

# Towards a Victorian Rural Drainage Strategy: A Discussion Paper by the Federation of Victorian Traditional Owners

## Purpose

The purpose of this Discussion Paper is to

- provide information on the values Traditional Owners associate with the landscapes that have been affected by rural drainage (wetlands and waterways and the life they support);
- describe the historical and ongoing impacts of rural drainage; and
- advance the perspectives of Traditional Owners on the strategic direction of drainage governance and management.

## Introduction

The Victorian Rural Drainage Strategy offers an opportunity for Aboriginal values and perspectives relating to water to be brought to the fore and given due priority with regard to decisions on the restoration or decommissioning of drainage areas, and any future governance or management directions.

This paper was commissioned by the Department of Environment, Land, Water and Planning and informed by three Traditional Owner groups with rights and interests in rural drainage on their Country. It is not intended to speak for all Traditional Owners, but rather give a broad overview of shared concerns and values in an effort to shape the direction of the draft Victorian Rural Drainage Strategy at an early stage, prior to further engagement. This paper was reviewed by the Federation's Natural Resource Management Committee comprising Traditional Owner knowledge holders from around the State on Wednesday 31 May 2017.

The staged consultation acknowledges and recognizes the obligations of the State under the Traditional Owner Settlement Act 2010 (Vic) to engage directly and meaningfully with Traditional Owner Corporations on all policy reforms that affect their Country. It also brings to life the principles of DELWP's Aboriginal Inclusion Plan *Munganin-Gadhaba*, which seeks to respect and acknowledge Aboriginal culture, recognize Traditional Owner's right to access and Care for Country and to work in partnership with Traditional Owners to improve participation.

## Background

The wider water policy context is relevant to the development of a Victorian rural drainage strategy for multiple reasons. First, drainage activities affect all aspects of the hydrology of Aboriginal lands and need to be managed in an integrated manner (e.g. linkages between agricultural land-uses and the water quality of receiving waterways, surface water-groundwater interactions etc.). Second, in Victoria, drainage remains one of the last water sector issues to be reviewed and clarified (after water allocation, irrigation drainage, waterway management and floodplain management). Under higher level policies, most notably the latest State Water Plan (2016), several initiatives aim to increase Traditional Owner access to water and the level of representation in planning processes. Similarly, the Victorian Waterway

Strategy seeks to improve Traditional Owner involvement in waterway management (2013). A new drainage strategy will depend for its success in some large part on achievements in other areas, a point acknowledged by DELWP in consultations with Traditional Owners over the Aboriginal Water Program (2016). There it was noted that a strong Aboriginal voice in water planning and advocacy is fundamental to the success of wider policy efforts to reform the entire water sector, and in this context, Traditional Owner relationships with other key stakeholders in drainage management, especially CMAs and local government, will be paramount. Lastly, the State Water Plan has leveraged funds to enable Indigenous participation in water management. The mechanisms established by that Plan should serve as the vehicle for delivering on the objectives of the Rural Drainage Strategy and will require resourcing.

### The importance of wetlands, waterways and floodplains to Traditional Owners

Traditional Owners of Victoria attribute great cultural, social and economic significance to water, holding distinct perspectives relating to identity and religious attachment to place, environmental knowledge and the exercise of custodial responsibilities to manage inter-related parts of customary estates. Water is a revered and elemental source and symbol of life. Availability of water shaped the movement of Aboriginal groups and rich, complex mythical landscapes were constructed around spiritually powerful water bodies created by ancestral beings. Mythic beings created the land and waterscapes at the same time as they formed the social institutions that govern the way that Traditional Owners manage water use. Land tenure and custodianship represent very important institutions in managing the environment, as explained by Monica Morgan and other researchers<sup>1</sup> in relation to the Murray Darling basin:

*Each Indigenous Nation occupies a core area of land on either one or both sides of each major watercourse, which can overlap with and share with the country of an adjoining Indigenous Nation. Each Nation has a unique connection to their particular stretch of river that is sourced in their creation story and is governed by their distinct tradition, laws and customs.*

Although there may be a tendency for government agencies and other water managers to focus on key places or cultural heritage, connections to and relationships with water and wetlands are much broader than those encompassed by the heritage paradigm, relating to notions of sociality, sacredness, identity and life-giving<sup>2</sup>. In their consistently voiced positions on water reform, Victorian Traditional Owners seek a stronger and more integrated approach to engagement and partnerships than tends to be taken when governments or stakeholder's frame their interests narrowly as 'cultural heritage' concerns. Heritage values are described by the FVTOC as 'one aspect of the broader means of caring, connecting and speaking for Country'<sup>3</sup>.

According to the Dja Dja Wurrung Aboriginal Corporation, in matters affecting land and water, including drainage,

*Traditional Owners want broader engagement, not just over cultural heritage and through compliance with the Heritage Act, but over all our cultural values. We want to develop relationships with proponents and agencies and to see these relationships grow into deeper work.*

Waterways and wetlands, including floodplain areas that are prone to inundation, have always been important places for Traditional Owners to come together as families and communities for social,

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<sup>1</sup> Morgan et al. 2004 p 17.

<sup>2</sup> See Jackson 2006

<sup>3</sup> VFTO Submission to Productivity Commission Inquiry into Water Reform, 2017.

economic, religious and recreational activities. For many reasons, waterways and waterbodies are significant places, valued because they were routes of travel, trade and communication, conduits for ceremony and ritual, rich sources of food, medicines, and other resources. Rivers, streams and lakes have also served as boundaries between clans and nations, pointing to their importance in the political life of Aboriginal peoples.

Statements that articulate the many inter-related ways in which water and the land it traverses are today valued by Traditional Owners can be found in the Country Plans of representative corporations, and in submissions to government reports and inquiries. For example, for the Eastern Maar:

*We believe the spirits of our dead reside in our waterways and water bodies, and that they use animate and inanimate objects to move through Country.*<sup>4</sup>

And for the Dja Dja Wurrung,

*Our rivers are the veins of Country, and provide food and medicine, and places to camp, hunt, fish, swim and hold ceremonies. They are places that are central to our creation stories, and many of our cultural heritage sites are associated with waterways – burial sites, birthing sites and middens. Our waterways are places that we connect with our ancestors and pass traditional knowledge on to our children and grandchildren*<sup>5</sup>.

Occupation for more than 40,000 years depended on knowledge of water distribution and use of technology to harvest water and aquatic resources. Historically, Traditional Owner interventions improved rates of harvest of certain species, for example, river flows were manipulated with the construction of fish traps, weirs and small dams. Water bodies and wetlands provided seasonal or occasional abundance which allowed large groups of people to gather together for ceremonial, social and economic purposes. In the more southerly districts of Victoria, coastal wetlands were relatively rich in food resources, as were the swamps found in the volcanic western district.

Archaeological sites associated with Aboriginal occupation are often found near inland water and wetland habitats which can be rich in relics and artefacts, middens, ochre grounds, camping sites, ovens, scar trees. Indeed, proximity to water has been identified as one of the key determinants of archaeological potential<sup>6</sup>. The clear majority (95%) of the 30,000 significant Aboriginal places and heritage sites that are recorded are located on or near Victorian waterways. There are numerous archaeological sites around all the lakes in the western district for example, and waterbodies that have been subject to artificial drainage by non-Indigenous people, such as Lake Colac and Lake Corangamite, are consistent with this pattern<sup>7</sup>.

In the west of Victoria, under methods of drainage and waterway regulation employed by the ancestors of the Gunditjmarra, coastal and inland wetlands provided favorable conditions for the establishment of small villages based on aquaculture, principally eeling<sup>8</sup>. In this area, drainage systems operated as a form of 'swamp management' with the flow of water being controlled throughout the year. Eels were an important aquatic food resource which allowed people in other parts of Victoria to camp for long periods. The Bolin swamp, which is now part of Bulleen Park in Melbourne, comprised a series of smaller

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<sup>4</sup> Eastern Maar Aboriginal Corporation 2015. *Meerreengeeye ngakeepoorryeeyt*

<sup>5</sup> Dja Dja Wurrung Aboriginal Corporation. Country Plan 2014.

<sup>6</sup> Walther et al. 2014

<sup>7</sup> GHD 2003

<sup>8</sup> Laurandos 1980

lagoons that provided a source of seasonal eel catching<sup>9</sup>. One of the early Protectors, Thomas, observed that the area was of great significance to Aboriginal people and that they regularly camped on both the north and south sides of the Yarra River<sup>10</sup>. The significance of this practice motivated Thomas to have the Bolin Swamp reserved for Aboriginal use. Eeling remains an important traditional, social and economic practice today. For example, methods of eel farming undertaken by earlier generations of the Eastern Maar community are still in practice today.

### The impact of rural drainage on Traditional Owners

Agricultural development has brought widespread changes to the hydrologic regimes of Victoria's catchments. Activities associated with agricultural development (land clearing, river regulation, over-use of water resources, draining wetlands, other flood mitigation works) altered seasonal flows, exacerbated salinization, movement of pest species, siltation and the degradation of the habitat of fish and wildlife. In combination, these processes and their environmental effects eroded the capacity of country, including rivers, wetlands and floodplains, to sustain Indigenous economies, with devastating social consequences<sup>11</sup>. Many Traditional Owners will testify to the loss of control and autonomy, the inability to access and holistically manage customary estates, to exercise custodial authority and to prevent further ecological degradation and economic impoverishment.

Rural drains were constructed to facilitate farming activities in areas of former swamp or low lying wetland. Designed to move large surface flows and reduce the flooding that follows the more frequent and heavier winter rains, they improved pasture and crop productivity. Prior to the VRDS, negligible public or policy attention has been given to the social and economic consequences of drainage for Traditional Owners and there are few documented studies to draw on in describing the impacts. Traditional Owner perspectives are needed to correct the omission of Aboriginal histories from the accounts of settler occupation, and to better understand the consequences of these changes for those groups directly affected. In its submission to the rural drainage Inquiry, the Framlingham Aboriginal Trust reminded the Committee that

*the historical basis for the establishment and operation of former drainage schemes lies in the violent dispossession of land from Victoria's Aboriginal peoples.*

It is acknowledged by many that drainage works and other agricultural development activities extended the productivity of Victoria's land base, and that this occurred with little regard for the environmental impact of diverting water from wetlands and altering waterways. Wetlands were not valued as home or habitat (or as supermarkets as some Traditional Owners refer to them today), but seen as impediments to agriculture. The report of the Inquiry into Rural Drainage notes that approximately one third of Victoria's wetlands have been lost since European settlement, primarily due to drainage of land for agricultural purposes, and that most of the losses have occurred on private land. Shallow freshwater meadows, marshes, and herb and rush dominated swamplands were the most affected by European settlement<sup>12</sup>.

The coastal flats, flood-prone lands, wetland swamps that were converted to farm land, were landscapes of great importance to Traditional Owners. However, Traditional Owners were not consulted

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<sup>9</sup> Gaughwin and Hilary Sullivan (1983) Goulding and Menis 2006

<sup>10</sup> Clark and Heydon 2004

<sup>11</sup> Weir 2009; Morgan et al. 2004; Jackson et al. 2010; Gaughwin and Sullivan 1983

<sup>12</sup> NC CMA 1994.

over the declaration of drainage areas or implementation of drainage schemes. Traditional Owners have recounted the many changes brought about by river regulation and water resource development more generally (e.g. dams, weirs and water extraction for irrigation), however there are very few published accounts of drainage impacts. The social impacts of these changes to waterways have been severe and wide-reaching, affecting Traditional Owners sense of self, social organization, as well as well-being, including economic standing.

The Dja Dja Wurrung community is conscious of these impacts from both water diversions and 'controlled flows'. For these Traditional Owners it means that

*many of our rivers are getting water at the wrong time, or in the wrong volumes.... It is a big task to heal our waterways so that they can continue to be the lifeblood of our Country<sup>13</sup>.*

The management of the water quality of waterways receiving drainage is also an issue that concerns Traditional Owners. Salination is another consequence of drainage schemes. For example, the Woody Yaloak Drainage Channel which enables water from the Woody Yaloak River to be diverted to the Barwon River via Warrambine Creek significantly contributed to the increase in the salinity of Lake Corangamite, moving additional salt to the Barwon River system, and has contributed to some degradation of the Warrambine Creek (GHD 2003). The attitudes of Traditional Owners to this particular salinity issue are not known, although there is evidence that changing water levels through drainage has impacted Aboriginal heritage sites in the lakes (GHD 2003, p 32). The biggest threat to Aboriginal heritage areas from any alteration to the two drainage schemes is a change in flooding or erosion patterns of the waterway shorelines.

Wurundjeri and Bunurong representatives have described the effects of draining the Koo Wee Rup swamp near Melbourne. An area that is now subject to a Cultural Heritage Management Plan (Walther et al. 2014) had been altered over many decades. Heritage consultants and Traditional Owners reviewed historical maps of land tenure, land form and land use and drainage patterns and visited the site. With some sadness the Wurundjeri observed that the channel alignment did not follow the original swamp/creek and it did not have a natural form. It was noted that

*... when it was a swamp it was significant to people, but since it was drained it was no longer as good of a resource for our people...wild life all gone...during the winter time all this (koo wee rup swamp) would have been all one, but in summer time it would have dried up into separate swampy sections... (E cited in Walther et al. 2014 p. 118).*

Bunurong representatives described the form of the Eumemmering Creek as a wide, slow moving body of water, confirming what can be seen from the historical plans. Creation stories were recounted. Much of the precinct would have been swampy, and offered important food and cultural resources. Swamp edges and the higher ground would have contained evidence of Aboriginal people because these environments supported plant and animals: blackwood, swamp gum, wattle, tyabb, paperbarks. All these plants had their uses for Aboriginal people. The report describes historical uses by family members: "Uncle Merv said that the springs on Clyde Road used to form a lake, and thousands of swans would breed there – the swan eggs were a huge resource (Walther et al. 2014 p. 118).

Even in an area as intensively developed and altered as the rural fringes of Melbourne, areas artificially drained remain significant to Traditional Owners. The authors of this heritage report concluded that cutting the drainage channel and the development of housing to the east and west on the edges of the former creek/swamp changed the landscape, and 'probably obliterated significant evidence' (Walther et

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<sup>13</sup> DDW Country Plan 2014

al. 2014 p. 121). Nonetheless, they emphasised that ‘The memory of Eumemmering Creek is retained in this landscape, and its story could be told here’ (Walther et al. 2014 p. 121).

### Proposed directions

It is the view of the Federation of Victorian Traditional Owners that the Rural Drainage Strategy should:

- Reflect a broad interpretation of cultural heritage and enable improved access, use and management of waterways and wetlands;
- Recognise the diversity of Traditional Owner Corporations for their distinct roles in representing people affected by drainage activities (maintenance, rehabilitation, de-commissioning, re-purposing, and restoration), with legal rights and interests, knowledge, skills and capacities;
- Ensure that the new institutional arrangements for drainage improve the protection of a wide array of Aboriginal interests in the management of drainage areas (both rehabilitation and maintenance of existing areas), including access to land and waterways for cultural practices; use and enjoyment of natural resources; hunting, fishing and foraging practices; and protection of cultural heritage and identity;
- Serve as a framework for Traditional Owner partnerships by proposing specific programs and actions that will improve the livelihood opportunities from natural resource management enterprises. The Strategy should recognise the historic opportunity for a re-evaluation of the efficacy and effects of rural drainage by supporting and resourcing Traditional Owner management and restoration of drainage areas, including opportunities for wetland-based cultural heritage tourism; and
- Support increased monitoring and research aimed at filling the gaps that exist in the current understanding of drainage systems and their interaction with surface and ground waters, as well as socio-economic impacts. Potential impacts of climate change should be integral to these efforts.

### Protection of Aboriginal heritage

Victoria’s rich Aboriginal cultural heritage is protected by the *Aboriginal Heritage Act 2006* (Vic), strengthened last year to incorporate intangible heritage for the first time. The Act provides protection for all Aboriginal places, objects and human remains and intangible heritage *regardless of their inclusion in the Victorian Aboriginal Heritage Register or land tenure* and all organisations consulted in the preparation of this paper affirmed the authority of the local Traditional Owners in all matters relating to cultural heritage protection.

The Federal Environmental Protection and Biodiversity Conservation Act identifies heritage items of national significance and provides protection mechanisms for these items. If an action is proposed that significantly affects a nationally listed heritage item, in addition to state and local approvals, approval is also required from the Australian Government.

Taungurung Clans Aboriginal Corporation considers that all drainage activities are likely to have a high impact and that they should therefore require a Cultural Heritage Management Plan (CHMP). It was suggested that an assessment should be required even if the activity was to occur outside of a designated sensitive area. Further, the Corporation recommended that the local Traditional Owners

should be involved in ongoing monitoring of drainage impacts. This strategy offers the potential for a formal and rigorous process to facilitate Traditional Owner access to private lands and to build relationships with landowners. There is potential for agreements, as per the Act, to serve as a mechanism for cultural heritage protection in relation to drainage.

### Protection of native title

To date, over 60% of the State has legally recognized Traditional Owner Corporations, with the remaining claims on track to be settled by the end of 2019. These settlements include native title determinations and settlements under Victoria's Traditional Owner Settlement Act, which allows for an out-of-court settlement of native title.

As an alternative to the future acts regime of the *Native Title Act 1993*, Victoria has also developed a Land Use Activity Regime policy that provides procedural rights for recognised traditional owner groups over certain land use activities that occur on areas of public land (Part 4 of the *Traditional Owner Settlement Act 2010* (Vic)). Land use acts that may affect native title rights and interests are defined in the Act as are notification and consultation processes for decision-makers to follow. The aim is to encourage a level of engagement between the decision maker and the Aboriginal Corporation that is flexible enough to respect and accommodate the needs of each party.

Land use activities are divided into four categories being Routine, Advisory, Negotiation and Agreement and each attracts increasing degrees of consultation and negotiation.

There are several ways in which drainage may intersect with this regime:

- The construction of infrastructure through a public-private partnership is defined as a Major Public Work. For such infrastructure to proceed, the consent of Traditional Owners through good faith negotiations is required. If negotiations fail, VCAT can assess the matter and can determine terms and conditions of the activity.
- A drainage facility, or a levee or device for the management of water flows, is defined as a Specified Public Work. For such a facility to proceed, the consent of Traditional Owners through good faith negotiations is required. If negotiations fail, VCAT can assess the matter and can determine terms and conditions of the activity.
- Regeneration works and the rehabilitation of vegetation, or a river, creek or stream are defined land management activities that constitute an advisory activity. As a result, consultation with Traditional Owners is required prior to the rehabilitation proceeding.
- Construction of infrastructure that is for a public purpose, such as the construction of a pump, bore or other works on a waterway, is similarly defined as an advisory activity and therefore requires consultation with Traditional Owners prior to the construction proceeding
- Land that is subject to infrastructure<sup>14</sup> can be included in a LUAA if the infrastructure is demolished and a new purpose designated.

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<sup>14</sup> Infrastructure is defined as any specified public work, other building or man-made structure or work that has changed the natural condition or topography of the land.

Currently there is one Land Use Activity Agreement in place for the Dja Dja Wurrung settlement area. The Future Act regime under the Native Title Act applies to Crown land in areas where there is no Land Use Activity Agreement. It provides procedures for dealing with activities on Crown land that have the potential to affect native title rights and interests.

### Management of drainage areas

Management of drainage areas should not only focus on providing the most efficient drainage channel but should also seek to mitigate the impacts listed above and advance the standing of Traditional Owner NRM enterprises. The Strategy should propose inclusive processes for strategically assessing those schemes warranting continuation, decommissioning or other management. Such an assessment should consider restoring patterns of water movement, discussing historic hydrological patterns and considering the most beneficial arrangements in promoting ecological health and social and economic outcomes. In its submission to the Drainage Inquiry, Framlingham Aboriginal Trust recommended “reconstruction of historical baselines”, stating that

*There is insufficient baseline information on rural drainage to properly know the impacts e.g. It would be useful to map the historical extent of wetlands, streams and associated habitats so post-European arrival interventions can be measured more accurately and ameliorated, reversed, offset, recognized more accurately than at present.*

Inclusive approvals processes that enable Traditional Owners and others to discuss historical changes to rural landscapes (discussing the impacts of drainage as well as future options) can provide an important opportunity for Traditional Owners to contribute to and increase knowledge about eco-hydrological restoration, points at which they may be engaged in activities and ways to improve social outcomes. Historically private property owners were deemed to be the key stakeholder, if not the only one, and Traditional Owners were not recognized as peoples with interests or rights that may be affected by drainage decisions. Therefore, the assessment needs to be an open and transparent process so that Traditional Owners can ensure that their values and priorities are heard. Similarly, Traditional Owners should be given the option to be represented on any community advisory or management committees that are established under the framework established by the Strategy, and remunerated for their efforts.

### “Undoing drainage”: Restoration of wetlands and improvement of watering regimes

The Federation supports the government’s recognition of the need to decommission some drainage areas, restore wetlands and improve watering regimes. Restoration offers a means by which Traditional Owners can be engaged in environmental works and measures to bring about environmental improvements, build technical capacity, assert rights and interests in water governance, and provide a land management service to the wider community. Restoration work constitutes a large component of the Victorian NRM sector with billions being spent in the past decade (Brooks and Lake 2007). The NRM section of the Gunaikurnai Land and Waters Aboriginal Corporation has an annual turn-over of \$1.1 m. and employs a significant number of Traditional Owners. The experience of restoration at Forge Creek demonstrates clearly that Gunaikurnai has the capacity to engage in multi-agency NRM activities that include weed control and tree planting. Gunditjmarra have demonstrated that they have a long-term vision for restoring drained areas such as Lake Condah (see also case profile below of Dja Dja Wurrung activity at Long Swamp). Similarly, Yorta Yorta has identified wetland restoration as a key goal of their



organization. Yet groups report that there are many impediments to realizing this restoration aspiration, including the difficulty of competing with well-established organisations.

In consultations with Traditional Owner organizations it was apparent that decommissioning and restoration of drainage areas would be a very positive step. In the words of Dja Dja Wurrung:

*... un-doing drainage is a principle of [Traditional Owner's] Country Plan. Restoring flows resonates with Traditional Owner values of restoring country to its natural working order, but it's hard to do in isolation.*

In any restoration programs to flow from the Strategy, it will be important to consider ways of ensuring that Traditional Owner priorities are not only brought to the fore but that they are given due priority. Conservationists or scientists may wish to restore the most ecologically significant and/or largest wetlands (see Bird 2014, for example). Rare or endangered species or wetlands of international or national significance may take precedence over the values of Traditional Owner communities with very localized attachments and responsibilities to wetlands. Resourcing Traditional Owners and their representative organisations to participate in the development of waterway strategies and other planning processes that guide drainage decisions represents one important means of achieving this aim.

In addition, further consideration will need to be given to ways of mitigating any risks that Traditional Owner Corporations might be exposed to should they pursue restoration actions affecting private lands. Under the Water Act of 1989, it is an offence to place 'nuisance water' on private land. The need to avoid unnatural flooding of private land was a consideration in the planning of Lake Condah restoration. In that case, most but not all the land surrounding the lake was owned by traditional owner corporations or was public land owned by DSE (Parks). Acquiring private land or entering into a legally binding agreement with the landowner were seen to be the safest means of mitigating such risk. This example illustrates the need to consider fully resourcing any restoration programs that arise from the Rural Drainage Strategy.

### Long Swamp – restoring a drainage area in Dja Dja Wurrung country

Long Swamp, the largest wetland on the Moolort Plains near Maryborough, is located in Dja Dja Wurrung country 2 km east of the northern end of the Tullaroop reservoir, near Bendigo. A freshwater meadow, the swamp occupies approximately 177 ha (NC CMA 1994). Although highly salt affected, birdlife is prolific when the area contains water.

Historically this deep swamp was an important site of Aboriginal occupation of the Moolort plains because it held water for longer than the surrounding area.

In 1965, Long Swamp was drained at the suggestion of the Shire of Tullaroop. The aim was to reduce the effects of salination on vegetation and to bring more land into agricultural production. A drain was cut to move water into Tullaroop Creek. That action was strongly opposed by the Maryborough Field Naturalists who valued the biodiversity attracted to the area, especially birds like broilgas.

Community concern about the swamp prompted action in the 1990s to restore its values. Parts of the swamp have been purchased by the Trust for Nature and the central drain closed with sandbags. Water levels were restored during the last flood and there are plans to further rehabilitate the area.

Since the formation of the Dja Dja Wurrung Clans Aboriginal Corporation and its enterprise unit, the Trust for Nature has been exploring a partnership with Traditional Owners. It has engaged their enterprise unit to undertake works on country, including removal of fences to protect waterbirds, and new plantings. The community school at Nalderun is involved in on-country visits and the Trust is pursuing ways of improving access to Traditional Owners.

Long Swamp is identified as a case study in Healthy Country Planning processes undertaken by the Trust. These processes have involved discussing what does successful wetland restoration look like and how can young Aboriginal people be involved in making ‘new stories’ about their country.

### Linking drainage management to other components of Victoria’s water framework

Observations from the consultations with Dja Dja Wurrung Clans Aboriginal Corporation, Gunaikurnai Land and Waters Aboriginal Corporation and Taungurung Clans Aboriginal Corporation point to the need to ensure that drainage reforms are cognizant of other water sector and wetland conservation programs and initiatives. Major changes to the natural hydrology of Dja Dja Wurrung country over the past 150 years have created problems that are now seen to require new water supply solutions e.g. the South-East Loddon Pipeline which connects farmers at Wedderburn to water from the Loddon River. The Dja Dja Wurrung Clans Aboriginal Corporation is concerned that the pipeline will cross creeks that no longer flow because of the many changes that have been made to the hydrological regime, including drainage. Nonetheless, Dja Dja Wurrung now considers that the existence of that pipeline presents an opportunity to bring water to wetlands such as Lake Boroak, a lake that rarely fills anymore – it will bring the infrastructure that could now assist in watering this and other wetlands. Taungurung stated that discussions about hydrological changes from drainage could assist them to advance their intention to identify cultural flows, an initiative that is supported by the State Water Plan. Gunaikurnai hope to see

coordination between rural drainage management activities and the wetland NRM programs to which they are committed, especially around the Gippsland lakes.

### Local government and Aboriginal engagement

Traditional Owner groups have spent many years working to improve relations and partnerships with CMAs and other agencies involved in natural and cultural heritage resource management. Local governments are also working to improve their practices and to build stronger partnerships with Traditional Owners. Should the Rural Drainage Strategy affirm a leading role for local government in drainage management, consideration should be given to facilitating exchange and partnership arrangements between CMAs, Traditional Owner Corporations and Local Governments in wetland management and restoration, including cultural heritage management.

Collaborative relationships over cultural heritage have been forged by the Taungurung Corporation and local landowners in the Seven Creeks area, where restoration activities are underway. Artefacts have been found by landowners and willingly brought to the attention of Corporation in an effort to share knowledge. As the landowners increasingly realize that Taungurung's prime objective is to discover more about their past and not to impede development, more and more landowners have come forward. Taungurung are building on this goodwill by offering education programs to local government and their planning departments in cultural heritage management. The Corporation is running workshops to agree to common procedures, improve rates of compliance with the Aboriginal Heritage Act and to encourage local government to take a proactive approach.

## Recommendations

1. Following publication of the Strategy, further consultation should take place with a wider range of Traditional Owners to gain feedback on the precise details of the recommendations. This consultation should be resourced appropriately.
2. The Strategy should propose an inclusive process for strategically assessing those drainage schemes warranting continuation, decommissioning or other forms of management. Consideration should be given to the best means of transparently auditing drainage areas and for determining priority areas for rehabilitation. The Federation could be engaged to assist in the design of this assessment process.
3. Local Traditional Owner Corporations must be involved in any decisions on their Country. A cultural heritage assessment should be required even if the activity occurs outside a designated area and Traditional Owners should be involved in ongoing monitoring work, enabling relationships to build with landowners. The occurrence of illegal drainage should be investigated and options for stronger enforcement of illegal drainage considered.
4. Traditional Owners should be given the option to be represented on any community advisory or management committees that are established to oversight drainage management under the framework and appropriately remunerated.
5. A broad definition of cultural heritage values should be considered an important criterion in any decisions about decommissioning and restoration particularly when assessed against environmental considerations.
6. Guidelines relating to cultural heritage management, Native Title and Traditional Owner Settlement Act obligations and rural drainage should be developed to improve the performance of land owners, local government and other agencies.
7. Traditional Owner NRM enterprises should be given formal priority for management works including restoration and monitoring during tender assessment or preferential procurement processes.,
8. Consideration should be given to facilitating fully resourced exchange and partnerships between CMAs, Traditional Owner organisations and Local Governments in wetland management and restoration, including cultural heritage management
9. Land owners may be more inclined to volunteer their land for restoration work in partnership with Traditional Owner organisations if incentives are made available to offset any costs or foregone income. Consideration should be given to financial mechanisms that would support the development of agreements over wetland and waterway areas to address cultural heritage management, access, and environmental condition.
10. DELWP should consider efficient and resourced mechanisms for coordinating actions arising from the Rural Drainage Strategy with all initiatives regarding 'Aboriginal water management'.