

Basin Plan Water Resource Plan Requirements Position Statement 14A Aboriginal values and uses

POLICY ISSUE	What criteria will be used to determine that genuine engagement has been undertaken by States to satisfy requirements about Aboriginal values and uses?
REFERENCES	Basin Plan, Chapter 10, Part 14, s10.52–s10.55

MDBA POSITION STATEMENT
<p>MDBA’s assessment of consistency of a water resource plan with requirements in Chapter 10 Part 14 will focus on how Basin States involve Traditional Owners in identifying Aboriginal objectives and outcomes, and identifying the views of Aboriginal people about the matters in section 10.53 and section 10.54. MDBA will not be assessing the veracity of the Aboriginal objectives and outcomes and associated values and uses identified in water resource plans.</p> <p>MDBA uses its Aboriginal Engagement Principles, which are consistent with the Convention on Biological Diversity’s Akwé: Kon Guidelines, to guide our engagement with Traditional Owners. It is anticipated that Basin States will undertake similar approaches for their Aboriginal engagement processes. MDBA has interpreted this guideline, with respect to water resource planning, to require:</p> <ul style="list-style-type: none"> • a planned approach to properly engaging Traditional Owners (e.g. adequate time, appropriate venues and resources) that results in an Indigenous Engagement Strategy that guides preparation of the water resource plan • identification and involvement of appropriate Traditional Owners throughout all stages of the water planning process • Traditional Owners are properly notified of the opportunity to be involved in the water resource planning process, (e.g. print, phone, electronic and personal media and town meetings) • information about water resource planning processes and content provided is clear to Traditional Owners • use of appropriate tools and mechanisms for recording, understanding and incorporating Aboriginal objectives and outcomes. <p>To provide confidence that Basin States have undertaken engagement with Traditional Owners consistent with the dot points above, the MDBA will compare the consideration of Aboriginal values and uses in water resource plans with the information contained in the MDBA Aboriginal Submissions Database. The aim of this cross checking is to help validate that appropriate processes have been pursued and will not be used to determine the validity or merit of the objectives and outcomes identified in water resource plans. This</p>

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comparison process will occur as part of providing advice to a Basin State to assist the development of a water resource plan.

In relation to section 10.55, MDBA requires a statement outlining the level of protection (if any) of Aboriginal values and uses in transitional or interim water resource plans and how these are maintained or enhanced.

MDBA will consult with the Northern Basin Aboriginal Nations (NBAN) and/or the Murray Lower Darling Rivers Indigenous Nations (MLDRIN) and, where appropriate, other Aboriginal organisations to assist in determining whether the above processes have been followed, and accordingly whether the water resource plan has been prepared having regard to the things specified in sections 10.52, 10.53 and 10.54, and the requirements of section 10.55 have been met.

This advice, obtained during the formal assessment of a water resource plan, will go unaltered to the MDBA members for their consideration. It will be taken into account by the MDBA when it prepares its recommendations for the Minister.

Rationale

MDBA acknowledges that Part 14 requirements are new to many water planning processes.

Part 14 is included in the Basin Plan, in response to international obligations in relation to Aboriginal natural resource management and requirements of the National Water Initiative. The recent review of the *Water Act 2007* (Cth) lends further support to this approach by recommending the use of the Convention on Biological Diversity's Akwé: Kon Guidelines as a basis to prepare guidelines for the development of water resource plans.

<https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>

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