



Government of **Western Australia**  
Department of **Water and Environmental Regulation**

## **THIS TERMS OF REFERENCE FOR THE PARTNERSHIP**

### **BETWEEN**

**DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION (“DWER”)**

### **AND**

**PEEL HARVEY CATCHMENT COUNCIL (“PHCC”)**

### **AND**

**BINDJAREB NOONGAR ELDERS TO PILOT AN ABORIGINAL WATERWAYS ASSESSMENT PROGRAM FOR BINDJAREB COUNTRY**

## **1. BACKGROUND**

The Peel-Harvey estuary sits inside the boodjar (country) of the Bindjareb (Pinjarup) Noongar people. The Bindjareb Noongar people are the traditional owners of the estuary and catchment area, and have a long-standing and ongoing connection with the waterways of the Peel region. The Bindjareb people refer to the Peel-Harvey estuary as Djilba. The Djilba and Bilya’s (rivers) are intrinsically linked to the spiritual beliefs and cultural practices of the Bindjareb people and hold traditional knowledge for managing the Djilba. Bindjareb people have cultural obligations to look after Country. This responsibility is deep and manifests in the health and wellbeing of Elders, who are also responsible and accountable to other Bindjareb Noongar people for the care of our waterways. Whilst there is slow change towards the involvement of Traditional Owners in the management of the Peel-Harvey, there is need for improved statutory frameworks and policy processes to enable Bindjareb Noongar Elders to influence and participate in waterways planning and management; and for stakeholders to listen to the cultural knowledge shared, recognise its importance and act to protect the Djilba.

Bindjareb Noongar Elders and the DWER are walking together to shape the *Bindjareb Djilba – Peel-Harvey Estuary Protection Plan*. The journey together adopts the principles of co-design, Aboriginal empowerment and control for meaningful engagement in water planning and management. The DWER and the PHCC identified the opportunity to pilot an Aboriginal Waterways Assessment Program in Bindjareb country; the program providing a tool/mechanism for Bindjareb Noongar people to influence and partner in waterways planning and management. Endorsed by Bindjareb Noongar Elders, Bindjareb Noongar people, the DWER and PHCC are partnering to design, develop, implement and evaluate the Bindjareb Waterways Assessment Program. The pilot is time bound for completion December 2019. The time and resource constraints will permit for a draft Bindjareb Waterways Assessment Program to be finalised. The pilot is a way to underpin a management action in the *Bindjareb Djilba - Peel-Harvey Estuary Protection Plan* to develop and implement the Bindjareb Waterways Assessment Program going forward.



## 2. PURPOSE

- 2.1 Building a relationship between Bindjareb Noongar people, the DWER and the Peel Harvey Catchment Council to enable the parties to partner and collaborate to pilot an Aboriginal Waterways Assessment Program in Bindjareb country.
- 2.2 For the Djilba and Bilya's to be managed effectively so as to protect and preserve the waterways, estuary and their values.
- 2.3 That all parties have knowledge to contribute in respect to the management of the Djilba and Bilya's.
- 2.4 The DWER and the PHCC commits to meaningful and appropriate engagement with and support of Bindjareb Noongar people; the relationship built on trust and integrity, working towards a common goal for the empowerment of Bindjareb people and their Djilba.

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## 3. BINDJAREB NOONGAR WATERWAYS ASSESSMENT PROGRAM

- 3.1 The purpose of this pilot project is to design, develop, implement and evaluate an Aboriginal Waterways Assessment Program for Bindjareb country. The Bindjareb Noongar Waterways Assessment Program aims to provide a tool for Aboriginal water planning and management in Bindjareb country (the Peel region).

The objectives of the project are to:

1. Design an Aboriginal Waterways Assessment Program for Bindjareb country by August 2019;
2. Develop the draft Bindjareb Noongar Waterways Assessment 'Tool Kit by September 2019';
3. Implement the Bindjareb Noongar Waterways Assessment Program in September and October 2019; and
4. Evaluate the effectiveness of the Bindjareb Noongar Waterways Assessment Program as a tool for Indigenous water planning and management for reporting in December 2019.

## 4. MEETINGS AND ADVICE

- 4.1 The DWER and PHCC will seek advice and hold meetings with Bindjareb Noongar Elders, Representatives and traditional knowledge holders to inform the Bindjareb Noongar Waterways Assessment Program Pilot Project.
- 4.2 The DWER or the PHCC will pay for invitees to attend meetings and correspond to share traditional knowledge at a rate (\$200 short meeting, \$500 half day).
- 4.3 Bindjareb Noongar Elders, Representatives and traditional knowledge custodians will share information with DWER and the PHCC at their discretion, in a spirit of collaboration.



## **5. SUPPORT TO RECORD TRADITIONAL KNOWLEDGE**

- 5.1 The DWER will provide a video camera to Bindjareb Noongar elders, to enable the recording of Bindjareb Noongar traditional knowledge.
- 5.2 Bindjareb Noongar Elders and traditional knowledge holders will share with DWER and the PHCC a subset of footage captured at special places, at their discretion (Guidelines: [https://www.ipaustralia.gov.au/sites/default/files/ipaust\\_ikdiscussionpaper\\_28march2018.pdf](https://www.ipaustralia.gov.au/sites/default/files/ipaust_ikdiscussionpaper_28march2018.pdf)).
- 5.3 The DWER and the PHCC will consult with Bindjareb Noongar Elders prior to using, developing or sharing any footage supplied.
- 5.4 The DWER and the PHCC must gain written approval by the Elders to publish content which includes Bindjareb Noongar footage.
- 5.5 The DWER and the PHCC will provide other support to Bindjareb Noongar people in recording traditional knowledge as part of this pilot project, to the agreement of all parties.

## **6. REPRESENTATION**

- 6.1 Bindjareb Noongar Elder group – Uncle Harry Nannup, Franklyn Nannup, Aunty Gloria Kearing, Aunty Jane Nannup, Aunty Irene Indich, Ricky Ugle. A member of the Elder group must be present at all meetings related to this project.
- 6.2 Bindjareb Noongar traditional knowledge holder – George Walley to assist in co-design for engagement and advice for the development of *Bindjareb Waterways Assessment Program*.
- 6.3 Bronte Grant, Environmental Officer, will lead the pilot project on behalf of the DWER. The DWER is the lead organisation for this pilot study and has primary responsibility for project management.
- 6.4 Thelma Crook, Program Manager, will lead the pilot project on behalf of the PHCC.

## **7. RESOURCING**

- 7.1 The DWER and PHCC are co-contributing resources to pilot an Aboriginal Waterways Assessment Program for Bindjareb country.

**END**