South Australia Murray-Darling Basin Aboriginal Nations Workshop (Warriparinga, South Australia; 15-16 December 2016) WORKSHOP REPORT

Prepared by Melanie Dulfer-Hyams and Tanya Vernes for the Murray Lower Darling Rivers Indigenous Nations and South Australia Dept. of Environment, Water and Natural Resources

February 2017

Table of Contents

Executive Summary	2
1. Introduction	
1.1 Workshop approach	3
1.2 Using a Country-based approach	
2. Workshop outcomes	
2.1 Summary of workshop discussions	4
2.2 Connections in water resource management	6
2.3 Role of Government	8
3. Moving Forward	0
Attachments 1	

Acknowledgements

As a mark of respect to Kaurna People, the Traditional Owners of the land on which this workshop was held, we acknowledge and pay our respects to Elders both past and present and their spiritual relationship with their Country and living culture. We thank and pay our respect to the younger generations of Kaurna Traditional Owners, who welcomed all workshop attendees to Kaurna Country. We also pay respect and acknowledge the cultural authority of Aboriginal peoples who came together in representing their Nations and Country.

Disclaimer

This report has been developed for the South Australia Department of Environment, Water and Natural Resources (DEWNR) as part of contractual obligations to facilitate and report on the workshop held on 15-16 December 2016. This report has also been developed for South Australia Murray-Darling Basin Aboriginal Nations, who are the rights-holders and Traditional Owners responsible for planning and management of their Country, and the Murray Lower Darling River Indigenous Nations (MLDRIN). Workshop attendees were provided with an opportunity to amend or remove any sensitive information prior to finalising this report. This workshop report is a public document so that all can use it to promote the actions and outcomes.

List of acronyms used in this report

DEWNR	Department of Environment, Water and Natural Resources, South Australia
MDB	Murray-Darling Basin
MDBA	Murray-Darling Basin Authority

MDBA Murray-Darling Basin Authority
MDBP Murray-Darling Basin Plan

MLDRIN Murray Lower Darling Rivers Indigenous Nations

NBAN Northern Basin Aboriginal Nations NPA National Partnership Agreement

WRP Water Resource Plan

Executive Summary

This report outlines the discussion and outcomes achieved by South Australia Aboriginal Nations, Murray Lower Darling Rivers Indigenous Nations (MLDRIN), and the South Australian Department of Environment, Water and Natural Resources (DEWNR) during the *South Australia Murray-Darling Basin Aboriginal Nations Workshop* (Warriparinga workshop) in December 2016. It builds on the outcomes of the Calperum workshop in April 2016, and also responds to DEWNR's responsibilities under the Murray Darling Basin Plan (Basin Plan) to develop South Australia's water resource plans (WRPs) in consultation with Aboriginal Nations.

Although there is a genuine approach by Basin States to identify opportunities to strengthen the protection of Indigenous values and uses through WRPs, there are broader issues not being addressed and impeding progress.

Traditional Owners have consistently called for recognition of Nations' rights and justice to redress past decisions in water resource planning such as water rights and economic development opportunities. Providing a way forward that addresses cultural rights, roles and responsibilities, and which will also provide input to WRPs, will be possible by encompassing a broader scope than water resource planning. Supporting Nations to develop long-term plans and develop partnerships beyond the South Australia (SA) government to implement those plans is beneficial to all parties. Such an approach can establish governance, funding and strategic actions to progress cultural and natural resource management of Country (beyond water resource planning), to strengthen capacity for Traditional Owners to engage in broader issues over the long term. This will avoid duplication of planning processes for government and other partners. A Country-based Planning process can provide the space and time for Traditional Owners to develop an Indigenous-led plan, build knowledge, capacity and cohesion, and identify partnerships and strategies to assist with implementation of their plan. This is the approach that participants at the workshop favoured, and which is recommended as an approach to water resource planning, in this report.

At the completion of the workshop, a statement was developed by Nations who agreed to work together on, but not limited to, the following important actions (See Workshop Statement, p.11):

- Develop Nation-based Country Plans to support each Nation in their own cultural
 planning and mapping. This will allow Nations to establish their own Country Plans, which
 can work together in a holistic way, respecting cultural governance processes, for water
 resource management.
- Create genuine partnerships to work side-by-side and support each Nation, with fairness
 and equality, recognising that every Nation has different needs and priorities, and is at a
 different stage in meeting these. For partners working with Nations, this involves
 consistent, long-term commitment and support. Including support from government
 agencies to sustain Aboriginal and non-Aboriginal roles (beyond June 2017) that work to
 build the capacity of Nations in water resource planning.
- Organise and implement an on-Country workshop in early 2017 to build on the
 momentum established, confirm the outcomes and actions of the December workshop
 (Warriparinga, 1516 Dec.), and research options for cultural mapping that will meet the
 needs of SA Aboriginal Nations and explore the connections through water in a culturally
 appropriate way.

1. Introduction

The South Australia Murray-Darling Basin Aboriginal Nations Workshop (Warriparinga workshop), held at the Living Kaurna Cultural Centre (15-16 December, 2016) and hosted by Kaurna Traditional Owners, builds on significant planning and decision-making processes led by Aboriginal Nations for water resource management in South Australia.

The importance of themes of Country and its future generations were affirmed from the outset through an important welcome to Kaurna Country by young Kaurna Traditional Owner Tiahna Silvy, and a Yarning Circle that introduced participants and set the perspective of Country. Traditional Owners (including Elders and younger generations), representing First Peoples of the River Murray and Mallee, South East Clan Groups and Adnyamathanha, Kaurna, Nganguraku, Ngadjuri, Ngarrindjeri and Peramangk² attended the workshop. Representatives from the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) presented to the forum. Government representatives from the Murray-Darling Basin Authority (MDBA) and SA Dept. of Environment and Water and Natural Resources (DEWNR) also attended open workshop sessions.

The workshop followed on from the *South Australian Nations Water Workshop* (Calperum workshop) held at Calperum Station in April 2016, where Traditional Owners expressed their views relating to consultation under the Murray Darling Basin Plan (Basin Plan). Attendees noted South Australia's Water Resource Plans (WRPs) must consider the cultural perspectives and frameworks of *Country* - a perspective that goes beyond the boundaries of the WRP areas defined by the Basin Plan, and which recognise and supports Nations' cultural values, aspirations, rights and interests.

"It was clear that Nations are seeking increased investment and support to build their capacity to engage in water planning and management. Attendees also wanted planning to be done in a culturally appropriate way that was led by Nations, and that recognised their traditional boundaries and the cultural framework that connects Nations along the river." ³

Another significant outcome from the Calperum workshop was the decision by Nations to take a joint '*one river*' approach in relation to water resource planning and management in the SA Murray-Darling Basin. The Warriparinga workshop aimed to build on these outcomes and further progress Nations' aspirations and approach for water resource planning over the coming three years. (See Attachment 1: Workshop agenda)

The **objectives** of the workshop were to:

- 1. Bring Nations together to further share knowledge and experiences.
- 2. Discuss how Nations can work together in water resource planning for South Australia's Murray-Darling Basin.
- 3. Assess country-based planning options for joint water resource planning against Nations' individual and shared rights, interests, values and concerns.
- 4. Develop an agreed action plan that will guide the development of a joint water resource planning approach.

1.1 Workshop approach

DEWNR, following advice from South Australian MLDRIN representatives, engaged independent facilitators (Melanie Dulfer-Hyams and Tanya Vernes) to develop the workshop agenda, facilitate the event and prepare this outcomes report.

Over the two days, the workshop sessions allowed participants time and space to address the workshop objectives outlined above. This report outlines the next steps and actions that will add to the foundations

¹ The Living Kaurna Cultural Centre is located at Warriparinga Wetland Reserve. Warriparinga, meaning *windy place by the river*, is traditionally a ceremonial meeting place for Kaurna People.

² Wilyakali representatives were invited but did not attend the workshop, but this does not exclude their opportunity to be part of the process and activities.

³ DEWNR, 2016, The South Australian Nations Water Workshop [Report], April, p.2

created and continue a process of water resource planning and management *led by Nations in South Australia*.

Government requirements under the Murray-Darling Basin Plan for water resource plans

Under the Basin Plan, DEWNR is tasked with developing WRPs for three regions in South Australia – the SA Murray Region, the Eastern Mount Lofty Ranges and the SA River Murray – which will demonstrate how water resources are managed in the three regions to meet Basin Plan requirements.

Under Chapter 10 (Part 14, s10.52- s10.55; Attachment 2), Basin States are required to develop WRPs in consultation with Indigenous people to ensure they play an active role in identifying Indigenous outcomes and objectives and have regard to, and identify opportunities to strengthen and protect, Indigenous values, uses and cultural flows.

Assessment of WRPs against Basin Plan requirements is due by 2019. SA's first WRP is due for completion in mid-2017 and will be for the SA Murray Region. A draft of this WRP has been provided to the MDBA for comment. The WRP for the Eastern Mount Lofty Ranges, currently being developed, is due for accreditation in late 2018; and the WRP for the River Murray is due to be accredited by mid-2019, and is currently in early stages of development.

1.2 Using a Country-based approach

The workshop took a *Country-based approach* to support Nations' aspirations to work at a scale they determine and which recognises and supports Traditional Owner rights and interests in engagement, governance, decision-making and communications.

This approach focuses planning at the scale of Country, allowing a Traditional Owner-driven approach that is mutually beneficial and complimentary to Basin Plan requirements by providing the foundation for the outcomes that government agencies responding to the Basin Plan require.

This approach also gives the workshop far broader application for Nations' because it addresses concerns, aspirations, rights and interests across Country.

2. Workshop outcomes

This section reports on the outcomes of the workshop discussions, resources, presentations, brainstorming, and decision-making that were developed and recorded over the two days.

2.1 Summary of workshop discussions

During day 1, workshop participants engaged in presentations and discussions to develop a clear understanding of the journey Nations have been involved in to date regarding water resource planning and management, and the role and capacities of each Nation, MLDRIN and DEWNR in supporting this process.

Murray Lower Daring Rivers Indigenous Nations

MLDRIN Chair Rene Woods provided an overview of MLDRIN's role in advocating for meaningful engagement with the States and to continuously improve networks, including MLDRIN membership, which is open to all Nations. MLDRIN have been regularly engaging in water resource planning activities including the 2016 Calperum and Warriparinga workshops, Aboriginal Waterways Assessments, and monthly SA MLDRIN representative meetings.

MLDRIN's Discussion Paper, *Ensuring equity in the development and assessment of water resource plans* (2016, Attachment 4), explores and advocates for distributive justice – to incorporate cultural knowledge into the plans to ensure plans meet Traditional Owners' needs and interests and includes cultural knowledge, and to ensure Traditional Owners are meaningfully included in decision making forums and structures.

Department of Environment, Water and Natural Resources

DEWNR Executive Director Julia Grant, who leads the DEWNR section that coordinates Basin Plan implementation, provided an overview of DEWNR's role and approach to Basin Plan implementation and development of WRPs. Workshops are essential to support direct consultation between Nations and government. For government agencies, workshops allow an opportunity to understand how each Nation wants to engage with the Basin Plan. DEWNR are seeking to get the process right for engagement and understand how Traditional Owners wish to engage both collectively and individually. A sustainable funding stream was acknowledged as critical. The 2016/17 National Partnership Agreement (NPA) funds engagement in WRPs and includes two part-time project officers, engagement activities and support for individual Nation meetings and joint workshops.

The recent announcement of SA treaty negotiations is a significant shift and may have implications for water resource management in the future. DEWNR are looking for ways to link broader natural resource management and investment opportunities and improve statewide water planning and management reform processes.

Aboriginal Nations presentations

Formal presentations and general statements from Traditional Owners at the workshop provided an overview of recent approaches and achievements in water resource planning and management. Nations presented on activities that are happening on their Country, and the work and achievements of each Nation in looking after Country (See workshop notes, Attachment 4). These presentations and following discussions identified a number of priorities for water resource management and the foundations of Nations working together began to emerge. Examples of Indigenous-led planning and management on Country were discussed, and provided examples of partnerships and funding arrangements that could be considered by each Nation.

It was also clear through discussions that each Nation was at a different stage of involvement and there were varying levels of capacity to engage in water resource planning, including both knowledge of/experience in water planning and management and also funding/resources to be able to be involved. However, each Nation was clear that ownership of the process by each Nation was essential, and that each Nation needed to define engagement and outcomes for WRPs that suited their individual needs and decision-making processes. For example, the Ngarrindjeri integrate *Yannarumi* (traditional decision making process) for assessing risks to Ngarrindjeri culture in water resource management risk assessment.

Aboriginal Water Rights

There was also agreement that acknowledging water rights beyond the Murray-Darling Basin was important, given the strong cultural connection between Nations through water as well as recognition of rights to water and interest in managing it as a resource and livelihood. Participants wanted to see greater inclusion of Nations not part of MLDRIN and broaden the scope to include relationships between people and groups, and Country. There was a desire to establish a Traditional Owner-led structure broader than MDLRIN and identify existing governance structures that can add capacity.

On Day 2 participants reaffirmed their support to work together in alliance for water resource planning and began to develop some principles to guide a joint Nation approach to water resource planning.

Country-based Planning

Participants at the workshop agreed to work as one, in a united approach, but that this meant developing individual approaches to Country planning and management as a first step before coming together and joining up the individual Nation plans for the entire waterway system. Participants were interested in pursuing a Country-based Planning approach whereby each Nation developed priorities and approaches for Country that was broader than the narrow focus of one agency/process (e.g water resource plans). This would provide a stronger foundation to engage in water resource planning processes as well as long-term outcomes for Nations. This would address participants concerns for capacity, resources and partnerships and enable them to lead planning and management on Country, rather than responding to others' priorities or processes.

There was strong interest from Nations to progress water rights however there was also acknowledgement that this may take time. This would need to be progressed (through treaty negotiations or other avenues) simultaneously with water planning processes.

A number of short-term actions to progress Nations' involvement in, and ownership of the water resource planning process were developed (See Action Plan – Section 3 below). These were developed in acknowledgement that water rights and empowerment were long term processes but the urgency of the situation – the need for healing of Country – were immediate issues needing immediate attention. Therefore, there was support for long term planning for Country, and the need to get plans in place immediately to begin to heal country.

Key points that arose through the workshop discussions in relation to involvement in water resource management:

- Traditional Owners owning the process empowerment
- Nations seeking support to develop their own Country-based plans
- Nations working in alliance
- Explore joining up the individual Country-based plans for the entire waterway system
- Recognition and respect for cultural processes Traditional Knowledge and intellectual property
- Genuine recognition of Nations' water rights, including cultural water
- Economic values water rights, income generation and royalties, opportunity for economic development, employment, training
- Education getting the balance right, strong cultural foundation on Country

2.2 Connections in water resource management

Several Country-based planning options were explored that could support Nations' individual and shared rights and interests (Attachment 3):

- Individual *Country-based Plan*, which will allow each Nation to set their priorities through their own cultural processes and authorities, before coming together with other groups to explore each Nations values and priorities for river Country and engage in government planning processes;
- A *River Plan*, focusing on the broader natural water systems and the many Nations that are connected to it;
- Some form of *agreement* that can establish protocols and principles for Indigenous-led decision making, communications, and engagement in water resource planning and management for the multiple Nations and their partners working together; or
- *Other options or approaches* to Country-based planning that may arise and develop as Nations investigate and discuss what they want from a joint approach.

Participants at the workshop shared their views on their Nation's values, issues, strengths, rights and interests relating to water resource management on Country, and how these would fit into a joint approach. Nations discussed features and actions to drive a joint approach that responds to both Nations' individual and shared needs.

Criteria for developing a joint Nations approach

These criteria mark an *important shift* in the dynamics of collaborations between Nations and their partners, and demonstrate that the *process and scope of works* for water resource planning reaches further than the development of WRPs (See table in Section 3).

- ❖ Water rights: Traditional Owners have control over their water and a say in how water is used by others. A critical theme that arose was the legal recognition of inherent water rights and intellectual property rights for each Nation, including ownership and access to water and waterways, and commercial interests. Currently there is not the legislative or institutional support for Aboriginal people to take a leading role in caring for Country. People also felt that the current approach to water resource management and licensing is degrading for Aboriginal people as there is no Indigenous water allocation for commercial or cultural flows; because Aboriginal people have to fight for water on their own Country; and because of historical overallocations that governments have previously committed to and unable to claw back. Participants expressed a desire for Traditional Owners to have control over their water and a say in how water is used by others (for example, industry etc). The continuing and growing demand of water is also an opportunity to develop economic benefits. Nation representatives expressed these views clearly "We want the ability to decide how we use and/or lose our lands and waters: seeking our own futures", "Let us own or own destiny".
- ❖ Autonomy and equality: Acknowledgement of Nations' autonomy for each Country. Each Nation responsible for their own Country, valued equally and being supported to develop projects and approaches that respect individual needs.
- ❖ United approach: A united approach where Nations share information and support each other, and develop a stronger body to engage in water planning and management processes. Strength in moving forward with support and capacities from an alliance of Nations. There was a firm requirement to develop an approach that will work for the Nations rather than respond to government (or other) needs alone through a holistic view of water planning "Water is our blood line". Assist to support Nations external to MLDRIN, and build Traditional Owner representation in the Murray-Darling Basin Authority at high decision-making level.
- ❖ Country Planning Country Plans developed by each Nation: Each Nation to undertake their own Country Plan then link together through a joint approach. Acknowledgement of the unique context of each Nation, and each Nation's autonomy and decision-making processes, but also the cultural connections through water. Investigate the possibly of using cultural mapping approaches. Importance of working at, and addressing, local level partnerships and projects. Recognising cultural governance and protocols for water planning/management and individual needs and priorities of each. Cultural links between Nations will emerge to strengthen connections and cultural water requirement outcomes.
- ❖ Long-term support: Consistency in support and in a level of understanding from government staff. There is a need for long term funding and resources to provide consistent support rather than the short term and sometimes ad hoc approach, and a desire for equality of resources/support between Nations so all can be involved equally in river planning − some Nations are well resourced and engaged, some have very little capacity. Participants were interested in exploring how they could secure funding from NRM Boards to support this process, and resourcing for community projects and building sustainable employment for the next generation by building skills and capacity.
- ❖ Cultural principles: Aboriginal culture and Law/lore is the foundation for the alliance cultural principles and obligations to care for Country, cultural and spiritual connections. This includes recognition of cultural identity, Aboriginal Title, protocols, processes and values in water resource planning from governments and other partners and an ability to communicate and educate Traditional Owners and the broader community. Each Nation can have their own water policy approaches that apply their principles, for example, Ngarrindjeri utilise Yannarumi assessment process to ensure policy, programs and projects are health giving. Indigenous-led education in schools, TAFE and universities was seen as a way to educate the broader community and to get the balance right in education with a strong cultural foundation and a balance of education on Country.

- **Doing it right:** *Time to plan, understand, and for Nations to engage appropriately.*
- ❖ Using the support of agreements to give certainty: The development of agreements to frame engagement and partnerships in caring for Country, such as the *Kungun Ngarrindjeri Yunnan Agreement 2009*, *Speaking as Country Deed 2014* and the *Water Resource Planning (Murray-Darling Basin Plan) Statement of Commitment 2015* have been valuable ways to progress actions, dialogue, and commitments between parties in water planning and management. There is opportunity for Nations to explore the use of agreements both individually and as a collective, which can also address underlying issues around water rights and empowerment.
- ❖ Healing Country: Long-term healing of Country needs to be supported by immediate works. There is real concern for the health of the Country and people due to the lack of water. The requirement for the return of cultural water was a strong focus. Audit of allocations and water resources on Country is needed. Many Nations have already discussed coming together to support each other in collaborative actions, such as getting out on Country together.
- ❖ Partnerships that support Nation building, beyond simple engagement. Strengthening equal partnerships with mutual respect, and building sustainable and efficient partnerships, both locally and regionally. The need to walk together in partnership for both parties (Nations and DEWNR) was identified, as well as access to decision-makers and working with other industries to support Nations (e.g. research supporting culture). Participants want partners to talk leader-to-leader, on Country. Being on Country is an important aspect of recognition and respect, and there is a desire for partners to meet on Country to discuss projects and decisions that affect Country.
- ❖ Action instead of talk: There has been lots of talk over and over but action is needed now through Indigenous-led planning and management. "We say the same thing over and over" and "These points have been said before, when are DEWNR going to take action?" Participants recognised and commended the support to date from DEWNR and the engagement in government processes, however, these comments and the feeling that progress has not been achieved reflects the inability of current processes and broader government policies to redress past injustices and provide legal recognition for water rights. Until these issues are addressed government engagement is likely to fall short of the desired outcomes and Nations may continue to feel that their words are falling on deaf ears.

Over the course of the workshop a number of short to long term actions were decided upon, outlined in the Action Plan below (Section 3).

2.3 Role of Government

DEWNR understands that Nations' values, concerns, rights and interests reach wider than their agency's administrative role, capacities and resources. There is an understanding from DEWNR that the Basin Plan boundaries are only an administrative boundary under their scope of works, which does not reflect Country. Nevertheless, they are committed to support looking after Country within their capacities. Improving engagement processes is an ongoing journey for the South Australian government and DEWNR is working to ensure that they can support a sustainable process and relationship with Nations in water resource management.

As part of this commitment, DEWNR aims to support individual and joint Nation engagement approaches in water resource planning and management, including the following:

• Continue the work of supporting a Nation-led approach to ensure Nations play an active role in identifying Indigenous outcomes and objectives and have regard to opportunities to strengthen and protect, Indigenous values, uses and cultural flows, with the aim of providing outcomes that can be used for the three WRPs to be accredited by 2019;

- Investigate opportunities to improve access to lands managed by the department;
- The development of partnerships and communication with other government agencies that will build Nations' capacities to collaborate with partners in water resource management;
- Provide Nations with opportunities to link into broader natural resource management investment and statewide Better Water Planning and Management reform processes;
- Investigate options to better recognise Nations' water interests;
- Develop research partnerships with Nations to improve recognition of their water interests;
- Communicate and involve Nations and Aboriginal organisations in water management projects (assessments, audits); and
- In developing WRPs, DEWNR proposes the process of *having regard to* a Nation's values and uses could be a negotiation process, where relevant and appropriate strategies and actions are developed.

3. Moving Forward

The workshop provided Aboriginal Nations the time and space to explore their individual and shared values, rights and interests against the WRP contexts. Following a closed session on the workshop's last day, Nations developed a statement (page 11) that outlined their preferred way forward:

Each Nation to work on their own Country Plans and also continue to progress with a joint approach to water resource management for the benefits to capacity, strength, communications, support and resources that it will provide each Nation.

An Action Plan (page 12) was developed to progress the statement objectives (See table below). This included some immediate communications, including a meeting between Nation representatives and DEWNR senior level management. The meeting took place the week following the Warriparinga workshop.

The next steps in Country-based planning

There is a strong evidence-base and incentive for each Nation to develop Country-based Plans (or Country Plans as they can also be called). Country Plans are a way for Traditional Owners to assert their cultural frameworks, values, rights and interests for Country and people, and provide opportunities to communicate these effectively to partners who have shared interests in Country and develop partnerships to implement them. Country Plans can be applied to water resource management or more broadly.

There are many opportunities and means for each Nation to start developing their Country Plans and take them from strength to strength. An important next step is working out *how to use each Nation's Country Plans to feed into and benefit from a joint approach*. A suggested approach is to *work on a 'strategic level Country Plan' for each Nation*.

A strategic level Country Plan is the skeleton of each Nation's Country Plan - a broad sketch of the final Country Plan outlining the values, concerns, rights and interests of each Nation and priority actions for looking after *all of Country*. These strategic level Country Plans would be able to feed into a joint approach and present an opportunity for partners to engage with Nations to support their aspirations – including Nation-led water planning and management.

Once completed, strategic level Country Plans could then be used to form the basis for more detailed Country Plans that Traditional Owners can continue to build, as they require. Steps to develop a strategic level Country Plan can look like the following:

Traditional Owner Approval	• Developing an understanding of the process, the scale of the plan and Tradtional Owner approval to go ahead with planning
Discussions	Discussions with Traditional Owners on management of country, aspirations, values and concerns
Information collection	Collecting information, Traditional and scientific, about values of country
Collaborations	Discussions with government agencies and other stakeholders about collaborations
Reviewing the Plan	Feedback from Traditional Owners involved to make sure information is appropriate and accurate
Presenting the Plan	Developing and publishing the final Plan and other material for use.
Growing the Plan	Developing the plan, priority actions and partnerships as Nations rights and interests dictate

WORKSHOP STATEMENT

16 December 2016

This statement outlines some of the immediate messages from Aboriginal Nation participants at the South Australia Murray-Darling Basin Aboriginal Nations Workshop, 15-16 December 2016.

- 1. Nations who attended the workshop have agreed to work in alliance to support their individual and shared rights and interests in water.
- 2. Nations will form a representative group to support communications, capacity building, engagement and cultural governance for water resource management between Nations and their partners and stakeholders. Nations will determine the terms of reference and protocols for this representative group.
- 3. It is Our cultural responsibility to keep the rivers and waters healthy. It is our partners' responsibility to acknowledge Traditional Owners rights.
- 4. The legal recognition of water rights is a fundamental objective for all Nations in realising their inherent right to take care of land and water.
- 5. Cultural governance for water water planning the right way must be recognised and addressed by all partners and stakeholders in planning and managing for water.
- 6. There has been a lot of talk for many decades and generations. The time for action is now.
- 7. Nations have agreed to continue to build capacity and work together on, but not limited to, the following important actions -
 - Develop Nation-based Country Plans to support each Nation in their own cultural planning and mapping. This will allow Nations to establish their own water rights and interests to be able to plan how Country Plans will work together in a holistic way, respecting cultural governance processes, for water resource management.
 - Create genuine partnerships to work side-by-side and support each Nation, with fairness and
 equality, in recognising that every Nation has different needs and priorities, and is at a different
 stage in meeting these. For partners working with Nations, this involves consistent, long-term
 commitment and support. Including support from government agencies to sustain Aboriginal and
 non-Aboriginal roles (beyond June 2017) that work to build the capacity of water resource
 planning work with Nations.
 - Organise and implement an on-Country workshop in early 2017 to build on the momentum
 established; confirm the outcomes and actions of the December workshop (Warriparinga, 15-16
 Dec); research options for cultural mapping that will meet the needs of SA Aboriginal Nations and
 explore the connections through water in a culturally appropriate way; and share stories that
 connect Nations through water.
- 8. Nations are seeking a response from South Australia Department of Environment, Water and Natural Resources (DEWNR) representatives on this statement.

Aboriginal Nations supporting these workshop actions and outcomes include –

Adnyamathanha, First Peoples of the River Murray Mallee, Kaurna, Nganguraku, Ngadjuri, Ngarrindjeri, Peramangk, South East Clan Groups, Tanganekald and Wilyakali⁴

⁴ Wilyakali representatives were invited but did not attend the workshop, but this does not exclude their opportunity to be part of the process and activities.

ACTION PLAN Objectives, approaches and key actions	Lead/Support	Timeframe Short (0 - 6 mnths) Med. (6 mnths - 1 yr) Long (1 - 5 yrs)
Develop Nation-based Country Plans to support each Nation		
 Each Nation develop a strategic level Country Plan that can feed into a joint approach for water resource management Based on the resources and needs of each Nation, continue to build on Country Plans for long-term management of Country Actions: With all Nations present, introduce and discuss a standardised approach (template) for developing each Nation's strategic level Country Plan For each Nation, or small group of neighbouring Nations, hold two workshops to develop the content and implementation for each Nation's strategic level Country Plan 	Nation/DEWNR	M
	Nations	L
	DEWNR	S
	DEWNR	M
 Following the implementation of each Nation's strategic level Country Plan, Nations come together to look at how Country planning fits into collaborative work 	DEWNR/Nations	M
 Nations develop their Country Plans as they have the resources and need to 	Nations	L
Nations work in alliance and create genuine partnerships to support each Nation's individual and shared rig	ghts and interests in water	
• Form a representative group or network to share information, build capacity, and support engagement and cultural governance for water resource management Actions:	Nations/DEWNR	М
 With all Nations present (ie. at the next workshop), Nations to draft the terms of reference and protocols for the Nations' network 		S
Organise and implement an on-Country workshop in early 2017 to build on the momentum established		
 Continue to develop Nations' capacities for Country-based planning and a joint approach to water resource management Share stories that strengthen cultural connections through water Actions: 	Nations/DEWNR Nations/MLDRIN	
 Confirm the outcomes and actions of the December workshop (Warriparinga, 15-16 Dec) Deliver workshop discussing options, resources, and outcomes for cultural mapping that explores the 	Nations/DEWNR	S
connections through water in a culturally appropriate way and meet the needs of SA Aboriginal Nations Deliver workshop session to investigate opportunities and resources for implementing and funding	Nations/DEWNR	
Country-based planning and a joint approach for the long term	Nations/DEWNR	

Recognition of cultural governance for water – water planning the right way		
 Nations utilise their own cultural processes and ceremony to celebrate agreements, achievements and collaborations Workshops held on Country to recognise the importance of cultural protocols for decision-making Action: Develop communication tools to assist partners/stakeholders in recognising the importance of cultural governance in water resource management 	Nations working together	L
Take action now to maintain momentum		
 Actions: Create a contact list for workshop participants Warriparinga workshop resources and reporting are made available to all attendees Communicate workshop outcomes back to Nations for input and endorsement Explore and implement ways to communicate the outcomes to broader audiences (academic institutions, not-for-profit and Indigenous organisations, and other government agencies). Look into opportunities to connect with other government agencies, including each of South Australia's Natural Resource Management Boards. Explore ways for all Nations to continue building capacities in water resource management, such as participation in research or experiential learning. (Eg. Engagement in Aboriginal Waterways Assessments) Investigate how existing agreements and governance models used by Nations can support and benefit from a joint approach. 	DEWNR DEWNR DEWNR Nations/MLDRIN Nations working together Nations/DEWNR Nations/MLDRIN	Completed Completed Completed S S S
Secure support from SA government for Nations to contribute to the Basin Plan as well as long-term water	planning and management	
• Gain support from government agencies to sustain Aboriginal and non-Aboriginal roles (beyond June 2017) that work to build the capacity of water resource planning work with Nations	DEWNR	S
 Maintain sustainable partnership with DEWNR to provide Nations with continuity in water planning and management 	DEWNR	L
 Secure funding for Indigenous-led water planning and management on Country. Actions: 	Nations/DEWNR	M
 Nations meet with DEWNR to discuss workshop outcomes and seek a response from DEWNR representatives on the workshop statement. 	Nations/DEWNR	Completed

AGENDA

Workshop aim:

Create a unified approach to water resource planning for South Australia's Murray-Darling Basin.

The **objectives** of the workshop are to:

- Bring Nations together to further share knowledge and experiences.
- Discuss how Nations can work together in water resource planning for South Australia's Murray-Darling Basin.
- Assess country-based options for joint water resource planning against Nations' individual and shared rights, interests, values and concerns.
- Develop an agreed action plan that will guide the development of a joint water resource planning approach.

Key questions to be answered:

- How will a joint approach to water resource planning benefit all Aboriginal Nations, and support Country and its People?
- What does a joint approach look like? How will Nations work together? What change do Nations want to achieve together?
- What does water resource planning for Country mean for your Nation?
- Why is it important to keep the links between Nations for water planning?
- How will working together strengthen water resource planning for Aboriginal Nations?
- What role and commitments are required from government agencies in supporting Aboriginal Nations' joint approach?

DAY 1 AGENDA

Location: Living Kaurna Cultural Centre and Warriparinga Reserve

10am Workshop registrations

[Morning tea served during registrations]

10.30am Welcome to Kaurna Country (Kaurna Traditional Owner)

10.45am **Yarning Circle**

11.20am **Session 1: Setting the scene**

- **Presentation/video** Recap of the Calperum Workshop and summary of MLDRIN water resource planning work achieved thus far (Rene Woods, MLDRIN Chair)
- Workshop Setting workshop expectations and confirmation of the agenda

12pm Session 2: What's happening on Country?

- **Presentation** Presentations on Country and People from Nations across South Australia's Murray Darling Basin (Aboriginal Nation Attendees)
- How do Nations look after Country?
- Where and how do Nations' values, issues, strengths, and interests feed into a joint approach?

12.30pm Lunch

1.30pm **Session 2 continued**

2pm Session 3: Using a Country-based approach

- **Presentation** Introduction to Country-based planning and options for joint water resource planning (Melanie Dulfer-Hyams)
- **Plenary discussions** Investigating how Country-based planning reflects on Nations' contexts and the workshop.
- How does Country-based planning align with a joint approach for water resource planning?

2.30pm Session 4: An update on water resource planning

• **Presentation** - Updates on current water resource planning and management frameworks, policy and reforms in South Australia; and the opportunity for further presentations on Country and People (DEWNR, Aboriginal Nation Attendees)

- How do Nations want to use current planning contexts going forward in a joint approach?

3.15pm **Afternoon tea**

3.30pm Session 5: Values for Country

- **Workshop** Discussions on values, issues, strengths, rights and interests relating to water resource management for Nations and other participants.
- Thinking about the values for your Nation or group, what are three key criteria or elements in a joint approach to planning for Murray River Country?
- 4.15pm Workshop review Summary of the day and review of options for joint water resource planning
 - Why and how do Nations want to work together?
 - What are some of the key themes that need to be considered when working together in water resource planning?

5pm End of sessions (Group activity planned for the evening)

DAY 2 AGENDA

Location: Living Kaurna Cultural Centre and Warriparinga Reserve (* Indicates closed sessions for Aboriginal Nation Attendees)

9am Workshop recap - Discussions and reflections on Day 1, and expectations and agenda for Day 2

9.30am Session 6: Exploring joint approaches to water resource planning *

- Workshop Develop key features, strengths and processes for a joint approach
- What will a joint approach include or look like, and what actions will drive this?
- How will actions respond to individual and shared needs?

10.45am **Morning tea**

11.15am Session 6 continued * - Exploring further features for a joint approach

12.30pm Lunch

1.30pm Session 7 (Youth Session): Working with the next generation *

- Workshop Explore young peoples' aspirations, interests, needs and opportunities in water resource management
- How will young people, and the generations to follow, be engaged in water resource management?
- What support is needed to engage young people in water resource planning?

Side event: Warriparinga/Living Kaurna Cultural Centre visit

2.15pm Session 8: A way forward

- Presentation Youth workshop outcomes (Youth representatives from Nations)
- Workshop Assessing the options that have emerged for joint water resource planning
- What joint approach and actions will best meet Nations' individual and shared needs for water resource planning and management?
- How can government agencies collaborate and support Aboriginal Nations in water resource planning?

3.15pm **Afternoon Tea**

3.30pm Workshop review - Summary of the workshop and the next steps

- What actions will guide and support the development of a joint approach, and how will they be implemented?

4pm Yarning Circle 4.30pm Workshop close

Attachment 2 – Murray Darling Basin Plan (Chapter 10, Part 14) - Indigenous values and uses

Note: If a water resource plan is prepared by a Basin State, it is expected that the Authority will consult with relevant Indigenous organisations in relation to whether the requirements of this Part have been met, for the purposes of paragraph 63(3)(b) of the Act.

10.52 Objectives and outcomes based on Indigenous values and uses

- (1) A water resource plan must identify:
 - a) the objectives of Indigenous people in relation to managing the water resources of the water resource plan area; and
 - b) the outcomes for the management of the water resources of the water resource plan area that are desired by Indigenous people.
- (2) In identifying the matters set out in subsection (1), regard must be had to:
 - a) the social, spiritual and cultural values of Indigenous people that relate to the water resources of the water resource plan area (Indigenous values); and
 - b) the social, spiritual and cultural uses of the water resources of the water resource plan area by Indigenous people (Indigenous uses);
 as determined through consultation with relevant Indigenous organisations, including (where appropriate) the Murray Lower Darling Rivers Indigenous Nations and the Northern Murray-Darling Basin Aboriginal Nations.
- (3) A person or body preparing a water resource plan may identify opportunities to strengthen the protection of Indigenous values and Indigenous uses in accordance with the objectives and outcomes identified under subsection (1), in which case the opportunities must be specified in the water resource plan.

10.53 Consultation and preparation of water resource plan

- (1) A water resource plan must be prepared having regard to the views of relevant Indigenous organisations with respect to the matters identified under section 10.52 and the following matters:
 - a) native title rights, native title claims and Indigenous Land Use Agreements provided for by the Native Title Act 1993 in relation to the water resources of the water resource plan area;
 - b) registered Aboriginal heritage relating to the water resources of the water resource plan area;
 - c) inclusion of Indigenous representation in the preparation and implementation of the plan;
 - d) Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives;
 - e) encouragement of active and informed participation of Indigenous people;
 - f) risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.
 - Note: For examples of the principles that may be applied in relation to the participation of Indigenous people, see the document titled 'MLDRIN and NBAN Principles of Indigenous Engagement in the Murray-Darling Basin'.
- (2) In this section, registered Aboriginal heritage means Aboriginal heritage registered or listed under a law of a Basin State or the Commonwealth that deals with the registration or listing of Aboriginal heritage (regardless of whether the law deals with the listing of other heritage).

10.54 Cultural flows

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

10.55 Retention of current protection

A water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses as provided in:

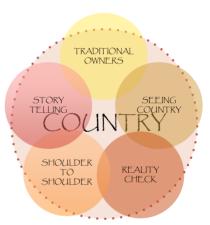
- a) a transitional water resource plan for the water resource plan area; or
- b) an interim water resource plan for the water resource plan area.

BRIEFING PAPER: COUNTRY-BASED PLANNING AND OPTIONS FOR INDIGENOUS-LED JOINT WATER RESOURCE PLANNING

Country-based planning is a way to plan and look after Country that is led by Traditional Owners themselves. It gives groups the time and space to look at what is important for them on Country, and tell the story of Country and its people to others. The process can document traditional and western knowledge about important values; consider how certain uses, practices and policies will impact cultural and natural values; create strategies and actions to protect what is valued; and develop partnerships that benefit everyone.

Country-based planning is a way to communicate Traditional Owners values as an expression of cultural authority or interest in Country. Indigenous people who have rights and interests in Country lead the planning process. Depending on who is involved will determine what parts of Country will be included in planning. Planning is 'tenure blind', which means that Traditional Owners determine the cultural and geographic scale at which they wish to plan. This creates a platform for negotiating involvement in management of many different parts of Country, no matter the tenure.

Country-based planning is made up of many steps and processes that can be repeated and interwoven to create a strong story of Country for Traditional Owners to use. The process usually involves a series of workshops with Traditional Owners, who lead discussions, planning and partnership development. The story can be divided into five main *themes*: Supporting Indigenous people who have rights and interests to speak for Country (**Traditional Owners**), and the scale of Country they speak for; **Seeing Country** without the restrictions of different tenures and focusing on culturally important values; Refocusing on a contemporary context (**reality check**) to begin to consider existing uses, tenures and management regimes; Working with partners and stakeholders, **shoulder to shoulder**, to better understand each other and opportunities for mutually beneficial



outcomes; and choosing the best **story telling** methods to communicate effectively with different audiences. Together, these themes prove that each step is essential for a strong Country-based planning process.

A Country-based approach creates a common thread that supports community cohesion and priorities for the group implementing it. It is a tool in itself for strengthening a united way for positive and real change.

Country-based planning can:

- Promote the strengths, skills, capacities and momentum of a group.
- Give partners and stakeholders an idea of what collaborative work can lead to.
- Look at long term planning in broader political, economical, social and environmental contexts.
- Communicate Traditional Owner aspirations, values and concerns for Country.
- Grow investment and other resources to achieve Traditional Owners' goals.
- Provide a clear pathway for implementing the strategies and actions contained in the plan.
- Be a tool for cultural inductions for partners and employees.
- Greater inclusion and unity within Traditional Owner groups.
- Create real outcomes as people can see their priorities reflected in the plan.
- Build capacity and knowledge exchange for Traditional Owners, preparing them for engagement and negotiating, especially for native title or agreement processes.

Options for Indigenous-led joint water resource planning

The following options present some key features for *Country-based approaches* to water resource planning for Aboriginal Nations who are part of South Australia's Murray-Darling Basin.

Country Plan - A *Country-based plan* (or *Country plan*) is simply a plan for the Country of a particular Indigenous group, as defined and selected by that group⁵. It can include all or a smaller part of Country; go across land, saltwater and freshwater Country; follow boundaries drawn by cultural stories and laws; or trace Country as defined in native title processes. It is not a legal document and does not require government approval, although government agencies may contribute to the planning process. The power of a Country-based plan comes from its ability to communicate Traditional Owners values as an expression of cultural authority or interest in



Country, and attract partners to achieve Traditional Owner responsibilities and aspirations for Country. For some groups a Country-based plan has led to the dedication of land and sea Country as an *Indigenous Protected Area* for Traditional Owner-led protection and management Country, and Traditional Owners working as rangers and looking after Country. The *Ngarrindjeri Nation Yaruwar-Ruwe Plan* (https://goo.gl/13qypk), developed by Ngarrindjeri People for Country across the lower reaches and lakes of the Murray and Coorong coastal region, is an example of how a Country plan can be used to successfully negotiate Traditional Owner involvement in the management of Country across multiple tenures.

River Plan - Creating a *River plan* focuses on the broader natural water systems and the many Nations that are connected to it. Using this approach, an Aboriginal Nation or organisation (or several Nations or organisations working together) can develop a Country-based plan over a geographic area defined by them to communicate the shared values and goals of all interested parties, and work



together to develop actions to achieve those goals. Working from the Nation scale to the broader scale of the Murray Darling Basin through a Country-based planning process provides opportunities for Traditional Owner groups across the region to support each other and build capacity in water resource planning and management. While this approach takes into account the diverse contexts and needs of each Nations, including existing Country plans and native title, it can be developed in a way that only adds value and strength to the work that has already been achieved. Furthermore, having a number of people or groups to *champion* Country-based planning can provide support needed to organise the process, help to encourage and motivate others to get involved, and provide trusted people who can communicate within and on behalf of the group.

Agreements - Developing an agreement will establish governance protocols and guiding principles for Indigenous-led decision-making, communications, and engagement in water resource planning and management for the multiple Nations working together. It will also demonstrate commitment and agreed actions for all parties involved. Agreements can take many forms, such as a **Statement of**



Commitment, Memorandum of Understanding, or cooperative action plan. Examples of agreements developed in Australia to support Traditional Owners in water resource planning include the North Australian Indigenous Land and Sea Management Alliance's Mary River Statement (https://goo.gl/sdg3EU) and Indigenous Water Policy Statement (https://goo.gl/y0XLu8), and the Ngarrindjeri Regional Authority Statement of Commitment.

Other options - Other options or approaches to Country-based planning will arise and develop as Nations investigate and discuss what they want from a joint approach. This could also include exploring ways to build capacity in working together, such as attendance of the 2017 International River Symposium (Brisbane) to further explore best practice in joint management approaches for water resource planning.

Workshop Report (Feb. 2017)

⁵ Smyth, D. 2011 Guidelines for Country-based Planning, p.6, available online https://goo.gl/6Vh9Rz

Attachment 4 – Supplementary resources requested by workshop attendees

The following resources were used or referenced during the workshop. They can be accessed either via the links provided or from the shared online folder. This online folder will strictly be shared with workshop attendees only, as it contains confidential information. Please contact DEWNR for hard copies of any of the resources.

Workshop resources:

- 1. Workshop notes
- 2. Powerpoint presentations
 - a. Rene Woods, MLDRIN
 - b. Melanie Dulfer-Hyams, Workshop facilitator
- 3. Workshop attendee contact details.
 - MLDRIN contact Will Mooney, MLDRIN Executive Officer, E: executiveofficer.mldrin@gmail.com
- 4. Workshop posters: Country-based planning and options for indigenous-led joint water resource planning
- 5. Workshop guide
- 6. Map of SA Murray-Darling Basin and NRM Regions (DEWNR)
- 7. SA Nations Water Workshop Report (Calperum, April 2016)
- 8. MLDRIN, 2016, Ensuring equity in the development and assessment of water resource plans, Discussion Paper, April, available online at http://www.mldrin.org.au/wp-content/uploads/2013/06/MLDRIN_WRP_DiscussionPaper_May2016.pdf
- 9. Smyth, D., 2011, *Guidelines for Country-based Planning*, available online at http://www.sbconsultants.com.au/images/stories/Guidelines_for_Country_Based_Planning.pdf

Other useful resources:

Agreements and declarations

- 10. Water Resource Planning Statement of Commitment, 2015, between Ngarrindjeri Regional Authority, DEWNR, SA MDB NRM and SE NRM https://www.environment.sa.gov.au/files/sharedassets/public/corporate/about_us/water-resource-planning-statement-of-commitment-2015-gen.pdf
- 11. *Echuca Declaration*, 2009, Murray Lower Darling River Indigenous Nations and Northern Basin Aboriginal Nations http://www.culturalflows.com.au/images/documents/Echuca declaration.pdf
- 12. *Kungun Ngarrindjeri Yunnan Agreement*, 2009, between Ngarrindjeri and the Crown in right of South Australia https://www.environment.sa.gov.au/files/sharedassets/public/cllmm/cllmm-gen-kungunngarrindjeriyunnanagreement.pdf
- 13. *Mary River Statement*, 2009, North Australian Indigenous Land and Sea Management Alliance (NAILSMA) https://www.nailsma.org.au/sites/default/files/publications/NAILSMA Mary-River-Statement Web.pdf
- 14. *Fitzroy River Statement*, 2016, Kimberly Traditional Owners http://www.klc.org.au/news-media/newsroom/news-detail/2016/11/15/kimberley-traditional-owners-unite-for-the-fitzroy-river

Reports and Plans

15. Ngarrindjeri Tendi, Ngarrindjeri Heritage Committee, and Ngarrindjeri Native Title Management Committee, 2006, *Ngarrindjeri Nation Yarluwar-Ruwe Plan: Caring for Ngarrindjeri Sea Country and Culture*, available online at https://www.environment.gov.au/indigenous/publications/pubs/ngarrindjeri-scp-2006-1.pdf

- 16. Secretariat of National Aboriginal and Islander Child Care Inc. (SNAICC) 2010, Working and Walking Together: Supporting Family Relationship Services to Work with Aboriginal and Torres Strait Islander Families and Organisations, available online at http://www.snaicc.org.au/wp-content/uploads/2016/01/02497.pdf
- 17. Four Nations NRM Governance Group, 2007, *Four Nations NRM Governance Group: Strategic Plan 2007-2010*, available online via http://www.aboriginalnrm.com.au/links/amlr/fngg_strategic_plan_doc.pdf
- 18. DEWNR and NRA, 2014, *Kungun Ngarrindjeri Yunnan Agreement Strategic Implementation Plan*, available online via https://www.environment.sa.gov.au/files/sharedassets/public/corporate/about_us/knya-taskforce-strategic-implementation-plan-gen.pdf
- 19. Draft Far West Coast Healthy Country Plan, 2016, available online at http://www.fwcac.org.au/wp-content/uploads/2016/10/DRAFT-Far-West-Coast-Healthy-Country-Plan-full-v4.pdf

Contact

For further information on the workshop report, please contact **Lachlan Sutherland**, Aboriginal Partnerships Coordinator for State/National Water Policy at the South Australia Dept. of Environment, Water and Natural Resources (P: 08 8204 9363 / E: Lachlan.Sutherland@sa.gov.au)