



*THE BASIN PLAN IMPLEMENTATION*

## Culturally Appropriate First Nations Report with Kwiambul Nation

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#### **Acknowledgements**

This report was prepared by Aboriginal consultants from Murawin and associate consultancy firm BecomingChange.

All material in Sections 5 and 6 and as otherwise acknowledged is First Nations Cultural Knowledge provided by Senior Traditional Owners and Traditional Owners of the Kwiambul Nation for this consultation report. Senior Traditional Owners also provided guidance on the consultation process and report draft.

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## Acknowledgement of Traditional Owners

Department of Planning, Industry and Environment and consultants, Murawin, acknowledge and pay ours respect to the Traditional Owners and Nations of the Murray-Darling Basin.

We recognise their ongoing connection to Country particularly the river and that this connection can be seen through the stories of place that are shared in this report. We acknowledge the people who contributed to this report by sharing their knowledge of the broader Kwiambal Nation and the links of their stories to the river.

We acknowledge the contributions of earlier generations, including the Elders, who have fought for their rights in natural resource management, are also valued and respected.

In particular the Department of Planning, Industry and Environment acknowledges and pays its respects to the Traditional Owners of the Kwiambal Nation, past, present and future and the continuation of cultural, spiritual and educational practices of the First Nations. The Department of Planning, Industry and Environment and Murawin are grateful for the energy and time invested by the Senior Traditional Owners and other members of the Kwiambal Nation in the consultation process and the creation of this report. The Department of Planning, Industry and Environment and Murawin thank the Kwiambal Nation for their generosity during their time on Country.

It is hoped that this relationship can be built upon for future mutual benefit in the process of water planning and water sharing.

## Foreword

This report has been prepared by Murawin and their associates, who were contracted on behalf of the Department of Planning, Industry and Environment as a First Nations Stakeholder Consultant to co-design and deliver a round of Nation-Based consultations with the Kwiambal Nation to record the concerns of Traditional Owners for inclusion in Water Resource Plans.

The Kwiambal Consultation took place over the period October 2018 to February 2019. The consultation consisted of a series of interviews and a community workshop with representatives of the Kwiambal Nation in the town of Ashford in New South Wales. Some of the Traditional Owners reside in Newcastle and there was a preliminary consultation in Belmont, south of Newcastle. The consultation process was designed to meet the requirements of the Murray Darling Basin Plan (Chapter 10, Part 14) and was conducted according to guidelines set by the Murray Darling Basin Authority for best practice Traditional Owner consultation and as directed by the Nation Coordinator. The process was a collaborative effort between Murawin, Department of Planning, Industry and Environment and the appointed Kwiambal Nation Organiser.

This report outlines the consultation methodology and process, making recommendations for future consultations, including the Data Use Agreement. It presents the Kwiambal Nation's objectives and outcomes for the management of water, based on their water-dependent values and uses, as determined in the consultation rounds.

**WARNING:** Aboriginal and Torres Strait Islander readers are warned that the report may contain images of deceased persons.

## Glossary

Abbreviation	Description
AMS	Aboriginal Medical Service
Basin Plan	Murray Darling Basin Plan
MDBA	Murray Darling Basin Authority
MLDRIN	Murray Lower Darling Rivers Indigenous Nations
NBAN	Northern Basin Aboriginal Nations
TOs	Traditional Owners
TSRs	Travelling stock routes
WRP	Water resource plan
WSP	Water sharing plan

## Notes on terminology

**'First Nations'** is used to refer to the original owners of what we now term Australia, as individuals, communities and nations. It is used in preference to the generic terms 'Aboriginal' and 'Indigenous'. The term 'First Nations' acknowledges the specific jurisdiction that individual nation groups have over certain areas of Country across Australia.

**'Kwiambal'**, as recommended by the Kwiambal Nation Organiser, is the name for the people and nation consulted for this report.

The area of land over which the Kwiambal family groups had access to and used included Frazer's Creek flowing in and out of Ashford, Well's Crossing on Severn River and out to Lake Pindari, Land north of Wells Crossing all along the Severn River, Edgerton, Dead Bird and north along the Severn, and West to Reedy Creek, Sandy Creek and Kwiambal National Park.

**'Traditional Owners'** is the term 'used to refer to those with recognised cultural authority to speak for Country', as suggested by the Murray Darling Basin Authority. **'Senior Traditional Owners'** has been used for those with respected senior authority within certain areas or families, as identified by the Kwiambal Nation Organiser in this consultation. They are sometimes also referred to as 'Cultural Knowledge Holders' or 'Elders'.

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# 1. Executive summary

## 1.1. The report

This report outlines the process and findings of consultations undertaken with representatives of the Kwiambal Nation for the development of a Water Resource Plan (WRP) for accreditation by the Murray–Darling Basin Authority, under requirements of Chapter 10 of the Murray–Darling Basin Plan.

It outlines the stakeholder engagement and consultation process and methodology undertaken and makes recommendations for future collaboration with the Kwiambal people for caring for Country with particular reference to the river system. It presents findings on the objectives and outcomes expressed by the Kwiambal people for the ongoing management of their water-dependent cultural, environmental, economic and social values and uses. The report was prepared by consultants, Murawin on behalf of the NSW Department of Planning, Industry and Environment.

## 1.2. Consultation methodology

The consultation process adhered to the Murray–Darling Basin Plan Part 14 Guidelines for meeting Basin Plan Chapter 10 requirements which recommends a nation-based model for water resource planning consultation. In relation to defining the area for the purposes of this report, the Kwiambal Nation boundaries cross over four surface water and three groundwater WRPs.

The consultation and preparation of the final plan was underpinned by Murawin’s firm belief in carrying out our work where cultural respect is at the heart of all that we do. Our approach to consultation is underpinned by the following cornerstones:

- **Caring for Country** which is a fundamental and inherent right and responsibility for Aboriginal people in meeting their traditional custodianship responsibilities.
- **Understanding the Cultural Landscape** and ensuring that what we gained in understanding of the cultural landscape as defined by the Kwiambal people was documented in the report;
- Ensuring **Cultural Inclusiveness** in that our engagement process was inclusive of all family groups of the Kwiambal Nation.

**Reciprocity** and the two-way relationship between water and the Kwiambal people, in that they view their connection to water holistically.



**Figure 1. Murawin's approach to consultation.**

Murawin's approach to the consultation process also draws the IPAA's six principles of Effective Communication and Engagement which were all culturally adapted to maximise participation in the project from across the Kwiambal Nation. The six principles are:

1. Clear and consistent messaging in all aspects of the project with the key focus on respectfully positioning the cultural knowledge of those who participated in the project;
2. User specific and person-centred which meant tailoring our approach when required to ensure that everyone had access and opportunity to participate in the project;
3. Diverse formats which involved various communication and engagement methods including maps;
4. Engaging and inclusive – ensuring all family groups were given the opportunity to input into the project, even if they couldn't participate in the face to face workshop, phone contact was made to ensure input;
5. Responsive and reviewable – which meant that all stakeholders were provided with opportunity feedback and review documentation and outcomes of discussions;
6. Collaborative in that we were guided by the Department and the Nation Coordinator in all tasks we undertook.

### 1.3. Consultation process and recommendations

The process consisted of four key phases which included:

**Phase 1 - Co-design and development** of the consultation process with NSW Department of Planning, Industry and Environment staff and the Nation Coordinator and subsequent development of consultation tools and participant identification;

**Phase 2 - Preparation** – of the themes and suggestions gathered in interviews which were used to inform the community workshop held in Ashford;

**Phase 3 - Consultation** involved the activities undertaken for this project were always with guidance from the Department of Planning, Industry and Environment and the Nation Coordinator. The Consultant team were always conscious of ensuring that all Kwiambal family groups were provided with opportunity to participate in the project with contact always through the Nation Coordinator, as the agreed process

The consultation included the following aspects:

- meeting in Belmont attended by Kwiambal people who do not live on Country. This meeting was attended by approximately 20-25 participants;
- individual and group face to face interviews
- telephone interviews
- email correspondence; and
- an On-Country community workshop held in Ashford on the 8th December 2018. Individual conversations were held with stakeholders from each family group prior to the Ashford workshop to ensure stakeholders were informed of the workshop in relation to purpose and expected outcomes. These conversations were also to assist the consultant team with gathering cultural and historical information relevant to this report.

**Phase 4 - Reporting, analysis and review** of the information gathered throughout this project following the Ashford community workshop. A draft WRP was compiled and stakeholders that were interviewed and workshop participants were invited to comment on the draft report. The review was undertaken via telephone and a meeting held in Ashford. Successful outcomes include a broad range of Kwiambal people consulted that represent each of the key families; the use of data agreements to safeguard cultural knowledge; engagement with a nation-based traditional governance model; and comprehensive findings. Participants gave positive feedback about new Nation-based consultation processes. Recommendations for each phase suggest improvements for future consultations.

**Table 1. Summary of key recommendations.**

Key recommendations	
<b>Phase 1 - Design</b>	<p>That the NSW Department of Planning, Industry and Environment provide a longer lead in time for each element of the project to maximise participation and ensure total inclusiveness of all stakeholders.</p> <p>That the Department convene a briefing with the Nation Organiser prior to the project commencement to ensure that there is complete understanding of the project and responsibilities.</p> <p>That the Department supports the Nation Organiser in accessing and supporting participation by all family groups across the nation.</p>
<b>Phase 2 - Preparation</b>	<p>Draw on local community more extensively to maximise participation in the On-Country workshop including planning and advertising.</p> <p>Workshop advertising and invitations to go out earlier and in a variety of methods.</p> <p>Continue to involve NSW Department of Planning, Industry and Environment staff from different levels and roles, including in the On-Country visits.</p>
<b>Phase 3 - Consultation</b>	<p>Continue to involve NSW Department of Planning, Industry and Environment staff from different levels and roles, including in the On-Country visits.</p> <p>Workshop advertising and invitations to go out earlier, more than once and in more diverse formats. Consider using more than one person to send out invites where it might help inclusiveness, or the perception of inclusiveness.</p>

Key recommendations	
<b>Phase 4 - Review</b>	<p>Collect consistent participant data and feedback throughout.</p> <p>Provide additional face to face review to ensure that all family groups have opportunity to review and endorse final plan.</p>

### 1.3.1. Findings

Key findings from the qualitative data collected through consultations clearly show that the Kwiambal people have always used water as an expression of their cultural identity. That water was and continues to be a primary source of cultural and social knowledge and inspiration for the Kwiambal families that connect to the river system.

Their histories and experiences are embedded in their ongoing connection to the river.

Throughout the consultation, the Kwiambal people raised their concerns for the health of the river and spoke consistently of the need for major reform to occur to in relation to current and future usage of the water particularly where there is irreparable damage taking place due to farming, irrigation and mining usage resulting in detrimental environmental and cultural impacts.

The Kwiambal acknowledge the need to ensure the river system is nurtured, respected and protected so that future generations will have the ability to care for Country as it relates to cultural responsibilities for the water and take responsibility for ongoing maintenance of culture.

Thematic analysis of the qualitative data drew connections between recurring themes which we have categorised as they related to water planning and management from a Kwiambal cultural perspective.

Table 2. Summary of key findings - categories.

Key findings - categories	
Values	Cultural connections and custodianship; caring responsibilities for Country and water; biodiversity; cultural and environmental flows; spiritual and physical health and wellbeing; economic and prosperity.
Uses	Fishing; recreational; cultural practices, bush tucker; social; intergenerational learning and teaching; gender cultural knowledge transfer; water management.
Risks	Poor government policies; over usage of water upstream resulting in inequality of water allocation, access and usage downstream; harmful agricultural practices; overburdened infrastructure; lack of cultural awareness; poor community and key stakeholder engagement and consultation; environmental degradation.
Impacts	Less bush tucker; lower flow in system; loss of culture and capacity to transfer knowledge; poor water quality; dry and damaged riverbeds and creeks; less access to Country and water; decrease in biodiversity; poor mental and cultural health and wellbeing; social and family impacts particularly as it relates to transfer of cultural knowledge; inability to exercise custodianship responsibilities.
Objectives	<ul style="list-style-type: none"> <li>- Aboriginal people having access and responsibility for managing and caring for Country</li> <li>- Rivers, creeks and bodies of water function as a flowing system</li> <li>- Native animals and fish are protected and healthy</li> <li>- Clean and healthy water in creeks, rivers and for domestic use</li> <li>- Health and wellbeing of Kwiambal people supported</li> <li>- Use of waterways for cultural practices and transfer of knowledge revived</li> <li>- Ability to access culturally important water-dependent sites and areas</li> <li>- Regain cultural authority and control over their water interests as custodians</li> <li>- Employment and training in all aspects of water management</li> <li>- A water allocation for the Kwiambal Nation</li> <li>- Greater equity in water allocations</li> <li>- Cultural flows to support cultural projects and events</li> <li>- Economic interests are encouraged and supported</li> <li>- Compensation for impact of poor water management</li> <li>- Effective partnerships that strive for cultural, economic, social and environmental outcomes;</li> <li>- Clear and consistent communication about water policy, planning and practices</li> <li>- Continue partnerships to use and monitor environmental water</li> <li>- Kwiambal Nation has strong, coordinated representation in water planning</li> <li>- Consistent, culturally appropriate and effective consultation</li> </ul>

## 2. Terms of reference

### 2.1. Murray Darling Basin Plan guidelines

The consultation process was informed by the Murray Darling Basin Authority (MDBA) guidelines for meeting the Murray Darling Basin Plan (Basin Plan) (Chapter 10) requirements in relation to Aboriginal peoples' objectives and outcomes for water. As outlined in Basin Plan Section 10.52: *Objectives and Outcomes based on Indigenous Values and Uses*, Water Resource Plans (WRPs) need to 'identify the objectives and outcomes desired by Aboriginal people that relate to the management and use of water resources' ... 'through appropriate consultation with relevant Aboriginal organisations'. (p. 4)

The MDBA Part 14 guidelines suggest appropriate consultation processes to ensure that the concerns of Traditional Owners are taken into account and consider how the *Akwe: Kon Guidelines* might be applied in the context of water resource planning. The Part 14 Guidelines have shaped the Kwiambal Nation consultation process and are referred to throughout this document.

The MDBA, Northern Basin Aboriginal Nations (NBAN) and the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) encourage a nation-based approach to consultation.

As noted in the MDBA Part 14 Guidelines, 'Aboriginal Nation boundaries mostly don't correspond with State Boundaries.'

The Kwiambal land is described broadly as follows: Kwiambal country includes Frazer's Creek flowing in and out of Ashford, Well's Crossing on Severn River and out to Pindari Dam, Strathbogie, South to Kings Plain National Park, Land north of Wells Crossing all along the Severn River, Edgerton, Dead Bird and north along the Severn, North to the Dumaresq River and West to Reedy Creek, Sandy Creek, Kwiambal National Park and Coolatai.



**Photo 1. Wells Crossing Camp Area**

Figures [2] and [3] show the area within which the Kwiambal Nation sits, indicating the boundaries of WRP surface water and groundwater areas respectively and listing Nations within each. Based on these maps, developed by NBAN and MLDRIN, findings from the Kwiambal consultation will be used in the following WRPs:

- **Groundwater WRPs:** GW13 NSW Great Artesian Basin Shallow, GW11 NSW Murray-Darling Basin Fractured Rock, GW18 NSW Border Rivers Alluvium
- **Surface Water WRPs:** SW16 NSW Border Rivers

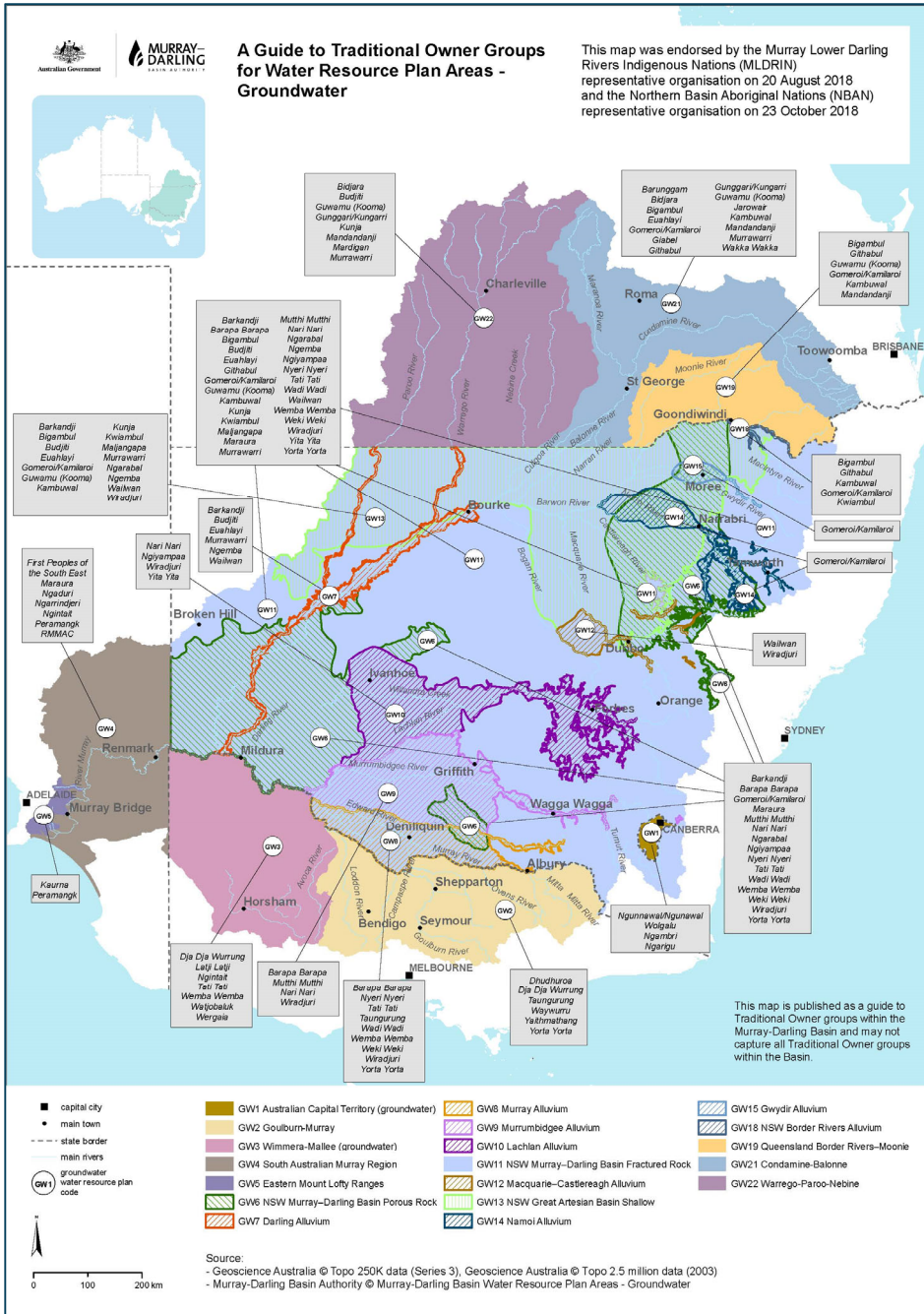


Figure 2. Groundwater WRPs.

- NSW Great Artesian Basin Shallow
- NSW Murray-Darling Basin Fractured Rock
- NSW Border Rivers Alluvium

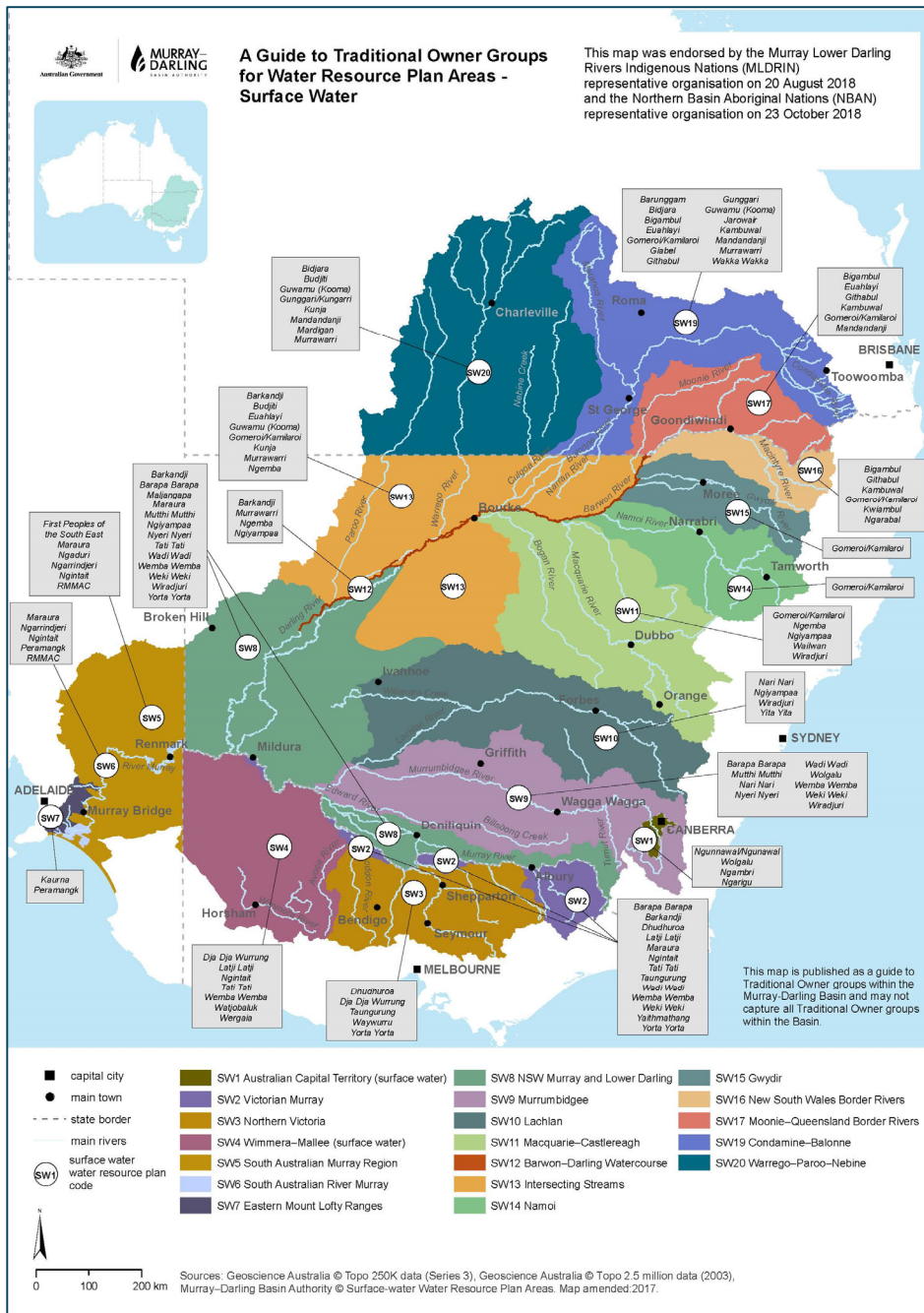


Figure 3. Surface water WRPs.

- NSW Border Rivers

## 2.2. Roles

Murawin was engaged as a First Nations Stakeholder Consultant to provide consultation with Traditional Owners of the Kwiambal Nation. The consultants worked in collaboration with the NSW Department of Planning, Industry and Environment’s Principal Aboriginal Cultural Liaison Officer, NSW Department of Planning, Industry and Environment’s Aboriginal Staff and the Kwiambal Nation Organiser with the following role descriptions:

The **First Nations Stakeholder Consultant** shares a cultural bond with Traditional Owners. They conduct high value/high trust face-to-face talks with Traditional Owners and co-facilitate (with NSW Department of Planning, Industry and Environment water staff) subsequent workshops.

The **NSW Department of Planning, Industry and Environment Staff** coordinate all staff and consultant activities and ensures that knowledge gained is properly considered in developed state-wide strategies and policies. They ensure the knowledge gained ultimately contributes to development of Water Resource Plans, Water Sharing Plans, Flood Plain Management Plans and Water Quality Management Plans. They coordinate workshop logistics including invitations, venue bookings, catering, developing the agenda, providing the maps and workshop notes.

**Nation Organisers** (Northern Basin Aboriginal Nations (NBAN) and Murray Lower Darling Rivers Indigenous Nations (MLDRIN)) are engaged by NSW Department of Planning, Industry and Environment to:

- Assist the Department staff identify key stakeholders, including Traditional Owners, for identified First Nations groups
- Conduct culturally appropriate introductions between First Nations stakeholders, Murawin and department staff and attend interviews with key stakeholders
- Assist First Nations stakeholders gain understanding of the purpose of engagement and consultation and provide assistance with explaining any agreements, including information use agreements
- Attend community workshops.

## 2.3. Scope of work

First Nations Stakeholder Consultants were given the following general brief prior for the consultation process:

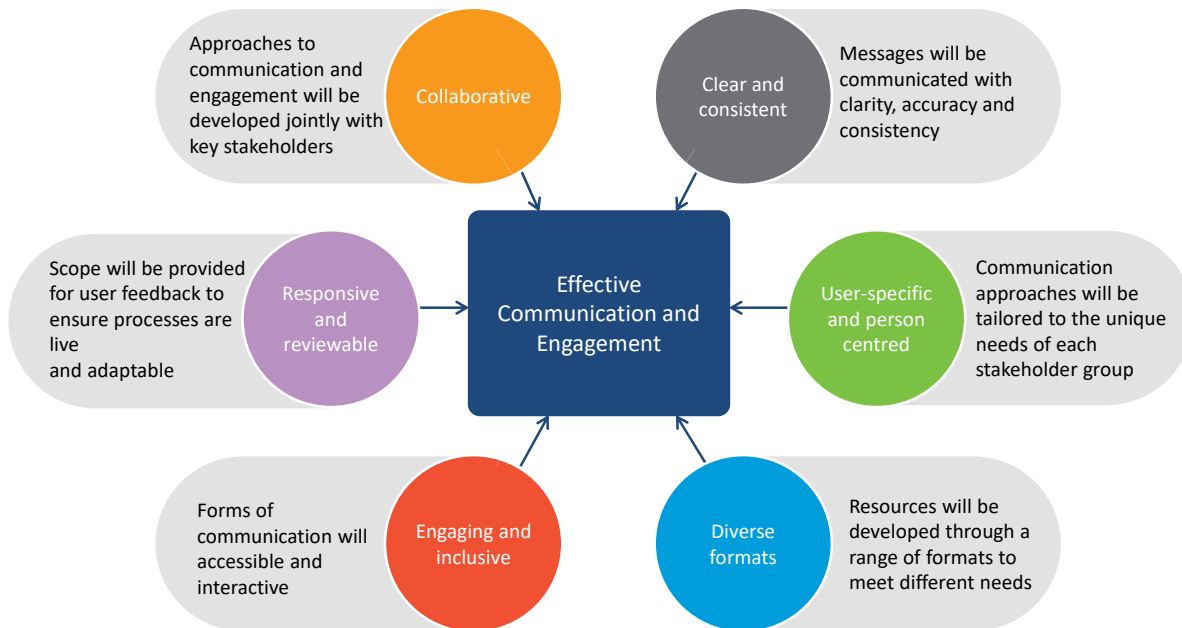
- Work with NSW Department of Planning, Industry and Environment to identify and prioritise Nations they will be working with, based on the WRP delivery schedule.
- Work with NSW Department of Planning, Industry and Environment to build a list of key stakeholders for each Nation, identifying all Senior Traditional Owners and custodians to be consulted, providing appropriate references for how this was constructed.
- Work with NSW Department of Planning, Industry and Environment staff to prepare a checklist and questions, prior to the face-to-face meetings.
- Work with NSW Department of Planning, Industry and Environment staff, visit and engage with all key stakeholders face-to-face. They will describe the engagement process we are seeking to undertake, supported by appropriate presentation and communications material prepared by NSW Department of Planning, Industry and Environment.
- At the face-to-face meetings, seek Traditional Owner agreement to attend and contribute to a one-day workshop.
- At the face-to-face meetings, identify the values Traditional Owners hold and how they wish to see them translated into water resource plan objectives.
- Brief the Nation Organiser and NSW Department of Planning, Industry and Environment management on the outcomes of the face-to-face meetings, and Traditional Owner expectations in advance of each workshop, so that the format for the workshop can be tailored to suit each Nation.
- Play a key role in the one-day workshops in coordination with the Organiser to foster productive and open discussion of proposed values and objectives.
- Following each workshop, prepare a final consultation report identifying and prioritising key values, objectives and themes for the Nation.

Consultants were asked to be flexible in their approach. The actual scope of the work for Kwiambal deviated from the general scope of the work when requested by the community. This is discussed in more detail in the methodology.

## 3. Methodology

### 3.1. Principles for ensuring culturally appropriate and effective communication and engagement

Murawin's approach to delivering a comprehensive plan that is informed by the people who matter the most is based on a sound understanding of communications and engagement strategy and theory that is underpinned with cultural understanding and insights. We are clear that a key responsibility of our role was to ensure that we represented everyone in the report and that those we consulted as part of the process their stories were articulated in the report.



**Figure 4. Principles of effective communication and engagement<sup>1</sup>.**

#### On-Country Workshop and Stakeholder Interviews

We employed an Open Space Technology (OST) process during the Community Workshop which is a participatory engagement technique that aims to capture the wealth of information often exchanged through small conversations. The discussion points focussed on the key engagement questions relevant to the project to obtain the necessary information for the final report.

This process captured valid and rich information and stories that were included in the qualitative research for this report. Interview schedules were developed based on the key questions put forward by the Department. Several measures were applied to ensure an ethical process and the collection of a high quality of interview material in terms of depth and validity. These measures included *Consent, Feedback and checking and Confidentiality*.

Analysis of qualitative data was undertaken using interpretive, grounded theory methods to identify general themes identified from the data and the meaning that people have given to them. The strengths of qualitative data analysis are that it provides in-depth understandings of context and

<sup>1</sup> Principles adapted from: Institute of Public Administration Australia (NSW) 2012, 'Citizen Engagement and New Media: Implications and opportunities for Government and the Public Service'; Holmes, G 2011, 'Citizens' engagement in policymaking and the design of public services' Research Paper no. 1 2011–12, Parliament of Australia; Shergold, P 2012, 'The Co-production of Public and Social Innovation', from Department of Industry, Innovation, Science, Research and Tertiary Education, *Australian Innovation System Report 2012*, Chapter 6: Public Sector and Social Innovation; Howlett, M 2009, 'Government Communication as a Policy Tool: A Framework for Analysis' *The Canadian Political Science Review* 3(2) 23-37.

experience and adds value to the analysis of quantitative data. The analysis occurred in teams rather than by individual researchers so that interpretation of data is both rich but consistent.

## 3.2. Nation-Based approach

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

This consultation is based on a Nation-based approach. It has been designed by NSW Department of Planning, Industry and Environment – Water, based on Dhirranggal Solutions’ ‘Principles for Culturally Appropriate Nation-based Consultation’, and recognises traditional owner groups and their connection to country.

Governance structures of First Nations are complex and in their infancy in engaging with government. The engagement approach taken was guided by MDBA, NBAN, MLDRIN and accepted cultural protocols. It relied heavily on the Kwiambal Nation Organiser and [NBAN/MLDRIN] representative, Malcolm Talbot.

MDBA states that ‘the term ‘Traditional Owners’ is used to refer to those with recognised cultural authority to speak for Country’ and guides States to identify appropriate Traditional Owners for consultation. The use of the Nation Organiser as a guide relied on widely accepted cultural protocol and lore which determines that only internal representatives have the cultural authority to speak on a Nation’s internal governance structures, guide consultative processes and identify Senior Traditional Owners.

## 3.3. Indigenous Data Sovereignty

Part of a culturally appropriate consultation framework acknowledges the Data Sovereignty rights that First Nations people have over their own knowledge. Indigenous Data Sovereignty is derived from First Nations people’s rights to govern their communities, Country and resources as outlined in the United Nations Declaration on the Rights of Indigenous Peoples for which Australia has declared its support.

At the Indigenous Data Sovereignty Summit held in June 2018, the *Maiam nayri Wingara Indigenous Data Sovereignty Collective* endorsed several foundational statements in relation to Indigenous Data Sovereignty, in short;

- *Indigenous Data refers to the rights to information or knowledge which is about and may affect Indigenous people both collectively and individually;*
- *Indigenous Australians have the right to exercise ownership over their data including its reuse;*
- *Ensuring data reflects Indigenous Australians priorities, values, diversity and worldviews.<sup>2</sup>*

The contract signed between Murawin and NSW Department of Planning, Industry and Environment included the following definition of First Nations Cultural Knowledge:

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

<sup>2</sup> Indigenous Data Sovereignty Summit Communique, June 2018

Murawin was required to identify any First Nations Cultural Knowledge gathered during the consultation. This can only be used for specific purposes in the accreditation of WRPs. Kwiambal participants in most cases read through Data Use Agreements which made them aware of the purpose of the research and the use of their knowledge, and signed consent forms, giving them options for the recording and storage of their individual data. Where agreements weren't signed at one meeting the participants were verbally made aware of the purpose of the research and the use of their knowledge, and verbally consented. This deviation and recommendations regarding the Data Use Agreements and future consultations is discussed in the body of the report.

### 3.4. Research methods

The research methodology was aligned with the principles of Culturally Appropriate Nation-based Consultation and the MDBA Part 14 Guidelines, including the de-identification of data, the explanation of the purpose and scope and participant consent. These aligned with general considerations in the *Akwe: Kon Guidelines*:

- Prior, informed consent of the affected Indigenous and local communities;
- Ownership, protection and control of traditional knowledge; and
- The need for transparency.

NSW Department of Planning, Industry and Environment provided written Data Use Agreements and Participant Consent Forms. Where these were not used in one meeting the *Akwe: Kon Guidelines* were still followed but without any written documentation. Seeking data use agreement – in any form, written or verbal - was a sign to First Nations people that they and their knowledge are being treated with respect.

The process was participant-directed. In this case the Senior Traditional Owners asked to forego the initial face-to-face interviews that would have shaped the workshop design. This is discussed further in the report.

The report outlines where and how data was collected, and who was consulted. The questions used encouraged open, narrative responses, in line with the principle of flexibility and MDBA guidelines to 'use appropriate tools and mechanisms for recording and understanding Aboriginal objectives and outcomes. In particular the workshops encouraged the use of storytelling to identify values and meaning.

Themes arising from the interview and workshop data was used to 'provide a fair-minded representation of information and knowledge gained through the consultation process,' as guided by MDBA.

## 4. The consultation process

The Consultation Process was intended to follow a standard four phases: Design and Development, Preparation (face to face interviews), Consultation (workshop) and Analysis and Review. Murawin was also asked to be flexible in their approach.

The Nation Coordinator through NSW Department of Planning, Industry and Environment asked Murawin to proceed directly to meeting with some of the Traditional Owners in Newcastle as preparation, which was agreed (the meeting took place in Belmont just south of Newcastle). In hindsight this shouldn't have been the initial stage of the process, and there is further comment on this later in this section.

This resulted in a process that evolved to suit Traditional Owners as the project proceeded and didn't follow the intended standard four phases set out above in a linear way. In the end the consultation process proceeded through these phases:

- **Phase 1: Design and Development** – Initial planning phase.
- **Phase 2: Initial Meeting** – An initial meeting of TOs was organised, intended to be a small preliminary meeting but did not proceed in that way.
- **Phase 3: Preparation and Face to Face Interviews:** Planning and participant identification resulting from Phase 2 and face-to-face interviews. Development of consultation tools (question list and data agreements) and participant identification (stakeholder list)
- **Phase 4: Community Consultation Workshop:** Workshops with the Kwiambal community to gather input into the clauses of Part 14 on objectives and outcomes based on values and uses of water.
- **Phase 5: Analysis and Review** – data analysis and report writing
- **Phase 6: Sign Off** – sign off the final report by Kwiambal Traditional Owners
- **Phase 7: Additional Consultation** – An additional consultation was held in Casino to get input from other Traditional Owners.

The MDBA Part 14 Guidelines advise 'a planned approach to properly engaging Traditional Owners [TOs], including identification and involvement of appropriate TOs' (Phase 1). They suggest that for genuine engagement in water resource planning, Traditional Owners be consulted for two specific purposes: Information sharing/relationship building meetings and technical workshops. Note that the TOs requested that Murawin move from design and development to an initial meeting without the preparation stage of individual face-to-face interviews that would normally be undertaken.

As consultants were to be flexible and work to the requests of the TOs this process was agreed to. While overall the consultation process was successful, it is our learning that a preparation stage with individual face-to-face interviews would have avoided some difficulties that Murawin as consultants had to work to overcome. These are discussed below.

### 4.1. Phase 1: Design and development

The initial planning phase consisted of Murawin liaising with NSW Department of Planning, Industry and Environment regarding the appointment of the Nation Coordinator, and the identification of the most appropriate steps for the Nation.

It was identified that a number of the Kwiambal TOs now live in Newcastle, and that Murawin should meet those TOs prior to a workshop in Ashford.

There were no predetermined stakeholders for the meeting, with attendees to be confirmed by the Nation Coordinator. It was thought that a small number of TOs would attend in Newcastle (Belmont), followed by a bigger community consultation in Ashford.

#### 4.1.1. Data use Agreements

Data Use Agreements allowed the Kwiambal people, as a nation and as individuals, to play a part in the management and control of their information given throughout the consultation. Two different agreements were created: for face-to-face interviews and workshops (Appendices C and D). These defined and explained:

- the **purpose** and **scope** of the consultation
- **identity protection** measures: data was de-identified and personal details stored securely
- **data storage** procedures, giving options for participant choice
- **data use**: First Nations Cultural Knowledge was limited to use for WRP development and accreditation, water planning and internal education

Some factors to consider with the employment of Data Use Agreements;

- they are read aloud with both interview and workshop participants
- they are quite long
- they offer anonymity
- they create a safe space to share First Nations Cultural Knowledge
- there are choices for storage options
- they create a foundation for trust between NSW Department of Planning, Industry and Environment and the Kwiambal, but
- they are difficult to use in the interview setting.

The reasons why we have Data Use Agreements;

- to safeguard First Nations Cultural Knowledge
- to ensure that data gathered will only be used for the WRPs, with participants consulted again for future water planning or approached to release the knowledge.

## 4.2. Phase 2: Initial meeting

The Nation Coordinator asked Murawin to hold a meeting in the Newcastle area where a number of the TOs now reside. The actual meeting was held in Belmont.

It was suggested by NSW Department of Planning, Industry and Environment that the meeting be a small number of TOs. Ideally this meeting was to be used as the preparation stage, gaining information at a small face to face meeting to inform the remainder of the consultation.

This didn't transpire as envisaged, and a large group of participants attended. As it was anticipated that the meeting be a small meeting to contribute to preparation, and it only became apparent on the day that it was a much larger gathering, there wasn't adequate preparation and the meeting would have benefited from the earlier preparation stage.

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### 4.3. Phase 3: Preparation and interviews

From Phase 2 it became apparent that more background information was needed to inform the consultation process, and it was agreed to conduct face-to-face interviews across family groups to address Kwiambal governance issues regarding access to some areas of Kwiambal water.

It is important to note that good representation for Culturally Appropriate Consultation is measured not by numbers, but by extent of inclusiveness of family groups and communities.

Phase 1 included the development of a stakeholder list and a Data Use Agreement. As Murawin was asked to not do the face-to-face interview stage we did not design a question list for face-to-face interviews but intended on gathering background information at a small initial meeting.

#### **Stakeholder List**

At this stage the stakeholder list was discussed with the Nation Organiser and the NSW Department of Planning, Industry and Environment representative. It should be noted that the NSW Department of Planning, Industry and Environment representative is also a member of the Kwiambal community and identified as such, and Murawin relied on both for guidance.

The Nation Organiser, Malcolm Talbot, with his cultural authority and internal knowledge of Kwiambal Governance, was essential to the ongoing development of the stakeholder list and consultation process in this nation-based approach. NSW Department of Planning, Industry and Environment provided Murawin with a list of Senior Traditional Owners to ensure inclusive representation of Kwiambal family groups and communities as much as possible. These Senior Traditional Owners are not necessarily associated with established lead agencies in the Aboriginal sector but recognised as leaders with cultural authority by the Kwiambal Community from grassroots governance structures. There was some discussion later in the process about participation by all Kwiambal families which is discussed separately.

Native Title Services (NTS) should be contacted for a list of the current claimants according to the Apical Ancestor Structure of the Kwiambal Nation.

The Stakeholder List was treated as a living document, with names being added throughout the consultation process. All individuals on the list consented, either through the Nation Organiser or Murawin, to share their details. It will be kept with NSW Department of Planning, Industry and Environment Aboriginal staff. As guided by MDBA, 'better practice would expand and update available knowledge and understanding about the relevant stakeholder groups that are linked with the Basin water resources in an area.'

#### 4.3.1. Face-to-Face Interview Participant Data

At the request of the Nation Organiser and the Department, Murawin facilitated a meeting in Belmont, south of Newcastle. The meeting was attended by those Senior Traditional Owners and members of their families that no longer live in Ashford. We estimate that the meeting was attended by in excess of 20 participants however the list below identifies those who signed into the meeting.

##### **ii) Interviews with Senior Traditional Owners**

In total, seven Traditional Owners were interviewed or approached for interview. Two declined but gave information at the workshop. As indicated in Table 2, there was an uneven gender spread. They spoke for a broad range of communities and different areas of Kwiambal Country. The Nation Organiser is included as a participant. The participants were interviewed in Inverell, Ashford or Casino (the Casino interview took place after the initial workshop at the Casino workshop).

**Table 3. Participant Data: Senior Traditional Owner Face-to-Face Interviews/Discussions.**

Date	M/F	Families represented*
December 2018	M	Green
December 2018	F	Boney/ Williams
December 2018	M	Talbot
December 2018	M	Saunders
December 2018	M	Irving
May 2019	M	Green

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

#### 4.3.2. Face-to-Face Interview Participant Identification Process

Senior Traditional Owners from the following groups were invited to be participants, always with guidance from the Nation Organiser:

- Grassroots Senior Traditional Owners on the Stakeholder List, as provided by the Nation Organiser
- Further suggestions from interview participants, while on the ground

Recommendations for future consultations include:

- Early identification of family groups and face-to-face interviews prior to any meeting

#### 4.3.3. Face-to-Face Interview Process

To ensure the process was as culturally appropriate as possible, Senior Traditional Owners were encouraged to guide how they would like the interview conducted. As a result, interviews were conducted:

- In the home, in cafes and at the Local Aboriginal Land Council
- Using Question and Answer sessions
- Using Storytelling,
- In one case interviews were done in a pair
- Using maps of the area.

Interviewees were given an information package that included the data use agreement, a consent form, the list of questions and a NSW Department of Planning, Industry and Environment Water WRP information booklet/workshop notes.

#### 4.3.4. Face-to-Face Interviews Feedback

The feedback from the Senior TOs in these interviews will provide a good basis for the workshops and for the overall structure of the findings in this report.

From these interviews, the following themes, were drawn out to guide the workshop preparations.

- Many TOs don't have access to traditional water in significant cultural places, resulting in access being a significant issue.
- Cultural flows are important and overlooked in water planning

- Better care of water and waterways with the intention of bringing back native flora and fauna
- TOs having real control over water can achieve sustainable outcomes for everyone
- Opportunities for employment and economic benefit are important for community development and change
- Decades of poor government policies that have resulted in detrimental consequences relating to overall water management and subsequent water flow, which in turn has devastating impacts on cultural flow aspects to the river

See workshop notes on Values, Uses, Evidence of Change (Impacts), Risks, Objectives and Outcomes.

## 4.4. Phase 4: Consultation

The consultation focused on the four suggested workshop questions in the draft plan:

- What is the value of water and how do you use water in Kwiambal Nation?
- What challenges these values and uses of water in Kwiambal Nation?
- How do you think water in the rivers and groundwater could be better managed in Kwiambal Nation?
- What would you like to see happen for water management of Kwiambal Nation in 5 years' time and in 10 years' time?

### 4.4.1. Workshop Participant Data

In addition to the initial meeting in Newcastle, a workshop was conducted in Ashford in December. A total of 30 participants (those who signed registration sheets) including Kwiambal Traditional Owners.

As indicated in Table 3, 6 of these participants were Senior Traditional Owners who did face-to-face interviews. A total of 7 different family groups were represented.

**Table 4. Kwiambal participants: WRP On Country Consultations.**

Date	Town	Venue	No. participants*	M	F	Families represents**
7/12/18	Ashford	Bowling Club	17 (signed registration sheet) attendees	7	10	7 (Green, Brown, Talbot, Irving, Boney, Williams, Saunders,)
6/2/19	Ashford	Land Council	11 participants for the sign off meeting	4	7	5 (Green, Irving, Talbot, Saunders, Scott, Allen)
19/5/19	Casino	Waterside Church Hall		2	4	(Irving, Green, Strong, Allen, Toomey)
				<b>13</b>	<b>21</b>	

\* At the recommendation of the Nation Organiser, only Traditional Owners have been represented.

\*\* Family groups represented do not necessarily correspond with surnames of participants. Some participants represent more than one family group. Some did not respond.

### 4.4.2. Workshop logistics

The workshop was held at the Ashford Bowling Club on Friday 7 December 2018 and the draft report sign off meeting was held 6 February 2019 in Ashford at the Local Aboriginal Land Council.

### 4.4.3. Workshop process

Workshops lasted between four to five hours according to the following structure:

1. Welcome to Country
2. Introductions
3. WRP and Water Planning information session (NSW Department of Planning, Industry and Environment)
4. Data Use Agreement and Consent (Murawin)
5. Feedback Session One (world café)

The workshop was run as a “world café” style process with separate stations for each question, so participants could build on ideas.



Feedback session 1 consisted of engagement and feedback stations corresponding to four questions:



## 6. Feedback Session Two (consolidation)

Feedback session 2 had two parts: general review of the feedback from the world cafe stations by participants, with participants rating the most important issues; a general discussion with the participants to raise any missed issues or give more information on discussed issues.



## 4.5. Phases 5 and 6: Analysis and review

### 4.5.1. Analysis

From interviews and the feedback from the meeting and workshop an overall story of Kwiambal water emerged. That story is captured in the findings, and reflects the values, uses, risks, impacts, objectives and outcomes that the Nation have for water. This reflects the stories that emerged most often from participants and were reinforced by others.

The major “chapters” were apparent to each of the consultants looking at the data individually when they compared the major responses apparent to them.

To ensure the interpretation of the data the major themes were checked with the Nation Organiser early on in the drafting of the report.

In addition to the major emerging story of Kwiambal water, participants at the community workshop viewed all the session feedback and indicated those issues that resonated with them. In this way the community was able to view and check the emerging issues.

To further add depth to the workshop the participants were then able to comment and give overall views on the totality of the data.

## 4.5.2. Review

The initial review was held on Wednesday 6 February 2019 in Ashford at the Local Aboriginal Land Council.

At that meeting the report was read to those that attended, and the information in the report was endorsed with some amendments.

At the meeting the Nation met among themselves to discuss how to take the report forward, and Murawin was asked to complete the report and bring it back to the Nation for final sign off, with the process for final sign off to be discussed.

The amendments were made to the report as requested by those at the sign off meeting, and this is the final report including those amendments.

## 4.6. Phase 7: Additional consultation

After we completed and presented the first draft of the report to the Kwiambal Nation at a meeting of Traditional Owners at Ashford the report was signed off by most participants. However, one of the family groups raised that some TOs were not resident in either Newcastle or Ashford (where all the meetings had been held to date) and did not think there had been adequate consultation with them. They were resident around the Casino area, and so it was decided that a further consultation was to take place in Casino.

It was a learning that including all relevant TOs in the consultation process is necessary, even where they are no longer on country. It is not straight forward. While Murawin had raised the questions of ensuring all family groups were represented, and the department had put out a general invite, this didn't mean that all those who needed a voice in the report felt included and invited.



**Photo 2. Participants at the Casino feedback session, with Murawin consultants and a department representative.**

The learning for a better process is to ensure all family groups are represented and seek input from a representative of every family group to ensure they are comfortable with the process, rather than relying on a single point of contact. It should be the Nation Organiser's role to invite all Traditional Owners and to identify all family groups, and to provide contacts from each family group to the consultant. The consultant can then contact each family group to ensure they are happy with the process.

The report was amended based on the information gathered in the extra consultation.



## Statement by Murawin on conflict of interest, working with the Department and Nation Organiser, and content of the report

Initially the main contact point at the Department was a member of the Kwiambal Nation. At the first consultation the Department was represented by that person who clearly identified that they attended as a Department representative and for the majority of the meeting clearly took that role and did not contribute to the discussion. At the end of the consultation they made some comments about water use but preceded those comments with a very clear statement that they were stepping out of their Department role and speaking as a member of the Nation.

At the second consultation the Department was represented by another staff member and the original contact participated as a member of Kwiambal Nation.

Murawin takes its role of representing the whole of the community feedback in the report seriously, and Murawin is satisfied that at all times the role of the Department representative versus their role as a community member was discussed upfront with the participants at consultations and agreed to.

The Nation Organiser was a family relation of the initial Department representative.

Subsequent to the final sign-off meeting there were requests for further involvement from some family groups. There were members of those family groups at all consultations and in interviews, but they wanted further consultations to ensure their story was a part of this report.

Murawin passed this information to its client, the Department, and offered to undertake more consultation with the agreement of the Department.

Subsequently the Department and the principal of Murawin, Carol Vale, spoke with those people involved in seeking further input, and this report is now presented as the final report with agreement.

For absolute clarity Murawin states that at all times the consultations and interviews were undertaken in culturally appropriate ways as advised by the Nation Coordinator and Department, as Murawin was engaged to do. This report gathers all of the information from all of those people present at workshops and interviewed. The information is de-identified, and this report represents the whole of the Kwiambal Nation. This report is not evidence of one water use by any particular family group.

## 4.7. Overall participant data

The table below displays the total number of Kwiambal people consulted in all phases, including for interviews, workshops and review.

**Table 5. Total participant data.**

Total participant data	Male	Female
Participants	16	7
<b>Total</b>	<b>23</b>	

## 4.8. Recommendations for future consultation process

The following recommendations are made for future Culturally Appropriate Nation-Based Consultation rounds in the WRP development process.

An initial phase of meeting face-to-face with Traditional Owners – a preparation phase – is important for establishing both a background/working knowledge of the community and its relationship to water; and for establishing a working relationship with the community. In this consultation that was put aside at the request of the community and agreed by the consultant in order to be flexible and community led. In hindsight the consultant should have had a dialogue with the Nation Coordinator about the importance of having a period of preparation. In the end it was decided that the face-to-face interviews were necessary and so were only delayed.

In some cases, there will be community issues that may need to be addressed that are outside the scope of the report. Adequate time and space need to be given over to these issues to do them justice before moving to the scope of the report.

The Department should be commended for the use of the Data Use Agreements. However, they are long and difficult to read and understand.

The face-to-face Data Use Agreements are very long and difficult. Once a consultant is with a participant who has agreed to a face-to-face interview, the participant will often start story telling. It breaks the flow of the storytelling to intervene with a long and complicated document. It is suggested that a shorter agreement be designed that can be signed at the end. At the start of the interview it could be said to the participant that “I want to hear your story, but I want to let you know that anything that you tell me that is First Nations’ Cultural Knowledge remains your property and will only be used for the purposes of writing up a report. You still own the knowledge and it can’t be used in any other way. “If you’re okay with that then I’ll get you to sign a document at the end”, or some other words to that effect. While the agreements are obviously a very important step in proper use of knowledge and should become standard procedure, the length, complexity and timing of use aren’t culturally appropriate.

The workshop agreement is much shorter and less complicated. In the initial meeting for this consultation process the consultant explained the agreement verbally and sought verbal agreement to make the process even simpler, but in subsequent workshops the written agreement was used. In hindsight the written agreement for the workshop is short enough and can be used at a stage in the proceedings where it is appropriate to give the written agreement rather than a verbal one.

The learning for a better process that might ensure inclusion by all family groups is that shouldn’t fall on the Nation Organiser’s as being the sole point of contact for invites of TOs. The Nation Organiser should contact all Traditional Owners and identify all family groups and provide contacts from each family group to the consultant. The consultant can then contact each family group to ensure they are happy with the process as the process unfolds.

## 5. Findings: The Kwiambal Story<sup>3</sup>

Feedback across all consultations tells the story of a Nation with a deep cultural and spiritual connection to their water, with very real fears for the future of water and water management, and the consequences for their culture as a result. However, there is also hope – hope that they can be an educator about the management of water, and that they play a lead role in restoring their traditional land and the cultural landscape for the water to create a healthy system that can be beneficial for everyone. Having a key role in managing water can provide a multitude of economic opportunities for the Traditional Owners that, in turn, strengthen the community and culture to enable cultural education as it pertains to water management that continues to benefit the river system.

The traditional Kwiambal connection has been challenged by issues of poor water management, poor public policy and environmental management, frustration at not being able to exercise custodianship, and a loss of access to many significant areas of water or associated with water. The community wants the opportunity to be custodians, to continue with their cultural practices and work with others to properly manage and care for the water.

Good water management is to the benefit of every water user. Kwiambal has the cultural, spiritual and historical knowledge and expertise to manage water resources which in turn creates employment and other economic opportunities, addressing social and cultural determinants, and creating a culturally strong and resilient Nation.

There have been many Traditional Owners move away from Kwiambal Nation.

Aboriginal and Torres Strait Islander people move away from land for many reasons, most often dispossession, inability to access their land, or to seek work because traditional ways of being and belonging are no longer possible.

Those connected culturally and spiritually to Kwiambal country are now resident in different places, including Casino, Newcastle, Inverell and Ashford, but all have an equal responsibility and connection and sense of being that is derived from their Nation.

It was strongly noted by Traditional Owners that those not resident on country still have a deep cultural connection to the land and waters of their country – that it is their home, their place of being and of healing. That it is their story and tells them who they are. That it is their lore and their responsibility, and that doesn't diminish when they're not resident on the land.

### 5.1. Cultural and socio-political: stories of place and belonging, history and Country

Kwiambal country includes Frazer's Creek flowing in and out of Ashford, Well's Crossing on Severn River and out to Pindari Dam, Strathbogie, South to Kings Plain National Park, Land north of Wells Crossing all along the Severn River, Edgerton, Dead Bird and north along the Severn, North to the Dumaresq River and West to Reedy Creek, Sandy Creek, Kwiambal National Park and Coolatai.

The historical and cultural stories of water and life around water are central to Kwiambal Nation. Water is life and central to the culture and identity of Kwiambal Nation and its people.

*Water keeps everything alive in place, and in its place.*<sup>4</sup>

<sup>3</sup> Information contained in this section is First Nations Cultural Knowledge provided for the development and accreditation of Water Resource Plans

<sup>4</sup> Note: Sentences in italics are quotes from Traditional Owners during the consultation process.

Some of the important areas of land where families were include Dead Bird, Sandy Creek and Three Mile Bridge, Coalmine Road, Frasers Creek. Family groups that lived out at Dead Bird lived “right on the river”. People recall a “good life” but a hard life too. They built their own houses but often just slept outside under the stars. There were generations of family members there living together.

The river was a place for gathering, and in gathering around water, families told stories and passed on cultural knowledge, including caring for land and water and cultural obligations around water and the cultural flow with neighbouring First Nations. Sharing was emphasised as a strong cultural value.

People took what was appropriate for the water and land. Excess cod were sold at Inverell.

Water was used recreationally for swimming and fishing when people gathered, and for sitting around to share food. It provided food, including Cod, Yellowbelly, craybob, grubs, wild mushrooms, mistletoe, rabbit, goanna, catfish, muscles, turtle, silver perch, shrimps, middens, wild fruit like quince, orange and bush lemons. Living right on the river these were all on the doorstep, and “we would just walk down the bank” to the river.

People caught fish in stone fish traps.

Every weekend people recalled fishing in a wider area of waterways around the land. Fishing was a particularly significant activity because it served a number of purposes: it provided time for people to share stories and pass on knowledge, it was a healing activity to be by the water, and it provided food.

Children walked the up to 8km to go to school in Ashford, although later they owned horses and could ride into school. When they got home, they would always first draw water from the river, creek or waterway and take it to their houses for domestic use.

Children trained for swimming carnivals in the waterways.

Water was also a significant place for healing with special places for men and women.

There are stories of knowing the water system and the fish in it so intimately that they could be shown a photo of a fish and be able to say exactly where it was caught without knowing more.

On weekends families would get together at either place, or to go to other places on Country with good watering holes.

The stories of water recall a healthy water system of rivers, creeks and water holes that were cared for by Traditional Owners to ensure that the systems weren't clogged and there was good water flow which in turn enables good Cultural Flow

Equally important was their obligations and responsibilities to ensure a good water flow to other Nations.

*You know, and them [our mob] right on that border, their culture is to make sure that water flows to the next Nation, that they get the water, it's their right [to the water].*

Water on Country is acknowledged as being a part of a bigger system.

*You can't just talk about water flow that runs through the area. You've got to see where that water's coming from, where it's going to, the impact on surrounding water.*

People also worked near the river. A lot of the mob worked on the surrounding tobacco farms, which it is said used water in ways that had less impact than current uses.

At Dead Bird they used to collect old copper from the surrounding areas for sale. They also sold kangaroo skins and shared bush tucker.

Land ownership blocked access to many significant places around water for the Kwiambal people.

There are fences along the river and roads to the river are often private roads.

Historically, many of the mob would work on the private land. There were tobacco farms all over.

With the cessation of tobacco farming there is little employment now on private property, and people report they no longer have access to many places of cultural significance because they need to go onto private property to access them.

People moved away from living on the water because of access issues, and as the land and water became degraded for other reasons like better employment opportunities.

As well as land ownership there are fences along many places near the river to prevent cattle from eroding the banks.

Access to water can be assisted by the travelling stick routes.

There is a strong focus by Kwiambal people on access to water, and the implications of not having access to water. There are ongoing discussions about access that are beyond the scope of this report, but it is an issue that has been central to all discussions about water.

It must be said that attempting to explain the level of connection in a report like this to a reader that may have no cultural awareness is difficult. Cultural connection is lore – it is a way of being in congruence with the land and waters, of recognising that the environment is not something we can speak of as though it is separate; the environment is us. Being unable to practice lore is not merely being unable to fulfil a duty, but it is being fundamentally disconnected from self, from the circle of life, that is tied intimately to a particular place.

Those no longer living on Kwiambal country still spoke intimately of the land and water. They could identify exact places from photos and descriptions, they could talk about places of healing and of spiritual connection, and return for healing.

## 5.2. Environmental: ecological impacts

Kwiambal Traditional Owners have seen the effects of poor water and environmental management on water resources and on the environment generally. They have seen a significant loss in their bio-diversity and in the health of the system. While NSW is currently in drought, and there is no question that the drought has an effect on the water system, albeit the system has always been subject to fluctuations. The current state of the water system is the outcome of over use of water as a resource, poor management, pollution and introduced species.

The Nation emphasised that drought has been a part of the natural cycle of life before, but that the current drought has a great impact because of poor water management. There have always been cycles where the waterways experience droughts and floods, but water has always got to the places it needs to be in abundant times for the health of the system. Water doesn't get to where it needs to be anymore.

The Nation emphasised the necessity of cultural flows: flows that let the water go where it has to go to keep everything in its place, including water getting to the wetlands and water holes.

People report a significant loss of native flora and fauna caused by environmental deterioration. There has been a decrease in many species both in and around the water system, including native fish, emu, kangaroos mussels, cray-bob, platypus.

Cultural burning has been banned which helps the surrounding bush which in turn regenerated the area and brought back native animals.

It is reported that water isn't flowing in many places, and that the system has places clogged up by gravel and rocks. Loose soil has led to silt being brought into the water ways. It was reported that there used to be swimming holes that are now closed.



**Photo 3. Wells Crossing at Three Mile Bridge showing an accumulation of reeds because the water isn't flowing in order to clear it out.**

Levy banks that are put up by farmers keep the water from flowing in some of the creeks.

Banks have been eroded by cattle, goats and pigs.

There is concern about what is going into the river system, and that there is pollution from farming and mining that effect the water and then environment. Cotton has a more intensive use of water than previous farming uses and puts polluted water back into the system.

It's reported that sometimes the pumps are on and just "*pump, pump, pump and you can see the water level go down in a day*". When there is pumping in some places the river runs backward.

Where water is flowing the quality has deteriorated and isn't the clear and healthy flow of water that it used to be. When the water doesn't flow it can also suffer from outbreaks of blue/green algae.

The release of water into the water system from Pindari Dam to satisfy water release requests is done in one large release. This puts colder water into the system that kills native fish (while introduced species manage to survive cold water releases).

Pindari damn is now a source of algae bloom.

Around the water system is Thorny Box and Willow, both which have a detrimental effect on the system and are introduced species. Willows take huge amounts of water out of the system to grow, and they change the shade cover over the water in ways that are detrimental to local species.

There used to be a spraying program run by the Kwiambal people to eradicate the non-native species. The program was successful but was stopped. Kwiambal people would like to see that program re-started as a source of employment.

Mining has also been detrimental with toxins flowing back into the waterways.

### 5.3. Health and wellbeing: loss of custodianship and management systems

The degrading of the water system is worrying to the Kwiambal people. It has been central to their culture, and its slow demise impacts their culture and the passing down of culture.

A lack of access to places of significance and ongoing issues with water management have had a huge cultural impact for Kwiambal Nation. There is much concern that significant places be kept healthy and properly managed, and there is a sense of frustration and not being able to do that.

The Kwiambal people pass down knowledge and cultural learning about water in significant cultural places, and people worry that cultural knowledge will not be passed on from generation to generation as those places deteriorate.

*It's so much that we're losing every single day. My kids and grandkids aren't gonna sit around in the places and learn like my grandfather and everyone told us. There's some places that have never run dry and they are dry as a bone. And, pop, he knew it all. He has no memory of some of these places ever being dry, and they're bone dry.*

*People learn their waterways spending time on the river. You know you get to know your systems. You get a cultural obligation [to look after the system].*

Some of the Traditional Owners told stories about the special places of healing – of having camped at a healing place in the past to get well, while another spoke of being sick and not having access to their healing place and needing healing.

For the Kwiambal Nation looking after water and managing the system is information that has been passed down through generations, and there is a particular sense of grief associated with seeing the deterioration of the water and not being able to manage the water in appropriate ways. The Kwiambal people have the ability, and the knowledge, to manage the water and keep the water system healthy. However, they unable to do so because not only have they have been forced out of playing any role in the control of water, they aren't consulted on the management of water. There is a sense of sadness and loss at being marginalised and ignored.

Traditional Owners acknowledge that there are competing uses for water, but for the Kwiambal people, custodianship also means being able to manage the water in ways that benefit everyone.

*I think it's obvious. If everybody else wants to just look and actually see. But the reality is, the water will run out. Or what's there will be that filthy, you can't use it. And then they all die. Don't matter what colour they are. You need water to sustain life. And for us everything revolves around water. You tell the kids stories. You're down there lighting fires and telling yarns, you know?*

The current management system has no transparency. It's a hope of the Kwiambal Nation that water use is monitored in a more transparent way.

*Yeah, so that's an objective, to be able to check who is using more water than normal and be able to monitor it. And whether people are putting polluted water back.*

## 5.4. Economic: employment and community renewal for the future

The Kwiambal people want to see healthy water flows and a healthy system, and they have the cultural knowledge to manage the system.

This creates the opportunity for Traditional Owners to manage the system.

*I think that the ultimate goal is to have water running. For us to control some of this water and not everybody else, you know? We have to get back to something sustainable.*

This creates the opportunity for Traditional Owners to take on the role of educating others on the proper management of the system.

*There would be a role educating others. That's what we do in our culture.*

Kwiambal people have a desire to be employed looking after the water system: being rangers, monitoring the water use, eradicating the non-native species, clearing out the waterways, ensuring a healthy flow in the system. They have a desire to access the economic opportunities which they see can come from water management.

*Give it to us, we know the waterways.*

Having access to places and being able to manage the water in cultural ways means passing down other cultural knowledge to our people, in ways that might be lost otherwise because we aren't able to do that – knowing what's there, sacred sites. There's a risk otherwise that the knowledge will be lost.

Having access and custodianship to manage the land can also mean economic benefit by managing tourism – being able to tell people what's about “*and we can tell them where to go, where to camp, what to go and see around here, things like that*”.

The Kwiambal people want to manage the flora and fauna and see the native species coming back to the area.

Being employed to manage the water provides an ongoing connection back to culture, so it's not just about the economic positives of employment, but about being employed in cultural ways that strengthen the community and create a virtuous circle. Fundamentally it is about sustaining culture for future generations.

*.. we would be able to invest more in our community and the risks of not NSW Department of Planning, Industry and Environment that is, I see, a high rate of incarceration. I see people moving up country for more opportunities. And I see more poverty in and amongst our community without us being able to do anything.*

The Kwiambal people want to be able to manage the National Park.

The Kwiambal people want to manage the eradication of non-native species, which they have done successfully in the past.

### 5.4.1. Ongoing future management

The Kwiambal Nation has suggested that there be a committee of representatives set up representing each family, and that all decisions on water usage (and land usage, which is not the subject of this report) goes to that representative group for decision.

## 6. Findings: Categories<sup>5</sup>

### 6.1. Values and uses

Question asked: What is the value of water, and how do you use it?

From the consultations the community gave the following answers:

**Table 6. Themes and sub-categories.**

Themes	Sub-categories	Detail
<b>Cultural and Socio-Political</b>	Community	Family, meeting places, gatherings
	Cultural Practices/Responsibilities /Custodial relationship	Totems, story-telling, hunting and gathering
	Sites	Cultural sites along the river, wetlands and sites of significance, caves,
	Historical	Old places – stories of what mob did there Water was shared
	Knowledge	Water literacy
<b>Health and Wellbeing</b>	Social and recreational	Picnics, camping, fishing, family gatherings, meeting place swimming, playing, car wash, walking, 4 wheel driving
	Bush tucker and Drinking	Animals: silver perch, red fin, brown perch, shrimp, turtles, cod, cat fish, mussels, goanna, porcupine, rabbit. Plants: Fruit, mushrooms, bush foods, seeds, native plants
	Domestic	Drinking, washing, washing clothes, cooking
	Healing	Men's, women's
	Education	For young people, teaching children to swim, how to care for land
<b>Economic</b>	Ownership	Access, licences, water rights
	Opportunity	Infrastructure
<b>Environmental</b>	Respect	Water keeps everything in its place
	Relationship	Everything is interconnected

<sup>5</sup> Information contained in this section is First Nations Cultural Knowledge provided for the development and accreditation of Water Resource Plans.

From the subcategories above, the following key values and uses emerged. The table below also indicates whether these values have social, spiritual, cultural, environmental and economic significance as suggested by the MDBA guidelines.

**Table 7. Key values and uses.**

No.	Key value or use	Social	Cultural	Spiritual	Environmental	Economic
1.	The Kwiambal people value the central place / position that water plays as a meeting place, family gathering place and cultural site of significant.	✓	✓	✓		
2.	Historically and contemporarily, the Kwiambal people have utilised water in their daily domestic (social) and recreational life; as a place for picnics, camping, fishing, swimming, playing, car washing, walking and 4 wheel driving, and for drinking, washing, cooking etc.	✓	✓	✓		
3.	To the Kwiambal people, water is life, it keeps everything alive and in its place. It is sacred and is a place of spiritual healing, sacred waterholes and other sites.		✓	✓	✓	
4.	The Kwiambal people recognise the interconnectedness of water; the relationship between rivers and creeks; influenced by flow; seasonality; animals and more, all of which are indicators of a healthy (or not healthy) system.		✓	✓	✓	
5.	The Kwiambal people utilise parts of the water system for healing, health and wellbeing; through medicine trees and edible plants; it can be a place of healing for men and women.		✓	✓		
6.	The Kwiambal people, historically and contemporarily, value the water for its role in facilitating the education of their children and young people; from teaching children to swim, or how to use and care for the land, but also to teach family values	✓	✓		✓	
7.	The Kwiambal people identify water as an important part of their history and place; through storytelling, connection to culture and history, it is a part of identity, and the transfer of knowledge to next generation, and by growing up on the river and sharing water, facilitates cultural flow.	✓	✓	✓	✓	
8.	The Kwiambal people place value on their right to access the water; they recognise the economic opportunities and possibilities that the water and its management bring.	✓	✓		✓	✓



## 6.2. Risks and impacts

Question asked: What challenges these values and uses of water in Kwiambal Nation?

From the consultations the community gave the following responses:

**Table 8. Risks and Impacts: Sub-categories by theme.**

Themes	Sub-categories	Detail
<b>Cultural and socio-political</b>	Lack of cultural awareness	From other stakeholders / users e.g. tourists Ignorance from other stakeholders, e.g. land owners
	Knowledge loss	Gathering, meeting, sharing knowledge about culture is all diminishing Potential loss of culture Knowledge on water use not being passed on (losing history, losing connections and culture)
	Cultural practices adversely impacted	Unable to drink water, wash, play, swim People move away water for better opportunities and because they are unable to access water
<b>Health and wellbeing</b>	Social and recreational	Loss of access
	Poos relationships	Between stakeholders No transparency
<b>Economic</b>	Partnerships between everyone	Communication and engagement between parties is poor
<b>Environmental</b>	External Impacts	Droughts, flood, balance of the water system disrupted, native species adversely affected by introduced species Ultimately affects the flow of the water (quality and quantity)
	Management	Keeping water clean - water pollution from farming (tobacco, cotton) and farm animals (lack of fencing), blue/green algae
	Degradation	Erosion, weeds, introduced species, animal pollution, loss of native plants

From the subcategories above, the following key responses to the risks/impacts emerged. The table below also indicates whether these values have social, spiritual, cultural, environmental and economic significance as suggested by the MDBA guidelines.

Table 9. Response to key risk or impact.

No.	Response to key risk or impact	Social	Cultural	Spiritual	Environmental	Economic
1.	The Kwiambal people see property ownership and fencing as a risk to their water-dependent values and uses through damage and blocking of access.	✓				
2.	The Kwiambal people view land use, particularly farming and agricultural practices, as a risk to their water-dependent values and uses. This is particularly the case in regards to cotton farming and cattle grazing and the introduction and spread of introduced species on natural systems.	✓	✓			✓
3.	The Kwiambal people see inequitable water management practices as a risk to their water-dependent values and uses; the control of flow through management practices and infrastructure in particular.		✓		✓	
4.	The Kwiambal people have witnessed the negative impacts of particular environmental management actions, e.g. water released from the dam is colder than the river and when released is killing fish in the river.		✓	✓	✓	
5.	The Kwiambal people are concerned about the impacts of blue-green algae and no flow and the impacts this has on the broader system.		✓	✓	✓	
6.	The Kwiambal people have experienced an inability to exercise custodianship over the water, and ability to practice culture and transfer knowledge to the next generation, and see that waterways are deteriorating as a result.	✓	✓	✓	✓	
7.	The Kwiambal have significantly less access to their Country, cultural sites and water bodies, due to a variety of reasons, e.g. weeds block access to riverbeds, private land ownership blocks access and the paths to the river are not managed or cared for so older people cannot use them.	✓	✓	✓		

### 6.3. Objectives and outcomes

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

- '**Objectives** are commonly understood to mean 'aspirations' or 'goals', and is often expressed as wishes.'

- ‘**Outcomes** is commonly thought of as the result of achieving an objective – in other words, what happens (or is envisaged to happen) when a wish is fulfilled.’

The consultation process asked the community the following question:

*How could water resources be better managed?*

*What would you like to see happened for water management now, in 5 years and 10 years’ time?*

**Table 10. Key community responses to objectives and outcomes.**

Time period	Objective	Outcome
<b>Now</b>	Acknowledgement and Representation	The Kwiambal people are consulted with all action and decisions that impact on the Kwiambal Nation.
	Commitment	There is a formal commitment to the Kwiambal people that any research and resulting reports, result in appropriate action.
	Protection	The Kwiambal people’s cultural knowledge is stored and protected appropriately and ethically. Cultural sites of significance to the Kwiambal people are protected and preserved.
	Recognition	There is recognition by governing bodies of the need to take immediate action and also recognition and respect of the knowledge of the Traditional Owners and the need to include Traditional Owners in all decisions and decision-making processes.
	Connection	Support is given to help build the connections between western science and cultural science. Cultural practices of water and natural ecosystem management are implemented, e.g. fire burning for cleaning up of riverbeds.
	Education	Non-Aboriginal stakeholders and land/water users receive cultural awareness education.
<b>5 years</b>	Control over water	There is a formal agreement established and the Kwiambal people experience appropriate representation and inclusion in water planning which recognises their unique place as Traditional Owners of that land.
	Access to water sites	The Kwiambal people have improved access to water sites; roads and pathways to public sites are accessible and maintained and there is an agreement with private property owners on how to access sacred sites.
	Economic opportunities	There is the development of a form of Kwiambal local employment plan which includes elements relating to fishing, licencing and management. Kwiambal people have access to income-generating activities relating to the water and its management.

Time period	Objective	Outcome
	Environmental improvements	There is development of a bush regeneration plan and riverbed management plan to reduce weeds and invasive species, and an agreement regarding flow management. There is development of a native species introduction plan with the primary aim of reducing the number and presence of introduced species in the area.
10 years	Cultural flow management	The Kwiambal people maintain control over dam water releases and the development of a water management plan which formally recognises the Kwiambal Nation as managers of the water.
	Environment	Development of a farming management plan which focusses on controlling and regulating land use to protect the waterways.
	Healthy rivers	Coordinated, culturally respectful approaches to management result in a healthy river system, including wetlands and the flora and fauna that reside within the area.

### An emphasis on cultural flows

Kwiambal Nation put emphasis on cultural flows and cultural understanding as a way to manage the water, both now and into the future.

Cultural flows allow for the flow of water from one Nation to another with enough quality and quantity of water to allow for the spiritual, cultural, environmental, social and economic health of the river system. Cultural flows mean that water keeps alive the wetlands, billabongs, and watering holes and allows for the cycle of life to continue.

Kwiambal Nation knows that they can manage the river system and believes it is time for their understanding of water management to be listed to, and for the Nation to take the lead in water management. By employing the Nation to manage the river system the Nation is able to flourish all on levels, and a healthy river system is the benefit of everyone.

The importance of cultural flows can't be understated.

To understand cultural flows requires an understanding of lore. It's not simply about ensuring that the river flows, or that there is enough water for traditional use, like fishing. Lore is about knowing the cycles and ways of the local land, when is the right time for water to flow to so that water holes remain viable, or for the right fish to breed, the right part of the cycle within season. With the damming of waterways and other uses of water the balance has been disrupted.

Ongoing sustainable cultural flows in accordance with Aboriginal cultural knowledge of water is crucial to return health to the waterways. The Nation needs to own this process – it's not a process of percentages but a closely monitored and controlled Aboriginal led way of looking after country.

# Appendix A. Surface water map

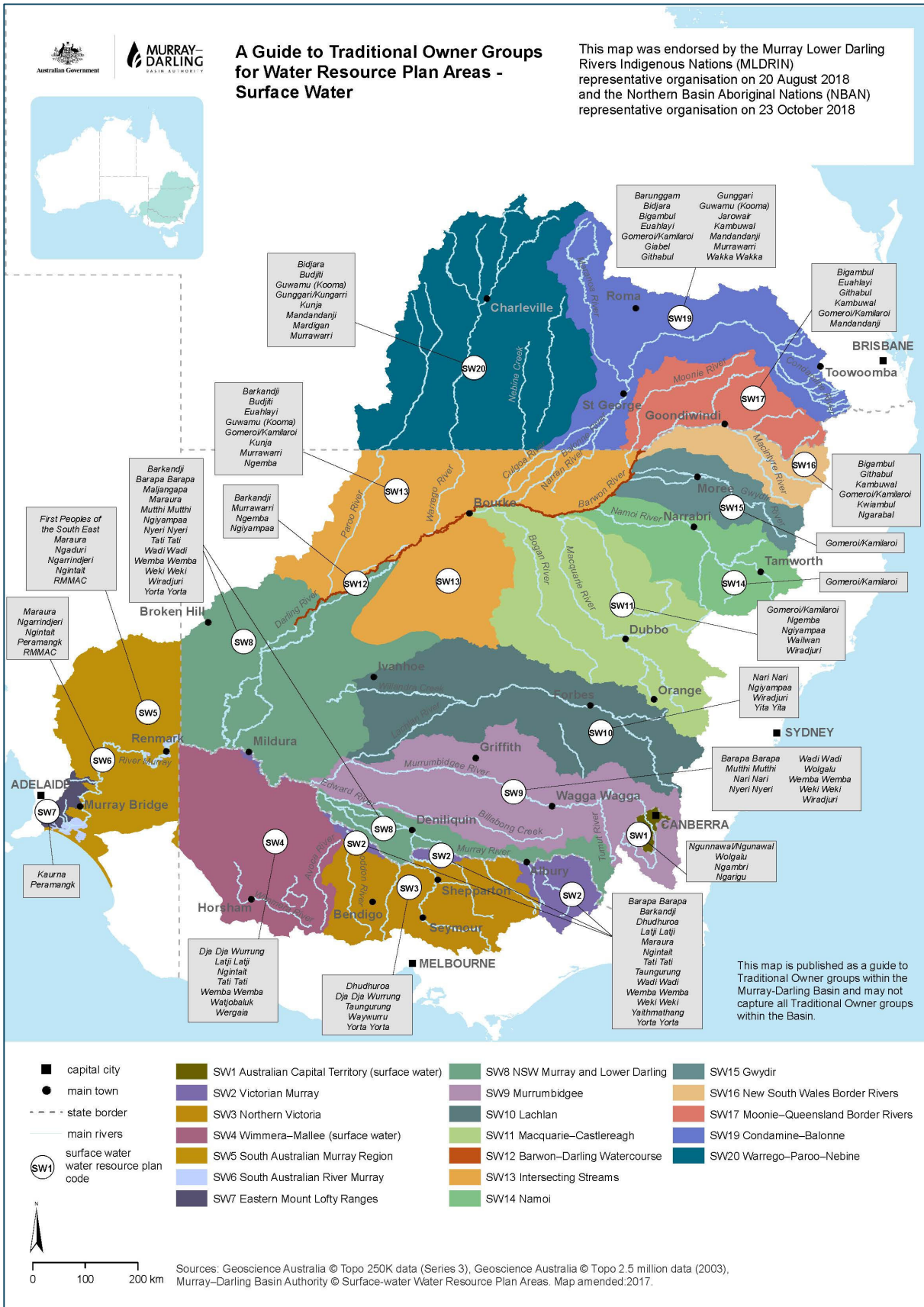


Figure 5. A guide to Traditional Owner groups for WRP areas - surface water.



# Appendix B. Groundwater map

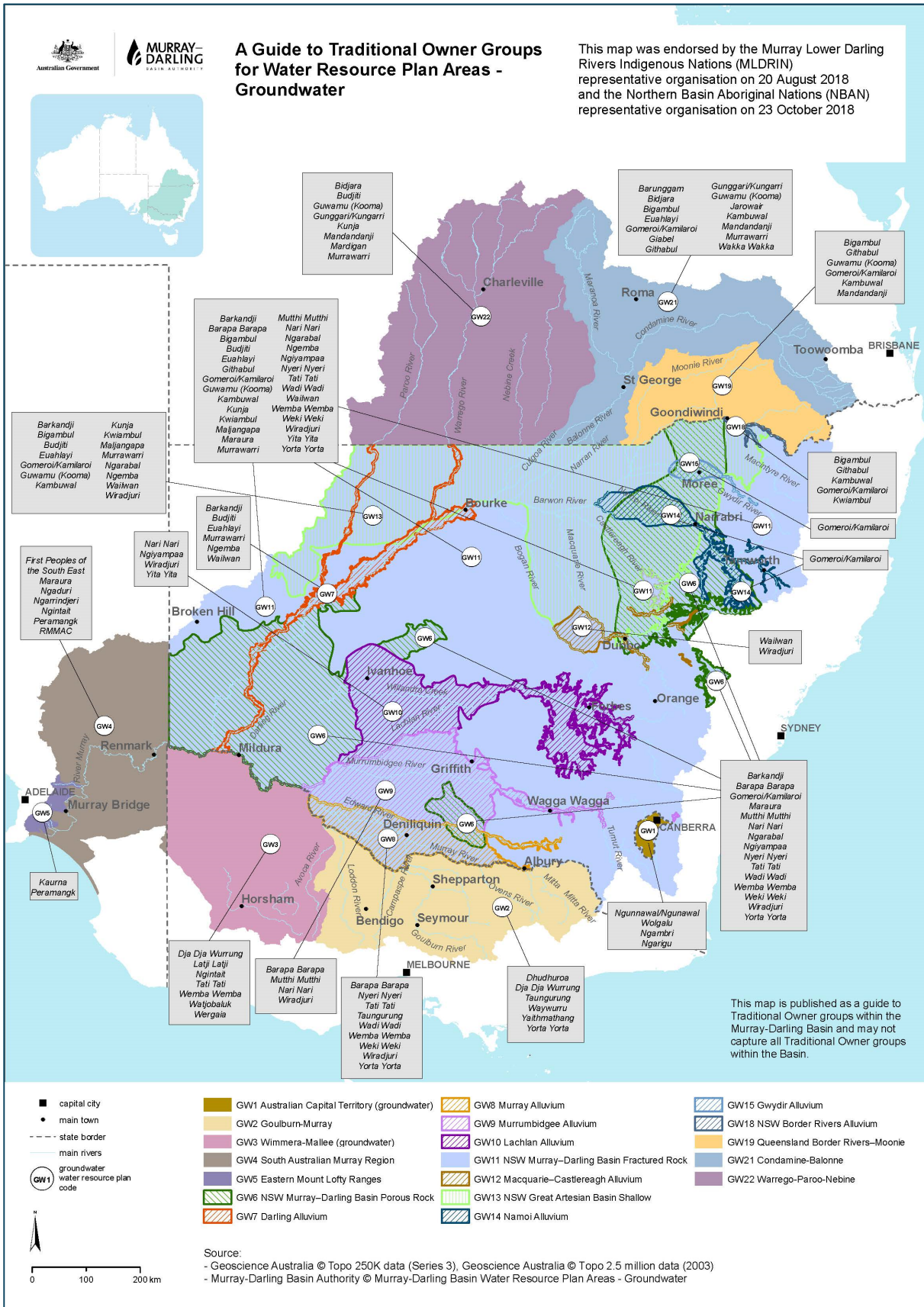


Figure 6. A guide to Traditional Owner groups for WRP areas - groundwater.



## Appendix C. Data use agreement interviews

### INFORMATION USE AGREEMENT

### Face-to-Face Interviews

#### First Nations Culturally Appropriate Nation-Based Consultation

#### For Water Resource Plans

#### NSW Department of Planning, Industry and Environment

This agreement is made on \_\_\_\_\_ 2018

Between \_\_\_\_\_ of \_\_\_\_\_

And Murawin  
of [insert address].

## 1 Background

- 1.1 Murawin has been contracted by Lands & Water, NSW Department of Industry (NSW Department of Planning, Industry and Environment) to conduct culturally appropriate consultation on a nation by nation basis to ensure that the concerns of Traditional Owners are taken into account in the development of NSW Water Resource Plans (WRPs). These consultations will assist NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT Water to meet its objectives in delivering water planning as per the Murray Darling Basin Plan under the *Water Act 2007*. Throughout this agreement, Murawin operate on behalf of NSW Department of Planning, Industry and Environment - Water.
- 1.2 Based in [location], Murawin is a [describe consultant's business including any indigenous ownership]
- 1.3 Murawin and NSW Department of Planning, Industry and Environment - Water are aware that there are culturally appropriate processes and protocols that need to be followed to maintain community confidence in recognising spiritual, social, customary and economic values of water to First Nations people. The consultation aims to be guided by Traditional Owners, including involvement in stakeholder mapping, workshop planning and the review process.
- 1.4 The consultation process will consist of a series of interviews with senior traditional owners in [insert month], including walks on country. These will be followed by a number of workshops in different locations in [insert month]. Opportunity will also be given for people to submit information individually throughout [insert month]. The review process gives Traditional Owners the chance to check the draft consultation report in [insert month].

## 2 Definitions

- **First Nations Cultural Knowledge** means accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources,

and relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs, and cultural laws and customs.

- **Kwiambal Nation** (to be filled in by participant)
- **The Murray Darling Basin Plan** came into effect in November 2012. The Basin Plan legislation guides governments, regional authorities and communities to sustainably manage and use the waters of the Murray–Darling Basin, ensuring water is shared between all users.
- **Objectives** are defined by the Murray Darling Basin Authority as commonly understood to mean ‘aspirations’ or ‘goals’, and are often expressed as wishes.
- **Outcomes** are defined by the Murray Darling Basin Authority as commonly thought of as the result of achieving an objective – in other words, what happens (or is envisaged to happen) when a wish is fulfilled.
- The term **Traditional Owners** is used by the Murray Darling Basin Authority to refer to those with recognised cultural authority to speak for Country.
- **Values and Uses (Water Dependent)** means places, areas, sites and/or practices that have cultural significance to First Nations people and require a certain water quantity or quality to be sustained.

**Water Resource Plans (WRPs)** establish rules to meet environmental and water quality objectives and will take into account potential and emerging risks to water resources. WRPs will play a key role in ensuring implementation of limits on the quantity of surface and groundwater that can be taken from the Murray Darling Basin for consumptive purposes. The NSW Government will develop 20 water resource plans (WRPs) to set out arrangements to share water for consumptive use. These cover many Aboriginal communities across the Murray Darling Basin.

**Water Sharing Plans (WSPs)** establish rules for sharing water between different types of water use and ensure that water is provided for the health of the system. WSPs have been developed for rivers and groundwater systems across New South Wales following the introduction of the Water Management Act 2000. WSPs have a term of ten years. Prior to expiry of the ten year term of a water sharing plan, the plan is reviewed to determine whether it should be extended or replaced. In the inland region of NSW, most water sources will also be subject to the requirements of the Commonwealth’s Basin Plan.

### 3 Your Participation

3.1 As a Kwiambal Traditional Owner, you are invited to participate in a face-to-face-interview to provide information on the following:

- Kwiambal cultural values and uses around water
- Objectives and outcomes to protect and manage these values and uses
- Culturally appropriate guidelines for running a workshop on Kwiambal country

3.2 These are possible ways information may be gathered:

- **Open questions:** a series of open questions will be asked about Kwiambal objectives and outcomes based on water-dependent values and uses.
- **Walks on country:** Opportunity will be given to show assets in a walk on country, including photography with permission. If time doesn’t permit during this interview, a NSW Water Cultural Officer will conduct this at a later stage.

3.3 The interview will be conducted by [insert name] of Murawin at a place and time negotiated with you. There will be other people present in the interview, including Murawin, a local Kwiambal community organiser, and a representative from NSW Department of Planning, Industry and Environment.

3.4 Your participation is voluntary.

3.5 You may withdraw your participation and information at any stage up until the consultation report has been finalised.

## 4 Purpose and Scope

4.1 The information gathered from you will be organised with other interview data by Murawin and used to structure a series of workshops on Kwiambal country in [insert month]. The workshops will be organised in a culturally appropriate way according to advice given by you and other Traditional Owners.

4.2 Information from both the interviews and the workshop will be used by Murawin to write a consultation report on objectives and outcomes based on Kwiambal water-dependent values and uses.

4.3 Information from this report will be used by NSW Department of Planning, Industry and Environment to meet the requirements in Chapter 10, part 14, sections 10.52 – 10.55 of the Basin Plan. These ensure that the concerns of Traditional Owners regarding their stated objectives and outcomes based on water-dependent values and uses are taken into account in the water resource planning process. The consultation will be used to outline these processes in the following WRPs:

- **Surface Water WRPs:** [insert names of WRPs]
- **Groundwater WRPs:** [insert names of WRPs]

4.4 Water Resource Plans specify how water will be shared and managed within a specified area. They will incorporate existing water planning and management within NSW (including Water Sharing Plans), as well as be consistent with Basin Plan requirements. It is hoped that First Nations people will wish to be involved in water planning in the future. This round of consultations for the development of WRPs will establish a basis for how culturally appropriate consultation can be incorporated into future water planning in NSW.



## 5 First Nations Cultural Knowledge

5.1 Any First Nations Cultural Knowledge you provide as part of this consultation is owned by either yourself or a legal entity nominated by you, as a representative of the Kwiambal Nation.

5.2 First Nations Cultural Knowledge might be collected as part of this interview in one or more of the following ways:

- in a voice recording of the interview process
- in written notes taken as part of the interview process
- in photographs of values and assets on country

5.3 When providing First Nations Cultural Knowledge, you must identify it appropriately and clearly acknowledge to Murawin what you are willing to share with NSW Department of Planning, Industry and Environment.

5.4 First Nations Cultural Knowledge provided to NSW Department of Planning, Industry and Environment as part of this consultation will be clearly marked. It can only be used by NSW Department of Planning, Industry and Environment in the following ways:

- in the development and creation of WRPs

- to obtain accreditation for the WRP from the Murray Darling Basin Authority
- for water planning in NSW
- and for internal research and education

5.5 If NSW Department of Planning, Industry and Environment wants to use the First Nations Cultural Knowledge provided as part of the consultation in a way other than those listed in 5.4, it must approach you or your nominated representative.

5.6 To ensure best possible protection measures, in some cases, approximate locations of cultural values and assets may need to be recorded. You do not need to share exact locations.

## 6 Data Collection and Storage

6.1 The information you contribute to the consultation report will be deidentified. It will not include your name, but will include a reference number.

6.2 A list with your name and associated reference number will be stored by NSW NSW Department of Planning, Industry and Environment in a password-protected database, separate to the consultation report and accessible only with your permission by First Nations Cultural Water Officers.

6.3 Murawin would like to gather some personal information from you such as your family group, gender and age range to be used to organise information gathered. Passing on this information is voluntary.

6.4 Murawin would like to create an audio recording and take written notes during your interview. The written notes will only include First Nations Cultural Knowledge you wish to share with NSW Department of Planning, Industry and Environment. The audio recording will be used solely to check accuracy of notes. If you permit Murawin to record your interview, please advise below.

6.5 On completion of the Water Resource Plan, the interview recording will be returned to you or a representative of your choice. This interview recording may contain First Nations Cultural Knowledge you do not wish to disclose to NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT Water. Please nominate below who you would like this returned to.

6.6 Murawin will temporarily store the deidentified audio recording on a password protected computer only accessible by [consultant names]. This copy will be destroyed once the consultation report has been written.

6.7 Murawin will store deidentified written interview notes on a password protected computer only accessible by Murawin. This will be saved until the completion of the NSW consultation, for up to two years.

6.8 Any photos taken during the course of the interview will be checked with you before being included in the final consultation report. Photos not used in this report will be returned to you or a nominated representative of your choice.

6.9 NSW Department of Planning, Industry and Environment can only store your First Nations Cultural Knowledge:

- as part of the final consultation report provided by Murawin
- as part of the Water Resource Plan

## 7 Publication and Review

7.1 You will have the opportunity to review the draft consultation report with Murawin at one stage in [insert month] 2018. Please indicate below whether you would like to do this by [phone or email].

7.2 Traditional Owner viewpoints will be prioritised as part of this consultation and in the review of the draft.

## 8 Contacts

Please contact the following people for more information or clarification:

**Murawin**

[insert names]

**NSW Department of Planning,  
Industry and Environment**

Darren Murray

0418 647 836

[darren.murray@dpi.nsw.gov.au](mailto:darren.murray@dpi.nsw.gov.au)

Kara Talbot

[kara.talbot@dpi.nsw.gov.au](mailto:kara.talbot@dpi.nsw.gov.au)

# AGREEMENT: Face-to-Face Interviews

## First Nations Culturally Appropriate Nation-Based Consultation

### For Water Resource Plans (NSW Department of Planning, Industry and Environment)

- I have read the information use agreement or have had it read to me.
- I understand my participation in this consultation is voluntary and that I can withdraw at any time up until the consultation report is finalised.
- I **DO / DO NOT** (*please circle*) consent to Murawin recording my interview for the purposes of cross checking information only.

I understand the recording and any photos taken will be stored temporarily by Murawin. After the completion of the project, I would like the recording and any photos:

- Returned to me and all other copies destroyed.
- Given to .....of..... as my authorised representative for storage and all other copies destroyed.

I would like the opportunity to review the draft consultation report

- in person                      Or                       via email.
- I commit to identifying any First Nations Cultural Knowledge I provide that may or may not be used by NSW Department of Planning, Industry and Environment for the purposes of creating WRPs.

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Contact: \_\_\_\_\_ Contact: \_\_\_\_\_

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

(Director: Murawin)

## Appendix D. Data use agreement workshops

### PARTICIPANT INFORMATION SHEET

#### Workshops (Kwiambal)

#### First Nations Culturally Appropriate Nation-Based Consultation For Water Resource Plans

#### NSW Department of Planning, Industry and Environment

Thank you for agreeing to participate in the consultation workshops held by NSW Department of Industry, Water (NSW Department of Planning, Industry and Environment) from [insert dates].

#### **Purpose**

NSW Department of Planning, Industry and Environment is conducting culturally appropriate consultation on a nation-by-nation basis to ensure that the concerns of Traditional Owners are taken into account in the development of NSW Water Resource Plans (WRPs). These consultations will assist NSW Department of Planning, Industry and Environment Water to meet its objectives in delivering water planning as per the Murray Darling Basin Plan under the *Water Act 2007*.

NSW Department of Planning, Industry and Environment will be gathering information about First Nations values and uses of water. You will also be asked to identify any potential risks to these values and uses, as well as some objectives and outcomes for their preservation and management.

#### **Information Use**

Murawin, on behalf of NSW Department of Planning, Industry and Environment Water, will be gathering written notes on information you provide. These will be used to write a consultation report to inform the development of specific Water Resource Plans in New South Wales. Notes from the workshop will be retained by Murawin for review purposes, but will not be given to NSW Department of Planning, Industry and Environment. The report and notes will not be used for any other purpose.

Your name will not be stored with any of the information provided. Your name and other details you choose to provide on the participant register will be used for feedback and statistics only.

#### **Photography**

Murawin may take photos throughout the workshop for use in the consultation report and on NSW Department of Planning, Industry and Environment's internal social media. Please indicate your consent below.

#### **Review**

Senior Traditional Owners will have the opportunity to review the draft consultation report. All stakeholders will be given the opportunity to view Water Resource Plans as they go on public exhibition throughout 2018/2019.

Please contact [insert consultants names and numbers] for more information.

# PARTICIPANT AGREEMENT

## Workshops Kwiambal

### First Nations Culturally Appropriate Nation-Based Consultation

### For Water Resource Plans

### NSW Department of Planning, Industry and Environment

- I have been provided information about this workshop and understand its purpose.
- I understand my participation in this workshop is voluntary.
- I consent to Murawin and NSW Department of Planning, Industry and Environment collecting notes on my feedback and using them to provide a consultation report for writing Water Resource Plans.
- I DO/DO NOT (please circle) consent to Murawin including me in photos of the workshop for the consultation report and N NSW Department of Planning, Industry and Environment's internal social media.
- I would like my details below to be added to a list for further consultation and information about water planning in New South Wales.

Name: \_\_\_\_\_

Signed: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Date: \_\_\_\_\_