

12th April 2019



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Philip Glyde
Chief Executive Officer
Murray Darling Basin Authority

Re. Assessment of South Australian River Murray WRP

Dear Mr Glyde,

We are pleased to submit our advice following an assessment of the South Australian River Murray Water Resource Plan (RM WRP).

Following an assessment process outlined below, MLDRIN has formed the view that the RM WRP has fulfilled the requirements enumerated under Basin Plan, Chapter 10, Part 14 to a satisfactory degree.

MLDRIN's review of the plan, informed by input from Delegates and representatives of the First Nations engaged, identified some positive aspects of the South Australian Government's approach to consultation and WRP development. These include:

- A willingness to engage all Nations based on their capacity and interests
- Investment in building strong relationships between water planners and First Nations
- A willingness to listen and respond to Nations views about appropriate consultation and plan development
- Providing a base for Nations to engage with water issues and consider how to advance their water interests
- A willingness to bring South Australian Nations together to share knowledge and strengthen their position
- Explicit responses to the Basin Plan, Chapter 10, Part 14 requirements and commitments which provide a way forward for implementation.

Despite these positive approaches, the assessment noted some shortcomings of the consultation process and highlighted South Australian Nation's concerns that the RM WRP, and State water management, have not addressed the substance of First Nations water rights and interests.

Specific concerns included:

- Failure to follow up with all relevant First Nations to ensure broad support and endorsement for the amalgamated objectives and outcomes identified in the plan
- Inclusion of principles for engagement which outline broad procedural commitments, but fail to respond to the substance of water rights and interests as articulated by SA First Nations
- Inadequate consideration of the investment and resources needed to support Nation participation throughout plan development
- Inconsistencies in resourcing and opportunities between some Nations.
- Limited information about the rights of Native Title holders, what views were put forward about the significance or enjoyment of these rights or how these rights should be protected or enhanced through the operation of the WRP.
- Overarching power imbalances, lack of legal recognition of First Nations' rights, lack of resources, and limited understanding or support for First Nations objectives throughout all levels of Government.

MLDRIN recommends that the RM WRP, in its current form, has met the requirements of Chapter 10, Part 14 of the Basin Plan to a satisfactory degree. We submit this advice to the MDBA in order to inform the Authority's advice to the Minister for Agriculture and Water Resources.

In providing this advice, MLDRIN delegates wish to highlight the following views and considerations:

- Participants noted that the weakness of the provisions under Basin Plan 10.52, 10.53 and 10.54 meant that, in providing a satisfactory response to these requirements, SAG has still not responded adequately to the substance of First Nations' water rights and interests.
- In identifying compliance with the Chapter 10, Part 14 requirements, this assessment does not constitute an endorsement by MLDRIN or South Australian First Nations, of the WRP or the frameworks governing water allocation and management in South Australia.
- There are a number of further actions and commitments that are needed to give force and effect to the WRP content. In particular:
 - Strategies and resources for implementation of the six principles of engagement identified as a response to Basin Plan 10.52 (3)
 - Strategies and resourcing for implementation of the National Cultural Flows Research Project water planning tools and other Nation-based tools for identifying water-dependent values and assessing risk
 - A program of monitoring and evaluation to track achievement of the objectives and outcomes identified in the plans

Assessment approach

This formal assessment of the RM WRP was undertaken by MLDRIN in accordance with the note included under Part 14 of Chapter 10 of the Basin Plan.

MLDRIN's assessment approach was informed by reviewing key requirements and guidelines (including Basin Plan Chapter 10 - Part 14, MDBA Guidelines, the Akwe:Kon guidelines and MLDRIN's 2016 WRP Discussion Paper). The assessment was conducted in a way that respects the cultural authority and decision-making of Nations, reviewing the plan in line with their objectives, outcomes, values and uses.

For the assessment of the River Murray WRP, MLDRIN responded and adapted to the preferred assessment approach of SA Nations. Workshop participants expressed their preference for a qualitative review of the plan development and content, with a narrative approach to communicating assessment advice. This meant that, for the Basin Plan Chapter 10, Part 14 requirements a 'score' or rating of performance was not provided. Rather, participants wished to consolidate their advice and communicate their findings in a Statement covering both the River Murray and Eastern Mount Lofty WRPs (see below).

MLDRIN's Assessment Matrix, incorporating a Leichardt Scale to guide and focus assessment of performance against key requirements, was used to collate views about the WRP and to provide a rating against the MDBA Assessment Criteria.

South Australian First Nations expressed their preference to undertake an assessment of the Eastern Mount Lofty Ranges WRP and River Murray WRP through a single assessment workshop. This was because of the strong similarity in content between the two plans (especially the accredited text responses to Basin Plan requirements), the collaborative engagement that occurred in developing the two plans and the inclusion of some First Nations in both plans.

For this reason, the Assessment Matrix report and First Nations Statement incorporate views and feedback about both the RM and EMLR WRP. MLDRIN is confident that the suite of assessment documents provides clear advice on assessment of both WRPs.

The MLDRIN assessment included

- A two-day workshop (held 3-4th April 2019) attended by MLDRIN staff, SA DEW staff and MLDRIN Delegates or representatives of the following Nations: Maraura, River Murray and Mallee Aboriginal Corporation, Ngarindjeri, Kurna, Ngadjuri and Peramangk.
- Targeted engagement with relevant MLDRIN Nation representatives and key contacts who were not able to participate in the workshop (including MLDRIN's Ngarrindjeri Delegate and Ngintait Delegate).
- Regular engagement with SA DEW staff on preparation and drafting of the plan between 2014-2019.

The assessment allowed MLDRIN to identify where the RM WRP had met the Basin Plan requirements and where there was partial fulfilment or major gaps.

Findings

When assessing the RM WRP against the requirements stipulated in Chapter 10, Part 14 of the Basin Plan, MLDRIN found that the Plan demonstrated satisfactory compliance with all requirements.

Further detail of Nations' views on performance against the Basin Plan requirements, positive achievements and shortcomings is provided in the attached Assessment Template and First Nations Statement

When assessing the RM WRP against the 'Assessment Template' criteria provided by the MDBA, MLDRIN found the plan demonstrated good compliance with the following criteria:

- A planned approach was applied to properly engaging Nations and resulted in an Indigenous Engagement Strategy that guided preparation of the water resource plan (e.g. adequate time, appropriate venues and resources)
- Appropriate Nations were identified and involved throughout all stages of the water planning process.

MLDRIN found that the RM WRP demonstrated satisfactory compliance with the following two criteria:

- Nations 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)
- Information about water resource planning processes and content provided was clear to Nations

MLDRIN found that the RM WRP demonstrated only partial compliance with the following criteria:

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

MLDRIN notes that in many cases, approaches to consultation and the preparation of the WRP fell short of best practice guidelines provided by the MDBA and by MLDRIN in collaborative forums and formal guidance, such as the MDBA's *Water Resource Plan Part 14* Guidance document.

Given the length and complexity of the WRP document, MLDRIN was not able to undertake a review of the WRP against the Akwe:Kon guidelines.

Other Matters

The attached First Nations Statement represents the consolidated, culturally-informed advice of First Nations in attendance at the assessment workshop for the RM and EMRL WRPs.

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This advice provides an assessment the RM WRPs performance against Basin Plan requirements, but considers also its alignment with cultural principles and protocols. The Statement considers the WRP as a 'live' document that requires ongoing input and involvement from First Nations to drive improved outcomes.

The Statement should be considered alongside MLDRIN's Assessment Summary and Assessment Template reports.

We look forward to being able to continue to work with Basin States, The MDBA and Aboriginal Nations to ensure that the preparation and assessment of WRPs achieves best practice and supports genuine outcomes for Traditional Owners.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rene Woods', written in a cursive style.

Rene Woods
Chairperson, MLDRIN

Criteria	Assessment of performance										
MDBA Chapter 10, Part 14 Assessment Criteria											
<p>A planned approach was applied to properly engaging Nations and resulted in an Indigenous Engagement Strategy that guided preparation of the water resource plan (e.g. adequate time, appropriate venues and resources)</p>	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 15%;">Absent</td> <td style="text-align: center; width: 15%;">Partial</td> <td style="text-align: center; width: 15%;">Satisfactory</td> <td style="text-align: center; width: 15%; background-color: yellow;">Good</td> <td style="text-align: center; width: 15%;">Excellent</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">3</td> <td style="text-align: center; background-color: yellow;">4</td> <td style="text-align: center;">5</td> </tr> </table> <p>Participants noted that, between 2015-19, the South Australian Government (SAG) had undertaken work to develop a coordinated and strategic approach to WRP engagement for all WRPs. SA Nations had contributed to the development of strategies and views regarding appropriate consultation. Many approaches had been formulated or informed by the Nations.</p> <p>“We put the views to them about how it should be run. We put the ideas into their heads. They have taken that on and run with it. They have started to implement some of these things.”</p> <p>The Ngarrindjeri participant noted Ngarrindjeri and First Nation contribution to the design and implementation of WRP engagement: “It was designed by us, around our engagement around the Kungan Ngarrindjeri Yunan Agreement (KNYA). It was done on the back of NRA resourcing, and our own resources because we invested in it.” Participants noted the significant investment of First Nations’ time, knowledge and resources into the design of engagement processes.</p> <p>Workshop participants discussed the development of SAG’s approach to WRP consultation, including development of an SAG business case for access to Intergovernmental Agreement funding. The business case was developed by the State, but not in engagement with Nations. SAG could have engaged with TOs to build that business case. Participants noted that they had to argue to get access to that budget.</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
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	<p>There was concern noted that, while funding was allocated to the SA Government, there was inadequate consideration given to the investment and resources needed to support Nation participation. Nations felt that SA should have funded their staff and overheads out of SAG budget.</p> <p>Participants noted that Aboriginal nations, including Ngarrindjeri had had to argue the case for sufficient funding to underpin a planned and inclusive approach to consultation. The Ngarrindjeri participant noted that, during early discussions regarding development of the business case, there was little funding dedicated to ‘upriver’ nations. Ngarrindjeri’s participation had been funded by virtue of existing agreements. This was seen as unequal.</p> <p>The Kurna participant noted that when SAG first started to talk to his Nation, there was no resourcing attached to the consultation work.</p> <p>Participants noted that SA WRP engagement activities, informed by input from First Nations, was supportive. Participants discussed the importance of having multi-Nation meetings (three multi-Nation meetings workshops held at Calperum, Camp Coorong and Warriparinga). This was an approach advocated for by Traditional Owners, to bring connectivity between Nations. Participants felt that his approach added strength to the State representatives perspectives because they could see the united voice, and it was strong.</p> <p>Delegates discussed the risks and challenges associated with having individual delegates tasked with communicating the views of a whole community or Nation. This was seen as culturally inappropriate.</p> <p>Participants noted that, increasingly, the quality of consultation efforts has improved, with First Nations shaping and leading the format of engagement. A number of participants noted that, where processes were owned by the Nations, they were more successful.</p>
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	SA Governments' willingness to allow Nations to define processes for appropriate engagement was welcomed.
Appropriate Nations were identified and involved throughout all stages of the water planning process.	<p>Absent Partial Satisfactory Good Excellent 1 2 3 4 5</p> <p>Participants noted that all relevant South Australian Nations were involved, to varying degrees, in consultation for development of the WRPs.</p> <p>Participants noted that there were challenges and shortcomings with consultation for most Nations during stages of the water planning process, and inconsistencies between resourcing and opportunities between some Nations.</p> <p>First Peoples of the River Murray and Mallee participants discussed the establishment and management of the First People's Working Group as an engagement mechanism. There were concerns regarding changes in DEW staffing arrangements to support the working group, levels of proactive engagement from DEW, limitations to membership of the working group and fluctuating funding. Participants noted that decision-making needs to be embedded in community discussion and consensus supported by consistency in engagement mechanisms.</p> <p>It was noted that various Nations within the SA MDB corroborated to share approaches and develop positions.</p> <p>For consultation on the EMLR WRP, three Nations were engaged collectively in some engagement activities and in implementing mechanisms for identification of objectives and outcomes. Nations also drew on each other's approaches and experience to improve consistency.</p>

	<p>Opportunities for all Nations to be engaged were partly brokered by Nations who were already more closely engaged with SAG. For example, Ngarrindjeri, through pushing for multi-nation meetings, helped to engage more Nations who had only limited involvement in water planning discussions. The identification and participation of all relevant Nations was promoted and facilitated by Nations themselves. Nations also had to provide advice regarding appropriate individuals and contacts within Nations.</p> <p>Discussions also highlighted concerns regarding the consistency of consultation activities. Records of Nation workshops and meetings (Table 19 River Murray (RM) WRP extract and Table 48 Eastern Mount Lofty Ranges (EMLR) WRP extract) show that workshops occurred more regularly over the whole course of the water plan development process for some Nations. For some other Nations, consultation occurred over the course of a year or two, but does not appear to have persisted beyond late 2017, early 2018. This observation related to concerns regarding the lack of appropriate review and sign off from Nations for the objectives and outcomes included in the plans.</p> <p>There was also lack of certainty regarding commitments to funding for positions within Aboriginal organisation. The ability of these arrangements to support consistent engagement across all stages of water planning, on an ongoing basis, was questioned.</p>										
<p>Nations 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)</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>There was general agreement that notification of opportunities to participate in consultation were satisfactory.</p> <p>SAG utilised and relied upon Nation’s internal engagement and communication processes and</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
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	<p>Aboriginal staff within DEW to advise of these opportunities.</p> <p>Participants noted that DEW approached them personally, and assisted Nation members to advise community members of engagement opportunities. Nation members helped to promote, organise and set up meetings. Participants welcomed the support provided by DEW staff.</p> <p>Participants noted the high expectations and responsibility placed on DEW Aboriginal employees to provide direction on promotion of opportunities and communication with First Nations. The expectation can be unduly placed on one individual to get the word out. That needs to be addressed. It can become very draining.</p> <p>Participants noted that there were some issues with maintaining and updating contact databases which meant that some individuals may have missed consultation activities.</p> <p>The Ngarrindjeri participant noted that communication between DEW and the Ngarrindjeri water coordinator worked well. Ngarrindjeri utilised their own internal communication and engagement protocols to ensure appropriate and timely notification to community members. This was resourced to a point.</p>										
<p>Information about water resource planning processes and content provided was clear to Nations</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants discussed a range of views regarding the clarity and effectiveness of communications.</p> <p>Participants noted that, in general, throughout the course of plan development, the quality and clarity of communications has improved and First Nations are more confident to interpret difficult documents.</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
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“It has got better. It is getting better recently. When we did the program logic [workshop] and then when we had the meeting back on Country, the interaction is better.”

It was noted that there is a significant disparity in the capacity and internal resources of Nations to interpret water resource planning material. There is also significant disparity within the Nations.

Participants noted that, while individuals with more extensive experience and familiarity with technical documents and water planning instruments may find information provided to be appropriate, other community members still struggled with the information provided. The example of Water Allocation Plans was raised. These are very extensive, technical documents. It was considered unlikely that most community members would be able to identify or understand relevant provisions of WAPs.

Participants noted the effort required of First Nations representatives to simplify information and provide summaries for community members.

“We had to do some straight talking to get them to communicate in the way that we need them to communicate.”

It was noted that, at times, First Nations had to repeatedly seek clarification from DEW staff around processes (such as prioritisation of wetlands for watering events) before clear and accurate information was provided.

There was a concern that information provided about opportunities and achievable outcomes relating to water access and allocation, may not always have been fully transparent and explicit. Participants wanted to ensure that consultation is genuine and clearly communicated the reality and what is achievable through water allocation.

	<p>DEW staff did provide direct responses to requests for information and detail about water allocation and delivery and prioritisation processes. There were times where Traditional Owners needed in-camera sessions to clarify their positions and response to information.</p> <p>The Ngarrindjeri participant noted that Ngarrindjeri leaders had to invest significant time to help clarify information and build engagement. There was resourcing provided by SAG, but this did not account for the ‘back end work’, effort and commitment required of community members to ensure Ngarrindjeri people were able to engage with complex water planning material.</p> <p>“The WRPs and WAPs are very complex documents and we see the results of it on our Country. For me it [WRP consultation] is a tick the box. We don’t have the adequate resourcing available to communicate and engage appropriately. Ngarrindjeri Regional Authority (NRA) should have a wetland floodplain management team to understand the science and relay that back to community and the relevant stakeholders.”</p> <p>Participants noted the importance of culturally appropriate communication targeted to First Nations. Participants welcomed the opportunity to develop a video of the Calperum multi-nation workshop and its values as a communication tool.</p>										
<p>Appropriate <u>tools and mechanisms</u> for recording, understanding and <u>incorporating Aboriginal objectives and outcomes</u> were used.</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants expressed a range of views regarding the use of tools and mechanisms for understanding and incorporating Aboriginal objectives and outcomes into the WRP.</p> <p>Participants were positive about the coordinated engagement and consultation processes that supported various SA nations to come together for ‘all-Nations’ meetings and think strategically</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
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	<p>about participation in water planning. Participants were also positive about the individual agency staff who had invested in building strong relationships with First Nations.</p> <p>“DEW have changed their attitude. They now come out to the Country. They come out to meet us on Country. We have pushed them to do that.”</p> <p>Discussion touched on the fundamental mis-alignment between Traditional Owner worldviews and non-Aboriginal mechanisms and framework for recording and understanding First Nations’ values. Some participants highlighted that tools and mechanisms, used by Government agencies, will never be able to understand and communicate First Nations’ values about the connection to the river in the current paradigm, unless there is a major shift in world-views. The Ngarrindjeri representative observed that “There is no fit between the parameters set by non-Indigenous law and policy and the significance of water for Ngarridjeri people.”</p> <p>There was also an observation that the use of tools and mechanisms is overshadowed by a fundamental power imbalance which determines the content and parameters of consultation. There was a belief that this power imbalance should be named and be made explicit to allow for transparent engagement. There was a concern that consultation contributing to WRP development did not necessarily acknowledge of account for these power imbalances.</p> <p>These overarching issues framed further conversation about the use of tools and mechanisms for recording and understanding First Nations views. Other key issues raised by participants in the discussion included:</p> <p>The need for appropriate timing and good process. Implementing tools and mechanisms to fit Government timelines and project plants was seen as a risk to good engagement. Expectations and planned outcomes should always be regularly reviewed, rather than imposed on Nations.</p> <p>Use of the Aboriginal Waterways Assessment, for the ‘Three Nations’ involved in the EMLR WRP</p>
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	<p>was generally viewed as a positive process. Nations were able to adapt the assessment processes to align with their preferences for culturally appropriate engagement.</p> <p>The importance of informal workshop time and on-Country visits. All participants highlighted the value of having informal time as part of workshop agendas. This helped to build participation, confidence, interest and passion. Spending time on Country and bringing staff out on Country were also viewed as important aspects of consultation mechanisms. Having time to get to know each other and share time on Country were critical to the successful use of tools and mechanisms. The use of alternative means of recording information, such as writing and drawing, was also highlighted as a valuable approach.</p> <p>Having appropriate staff with the right approach and training. All participants noted the value of staff who approach engagement with the right mindset. It was observed that some agency staff can be too embedded in a non-Indigenous frame to be able to understand and address First Nation perspectives. The importance of staff having contacts with multiple people within a community, to avoid pressure on individuals, was noted.</p> <p>One participant noted that: “they do have the right tools and mechanisms in place but they sometimes misinterpret the responses we give them. We have to reiterate the responses. Its like they are frightened to ask what do you mean? We try to explain things the way we need to explain it. They just interpret it based on what they can see and understand.”</p> <p>The critical importance of First Nation led-mechanisms. All participants highlighted the importance of understanding and supporting Nation-led mechanisms for recording and communicating objectives and outcomes. Ngarrindjeri participants spoke about the development of the Yanna Rumi assessment tool and its alignment with Ngarrindjeri worldviews.</p> <p>The Ngadjuri participant identified the importance of protocols for communication that have</p>
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	<p>been between the Ngadjuri, Kurna and Peramangk Nations. Ngadjuri stressed the importance of understanding this relationship as a way of doing business and ensuring that government consultation approaches build on, rather than undermine that relationship.</p> <p>In summary, participants noted that while strong relationships and recognition of Traditional-owner led processes, tools and mechanisms had underpinned some positive and constructive engagement for the EMLR and RM WRPs, First Nations are still marginalised and constrained in the process. Overarching power imbalances, lack of legal recognition of First Nations’ rights, lack of resources, and limited understanding or support for First Nations objectives throughout all levels of Government were seen as barriers.</p> <p>“They come from a position of power. That is backed by legislation and they are a regulator. These water resource plans affect us as people, they need to understand those impacts and that we need to do this through our culturally appropriate mechanism.”</p>
Basin Plan Chapter 10, Part 14	
<p>A water resource plan must identify the objectives of Indigenous people in relation to managing the water resources of the water resource plan area</p> <p><i>[Assessment Note: Are these Objectives tangible and detailed enough to be addressed? Has the content of the Objectives been informed and shaped by genuine</i></p>	<p>Participants noted that a list of Objectives is included at p.17 of the RM WRP extract and p.21 of the EMLR WRP extract. Participants noted that the list of objectives is identical across the two WRPs.</p> <p>Participants discussed the process that was undertaken to identify and collate Nations objectives into the consolidated list included across all SA WRPs. There was some concern about the replication of these objectives across all plans, and covering all Nations.</p> <p>Participants noted that the objectives and outcomes were written by the DEW staff based on views put by the Nations. This process did not meet participants’ preferences for consultation, development and implementation of objectives and outcomes. Individual Nations should have</p>

<p><i>consultation with appropriate TOs?]</i></p>	<p>had greater agency and input through final refinement and deliberation on objectives and outcomes.</p> <p>Participants identified monitoring and evaluation of objectives and outcomes identified in the WRP as essential to ensure the effectiveness of the plans. Participants focussed on the implementation of the WRP through monitoring and evaluation of progress against the objectives and outcomes. Participants sought to ensure there would be support for tools and processes for measuring progress against the objectives and outcomes, including monitoring of water flows and water quality. Participants want to see an evaluation plan developed for each of the objectives.</p> <p>“The outcomes and objectives are a great thing to have, but without the tools to measure that, how do we know if they are achieved?”</p> <p>The value of having Traditional Owners equipped, skilled and resourced to monitor outcomes on the ground and in community was noted.</p> <p>Participants wanted to ensure there was an ongoing conversation between Nations and between Nations and Government on the identification of objectives and their inclusion in further iterations of the WRP.</p>										
<p>A water resource plan must identify the outcomes for the management of the water resources of the water resource plan area that are desired by Indigenous people.</p> <p><i>[Assessment Note:</i></p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants noted the inclusion of outcomes for management desired by First Nations at p.16-17 of the RM WRP and p.20-21 of the EMLR WRP Extract</p> <p>The assessment focussed on 1) procedures for the identification and approval of outcomes for</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
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<p><i>Are these Outcomes tangible and detailed enough to be addressed? Has the content of the Outcomes been informed and shaped by genuine consultation with appropriate TOs?]</i></p>	<p>inclusion in all SA WRPs and 2) approaches to implementation of outcomes.</p> <p>Participants discussed the procedure for Nation’s review and ratification of WRP content, specifically the objectives and outcomes. It was acknowledged that input from individual Nation meetings, workshops and combined ‘all Nation’ workshops had contributed to the formulation of an amalgamated set of objectives and outcomes for all SA WRPs. While the final list of objectives and outcomes was reviewed by SA MLDRIN Delegates, as part of their review of Draft WRPs, participants felt that there were not adequate opportunity for SA Nations to review, discuss and endorse the content.</p> <p>Participants noted that there was a time delay in communicating and workshopping the objectives and outcomes with the SA Nations. It was understood that DEW were committed to bring all SA Nations together to make the final decision on the content. While engagement with South Australian MLDRIN reps continued, and with some Nations, more inclusive feedback was not sought through the individual nations.</p> <p>Some participants felt that each Nation was supposed to have the option to sign off on the choice of the objectives and outcomes. DEW staff should have been effectively resourced to maintain dialogue with Nations through to finalisation of the WRP content. It was noted that, based on the record of nation workshops included in Table 19 (RM WRP extract) and Table 48 (EMLR WRP extract) some Nations had not had direct contact on WRP matters for over a year.</p> <p>Recognising some inadequacy in the final review and endorsement of WRP content, participants stressed the importance of South Australia committing to community follow-up and an implementation strategy. Participants want to see workshops to continue the discussion on objectives and outcomes and to inform a strategy for implementation.</p> <p>A priority action for the participants was to develop strategies to progress and implement the</p>
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	objectives and outcomes reflecting the agency of each of the individual Nations. Participants felt that SAG needs to initiate this work and allocate funding within the next twelve months
<p>In identifying the matters set out in subsection (1), regard must be had to the social, spiritual and cultural values of Indigenous people that relate to the water resources of the water resource plan area (<i>Indigenous values</i>)</p> <p><i>[Assessment Note: Is the matter specifically addressed in the text of the WRP? Does the WRP set out how proper, genuine and realistic consideration of Traditional Owner views informed the Plan? Is the matter addressed as part of the accredited text? Is the matter addressed as part of the supporting text? Are there strategies in place to address the matter? Are the strategies binding and measurable?]</i></p>	<p>Absent Partial Satisfactory Good Excellent 1 2 3 4 5</p> <p>Participants noted that, in general, this requirement can be seen to have been met. However, it was noted that, particularly in the EMLR WRP, discussion of Kurna and Ngadjuri values and uses is superficial.</p> <p>Participants noted the qualification at p. 18 of the RM WRP extract and p. 22 of the EMLR WRP extract indicating that detail of the content of values and uses will not be provided in the text of the WRP. Instead the WRP focuses on the process for engagement and incorporation of First Nations views in various water planning mechanisms.</p> <p>While the WRP records an extensive narrative of engagement for some Nations, especially within the RM WRP, It was acknowledged that engagement and participation in water resources planning was in its infancy for other groups. In some cases, the WRPs were their first opportunity to participate in water resource planning. The material included in the EMLR WRP reflects these limited opportunities.</p> <p>The Kurna participant recounted his Nation’s approach and interest in contributing views to the development of the WRP. Kurna people wanted to conduct cultural mapping and to get people out on Country. They wanted to work with the Department and with the community getting out on Country to contribute to the WRP.</p> <p>The Kurna and Ngadjuri representatives agreed that bringing the three Nations (Kurna, Ngadjuri and Peramangk) together for workshops to discuss development of the Barossa WAP</p>

	<p>was a constructive process. However, it was noted there was no specific commitment or resourcing from SAG to support such engagement and collaboration into the future. Through on-Country meetings and workshops to contribute to the WRP and WAPs, Kurna identified preferences for engagement and discussed the establishment of an Advisory Board to engage with SAG. The Kurna participant noted his Nations reliance on other River Nations, especially Ngarindjeri, to provide leadership and direction in the water space.</p> <p>Participants noted that the Kurna experience demonstrated that, while regard has been had to values and uses in the identification of objectives and outcomes, there was limited opportunity for some Nations to develop and contribute more sophisticated views that could have strengthened the document. This resulted in fairly cursory coverage of values and uses for some Nations. There was a view that the plans could have been strengthened if SAG had provided more opportunity to go back to the Nations and engage more community members.</p>										
<p>In identifying the matters set out in subsection (1), regard must be had to the social, spiritual and cultural uses of the water resources of the water resource plan area by Indigenous people (<i>Indigenous uses</i>);</p> <p><i>[Assessment Note:</i> <i>Is the matter specifically addressed in the text of the WRP?</i> <i>Does the WRP set out how proper, genuine and realistic consideration of Traditional Owner views informed the Plan?</i> <i>Is the matter addressed as part of the</i></p>	<table border="0" data-bbox="772 801 1500 869"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants focussed on the processes implemented by SAG DEW to support inclusion of Traditional Owner views in the EMLR and RM WRPs as well as the content of the plans which demonstrate how regard has been had to those views.</p> <p>The accredited text at 5.14.1 of the RM WRP extract and on p. 17 of the EMRL WRP extract states that ‘The South Australian government has regard to Aboriginal values and uses of water to varying degrees across many levels of Basin water resource planning processes and instruments and recognises the need for significant improvement in breadth and consistency.’</p> <p>Participants noted the importance of strong oversight and advice from First Nations to guide appropriate WRP consultation, as well as participation of DEW staff with appropriate decision-</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
1	2	3	4	5							

<p><i>accredited text?</i></p> <p><i>Is the matter addressed as part of the supporting text?</i></p> <p><i>Are there strategies in place to address the matter?</i></p> <p><i>Are the strategies binding and measurable?]</i></p>	<p>making authority. Structures such as the Statement of Commitment committee established by Ngarrindjeri and the SA MLDRIN Delegates committee were noted as valuable processes to ensure Traditional Owner interests are given appropriate consideration. This role was further augmented when decision-makers and executive staff are party to discussions and negotiations. “When we have the high level staff involved, we can influence processes better. Once we have the decision makers in there, not just the on-ground workers there, then we can get some traction and outcomes. The workers hands are tied by the structures in the State.”</p> <p>Participants noted that there is growing awareness within Government of First Nations water interests and growing movement towards achieving First Nations vision. WRP workshops, consultation and engagement have contributed to this development and participants observe that there is greater recognition of First Nations spiritual and cultural values of water.</p> <p>There were some concerns expressed that the focus of consultation and engagement with Nations was project based. It was considered that working on a project-by-project basis can distract focus an direction from addressing key underlying issues, such as recognition of <i>a priori</i> water rights. “ There needs to be funding for overall project coordination for the Nations, so there is some oversight and direction to the project by project approach.” There was also a concern that some of the processes and projects listed as supporting information to provide evidence of how regard had been had were old or have ceased and are no longer supported by DEW.</p> <p>The Ngarrindjeri participant highlighted concerns about the lack of appropriate funding to underpi consideration of First Nations values and uses. Ngarrindjeri identified a shortfall in the in the business case developed by SAG for funding for WRP consultation activities. Ngarrindjeri were invited to provide a proposal for additional funding to support consultation undertaken through the Nation’s cultural framework. Ngarrindjeri’s submission requested \$97,000 to undertake appropriate engagement. The proposal was rejected and funding amounting to 10%</p>
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	<p>of Ngarrindjeri’s proposal was offered. There was concern that SAG commitments were inadequate to support appropriate consideration of First Nations’ values and uses through a culturally appropriate framework.</p> <p>Overwhelmingly participants stressed the need for more engagement and stronger input from First Nations, building from the experience gained through the development of the WRP. They also wanted to see less turnover of SAG staff and gender equality amongst SAG staff.</p> <p>“The community needs to come together, to have a bigger input. We need to be able to sit around the table and be able to say with confidence what our concerns are and how we want to go forward. We need to be able to do it more regularly.”</p> <p>Participants were concerned that DEW had not sought or achieved final endorsement of the full content of the WRPs from all SA Nations. They felt that the absence of this full endorsement made it much harder for them to complete an assessment of the WRPs. A united view from a broader cohort of community members would have made assessment more straightforward.</p> <p>It was noted that the six principles for ongoing engagement included as accredited text for both plans, addressing the 10.52 requirement, did demonstrate consideration of First Nations values and uses, but that without strategies for implementation, these could be ineffective. Participants wanted to see ongoing multi-Nation meetings and DEW strategies to implement the principles.</p>										
<p>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</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>The response in both the RM WRP and EMLR WRP to the requirement stipulated in Basin Plan 10.52 (3) is to include a set of six principles which will be upheld when engaging Aboriginal</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
1	2	3	4	5							

<p>identified under subsection (1), in which case the opportunities must be specified in the water resource plan</p>	<p>Nations in the development and review of various plans and instruments relating to water and natural resource management.</p> <p>The participants noted that the principles represent an explicit commitment and response to the Basin Plan requirement.</p> <p>However, there was significant concern voiced regarding the inadequacy of the principles as a response to the detailed views put forward by some SA Nations, as articulated in the objectives and outcomes listed in the plan. There was also concern that the principles did not provide for ongoing First Nation participation in a way that reflects cultural responsibilities and aspirations.</p> <p>The Ngarrindjeri participant spoke about his Nations’ detailed input to negotiations around WRP development over the last seven years.</p> <p>Ngarrindjeri have put forward the case for legislative reform and legal recognition of Nations <i>a priori</i> water rights. The outcomes and objectives in both plans acknowledge this, but the SAG response to these is inadequate. Nations have put forward detailed views about rights, representation within legislated structures and other matters – but the principles have not addressed these.</p> <p>Participants discussed the weakness of the Basin Plan requirements and the focus on procedural recognition as a substitute for legislative and policy change. Participants noted that they were already engaged in a number of the programs and processes identified in the principles, through existing engagement with Government. It was noted that the principles could be interpreted as a re-commitment to work that Nations were already undertaking with SAG and hence they did not effectively strengthen protection of values and uses.</p> <p>Participants also noted that the principles did not commit to further resourcing required to</p>
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	<p>ensure Nations can participate in the development and review of SAG plans and instruments. They also noted the absence of strategies to progress economic development opportunities, as identified by Nations. Review of procurement policies and an audit of wetland management contracts were suggested actions. It was noted that SAG has relied on funding received through Commonwealth Basin planning processes and has not made adequate commitment to support Nations to progress their role in water planning.</p> <p>“I look at this document and ask, where have we progressed? As a result of all the work, investment, processes, have we progressed to a better outcome? There’s no commitment around resources. We are already running all these programs.”</p> <p>Participants noted that they had put forward detailed views about what was needed to support our ongoing participation in a legal and meaningful way. The SAG commitment, as identified in the six principles, is purely procedural, and not backed by any concession or substantive response.</p>											
<p>A water resource plan must be prepared having regard to the views of relevant Indigenous organisations with respect to:</p>	<p>Native title rights, native title claims and Indigenous Land Use Agreements provided for by the <i>Native Title Act 1993</i> in relation to the water resources of</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>The RM WRP supporting text (at p. 25 of the extract) identifies the determination of Native Title rights for the First People of the River Murray and Mallee and Ngarrindjeri. The EMLR WRP (at p.30 of the extract) identifies the determination of Native Title rights for the Ngarrindjeri and Kurna people. Both WRPs state that the native title rights of these groups, or other groups as native title is determined, will be considered through the review of SAG water plans and instruments according to the six principles listed as a response to 10.52.</p> <p>Both plans state that ‘this approach will ensure that all native title holders and claimants, including those groups that hold Indigenous land use agreements (ILUAs) under the Native Title</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent								
1	2	3	4	5								

<p><i>[Notes for Assessment: Is the matter specifically addressed in the text of the WRP? Does the WRP set out how proper, genuine and realistic consideration of Traditional Owner views informed the Plan? Is the matter addressed as part of the accredited text? Is the matter addressed as part of the supporting text? Are there strategies in place to address the matter? Are the strategies binding and measurable?]</i></p>	<p>the water resource plan area</p>	<p>Act, will be engaged meaningfully in the management of water resources on their Country’.</p> <p>The WRPs do not describe the process by which views of First Nations were sought or the how substance of those views is addressed in the WRP.</p> <p>Participants discussed the extent to which First Nations views about native title rights in relation to water had been sought or considered as part of the WRP consultation process.</p> <p>Kurna noted that they were still in the initial stages of developing an ILUA for their Native Title claim area, which would include native title rights relating the water resources. They are developing a position paper on water which would inform future negotiations and consultation. Kurna representatives recorded that DEW did not discuss Kurna NT rights for WRP processes. These issues continue to be discussed as part of development of Kurna ILUA.</p> <p>The Ngarrindjeri participant noted that Ngarrindjeri’s position on native title and water is that the Nation has a sovereign and <i>a priori</i> right to water. This is identified in the objectives and outcomes in both WRPs, but the WRPs do not provide a response to this view.</p> <p>First People of the River Murray and Mallee participants noted that they were still seeking clarity regarding how to exercise their native title rights related to water (eg fishing, access to water for domestic, traditional purposes). First Peoples want to restore areas to health and maintain connection to Country. They still face significant challenges exercising their native title rights. These matters were not specifically addressed through the WRP consultation. Participants noted that they have regularly sought clarification regarding their water rights from SAG.</p> <p>Participants noted the provisions relating to water requirements for Native Title in the River Murray and EMLR Water Allocation Plans. It was noted that these WAPs are the key instrument that would give effect to any recognition of native title rights to water and which would need to</p>
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		<p>be reviewed and amended according to the principles developed by SAG in response to 10.52.</p> <p>Participants noted that the River Murray Water Allocation Plan does acknowledge water needs associated with Native Title rights. Water needs for native title form part of the 6.1 GL included as a volume in the All Purpose Consumptive Pool (Class 1) (RM WAP p.33). Participants noted that, while there is at least some recognition of water needs for native title, the volume is not specified, likely inadequate to meet needs and is indicative only. Section 2.4.7.3 of the RM WAP stipulated that ‘unmet needs’ of First Nations ‘should be given consideration when future amendments are contemplated or required.’ (RM WRP p. 39)</p> <p>The EMLR WRP does not identify a volume or allocation of water that can be drawn upon to support Native Title rights, although it does provide an identical provision regarding addressing the unmet needs of First Nations and Native Title holders.</p> <p>In summary, participants felt that the RM and EMLR WRPs have not clarified what the rights of Native Title holders are, what views were put forward about the significance or enjoyment of these rights and how these rights should be protected or enhanced through the operation of the WRP.</p>										
	<p>Registered Aboriginal heritage relating to the water resources of the water resource plan area</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Supporting text in both the RM WRP and EMLR WRP stipulates that “Engaging with Aboriginal Nations at all levels of water resource management according to the engagement principles in WRP section 10.52 Accredited Text will strengthen the recognition of Aboriginal heritage sites and their protection under the <i>Aboriginal Heritage Act 1988</i>.” Both WRPs point to this ongoing engagement commitment as evidence of how regard has been had.</p> <p>Both plans also reference the ‘Speaking as Country’ deed recognising the registered ‘Meeting of</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent								
1	2	3	4	5								

		<p>the Waters' heritage site as a model for protection of water-dependent cultural heritage sites.</p> <p>The Ngarrindjeri participant noted that the 'Speaking as Country' deed is a good model which has given Ngarrindjeri recognition in relation to that body of water and has provided a commitment to provide adequate flows to maintain the cultural health of site.</p> <p>But the Ngarrindjeri representative noted that such tools can be dismantled at any time and do not offer any sense of security for the long term. They are dependent on staffing and commitments. There needs to be secure arrangement for ensuring participation and management.</p> <p>Recognition and protection of heritage is a requirement under state legislation (as stipulated in the WRPs supporting text). Participants noted that, while both WRPs can be seen to have had regard to Nations views regarding management of cultural heritage sites, Nations had more holistic views about the protection of cultural heritage related to the management of water resources.</p> <p>Participants view all waterways and connected Country as Aboriginal cultural heritage. Participants expressed concerns that the overall management and prioritisation of water delivery throughout the WRP areas does not support the maintenance of First Nations heritage. It was identified that SAG have not taken proactive steps to strengthen the protection of heritage through supporting greater First Nations agency over the delivery of water.</p> <p>The Ngarrindjeri participant noted that assessment of cultural heritage risks and impacts from infrastructure development has been a mechanism to influence water outcomes. Through cultural heritage management plans for the Riverine Recovery Project (Murrundi Recovery Project) Nations can undertake cultural heritage plans and gain leverage to inform wetland management plans.</p>
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		<p>Ngarrindjeri has expressed in these Wetland Management Plans that all wetlands within the region are of cultural significance and are heritage sites. This does create an onus on government to modify the delivery and timing of water to support cultural heritage outcomes.</p>										
	<p>Inclusion of Indigenous representation in the preparation and implementation of the plan</p>	<table border="0" data-bbox="779 448 1503 520"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants discussed various mechanisms and processes undertaken across the RM and EMLR WRPs to support inclusion of Indigenous representation in the preparation and implementation of the plans.</p> <p>It was noted that an assessment of the degree that regard has been had for First Nations views on representation in <i>implementation</i> is difficult to make until implementation has progressed. However, recent workshops with SA MLDRIN regarding a Program Logic for WRP implementation were promising.</p> <p>The EMLR and RM WRP both states that: “South Australia’s approach to the preparation of WRPs was determined with Aboriginal Nations through joint-Nation workshops and through guidance provided by the SA MLDRIN Working Group.” Commitment to the six principles for ongoing engagement related to ongoing implementation of the WRP objectives and outcomes.</p> <p>The combined and individual Nation workshops were viewed as a positive mechanism which allowed Nations to present their views and shape the consultation process. The Statement of Commitment process agreed by SAG and Ngarrindjeri was also viewed as an effective way of ensuring representation and bring SAG to the table. The ‘Speaking as Country’ deed also provided for secure engagement and employment of a Ngarrindjeri Water Coordinator was another valuable mechanism</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent								
1	2	3	4	5								

		<p>First People of the River Murray and Mallee representatives spoke about the role of the First Peoples water Working Group, First Peoples Water Coordinator and DEW’s commitment to support those during WRP development.</p> <p>The Ngadjuri participant spoke about the role of the Ngardjuri Board as a contact point for consultation.</p> <p>Overall, participants felt that their views on the inclusion of First Nations representation in the preparation of the plans had been considered. However, some specific requests and recommendations from Nations, provided with the intention of adding value to the process, were not supported or addressed in the WRP. In particular, the additional resourcing requirements identified by Ngarrindjeri, during the development of the business case for WRP funding, were not supported.</p>					
	<p>Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives</p>	<table border="0"> <tr> <td data-bbox="772 837 907 909">Absent 1</td> <td data-bbox="907 837 1041 909">Partial 2</td> <td data-bbox="1041 837 1176 909">Satisfactory 3</td> <td data-bbox="1176 837 1310 909">Good 4</td> <td data-bbox="1310 837 1444 909">Excellent 5</td> </tr> </table> <p>Participants views on this requirement are largely addressed in the responses to 10.52 requirements above.</p> <p>The supporting text for both the EMLR and RM WRP highlight SA’s approach to including Nations’ social, cultural, spiritual and customary objectives, and strategies for achieving these objectives, in the ongoing development of water planning instruments.</p> <p>The supporting text in the EMRL WRP points to Table 1.2 in the EMLR WAP and Table 1 in the Marne Saunders WAP, as evidence of how regard has been for Nations objectives and outcomes as expressed in the EMLR WRP.</p>	Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5
Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5			

		Some participants noted that participation in the review and amendment of WAPs was an important process for them to be able to progress their interests and objectives. The Kurna participant noted that “we have not had that much engagement from the state on [the Murray Darling Basin] but through the WAP and shared program with three Nations, that has put us in a position of looking at the position around water.”				
Encouragement of active and informed participation of Indigenous people	Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5	<p>Participants noted that in general, South Australian Government did seek their views regarding how to ensure active and informed participation of Traditional Owners.</p> <p>Inclusive Nation workshops, employment of water coordinators within Nation groups, use of tools such as the AWA and listening to key Nation contacts views on optimum engagement all contributed to show how regard was had.</p> <p>Participants also noted that, in some cases, their specific views regarding needs for funding and commitment to support Nation-led consultation mechanisms were not recognised. “There are challenges with engagement and cultural risks associated with engagement. You are submitting yourself to Govt agenda But there is an opportunity for bringing people together and finding spaces in-between, to run things that way”</p>
Risks to Indigenous values and Indigenous uses arising from the	Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5	<p>Participants noted SAG’s approach to risk management and management of risk of Indigenous values and uses. This is addressed in a separate chapter of both the RM and EMLR WRPs, as well</p>

	<p>use and management of the water resources of the water resource plan area</p>	<p>as in accredited text and supporting text responding to requirement 10.53.</p> <p>While the text in the two plans are slightly different, the key approach to identifying and managing risks is to commence or continue implementation of tools and assessment processes to identify Aboriginal water- dependent values and understand their watering requirements. “Once risks to Aboriginal values and uses arising from the use and management of the water resources have been identified, the WRP will be reviewed to consider those risks.”</p> <p>Risks to Indigenous values and Indigenous uses are not explicitly identified in the plan.</p> <p>While there is consensus about the need for ongoing identification and assessment of water dependent values and risks, participants noted that a precautionary approach could have drawn on views about ongoing risks to the health of Country and associated values and uses.</p> <p>Anecdotal information indicates that there is a high risk to values and uses from the current management of water in both WRP area, and this was confirmed by workshop participants. This is expressed in comments from the RMMAC participant:</p> <p>“If we have healthy country, we have healthy people. We focus on Putjeda [Creek]: we showed the DEW staff the condition of that area. That area was our lifeline when we grew up. Now it’s just cracks in the ground. There’s no water in it. We questioned about how they prioritise the water. They showed us the allocation and prioritisation. We need Putjeda Creek up and coming. Our Country seems to be coming back to life slowly. When I went back, I’ve seen a significant drop in the water. We can’t take our kids there. We need to bring it back to us, the first priority. All round our area, the blocky’s blocks, the grapes and fields are all green. But if you go onto our Country it’s all dying. So what is the priority?”</p> <p>Both the EMLR and RM WRP make reference to ‘DEW’s implementation of the Cultural flows guide for community’ as part of ongoing water planning and as a tool to identify and assess risk.</p>
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		<p>Participants did not have confidence that there was a strategy or any funding in place to fulfil this commitment. The ability of the state to support an assessment of risk for ongoing review of the WRPs was therefore not clear.</p>									
<p>A water resource plan must be prepared having regard to the views of Indigenous people with respect to cultural flows</p> <p><i>[Notes for Assessment: Is the matter specifically addressed in the text of the WRP? Does the WRP set out how proper, genuine and realistic consideration of Traditional Owner views informed the Plan? Is the matter addressed as part of the accredited text? Is the matter addressed as part of the supporting text? Are their strategies in place to address the matter? Are the strategies binding and measurable?]</i></p>	<table border="0" data-bbox="772 434 1500 502"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Both WRPs provide identical accredited text in response to the 10.54 requirements. The accredited text outlines support for the findings of the National Cultural Flows Research Project as well as commitments to ‘pursue opportunities for water entitlements that are legally and beneficially owned by Nations’.</p> <p>Participants welcomed the commitments and noted that all SA Nations had put forward their views about the need for improved access to water entitlements. The commitments show that some regard has been had for Nations’ views on cultural flows.</p> <p>Participants noted that the statements and commitments under the 10.54 sections and throughout the WRPs lacked detail and accountability. Participants wanted to see strategies and funding to underpin implementation of these commitments as a demonstration of how regard has been had.</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
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<p>A water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses as provided in:</p>	<table border="0" data-bbox="772 1168 1500 1236"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> </tr> </table> <p>Participants agreed that the EMLR and RM WRPs, in concert with the EMLR, Marne-Saunders</p>	Absent	Partial	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	Partial	Satisfactory	Good	Excellent							
1	2	3	4	5							

<p>(a) a transitional water resource plan for the water resource plan area; or</p> <p>(b) an interim water resource plan for the water resource plan area.</p>	<p>and River Murray WAPs, provide an improved level of protection for Indigenous values and uses.</p>
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Assessment of the River Murray and Eastern Mount Lofty Ranges Water Resource Plans

First Nations' Statement

Individual delegates from Ngarrindjeri, Maraura, Kurna, Ngadjuri, Peramangk/Nganguraku and River Murray and Mallee Aboriginal Corporation have reviewed the Water Resource Plans for the South Australian River Murray and Eastern Mount Lofty Ranges.

The following is our response to the plans:

The proposed water plans for the EMLR & the RM are satisfactory to good, but could be excellent if DEW had reported back to nations more frequently throughout all stages of the process.

- The plans meets the bare minimum of the requirements but should be a lot stronger to achieve what First Nations should get out of the plans, for future protection of our rights and interests.
- The plans have given us an opportunity to come together and talk about water and caring for Country.
- The plans provide a base for Nations to consider how to advance water interests
- The planning process has developed working relationships with agency staff.
- The plans and the process has strengthened each Nation and is bringing us together.
- The guts is there but it needs to be a lot stronger.

We need to be included from the start, sitting at the table and use our language on all documentation- ground up, not top down (we not *minyapaarliis*) speak to, not down to.

- SA should have gone back to each Nation to review the objectives and outcomes in detail before finalising the plans
- Having had more feedback from the nations and workshops prior to the final drafts would have allowed Nations to be prepared. There is a need for community endorsement of all content of the plans.

- The consultation process was not consistent across all Nations. Some Nations haven't been engaged since March 2018 and back in 2017. Some Nations would only have been engaged twice in three years.
- Site protection, the response to our views on cultural heritage and water doesn't strengthen protection, it just talks about the Heritage Act. Water dependent cultural values aren't taken into consideration. Cultural sites need water. Lack of water means cultural risks.
- The six principles that have been written into the plans have been written without considering First Nations' culturally appropriate terms.
- The principles should be represented in our language not theirs
- The principles are only about process. They are missing substance and content.
- The principles are a one-sided view.
- The principles have been written by SA Government and nations weren't sitting at the table. They should have been written and co-designed with First Nations. We want to be involved in a collaborative process and not dictated to.
- Some water has been allocated to native title purposes in the Murray River WAP, but we have to share 6.1 GL amongst all Nations and with stock and domestic users. How can we translate that water into an economic benefit and caring for Country?

Recommendations

- We want our water
- We want a decent allocation of water that will meet the needs and aspiration of all Nations.
- There is a need for engagement with all Nations on a more regular basis - to bring all nations to the same level and speaking the same language. Bringing all SA nations together.
- There needs to be consideration for water allocations for our cultural heritage sites. These are most important for protection through water and native vegetation.
- We want to work with the state to review the entire plans in 3-5 years
- Government needs to get the terminology correct and respect the timelines and resources we need to make proper decisions based on cultural protocols and lore

- Implementation of the plans must include appropriate resourcing for capacity building for each nation- for example rangers, water officers and wardens.
- There needs to be some mechanisms in place to monitor the progress of the objectives and outcomes. SAG include Nations to identify the mechanisms for measuring progress against each of the outcomes and objectives identified in the plans on an annual basis.
- Within the first year of implementation, there should be a minimum of 2 individual meetings for each nation, then opportunity for all SA Basin Nations to come together through a facilitated process
- There must be proper resources, provided in a timely way, to underpin achievement of the outcomes.
- First nations feel they are in a better position. We want the ability to bring young people up and on the agenda and provide better opportunities in the future.
- Implementation of the plan to support succession planning for forthcoming generations' involvement in water planning

Government has invested in the Nations to develop the plans. We have invested a lot of time, energy, resources and knowledge in developing these plans. The plans embody a lot of goodwill from all parties. The reality is, we need to see the substance and meaningful on-ground action going forward

Without government taking our views into consideration, we feel we cannot move forward to create a path for the younger generation as a collective.

We are partially at the table, but we are not sitting with them.

If we don't have the working relationships, we are up *goona* creek.

It is our cultural obligation to look after Country. Each Nations has our way of dealing with issues. We are passionate. Government needs to understand and support that.