

# Warrego, Paroo, Bulloo and Nebine water resource plan and resource operations plan

## Cultural assessment report

April 2014

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## **Acknowledgement of Traditional Owners**

The Department of Natural Resources and Mines (the department) acknowledges and pays respect to the Traditional Owners and their groups in the Warrego, Paroo, Bulloo and Nebine catchments. The contributions of earlier generations, including the Elders, who passed on their knowledge of natural resource management, are also valued and respected.

The department also acknowledges that the Traditional Owners of these catchments have a deep cultural connection to their lands and waters. The department understands the need for recognition of Traditional Owner knowledge and cultural values in water planning.

# 1. About water planning

Water planning provides a way to sustainably manage water within a catchment into the future. Sustainable management of water in water planning means that water is provided to maintain the wellbeing of people and the environment. It also includes the recognition of Aboriginal and Torres Strait Islander interests and connection with water in the landscape. The water planning area for the Warrego, Paroo, Bulloo and Nebine catchments is shown in Figure 1 below. There is a water resource plan for this area that has been in place since 2003. This plan is now being reviewed to assess whether changes need to be made to better manage the water in the rivers, lakes and groundwater.

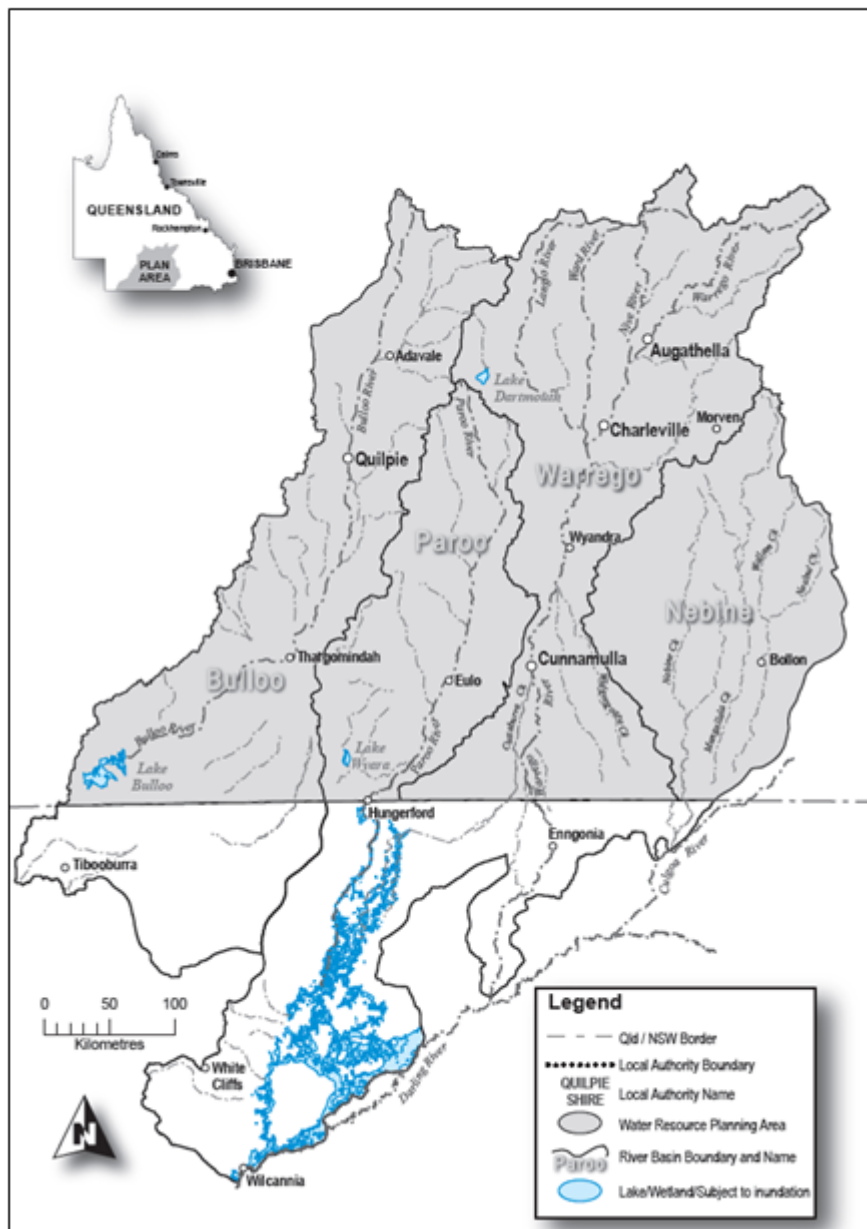


Figure 1: Warrego, Paroo, Bulloo and Nebine water resource plan area



## 2. Getting Aboriginal voices into water planning

The Aboriginal groups identified in the Warrego, Paroo, Bulloo and Nebine catchments area are:

- Kooma
- Bidjara
- Kunja
- Mardigan
- Budjiti
- Kullilli

Past consultation regarding water planning in the area has identified the Northern Basin Aboriginal Nations (NBAN) and Far South West Aboriginal Natural Resource Management (NRM) groups as organisations that represent these Aboriginal groups—in conjunction with the Elders from each group.

The Australian Government held a round of consultations in the catchments for the Murray-Darling Basin Plan and the Queensland Government has been consulting with the South West Aboriginal NRM Group during the development of the draft Healthy Waters Management Plan. Both of these processes included talking to local Aboriginal people over the last couple of years about issues relating to water.

This document aims to avoid duplication of information and discussion topics by making the best use of the significant contribution already made by local Aboriginal people to water planning. The issues raised in previous consultation processes with local Aboriginal people have been summarised in this document as a basis for further consultation to inform water planning in the Warrego, Paroo, Bulloo and Nebine catchments.

### 3. The importance of water to Aboriginal people in the Warrego, Paroo, Bulloo and Nebine catchments

It is understood that the value placed on water to Aboriginal people is not restricted to physical sites and items but is all encompassing of the health and function of the environment and broader landscapes.

It is recognised that there are values and protocols of men's and women's business that relate to water which are culturally sensitive and are not discussed openly (Far South West Aboriginal Natural Resource Management (FSWANRM) Group n.d.). It is acknowledged that only the commonly known places and stories can be discussed openly (FSWANRM Group n.d.). It is also understood that places and stories can hold different cultural values and significance between Aboriginal groups. Furthermore, Aboriginal groups can have the same cultural values associated with certain places and stories (FSWANRM Group n.d.).

Consultation already conducted on the Murray–Darling Basin Plan (Basin Plan) and for the draft Healthy Waters Management Plan raised many issues relating to how water is currently managed. Attachment 1 provides a summary of each of the consultation documents used to help compile and identify the following values.

Some of the values identified by local Aboriginal people cannot be managed by a water resource plan but have been included in order to understand the full range of water related values in the catchments.

#### 3.1. Allan Tannock Weir, Cunnamulla

A number of submissions to the Murray-Darling Basin Authority from Aboriginal people, as well as feedback received by the department for the draft Healthy Waters Management Plan, raised issues about management arrangements at Allan Tannock Weir, Cunnamulla. The main issue for local Aboriginal people is understood to be that they cannot access water like they used to before the weir was built because it has interrupted the normal flow of water. It has also resulted in fish strandings as the fish cannot move safely up or down stream. Some submitters on the proposed Basin Plan mentioned that people have taken to trucking stranded fish up and down the river. Subsequently, there is strong community support for a fish ladder at the weir.

The community also raised the issue of siltation in the weir as another problem related to interruption of the natural flow of the river.

#### 3.2. Groundwater and natural springs

The availability of good quality Great Artesian Basin water and subartesian water, accessed by natural springs, was recognised as a value to the community in the consultation report for the draft Healthy Waters Management Plan. Springs are recognised as places of recreation and storytelling. As one submitter on the proposed Basin Plan said *'the old belief is that bore water is the blood of the rainbow serpent and we should not be digging down to it. Springs is where it comes up, and that is acceptable'*.

Since some of the bores that access the Great Artesian Basin water have been capped, natural springs in Budjiti country have regenerated. These springs are an important water source for local Aboriginal people to enable them to travel across country. There are rock

wells dug by ancestors that also enable travel across country (FSWANRM Group n.d.). Some of these wells are associated with either women's or men's business (FSWANRM Group n.d.).

Mound springs were also identified in the Gundabooka submission on the draft Warrego, Paroo, Bulloo and Nebine Water Resource Plan in 2003 as significant cultural sites that need protection. Youlain Springs, west of Lake Wyara near the border of the Bulloo and Paroo catchments, was located on an archaeological investigation and is believed to be 13 000 years old and has evidence of cultural activity with animal bones, stone artefacts and hearths found on site (Robins 1998).

### **3.3. Rivers and waterholes**

Rivers and waterholes are understood to be intrinsically valued by local Aboriginal people in the Warrego, Paroo, Bulloo and Nebine catchments. Throughout the entire region, rivers and waterholes are valued as a place for recreation, storytelling and fishing. Locations along the Warrego River have been identified as places of storytelling, singing and birthing sites (FSWANRM Group n.d.). Waterholes are also places of family activities and fishing (FSWANRM Group 2008). There are many permanent waterholes in the plan area which are identified in the draft Healthy Waters Management Plan Initial Consultation Report. The Caiwarro Waterhole on the Paroo River has been identified as a resting place of an ancestral being as well as a place for fishing and ceremonies (FSWANRM Group n.d.).

### **3.4. Wetlands**

The Currawinya Lakes in Currawinya National Park, which is in the Paroo catchment, is a nationally significant wetland system that holds cultural value to local Aboriginal people and is also a RAMSAR wetland (FSWANRM Group 2008, SWNRM 2011).

### **3.5. Fish traps**

There are fish traps within the Warrego, Paroo, Bulloo and Nebine region that hold cultural significance and need protection (FSWANRM Group n.d., FSWANRM Group 2008). The Piastre fish traps are located in Mardigan country. These traps are relatively intact and have been used to catch fish in times of flood (FSWANRM Group 2008).

### **3.6. Earthen and stone arrangements**

There are numerous earthen and stone arrangements on floodplains identified as cultural heritage in the Warrego, Paroo, Bulloo and Nebine catchments. These arrangements and earthen circles would have been associated with initiations and religious ceremonies and generally consist of bare areas of ground surrounded by roughly circular, low mounds.

### **3.7. Scarred and carved trees**

There are places recognised in the Warrego, Paroo, Bulloo and Nebine catchments which have scarred and carved trees (FSWANRM Group 2008). South west of Cunnamulla there is a box gum with foot holes cut into the trunk. These were most likely used to enable Traditional Owners to catch possums. North east of Charleville on the Warrego River, there is a large canoe scar on a box gum. There is a scar tree located on Cubby Station that Traditional Owners have asked to be protected (FSWANRM Group 2008).



### **3.8. Middens**

Shell middens range considerably in size and are found along inland floodplains and lakes in Queensland. There are middens recognised in the far south west of the Bulloo catchment containing predominantly mussel shells, stone artefacts, clay and stone hearths and European artefacts (FSWANRM Group 2008).

### **3.9. Hearths**

Hearths are the ash and charcoal remains of ancient campfires and earth ovens. These are often found near fresh water on the plains of western Queensland (Robins 1998). In the far south of the Bulloo catchment there is a hearth made out of an ant mound rather than stone.

### **3.10. Burial grounds**

A submission made to the Murray–Darling Basin Authority on the proposed Basin Plan stated that there are burial grounds along the rivers—the submitter did not specify which river or catchment but it highlights that value is placed on these sites.

### **3.11. Culturally significant plants and animals**

From the public submissions on the proposed Basin Plan, the consultation report from the draft Healthy Waters Management Plan, the submission on the current plan by Gundabooka and other consultation documents, it is understood that the following plants and animals are among those important to local aboriginal people:

- Murray river cod
- Catfish
- Yellow belly
- Mussels
- Cray fish
- Yabbies
- Kangaroo
- Emu
- Berries
- Witchetty grubs
- Mulga

These species are important to local Aboriginal people for food, trade, storytelling and ceremonies.

### **3.12. Native title claims and Indigenous land use agreements**

Native title is the recognition by Australian law that Aboriginal people have rights and interests to their land that come from their traditional laws and customs (NNTT 2011). At the time of writing this document, there were nine native title claims identified in the Warrego, Paroo, Bulloo and Nebine catchments covering approximately 310 632 square kilometres (DATSIMA 2012). Some of these claims cover multiple catchments as well as other native

title claims. More detail on the native title claims in the Warrego, Paroo, Bulloo and Nebine catchments is provided in Attachment 2.

The Commonwealth *Native Title Act 1993* provides for Indigenous land use agreements between native title holders or claimants and other interested parties about how land and/or water in a particular area will be used and managed in the future. At the time of writing this document, there are seven Indigenous land use agreements in the Warrego, Paroo, Bulloo and Nebine catchments and a further seven that are being determined for registration (DATSIMA 2012). A majority of the agreements to be registered are in the Nebine catchment. The registered Indigenous land use agreements are mostly in the Bulloo and Paroo catchments. More detail on the Indigenous land use agreements in the Warrego, Paroo, Bulloo and Nebine catchments is provided in Attachment 3.

The consideration of these native title claims and Indigenous land use agreements is a requirement under the Basin Plan—see Attachment 4.

It is also a requirement of the Basin Plan to consider registered Aboriginal heritage relating to water that could exist in the Warrego, Paroo, Bulloo and Nebine catchments. There will be opportunity to discuss any concern that local Aboriginal people may have with registered and unregistered Aboriginal heritage in the Warrego, Paroo, Bulloo and Nebine catchments during consultation for the review of the water resource plan.

### **3.13. Initial consultation**

Departmental staff met with representatives from the Kooma, Bidjara, Kunja, Mardigan, Budjiti and Kullilli groups on May 24, 2013 in Charleville. The meeting provided the opportunity to hear what Aboriginal representatives want to see considered in the water resource plan and resource operations plan and for departmental officers to provide information on water management and the water planning process.

Key recommendations from the group included:

- Inclusion in the water resource plan of a preamble similar to the ‘Acknowledgement of the Traditional Owners of the Murray–Darling Basin’ text from the Basin Plan.
- Have provisions in plan for groundwater specifically for Aboriginal people’s use for economic and cultural purposes—which could also be traded.
- Fees associated with purchase, trading, and use of water by Traditional Owners should be waived.
- Traditional Owners should have decisionmaking rights regarding the extraction of sand and gravel from watercourses.
- Existing unallocated surface water should be earmarked for Aboriginal people’s use (economic and cultural).
- Fish ladders should be installed on weirs in Warrego and Paroo.
- Fees to be paid to Traditional Owners for road construction water and for cultural heritage assessments on access roads.

## 4. Discussion on cultural flows

Cultural flows will be considered along with other water values identified by local Aboriginal people to help translate the relationship that local Aboriginal people have with water into the language of water planning and management. The Murray-Darling Basin Authority states that the provision of cultural flows has the potential to benefit local Aboriginal people by enabling them to care for their country and undertake cultural activities (MDBA 2012). It also provides an important and respectful acknowledgement of Aboriginal culture, traditional knowledge and spiritual attachment to place (MDBA 2012).

The following definition of cultural flows has been agreed upon by the Northern Basin Aboriginal Nations and Murray Lower Darling Rivers Indigenous Nations and is recognised in the Basin Plan:

- *“Water entitlements that are legally and beneficially owned by the Indigenous Nations and are of sufficient and adequate quantity to improve the spiritual, cultural, environmental, social and economic conditions of those Indigenous Nations. This is our inherent right” (MDBA 2012, p. 12).*

The Basin Plan defines Indigenous values and uses in the context of water planning:

- Indigenous values: *the social, spiritual and cultural values of Indigenous people that relate to the water resources of the water resource plan area.*
- Indigenous uses: *the social, spiritual and cultural uses of the water resources of the water resource plan area by Indigenous people.*

Additionally, the Healthy Waters Management Plan seeks to establish environmental values, which include cultural, ceremonial and spiritual values, aquatic ecosystem values and human consumption values, in south west Queensland. Cultural, ceremonial and spiritual values for this process are defined as aesthetic, historical, scientific, social or other significance to the past, present or future generations.

The definition in this context includes non-Aboriginal values as well as Aboriginal people's values.

## **5. Supporting Aboriginal values and uses of water in the Warrego, Paroo, Bulloo and Nebine catchments**

The current water resource plan has management arrangements to protect waterholes, lakes and springs. This is done by limiting the take of water from these water sources to maintain the ecological health and function of the ecosystem. This helps to maintain the health and integrity of these systems and in turn assists in the protection of cultural values that link to this water.

Flooding of the landscape provides for many biological functions, such as the refreshing of waterholes and wetlands, that are important to Aboriginal people in the Warrego, Paroo, Bulloo and Nebine catchments. The level of water extracted is small in this context but there are arrangements in the current water resource plan to manage this take and ensure that flooding regimes continue to occur in the catchments.

There are requirements to monitor the performance of the plan against the ecological and other objectives that are stated in the plan. Certain species of plants and animals that represent the water requirements of the ecosystem are identified and assessed using research and monitoring information provided by the department and other organisations.

There are opportunities for local communities to access water for several purposes, including ecotourism, stock and domestic and recreational use. There are conditions in place to make sure that the granting of this water does not impact on other water users or on the ecological values that have been identified in the plan.

## 6. Development of the new water resource plan

A new water resource plan is being developed for the Warrego, Paroo, Bulloo and Nebine catchments.

It will be important to continue the management arrangements to protect waterholes, lakes and springs in order to maintain the values that they hold for local Aboriginal people. It will also be necessary to continue to monitor certain species of animals and plants to understand the health and function of the broader ecosystems response to water management under the plan.

Flooding will always be an important function of the ecosystem in the Warrego, Paroo, Bulloo and Nebine catchments and it will be important to continue to manage the take of flood water sustainably in order to maintain and support cultural values.

While it is understood that cultural flows support Indigenous Aboriginal cultural values and uses of water, it will be important to understand what this means to local Aboriginal people.

Groundwater will be managed under the plan for the first time and it will be important to better understand the value and use of groundwater for local Aboriginal people.

Officers from the department will be seeking opportunities to speak and listen to the Northern Basin Aboriginal Nations, the Far South West Natural Resource Management Aboriginal Group and Elders on these matters before and after release of a draft water resource plan.

If you would like to discuss any of the content in this document, you can do this by talking in person with us or sending us your views by mail or online.

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<b>Email</b>	WRPWarregoParooBullooNebine@dnrm.qld.gov.au

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South West NRM Ltd 2011, 'Draft Healthy Waters Management Plan, Initial Consultation Report-Community Environmental Values for water quality within the South West NRM Region of Queensland', South West NRM Ltd, Charleville, Queensland.

*Water Act 2007* (Commonwealth)

*Water Act 2000* (Queensland)

Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003

## 8. Attachments

### Attachment 1: Summary of documents

#### **A yarn on the river: Getting Aboriginal voices into the Basin Plan 2011**

Published by the Murray–Darling Basin Authority (the Authority), ‘A yarn on the river’ is a document created to inform Aboriginal people in the Murray–Darling Basin of the provisions in the proposed Basin Plan and to assist Aboriginal people in having their say about what could be contained in the final Basin Plan.

The Murray Lower Darling Rivers Indigenous Nations and Northern Basin Aboriginal Nations helped the Authority produce this document by providing the Aboriginal perspective on natural resource management and cultural issues for the Basin Plan. The document focuses heavily on cultural flows and how this is translated by Aboriginal people.

#### **Caring for Country, Culture and People: the South West Queensland Traditional Owner Natural Resource Management and Cultural Heritage Plan 2008**

The document is a joint initiative by South West NRM Ltd and Far South West Aboriginal NRM and describes local Aboriginal people's interests, issues and actions concerning natural resource management and cultural heritage in South West Queensland. It includes knowledge from all six Aboriginal groups in the region. It is stressed throughout the document that the traditional lifestyle of local Aboriginal people has a unique culture that is still present in the landscapes today in the form of physical and spiritual locations.

#### **Caring for Water on Country in South West Queensland 2012**

This report captures feedback during a workshop from Traditional Owners of the Kooma, Budjiti, Mardigan, Kullilli and Kunja groups as well as Traditional Owners from the neighbouring Nations of Murrawarri and Boonthamurra.

The workshop was facilitated by Karen Tully from Mulga Solutions who was contracted by South West NRM. Traditional Owners were invited to provide input in regard to the cultural and spiritual values associated with groundwater and surface water in south west Queensland in regards to the potential impacts that coal seam gas or coal mining developments might have on significant water sites, which of these sites might need to be protected and how this protection could be implemented.

The report captures the valuable feedback and input gained during the workshop particularly regarding cultural and spiritual values connected to water. The report also contains quotes from the workshop participants regarding stories of cultural, spiritual and physical connection to water.

#### **Cultural Heritage Map of Queensland**

The Cultural Heritage Map of Queensland authored by Bassani et al. (2009) documents the various types of cultural heritage across Queensland and identifies and describes cultural heritage areas in Queensland.

## **Draft Healthy Waters Management Plan Initial Consultation Report—Community Environmental Values for Water Quality within the South West Natural Resource Management Region of Queensland 2012**

The purpose of the consultation report was to document and measure the values placed on various environmental functions and objects associated with water quality in rivers and creeks in south west Queensland. Cultural and spiritual values associated with water quality are one of the aspects of establishing environmental value. There were two public forums facilitated by departmental staff and South West NRM, held in Longreach<sup>1</sup> and Charleville that specifically sought input from local Aboriginal people. From the consultation conducted, all catchment areas were identified as having cultural and spiritual values.

## **Gundabooka Consulting Ltd Response to the draft Warrego, Paroo, Bulloo and Nebine Water Resource Plan 2003**

Gundabooka Consulting Ltd submitted a response to the department on the draft Warrego, Paroo, Bulloo and Nebine Water Resource Plan in 2003. The primary purpose of the submission was to *'explore and prepare for the implementation of effective and efficient mechanisms for Indigenous participation in NRM planning and implementation activities in the Queensland Murray-Darling Basin and South West Natural Resource Management Region. This is to ensure that Traditional Owner and other indigenous issues, concerns and values in relation to managing the land and rivers within the Basin and South West regions are included and addressed across the range of future Natural Resource Management plans as well as to establish the mechanism for ongoing participation in regional Natural Resource Management planning processes'* (p.35).

Two formal meetings, in Cunnamulla and Toowoomba, and a series of informal meetings were held to discuss various perspectives and concerns about cultural values and obligations in the area. These concerns were broken down into the following categories:

- cultural/environmental issues
- social issues
- economic issues.

## **Submissions on the proposed Basin Plan 2012**

There were many submissions received by the Murray–Darling Basin Authority on the proposed Basin Plan on Indigenous values and uses of water in the area.

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<sup>1</sup> Feedback from Ancestral Owners from the Longreach Salt 2 Dust forum is out of scope for this paper.



## Attachment 2: Native title claims in the Warrego, Paroo, Bulloo and Nebine catchments <sup>2</sup>

WRPNAME	WRPREGION	FC_No	Tribunal_No	Name	Date_Lodged	Status	Date_Status_Effective
Warrego	Warrego Paroo Bulloo Nebine	QUD23/06	QC06/5	Karingbal 2	20/01/2006	Active	20/01/2006
Warrego	Warrego Paroo Bulloo Nebine	QUD6027/01	QC01/28	Gunggari People 2	23/08/2001	Active	23/08/2001
Warrego	Warrego Paroo Bulloo Nebine	QUD216/08	QC08/5	Bidjara People	23/07/2008	Active	23/07/2008
Warrego	Warrego Paroo Bulloo Nebine	QUD245/11	QC11/4	Brown River People	29/08/2011	Active	29/08/2011
Warrego	Warrego Paroo Bulloo Nebine	QUD504/11	QC11/7	Kooma People #4	18/11/2011	Active	18/11/2011
Warrego	Warrego Paroo Bulloo Nebine	QUD53/07	QC07/2	Budjiti People	20/02/2007	Active	20/02/2007
Bulloo	Warrego Paroo Bulloo Nebine	QUD52/08	QC08/3	Wongkumara People	11/03/2008	Active	11/03/2008
Bulloo	Warrego Paroo Bulloo Nebine	QUD80/09	QC09/1	Kulilli People	23/03/2009	Active	23/03/2009
Bulloo	Warrego Paroo Bulloo Nebine	QUD216/08	QC08/5	Bidjara People	23/07/2008	Active	23/07/2008
Bulloo	Warrego Paroo Bulloo Nebine	QUD435/06	QC06/15	Boonthamurra People	02/11/2006	Active	02/11/2006
Bulloo	Warrego Paroo Bulloo Nebine	QUD26/07	QC07/1	Mardigan People	17/01/2007	Active	17/01/2007
Bulloo	Warrego Paroo Bulloo Nebine	QUD53/07	QC07/2	Budjiti People	20/02/2007	Active	20/02/2007
Paroo	Warrego Paroo Bulloo Nebine	QUD80/09	QC09/1	Kulilli People	23/03/2009	Active	23/03/2009
Paroo	Warrego Paroo Bulloo Nebine	QUD216/08	QC08/5	Bidjara People	23/07/2008	Active	23/07/2008
Paroo	Warrego Paroo Bulloo Nebine	QUD26/07	QC07/1	Mardigan People	17/01/2007	Active	17/01/2007
Paroo	Warrego Paroo Bulloo Nebine	QUD53/07	QC07/2	Budjiti People	20/02/2007	Active	20/02/2007
Nebine	Warrego Paroo Bulloo Nebine	QUD6027/01	QC01/28	Gunggari People 2	23/08/2001	Active	23/08/2001
Nebine	Warrego Paroo Bulloo Nebine	QUD216/08	QC08/5	Bidjara People	23/07/2008	Active	23/07/2008
Nebine	Warrego Paroo Bulloo Nebine	QUD504/11	QC11/7	Kooma People #4	18/11/2011	Active	18/11/2011

<sup>2</sup> Accurate as at 5 July 2012

### Attachment 3: Indigenous land use agreements <sup>3</sup>

WRPNAME	WRPREGION	Tribunal_No	Name	Agreement_Status	Date_Lodged	Date_Notified	Dat
Warrego	Warrego Paroo Bulloo Nebine	QI2008/002	Gunggari Local Government ILUA	Registered	30/06/2008	10/09/2008	10/
Warrego	Warrego Paroo Bulloo Nebine	QI2012/046	Gunggari People and Ergon Energy ILUA	In notification	16/04/2012	06/06/2012	06/
Bulloo	Warrego Paroo Bulloo Nebine	QI2003/041	Yowah and Gulpie Small Scale Opal Mining ILUA	Registered	30/11/2004	26/01/2005	26/
Bulloo	Warrego Paroo Bulloo Nebine	QI2002/063	Boonthamurra Opal ILUA	Registered	21/08/2003	08/10/2003	08/
Paroo	Warrego Paroo Bulloo Nebine	QI2003/041	Yowah and Gulpie Small Scale Opal Mining ILUA	Registered	30/11/2004	26/01/2005	26/
Paroo	Warrego Paroo Bulloo Nebine	QI2004/034	Small Scale Mining and Exploration Activities Queensland South Area Yowah Cleared Area Budjiti & Mardigan People	Registered	30/11/2004	26/01/2005	26/
Paroo	Warrego Paroo Bulloo Nebine	QI2002/059	Small Mining Project Yowah Area	Registered	10/11/2003	14/01/2004	14/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/047	Gunggari People Leinster West ILUA	In notification	19/04/2012	06/06/2012	06/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/048	Gunggari People Rundalus ILUA	In notification	19/04/2012	06/06/2012	06/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/049	Gunggari People Ularunda ILUA	In notification	19/04/2012	06/06/2012	06/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/057	Gunggari People Kalyan ILUA	In notification	30/04/2012	06/06/2012	06/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/058	Gunggari People Sherwood (aka Karatang) ILUA	In notification	30/04/2012	06/06/2012	06/
Nebine	Warrego Paroo Bulloo Nebine	QI2008/002	Gunggari Local Government ILUA	Registered	30/06/2008	10/09/2008	10/
Nebine	Warrego Paroo Bulloo Nebine	QI2012/046	Gunggari People and Ergon Energy ILUA	In notification	16/04/2012	06/06/2012	06/

<sup>3</sup> Accurate as at 5 July 2012

## Attachment 4:Murray–Darling Basin Plan requirements

### Part 14—Indigenous values and uses

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

#### 10.52 Objectives and outcomes based on Indigenous values and uses

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

### 10.53 Consultation and preparation of water resource plan

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

### 10.54 Cultural flows

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

### 10.55 Retention of current protection

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

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

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