

CONDAMINE-BALONNE WRP

NBAN ASSESSMENT REPORT



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Chairperson

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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 Condamine-Balonne Water Resource Plan (WRP).

On 4 - 5 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).

Advice: NBAN Delegates agreed that the Basin State could have done better in providing more time and resources in engaging First Nation members however, the Basin State has a plan to reassess the water resource plan in five-year's time and First Nations will be included in that assessment. The final Water Connections Report should also be sent to PBCs and NBAN Delegates should be consulted on how many copies they would like for their Nation members. Rating: Satisfactory.

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

Advice: The Basin State did an excellent job in identifying Nation members. The Basin State's staff communicated well. The Water Connections Report shows that the Basin State listened and improved on their First Nation engagement strategy, following the Warrego-Paroo-Nebine water resource plan. The NBAN Delegates recognised that Basin State staff are trying to change the State's mindset with regards to engaging First Nations. Rating: 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: NBAN Delegates reported that some Nations only found out about opportunities to be involved in the water resource planning after the fact. Basin State staff did not

attend some Nation-led meetings they were invited to. Initially, Basin State staff were consulting communities, but following advice from Nation members, they changed their approach and took a Nation-based approach. Rating: Satisfactory.

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

Advice: A lot of Nation members didn't have an understanding of water resource planning. Initially information and content was unclear to those who hadn't been involved from the beginning. This understanding improved over time for those who attended meetings. NBAN Delegates noted that they would have liked the Basin State to supply them with brochures, which they could have distributed to their Nation members. Rating: Partial.

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

Advice: The Water Connections Report reflects how well the Basin State recorded, understood and incorporated the information provided to them by Nation members to produce the content, including objectives and outcomes, in the 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 Basin State did a good job. It captured the Nations' objectives very well and the Water Connections Report reflects this.

Advice: NBAN Delegates agreed that the requirements for this section have been met. 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: The Basin State captured Dreamtime stories that relate to spiritual and cultural values and respected the Nations' members wishes in not publishing these in the Water Connections Report. NBAN Delegates agreed that First Nation values have been considered in the water resource plan. Even though the Basin State captured the uses, they need to understand First Nations cultural priorities and responsibilities under First Nations lore and customs.

Advice: NBAN Delegates agreed that the requirements for this section have been met.
Rating: 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 NBAN Delegates recognised that the opportunities that have been identified are out of the scope of the water resource plan, but have been captured in the Water Connections Report and the Healthy Waters Management Plan. To ensure that the full protection identified in the Water Resource Plan is linked to and complies with the Water Act, they should be included as measures to achieve the outcomes in the Water Plan.

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: The Basin State has had regard to the views of First Nations with respect to native title. Rating: Good.

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

Advice: The Basin State has respected the views of the Nation members with respect to cultural heritage. 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: The Basin State explained to First Nation members what it means to be informed and to actively participate in the water resource planning process. It has presented First Nations' information very well and has captured the objectives extensively. NBAN Delegates cannot provide advice on the inclusion of First Nation representation in the *implementation* of the plan.

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

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

Comment: Risks to First Nation values have been covered in detail.

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

10.54 Cultural flows

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

Comment: NBAN Delegates agreed that the Basin State still has more work to do in terms of cultural flows.

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

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: Even though the index points to responsible persons, due diligence needs to be had with regard to the implementation stage of the water resource plan.

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

Conclusion

Comment: The Basin State needs to give out more brochures and circulate more information regarding the First Nations' outcomes they have committed to achieving in the next five years.

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.

Advice: NBAN recommends the Basin State's accredited text in Sections 10.52 – 10.55 of the Condamine-Balonne Water Resource Plan, for accreditation.