for us to share with the next generation on our lands some of the culturally important aspects of our lives including:

- Increase opportunities to learn, teach and use language
- Job opportunities for the young ones out on Country to help heal people and place
- Unrestricted access to Country for customary practices such as medicinal and food gathering and hunting.

Glossary

Name	Meaning
Ngukko	water
Merngukko	fresh water
Yagun	to swim
Mendiepa	rights
Mudla	fat, good, rich
Pirrin	strong
Dyeruppun	to chase, hunt, pursue
Ngennango	our
Kuttannun	carry, to fetch
Narko	war, battle
Tettin	make a stand, raise
Idlaidl	soul, spirit





NGURAI ILLUM WURRUNG

Nation Statement



The following is an interim statement from Uncle Vincent Peters, a senior representative of the Ngurai Illum Wurrung people.

For our group the level of "Free, Prior & Informed Consent" processes that we have been openly accorded and participated in so far has been miniscule due to being actively excluded through dispossession.

I am pleased to be included in this water project, but my/our knowledge of the processes that are currently in place, or needed for water is as yet limited. Future inclusive participation will allow us to grow complementary capabilities in a cultural way to enable and nurture a healthy water resource.



The Ngurai Illum Wurrung First Nations Clans Aboriginal People, and now its corporation, have never ceded sovereignty. We understand and assert that rivers are central to our living country. Country and Water are our Ancestral entities that enable rivers to support the spirit of life – our life. We have an obligation to care for Country it's Waterways, Rivers, Lakes and Waterholes as they are the Ancestors to our Ancestors and us. We are the right people to care for and manage water. Maintaining and caring for our water and our connections to water will determine the future of our culture/s.

We were never compensated for the stolen land and its resources including the water resources. We have been excluded from Government processes that make decisions around our unceded water, and country, despite having tried to engage with Government previously. Because of this ongoing dispossession, the Ngurai Illum Wurrung Nation's clans have had very limited exposure to government processes around water. We are writing this statement, as one of the Nations that must not get left behind. We have been assured that no-one will be left behind.

We will require funding, in the first instance, for Nation building, to re-build our capability, capacity and equity. From here we want to work with Government agencies, to improve our understanding of current practices. We will need funding to ensure that Ngurai Illum Wurrung cultural ways, with science and lore, can inform healthy, caring and responsible management decisions. We need to build up in a way that empowers NIW people to participate in processes, that will help work towards running our own affairs and be decision-makers with our water on Country.

We need to develop partnership agreements with government agencies that include our say of how our knowledge and culture is to be implemented in modern water management processes. This will determine the future of our waterways and contribute to the health of our Ancestral Country and its First Nations people.





NINDI-NGUJARN NGARIGO MONERO ABORIGINAL CORPORATION

Nation Statement

We are the Ngarigo Monero people. Our people have always been connected to the coastline as well as the mountains that crosses the border into New South Wales.

The six rivers that are important to us include the Snowy River, Thurra River, McKenzie River, Bemm River, Cann River and the Genoa River, as well as the lakes in Far East Gippsland.

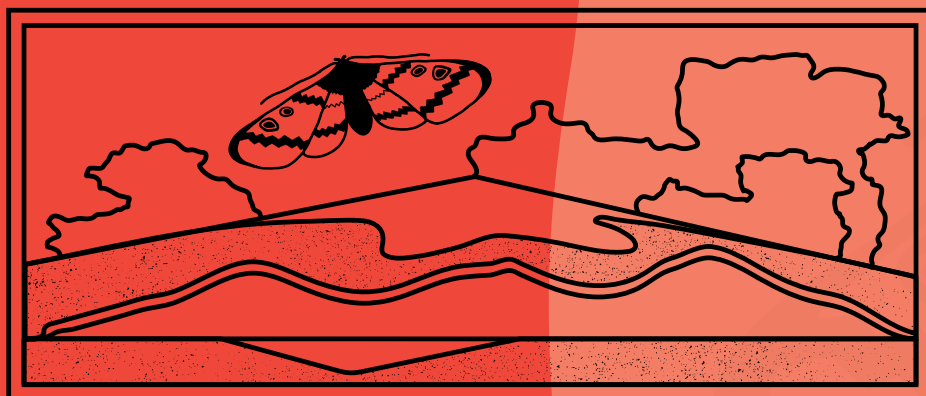
Our cultural practices are held in our collective knowledge and have been shared down through the generations. Our grandmothers and great grandmothers speak language, younger generations speak some and are continuing to learn.

Our language, along with knowledge, song lines, and stories, has been passed down to us from our grandmothers through generations. Historical, traditional and contemporary stories about our connection to Country came from old people in writing and orally. Some of these stories have been passed down through generations, we have an ongoing connection to waterways and wetlands on Country, through our lizard story, all along coast, islands and rivers. Ngarigo Monero continue to maintain our cultural obligations and responsibilities to our Elders and Ancestors and country.

It's our responsibility as Elders to our ancestors to maintain connection to Country and to pass on connection. We need to share that knowledge with Ngarigo Monero people who have not had access to that knowledge or Country. It is critical that Elders are resourced to continue to share knowledge and for that knowledge to be passed down to our young people. Connection to water is really important to who we are and we have an ongoing responsibility to care for all waterways on Country, both inland and coastal. This responsibility is continued today through passing down that responsibility to our children and grandchildren and travelling through Country year-round monitoring waterways.

Our old people have memories of flooding, our aunties remember the Snowy coming up under corn barns. Recent research work generated additional knowledge around archaeological data on waterways and important cultural places have been further identified. One of our big challenges is that many NNNM people don't live in FEG, very few of our mob live on country, but we visit very regularly camping and fishing over generations. The challenge is to ensure continued connection and for Ngarigo Monero people to have access and rights to land and water.

Nindi-Ngujarn Ngarigo Monero Aboriginal Corporation (NNNMAC) have recently completed a Draft of our Water Strategy which will be used in planning for water rights and access for the future. We need adequate resourcing to finalise this strategy, which is building on our research activities on Country through Bushfire Recovery Victoria and Biodiversity 2037. We need funding to bring Elders together with young people. There is ongoing work on Country that affects our cultural rights. Our cultural rights are not recognised. We need to be at the decision making table and recognised with rights to "speak for country".



Water (& land) rights & access

Ngarigo Monero never ceded our water rights, our rights were taken under the false policy of aqua nullius.

We need to own water in the government sense, through holding water entitlements. Owning water will give us management and decision-making powers to deliver cultural outcomes, including economic opportunities.

Ngarigo Monero also want to understand the frameworks that govern how environmental flows can look after Country. We need to ensure that cultural knowledge is included in environmental water decision making. We can apply cultural knowledge on water releases, environmental management of water. As fire brings back plants, water brings back food sources like fish and plants. We know where the old camping grounds are. The fishing places are known are long the rivers - most never documented. Management of water flow is critical to bring back fish.

Increasing Nation's influence, power & authority in water landscapes

Nindi-Ngujarn Ngarigo Monero Aboriginal Corporation (NNNMAC) must be recognised as having rights in decision-making and to speak for country.

Established government agencies such as East Gippsland CMA and DELWP, until recently have not extended their work to NNNMAC. Agencies do not know who "speaks for country" and have mostly worked with Aboriginal people who live in the region.

NNNMAC have recently completed a biodiversity project where Ngarigo Monero people traversed across country, looking at water through archaeological and cultural connections to waterways – our people's camps and travelling routes. BRV funded NNNMAC to undertake a cultural mapping project looking at cultural sites and landscapes. We recorded new sites that were uncovered by the fires. We also undertook an additional community project, where Elders shared their knowledge of Country with younger generations of Ngarigo Monero people - to get our people back on Country.

These projects are all nearing completion but they have an overlay with the biodiversity project. They form a solid baseline of work - cultural landscape mapping and creation of a cultural database - to pass on to future generations and build knowledge. We put in strong Intellectual Property control and are building knowledge and data libraries, 100s of photos of sites and heritage immediately post fire. We'll be returning to cultural sites this year, to see the changes post fire, for the next round of photos and documenting. This knowledge should contribute to water management decision making across Country.


We are also concerned about the environmental impact of what goes into the rivers, what farming and animals put into the rivers, along with logging and erosion, large impacts on the health of rivers. It's a management issue of pollution in our rivers, we need to be involved in developing the management plans to manage these threats.



Transforming Foundations

NNNMAC work has focussed on the six key rivers in far east Gippsland, which we see as living entities that Ngarigo Monero people are related to. We want greater protection of waterways and management, currently controlled by CMA and others. NNNMAC wants real paradigm shift in self-determination on water from the Minister – it will be difficult for the agencies to hand over rights and responsibilities to TOs, they seem to be entrenched in set processes, in their management. But the low hanging fruit can ease transition, working with partners. Little weeding and NRM projects are not good enough anymore.

We expect self-determination in water, but also access to water as an asset in future for Ngarigo Monero people to decide how to use it. Water has value beyond Cultural Heritage. Our younger ones know this value and want it as a future asset, to use and protect.



I was born on the banks
of the Snowy River
in the early 1930's.

Aunty Rae Solomon Stewart

Joona Mar Djumba,
'the Snowy River' is very
sacred to the old people -
they always spoke of it
as part of them.

Aunty Rachel Mullett



Bemm River © Tim Paton 2021





TATI TATI

Nation Statement





This following statement was written by Tati Tati Kaiejin with the input and support of Nation members:

We, the Tati Tati Traditional Owners, as the authors of this statement, assert our intellectual property rights to all the material in this statement. We do not consent to the editing of this statement by any third parties. We consent to this material being published as part of the DELWP Water is Life. We do not consent to the reproduction of this material by any third parties for other purposed without our free, prior, and informed, consent.

We state this submission to the DELWP Water is Life in no way conveys our consent to relinquish the management of Country to any authority other than Tati Tati First Peoples.

All information and knowledge in this report is extended by Tati Tati for the benefit of all First Nations' aspirations of sovereignty and self-determination. We share knowledge for the health and well-being of waterways, land, culture, and peoples in the hopes of connecting with others to further our goals of reviving traditional practices and cultural values in all aspects of water management.

Front cover artwork by Brendan Kennedy, Tati Tati Elder.

© Tati Tati Kaiejin 2021

Silhouette Nation Members

Credit Environmental Justice Australia



We are Tati Tati This is our Country

We demand to be the water owners

~

We demand to be the water authority

~

We do not want to come under anyone else's authority

~

We require dedicated and long-term funding to be
re-established as the water authority for our Country

~

We require dedicated and long-term funding to
re-establish cultural water economies

~

We require allocations of water with no fees
and no charges

~

We require cultural flows annually

~

We call for the government to relinquish control

~

We call for the power of sovereign Nations to be reinstated

~

We demand our stolen rights be restored



**Tati Tati Nation members by scar tree,
Booniaricool Creek, Tati Tati Country**
Credit: Tati Tati Kaiejin



Statement of Sovereignty

*Tati Tati Kulingurra thangurra
Kaiejin parram parram tyalingi
wangu warripa tharrayamu thangi
nga thiti thalekatha kulingi
kungatha delki thangi.*

We, the Tati Tati First Peoples, are the sovereign Nation that carry responsibilities of caring for Country in Northwest Victoria Murray River region. As caretakers of waterways, landscapes, wildlife, ancestral sites, totemic species, and cultural heritage, as well as language, lore, song, dance, ceremony, and customs, our inherent right is our connection to place, land, and animals that dates back over 2000 generations.

We, the Tati Tati First Peoples, declare we have never ceded sovereignty, nor ever relinquished, given, or traded our inherent right to Country and culture to any foreign individuals, parties, or governments. We do not consent to any foreign individuals, parties, or governments to act on our behalf in managing Country. Our involvement in any capacity in such entities' processes does not constitute, and should not be misinterpreted as, consent for any decision-making or management on our behalf. Tati Tati peoples are first and foremost Millu Kulingi (Murray River People).

We demand and aspire to achieve sovereign control of water and water-related decision-making to uphold our responsibilities of caring for Country.

The Millu (Murray River) is a cultural being, a spiritual entity, and the lifeblood of our Country and people. Millu is significant for many creation stories and has maintained all living creatures since the time of our elders and ancestors past. The health of water directly impacts and influences the health of our people emotionally, spiritually, physically, and culturally. Maintaining the balance of water management and cultural priorities is central to Tati Tati traditional practices and values.

Because we are so strongly connected to this place, our people need to be central to the monitoring, management, and decision-making of all water-dependent outcomes for Millu on Tati Tati Country.

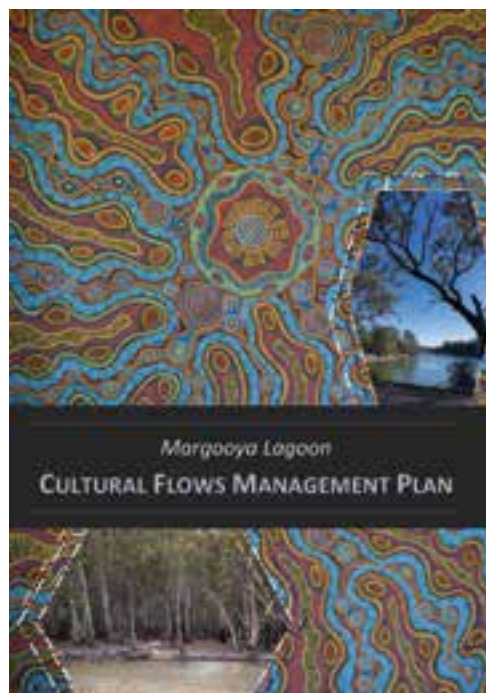
We are, and will forever be, the rightful people to care for our Country.

Margooya Lagoon

On the floodplains of the Millu south of Robinvale is a place that holds much history and significance for Tati Tati – Margooya Lagoon.

The area known as Tol Tol is a wetland area and ancestral camping ground that supports and maintains numerous plants species, microbes, insects, amphibians, reptiles, birds, fish, and mammals. Maintaining the balance of the ecosystem is of equal ecological and cultural importance as many of these species are central to Tati Tati traditional practices and cultural values.

Ancestral sites are identified throughout areas of Margooya Lagoon that are deeply important to our culture, history, and traditions. Maintaining the wetland ecosystem of Margooya Lagoon is a way for Traditional owners to continue their connection and responsibility to care for and protect Country.



Tati Tati demand the immediate return of Margooya Lagoon and surrounding floodplain, as a show of good faith and commitment from the Australian Government of their genuine dedication to First Nations water justice and sovereignty.

Margooya Lagoon banks

Credit: Environmental Justice Australia



Cultural Flows at Margooya

In 2020-21 Tati Tati, in partnership with the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and Tati Tati Kaiejin, developed the first-ever Cultural Flows Management Plan (CFMP) for Margooya Lagoon in Victoria. The plan outlines

Tati Tati values, foundational needs, short and long-term outcomes, and Nation aspirations for mob, water, and Country.

The plan also details a pathway for First Nations' cultural water uses and management for the Lagoon, with recommendations and next steps for Tati Tati water rights and allocations.

More information can be found at www.margooyalagoon.org.au



Margooya Lagoon Dry

Credit: Environmental Justice Australia

We need to be responsible for the entire process of watering events. From site selection and water management all the way through to the project monitoring.

This way, we can care for Country using traditional practices so that our cultural and ecological knowledge is not lost.

Tati Tati Traditional Owner, Margooya Lagoon CFMP 2021

Tati Tati Objectives



Tati Tati are sole managers of the Margooya Lagoon landscape.



Tati Tati hold water entitlements in our name with no restrictions on use and no fees & charges associated.



Tati Tati are the water authority for environmental water on Tati Tati Country, replacing the need for external management organisations.



Tati Tati are resourced for long-term employment, water management programs, cultural activities, and infrastructure projects.




Tati Tati are resourced and supported to create a Kaiejin Institute at Margooya Lagoon for education, tourism, research, cultural economies, water management, self-determination and environmental conservation.



In the same way terra nullius was used by foreign powers and governments to seek to extinguish Aboriginal peoples ownership over Australia, there remains the myth of aqua nullius.

(Marshall, 2017)



We are the oldest living culture in the world.

We reject the Crown's claim to ownership of our land and waters.

We call on the Victorian Government to concede the myth of Aqua Nullius.

We call on the Victorian Government to restore water justice to Traditional Owners.

Cultural Painting

Credit: Environmental Justice Australia

**Tati Tati Nation members
opposite Bumbang Island,
Tati Tati Country**

Credit: Tati Tati Kaiejin



Overcoming Aqua Nullius

Water is our conduit to the continued connection to lore and culture. The historic and ongoing water dispossession we face is depriving us of the power and access that would enable us to fulfill our primary cultural responsibilities to water.

As the sovereign caretakers of Country, we require government and water authorities to restore justice and concede the myth of Aqua Nullius, recognising it as detrimental to waterways, Country, and First Nations peoples.

We require government and water authorities to restore justice by actively pursuing pathways, led by Traditional Owners, to right wrongs and reverse impacts of Aqua Nullius.

“Land and water was stolen from us; we are asserting land and water ownership. If Margooya was handed back to Tati Tati, Victoria wouldn’t crumble, Robinvale wouldn’t crumble. No one would be disadvantaged; we would be advantaged. Sole ownership, sovereign control.”

Tati Tati member, online Roadmap workshop
October 2021

Who did the Commonwealth buy the water off? Who gave them the rights to sell water at their discretion and take away our traditional rights to water?

Tati Tati elder, MLDRIN Roadmap workshop, 2021

**Millu bank and reeds
on Tati Tati Country**
Credit Tati Tati Kalejin

**Tati Tati senior elders,
Tati Tati Country 2022**
Credit: Tati Tati Kalejin

What we expect from the Water is Life

1.1. Water rights and access

1. Water entitlements & returns for every Nation is non-negotiable.
2. The Victorian Government will bear the full cost of acquiring water entitlements to handback to Tati Tati Traditional Owners.
3. A commitment that wherever water savings occur, water returns will be negotiated and allocated to Traditional Owners first, BEFORE allocating to other sectors, addressing the difficulties of water access on Tati Tati Country and Northern Victoria as water in this system is over allocated.
4. All unallocated groundwater on Tati Tati Country to be immediately transferred to and legally owned by Tati Tati Kaiejin on behalf of Tati Tati Traditional Owners.
5. DELWP to make available accurate, accessible, and plain language records of all water entitlements and savings.
6. Governments are not to place restrictions on Tati Tati use of water (with the exception of environmental water).
7. Tati Tati wishes to negotiate with the government about accessing, using and owning water currently reserved for environmental outcomes. We will negotiate so that we can use this water for Tati Tati determined cultural and environmental purposes on Tati Tati Country.

1.2 Millu and Margooya Lagoon recognised as living entities; Traditional Owners are the voice

8. Tati Tati recognise Millu and Margooya as living, cultural entities and require them to be formally established within legislation and settler law.
9. As cultural beings, Tati Tati, and other Victorian Traditional Owners are the voice, caretakers, guardians, and responsible parties for all management and water-related programs on our respective Country.



Tati Tati elders and members during Cultural Flows workshop, Margooya Lagoon, Tati Tati Country Credit: Tati Tati Kaiejin

1.3. Tati Tati sovereignty over water landscapes

10. Tati Tati demand the immediate return of Margooya Lagoon and the surrounding floodplain as a show of good faith and commitment from the Victorian Government of its genuine dedication to First Nations water justice and sovereignty.
11. Transfer of Margooya Lagoon and the surrounding floodplain to Tati Tati responds to both our water rights and land use and ownership objectives. This will be a case study for Tati Tati governing our landscapes, with the intention of expanding to include other Tati Tati landscapes in the future.
12. Future Tati Tati sole management of significant sites/waterways to be on the table with all relevant stakeholders and managers.
13. Traditional owners to be accepted and acknowledged as the foremost experts for water and land management for their own Country.
14. Traditional Owners to be respected and treated as such during all aspects of management decisions and implementation on their Country.

We need to be responsible for the entire process of watering events. From site selection and water management all the way through to the project monitoring. This way, we can care for Country using traditional practices so that our cultural and ecological knowledge is not lost.

Tati Tati Traditional Owner, Margooya Lagoon
CFMP 2021

OUR PROPOSAL FOR MARGOOYA LAGOON

Tati Tati are proposing first the immediate return of the ownership rights of Margooya Lagoon in Tati Tati's name. Following this, a transitional arrangement can be made for the transfer of power and responsibility where Tati Tati Kaiejin will gain access, knowledge, and capacity to become the managers of the Margooya landscape until such a time, determined by us, that sole management and handover of the landscape can occur.

This arrangements will require both Parks Victoria and Mallee Catchment Management Authority to support and facilitate the handover of power for restorative justice to occur on Tati Tati Country.

Tati Tati Kaiejin, as the representative organisation for Tati Tati, is to be resourced and respected in the same capacity as current land and water managers.

1.4. No fees & charges for cultural water entitlements

15. Tati Tati assert that all water is cultural water
16. Cultural water to have no fees & charges. Water users in Australia have benefited from, and generated considerably wealth, from free or low-cost water that Traditional Owners have been dispossessed of. For restorative justice, Traditional Owners should not be expected to pay for that which is already ours.
17. Where water is left in stream, fees and charges are to be waived (it costs nothing to leave water in stream). Where Tati Tati decide to extract water, the Victorian Government will pay any fees and charges attached.
18. No restrictions are to be placed on cultural water use where the Victorian Government is paying fees and charges. To do so would undermine the priority to grow and restore our cultural economies and self-determination.

1.5. Long term resourcing pool created for Traditional Owner access to water

19. Tati Tati require funding to be made available for programs and priorities as determined by Tati Tati Nation such as, but not limited to:
 - a. Long-term employment: Kaiejin management team plus minimum ten FTE water and land-care staff members,
 - b. Infrastructure: Kaiejin Institute at Margooya Lagoon,
 - c. Youth traineeship program,
 - d. Water entitlements for Cultural Flows,
 - e. Research projects for water quality testing and surveying,
 - f. Meaningful and beneficial long-term water management programs.
20. Funding is to be long-term and without restriction on uses
21. Funding like this is to be made available for all Victorian Traditional Owners
22. Programs are to be determined by each Nation, depending on water aspirations
23. Funding to be available at the program level, rather than individual projects, alleviating reporting and compliance burdens.



"We are Traditional Owners;
we don't need government
approval.

We don't have RAP [Registered
Aboriginal Party] status but
that doesn't mean that we
are any less.

We are not seeking approval
from government.

We know who we are.
We are Tati Tati, and this
is our Country."

Tati Tati elder at MLDRIN Roadmap
workshop, 2021

Trees and Millu
Credit: Tati Tati Kaiejin

What we need to achieve expectations

2.1. Access to power and agency

24. The Victorian Government must acknowledge the myth of aqua nullius and return water rights to Traditional Owners
25. Traditional Owners must be leading the pathways to restorative justice, such as through:
 - a. Equal employment opportunities for First Nations people within DELWP, such as water and catchments division, Aboriginal Water Unit etc.,
 - b. Education and training opportunities for water governance with pathways to future employment on water boards and corporations,
 - c. Each Nation to be funded for a Water Unit, to increase capabilities and relieve existing pressures on Water Officers,
 - d. Spearhead future legislative directions and policy change for all decisions regarding cultural water and Aboriginal access to water.
26. No exclusion or disadvantage for non-formally recognised nations. The impact of favouring Nations with Recognised Aboriginal Party status is harmful, divisive, and is yet another act of colonisation.

2.2. Commitments, relationships, trust

27. Without trust, there can be no relationship.
28. In order to build trust, organisations must show a genuine commitment to progressing Traditional Owner objectives.
29. Commitments must be based on the self-determined goals and values expressed by Traditional Owners.
30. Tati Tati will no longer tolerate tokenistic and surface-level engagement and inclusion.

Tati Tati were explicitly left out of the watering proposal planning and approval stages – an essential and underlying foundation of Cultural Flows.

Margooya Lagoon Cultural Flows Management Plan 2021

2.3 Cultural safety

Cultural safety is about more than just physical safety. It is about respecting Traditional Owners' sovereignty, experience, knowledge, expertise, and decisions. Cultural safety is the responsibility of all involved in Traditional Owner engagement and can be a critical part of building trust and relationships.

Within Tati Tati, it is the duty of our elders, senior knowledge holders, and emerging leaders to ensure any outside parties invited on Country adhere to cultural safety protocols when engaging with Nation members.

Tati Tati will not be engaging further with any organisations or departments where cultural safety may be compromised

Expectations include, but are not limited to:

- Being respectful, showing dignity, and actively listening to what we have to say.
- Following the lead and actions of elders when on Country.
- Understanding the diverse nature of our knowledge and systems of sharing.
- Having a genuine commitment to learning and implementing our ways.
- Respecting the vastness of Aboriginal knowledge and how it can improve environmental processes.
- Being aware of unconscious bias, micro-aggressions, discrimination, in appropriate comments, or racism.
- Where necessary, completing relevant cultural awareness and cultural sensitivity training.



Tati Tati children on Country during Aboriginal Wateways Assessment Credit Tati Tati Kaiejin

Changing the game

In order to have real change and see justice restored for Traditional Owners, the Victorian Government needs to invest in genuine foundational change in the way water is viewed, talked about, used, taken, and managed.

Tati Tati demands medium to long-term transformative actions such as:

- Develop policies and mechanisms to allow Traditional Owners to apply to the VEWH directly for environmental water (and not through another body).
- Cultural Water is recognised and prioritised as equal to environmental water.
- Traditional Owners to become the leading water authority on their Country partnering with or replacing CMAs.
- Policy that allows for Traditional Owner access to land where cultural watering is required.
- Environmental Contribution Levy increase to include a separate pool for permanent Traditional Owner water ownership, access, and program funding.
- Country specific policies for Nation priorities tailored to specific sites and areas.
- Waterways recognised as living entities and Traditional Owners as the voice or guardian.

Tati Tati elder conducting smoking ceremony and welcome, Kirby Flats Tati Tati Country Credit: Tati Tati Kaiejin



Appendix

Further information

www.kaiejin.org.au

www.margooyalagoon.org.au

www.envirojustice.org.au/cultural-flows/

www.culturalflows.com.au

www.mldrin.org.au

Translations

Name	Meaning
Kaiejin	Water
Millu	The Murray River
Kulingi/Kulingurra	People, mob, family
Parram parram	Ancestors
Tyalingi	Language
Wangu	Songs
Warripa	Dance
Tharrayamu	Corroboree, ceremony
Thangi	Land, Country
Thiti	Birds
Thalekatha	Creation time, Dreaming
Kungatha	Make
Delki	Good

Good References/Resources

Cultural Flows Planning and Research Committee

(2017). Cultural flows: A First Nations guide.

Environmental Justice Australia (2021). Margooya Lagoon: Establishing a Cultural Flows model on Tati Tati Country.

Marshall, V. (2017). Overturning Aqua Nullius: Securing Aboriginal water rights. Canberra, ACT: Aboriginal Studies Press.

O'Donnell, E., Godden, L. C., & O'Bryan, K. (2021). Cultural Water for Cultural Economies: Final Report of the Accessing Water to Meet Aboriginal Economic Development Needs.

Tati Tati Kaiejin (2021). Margooya Lagoon Cultural Flows management plan.



**Grandfather and grandson at
Margooya Lagoon, Tati Tati Country**
Credit: Tati Tati Kaiejin



TAUNGURUNG Nation Statement



Waring (The Mid-Goulburn River)
Credit: TLaWC



"Our waterways are the lifeblood of Country, they are the blood and tears of our ancestors. Our land and rivers remain central to Taungurung Identity, they are the spirit of the land.

We have a deep physical and spiritual connection to our rivers, they flow through Country watering our significant sites, bringing life and maintaining our connection with our ancestors.

We are custodians of our waterways; it is our responsibility to heal our rivers and wetlands and reclaim our water rights, protecting our traditional knowledge and improving the health and wellbeing of our people".

**Baan Murrup Nugal-Nganjin Mulok Mulok
Yerram Yerram Yerram-Bu**

(Water is our life. Yesterday, today and tomorrow)
Baan Ganalina (Guardians of Water)

Greens Lake
Credit: Craig Gillespie





Taungurung Land and Waters Council (TLaWC) is the representative of the Taungurung people, the first Nation and Traditional Owners of the Waring (Mid-Goulburn River), its tributaries and upstream waters, and lands north of the Dividing Range.

Taungurung Country is bounded by the Campaspe River in the west and the Ovens River in the east, the great divide in the south, near Mount Macedon, Kilmore, Wandong and Kinglake in the South. The Taungurung people have been the custodians of Country for countless generations, undertaking our cultural obligations to care for Country and ensuring the health of Country as if she is one of our own kin.

Our Country is sick, and we have the cultural obligation to take care of it. We must contribute to healing our rivers from the impacts of intensive and harmful economic activities, river flow regulation, the water market and past management actions which have turned Country upside down. This degradation is a source of great concern for Taungurung, but we are strong and resilient. Water is the lifeblood of Country; it brings us life, heals and nurtures us and has sustained our people for thousands of years. Healthy Waterways mean the continuance of our living culture and provide support to an environment capable of sustaining the habitats of all life now on Taungurung Country.

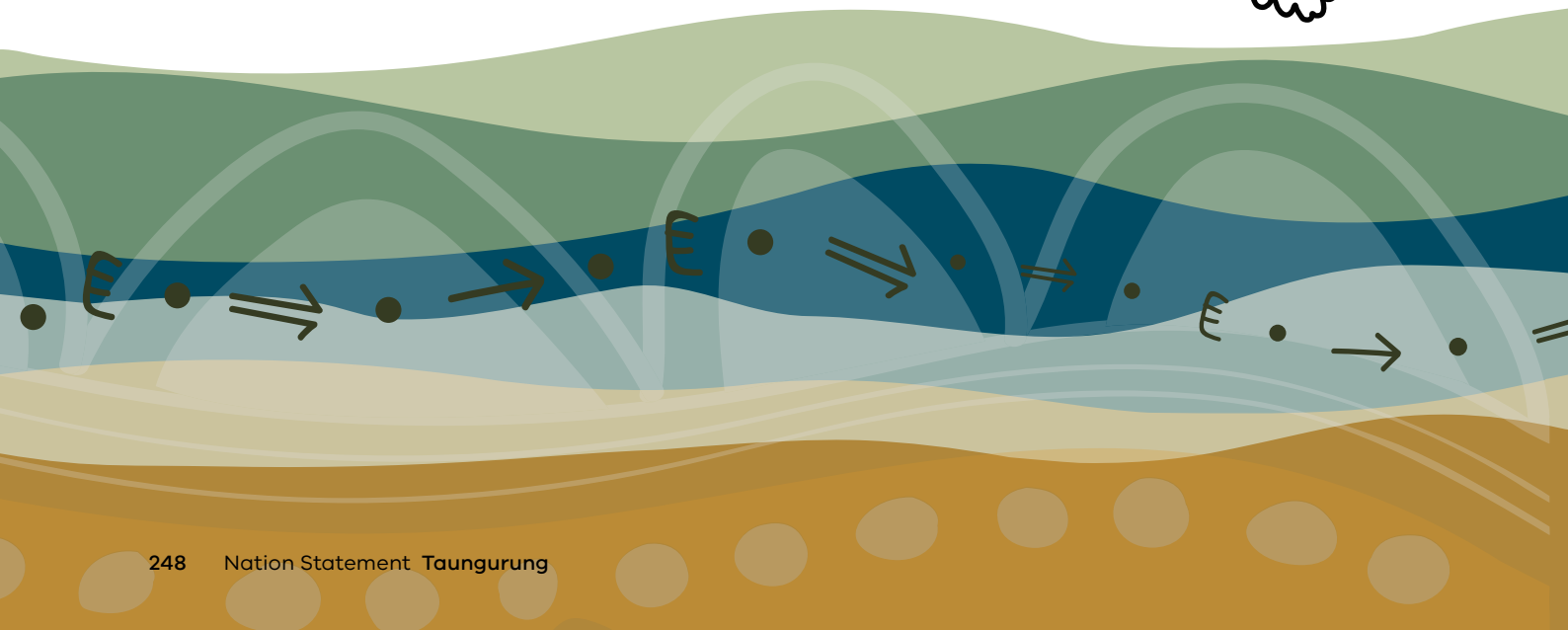
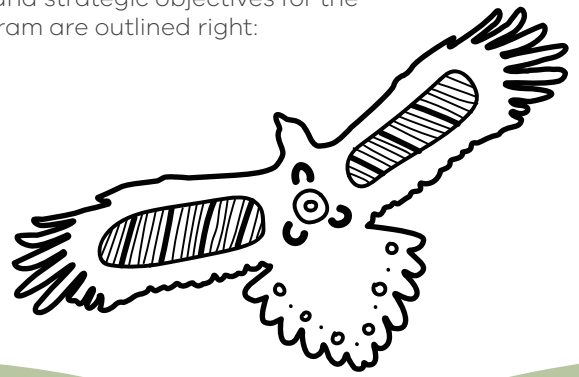
Our valleys were flooded to build massive storages and reservoirs, forests cleared and wetlands drained for agriculture, and rivers turned into irrigation channels. A relationship built on reciprocity with our Country, shaped by our water and the intimate ties of our community to place, has been disregarded and set aside. Instead, we now see the commodification of nature seen only as a source from which wealth can be extracted. Unsustainable and resource-hungry practices have caused degradation of our Country and waterways, have interrupted years of traditional ecological knowledge and practices, and have

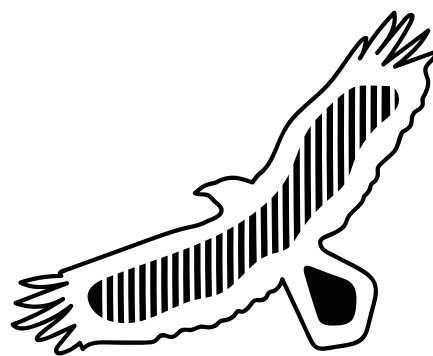
exploited and profited from the rich biocultural landscapes originally formed through our relationships with them.

Today, there is no equitable water use and ownership in our catchments. We have been historically denied the opportunity for commercial water use that would enable our economic growth. We can't benefit from the water flowing through our rivers due to the persistent lack of recognition of our ancestral water rights. Due to colonisation, our people were removed from the land, and our knowledge and practices were deliberately ignored and excluded. However, the dispossession and marginalisation have never severed our spiritual connection with our water, it is our blood and keeps us alive.

TLaWC have developed a water chapter as a sub-strategy to our Country Plan: Baan Dhumba-Dji-Ngan Mundak Gunga (We Must Speak to Protect Water). This is the foundation of our water program, through which we work to heal our Country, and assert our rights and responsibilities to care for Country and reclaim our water.

Our vision and strategic objectives for the water program are outlined right:





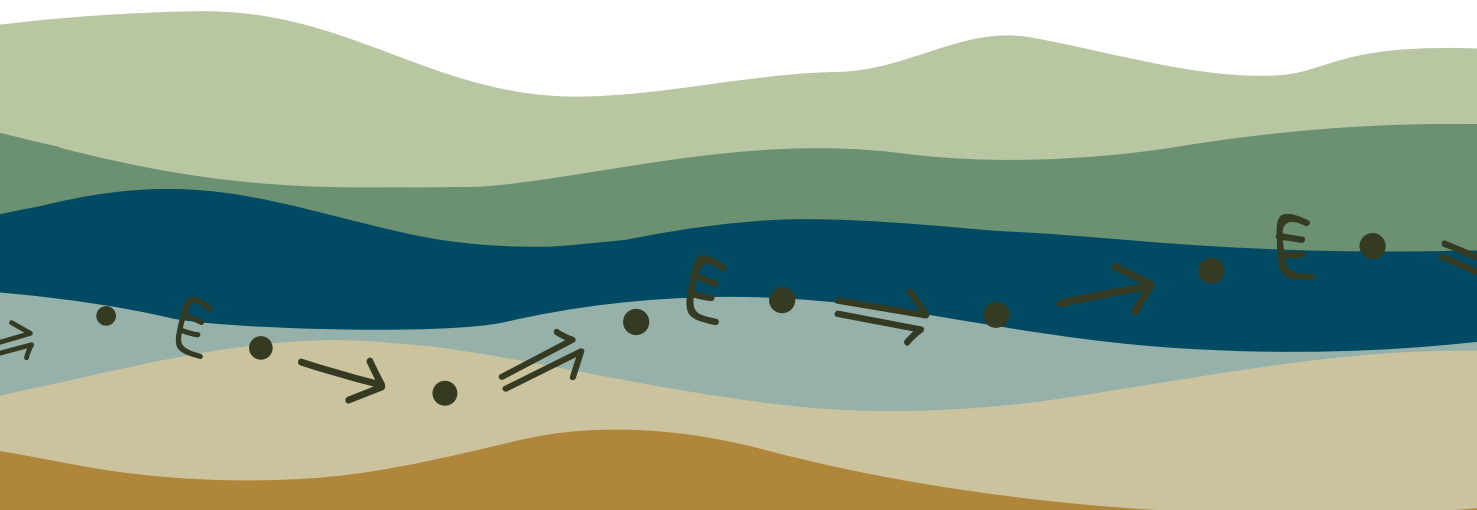
VISION

**Protecting
our Rights.
Building our
Future**

**Water Program Purpose:
Transform water
governance and
management, and realise
Taungurung's vision
for Cultural Land and
Water Management.**

Strategic Objectives:

- Healing knowledge: Reclaiming Taungurung cultural knowledge, practice and knowledge transfer pathways.
- Healing Country: Applying Taungurung cultural knowledge and practice to heal our land and waters.
- Managing Country: Show the way in Cultural Land and Water Management to allow true collaboration with allies and partners, meet our cultural obligations and increase access to our land and water resources for the creation of economic opportunities.
- Governing Country: Embed Taungurung knowledge, practice and rights, at all levels of land and water governance.



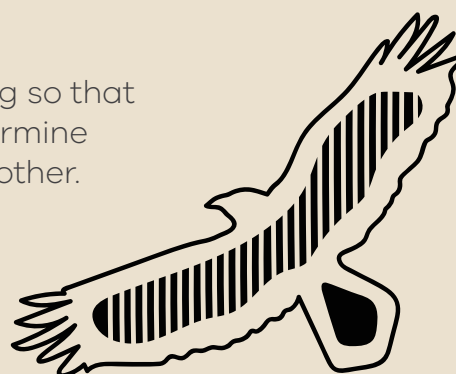


Water Rights & Access

We need access, management and governance rights to the water that has been taken from us to realise our vision for our Country. This will require:

- **Water entitlements for Traditional Owners.**
We need realistic pathways and commitments to owning water rather than empty promises, or tokenistic offers. We are told that water entitlements are overallocated, but even within those limits there are options such as:
 - Environmental water that also heals and strengthens biocultural values
 - Reallocation from savings projects
 - Reforming agricultural practices that misuse and waste irrigation water and harm Country
 - Buy backs from willing sellers
- **Self-determination about the economic use of water.** Water should be able to support economic activities for Taungurung. This can include Taungurung receiving payments for ecosystem services from managing water to heal Country.
- **Review legislation** in a comprehensive way to acknowledge and legally enshrine the intrinsic rights of Traditional Owners:
 - **Water Rights** need to be included in the Traditional Owner Settlement Act and Water Act.
 - **Section 8A** of the Water Act needs to be clarified. We need clear processes for how Traditional Owners can activate these rights to heal Country and support cultural economies.
 - **Water Left in Stream** for cultural or environmental flows should be protected from extraction under provisions such as Section 8 rights or Section 51 licenses.
- **Establish a Traditional Owner Water Holder** or similar institution, to bring together environmental and cultural water. This would put water in Traditional Owner hands with the governance needed to allow Nations to decide for themselves about shared waterways and up and downstream relationships, and develop shared watering objectives. This process needs full resourcing so that Traditional Owners can self-determine frameworks and empower each other.

This process needs full resourcing so that Traditional Owners can self-determine frameworks and empower each other.



Waring (The Mid-Goulburn River) Case Study

The construction of The Eildon Dam flooded a vast area of our Country, and created a water storage which can store up to 3,300GL. The resulting regulation of flows in the Goulburn river means that we no longer have right water, at the right time and the right place. Instead, entitlements lock up water for exploitation in perpetuity. High summer flows to supply irrigators make Waring sick, while the disconnection of its floodplain means its many wetlands no longer receive water when the river should be in flood. Year after year, irrigators profit from this water while Taungurung hold none.

This water theft continues. The Connections Project set aside 75GL of water in Lake Eildon to secure Melbourne's water supply via the Sugarloaf Pipeline. This water continues to be traded on the market by water corporations while Traditional Owners receive no benefit.

Waters that flow down from Taungurung Country, must be in Taungurung hands, to heal Country, and to pass on to our downstream neighbours.

Taungurung has been working with Goulburn Broken Catchment Management Authority to care for a number of wetlands on the Waring floodplain. We have been delivering environmental water to Horseshoe Lagoon, an important cultural place, since 2019. We have also been working to heal some of these wetlands, including one on private land, through aquatic planting, pest fish control, and other activities. These places are now coming back to health. We now see clean water, turtles and birds coming back. But this is just the start of what needs to be done. We will continue to build on this progress to heal more of our wetlands.

We can do a lot with environmental water, and by working with government agencies and private land holders. But the biggest barriers to healing Waring and its floodplain are flow regulation and the water market. As long as the interests of irrigators continue to come first, and entitlements are traded with little to no restriction, water will continue to be wrong way water. The system needs fundamental reform.



Waring (The Mid-Goulburn River)

Credit: TLaWC



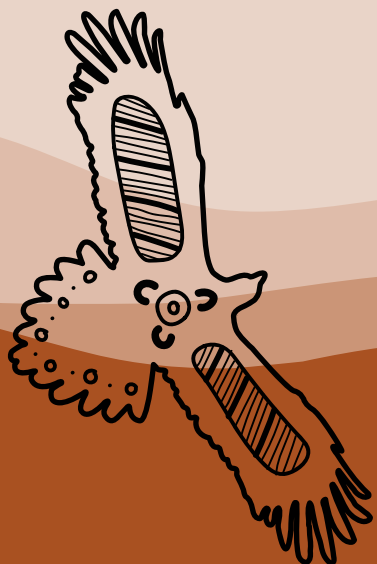


Healing Knowledge

Traditional Owners must be enabled to speak for Country and what it needs. This is needed so water on Country is “right way water” – at the right times, at the right places, and in the right amounts. Revitalising our traditional knowledge in a contemporary context and applying it through Reading Country practices to assess what is needed empowers us to heal our Country and community.

- **Recognise Reading Country** alongside other forms of evaluation and prioritisation in water governance and management. We need to be empowered and resourced to read our Country so that we can fully contribute to decision making about water on Country.
- **Cultural values are not a special interest.** Cultural values and biocultural indicators should be respectfully and fully considered alongside Western scientific management thinking, rather than as an afterthought or as one of many stakeholder interests to be traded off. These processes need to be resourced and embedded in institutional frameworks without diluting or appropriating Taungurung identity and values in service of bureaucratic objectives. Only we can speak for ourselves and our Country.

- **Two-way learning** can bring Western scientific management and Traditional Owner knowledge and practice together. Assessment and monitoring processes should bring Taungurung knowledge holders, scientists and decision makers together on Country as an accepted part of how things are done in water. This will allow us to share knowledge, build partnerships and fully empower Traditional Owners.
- **Recovering Language.** Our language is a vital part of our culture. Culturally important waterways, wetlands and other water places should be formally renamed to their Taungurung names.



Traditional Owners must be enabled to speak
for Country and what it needs.

Managing Water and Country

Taungurung want to transform water governance in the region towards one that fully integrates Taungurung rights and interests. But we all need to work together to heal water and Country. As we take up our rights and responsibilities, we want to see practical reforms that make true cooperation and partnership possible. This is a vital first step toward the fundamental reforms that the water system needs.



- **Partnership with CMAs.** We recognise the role of Catchment Management Agencies as key partners in caring for Country. But that partnership must be built on a recognition of our unique role and authority to speak for our Country. By respecting each other's strengths and differing roles, and learning from each other, we are all stronger.
- **Agreement making.** We want to establish binding formal partnerships with CMAs, water corporations, Local Governments, other statutory agencies and peak community groups within our Country. These arrangements need to formally recognise Taungurung authority, water rights, and custodianship of waterways, and establish collaborative governance arrangements so that Taungurung can be empowered to work in meaningful and reciprocal partnership toward shared goals.
- **Funding reform.** Traditional Owners should be able to directly access funding for self-determined programs under Environmental Contributions and other funding streams. The provision of funding needs to be simplified so we can access one large grant for all water related activities rather than trying to deliver on our own priorities through engagement in countless small projects that don't fully reflect our needs.
- **Transform environmental water governance.** The roles and responsibilities for environmental water planning and delivery need to be clarified. The relationships between CMAs, VEWH, Traditional Owner Nations and any Traditional Owner Water Holder body need to be properly defined. Traditional Owners need to be at the centre of these discussions and recognised as a rights holder, not a stakeholder.
- **Environmental water is too narrow.** Traditional Owners need to be resourced and empowered to participate in discussions about environmental water at the landscape scale. We need to speak about how environmental water is used as a whole rather than tacking on cultural values to seasonal watering proposals, or considering individual wetlands in isolation. Our waterways and Country are sick because they have been fragmented and disconnected. We need to use water to heal these connections.
- **Authority to Manage Water Country.** Taungurung should have the option to be recognised as waterway manager and/or land manager on water Country vested in the crown. This will allow us to lead decision making about our culturally important places and create economic opportunities through resourcing for natural resource and water management activities.

Corop Wetlands Complex Cultural Landscape Case Study

TLaWC has entered into partnership with several government departments and agencies, including DELWP, GBCMA and Goulburn Murray Water, to explore how the Corop wetlands district can be healed under a cultural landscape approach led by Taungurung biocultural values and objectives.

This comes in response to the state decommissioning Greens Lake as a water storage. Previously a large lake used for recreational boating and a storage for irrigation water, Greens Lake is now drying out, and is becoming again a series of ephemeral wetlands. But the lake is only one of over a dozen different wetlands within the landscape, under different land tenures and with many different challenges. This includes Lake Cooper, Gaynor and Wallenjoe Swamps, as well as many smaller wetlands and seasonally inundated areas on private land.

This is an opportunity to strengthen and show the benefits of cultural landscape governance and management for all. Cultural landscape arrangements support collaborative partnerships to solve complex

landscape rehabilitation challenges in multi-tenure landscapes, including providing a process for entering into discussions with private landholders. Traditional Owner values and leadership are at the centre of this process.

We are just starting on this pathway, but we believe this approach will let us achieve many important things for Country:

- Restore the wetlands, with a more natural wetting and drying regime.
- Use cultural water and fire together, to heal degraded landscapes.
- Restore overland flows to support agricultural productivity.
- Create recreational uses in a healed landscape, to attract visitors to enjoy our Country.

DELWP has recognised the cultural landscape approach. This is an opportunity to demonstrate its value.

Greens Lake

Credit: Craig Gillespie



Transforming how Water and Country are Governed

We want to heal the terrible damage our Country has suffered for over two centuries. This is impossible without water. All living beings depend on water. Under the free market, the highest bidder profits from water, while others must do without and Country becomes sick. These costs are never counted. We need collaborative governance to manage water as a common pool resource. This needs fundamental reforms in the way water and Country is governed. This will achieve Traditional Owner sovereignty and overturn the injustice of aqua nullius. But it is also vital to heal Country and ensure water can benefit all rather than a few, ensure food security, and adapt to climate change.

- **Water governance** must respect Traditional Owners' rights and interests rather than treating them as one element that can be traded-off. This needs an approach where different perspectives are brought together rather than traded-off by revealing common interests, understanding the differences and how to accommodate them.
- **Accountability and Evaluation.** Pupangarli Marmarnepu is an important step forward, but needs to be strengthened. The reality we continue to experience is that project after project fails to deliver on the state's own commitments to self-determination. We need a clear, transparent process to hold DELWP to account.
- **Water System Reform.** The water system is broken by design. The entitlement and licensing framework, water market, and the institutional landscape that supports them, need to be rethought from the ground up. These must be replaced by a system that no longer separates water from land, recognises how water is supposed to flow on Country rather than the dictates of the market, and includes Traditional Owners at the centre.
- **Reconnecting Floodplains.** Institutional, legal and logistical arrangements are needed to enable the re-watering of the floodplain where Country needs it – just having the water is not enough.
- **Recognising Waring as a living entity.** Taungurung must speak for the river, so that we can meet our obligations to heal Country, and pass on right way water to neighbouring Nations. Establishing the needed legal and governance arrangements will again give the river a voice that has been excluded from decision making for too long.
- **The Victorian Traditional Owner Cultural Landscapes Strategy** outlines new arrangements for the planning, management and governance of public and private land and waters as components of cultural landscapes. This approach can heal Country by making water, fire, and other aspects of Country work together, as guided by Traditional Owner knowledge and practice. Cultural governance and management can bring benefits for all. We just need the opportunities and resources to put it into practice.

Horseshoe Lagoon
Credit: Alejandro Voysest





WADAWURRUNG Nation Statement



Wadawurrung
Traditional Owners
Aboriginal Corporation

*“Comugeen budj-o thalikiyu kin bil bengo-ordi-ngadak.
Ngarrwabil, boron, guli, bagurrk. Comugeen budj-o
bengadak ngarr-uk dja, ngubiyt, weagoon gobata
gupma wurring-wurring baap beng-ordi-nganak.
Djarrima murrup-nhuk bengadak.*

*Gobata Wadawurrung balug jumbuk didalbil murrup-nhuk
bundjil monomeeth beek-o weagon. Mutjak-ak noogie
n’uder durrallully Wa-ngarrak Wadawurrung balug
bengadak mirriyu boron-dja gobata-k ying, ngarrimilli,
wah-ak, karrung, kuy-a, nyanayit-yanunit, djilenawurr,
baap willam beng-ordi-ngadak.”*

“We deeply respect our people of the past. Our Elders, children, men, women. We deeply respect their knowledge of Country, water, life, their care of the traditions and of each other, we stand with their spirit.

Great spirit Bundjil told us to take care of the great life within the land. To only take what you need without selfishness. Wadawurrung shared their knowledge of singing, dance, trade, camps, fishing, hunting, paintings, and homes to us to protect for our future generations. We all need to help”.

Healthy Country Plan 2020 - 2030

Our provision of this Nation Statement as Part 2 of the Water is Life Roadmap should not be taken as an endorsement by Wadawurrung Traditional Owners Aboriginal Corporation of the policies or positions outlined by the Victorian Government in the Roadmap, in the same way that Part 1 of the roadmap acknowledges that the Traditional Owner Nation Statements included as Part 2 of the roadmap are not Victorian Government commitments.

Key Focus Areas

The following names originate from traditional Wadawurrung oral stories that are now referred to as “Intangible Cultural Heritage”:

Name	Meaning
Parwan	Magpie or Great Wide (Barwon River)
Murrabul Yaluk	Monster or Mussel (Moorabool River)
Lal Lal	Falling Waters (Lal Lal Falls)
Lake Burrumbeet	Muddy Waters
Mullawallah Wetland	King Billy of Ballarat
Kunuwarra	Black Swan (Lake Connewarre)
Yarowee	(Yarrowee River)
Wirribi Yaluk	Spine (Werribee River)



Wadawurrung

Waterways are the basis of many creation stories.

Bundjil's Resting Place - Lal Lal Falls (Falling water)

Bundjil created the land, the mountains, the hills, the plains, the valleys and the rivers. Once he created all that he let the water flow and he liked the sound of the water flowing over the falls, so he decided to make Lal Lal his last resting place.

Wadawurrung Creation Story

Our rivers carry their own stories, they are holistic living entities that provide to country, from the bed to the surface and the banks surrounding; nurturing all living things to grow and prosper.

*The connection of Lal Lal to Lake Connewarre is an important part of Wadawurrung people's creation story. It is where **Bundjil's** partner, **Kunawarra** (Black Swan) lives. It represents the connectivity of all Wadawurrung **Dja** through water.*

*Our main river systems are the **Parwan** (Barwon), the **Murrabul** (Moorabool), the **Wirribi Yaluk** (Werribee) and the **Yarowee** (Yarrowee). They make up the great river the **Barre Warre Yaluk**. They are the life blood of our people and our Country, they are our highways; it is how Wadawurrung people move about. Our connection is continued and maintained, unceasingly providing valuable resources for Wadawurrung people.*

*The chain of ponds from the Barwon River to Reedy Lake, Hospital Lake, Lake Connewarre and Estuary Bay is connected through water and our **Kunawarra** (Black Swan) Dreaming. The Connewarre Wetland Complex is internationally significant for wader and shoreline birds and forms part of the Port Phillip Bay (Western Shoreline) and **Bellawiyn** (Bellarine) Peninsula Ramsar Site.*

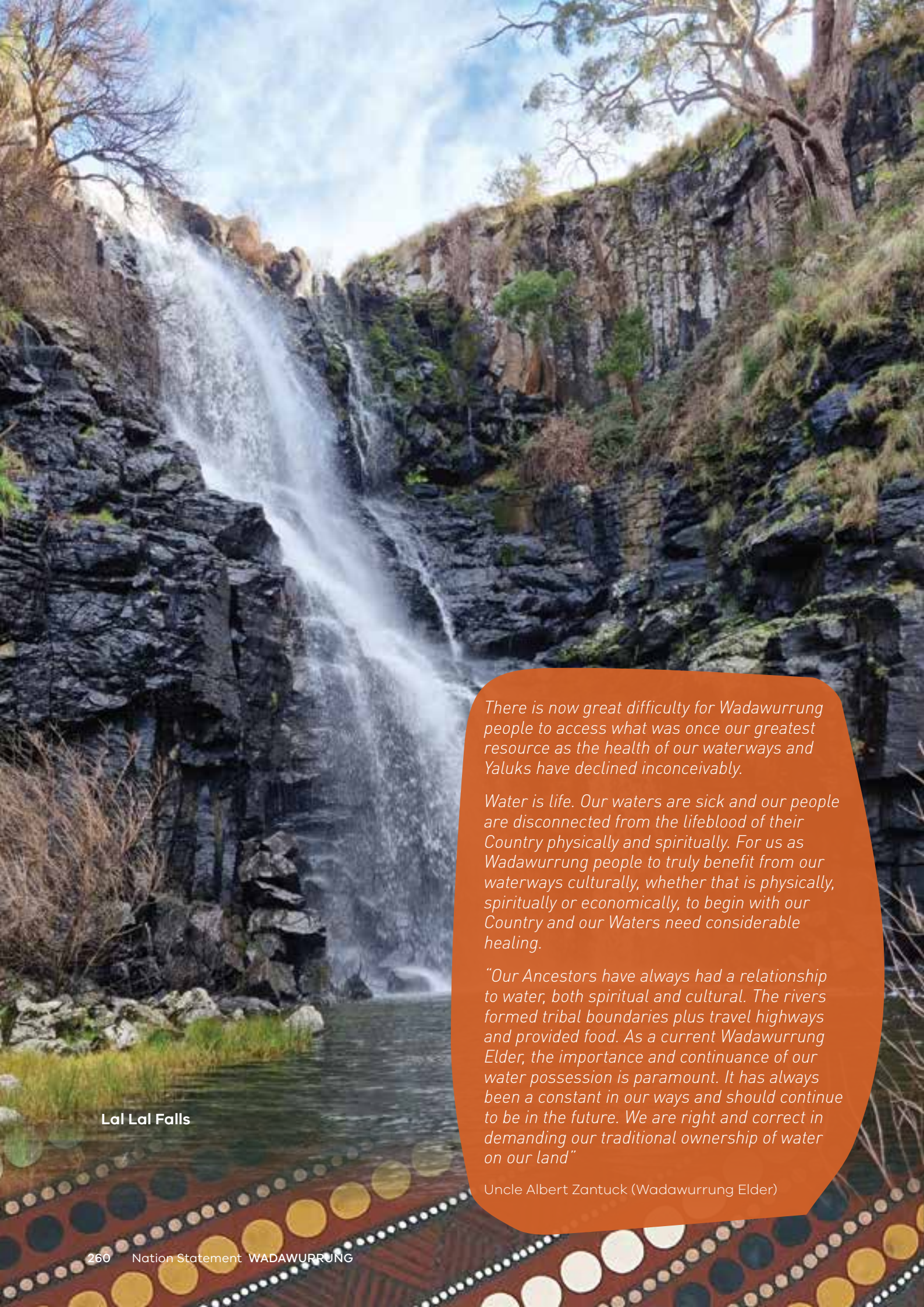
*Our people used canoes or in calmer waters, **Murriyans** (bark floats) or punts pushed by long poles to gather the abundance of food. On the natural rises along the waterways our people seasonally camped and caught eels, other fish and waterbirds to eat. Important decisions were made on the banks of these waterways by our Ancestors.*

They are important living, meeting & celebration places.

*Today we wish to continue to access our waterways and **Yaluks** (rivers). We are recording, caring for and protecting these living cultural places and resources that connect us to our family and generations past as best we can, but we are faced with extreme challenges.*

“In the stories of the creation of the Aboriginal people, water has played a significant role; and has continued throughout time as the one central and universal element upon which their lives are controlled and directed.”

Uncle Mel Robinson (Wadawurrung Elder & Arweet)



Lal Lal Falls

There is now great difficulty for Wadawurrung people to access what was once our greatest resource as the health of our waterways and Yaluks have declined inconceivably.

Water is life. Our waters are sick and our people are disconnected from the lifeblood of their Country physically and spiritually. For us as Wadawurrung people to truly benefit from our waterways culturally, whether that is physically, spiritually or economically, to begin with our Country and our Waters need considerable healing.

"Our Ancestors have always had a relationship to water, both spiritual and cultural. The rivers formed tribal boundaries plus travel highways and provided food. As a current Wadawurrung Elder, the importance and continuance of our water possession is paramount. It has always been a constant in our ways and should continue to be in the future. We are right and correct in demanding our traditional ownership of water on our land"

Uncle Albert Zantuck (Wadawurrung Elder)

Threats to water on Wadawurrung Country

The **Parwan** (Barwon), **Murrabul Yaluk** (Moorabool) & the **Wirribi Yaluk** (Werribee) provide the majority of the potable water for Geelong and Ballarat. Water is extracted from rivers and underground aquifers to supply town water, farming and industry.

To hold water in sections for use there are many weirs and barriers placed into our waterways. This results in less water going into our rivers, wetlands and estuaries, affecting both the surface waterflows and the deeper sustaining flows and availability. This harms our plants, animals, their homes, the nurseries for species such as wetland birds, fish and shellfish. This also affects their ability to feed, breed and impacts our Cultural Values and stories.



Remove the barriers to minimize the manipulation of our waterways.

Aunty Mary Shuttleworth (Wadawurrung Elder)

Our **Yaluks** and our water bodies are now highly modified and under threat from increased and incorrect usage. Urban development is now encroaching on our riverbanks that form a living part of our waterways.

We are continually threatened with the wrong water entering our **Yaluks** and poisoning our lifeblood, the water that supports the country we live on. There is a lack of fencing stopping incorrect access from farming practice resulting in eroding banks.

There is an increasing amount of physical and political barriers adversely affecting the quality of water, its ability to flow freely and our ability to care for **Dja** (country).

For example, water does not flow near our land at Bostock Reservoir – the only land we own on Wadawurrung **Dja** – as it once did, because of the dam wall at Bostock Reservoir. Big rains have shown us what is possible when there is water here. Without water, we cannot care for this **Dja**.

As another example, there are too many government agencies involved in the management of water and waterways, creating confusion and inaction and placing huge demands on our time as we try to work with these agencies to care for **Dja**. The geographical boundaries of government strategies don't always align with each other and never align to Wadawurrung **Dja**. This means we are always working hard to understand what is planned for water on our **Dja** and to fight for our **Dja**, which takes away our time to be able to reconnect with, understand and care for **Dja**.

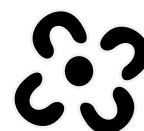
There is an over allocation of water for industry, drinking (potable) and domestic use with no value or allocation remaining for Wadawurrung Traditional Owners.

Our **Yaluk** systems are facing increased danger of water extraction as population and irrigation grows in our region.

We do not have any access to water for Cultural business. We have no agency in determining when seasonal watering plans are implemented, meaning we cannot put water into our **Yaluks** for Cultural benefit.

There is no compensation for all that has and continues to be used and taken, servicing so many industries from which wealth is generated, supplying all that live on **Dja**.

Despite the taking of our **Yaluks**, there is no compensation to allow us the resources to actively care, restore and advocate for changing urban planning and land & water use practices.





Objectives

Wadawurrung has set out goals and objectives in (but not limited too):

- **Paleert Tjaara Dja** - Lets make Country good together 2020 - 2030 Wadawurrung Country Plan
- The Rivers of the Barwon Action Plan
- The Waterways of the West Action Plan

That state:

- Our voice and aspirations for Healthy Country imbedded in management plans, watering plans & corporate decisions
- We are to be recognized as the voice of the living and integrated natural entities that are the **Barre Warre Yaluk** and all waterbodies on Wadawurrung Dja
- Wadawurrung hold meaningful partnership agreements with all water agencies
- Wadawurrung hold rights to water for our self-determined use
- Wadawurrung **Yaluks** and waterway ecosystems flowing freely and are healthy
- Wadawurrung known and respected as key knowledge holders and decision makers for water
- All water on Wadawurrung Country respected and known as Cultural Water
- Returning rightful names to waterways and traditionally naming unnamed **Yaluks**



**Wadawurrung
dancers & mob**
Wadawurrung
Traditional Owners
Aboriginal Corporation

What Wadawurrung Expects from the Roadmap

- We demand to be water owners
- When water is allocated to us there will be no fees or charges
- We demand to have agency over waters on Wadawurrung **Dja**
- We demand that physical barriers be removed from river systems and water bodies and/or infrastructure is built to return water where it belongs on **Dja**
- We demand that political barriers for water access removed from the *Water Act 1989*
- We demand to be respected as knowledge holders and decision makers for our **Yaluks** & Water bodies
- We require long term uninterrupted funding to employ FTE water officers & **Yaluk** water rangers
- We must be allocated board positions in water corporations to have agency at the highest level
- If new water allocations become available in systems on Wadawurrung Country, water will be re-allocated to Wadawurrung first before other stakeholders
- We demand compensation for Wadawurrung water take
- We demand training and upskilling to re enable waterway management and infrastructure design & preferred NRM supplier for all related water agencies
- Responsibility around water inundation risk and incorrect housing and estate planning does not lie with Wadawurrung - We must not be held liable for bad planning around waterways
- We expect the government to meet the actions and obligations to Traditional Owners written into statutory policy & strategy, but not bank on the roadmap to deliver them – “don’t kick the can down the road and fail to commit to action.”
- Enable clear government policy pathways for water agencies to transfer water holdings and water infrastructure back to Wadawurrung
- Enabled to undertake uninterrupted Cultural Values Assessments & research on our **Yaluks** within crown and private land
- Able to protect and care for Culturally significant species and Culturally important places like our land at Bostock Reservoir, and traditional meeting places and places of ceremony along waterways and at the confluence of **Yaluks**

How Wadawurrung will measure this

- Water Quality - % of Yaluk monitoring
- Amount of water in the systems – Natural passing flows and Seasonal Watering Plans
- Amount and health of important Cultural plants and habitat around and within Yaluks
- Amount and health of our culturally important Yaluk species
- Cultural flows – Our water our way
- Removal of political barriers to hold water
- % Of economic access to water – Strengthening Wadawurrung Corporation
- Number of artificial barriers in waterways
- Number of Wadawurrung Traditional Owners working on water within Corporation
- % of Wadawurrung NRM team engagement & work around Yaluks
- % of Cultural Values Assessments undertaken
- % of registered Cultural heritage sites re-assessed



Wadawurrung water monitoring (left)

Wadawurrung Traditional Owners Aboriginal Corporation

Wadawurrung Artists

BJ Otoole, Trina Dalton-Oogjes and Jenna Oldaker

Photography credit

Greg Robinson

References

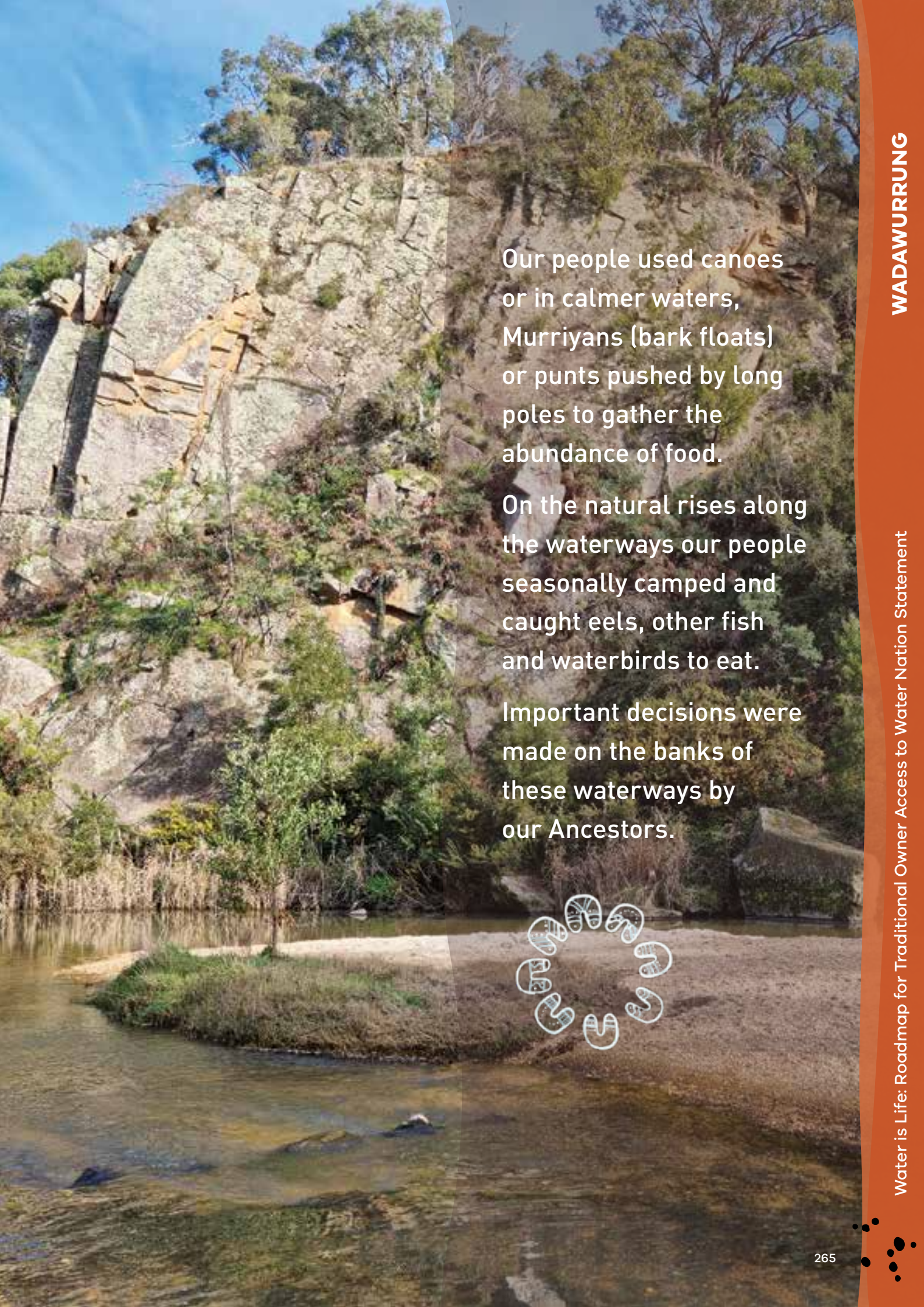
Paleert Tjaara Dja - Lets make Country good together
2020 - 2030 Wadawurrung Country Plan

Barre Warre Yaluk - Rivers of the Barwon Action Plan

Waterways of the West Action Plan

Voice of Wadawurrung people

Wadawurrung Council of Elders

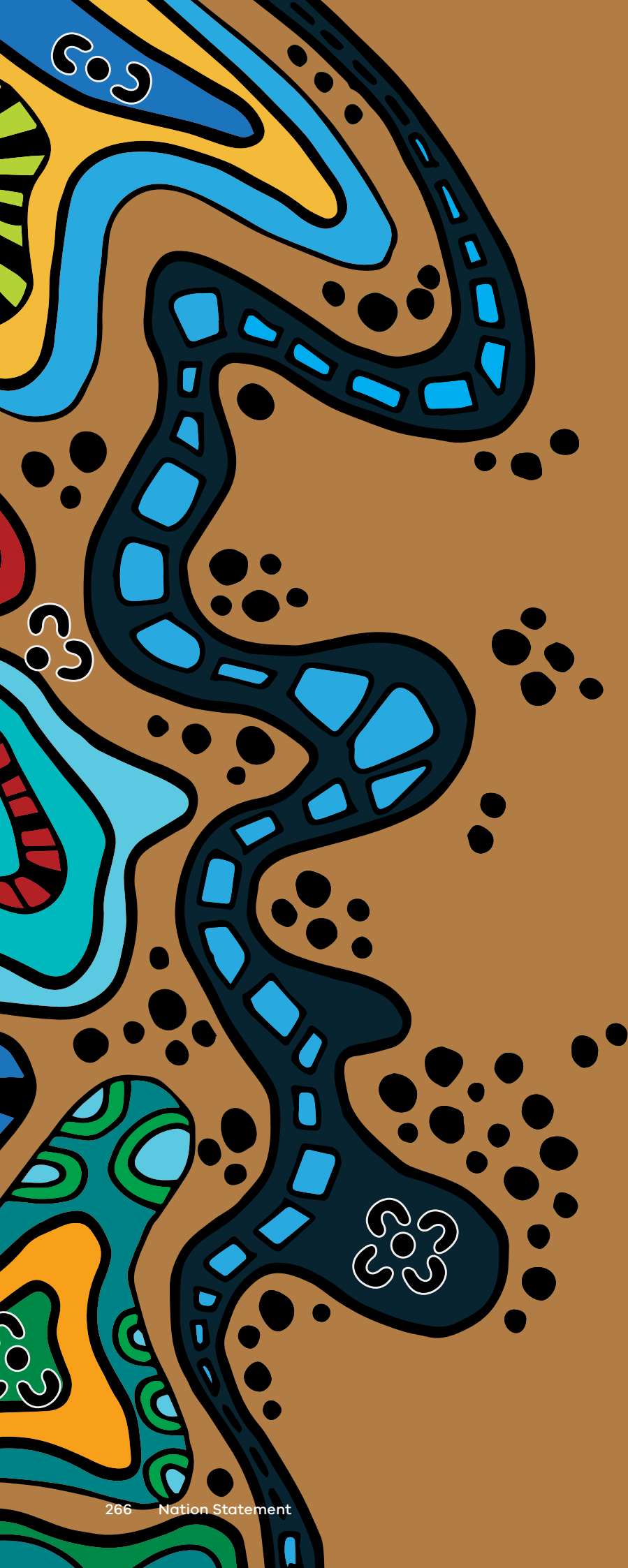


Our people used canoes or in calmer waters, Murriyans (bark floats) or punts pushed by long poles to gather the abundance of food.

On the natural rises along the waterways our people seasonally camped and caught eels, other fish and waterbirds to eat.

Important decisions were made on the banks of these waterways by our Ancestors.





WADDI WADDI Nation Statement

Important overarching principles about Waddi Waddi Statement:

- owns this statement and determines when it can be shared and with who. Others have no authority to edit or alter it without prior consent.
- agrees that this statement can be public facing and has written it to influence the content of the Vic Government's Roadmap as an unedited standalone element in the Final Roadmap.
- Waddi Waddi's statement is reflective of our position at the time of writing and is not intended to be a definitive articulation of all our goals, rights or otherwise. This statement is capturing a moment in time in our renewed journey towards water access and rights, and will continue to evolve.

The Waddi Waddi are people of the river Country

We are lived and travelled all over the river country, but specifically from Belsar, Boundary Bend through the floodplain river Country to Nyah Vinifera. Its rich country our home, and it includes many lakes, water systems and tributaries. Our country includes Lake Tyrell, Heywood Lake

Our occupancy of this land has continued for thousands of generations, and we assert our sovereignty never ceded. We lived, loved and shared ceremony with other Nations and still enjoy camps, parties and weddings out on Country to this day.

We recognise modern society has benefits and our communities have been using cultural practices in a modern way. We assert our customary practices and use modern technology such as fishing and hunting.

In regard to water specifically, we have many values and uses including:

- Access to our land and waters for all of us, elders and young people to reconnect with our Country and once again undertake our cultural rights and obligations
- This river Country needs its water to be rejuvenated and to replenish the nardoo and old man weed and all the medicinal plants that used to be here.

Water (and land) rights & access

Waddi Waddi have seen the splintering of land water management since white people. It needs to come back to how our people saw Country – in a holistic, systemic and all encompassing way. Waddi Waddi people lived on both sides of the river and on the many tributaries on both sides of the Murray River, including the Edward Wakool, Loddon and Avoca rivers.

We want to restore water to our Country. We don't like the over-regulation of the river system; however we recognise that nobody is pulling out the big dams any time soon. So if we need works on Country to get that water, we will consider proposed works in order to guarantee water gets back on Country. If we agree with works, we demand that water is assigned to the site at the right time, as often as needed and for the right length of time.

Objectives

- Co-management of Nyah Vinifera parks to have our people involved in planning and action to restore Country
- Water needs to be allocated Burra, Nyah and Vinifera – if we are putting in works to get water into the area, it should be guaranteed its own water right
- Restore habitat for floodplain animals to thrive – fish to breed, and be able to sustain their populations, platypus in our creeks and flood runners and long-necked turtles
- Access to waterways for other water users, including anglers, boaters, swimmers, joggers, four-wheel drivers and trail bike riders be better controlled to keep people from encroaching on culturally significant sites
- Traditional Owner involvement in environmental watering decisions be ongoing and include decisions on when, how long, as well as site selection
- Restore and reconnect the young people to highly cultural significant Country, including songlines
- The Victorian Government resources the Waddi Waddi to: employ an Aboriginal Water Officer to work on our water objectives and outcomes, including funding to conduct Aboriginal Waterway Assessments based on our observations and cultural knowledge
- We want funding to be able to be involved in monitoring and evaluation of changes to Country that occur following different watering regimes, decisions and climatic conditions

Increasing Nation's influence, power and authority in water landscapes

Having water allocated to our Country is critical to us being able to achieve cultural outcomes on Country. We recognise that there could be outcomes achieved by negotiation with other water managers and holders such as the private water holders, Mallee CMA, VEWB and CEWO.

Outcomes

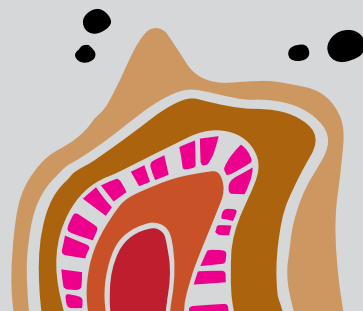
- We can spend time looking after Country, fishing, yarning, dancing and sharing traditional ecological knowledge, connecting with the elders and the young people.
- We want to be able to talk for our country without limitations of borders, institutions and have access to our waterways and water bodies of significance.
- We want protection of Country from erosion and degradation, in particular, protecting culturally significant sites from damage caused by foot and vehicle traffic.
- Access to water for recreators is achieved in a culturally appropriate way.
- The song lines are restored with access to fresh water via the naturally formed waterholes and Traditional Owners are enabled to make decisions regarding the songlines, including in relation to economic opportunities through tourism and cultural activities.
- We want confirmation from PV and the CMA that we will continue to be respected, listened to, and resourced to monitor, evaluate and participate in research on Country to determine from a cultural perspective how water management and planning decisions are impacting positively or negatively on Country in regards to water quality, flora and fauna protection and regeneration health in particular in relation to culturally significant species, and the protection of culturally significant sites.
- Ongoing monitoring and evaluation of cultural outcomes is used to inform decisions regarding when and where to water sites of cultural significance, including but not limited to Nyah, Vinifera, Burra, Lake Tyrell, Heywood Lake. We want to have funding to make their own decisions about when and how it is best to evaluate the health of Country.

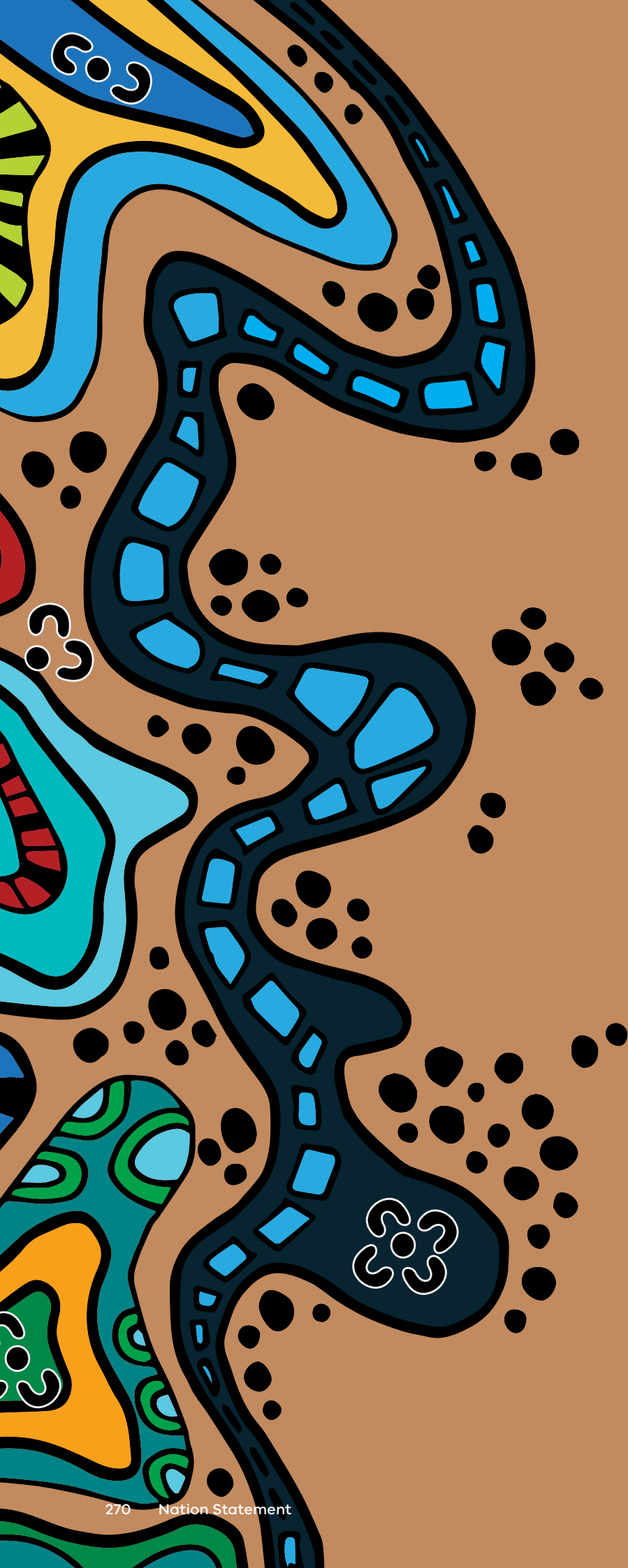


Transforming Foundations

We want to work collaboratively with Government agencies to include traditional knowledge and involve our young people with Elders in managing Country – both land and water. We want opportunities for us to:

- learn, teach and use language
- increase employment for the young ones out on Country to help heal people and place
- have unrestricted access to Country for customary practices such as fishing, medicinal and food gathering and hunting





WADI WADI LAND AND WATER INDIGENOUS CORPORATION Nation Statement

Wadi Wadi has put together this statement for the purposes of influencing the Roadmap for Aboriginal Water Access in Victoria. This statement reflects Wadi Wadi's position at the time of writing and should not be interpreted as a definitive list of all our Nation's goals, rights, and aspirations. These goals will continue to evolve over time, and as we regain our rights to Country.

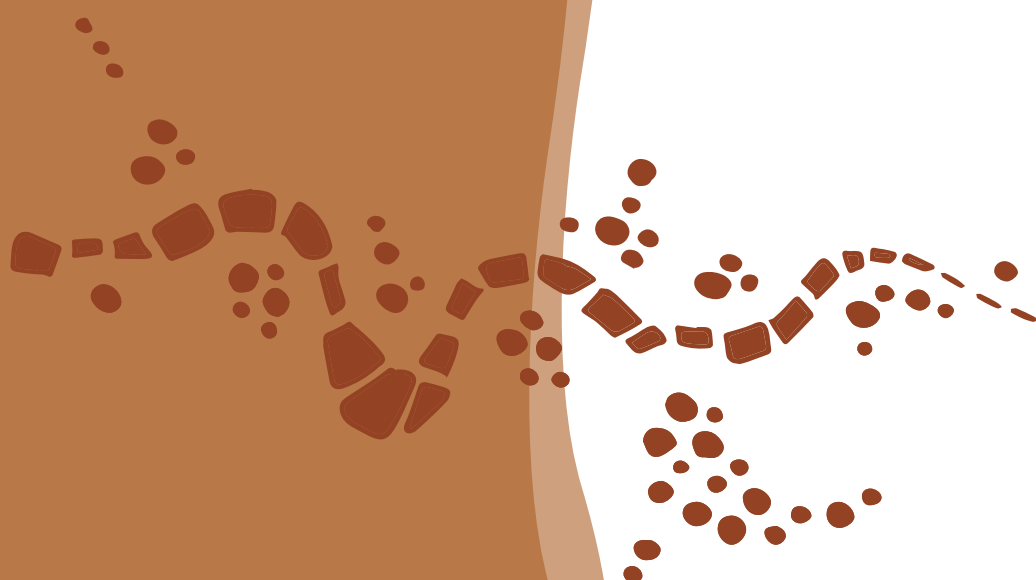
Wadi Wadi Country
(land and water)
belongs to Wadi Wadi
and Wadi Wadi belongs
to Country, we never
own it as we belong to it,
and it belongs to us.

What does this mean?
It's a relationship rather
than ownership,
Traditional Owners
(TO's), waterways, flora
and fauna are a family
where we are all related
to each other, and you
cannot own your
relatives, you can only
belong to them.

Our Country within Victoria begins between Lake Boga and Swan Hill, straddles the Murray River downstream to the junction of the Murrumbidgee River, then west to Lake Tyrell. This does not include our Country boundaries within New South Wales.

To Wadi Wadi people, water is life because water connects us to all aspects of our lives physically, culturally, and spiritually. We have obligations to our ancestors and God to be on Country protecting our cultural heritage, waterways, flora, and fauna but since colonisation, this has never happened. Since time immemorial, God gave our ancestors the responsibility of caring for our Country both land and water, who then handed that responsibility to today's Wadi Wadi people. But since the settlement of Australia, the government has taken away this right without our consent.

Wadi Wadi have never ceded our sovereignty and it has been at least 180 years since our land and water was taken from us without our consent. We didn't give anyone permission for our land and water to be sold or traded to anyone and in that time, we have only ever had a small say in what actually happens to our land and water. Currently, Wadi Wadi's rights to water and land are unrecognised by governments and we cannot gain access to any of our sacred waterways due to properties being sold without our permission or the current owners not allowing us any access.



Who are the Wadi Wadi people?

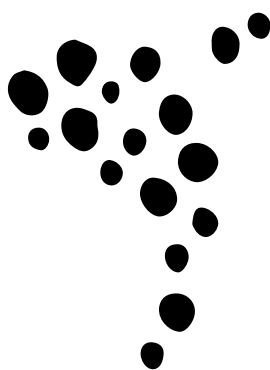
There are currently thousands of Wadi Wadi people living throughout Australia, with only half spread-out along the Murray River, this is due to colonisation. A significant proportion of our people are unemployed and have been for a long time and only a handful own their own homes. We have been managing our land and waters since time immemorial because it is our inherent and cultural right, but that right was stolen

from us with the introduction of colonisation. In the 1800's, our people were removed from our lands and waterways and had their rights taken from them without their consent. Still to this day, most haven't returned home, and we still don't have a say about our lands and waters, nor do we have government-recognised property rights to any.

What do we want?

Wadi Wadi want to be in control of our own destiny by handling our own affairs on country in relation to land, water and our people and we must be the only decision makers when discussing issues that relate to country whether it be land, water, or our mob. This will ensure that we are empowered to chase our own goals, desires, and aspirations for both country and our people that are written by our mob without any interruptions for outside sources.

No treaty discussions between the Wadi Wadi and the state of Victoria will take place unless we are given some of our land and water back. Wadi Wadi want rights to Country (land and water) returned directly to us; sufficient resourcing and training to support our on-Country goals and aspirations; and long-term sustainable funding for a Ranger program. This statement unpacks each of these further.



Water (& land) rights & access

Wadi Wadi demands the government return water to Wadi Wadi people.

We want our own allocation of water to do with as we please without unification with other Indigenous nations or any non-Indigenous governments or corporations handling our water. We want full control of our water, and this is non-negotiable.

Water can help us to generate our own income, and this will help us to create our own employment for our people out on Country and to take care of the many waterways and forests that run through our lands. We want more access to our lands and waterways as this is a fundamental right. Currently, we are unable to access many sites that are of interest to us during our Aboriginal Waterway Assessment's (AWA's) due to the roads being blocked or private land barriers. We want to be able to access our traditional campsites that are mainly on privately owned property which our people were wrongfully removed from. They still haven't been able to return to these sites since the beginning of colonisation.

We want significant water rights to surface water and ground water returned to Wadi Wadi directly. We do not want our rights to be held by a collective body on our behalf and we are not interested in recycled water or any other type of water. We only want fresh water. We want rights transferred to us to be rights in perpetuity. Wadi Wadi will be the only decision makers and managers of our own water without any imposed or uninvited input from any governments or their departments. Once we have obtained our water rights, no one will tell us what to do with it. Wadi Wadi wants groundwater rights returned to us. With that, we want the ability to permit or not permit any company or organisation to extract groundwater on our behalf, should we request it.

The importance of water and land

Wadi Wadi needs both water and land rights, it makes no sense in funding water without funding land and it doesn't make sense to obtain water without obtaining land. They both must come together as a package. Once we obtain water and land rights, we won't be explaining to or discussing with governments about how we conduct our business with our returned waters and lands. We also want unrestricted access to Country, and the government needs to recognise our inherent rights to enjoy and care for Country and carry out our economic activities.

Training and capacity building

Historic and current government decisions have created significant disparities between Wadi Wadi and other water users and since colonisation, this has not been addressed by governments. Wadi Wadi wants business, organisation management and governance training and capacity building support. We also want training in water trading and management, land management and ranger training. All training and educational costs need to be funded by government appropriately. Water governance training can help facilitate self-determination and sovereignty when water is returned to Wadi Wadi people. We must be the only decision makers when it relates to our water and our land and funding is paramount to conduct training to support this.

Increasing the Wadi Wadi Nation's influence, power & authority in water landscapes

For many years, Wadi Wadi has been demanding a water audit be conducted on our Country to determine (a) how much water is on Wadi Wadi Country, (b) how this water is used, (c) who is using it, and (d) what's available. We need this information so we can understand what water we can advocate to be returned to us.

Wadi Wadi would like to see quarterly water audits conducted on our Country or the water that passes through Country to see if someone is taking too much water or they more water allocated to them, than their property needs. We would like to be involved in the auditing process and have the ability to have an input into the decision-making process. Wadi Wadi would like to play a major role in regulating and monitoring other people's water extraction. Currently, our Indigenous water rangers are conducting regular (AWA's) on Country, and we would like to see them eventually monitoring every water meter monthly, on both sides of the Murray River.

We see a future where our Indigenous knowledge can combine with western science to help solve the issues of our waterways and Country, but Wadi Wadi people must not be excluded from this process. An example of this would be, non-Indigenous people could do the paperwork for us while we could be out on Country doing the works. Another example is firestick burning, non-Indigenous people could be preparing the paperwork and permits etc and supply the equipment whilst the TO's can provide Indigenous knowledge and boots on the ground.

We want to hold the rights to lands along our waterways that are currently not being used so we can restore that vacant land back to its original form and better protect our cultural heritage, waterways, flora, and fauna. We want the government to transfer this land to us at no cost to us and/or provide us with the resources and funding so that we can purchase the land and care for it in line with our obligations and aspirations.

Below is our vision for our Wadi Wadi ranger program, and some examples of what our rangers will be capable of, should the Victorian Government fund us to establish and continue to operate our Wadi Wadi designed Indigenous ranger program;

Wadi Wadi management

- Wadi Wadi rangers will look after Country.
- Rangers will be funded and resourced to manage lands and waters.

Cultural heritage protection

- Stop vehicle access to sites of importance.
- Conduct cultural heritage surveys and monitoring.
- Conduct firestick burning to reduce bushfire risk, threats to flora and fauna and threats to cultural heritage loss.

Water quality and quantity improvement

- Restored flows to Parnee Malloo Creek and Tyrrell Creek.
- Improve water levels and more natural flow regimes to rivers.

Ecological restoration and conservation

- Increase the amount and diversity of native vegetation and habitat.
- Restore and improve native fish and animal populations.

Cultural burns and fire management

- Reduce fuel load and fire risk.
- Clean-up sites with cool burns.
- Remove leaf litter to promote vegetation growth.

Improve access

- Improve access for Traditional Owners (e.g., no fees, private property an issue, mob spending more time on Country).
- Improve condition of roads.

Restrict access and use

- Restrict and limit 4WDs and other vehicles including tracks cutting through or making their own tracks.

Clean up and maintenance

- General and ongoing clean up and maintenance, for example by Wadi Wadi rangers, as well as rubbish clean up.

Wadi Wadi Ranger program

There are two vital elements that country is missing: one is water, and the other is Traditional Owners (TO) rangers. If our rangers are not on country, then country will never heal or get better, even if you put millions of dollars into it. Wadi Wadi would like to see an Indigenous ranger program that is established and owned by us and totally funded and supported by the Victorian Government. Wadi Wadi want our own Indigenous rangers that are not like the rangers such as the Parks Victoria rangers or any other rangers within our state. They are different because they have Indigenous knowledge and a spiritual connection to the waterways, flora, and fauna to which they belong. They have a great understanding of how to read Country and their cultural heritage, whereas non-Indigenous rangers are lacking in this area.

Currently, our ranger program has up to eight (8) cultural rangers conducting cultural heritage protection activities, but this is only casual work that doesn't happen regularly enough, and the people filling these roles are rotated at regular intervals. We also have sixteen (16) water rangers who conduct Aboriginal Waterway Assessments (AWA's) but again, this is only casual employment and run once every season. Our vision is to expand our ranger program to start with a minimum of eight (8) full time rangers and eventually expand to up to forty (4) participants in full time work, not casual or seasonal. These rangers would be divided into three separate groups: Cultural rangers, Water rangers and Land rangers. To support this vision, we would like sustainable, long-term government funding without burdensome reporting.

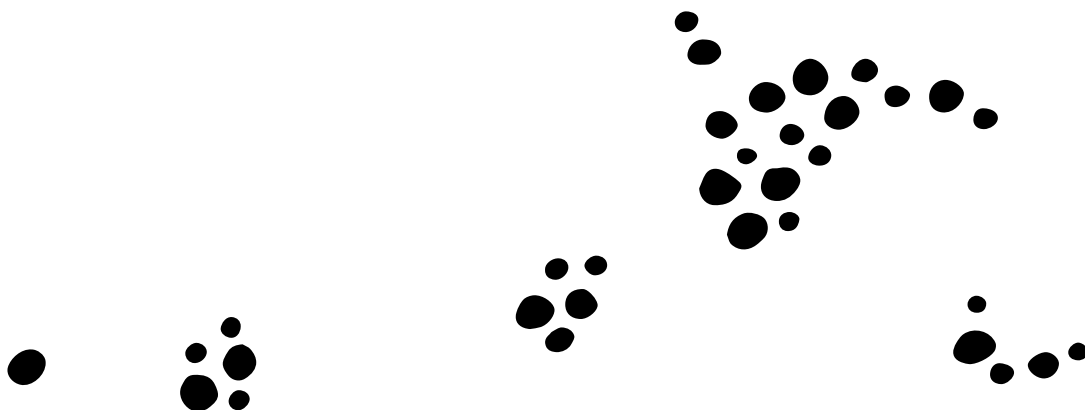
We also see the potential for our Indigenous ranger program to link up with other rangers from neighbouring tribes to achieve the same goals from one end of the Murray River to the other end.

Nations would work in collaboration with all other nations across the Murray River to achieve the same goals and care for Country together, like in the past (i.e. before colonisation).

We see this as important because upstream sections affect downstream sections and it is useless having a fragmented system as downstream mobs get impacted by upstream mobs. A ranger program that involves nations being united on priorities and timings for management actions relating to the restoration and protection of First Nation cultural heritage and ecological values along the river would be so powerful and effective. This would see Nations regularly check the health of our waterways, care for flora and fauna, police both the forests and waterways as well as frequently monitoring of farmers and corporations weekly water intake/meters.

Bring inherent rights to manage land back to the Wadi Wadi nation with a rangers program run by Wadi Wadi to look after the land and waterways and focussing on the following:

- Monitoring natural flows
- Vegetation conservation, restoration, revegetation
- Planting of Indigenous plants, medicinal herbs etc.,
- Policing and protection of scared sites from disturbances like litter, camping, tree felling, fishing, recreation
- Cultural burns, ceremonies



Transforming foundations and the Wadi Wadi Nation's relationships with the State

Wadi Wadi holds inherent rights to water and Country and has done so since time immemorial. Australian white settler law has not yet recognised or accommodated these rights. The Federal and state governments need to respect Wadi Wadi's sovereignty by allocating us water and land. The current colonial property rights system that us Wadi Wadi are forced to live in is an inadequate substitution for our inherent rights. Wadi Wadi needs recognised property rights to our water to be able, for example, to be involved in the water market, to establish our own businesses and generate socio-economic outcomes for our people, and to water our wetlands, creeks, and rivers. This transfer of rights needs to happen ASAP.

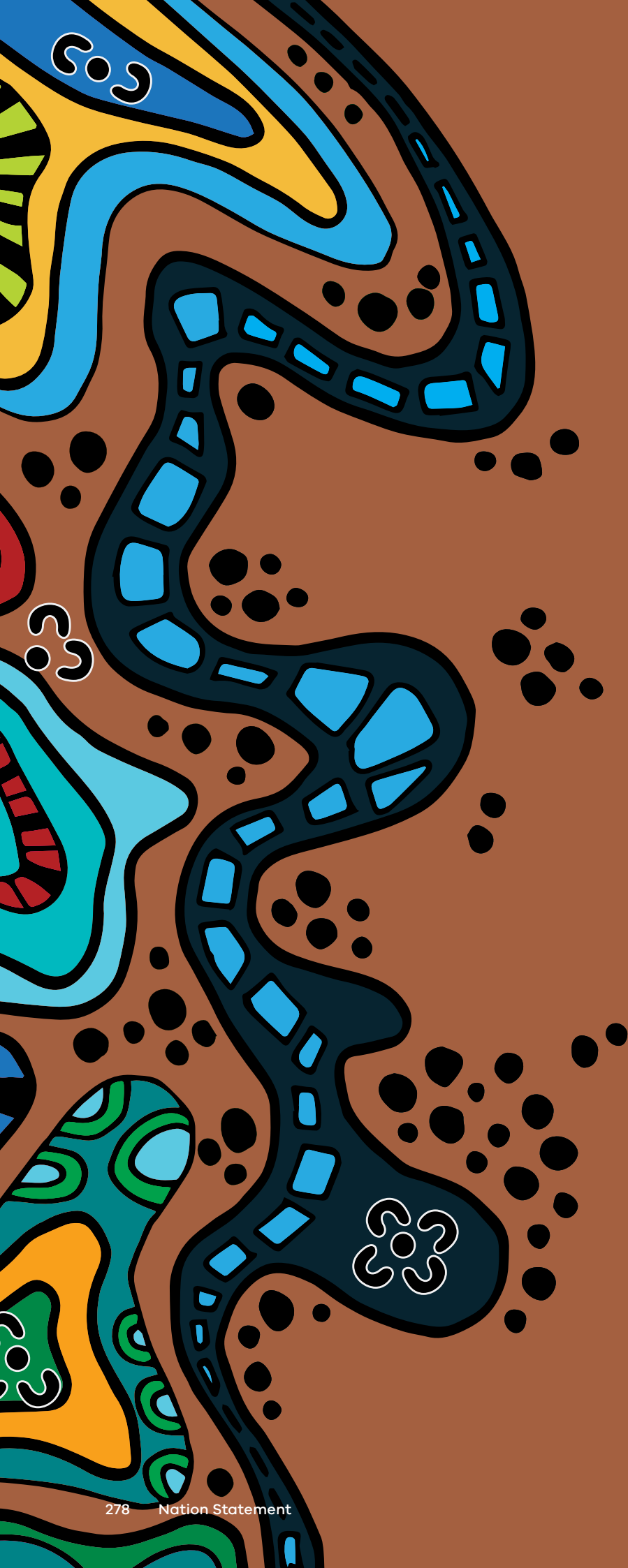
As we've said, the governments need to fund us to help us get established. But the governments also need to support us to make our own decisions without justification. We do not want other Indigenous organisations, government departments or non-Indigenous run companies or organisations involved in our decision-making, unless we explicitly invite them. We want changes to landscape specific policy or legislation, like recognising our ancestral rights in waterways and on Country and having Traditional Owners recognised in settler law as the authority to speak for those places. We want the Victorian government to interact with Wadi Wadi as the sovereign nation that we are.

Roadmap implementation

Wadi Wadi leaders should be meeting with governments leaders not their messengers in all aspects especially when it relates to the roadmap policy. We should be working towards building a partnership between the Wadi Wadi and the Victorian government, but this can only occur when the government starts to respect us as a nation and send their leaders to meet with our leaders, no one below them. Since colonisation, our people have been meeting with the governments messengers instead of their leaders. We find this disrespectful, and this problem needs to be addressed as an absolute priority. If were to form a partnership such as a treaty, then we want to meet with their leaders not their messengers.

Wadi Wadi wants to be engaged and communicated with through the Wadi Wadi Land & Water Indigenous Corporation (WWLWIC), and not through a multi-Nation function. All engagement needs to be direct and not through messengers. Additionally, engagement and communication with us needs to be appropriate, and tailored to meet our needs, our ideas, and our aspirations. All First Nations in Victoria (and Australia) are different from each other. This includes Wadi Wadi. Governments need to recognise and respect this, and we want to be resourced to develop our own Wadi Wadi Roadmap. Our roadmap would focus on the handing back of land and water to us and establishing our Indigenous ranger program, as we've set out in this statement.

To close, we want to remind the government, and everyone reading this statement, that our land and water rights needed to be transferred to us yesterday.



WAMBA WEMBA Nation Statement

The following statement has been informed by engagement undertaken with Wamba Wemba Traditional Owners as part of the Roadmap for Traditional Owner Access to Water. It comprises extracts from the Department of Environment, Land, Water and Planning (DELWP) collation of Traditional Owners' Objectives and Outcomes included in the Northern Victoria Water Resource Plans and the equivalent work with Wamba Wemba people in New South Wales. This statement is not to be used as a substitute for proper and genuine engagement with the Wamba Wemba Nation.

Wamba Wemba note that our Nation has participated in many engagement processes around water for a long time and are frustrated that we have had no visibility on how the information that was collated through those processes is being used, if at all. The Victorian Government must not let the Water is Life Roadmap become a report sitting on a shelf. It must contain appropriate measures to demonstrate its commitment to systemic change with real and tangible outcomes for all Traditional Owner groups in Victoria, regardless of formal recognition.

The Wamba Wemba Nation is defined by many clan groups that form approximately 16 family groups.

The clan groups are descendants of Wamba Wemba families.

The Wamba Wemba people are the first Traditional Owner group of their local land and waters and continue to be acknowledged as an important part of this area's history and contemporary society.

Wamba Wemba's areas of interest are around the Loddon River, reaching northwards from Kerang, Victoria to Swan Hill, and including the area of the Avoca River, southwards towards Quambatook.

This includes the Kerang Wetlands Ramsar Site that is fed by the Murray, Loddon and Avoca rivers. In a north-easterly direction, areas of interest include over the New South Wales-Victorian border to Boorrroban and Moulamein, and extend to the vicinity of Barham and Lake Boga. The Wamba Wemba also have interest in Lake Tyrell along with other Traditional Owner groups. These landscapes include some of the oldest registered sites in the State of Victoria, with carbon dating showing that evidence of Aboriginal occupation around Lake Tyrell dates back 32,000 years.¹

Water and land are inseparable to Wamba Wemba people; they belong together and without one, there is no other. Wamba Wemba has never ceded our land or water rights; however, the Government continues to act under the false policies of terra nullius and aqua nullius. All our Country – land and water – has been stolen. Even though water is part of land, the Government made water a commodity, continuing the myth of aqua nullius. Water is more than a commodity to us. The Government needs to acknowledge these lies in the Roadmap. Many non-Aboriginal people have immensely benefited financially from this theft. We want this acknowledged and redressed. In this vein, Wamba Wemba do not accept terms such as environmental water, sustainable diversion limits, high security water or any other colonial terms that describe stolen water.

Wamba Wemba people see water as one "Mother Earth's creation". Water provides food, health, transportation methods, unquantifiable spiritual and social connections to self and others, and is a basis and foundation for stories that guide descendants through life for generations to come. Water is essential to daily and continued existence in both a physical and spiritual sense. Therefore, when a river or any waterway is unhealthy, the negative effect flows onto the current Nation members but when a river or waterway is healthy the flow on effect is positive and palpable. Healthy rivers equal healthy people in mind and body. Wamba Wemba people do not consider that the earth is here to care for us, instead, we consider we are here to care for the earth. We value everything that is provided by the water and land, and we only take what we need.

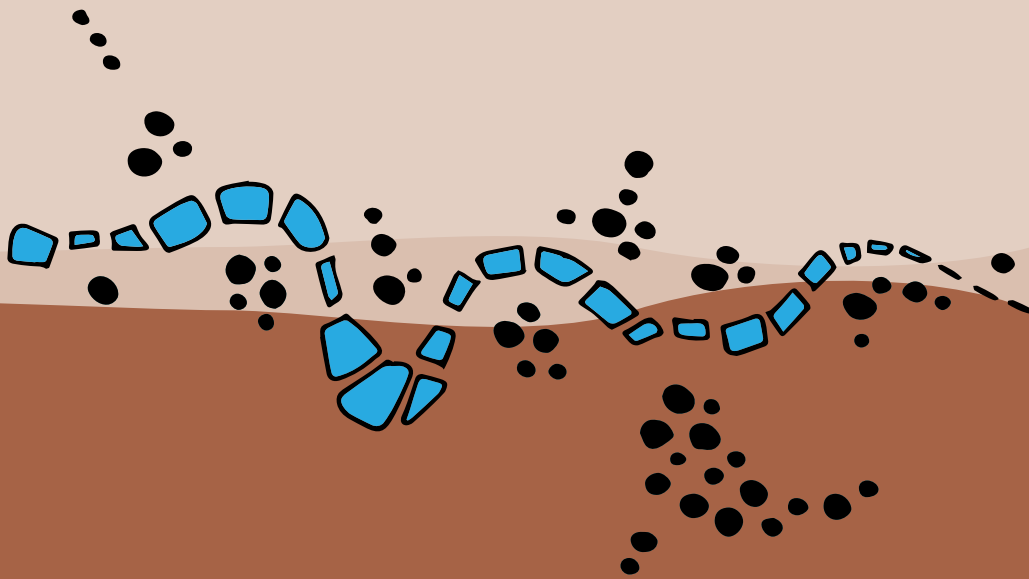
¹ Thomas Richards, Christina Pavlides, Keryn Walshe, Harry Webber and Rochelle Johnston, 'Box Gully: New Evidence for Aboriginal Occupation of Australia South of the Murray River Prior to the Last Glacial Maximum' (2007) 4(1) *Archaeology in Oceania* 1.

Wamba Wemba's access to our Country was unlimited when we were able to freely follow our cultural lore and protocols that have been passed down from ancestors and in place for millennia. There were guidelines, protocols, and procedures to adhere to when wishing to cross into Country of other Aboriginal Nations, however the Country was still accessible, and freedom of movement was more or less attainable by following simple rules. In contrast, for the past two centuries, our accessibility to Country and water has been largely determined by Western governance structures that follow the concept of private ownership rights. We reject this imposition. It is a basic human right for Aboriginal people to access and own water and Country. This is instilled under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), especially Articles 25 and 26 (but also 27 and 28).

Wamba Wemba have a strong desire for genuine Aboriginal inclusivity and overarching Aboriginal ownership and management of Waterways with a view to restoring the crucial and naturally intricate waterflow balance that has been greatly disturbed by past and current Western management practices. The following sections step out these demands and assertions in more detail.

We belong to the earth and white people have a hard time understanding that connection to Country.

Stewart Taylor



Where our old ones are laying, they need protecting. We have responsibility for those old people whether we like it or not. There are spiritual consequences if we don't uphold that.

Aunty Esther Kirby OAM

Wamba Wemba's water (*katen*) and land (*tya*) rights & access

Wamba Wemba people want access to water for cultural and economic purposes. Water use should not be linked to Government priorities, but to our priorities. Given the historical and enduring colonial barriers to us accessing and owning water, government must invest in reinstating our water rights.

This includes:

- Wamba Wemba people want a minimum of 50% of water recovered through Commonwealth water buy backs to be transferred to the Traditional Owners of the Country where the water was purchased from.
- Traditional Owners do not have access to the money required to purchase water. Water must be purchased by the Government on behalf of Traditional Owners. Wamba Wemba people object to paying fees and charges on any water ownership.
- Wamba Wemba people want to hold water, and to be able to access resources to help make the decision about what water holding looks like to Wamba Wemba people. For instance, what about a 'Black CMA', or a 'Black VEWH'?
- Wamba Wemba people want to manage water on land they do not currently have access to e.g.: Kerang Wetlands Ramsar site, Lake Boga, all three Reedy Lakes, Lake Charm and Kangaroo Lake etc. We want the government to help us to gain access to these and other lands.
- We want reparations for the state-sanctioned destruction of wetlands that are part of our Country, and which can never be returned to their former states (i.e. Lake Tutchewop and Lake Baker).
- Overall, we want land, water, jobs, education programs, land management control, a cultural centre, funding to come together and heal the people and Country, and we want to do all this with cultural safety.

One indicator of the success of these actions could be an annual audit of waters (both environmental water and irrigation water rights) that are owned and/or controlled by Wamba Wemba.

Wamba Wemba people want to be able to make decisions freely about the water that is returned to our ownership. For example:

- Wamba Wemba people have economic project ideas that require water access to establish and manage, e.g. greenhouse project to grow native plants for use and rehabilitating land. We also have crayfish, fish, mussel and yabbie farming aspirations that depend on water access, and water of sufficient quality. These kinds of projects will support our connection to Country, and lead to career and employment opportunities for Wamba Wemba people in the water space.
- Cultural water use can also mean leaving our water in the rivers. Objectives for our water include healing the degradation that has occurred due to European occupancy, such as poor water quality and the significant loss of plants and animals.
- We want to have a proper ranger program, with a team of 5 or 8 as a minimum who are properly resourced and empowered to manage and care for Country. If we had rangers, we could look after this Country and the whole landscape a lot better.
- We want to be empowered to measure the outcomes from our water use. This includes being resourced to design and deliver our own monitoring programs. Examples of indicators that this might include are employment statistics, bird and fish survey data, land ownership by Aboriginal corporations and/or people in the region, revegetation land coverage, totem animal numbers (this may include regionally extinct species) and water quality data.
- Overall, healing Country will heal people. Healthy water, healthy Country, healthy life, healthy people.

Additionally, Wamba Wemba people are very concerned about water being sold to overseas investors who then sell allocations each year on the temporary market. This is akin to continued and ongoing water theft and must stop.

Cultural flow would bring back medicinal plants. Our part of the Murray River is very sick. The food sources and medicinal plants aren't there like they used to be.

Aunty Hazel Atkinson

Increasing Wamba Wemba's influence, power & authority in water landscapes

There are numerous barriers to Wamba Wemba people increasing our influence, power and authority in water landscapes.

The first, is the lack of sustainable funding models for Traditional Owner groups that do not have formal state 'recognition'. Currently agencies fund Traditional Owners through small scale projects that are secured through competitive processes. We need to move away from programs where Traditional Owners are competing with each other. These processes set groups up to fail. Wamba Wemba people want the government to implement a sustainable funding model that continuously builds the capacity and employment of Wamba Wemba people.

As a minimum, we need a secure full-time position for someone experienced in water and natural resource management to help us start progressing our aspirations for our Country and for all Wamba Wemba people. One of their first tasks could be to engage our community to form an inclusive corporation that represents all Wamba Wemba people fairly. This will be an essential foundation for progressing all ideas and other natural resource management (NRM) and community building projects. We need funding for Wamba Wemba Nation workshops that support the development of a Whole of Country plan so we can have a unified voice on all NRM issues. We estimate that this would cost at least \$300k to do properly, including staff and project delivery costs.

Second, the imposed boundaries across Wamba Wemba Country negatively impact our ability to holistically participate in water management and decision-making processes. They prevent us from speaking about *all* of our Country. These boundary issues occur at two scales. Within Victoria, Wamba Wemba have the following agencies all seeking to engage for various reasons, which are predominantly silos:

- 3 Catchment Management Authorities (CMAs)
- 3 Local Government areas
- 3 Water Corporations
- 2 Parks Victoria regions
- 2 Department of Environment, Land, Water and Planning (DELWP) regions

Government agencies need to come together to Wamba Wemba as one group, and agencies coordinate their engagement to respect this. We suggest this coordination occurs through a negotiated MoU. The second scale is the false division of NSW and Victoria along the Murray, cutting our Country in two.²

Third, concerns Aboriginal Waterway Assessments (AWAs). Funding for research through AWAs must increase. Single site or point in time AWAs are baselines. We need to undertake so many more – at least four per year. Further, these need to be carried out across seasons and a range of water conditions (e.g. before a wetland is full, when it is full, and drawing down). The current AWA template and method could be restructured to suit Wamba Wemba needs.

E.g. include other resources or tools to inform the assessments such as use and occupancy mapping, and taking young people and elders out on Country to tell stories about how it used to be. Linking with the sustainable funding model mentioned above, the budget needs to be clear so we are able to properly plan and able to bring in some more expensive processes such as use and occupancy mapping, noting they would significantly complement the AWA. Wamba Wemba people recognise that some of our AWAs will need to include other Nation groups in work where Country is being claimed across groups and individuals.

Fourth, is the ongoing poor management of water on our Country and the limited options we currently have to intervene. Wamba Wemba are seeing the consequences of this, and it is very traumatic. Just one example of this are the events like the fish kills that have been happening because water is prevented from flowing onto the floodplain at lower flows in the river, leading to toxic blackwater when floodplains are flushed with after big floods. The colonial system has damaged so much Country and Wamba Wemba people must be included in healing going forward.

If they're not landholders or not Indigenous people, they should not be allowed to touch the water. They're robbing Aboriginal people of water.

It's highly insulting and degrading. It should be stopped. Aunty Esther Kirby OAM

² Links to policy direction 4 in DELWPs Roadmap for Aboriginal Access to Water discussion paper .

Wamba Wemba people want a greater role in all governance structures and decision making for programs and projects happening on Wamba Wemba Country. In this regard, we make the following assertions and recommendations:

- Wamba Wemba is not interested in being party to any partnerships where our Nation is not equal or the final decision makers. Partnerships that place us at the whim of the government's or other's decisions are unjust and do not suit our priorities.
- River flow management needs to include input at the local and regional levels where Wamba Wemba knowledge holders live. Our input can help rivers be managed more appropriately with better timed and managed water releases, which will result in a healthier river system.
- All Victorian Traditional Owners need to have stronger representation on the Boards of water agencies. One person cannot speak for all Nations and is unable to engage with all the communities they represent. To at least partly address this, there should be a minimum of two seats for Indigenous people on GMW and CMA Boards. This should be a directive from the Minister.
- We want to set the rules for public land management. This might include charging campers to camp on our Country.
- Government needs to follow cultural protocols for all engagement activities. This includes ensuring that Traditional Owners are listened to, and that engagement processes are not focused entirely on irrigators and their demands.
- Engagement must occur with Traditional Owners, regardless of their state recognition status. Moreover, groups without RAP status must be engaged at least on par with those that have RAP status and whoever is engaging us must recognise that we do not have any paid staff or Aboriginal Water Officers to carry out project work.

Wamba Wemba people must be advised and engaged with for ALL management decisions made on Country, or that effect Country. Engagement around programs and projects that relate to water on Wamba Wemba Country must happen from the starting point, when the problem is being defined. This has to be meaningful engagement, and, where Wamba Wemba wants, it must lead to co-design of project proposals to include stronger outcomes for Wamba Wemba interests. We need action, not "just for the sake of it" engagement. Water agencies must come to the table with purpose and leave with commitments to keep Wamba Wemba at the table throughout the whole process.

One recent example that lacked this kind of engagement to the detriment of our Country is the announcement that the Victorian Environmental Water Holder (VEWH) is selling 12 GL of environmental water on the allocation market. Traditional Owners were not engaged about this or asked if they had a use for that water. Wamba Wemba people want to be informed and be able to have a say about the water before it is sold off like this in the future. See the (Third Reedy Lake case study below for another example.)

Wamba Wemba would like to begin transitioning some of the roles and responsibilities currently sitting with Water Corporations and CMAs, such as issuing and enforcement of licenses, to us. Wamba Wemba people are very interested in employment of River Rangers and we want to negotiate the authority that could sit with those roles, such as issuing licenses and enforcement of license conditions, monitoring water quality, and investigating sources of pollution. This is an ongoing conversation that requires further engagement and discussion in the near future.

Finally, the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) does not have the funding to support delegates to adequately engage with other Wamba Wemba Traditional Owners to ensure that information being discussed at MLDRIN meetings is being shared with community, and that delegates are able to hear communities' concerns, and seek input on upcoming MLDRIN meeting agenda items (etc.). Overcoming this barrier by funding MLDRIN to provide this resourcing and administrative support for all member Nations would ensure delegates are feeding through community perspectives in all MLDRIN discussions, including any Government agency engagement that occurs through MLDRIN.



Goulburn-Murray Water Connections Project Special Project - Third Reedy Lake Case Study

Context

- Third Reedy Lake is part of the Kerang Wetlands Ramsar Site.
- From around 1923 to 2019/20 – the wetland was managed as an irrigation storage and kept full over the irrigation season (August 15 to May 15 of the following year), and at lower water levels over winter. The lake was never dry over this period.
- From 2012 to 2020 the lake was part of a Special Project under the Goulburn Murray Water Connections Project (GMW CP), which investigated removing the lake from the irrigation system and delivering water savings as entitlements to the Commonwealth Environmental Water Holder (CEWH).
- GMW CP undertook a range of activities including:
 - ecological investigations to inform the development of a revised water regime that would use less water (akin to water theft);
 - community engagement through a project steering committee which included irrigators and other local community members;
 - Traditional Owners were not included in any of these processes.
- GMW CP held one workshop with some Traditional Owners during the final stages of the project, when the watering regime and associated water savings had already been determined. Elders at that workshop advised that they did not support the proposal, however it was too late in the process for GMW CP to incorporate Traditional Owner views.
- The Commonwealth supported the project proposal and the project is going ahead, with the lake being managed as an ephemeral lake (wetting and drying), with environmental water.

Issues and concerns

- Where projects deliver water savings that are not handed back to Traditional Owners, this is akin to water theft and perpetuates aqua nullius.
- These projects are usually rushed and that is where things get missed.
- It should be compulsory to engage TOs as early as possible for all projects, not after the fact.
- Engagement should not be with just a couple of individuals but with the community, and include people that really care for Country and water.
- A mechanism needs to be implemented to audit engagement processes and to hold agencies accountable when they have not engaged Traditional Owners properly.
- Ancestral remains are likely to be present in or near water. Traditional Owners must have a say about where ancestors lie.

Wamba Wemba demands

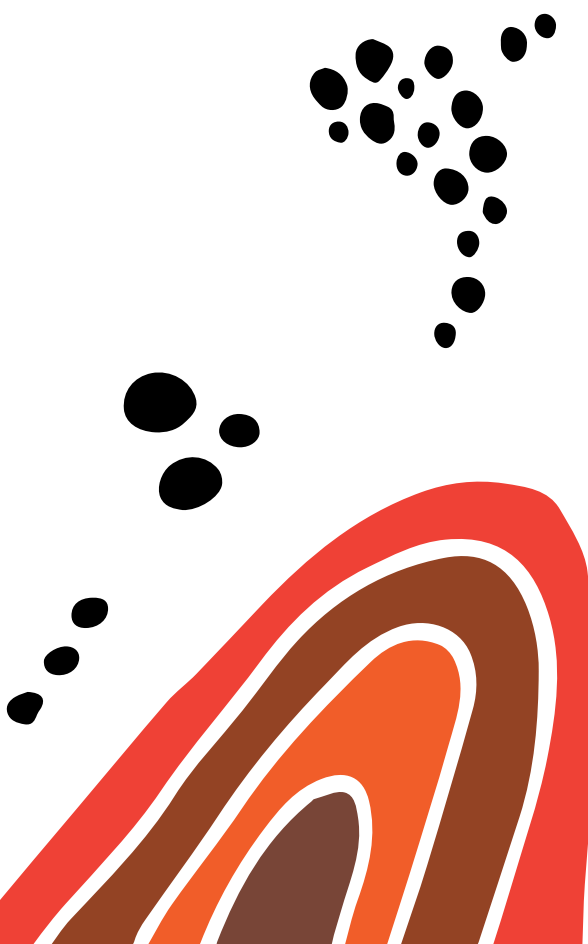
- That Traditional Owners must be included in management and decision making of Third Reedy Lake going forward, and,
- That Wamba Wemba be funded to meet with Government agencies before they make any further decisions for the lake going forward (e.g. the CMA and the VEWH). This needs to include opportunities for younger people and elders to talk.

Roadmap implementation

Wamba Wemba believe we will get very little out of the proposals in the draft Roadmap as we do not have any formal state-recognised rights in Victoria. We are concerned that many of these proposals will require RAP status as a precondition for a Nation to benefit or participate. This is disadvantageous to us and others in Victoria. Opportunities and engagement must be equitable for all Traditional Owners, regardless of RAP status, as established in Pupungarli Marmarnepu (DELWP's Self-Determination Strategy).

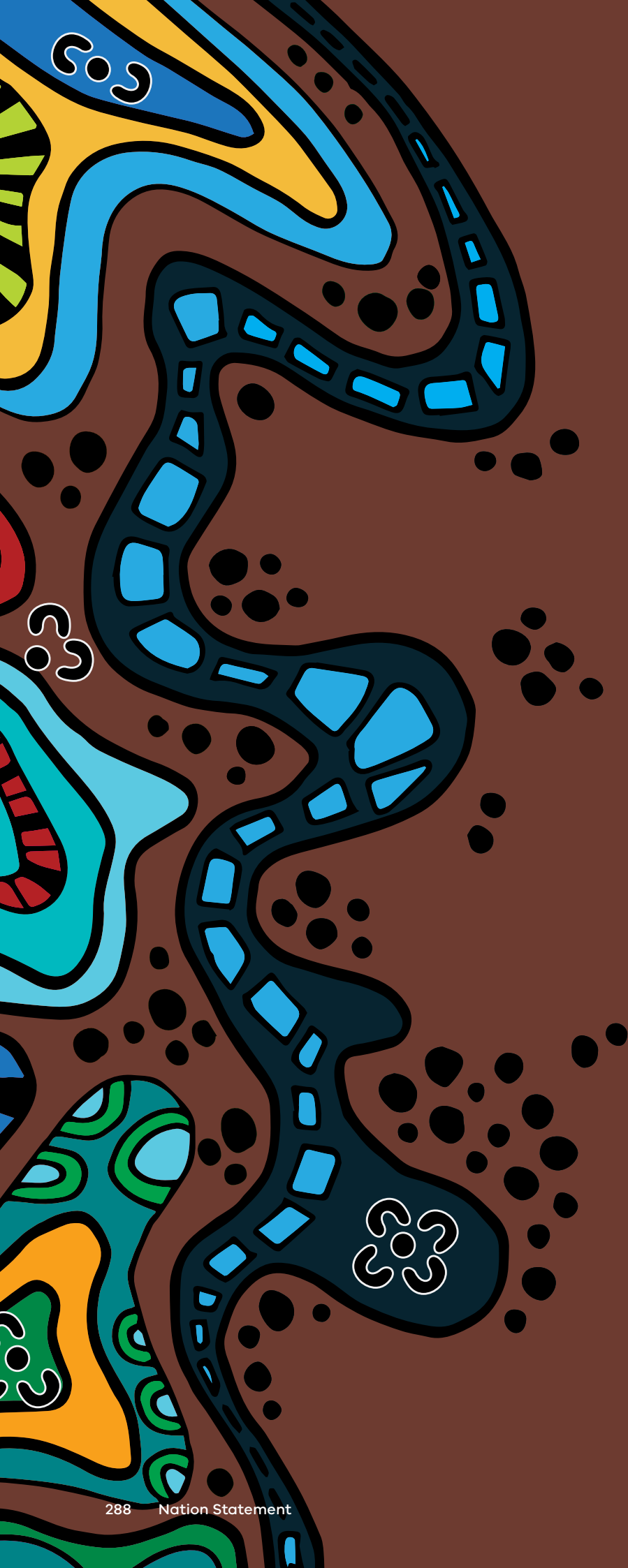
We are frustrated about how compressed the timelines for Traditional Owner engagement on the Roadmap have been. We are also frustrated with the insufficient opportunities for our Nation to meet in person to prepare and refine our contribution and the time for us to consider, and collaborate on, the draft Roadmap's proposals so that they are more suitable to what we need.

In closing, we remind you that if the waterways are not sustained naturally, the land suffers, the animals and plant life suffer, and the question of survival is a real and genuine concern. This concern is not just one of the survival of the Wamba Wemba people, but of the survival of the land itself. Healthy water is at the core of the health of the land and the entire eco-system. The time to start acting was yesterday. Wamba Wemba compels the Victorian Government to act now.



*It's not their water to sell, it's ours.
If they're going to sell it, the funds need
to go in a fund for Traditional Owners,
not government coffers.*

Kenny Stewart



WEKI WEKI TRADITIONAL OWNERS Nation Statement

The river is our ancestors' bloodstream. Without the river we can't survive, the river without us can't survive.

Uncle Raymond Kennedy Weki Weki elder

The WEKI WEKI people acknowledge their Ancestors, lands and waterways, sacred and spiritual places, and acknowledge that sovereignty was never ceded.

We would like to extend our respect to our neighbouring clans and families and all First Nations people along the Murray River.

Weki Weki's vision is:

We want to see areas of cultural heritage and sites of significance flourishing.

There should be an abundance of animals, birds, ground covers and bush medicines.

That's how we are going to learn and model what our ancestors did.

Weki Weki has a strong association with the Murray River and its tributaries and surrounding lakes and wetlands nearby Robinvale, Boundary Bend and Piangil. On the Victorian side, Weki Weki's area of interest extends south to Lake Tyrrell. Weki Weki Country continues across the border to New South Wales with several rivers feeding into the Murray being places of interest such as the Murrumbidgee River and the Edward River or Kyalite River.

The Weki Weki identify as river people (mille gounditch) and have ancestral links with other river tribes from Echuca to the South Australian border historically known as N'erget Nation.

Weki Weki people have always cared, and will always care, for Country. We are the caretakers and have never stopped caring for Country. We have never left Country and are always here.

Disclaimers:

- Weki Weki people own this statement. We do not give any others permission to edit or alter it, or reproduce it beyond the *Water is Life* Roadmap process without our prior and informed consent.
- Our statement is reflective of the Weki Weki Nation's position at the time of writing. Our goals, rights or assertions will continue to evolve throughout our water access and justice journey.

Water rights & access

“Water doesn’t have a monetary value to us, it has a sentimental value. All we are worried about is looking after it. We want to make it healthy again. Because the water has sentimental value to us, only we can protect that water.”

Weki Weki’s expectations about water rights are:

- All Traditional Owners, including Weki Weki, need to own water entitlements and be empowered to choose where and when our water will be released based on what is important to us and to Country.
- Unused water allocations need to be redirected to an Aboriginal Water Bank, that is inclusive of Murray River Nations. Aboriginal delegates then can choose where the water goes based on needs, and determine where to allocate water.
- We cannot leave it up to Government to look after cultural flows as they are easily corrupted to those who pay dollars for the election.
- We want groundwater to be kept in the ground.

Weki Weki’s vision for capacity building and empowerment are:

- Weki Weki wants our own Water Officers, like other Nations across Victoria do.
- We want to run an Aboriginal Waterway Assessment on Weki Weki Country.
- We want capacity building for Weki Weki people to be knowledgeable in the water industry, water businesses, water trading and the water market.
- We need to be supported to know our cultural seasons to inform our knowledge of when to release water for Country.
- We want to see funding for training and employment of 20-30 people from each tribe to look after the Murray River and other important rivers and lakes 24 hours a day, 7 days a week. This could be funded by taking 5% off water bills, for example.
- We want programs to be funded that involve young people to look after Country. Involve kids early so we can move forward. For example, during school holidays kids could work with us and learn from us.
- We want to see more co-ordinated meetings for Traditional Owners across Nations to discuss water resources as a whole. This includes state-wide meetings, and meetings for the Murray River mobs, to see if we are thinking the same way and heading in the same direction.
- We want to revive the cultural practices of Weki Weki women especially in relation to waterways. We want to be supported to develop separate men’s and women’s statements.
- We want to own and operate nurseries and fish farms to foster endangered species and reintroduce them to the environment. This would also increase training and employment options for Weki Weki people, supporting our community’s empowerment and self-determination.

Increasing Weki Weki's influence, power & authority in water landscapes

"Some plants such as special medicine plants are dying out. The land is sick, and we need to fix it. When the land gets sick, we get sick."

Weki Weki people would like to work co-operatively with Victorian, New South Wales and Commonwealth Governments and agencies. We see this is as important to save the river. This co-operative work must be framed as: "How can you help us, help you, save the river?"

Weki Weki are particularly concerned about the following issues and risks to our waterways and Country. We want to be able to have a greater voice on these issues:

Water quality: Water was clean and clear decades ago. You could see the bottom of the rivers and could drink the water. There used to be platypus, you can't go yabbing anymore and there are not as many fish. We've noticed that pelicans have unusual behaviour sitting in the branches of dead trees, almost too scared to go in the water. We are concerned about fish deaths and blue-green algae. We are concerned about black water events – years ago the water turned black, yabbies were crawling out of the water; it smelt bad. And, we are concerned about the sprays from agriculture and horticulture infecting our water.

Highly regulated flow regime: This is limiting access to natural flows which are needed for a healthy environment. Inadequate flows and pipelines mean fish can't migrate anymore and they are dying. There is no longer water in many of the waterways and we have noticed the animals and plants are no longer present. It impacts Traditional Owners' cultural connections and abilities to spend time in these places, to catch food, to practice ceremony and to continue sharing knowledge. We want to see water being released so that creeks and other waterways and cultural areas of significance are maintained in a more natural way. We want to be involved in decision-making about this.

Imbalance of power: The MDBA, the National Party, and the National Farmers Federation are the most powerful people in Australia and control the water. Aboriginal people do not have the same level of influence. Weki Weki also feel like they are on the "B list" of Traditional Owner Groups and there is a lack of funding allocated to groups in the north west of Victoria.

Water theft: Some farmers get away with stealing water. Today, it is still common practice and farmers need to be held more accountable. Irrigators have been caught out cheating the system by manipulating meters. This needs to stop.

Overallocation of water: Governments have granted farmers water licences that permit levels of water extraction that see our waterways run dry. This shouldn't happen. The future seems to be based on continually draining the basin rather than thinking of alternative solutions. We want to be part of developing water conservation and long-term alternative management solutions.

Large water users with little local benefit: A lot of agriculture grown on our Country and with our water is exported overseas e.g. almonds. We don't want almonds grown on our Country. Grapes are another example of profits leaving the area with massive amounts of water use and pesticides. Cattle and dairy industry also use large quantities of water. Sand mining is causing environmental damage. All are profiting from our land. These activities use large amounts of water and don't benefit locals. We want support to advocate against any more almond plantations getting approval to be on our lands.

Badly degraded sites of significance: Our sites are difficult to restore especially with competing demands for water. This has an impact on people's connection to Country and understanding of Country. We want to be equipped to maintain and monitor waterways and our sites back to health.

Lack of understanding of Traditional Owner interests: Environmental watering has a history of flooding areas without consulting Traditional Owners. It's hurting the Country and animals. Traditional Owners have also been cautious about sharing cultural knowledge.

Tourism: Boat races are destroying the river banks and impacting on habitat, fish eggs etc.

Overall, Weki Weki wants to be involved in decision-making processes and to be able to influence the sustainable use of water on our Country. We want to share our cultural knowledge to save the river. We need to see eye to eye with the government agencies and come up with other solutions to water management together.

Roadmap implementation

Weki Weki people's preferred means of engagement is described below. We expect government to act in accordance with this when implementing the *Water is Life* Roadmap:

- Contact the Chair of the Weki Weki Aboriginal Corporation.
- For full group gatherings broaden the invitation to notify as many people as possible. Allow adequate notification of upcoming meetings.
- The only way to run a meeting is to let the Elders run the meeting. Elders should be seated at the front of the room and lead the meeting.
- Weki Weki would like the same fair process that other Nations receive.
- All governments recognising that Weki Weki is a cross border Nation in Victoria and New South Wales.
- Reimbursing Traditional Owners for sharing knowledge. Traditional Owners are similar to consultants and consultants are typically reimbursed for their time.
- Consider signing a Memorandum of Understanding to work with Government. We expect that Government will deliver on its promises.
- Government should notify people a couple of months in advance prior to environmental watering events.

Weki Weki people would like to work co-operatively with Victorian, New South Wales and Commonwealth Governments and agencies.

We see this is as important to save the river.
This co-operative work must be framed as:
"How can you help us, help you, save the river?"



WURUNDJERI WOI-WURRUNG Nation Statement



Balliyang, barnumbinyu
Bundjilal, banyu bagurrk
mungganj. Ngarn gunganyi
nu nhanbu nyilam biik, nyilam
kuliny — balit biik, balit kuliny:
balitmanhanganyin manyi biik
ba Birrarung.

Balitmanhanganyin durrungu
ba murrupu, ba nhanbu
murrondjak.

Bunjil's brother, Balliyang,
the Bat, created Bagarook,
women, from the water.

Since our beginning it has
been known that we have
an obligation to keep the
Birrarung alive and healthy
— for all generations to come.

The Wurundjeri Woi-wurrung people have created this statement to recognise our birth rights, long, continuing unbroken connections, and obligations to care for water, as the life source of Country, people, flora and fauna, and culture.

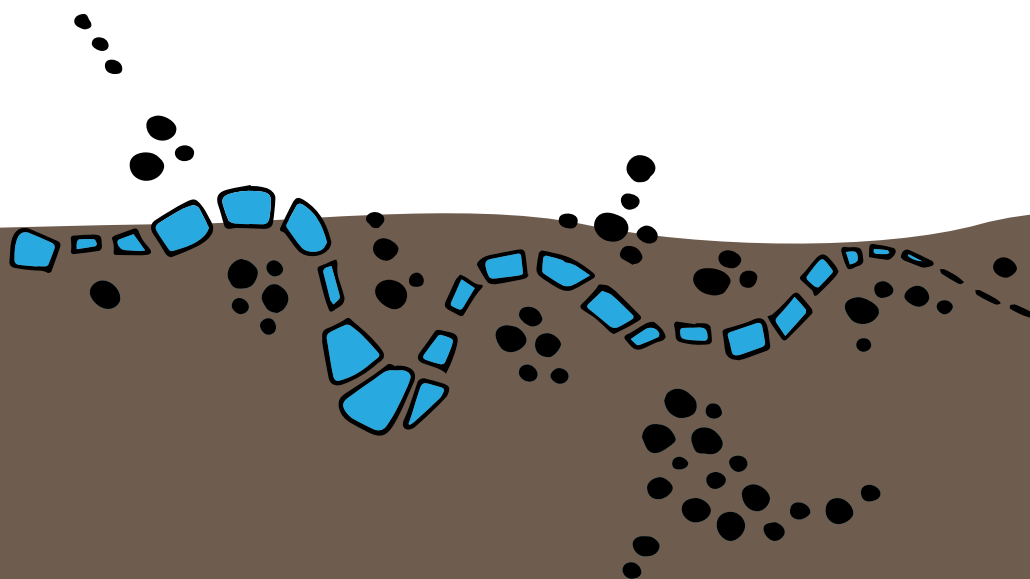
Water, which has sustained us for thousands of years, forms part of our Dreaming. We, the Wurundjeri Woi-wurrung people, are the Traditional Owners of Wurundjeri Woi-wurrung lands. From the east past the upper reaches of the Birrarung to Mt Baw Baw, North to the Great Dividing Range, South to Mordialloc Creek and west to the Werribee River, the floodplains, wetlands, creeks, streams, waterways, estuaries, rain, and all other forms of water are represented and acknowledged within this statement. Through this statement, we aim to inform the Victorian Government ('the Government') of our expectations so that we can work together as partners and provide a greater understanding of our rights and responsibilities for water. At the heart of this is the principle that healthy water means healthy Country and healthy people. This statement represents the position of the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWCHAC) at a point in time, and it must be recognised that the views expressed will change as new information, recognition and directions are developed. Therefore, this statement must be seen as a living document that provides guidance for now and will be continually updated in the future.

We, the Wurundjeri Woi-wurrung, have inherited a sovereign responsibility to care for and manage our Country. Historically, our peoples' rights to the management of waterways, have been excluded from legislation, planning, policies, and programs. These rights and obligations have never been forfeited, and they are yet to be protected through treaties. Our rights and responsibility to care for Country must be returned and respected first and foremost, this forms part of reconciliation. We assert our rights, as Traditional Owners, to lead water-related decision-making on our Country and will work to support this approach in partnership through self-determined processes. These rights extended to the cultural, environmental, social, and economic uses of water and persist throughout time and cannot be forfeited.

Existing legislation does not adequately or appropriately recognise these sovereign rights and forced integration into existing processes has long been recognised as oppressive and culturally disrespectful.

Furthermore, it is not the responsibility of the Wurundjeri Woi-wurrung people to return the health of waterways and rectify the mistakes of the past, or the mistakes of the future. Despite this, whenever so desired WWCHAC will partner with the Government and share our guidance and knowledge to improve the health of Country and the health of the community, as managers of waterways or through other self-determined processes. The Government must continue to return all water throughout Wurundjeri Woi-wurrung Country to a healthy state of being, whether WWCHAC are involved or not. When decisions and activities have the potential to impact water within Wurundjeri Woi-wurrung Country WWCHAC must be informed, invited to participate through self-determined pathways and resourced to facilitate traditional decision-making processes. This requirement to enable Wurundjeri Woi-wurrung involvement applies to all stages of the process and all financial, cultural, environmental, and social elements of water.

Systemic issues plague our people when trying to assert our rights to water. The existing framework and the structure of the water sector excludes traditional decision making processes. Numerous other significant practical challenges are also faced by the Wurundjeri Woi-wurrung people when attempting to assert their rights as sovereign decision-makers. These include, but are not limited to, issues related to physical access to water, water quality, economic barriers, legislative constraints, technical aspects, and capacity constraints both human and financial. The prioritisation, respectful recognition, and integration of Wurundjeri Woi-wurrung people's asserted outcomes for Country requires systemic change and integration into all levels of Government decision-making processes. Integration of the Wurundjeri Woi-wurrung people into the existing system for water ownership and management would not address these issues at their core. It is the expectation of the Wurundjeri Woi-wurrung people that the Government, which is largely responsible for the design and implementation of the existing system, will take timely and commensurate action to redress these systemic problems.



Our aspiration is to be structurally involved in each level of government regarding the decision-making and management of our lands and waterways.

We want this to be standard practice, not the exception.

Aunty Margaret Gardiner, Wurundjeri Woi-wurrung Elder

While systemic changes are implemented, all decisions that impact water must have a demonstrated net benefit to Wurundjeri Woi-wurrung Country, people and culture. For ministerial-level decisions these should be co-signed by WWCHAC prior to commencement, and this will only occur when sufficient information has been provided and self-determined involvement of WWCHAC has occurred. To demonstrate adequate consideration of cultural, economic, environmental and social benefits, a quadruple bottom line assessment should be developed and provided to the Wurundjeri Woi-wurrung people to facilitate decision-making. Systemic and landscape-scale decision making must recognise that site-specific processes need to incorporate knowledge at landscape scale and enable Wurundjeri Woi-wurrung people to have the authority to reject any decision based on their knowledge and customs.

Achieving the outcomes of this statement will require appropriate recognition as sovereign decision-makers for water management on Wurundjeri Woi-wurrung Country, while providing free prior informed consent (FPIC), in accordance with the principles of the United National Declaration of the Rights of Indigenous People.

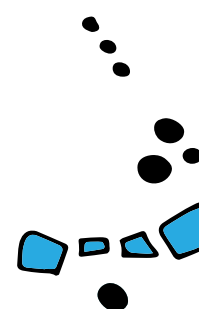
Practical targets that can be achieved must also be set and committed to by the Government. It is envisaged that all water bodies and their tributaries throughout Wurundjeri Woi-wurrung Country will be afforded the rights of a living entity, respected for their cultural values, and that the Wurundjeri Woi-wurrung would act as the voice of those entities. An immediate and appropriate step to commence work towards this is to invite WWCHAC to cogovern the environmental water entitlements on Wurundjeri Woi-wurrung Country.

Wurundjeri Woi-wurrung people want to see healthy and cleaner Country, through well managed and adequately protected hydrological system. This will require the Government to partner with WWCHAC in enabling Wurundjeri Woi-wurrung control of water on Wurundjeri Woi-wurrung Country. This will be achieved through systematically improving both quantity and quality of water throughout Wurundjeri Woi-wurrung Country. Partnering in reading of Country and scientific assessments of water systems, developing the mechanisms necessary for WWCHAC to participate in the above-mentioned activities, and establishing and embedding partnership protocols with relevant agencies are also required and immediate actions that will commence work towards achieving the objectives of this statement.

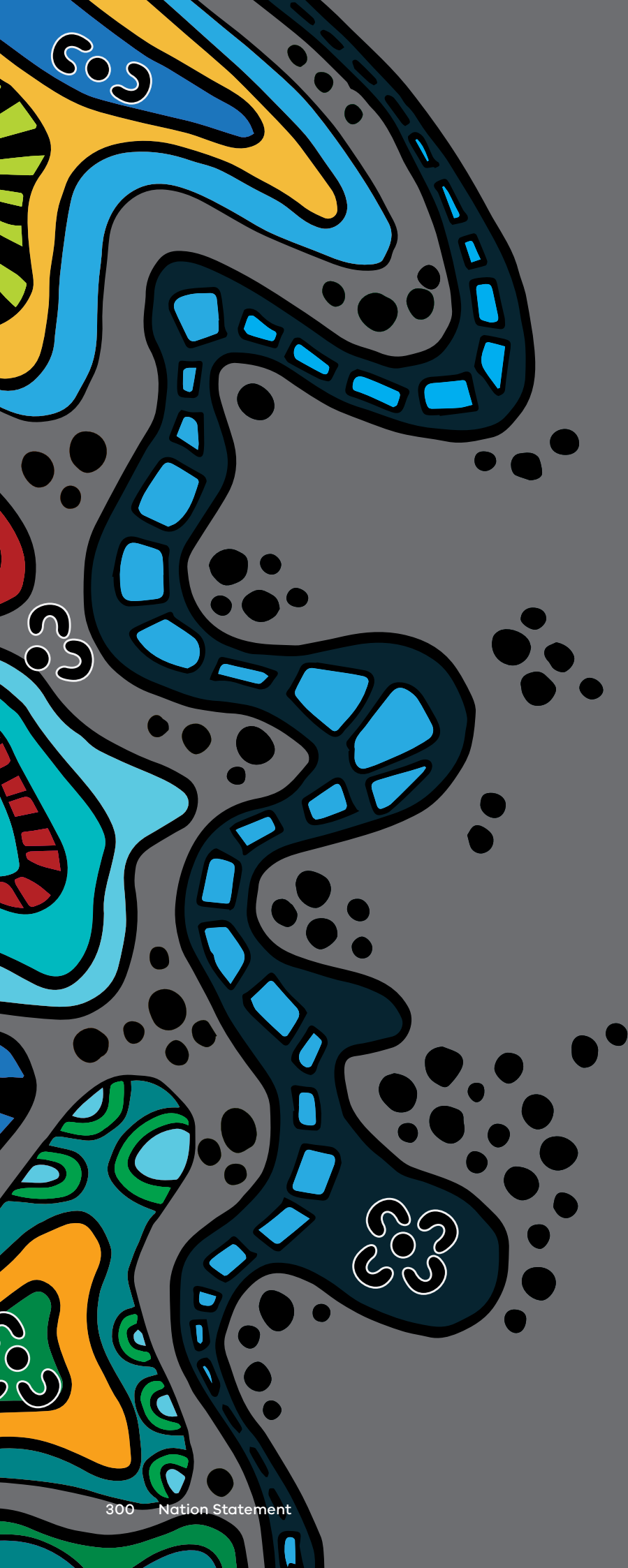
During the transfer of rights, the Government must work towards enhancing the natural environment and creating economic prosperity, while protecting and celebrating the Cultural Values for water bodies. This must include the development of strategies to establish cultural and environmental corridors, the identification of cultural water (quantity, quality and timing) required to sustain natural, cultural and spiritual values, and the protection of indigenous knowledge.

Furthermore, the Government must also commit to enabling the economic prosperity, where desired, of the Wurundjeri Woi-wurrung people through the fee free and unconstrained use of natural resources for any and all purposes, as well as the development of new funding models based on permanent and reliable funding sources.

The Wurundjeri Woi-wurrung people welcome the opportunity to provide this statement and will work together with the Government to achieve beneficial outcomes for Wurundjeri Woi-wurrung Country and people.



Wurundjeri invites all people to see water through our eyes, to talk with us to understand our values, and to partner with us to re-energise caring for water as we fulfill our cultural duty in bringing all water on Wurundjeri Woi-wurrung Country back to health.



YORTA YORTA NATIONS ABORIGINAL CORPORATION Nation Statement



Whole-of-Country Plan 2021 – 2030

The Country is Us and We are the Country
– this is our home and nowhere else

Declaration on the Rights of Indigenous Peoples

Article 3

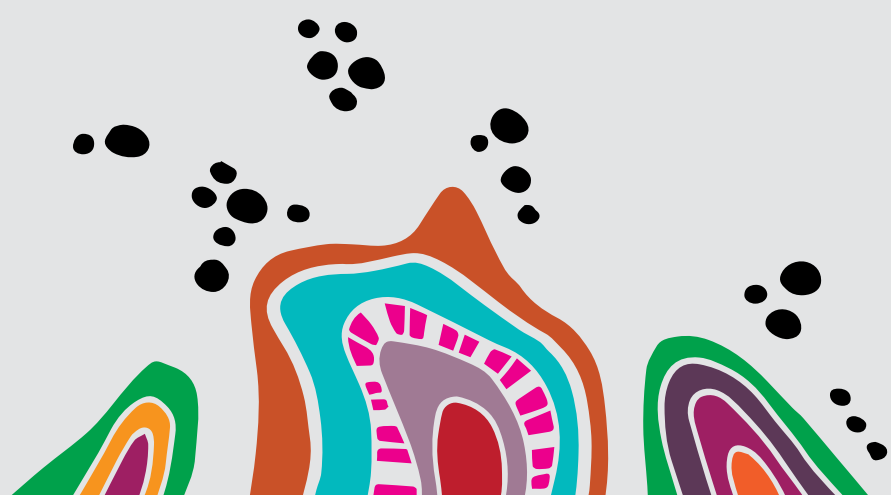
Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 29

Indigenous peoples have the right to the conservation and protection of environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous people for such conservation and protection, without discrimination.

Article 31

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.



Yorta Yorta language

Name	Meaning
Woka	Land
Walla	Water
Baiaame	The Creator Spirit
Dhungalla	Big Water – the Murray River

Yorta Yorta

We, the Yorta Yorta Nation have been here since the beginning. We have been living for tens of thousands of years on a large part of present-day northern Victoria and southern New South Wales, centred on Dhungalla – today called the Murray River. We comprise the descendants of the original ancestors of our Lands.

Our Country extends from Violet Town in the south to north of Finley in New South Wales, and from Howlong to the east to Cohuna to the west. Dhungalla lies at the heart of our Country, but many other rivers and wetlands make up our Country.

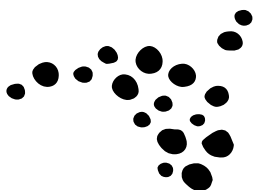
To the south of our Country lies the Land of the Taungurung, and to the south-west is the Land of the Dja Dja Wurrung – traditional owner groups that are part of the Kulin Nation, the people of Bunjil the Eagle creator spirit. Further downstream along the Dhungalla to the west, lies the land of the Barapa Barapa, to the north lies the Lands of the Wiradjuri people. We share the Lands and waters on our boarder with those mobs, and our common obligations to care for Country.

Yorta Yorta Lore

All features of the natural world can be attributed to the heroic deeds of our creation ancestors such as Baiaame and the Rainbow Serpent.

‘Baiaame created the river by sending his woman down from the high country with her yam stick to journey across the flat and waterless plain. Baiaame then sent his giant snake along to watch over her. She walked for many weary miles, drawing a track in the sand with her stick, and behind her came the giant snake following in and out and all about, making the curves of the river bed with his body. Then Baiaame spoke in a voice of thunder, from up high. Lightning flashed and rain fell, and water came flowing down the track made by the woman and the snake.’

Mountains, rivers, waterholes, animal and plant species, and other natural and cultural features have come into being as a result of events that took place during the journeys of the spirits. The existence of those land and water features confirms to us these creation beliefs and demonstrates that our culture is always with us, on all parts of Country.



Country plan

Walla - water

Yorta Yorta will pursue our inherent right to water entitlements that are legally and beneficially owned by the Yorta Yorta of a sufficient quality and quantity to improve our spiritual, cultural, environmental, social and economic needs.

Yorta Yorta are river people. Water is the lifeblood of our Country. Dhungalla and the other rivers, floodplains, wetlands, watering holes during dry season, and the springs and waterfalls of the rocky hills in the rainy seasons. Water feeds the forests, the swamps, the ephemeral billabongs, and for thousands of years has supplied our people with food, living materials and nourishment. Higher and lower levels of water are part of the natural annual cycle of rivers, with overbank flows feeding into the marshes and lower areas in winter and spring, and then progressively drying out in summer and autumn.

Since the colonial invasion, water has been turned into property. In marginalising Yorta Yorta on our land, our access to water has also been marginalised. The reservation of water for the environment was a step forward and one that Yorta Yorta campaigned long and hard for in the 1990s and 2000s. But environmental water is not enough. We are the First Nation people of this place the water on our Country is owned and controlled by others. We will not have our water managed on our behalf. We assert our rights to 'cultural flows' - the water necessary to our culture, our Country and our economic livelihood. This is our inherent right.

The uses of water by Yorta Yorta and the customary obligations that attach to it have been asserted since the inception of the Living Murray Initiative:

- access to drinking water
- fishing
- collecting food, fibre, medicines, and other sustenance
- the responsibility to pass on unpolluted water downstream
- the right to protect cultural knowledge
- to pass knowledge on and provide cultural education
- to protect and access particular sites and species
- to maintain song lines and story lines involving the river.

Yorta Yorta have seen where there needs to be change, hence have highlighted the below points as objectives:

- Influence State/Local water policies and operations to deliver healthier waterways, ecosystems, plant life and animals, which meet the desires of Yorta Yorta people
- Ensure water rights are embedded in other negotiated processes – such as Treaty and other co-management process where YYNAC are a stakeholder
- Input into the planning and procedures of river operations on Yorta Yorta Country, to improve volumes, seasonality, timing according to cultural knowledge and need.
- Strengthen education and knowledge of current river operators regarding culturally significant plant life, vegetation, animals and water habitats. Controlling and monitoring events such as the blue-green algae, blackwater and litter, and the importance of cultural burnings
- Removal of unnecessary barriers such as those to native fish movements.
- Influence and support government policies which allow the natural flooding of plains and waterways, the removal and management of disused equipment
- Investigate loss of Country wetlands and the reasoning for this loss in the hopes to prevent this
- Build and influence licensing, enforcement and regulation of water contamination
- Development of a dedicated Walla Plan for Country.

Woka

The major rivers of our Country, the undulating topography and the open grassy woodlands traditionally provided a rich place to live. There was easy access to water, food and material resources for making tools, shelter and clothing. The mighty Dhungalla flows through the heart of our Country and we have lived on the land to the north and south of the river for time out of mind. The yearly floods that spread through the forests and out onto the plains enabled the fish and turtles to breed, bringing nesting and wading birds in large numbers for months at a time. Water continued to flow into the creeks as the floods receded, gradually drying out as the summer and autumn seasons progressed. Most traditional food collecting activities and lifestyle was shaped by the waterways and resources such as fish, crustaceans, freshwater mussels, turtles, cumbungi and the bird life that gravitates to the waters, particularly ducks and swans. Other resources such as reed spears, fibre for nets and bark for carrying vessels are water-based products.

Yorta Yorta will continue to push for these below, contributing to the end goal of increasing Yorta Yortas oversight across all Land, Waterways and Community works:

- Increase management roles as part of the various joint management agreements (such as Barmah Forest)
- Expand arrangements to manage other parts of Yorta Yorta Woka
- Increase Yorta Yorta influence in land management, through the Victorian Cooperative Management Agreement, through negotiations with NSW government, and early engagement with State/Local planning regarding infrastructure and potential impacts on Woka quality, vegetation regrowth and cultural values it holds.
 - Including any reform or additions to contemporary policies, acts and processes
- Maintaining ecological character of culturally significant sites as defined in initial Ramsar site listings.
- Work with partners on the Barmah National Park Joint Management Plan regarding the removal of feral foreign animals, apply to other parts of Country where it is similar

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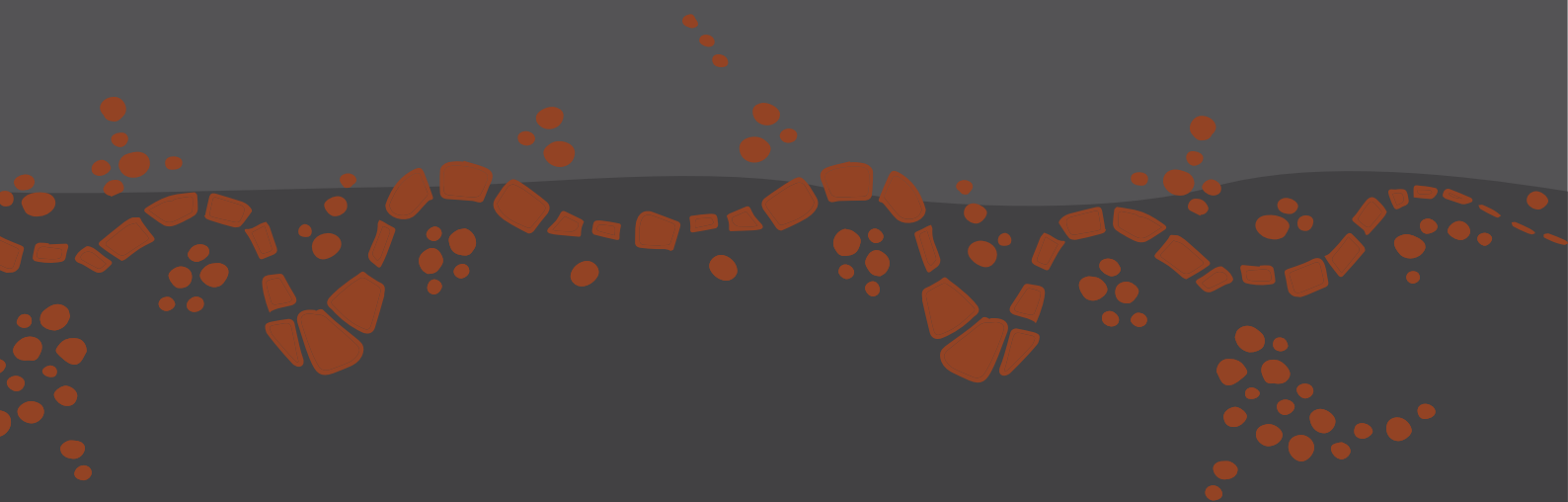
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Since the colonial invasion, water has been turned into property. In marginalising Yorta Yorta on our land, our access to water has also been marginalised.

Most of the rivers on Yorta Yorta Country have been dammed, regulated and licensed for high levels of water extraction.

Our Whole-of-Country Plan gives a good overview of what must be done to see that Yorta Yorta Woka and Walla are restored in areas, preserved in others and protected in many.



Water regulation and quality

Most of the rivers on Yorta Yorta Country have been dammed, regulated and licensed for high levels of water extraction. The alteration of the natural water cycle of our rivers and the floodplain forests and wetlands by river regulation over the last century has been known, even by non-Indigenous observers, for decades. The river systems are operated for a complex range of objectives including township water supply, irrigated farming, flood mitigation and hydro-electricity generation. Snowmelt and winter-spring rains are now captured and detained by the Hume Dam, Dartmouth Dam, Lake Eildon and other water storages. Water is generally released from September to May, largely opposite to the natural hydrology of higher winter-spring flows and lower summer-autumn flows. This alteration in the timing and level of water flows has brought major changes to forests and floodplains, including interference with natural flowering and growth stages, altering the natural thinning of regenerating River Red Gum stands, and creating altered conditions that preference other plants including weeds and invasive native species. Modifying the watering regime is complicated by downstream demands for irrigation and domestic water supply in Victoria and South Australia. When unplanned floods do occur the natural movement of the water across the floodplains is obstructed by levees that were built last century to protect farmland and towns. The extent of seasonal wetlands on our Country is still in serious decline.

Our Whole-of-Country Plan gives a good overview of what must be done to see that Yorta Yorta Woka and Walla are restored in areas, preserved in others and protected in many. This 10-year plan highlights the strong historical context Yorta Yorta Woka has and our people been through, it also includes some tangible steps towards change and how it can be done within a contemporary system of governance, not dismissing Aboriginal lore and governance:

- **Restoring the balance to River flows:**
The waterways and water bodies on Yorta Yorta Woka have experienced strain and stress since colonisation. By products of industrial farming and the development of townships have had negative affects on our water, being shaped and handled according to the desires of foreign settlements and their notion that the Land is there to suit their own needs and can be manipulated.
- **Ghow Swamp Restoration Project.**
- **Ghow swamp is an area of cultural significance as it holds the ancestral remains of generations past.**

- **It has been recorded as the largest site in Victoria holding the remains of people dating back to 13,000 years.**
- **Past Governments have utilised this site as a water holding site, building controlled pumps, wiers and placing boundaries around it.**
- **Yorta Yorta Woka holds many sites which are culturally significant.** One such site is Ghow Swamp, a culturally significant wetlands which once provided food year-round, attracting wildlife, and today possesses ancestral remains dating approximately 20,000 years. The significance of this site has been ignored and disrespected as it now sits as a restricted water supply. After many conversations YYNAC are bringing the conversation back up regarding management of the Ghow Swamp site.
- **Ensuring Cultural Values are embedded across projects occurring on Yorta Yorta Woka:**
 - for example, Yorta Yorta are undertaking an analysis of current research proposals regarding Yorta Yorta land, and addressing data and information gaps via Elder knowledge sharing.
- **Placing a focus on Yorta Yorta led research projects:**
 - for example, Yorta Yorta Elders led a research project on the Barmah narrows

