



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Cultural Flows Planning for Cultural Economies

Consultation what we heard
June – November 2024





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Department of Climate Change, Energy, the Environment and Water

GPO Box 3090 Canberra ACT 2601

Telephone 1800 900 090

Web dcceew.gov.au

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Acknowledgement of Country

We recognise the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

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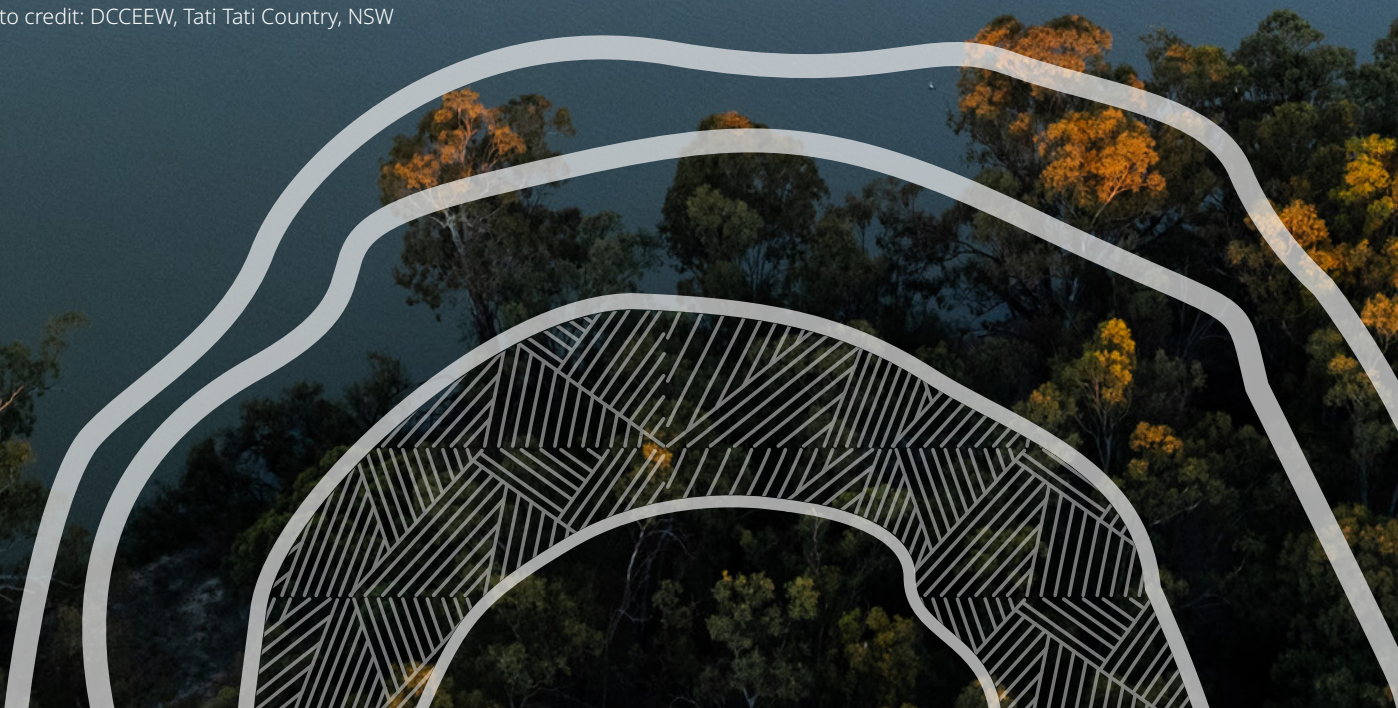


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Summary

The \$20 million Cultural Flows Planning for Cultural Economies Grants Program will support First Nations groups in the Murray–Darling Basin to increase their influence in water management, and to support their obligation to care for Country through Cultural flows planning.

Its aim is to provide funding to create plans for Cultural flows, improve governance and to develop plans to support water-based businesses. These plans may enable Basin First Nations Peoples to manage water in ways that respect their spiritual, Cultural, environmental, social and economic obligations and aspirations.

The program builds on Cultural flows research already done by First Nations Peoples across Australia:

- [National Cultural Flows Research Project](#)
- [Cultural Water for Cultural Economies](#).

The Department of Climate Change, Energy, the Environment and Water has consulted Basin First Nations Peoples over two periods during 2024 to design the program.

After the first stage of consultation, we updated the program design and timeline. We also added a second stage of consultation to refine the scope of grant activities. We also added time for Basin First Nations Peoples to prepare to access the program.

Basin First Nations are at different stages of Cultural flows, governance and business planning. Consultation confirmed funding is needed for Basin First Nations to start, continue, progress or revise these arrangements.

Survey respondents told us resourcing, operational costs and accessing specialised expertise were barriers to planning. Basin First Nations want better coordination of state and Australian government policies and programs and laws strengthened to protect First Nations Peoples' water rights.

Basin First Nations want planning for Cultural flows to be inclusive, transparent, and respectful. The same approach is needed for funding distribution, land management and recognising Cultural authority. A clearer definition of Cultural economies is needed. These recommendations must be addressed as part of the program's design and delivery for it to be successful.

We heard that the program should offer flexible, tailored support, expert help and resources for governance development. Basin First Nations Peoples also recommended co-designing monitoring and evaluation. This will let them define how to measure success for their nation and their project.

The department has reviewed the feedback. Our goal is to make the program Culturally appropriate, accessible and beneficial to Basin First Nations. It will aid in starting, revising or finalising Cultural flows, governance and business planning. We aim to meet the diverse financial needs of these groups within our budget.

Introduction

The Australian Government recognises First Nations Peoples' rights and obligations to care for water under their lore and customs. These obligations extend to downstream communities, surrounding catchments, connected aquifers and groundwater systems.

The ***Echuca Declaration*** defines Cultural flows as the inherent right of First Nations Peoples to water. This water must be sufficient and of good quality to improve spiritual, cultural, environment, social and economic conditions (***Echuca Declaration***, 2007). Each First Nations group and their Country has unique Cultural flows needs.

Murray Lower Darling River Indigenous Nations (MLDRIN), Northern Basin Aboriginal Nations (NBAN) and Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) developed the Cultural Flows Planning method. It was part of the National Cultural Flows Research Project (MLDRIN, NBAN and NAILSMA, 2017a), funded by the Murray–Darling Basin Authority.

First Nations Peoples have cared for Country in the Basin for millennia. Since colonisation, they have been largely excluded from accessing, managing and owning water. Cultural flow plans support Basin First Nations Peoples to advocate for their water needs in a western water management context. These plans show how water could be used to meet the needs of their Nation. Establishing these plans can increase their role in Basin water management and ownership.

Previous research has laid a solid foundation for Cultural flows planning in the Basin. First Nations Peoples have had different opportunities to do this planning, and progress varies among these groups. We recognise that, under the lore and protocols of Traditional Owners and First Nations, Cultural and economic outcomes are deeply linked. This belief will be central to the program.

The department aims to make the program accessible and beneficial to as many groups as possible. A de-identified summary of the feedback and how it was considered from both consultations is in this report.

Photo credit: DCCEEW, Tati Tati Country, NSW



Designing the program with First Nations Peoples of the Murray–Darling Basin

We are committed to listening to First Nations Peoples. Together, we are designing a program to enhance water outcomes and support self-determination.

Our design process includes feedback from Basin First Nations Peoples and follows the Productivity Commission's recommendations in the [2024 Review of the National Agreement on Closing the Gap](#). Recommendations include:

- Giving appropriate time to engage and build relationships with Basin First Nations Peoples
- Making consultation as accessible as possible by using a variety of approaches
- Designing the program to address Basin First Nations Peoples' feedback and recommendations, and to optimise self-determination within the scope of the program.

This report summarises the two stages of consultation with Basin First Nations Peoples to develop the program.

How we consulted during stage one: June - July 2024

We emailed, phoned, and communicated via our website to encourage Basin First Nations people to share their views on the program's design and implementation.

A total of 31 Basin First Nations groups were reached through the following methods:

An online survey

The survey was open from 28 June 2024 to 19 July 2024.

Virtual roundtable discussions

We held two virtual roundtable sessions on 16 July and 18 July 2024.

Basin First Nations Peoples were invited to register their attendance for the sessions they wished to attend.

In person (face-to-face or online as preferred)

Program team members attended two events to discuss the program and get feedback from Nations' representatives. These were the 18 Nations gathering in Dubbo on 22 May 2024 and the Murrumbidgee Nations Cultural Knowledge Exchange Gathering on 23 May 2024.

How we consulted during stage two: September - November 2024

We held a second round of consultation to hear from Basin First Nations on elements of the draft Grant Opportunity Guidelines. We emailed, phoned, and updated our website to encourage participation through:

An online survey

The survey ran from 21 September to 18 October 2024.

In person (face-to-face or online as preferred)

Program team members met with the Lower Balonne Aboriginal Alliance in St George NSW on 11 November 2024. They also attended the NSW Regional Aboriginal Water Committee meeting in Dubbo on 13 November 2024. The meetings discussed the program and collaborative efforts.

What we heard during the first consultation

Online survey responses

We asked Basin First Nations Peoples how to design key elements of the program. We received 13 responses via our online survey.

Of the survey respondents, 54% responded on behalf of their Nation, while 46% responded as individuals.

We received responses from individuals and Nations located in all Basin states, except South Australia (**Figure 1**).

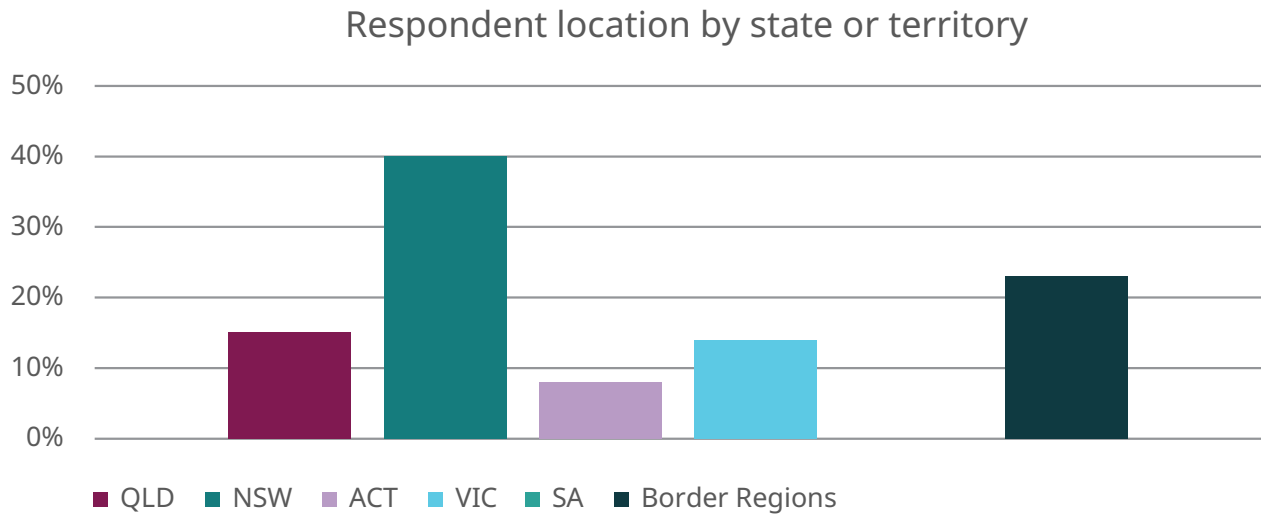


Figure 1. Location of respondents across the Murray—Darling Basin

Most respondents (92%) indicated that grant funding would be needed to undertake Cultural flows planning in the Basin (**Figure 2**). Also, 85% of respondents said grant funding would be needed to support business planning.

Where respondents are at with their Cultural flows or business planning

Most Basin First Nations groups showed interest in planning for Cultural flows despite being at different stages in their planning. Those with Cultural flows plans already in place were interested in progressing water-based economic opportunities (**Figure 2**).

These groups indicated varied needs for resources, grant amounts, project activities and time.

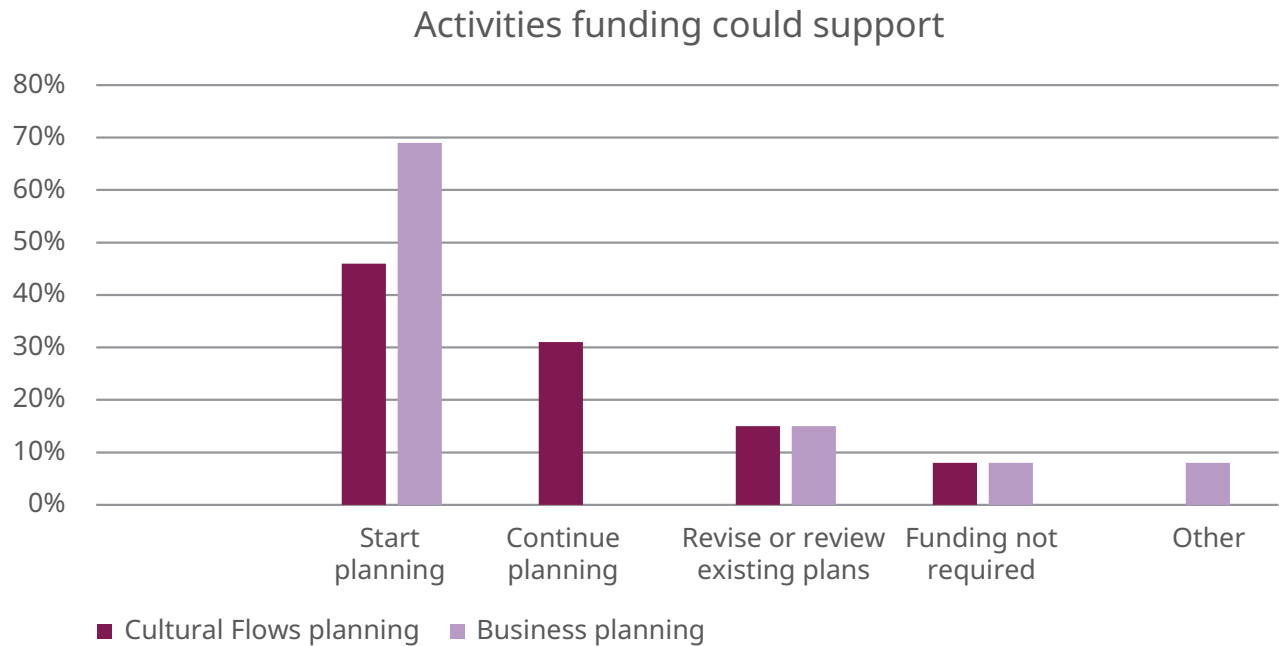


Figure 2. Stages of Cultural flows planning, and business planning survey respondents identified grant funding would best support. Respondents estimated the cost and duration of projects for Cultural flows planning and business planning (**Table 1**). The estimated costs for both Cultural flows planning and business planning ranged between \$10,000 and \$400,000. The estimated time required for planning activities ranged between 6 months to 2 years. Some respondents did not estimate costs and timeframes for their projects. They said they had not yet done initial scoping exercises.

	Estimated range of project duration	Estimated range of project costs
Cultural flows planning	6 months – 2 years	\$10,000 – \$400,000
Business planning	6 months – 18 months	\$10,000 – \$400,000

Table 1. Estimated cost and duration required for planning activities

The biggest barriers to developing Cultural flows and business planning identified by respondents were resourcing, costs, and access to specialists (**Figure 3**).

Barriers to developing Cultural Flows plans and business plans

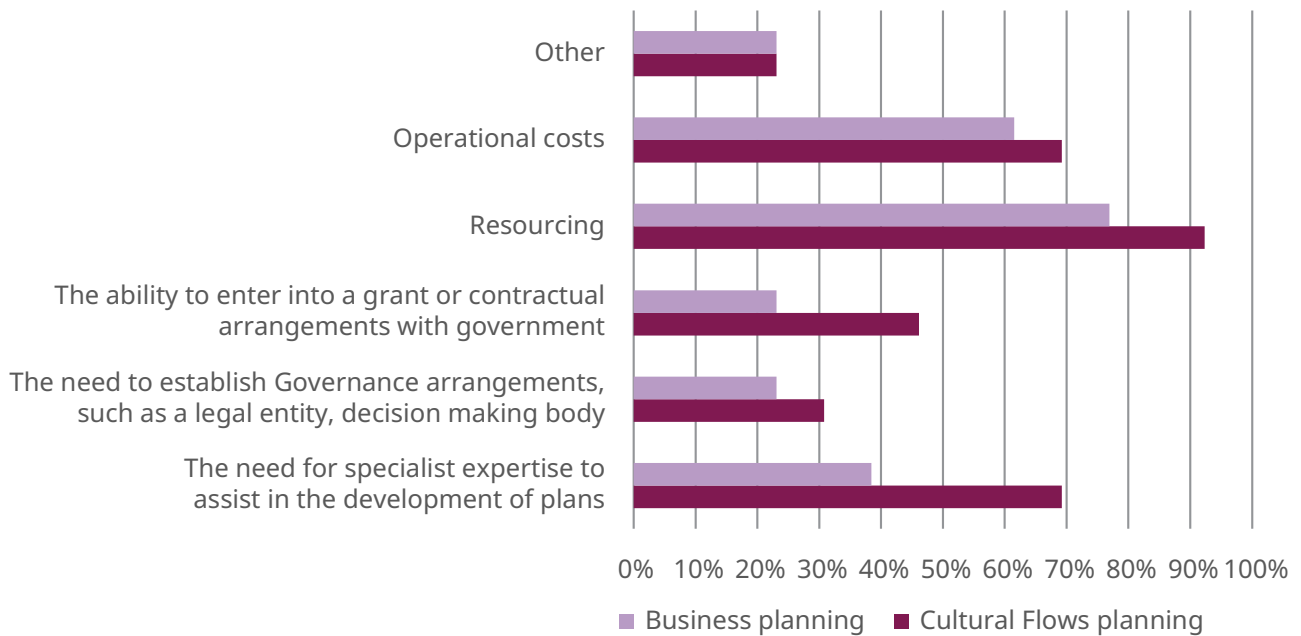


Figure 3. Barriers to developing Cultural flows and business plans.

In addition to the needs identified in **Figure 3**, the following barriers to accessing Cultural flows were also identified by respondents:

- building baseline knowledge around management of the Basin, including flows information and management tools such as the Aboriginal Waterways Assessment
- accessing water entitlements and allocations once plans are in place
- planning should be supported by monitoring and evaluation programs
- building capacity in Traditional Owner organisations, such as supporting Cultural flows officers, or engaging consultants
- water policy reform which strengthens First Nations Peoples rights in water management.

Respondents highlighted various water-based economic opportunities for Cultural flows planning (**Figure 4**). They stressed that business support should be holistic, addressing the social, Cultural, spiritual, economic, and environmental needs of First Nations Peoples. Some noted they needed to finish Cultural flows planning first to determine suitable business opportunities.

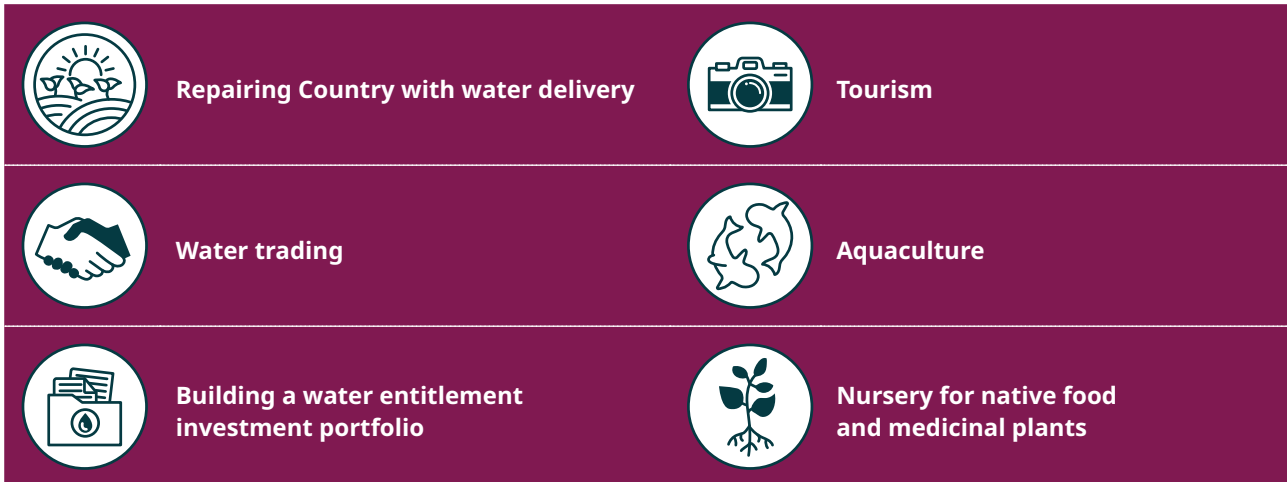


Figure 4. Business opportunities that would complement Cultural flows planning

Respondents identified a range of supports that would enable their Nation to participate in and benefit from the program (**Figure 5**).

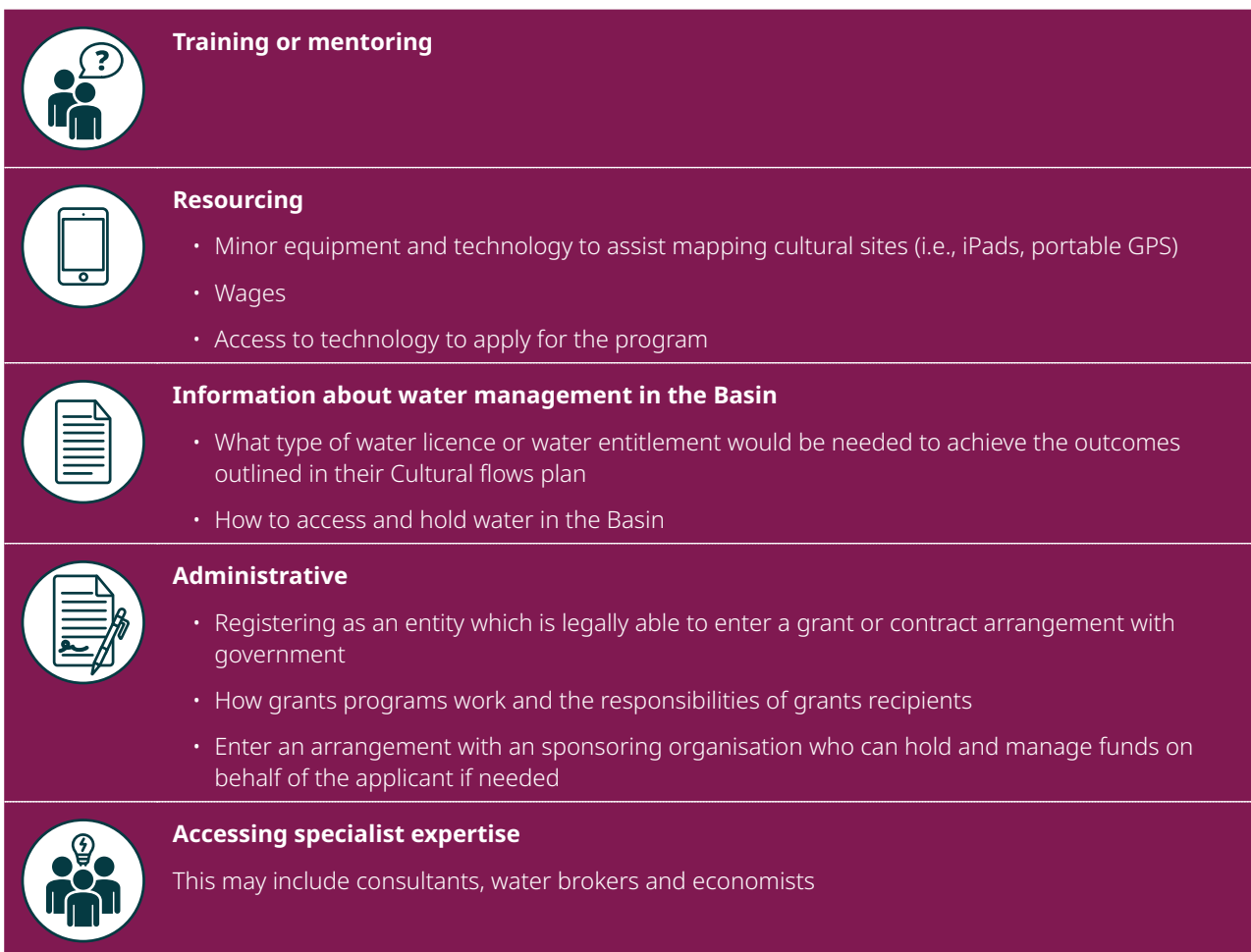


Figure 5. Kinds of supports respondents identified that would enable their Nation to participate in and benefit from the program

Summary of what we heard during virtual roundtable and in-person discussions

Context of the program in relation to previous Cultural flows research

People discussed past research on Cultural flows. This includes the National Cultural Flows Research Project and the Cultural Water for Cultural Economies report (O'Donnell, Godden and O'Bryan, 2021). It was developed with Traditional Owners in Victoria, MLDRIN and the Federation of Victorian Traditional Owner Corporations.

These projects took a holistic approach. They covered social, Cultural, spiritual, economic and environmental aspects. Attendees wanted this holistic approach continued through the program.

Attendees noted the similarity between the program's name and the paper 'Cultural Water for Cultural Economies' (O'Donnell, Godden and O'Bryan, 2021). They questioned the link between the two. The department clarified that the program would build on previous Cultural flows research. The program's title was chosen to show that economic development in relation to Cultural flows would be a core feature. This aligns with the *Echuca Declaration's* holistic definition of Cultural flows.

Attendees wanted the participation of NBAN, MLDRIN, and NAILSMA referenced in the development of Cultural flows.

Attendees also noted that Basin First Nations groups are at different stages in Cultural flows planning. Some have yet to start, while others have completed plans but not yet implemented. Basin First Nations groups at a later stage of planning might be ready to extend their plan to encompass broader economic goals of their Nation. The program should be accessible to Basin First Nations groups at all stages of Cultural flows planning.

The department clarified that this program would support Basin First Nations groups in their Cultural flows planning at any stage of the process. This support may include following the National Cultural flows Research 'guide for Nations' (MLDRIN, NBAN and NAILSMA, 2017b).



Photo credit: DCCEEW, Murrawarri Country

Clarifying the scope of the program

The definition of Cultural economies was discussed. Attendees wanted the program to reflect a holistic view of Cultural economies, in line with the *Echuca Declaration*.

Some attendees raised concerns about New South Wales' restrictions on Aboriginal Cultural Water in (s71, *Water Management Act 2000 (NSW)*). They were concerned that these restrictions might affect grant projects that would deliver economic benefits. The program recognises the holistic definition of Cultural flows, as defined in the *Echuca Declaration* (MLDRIN, 2007), which includes economic use. Basin First Nations groups in NSW can decide whether to include economic aspects in their Cultural flows plans. These plans may help secure necessary water, including for economic uses.

Additionally, some attendees questioned how payments from grant funding might impact on any benefit payments individuals receive. It will be up to applicants to consider whether income limits apply to any benefit payments. The program does not cover this responsibility.

Investing in governance will be an important aspect of the program. Governance structures are required in some jurisdictions to legally hold a water licence. Basin First Nations groups will have the option to use program funding to enhance their existing governance arrangements.

Basin First Nations groups without governance structures can't directly contract with the Commonwealth Government when applying for the program. However, they can still join the program. They have the option to use a project sponsor. This sponsor can sign the grant agreement for them and manage the funds to help set up governance.

Additionally, attendees wanted to make the program's connection to Australia's water management reform and First Nations initiatives clearer.

Scope of activities funded by the program

Attendees discussed supporting water-dependent businesses through the program. They suggested activities like developing governance, exploring buying land and water, planning for water delivery infrastructure, and facilitating partnerships and access with land or leaseholders.

Attendees wanted to be able to include current water officers' salaries as grant expenses. They noted that fair pay is vital for Cultural flows projects. They also highlighted the need for Nations to plan and manage water delivery on Country. This includes necessary infrastructure and access to water experts.

They also wanted to be able to fund consultants to help Basin First Nations with their Cultural flows plans.

Input received will be incorporated into Grant Opportunity Guidelines and eligibility as appropriate.

Engagement to design the program with Basin First Nations Peoples

Attendees discussed the department's plan to work with representative bodies and individual Basin First Nations to design the program. Some preferred to engage through their representative body (MLDRIN). Others wanted to continue working directly with the department as individual groups. The department will continue to engage with Basin First Nations Peoples in the way that they prefer.

Attendees stressed the need for a voice for Basin First Nations Peoples in the program's planning and implementation. The department has conducted a variety of consultations in 2024 both virtually and in person (as detailed in this report) to ensure the voices of Basin First Nations Peoples has been heard and incorporated into program design.

Eligibility criteria

Attendees wanted to prioritise Traditional Owner status over Registered Aboriginal Party (RAPs) status for grants eligibility. They also recommended including the RAPs process in grant guidelines to prevent past barriers in accessing funding recurring.

The department understands that family or clan groups in a Nation might want to apply separately for different activities. These groups can apply on their own, instead of as a whole Nation, if it suits their community better. If multiple groups from the same Nation apply, the department will consider the size of each community, the Nation, and the resources available when awarding the grants.

Other feedback on program design

Attendees recommended reviewing and clearly communicating the application process and timelines. This would help Basin First Nations groups understand expectations and prepare. They also suggested the department create case studies showing timelines, costs, and resources required for Cultural flows planning.

They also pointed out that the language and communication about such projects should be simplified. The department is developing video products to meet these needs. It was suggested that conflict resolution mechanisms need to be integrated into the program design. This includes using Culturally informed dispute resolution processes. It also considers using independent facilitators to manage disputes.

Attendees asked for clear updates on application timelines. They also wanted grant application support for Basin First Nations groups. The grants will be open for 10 weeks. This gives groups time to prepare proposals and ensures fair access.

The department also gave attendees more information on the assessment process. They noted that the program team could help Basin First Nations to find suitable support to assist with the development of their applications.

Policy barriers to accessing Cultural flows

Attendees called for better coordination between Commonwealth and state or territory governments. This would improve access to Cultural flows. They voiced frustration with existing barriers and the need for more effective solutions.



Photo credit: DCCEEW, Murrumbidgee Country

Questions on notice

Some queries arose during the consultation activities. If the department did not have all the information at the time, they addressed them after the session. Questions raised by Basin First Nations Peoples and our responses are as follows.

Given that the grants will be non-competitive, how will eligibility be decided in the instance that more applications are received than total funds available?

We will assess grant applications on their merits. We designed the program to be non-competitive. This ensures that no applicant is disadvantaged in their stage of Cultural flows planning.

If multiple Traditional Owner Groups are eligible to apply within a Nation, how will the department ensure smaller Nations have equitable opportunities to apply?

We made the program non-competitive. This ensures smaller Nation groups have the same ability to apply. When considering multiple applications from a Basin Nation, we will look at the population of each community and Nation, as well as the local context and resources. If you're interested in making an application but require support to navigate the application process, please contact firstnationswater@dcceew.gov.au.

Is there consideration for supporting outcomes once the funding has run out?

The program budget is available for 3 years, with \$20 million in grant funding available for Basin First Nations groups. Projects will have 2 years to be completed. No additional funding is available.

What processes are in place to ensure Cultural due diligence and an understanding of the context and relationships of Nations?

The department will focus its Cultural due diligence within the scope of the grant eligibility criteria. When assessing applications from multiple family groups within a Basin Nation, we will consider, among other things, each community's and Nation's population, the local context and available resources.

How does the department see New South Wales (or other states and territories in the Basin) supporting Nation groups to develop their Cultural flows plans?

New South Wales (or other states and territories in the Basin) could assist by:

- helping Basin First Nations access the Cultural flows in their plans
- providing any data or research on Cultural flows planning like geospatial mapping data, hydrology, vegetation mapping data
- providing application writing support where possible and appropriate.

Can the department include Cultural flows planning case studies as a resource to support the application process?

Yes. We are working with some Basin First Nations who have started Cultural flows planning to share their stories. Videos will be made available outlining the benefits of Cultural flows planning, barriers experienced, and lessons learned. If you would be interested in sharing your story, please contact FirstNationsWater@dcceew.gov.au.

Can the department send out a revised timeline following the virtual roundtables?

The program timeline is available and will be updated at [Supporting Cultural flows planning for Cultural economies in the Murray-Darling Basin – DCCEEW](#).

Reflections

The following are the overall themes we heard during the first stage of consultation.

Equitable distribution of grant funding

Many Basin First Nations Peoples shared concerns that grants will not be equitably distributed. Historically, some government initiatives helped Cultural flows planning for certain Nations. However, others missed out. This created planning gaps and fostered resentment towards government programs. Some groups believe that funding decisions for this program have already been made. This perception has raised tensions between attendees. Without NBAN, northern Basin First Nations are working independently, taking opportunities as they arise. Meanwhile, MLDRIN's work is benefitting its members in the development of Cultural flows planning. Other southern Basin First Nations, not part of MLDRIN, may lack support to develop water projects.

Managing work on contested territories

Basin First Nations groups are worried about working on others' lands or disputed areas. The situation becomes harder when these groups aren't registered Aboriginal parties or don't have Native Title but still want to do grant-funded work on their Country.

Basin First Nations Peoples said it's vital to acknowledge the sovereignty and rights of all Basin First Nations groups. This recognition helps prevent conflicts in the grants process. Attendees also suggested including a clear process in the Grant Opportunity Guidelines to determine who has Cultural authority.

Some attendees said the department should simplify grant applications for projects in contested areas. These projects need consultation with stakeholders like Traditional Owners, registered Aboriginal parties, and neighbouring Basin First Nations groups. This is crucial for consent and collaboration on a Cultural flows plan. Basin First Nations Peoples want grants to go only to those who are Traditional Owners and have Cultural authority over the Country and waters mentioned in their applications.

Defining Cultural economies

Basin First Nations Peoples criticised the department's Western definition of Cultural economies during the consultation. They emphasised that Cultural economies encompass far more than just business activities. Basin First Nations Peoples stressed the need for a holistic definition. This includes future investments, protecting Cultural practices, ensuring healthy communities, and passing down Cultural knowledge. Attendees told us the broader definition is essential as it supports Cultural heritage and wellbeing. It also ensures their values and goals are included in economic planning and development. The department has changed the definition to align with attendees' views.

Addressing demand for grant funding and support

During the consultations, the department noted a likely high demand for funding. Basin First Nations Peoples suggested increasing funding for all Basin First Nations. There was also a call for funding to remain available for Basin First Nations groups who are not yet ready to participate in the grant program. Extending funding beyond the 3-year program would help those Basin First Nations groups who hadn't started Cultural flows planning yet.

However, the department can support:

- projects of various sizes (large, medium, small)
- flexibility in project timelines (within the 2-year bounds of the program)
- Basin First Nations groups to identify which activities will best support them to plan for Cultural flows and related Cultural economies. This will be in line with the eligibility criteria set out in the Grant Opportunity Guidelines
- a range of activities required at different stages of Cultural flows planning. This includes starting, continuing, finalising or revising Cultural flows plans.

Support for making applications was also identified as a critical requirement. Basin First Nations Peoples emphasised that applicants should be able to decide what supports they needed. Also, the department should use plain language. It should provide case studies to help applicants engage with and benefit from the program.

Basin First Nations Peoples suggested that grant applicants should co-design the monitoring and evaluation of their project with the department.

What we heard during the second consultation

Online survey responses

We surveyed Basin First Nations Peoples online. We sought their views on eligible and ineligible activities and spending to inform the Grant Opportunity Guidelines for the program.

We received 5 survey responses with 4 responding as individuals, while one responded on behalf of their Nation. Responses were received from Queensland and New South Wales. No responses were received from Victoria, South Australia, or the Australian Capital Territory.

Survey responses showed that the proposed activities and spending would support Basin First Nations. They would use it to plan for Cultural flows, governance and water-related businesses.

Eighty per cent of respondents indicated:

- the proposed activities would meet most objectives of completing a Cultural flows plan, governance structure, and/or a business plan
- all the important expenditure items (both eligible and ineligible) were in the draft Grant Opportunity Guidelines (figure 6).

The guidelines capture all the important eligible and ineligible expenditure items

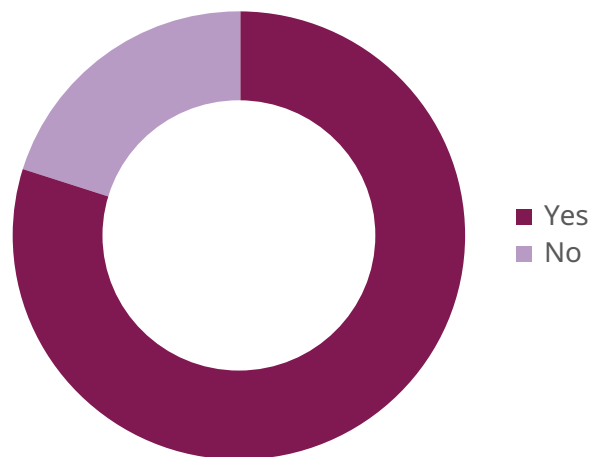


Figure 6. Support for eligible and ineligible expenditure items in the draft Grant Opportunity Guidelines

Cultural Flows Planning for Cultural Economies

Respondents confirmed which program outcomes were important to their Nation. Some outcomes respondents will be seeking from the program include:

- Bespoke, Nation-led projects that produce self-sufficient Cultural flows plans.
- Nations having the opportunity to develop water governance structures that can enable them to:
 - increase their negotiating power with the Australian Government
 - establish collective governance arrangements with other Nations.

Support needed for Basin First Nations groups to complete Cultural flows, governance and business planning include:

- Extra engagement, consultation and support for groups less advanced in Cultural flows planning.
- Funding to community organisations for Cultural awareness activities.
- Funding to include projects that review or revise Cultural flows plans. It also covers plans linked to Cultural flows such as healthy Country planning and reviews of work on Country.

The department intends that the program will help Basin First Nations groups build governance structures to support water ownership and decision making. It is committed to matching support to the groups' Cultural flows planning status. All groups will have access to support, in-person and online to develop project proposals and submit them.

Summary of in-person meetings

Scope of eligible activities

Attendees wanted to include planning for water infrastructure that supports Cultural flows in the program. Following this feedback, planning for water infrastructure for Cultural flows will be included as an eligible activity in the Grant Opportunity Guidelines.

They also highlighted the need for funding to buy Water Access Licences identified in Cultural flows plans. In some states, you must have a Water Access Licence to be able to buy water entitlements.

Respondents stressed that governance planning is vital for Basin First Nations groups. Setting up governance structures is a key step for achieving their goals and ensuring self-determination.

Broader policy discussions

Attendees identified the following barriers to water ownership and water justice:

- Needing accessible information on water markets and water management frameworks. This includes understanding the limits of Native Title rights, knowing how the Basin Plan manages water, and knowing how to get water licences and allocations in the water market.
- Environmental water (as defined by the *Water Act 2007*) held by the Commonwealth Environmental Water Holder should be managed by First Nations Peoples. Although Cultural flows are not yet recognised in the Water Act, its inclusion can be explored during the review of the Water Act in 2027.
- Silos between government departments need to be broken down. Linkages between First Nations Water policies and programs need to be clearer. Trying to navigate the policies and programs related to First Nations water between state government and the Commonwealth is too complex.

Other comments

Attendees said the program should be accessible to grassroots organisations. The department should support unrecognised smaller Basin First Nations to join and benefit from the program. They emphasised that they want engagement to be happening on Country.

Some attendees said they did not know how to apply for the program.

Reflections

The second phase of the program design confirmed that our planned activities and size of grants will help Basin First Nations Peoples. They will be able to better plan Cultural flows, and develop governance, and water businesses.

The department will provide resources to support all applicants. This includes instructional videos on how to use the Business Grants Hub website and case studies. There will be opportunities for the program team to meet with Basin First Nations groups on Country or virtually to develop project proposals. There will also be on-call support to answer questions during the application period. Smaller Basin First Nations groups and grassroots groups should contact the program team to discuss and arrange support.

Conclusion

In 2024, we consulted with Basin First Nations Peoples about their goals for Cultural flows, water businesses, and governance. The feedback has been used to shape the program.

The consultation showed that Basin First Nations groups are at different stages in planning for Cultural flows. In line with the *Echuca Declaration* (2007), Cultural economies should include protecting Cultural practices, knowledge, and community health. There was strong recognition throughout the two rounds of consultation that robust governance was essential for success. Planning for water businesses and delivery systems was also seen as important.

Feedback on the draft guidelines has been largely positive and confirms the guidelines will help groups in planning for Cultural flows. The program will offer a range of support to those wanting to apply for a grant, including case studies, videos, proposal meetings, and on-call help.

The program demonstrates the Australian Government's commitment to supporting Basin First Nations Peoples to increase their ownership and influence in water management, and to support their obligation to care for Country through Cultural flows planning. It also aligns with the Australian Government's efforts to Close the Gap and work in partnership with First Nations Peoples.

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