

QUEENSLAND BORDER RIVERS-MOONIE WRP

NBAN ASSESSMENT REPORT



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Chairperson

11 April 2019

Returned to:

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Background

In line with the Basin Plan Chapter 10 Part 14 - Indigenous values and uses (Sections 10.52 – 10.55), the MDBA seeks NBAN's advice as to whether the requirements of Part 14 have been met for the Queensland Border Rivers-Moonie Water Resource Plan (WRP).

On 2 - 3 April 2019, NBAN held a WRP assessment workshop, attended by NBAN Delegates representing Nations with responsibility for Country in the WRP area. The NBAN Delegates assessed Queensland's (the Basin State's) accredited text for Sections 10.52 – 10.55, to:

1. Assess if genuine engagement has been undertaken by the Basin State (MDBA Assessment Criteria), and
2. Assess whether the requirements of Sections 10.52 – 10.55 have been met (Basin Plan Part 14 – Indigenous Values and Uses Assessment).

1. MDBA Assessment Criteria

A planned approach was applied to properly engaging Traditional Owners and resulted in an Indigenous Engagement Strategy that guided preparation of the water resource plan (e.g. adequate time, appropriate venues and resources).

The Basin State held an initial meeting of NBAN Delegates to explain the water resource planning process to these Delegates, before engaging other Nation members. Thereafter, the Basin State didn't confine engagement to only planned meetings, but remained flexible. Some meetings were held with multiple Nations present. Once the Basin State recognised that they weren't engaging all of the relevant people in a Nation, they made attempts to engage others. Flyers and notifications were put up well in advance. Meetings were mostly held during the day, but meetings at night were offered. The consultation that took place was considered good. The Basin State showed respect for Aboriginal people at meetings. They also set up a Facebook page, which got a lot of interest from people living on Country. Engagement was done through appropriate Prescribed Body Corporates, so people that weren't in attendance were kept informed. The Basin State took advice from key Nation members.

NBAN Delegates agreed that there wasn't adequate time provided to Nation members for public submissions, whereas some of the other stakeholders had 6 to 8 weeks to put their submissions in. The Nation meetings to provide submissions should have provided adequate time for Nation members to discuss their submissions with family and community members. During the submission process the Basin State could have used other mechanisms to support First Nation members to provide submissions e.g. email requests with deadlines for submission, email requests for individual submissions, more one-on-one Nation member meetings and more Basin State staff to write down oral submissions. NBAN recognises that this would have required the Basin State to dedicate more human resources to engaging with First Nations. NBAN Delegates agreed that

there wasn't enough time to comment on the draft, but the number of submissions and attendance figures reflect a good approach. Rating: Good.

Appropriate Traditional Owners were identified and involved throughout all stages of the water planning process.

Advice: The fact that the Basin State had meetings with NBAN Delegates first, and then met with other Nation members, built trust with Nation members in meetings. By working through NBAN, the appropriate Nation members were identified and involved. The Basin State adapted their approach according to changing circumstances within Nations.
Rating: Good/Excellent.

Traditional Owners were properly notified of the opportunities to be involved in the water resource planning process, (e.g. print, phone, electronic and personal media and town meetings).

Advice: There was comprehensive engagement to inform First Nation people. At every meeting Basin State representatives showed First Nation members the timeline of the water resource planning process, showing next steps. Basin State representatives also provided their contact details and made themselves available to respond to any questions. The Department provided links to information sources at meetings. Rating: Excellent.

Information about water resource planning processes and content provided was clear to Traditional Owners.

Advice: Basin State representatives explained what water resource planning was, in layman's terms. In the initial meetings the content was difficult to understand, but with more and more information provided, at repeated meetings, the processes became clearer. The Basin State has used a lot of pictures and simplified the content of the information provided. The information in the Water Connections Report reflects that the information provided was taken on board. This reflects that a lot of thought was put into the process. The Basin State was willing to adapt the format of the information and they explained what benefit would be derived from participating in the process. Rating: Excellent.

Appropriate tools and mechanisms for recording, understanding and incorporating Aboriginal objectives and outcomes were used.

Advice: Everything the Nation members provided, i.e. their concerns and issues with regards to Aboriginal values and uses, was taken into consideration and reflected in the Water Connections Report, which reflects Aboriginal objectives and outcomes, and now forms part of the water resource plan. Things that Nation members said in the meetings were captured. The meetings were more like yarning circles, which gave Nation members an opportunity to tell their stories. The way the Basin State collated the

information was done very well and shows in the Water Connections Report. Rating: Excellent.

2. Basin Plan Part 14 – Indigenous Values and Uses Assessment

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.*

Comment: The Queensland Border Rivers-Moonie Water Resource Plan 2019 (page 90) should identify the person/s responsible for undertaking the measures or actions required to achieve the outcomes during the implementation of the water resource plan.

Advice: NBAN Delegates agreed that the requirements for this section have been met and their objectives and outcomes have been captured in the Water Connections Report and Healthy Waters Management Plan. Rating: Good.

- 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.

Comment: In referring to unallocated water, the words “or community use” need to be removed in all instances, but specifically from the Queensland Border Rivers-Moonie Water Resource Plan 2019 (page 92).

Advice: NBAN Delegates agreed that the requirements for this section have been met. Rating: Good/Excellent.

- 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.

Comment: The accredited text suggests a measure or action to be taken in terms of the opportunities to strengthen the protection of First Nation values and First Nation uses. The Queensland Border Rivers-Moonie Water Resource Plan 2019 (page 93) should identify the person/s responsible for undertaking the measures or actions in terms of the opportunities to strengthen the protection of First Nation values and uses.

Advice: NBAN Delegates agreed that the requirements for this section have been met. Rating: Good.

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;*

Advice: Although native title and ILUAs were not brought up at some Nation meetings, and the Water Connections Report offers only a generalised explanation of how native title was given regard to, NBAN Delegates agreed that the water resource plan was prepared having regard to native title. The requirements for this section have therefore been met. Rating: Satisfactory.

b) *registered Aboriginal heritage relating to the water resources of the water resource plan area;*

Advice: In preparing the water resource plan, the Basin State consulted the register of Aboriginal heritage however, on the advice of Nation members, the sites have not been published. NBAN Delegates agreed that the requirements for this section have been met. Rating: Good.

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;*

Comment: NBAN Delegates cannot provide advice on the inclusion of First Nation representation in the *implementation* of the plan.

Advice: The Water Connections Report reflects that First Nation representation was included in the preparation of the plan. The Healthy Waters Management Plan has been

prepared having regard to First Nation social, cultural, spiritual and customary values. The Water Connections Report showed the corresponding objectives, and strategies for achieving these, resulting from consultation with First Nations. NBAN Delegates agreed that the requirements for this section have been met. Rating: Good.

- f) *risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area.*

Advice: Risks to First Nation values and First Nation uses have been addressed in the Risk Assessment Report and Risk Management Report. Rating: Excellent.

10.54 Cultural flows

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

Advice: Basin State representatives explained how cultural flows were different to environmental flows and that cultural flows could be used to water particular areas of significance like Narran Lakes and for a range of other, non-environmental uses. NBAN Delegates agreed that the requirements for this section have been met. Rating: Good.

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.*

Comment: The Water Resource Plan (page 96) should identify the person/s responsible for Section 43 of the Water Plan, in terms of undertaking the measures or actions necessary for the allocation of unallocated surface water and underground water reserves for helping Aboriginal communities achieve their economic and social aspirations.

Advice: The Queensland Border Rivers-Moonie Water Resource Plan 2019 provides for at least the same level of protection of First Nations' values and First Nations' uses by referring to Section 95 of the Queensland Water Act 2000 and provides for a greater level of protection in securing unallocated surface water and underground water reserves for helping Aboriginal communities achieve their economic and social aspirations. NBAN Delegates agreed that the requirements for this section have been met. Rating: Good/Excellent.

Conclusion

Comment: For Section 10.53 (b), (c), (e) and (f) the accredited text suggests some future measure or action. Column E in the Water Resource Plan 2019 should specify the responsible person for the implementation of the future measures or actions in this Section, in keeping with Section 10.06.

The Water Connections Report, Appendix G, should include column “E – Responsible persons (1) s10.06(1) (2) s10.06(2)”.

In referring to unallocated water, the words “or community use” need to be removed in all instances, but specifically from the Queensland Border Rivers-Moonie Water Resource Plan 2019 (page 92).

Advice: NBAN recommends the Basin State’s accredited text in Sections 10.52 – 10.55 of the Queensland Border Rivers-Moonie Water Resource Plan, for accreditation.