

14<sup>th</sup> June 2019



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Brunswick North VIC 3056  
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ABN: 45118364079

Philip Glyde  
Chief Executive Officer  
Murray Darling Basin Authority

**Re. MLDRIN Assessment of Northern Victoria WRP**

Dear Mr Glyde,

We are pleased to submit our advice following an assessment of the Victorian Murray, Goulburn Murray and Northern Victoria Water Resource Plans (Northern Victoria WRP)

Following an assessment process outlined below, MLDRIN has formed the view that the Northern Victoria WRP has fulfilled eleven of the thirteen requirements listed in Basin Plan, Chapter 10, Part 14 and met all five of the MDBA's Part 14 Assessment Criteria to a satisfactory degree.

Based on our assessment of the material relating to Basin Plan, Chapter 10, Part 14, MLDRIN recommends that the Northern Victoria WRP be accredited as a Water Resource Plan under the Basin Plan.

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

- Significant improvements in the financial and human resources invested by Victoria to support the WRP consultation process
- Improved timelines and planning, allowing Nations to contribute effectively
- Dedication and tirelessness of key WRP staff involved in the consultation process
- Adaptability and responsiveness to individual Nation protocols and preferences
- Identification of detailed First Nations' objectives and outcomes
- Demonstration of how proper, genuine and realistic consideration was given to First Nations values and uses relating to the WRP area water resources
- Identification of opportunities to strengthen the protection of First Nations values and uses

Despite these positive approaches, the assessment noted some shortcomings of the consultation process and highlighted Victorian Nations' concerns that the Northern Victoria WRP, and State water management have not addressed the substance of First Nations water rights and interests. Specific concerns included:

- Greater assistance and more detailed information handover were needed to assist Nations preparing their own WRP content. More detailed and accurate information regarding specific requirements of Chapter 10, Part 14 would have assisted Nations to direct their input more effectively
- Information about water resource planning was not always clear or provided in a timely way. Traditional Owners may have participated in consultation, and presented their views, without a clear understanding of the State's obligations under the Basin Plan
- Nations' views about native title rights, registered cultural heritage and their relation to the management of water resources within the WRP were not adequately sought or addressed in the plan
- A lack of targets, indicators and timelines to address Nations' objectives means that any strategies included in the plan are of uncertain value
- Inadequate timelines and resources to ensure inclusion of a broad cohort of Traditional Owners for every Nation and for Nations to reach consensus on key matters

MLDRIN recommends that the Northern Victoria 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 means that, in providing a satisfactory response to these requirements, the Victorian Government has still not responded adequately to the substance of First Nations' water rights and interests. First Nations water rights and interests have not been addressed through the Victorian water allocation framework.
- In identifying compliance with the Chapter 10, Part 14 requirements, this assessment does not constitute an endorsement by MLDRIN or Victorian First Nations, of the WRP or the frameworks governing water allocation and management in Victoria.
- There are a number of further actions and commitments that are needed to give force and effect to the WRP content. First Nations within the WRP area have requested the development of detailed strategies to secure progress towards the objectives that have been identified in the plan. A WRP implementation approach must include goals, targets and indicators to monitor progress against the objectives. Implementation of the Northern Victoria WRP also requires:

- Adequate and ongoing funding for Aboriginal Water Policy Officers, water assessment and research projects and Traditional Owner water advisory groups. Resourcing will need to be secured through submissions to Victorian Government Treasury and Cabinet in 2020.
- Strategies and resourcing for implementation of the National Cultural Flows Research Project outputs, as identified as an opportunity to strengthen the protection of First Nations' values and uses in the accredited text provided in response to 10.52(3)
- Strategies and ongoing resourcing for implementation of all other opportunities (enumerated (a) – (f)) in the accredited text provided in response to 10.52(3).

### **Assessment approach**

This formal assessment of the Northern Victoria 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.

MLDRIN formulated an assessment framework. The framework uses a Leichardt Scale to guide and focus assessment of performance against key requirements, criteria and guidelines. It also included qualitative input based on discussions between Nation Delegates, MLDRIN staff and others. This resulted in a user-friendly but comprehensive assessment.

The MLDRIN assessment included:

- A two-day workshop (held 27<sup>th</sup> and 28<sup>th</sup> May 2019) attended by MLDRIN staff, Victoria DELWP staff, an MDBA Aboriginal Partnerships Team staff member and MLDRIN Delegates or representatives of the following Nations: Wamba Wemba, Wadi Wadi, Waywurru, Ngintait, Weki Weki, Tati Tati, Taungurung and Dja Dja Wurrung
- Targeted engagement with relevant MLDRIN Nation representatives and key contacts who were not able to participate in the workshop (including MLDRIN's Delegates for Barapa Barapa, Dhudhuroa, Yorta Yorta, Latji Lattji and Nyeri Nyeri).
- Regular engagement with Victoria DELWP staff on preparation and drafting of the plan between 2014-2019.

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

### **Findings**

14<sup>th</sup> June 2019

When assessing the Northern Victoria WRP against the requirements stipulated in Chapter 10, Part 14 of the Basin Plan, MLDRIN found that the Plan demonstrated good compliance with the following requirements:

- s 10.52 (1)(a): identify the objectives of Indigenous people in relation to managing the water resources of the water resource plan area
- s 10.52 (1)(b): identify the outcomes for the management of the water resources of the water resource plan area that are desired by Indigenous people.
- 10.52(3): Identifying opportunities to strengthen the protection of Indigenous values and Indigenous uses
- 10.53(1) (c): having regard to the views of First Nations in relation to inclusion of Indigenous representation in the preparation and implementation of the plan
- 10.53(1) (d): having regard to the views of First Nations in relation to Indigenous social, cultural, spiritual and customary objectives, and strategies for achieving these objectives
- 10.55: maintenance of levels of protection as provided for in interim WRPs

MLDRIN found that the Plan demonstrated satisfactory compliance in the following requirements:

- s 10.52(2)(a): Having regard to the social, spiritual and cultural values of Indigenous people that relate to the water resources of the water resource plan area
- s 10.52(2)(b): Having regard to the social, spiritual and cultural uses of Indigenous people that relate to the water resources of the water resource plan area
- 10.53(1) (e) having regard to the views of First Nations in relation to encouragement of active and informed participation.
- 10.53(1) (f) having regard to the views of First Nations in relation to risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource plan area
- s10.54: having regard to the views of Indigenous people with respect to cultural flows

The following requirements were found to have been only partially fulfilled:

- 10.53(1) (a): having regard to the views of First Nations in relation to Native Title
- 10.53(1) (b) having regard to the views of First Nations in relation to registered cultural heritage

Further detail of Nations' views on performance against the Basin Plan requirements, positive achievements and shortcomings is provided in the attached Assessment Matrix Report.

14<sup>th</sup> June 2019

When assessing the Northern Victoria WRP against the Part 14 'Assessment Template' criteria provided by the MDBA, MLDRIN found the plan had met all five of the criteria. 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)
- 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)
- Appropriate tools and mechanisms for recording, understanding and incorporating Aboriginal objectives and outcomes were used.

MLDRIN found that the RM WRP demonstrated satisfactory compliance with the following two 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)
- Information about water resource planning processes and content provided was clear to Nations

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.

A summary assessment of the Northern Victoria WRP was made against the Akwe:Kon guidelines. Due to time constraints, detailed responses to these requirements are not recorded in the assessment matrix report. The Northern Victoria WRP partially addressed five of the requirements. Three requirements were addressed to a satisfactory degree. The WRP was assessed as good against one requirement.

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,



Rene Woods  
Chairperson, MLDRIN

**From:** [REDACTED]  
**Subject:** Fwd: Northern Victoria Water Resource Plans (WRPs) [SEC=OFFICIAL]  
**Date:** Tuesday, 25 February 2020 7:04:37 AM  
**Attachments:** [image001.png](#)  
[image001.png](#)  
[image001.png](#)

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Hi all - see MLDRIN confirmation re N Vic WRPs below.  
[REDACTED]

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED] <[executiveofficer.mldrin@gmail.com](mailto:executiveofficer.mldrin@gmail.com)>  
**Date:** 24 February 2020 at 8:01:00 pm AEDT  
**To:** [REDACTED]  
**Subject: Re: FW: Northern Victoria Water Resource Plans (WRPs)**  
**[SEC=OFFICIAL]**

Hi [REDACTED] and all

My apologies for not getting back to you tosay. I discussed this with Rene after our conversation last week. I can confirm that MLDRIN is confident that the advice provided to the MDBA, following our assessment of the Nth VIC WRP in May 2019, does not need to be altered.

This response only relates to our assessment of the Chapter 10, Part 14 material.

We cannot express a view on other changes in the table given insufficient time and capacity to give them full and proper consideration.

Regards, [REDACTED]

On Mon, 24 Feb. 2020, 5:05 pm [REDACTED]  
[REDACTED] wrote:

Hi Rene [REDACTED]

I'm following-up from the email and letter sent by PJ on 14 February (below and attached) and am wondering how you are going with your response? Would you be able to please provide a response by tomorrow morning?

Please let me know if I can help with anything.

Thank you,

[REDACTED]

[REDACTED]

WRP Project Management Office  
Water Resource Planning and Accounting Division

**Murray–Darling Basin Authority**

[REDACTED]

[REDACTED]

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*In the spirit of strengthening partnerships with Aboriginal people the MDBA acknowledges the cultural authority of the Traditional Owners in the Murray–Darling Basin.*

OFFICIAL

Classified by [REDACTED] on 14/02/2020 2:15:56 PM

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**From:** [REDACTED]  
**Sent:** Friday, 14 February 2020 2:16 PM  
**To:** [executiveofficer.mldrin@gmail.com](mailto:executiveofficer.mldrin@gmail.com); [REDACTED]

[REDACTED]  
**Subject:** Northern Victoria Water Resource Plans (WRPs)  
[SEC=OFFICIAL]

Dear Mr Woods [REDACTED]

I have attached a letter from Dr Peta Derham, acting Executive Director – Water Resource Planning & Accounting, for your attention.

If you have any questions in regard to this matter please contact [REDACTED]

Kind regards

[REDACTED]

[REDACTED]

**Peta Derham, A/g Executive Director, Water Resource Planning & Accounting Division**

**Jo Kneebone, General Manager, River Management Enhancement**

**Murray–Darling Basin Authority**

[REDACTED]

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*In the spirit of strengthening partnerships with Aboriginal people the MDBA acknowledges the cultural authority of the Traditional Owners in the Murray–Darling Basin.*

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Criteria	Assessment of performance
<b>MDBA Assessment Criteria</b>	
<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>	<p>Absent    Partial    Satisfactory    <b>Good</b>    Excellent                      1            2            3            4            5</p> <p>Participants noted that the Consultation Report (Appendix D) and various passages in Chapter 8 detailed the consultation approach taken by DELWP.</p> <p>Participants felt that, if further improvements had been made around resourcing and timeframes for consultation, the WRP would be rated as very good to excellent against this criterion.</p> <p>Participants discussed DELWP planning and the development and implementation of an Engagement Strategy. Representatives discussed key positives and shortcomings of consultation planning for the Northern Victoria WRP. Representatives noted that Victoria did develop a planned approach to engaging with First Nations for the Northern Victoria WRP, which did inform the preparation of the WRP. However, this approach was not have been in place at the start of consultation efforts. It was developed over time, through trial and error, leading to some gaps and inconsistencies. Representatives noted that DELWP drew on learnings from the development of the Wimmera-Mallee WRP to improve planning and delivery of consultation. On representative noted that: “It seems like its still new for everyone including the agencies.”</p> <p>Representatives noted that, in most cases, the quality of engagement and the work of individual DELWP staff in engaging with Traditional Owners was excellent.</p> <p>There were some concerns expressed about the consultation process, namely:  <u>Limited time for thorough and inclusive consultation</u></p>

	<p>Representatives noted concerns around timeframes allocated to ensure effective participation of Traditional Owners. The Wadi Wadi representative felt that timeframes were a let down.</p> <p><u>Lack of resourcing for extensive and fit-for-purpose engagement</u>                  Some Representatives noted that it was a challenge to bring all Traditional Owners into the engagement process. Additional staffing and financial resources were required to ensure that a broad cohort of Traditional Owners could participate in consultation. It was noted that consultation budgets were restrictive and did not provide for full participation of Traditional Owners (especially where attendance fees were paid to workshop participants). Representatives noted that they faced challenges organising for people to attend workshops. Large, full group meetings were needed to ensure full input and informed consent, but these were not able to be convened.</p> <p>The Taungurung representatives noted that funding provided to their group was not explicitly linked to the development of WRP, but rather to developing an update of the water chapter in their Country plan. Taungurung’s contribution was resourced by funding that they had received for another purpose.</p> <p><u>Limited understandings of what the water resource planning</u>                  Representatives noted that there was still a degree of uncertainty regarding the purposes and requirements of water resource planning. Despite the proactive engagement supported by DELWP, it was not always clear that Traditional Owners had sufficient understanding, background information and support to effectively participate in the process.</p> <p>The Waywurru representatives noted that “You can say you’ve engaged, but can you be sure that the participants actually understand what its about. You can have people in the room but that doesn’t mean they actually understood.”</p> <p>The Ngintait representative noted that capacity building was still an ongoing issue. Many Traditional Owners had to struggled and “do their own work” to understand the content of the water resource planning process. It was noted that it was often left to enthusiastic members of the</p>
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	<p>group to understand and interpret key issues. The Dja Dja Wurrung representative noted that additional information and resources were needed to help Traditional Owners gain a sophisticated understanding of the Basin Plan requirements and to developed informed inputs to the WRP.</p> <p>Representatives noted that the development of a planned approach to WRP consultation could have been more effectively informed by the risk identification and assessment process outlined in Section 1.2 of Appendix B. This assessment identified major gaps in available information about First Nations’ water interests, values, uses and threats which highlighted the need for a planned approach, and the level of resourcing required to undertake thorough consultation for the purposes of the WRP.</p>										
<p>Appropriate Nations were identified and involved throughout <u>all</u> stages of the water planning process.</p>	<table border="0" data-bbox="786 722 1518 794"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Representatives referred to page 1005 of the Consultation Report (Appendix D), which provides a list of all Nations engaged in consultation for the Northern Victoria WRP. Representative also discussed the various ‘stages’ or layers of WRP consultation and engagement and reflected on each Nations level of involvement. Representatives attending the workshop reported that all relevant First Nations had been engaged in consultation for the preparation of the WRP, <i>by the end of the process</i>. An exception to this view as put forward by the Waywurru representatives who noted the lack of inclusion of Ngurai Illum Wurrung as an omission from the consultation process.</p> <p>Representatives noted that, while all First Nations had been consulted, there were some disparities relating to the timing and content of engagement between groups meaning that not <i>all</i> relevant First Nations were consulted through <i>all</i> stages of the process. Some Nations had participation and influence over the process from much earlier than others.</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent							
1	2	<b>3</b>	4	5							

	<p>Some representatives reflected on the challenges associated with convening community members to participate in consultation where Nations had had minimal formal engagement on water planning. The Wadi Wadi representative, for example, noted challenges associated with networking with relevant community members, accessing contact lists held by First Nations Legal and Research Services (FNLRS). These challenges meant that some Nation members may have missed the opportunity to put forward their views and that the resultant WRP content is ‘incomplete’ to a degree. These issues were most challenging for groups that had not had long term engagement or lead in time to coordinate participation.</p> <p>Participants noted challenges associated with getting consultation started fairly late in the available timeframe (considering 2012 was the starting point for WRP preparation). Competing community obligations, events and sorry business had to be prioritised at times.</p> <p>The Taungurung representative noted a lack of continuity and information transfer following the appointment of an Aboriginal Water Policy Officer, tasked with collating Taungurung input to the plan. It was not clear how information, discussions and decisions made as part of the earlier stages of WRP development were communicated to inform the Taungurung input.          “I would have expected to have someone outline the steps that were taken before I started, a hand-over, but that didn’t happen. There was no continuity from DELWP to when I stepped in.”</p> <p>Dja Dja Wurrung representatives noted that they were consulted through all stages for the Northern Victoria WRP, as required by under the terms of the Recognition and Settlement Agreement. DDW conducted internal consultation and prepared their own content for the WRP. They noted that additional direction and clarity around some Basin Plan components would have been useful for those groups preparing their own content.</p> <p>Representatives discussed the significance of the Technical Advisory Group (TAG) and its status as a ‘stage’ in the development of the WRP. It was noted that the TAG was used to plan an approach to</p>
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	<p>consultation. It was noted that invitations and attendance at TAG meetings were not open to all Traditional Owner groups. Representatives referred to page 998-999 of the Consultation Report (Appendix D), membership of the TAG is listed are consisting of Baraa Barapa, Tati Tati, Dja Dja Wurrung. A number of representatives communicated that they were not aware of the TAG or did not participate in the TAG meetings. DELWP representatives in attendance confirmed that invitations to participate in the TAG were not extended to all TO groups.</p> <p>Representatives also discussed other components of the WRP, such as the Risk Assessment, Water Quality Management Plan and Long Term Watering Plan. First Nations involvement and input into these stages of water planning has not been consistent and may be absent on some cases.</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" data-bbox="786 683 1512 758"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Representatives reflected on the consultation process leading up to the preparation of the WRP. Representatives discussed communications and logistics for their Nations’ participation in the WRP including notifications provided to Nation members.</p> <p>Representatives generally felt that notification of opportunities was good. DELWP staff were flexible and supportive, providing information and producing fliers and working to distribute information about workshops. Representatives recounted good working relationships and positive communication with DELWP staff. The Waywuru representative noted that DELWP staff had undertaken additional work to notify Yaithmatang people of the opportunity to contribute to the WRP. The Ngintait representatives felt that notification and planning was good. Workshops for Ngintait Nation were well attended. Notification was circulated by word of mouth and those who wanted to were able to attend the workshop.</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent							
1	2	3	<b>4</b>	5							

	<p>There were some issues raised regarding the distribution of invitations and notices to a wide cohort of Traditional Owners and the expectation placed on individual Traditional Owners to coordinate attendance of community members. A number of Nation representatives reported that considerable expectation was placed on delegates and individual Traditional Owners to circulate notifications for workshops and convene community members.</p> <p>The Wadi Wadi representative noted that she undertook three to four weeks of work in the lead up to workshops, coordinating attendance of Traditional Owners: “I was working for 3-4 weeks in the lead up, constant emails, phone calls, texts in the lead up to the workshop.”</p> <p>The Wamba Wamba representative noted that DELWP relied on her to circulate information about workshops, however she did not always have the resources to perform this role. Representatives felt that notifications should be circulated through FNLRs.</p> <p>Taungurung representatives reported that they were able to run an internal process of consultation and content development. While this meant communication with members and notification of consultation activities could be easily managed, Taungurung did not get the opportunity to design the process, with appropriate time and level of resources. Dja Dja Wurrung Representatives shared this concern noting that, despite running an internal consultation process, they were under resourced to conduct this they way they wanted.</p> <p>A number of representatives noted that the consultation process would have been improved through more inclusive and extensive notification and participation in workshops. Notifications were sometimes circulated through fairly limited networks, dependent on individuals and Nation delegates. Additional time, resourcing, research and access to contact lists held by other organisations could have helped to ensure more inclusive participation.</p> <p>Representatives noted that DELWP was respectful in asking MLDRIN delegates to advise on protocols for appropriate participation and notification, but that additional funding, time and communications resources were needed to ensure full participation of broad Nation membership.</p>
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Information about water resource planning processes and content provided was clear to Nations	Absent 1	Partial 2	<b>Satisfactory</b> <b>3</b>	Good 4	Excellent 5
	<p>Representatives noted that effective and clear communication about water resources planning processes and content was mostly the responsibility of individual DELWP staff engaging in conversations and workshops with Traditional Owner representatives. One-on-one verbal and PowerPoint communication was generally a constructive way of conveying information and improved over time, however, representatives reflected that there did not seem to be a systematic approach to providing documents, communications material, briefings or inductions to assist Nations to understand the WRP requirements or prepare contributions.</p> <p>A number of representatives noted that, given the variation in knowledge and experience within their Nations, it was difficult to gauge whether information was clear, as individual’s knowledge and understandings varied. Some representatives reported that, given the complexity of language relating to water management, they had had to assist by interpreting and paraphrasing information to assist workshop participants to understand it. Representatives felt that, if they had not providing this interpretation, some participants may not have understood the content.</p> <p>Representatives noted that, while the workshops focussed on eliciting views of First Nations regarding the matters outlined in Basin Plan Chapter 10, Part 14, insufficient time was given to explaining the process of WRP development or the procedural and other legal requirements of the Basin Plan. Especially for representatives who had taken responsibility for undertaking consultation and content preparation within their Nations, the lack of a formal induction, briefing or information handover was noted: “Dja Dja Wurrung and Taungurung were given a template. Even if you’re familiar with water, you can’t just start from scratch. There should have been an induction for the water policy officer.”</p>				

<p>Appropriate tools and mechanisms for recording, understanding and incorporating Aboriginal objectives and outcomes were used.</p>	<table border="0" data-bbox="786 288 1512 360"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Representatives reflected on the consultation process and referred to information outlined in the Consultation Report (Appendix D) and individual Nation contributions. Generally representatives felt that the tools and mechanisms used to record and incorporate information about First Nations objectives, outcomes, values and uses were appropriate. Approaches were tailored to Nations’ preferences and drew on existing processes for consultation and collating information.</p> <p>Traditional Owner workshops facilitated by DELWP, ‘internal’ consultation workshops convened by individual Nations and Aboriginal Waterway Assessments were key mechanisms utilised to record and incorporate First Nations information. For some Nations, relevant chapters of Country Plans and existing water planning research or reports also provided important inputs. In the case of Wadi Wadi Nation, a focussed consultation process was run by consultants hired by NSW Government. In general, workshops and AWA projects were viewed as effective mechanisms.</p> <p>The Ngintait representative reflected that: “using the AWA was a good starting point. After that we had workshops at Lake Cullulleraine. We used oral stories and discussions and we also produced a video to talk about the waterways in the old times. That was really good. Everyone got involved.”</p> <p>The Waywurru delegate noted that consultation with the Dhudhuroa-Waywurru group commenced with a three-day community camp in Beechworth. During this initial meeting, some of the information provided to community members was complicated and there was a lack of understanding of the WRP process. However, an AWA project run in February 2019 helped to clarify roles and responsibilities about water management and to elicit detailed content that was used to inform a contribution to the WRP: “It wasn’t until we did the AWA that people got a better sense of it. People got a lot out of [the AWA]. Actually going on Country to all the different waterways. Being able to be involved in some way in the waterways on ground. The AWA was able</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent							
1	2	3	<b>4</b>	5							



	<p>to inform the content. We did the assessments but it was a quick process.”</p> <p>The Taungurung representative noted that a previous AWA assessment had contributed some valuable information to help inform the Nations input to the WRP. An additional AWA was underway at the time of appointing an Aboriginal Water Policy Officer and there was an expectation that Taungurung would conduct further assessments during the consultation period to include in the WRP contribution, however these could not be completed.</p> <p>The Tati Tati representative noted that the mechanisms used included AWA projects and workshops held in Robinvale and on-Country. The tools used were appropriate to collect information about First Nations objectives. Tati Tati approved of the way information from workshops and field trips was collected, refined and provided to the group for feedback and approval. Detailed content on objectives and outcomes was developed in this way.</p> <p>The Wadi Wadi representative discussed the recording and incorporation of objectives, outcomes, values, uses and threats by consultants engaged through NSW Department of Industry. Views of Wadi Wadi community members were collected through a two-day workshops and interviews with elders in different towns. This material was refined and consolidated into contribution for the WRP. The Wadi Wadi representative felt that this was an effective and culturally appropriate mechanism to record and incorporate the Nations views, however, she expressed that a longer lead in times and additional resources would have allowed the views of a larger cohort of the Nation to be engaged.</p>				
<b>Akwe:Kon Guidelines</b>					
Notification and public consultation of the proposed development by the proponent	Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5

Identification of indigenous and local communities and relevant stakeholders likely to be affected	Absent 1	Partial 2	<b>Satisfactory</b> 3	Good 4	Excellent 5
Establishment of effective mechanisms for indigenous and local community participation, including for the participation of women, the youth, the elderly and other vulnerable groups	Absent 1	Partial 2	<b>Satisfactory</b> 3	Good 4	Excellent 5
Establishment of an agreed process for recording the views and concerns of the members of the indigenous or local community whose interests are likely to be impacted	Absent 1	Partial 2	Satisfactory 3	<b>Good</b> 4	Excellent 5
Establishment of a process whereby local and indigenous communities may have the option to accept or oppose a proposed development that may impact on their community	Absent 1	<b>Partial</b> 2	Satisfactory 3	Good 4	Excellent 5
Identification and provision of sufficient human, financial, technical and legal resources for effective indigenous and local community participation in all phases of the	Absent 1	<b>Partial</b> 2	Satisfactory 3	Good 4	Excellent 5

process					
Establishment of an environmental management or monitoring plan (EMP), including contingency plans regarding possible adverse cultural, environmental and social impacts resulting from a proposed development;	Absent 1	<b>Partial</b> 2	Satisfactory 3	Good 4	Excellent 5
Identification of actors responsible for liability, redress, insurance and compensation	Absent 1	<b>Partial</b> 2	Satisfactory 3	Good 4	Excellent 5
Conclusion, as appropriate, of agreements, or action plans, on mutually agreed terms, between the proponent of the proposed development and the affected indigenous and local communities, for the implementation of measures to prevent or mitigate any negative impacts of the proposed development;	Absent 1	Partial 2	Satisfactory 3	Good 4	Excellent 5
Establishment of a review and appeals process.	Absent 1	Partial 2	<b>Satisfactory</b> 3	Good 4	Excellent 5

Basin Plan, Chapter 10 – Part 14 Requirements					
<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 consultation with appropriate TOs?]</i></p>	<p>Absent 1</p>	<p>Partial 2</p>	<p>Satisfactory 3</p>	<p><b>Good</b> <b>4</b></p>	<p><b>Excellent</b> 5</p>
<p>Participants noted the Accredited Text at p. 332 (Chapter 8) and the ‘Part 14 Indigenous values and uses table’, pointing out the location of specific objectives for each Traditional Owner groups within the WRP. Groups reviewed the specific objectives for their Nation. Groups also discussed the inclusion of the State-wide objectives (listed under A. – E. on page 332).</p> <p>Generally, the representatives felt that that this requirement had been met and that compliance was good to excellent.</p> <p>Representatives noted that all Nations’ objectives have been identified in the accredited text of the WRP. The objectives were detailed, tangible and a strong reflection of views put forward by the groups.</p> <p>DDW representatives noted that they would have liked to include more location-specific objectives, focussed on key sites and areas where the group is conducting research and assessments. However, there was insufficient time to complete this material.</p> <p>Representatives felt that the inclusion of the high-level water for Victoria commitments (listed under A. – E. on page 332), while reflective of Victorian Government policy rather than objectives informed by direct input from Traditional Owners in the Northern Victoria WRP, generally served to strengthen individual Nations objectives.</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: 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>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Outcomes are identified in accredited text at p. 333 of the Comprehensive Report and in the ‘Part 14 Indigenous values and uses table’.</p> <p>Responses to this requirement were consistent with those noted above for identification of objectives. Representatives notes that the outcomes for the management of the water resources of the water resource plan area that are desired by First Nations are clearly identified in the WRP.</p> <p>Representatives noted that the state-level outcomes, reflecting Victorian Government policy, were expressed more as objectives than as outcomes. The expression of these outcomes could be improved to ensure they articulate tangible, measurable results (outcomes) rather than goals or aspirations.</p> <p>Representatives questioned whether the State-level outcomes reported in the Comprehensive Report, Chapter 8, p. 327, are consistent with what DELWP heard from Nation groups.</p> <p>Representatives expressed a strong interest in ensuring that progress against outcomes identified by the Nations could be tracked through the development of appropriate strategies, targets and indicators</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent							
1	2	3	<b>4</b>	5							
<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</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Representatives reviewed material under section 8.4 of Chapter 8 of the Comprehensive Report, the Consultation Report (Appendix D) and the content of individual Nation contributions. Representatives also discussed the Victorian Government’s approach to considering the social,</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent							
1	2	<b>3</b>	4	5							

<p><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>spiritual and cultural values of First Nations relating to the water resources of the WRP area, including commitments and strategies identified to address Traditional Owner rights and interests.</p> <p>It was noted that there is no accredited text provided in response to this requirement.</p> <p>For the Northern Victoria WRP, some Nations chose not to provide detailed information about specific values related to water resources. This was a deliberate and strategic decision of those Nations. It was noted that DELWP respected that decision. Dja Dja Wurrung representatives noted that “We supplied minimal information about values and uses. DELWP wanted us to include more explicit information but we didn’t feel it was appropriate. We drew on our AWA to collect info on values and uses.”</p> <p>Other representatives noted that there was a strong focus on social, spiritual and cultural values in consultation with their nations and felt that DELWP had generally given genuine, proper and realistic consideration of their values relating to the water resources of the WRP area. The Tati Tati representative noted that his Nation had captured information about their social, spiritual and cultural values and uses through an AWA conducted in 2017: “We have it articulated within that document and we will continue to build on it. There was a real focus in the workshops around our values and uses. [DELWP] had strong regard for wanting to understand our values and uses and incorporating those into the plan. It’s the process of how they went about it was good. It was done respectfully. They listened, didn’t just interpret for themselves.”</p> <p>The Ngintait representative noted that: “the way they interacted with us, the conversation about the spiritual and cultural side. They listened to us. They listened to how the land was like before us and they put that into the plan. I feel that they put in there what we wanted.”</p> <p>The Waywurru delegates noted that: “[DELWP] have shown regard to our connections to the land and the waterways and just the way that people have ideas about cultural uses about waterways.</p>
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	<p>There was a lot of regard.”</p> <p>Representatives discussed the lack of accredited text responding to this Basin Plan requirement. While it was noted that the Victorian Government have taken a strong view that inclusion of accredited text is not required or warranted in response to this requirement, representatives noted that WRPs in other jurisdictions have provided accredited text that demonstrates enduring ‘regard’ for social, spiritual and cultural values. Representatives stressed that ‘regard’, or proper, genuine and realistic consideration, can also be demonstrated through binding future commitments.</p> <p>The lack of any accredited text in response to this requirement discouraged representatives to provide a score of any more then ‘3’/‘Satisfactory’.</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: 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</i></p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Responses to the above requirement (‘social, spiritual and cultural values’) are also applicable to this requirement.</p> <p>Representatives reviewed material under section 8.4 of Chapter 8 of the Comprehensive Report, the Consultation Report (Appendix D) and the content of individual Nation contributions. Representatives also discussed the Victorian Government’s approach to considering the social, spiritual and cultural uses of First Nations relating to the water resources of the WRP area, including commitments and strategies identified to address Traditional Owner rights and interests.</p> <p>Representatives noted there was no accredited text provided in response to this requirement.</p> <p>Representatives felt that Victoria had demonstrated that regard had been had to the social, spiritual and cultural uses of the water resources of the water resource plan area by Indigenous</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent							
1	2	<b>3</b>	4	5							

<p><i>supporting text?</i>  <i>Are there strategies in place to address the matter?</i>  <i>Are the strategies binding and measurable?]</i></p>	<p>people to a satisfactory degree. Representatives were disappointed that there is no accredited text included to reinforce or strengthen the protection of values and uses.</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 identified under subsection (1), in which case the opportunities must be specified in the water resource plan</p>	<table border="0" data-bbox="790 520 1512 592"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Representatives noted that the WRP directly responds to this requirement in accredited text at Page 334 and 335 of Chapter 8 of the Comprehensive Report. Representatives felt that the opportunities identified in response to this requirement were constructive and meaningful, but that there not, in all cases, clear, ongoing commitments to implement them. Representatives noted that the requirement is only to ‘identify’ opportunities, rather than to actually implement them.</p> <p>Representatives noted that there has been significant improvement in First Nations participation in water resource management in Victoria since implementation of the Basin Plan in 2012, driven by policy commitments such as contained in <i>Water for Victoria</i>. These changes had created a platform for enhanced protection of First Nations values and uses.</p> <p>The Tati Tati delegate noted that, it appears that Victoria have had a very strong regard to at least maintaining protection of First Nations values and uses, but asked whether the proposed legislative changes to strengthen this protection will establish a requirement for CMAs and Water Corporations to engage with acknowledged Traditional Owners, rather than just Aboriginal community members.</p> <p>Dja Dja Wurrung representatives noted that, in reviewing opportunities identified by the Victorian</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent							
1	2	3	<b>4</b>	5							



		<p>Government, it was important to recognise that many of these opportunities had been pioneered or driven by First Nations. A number of the identified opportunities were activities that were already underway.</p>
<p>A water resource plan must be prepared having regard to the views of relevant Indigenous organisations with respect to:</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</i></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 the water resource plan area</p>	<p>Absent    <b>Partial</b>    Satisfactory    Good    Excellent                  1            2                3                4                5</p> <p>Representatives felt that the WRP had only partially had regard to the views of First Nations with respect to native title rights, native title claims and ILUAs in relation to the water resources of the water resource plan area. In making this assessment the group was informed by MDBA’s <i>Part 14 Assessment Guidelines</i> which provides specific guidance on how states should meet this requirement including identifying ‘how the native title right interacts with the WRP requirements’ and how ‘the views of relevant Aboriginal organisations have been incorporated in the proposed water resource management actions and measures’. It was noted that First Nations in the WRP area have Native Title rights relevant to the management of water resources whether or not those rights have been formally recognized through a determination of or other process.</p> <p>Representatives noted the absence of accredited text responding to this requirement. The WRP Index Table refers to specific section of Chapter 8 of the Comprehensive Report, including specific passages under each Nations’ contributions. Representatives reviewed the identified WRP content.</p> <p>Representatives felt that the content of the WRP only partially demonstrated that regard had been had for these matters, a view reinforced by a reflecting on the consultation process. In some cases, the WRP <i>identifies</i> relevant Native Title determinations, Recognition and Settlement Agreements and other agreements, but generally does not go as far as demonstrating how Victoria sought and considered the <i>views</i> of Traditional Owners regarding the intersection of these rights and agreements and water resource management.</p>

<p><i>views informed the Plan?</i>  <i>Is the matter addressed as part of the accredited text?</i>  <i>Is the matter addressed as part of the supporting text?</i>  <i>Are there strategies in place to address the matter?</i>  <i>Are the strategies binding and measurable?]</i></p>		<p>Representatives noted some content in the First Nations contributions for Dja Dja Wurrung, Taungurung, Yorta Yorta and First Peoples of the Millewa Mallee which address the intersection of RSA, Native Title and management of water resources. Material for most other groups is very limited consisting of one or two cursory sentences, with no references in the Dhudhuroa-Waywurru contribution.</p> <p>Representatives reflected on Victorian Government consultation and communication regarding this requirement. A number of Nations had prepared their own contributions for the WRP and noted that information and templates provided by DELWP to assist in this process asked them to identify existing agreements, but did not prompt or elicit their <i>views</i> on how these agreements or native title rights might intersect with water management. Other groups noted that their views had not been sought through consultation.</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><b>Partial</b></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>Representatives felt that the WRP had only partially had regard to the views of First Nations with respect to Registered Aboriginal heritage relating to the water resources of the water resource plan area.</p> <p>Representatives reviewed relevant content included in Chapter 8 of the Comprehensive Report and discussed the approach to consultation on this matter taken by Victorian Government. It was noted that p. 330 of Chapter 8 in the comprehensive report states that the <i>Victorian Aboriginal Heritage Act 2006</i> does not prescribe how water near or on culturally significant sites is managed. Representatives expressed concern that Victoria have specifically separated Aboriginal cultural heritage management from management of water. This separation appears to have informed the Victorian Government’s approach to consultation for the WRP. Representative stressed that this separation between cultural heritage legislation and water management responsibilities should not</p>	Absent	<b>Partial</b>	Satisfactory	Good	Excellent	1	2	3	4	5
Absent	<b>Partial</b>	Satisfactory	Good	Excellent								
1	2	3	4	5								

		<p>preclude Victoria from seeking and addressing the views of First Nations for the purposes of responding to this requirement. It was also noted by representatives that, under the <i>Victorian Aboriginal Heritage Act 2006</i>, a waterway or land within 200 metres of a waterway is considered an area of ‘cultural heritage sensitivity’ and is subject to specific planning regulations.</p> <p>Representatives questioned how Victoria has sought their views and provided an opportunity to provide input on the management of cultural heritage. It was noted that some Traditional Owner groups were asked to provide descriptions of general cultural heritage features on-Country. Some provided this higher-level information. Specific objectives for a number of First Nations did include reference to cultural heritage features. Other groups did not feel comfortable providing detail of cultural heritage features, but would prefer to discuss broader issues of management.</p> <p>However, all representative noted that Victorian Government representatives and the information provided by Victorian Government had not made the purpose of providing this information clear. Representatives felt that they had not been made aware of the opportunity to highlight the link between water management regimes and the management of cultural heritage features and were not specifically invited to provide their views on how the management of the water resources related to the management and protection of registered cultural heritage. For example, the operation and management of the Murray River has a significant impact on the protection of registered cultural heritage. As the Ngintait representative noted “Sometimes water regulation infrastructure is impacting on flows of water and damaging cultural heritage.” Nations were not invited to present their views on this and related issues.</p> <p>The Dja Dja Wurrung representative noted that Dja Dja Wurung were not made aware of the purpose of Victorian Government seeking their views on cultural heritage sites: “If we had known that there was an opportunity to put forward views on how protection of these sites should inform better management, we would have.”</p>
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		<p>Taungurung and Dja Dja Wurrung representatives both noted that the purpose of inclusion of a section regarding cultural heritage in the Contribution Template provided by DELWP was not made clear. Taungurung noted specified views about ways to improve the protection of registered cultural heritage related to management of water. Specifically, the group recommends the enlargement of cultural heritage sensitivity zoning along waterways. The Taungurung representative reported that, if they had known that they could have usefully included these views, then they would have.</p> <p>The MDBA’s Part 14 Guidelines suggests States “Identify any registered Aboriginal heritage that relates to the water resources in the WRP area and the views of relevant Aboriginal organisations/TOs in relation to this heritage, and <i>describe any arrangements that differ from existing management of registered Aboriginal heritage informed by these views.</i>” MLDRIN is concerned that Nations were not afforded the opportunity to present detailed views on how approaches to water management could be amended to support the protection or improvement of registered cultural heritage.</p>										
	<p>Inclusion of Indigenous representation in the preparation and implementation of the plan</p>	<table border="0" data-bbox="788 880 1512 954"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Representatives reflected on the consultation process for the WRP and the detail of the Consultation Report (Appendix D). All representative concluded that the Victorian Government had given due consideration to the views of First Nations regarding their inclusion in the preparation of the WRP.</p> <p>It was noted that the process of consultation for the Northern Victoria Plan represented a significant improvement on that undertaken for the Wimmera-Mallee Plan. Dja Dja Wurrung representatives noted that Victorian Government had given due consideration of their preferred means of engagement and adhered to timelines required through the Recognition and Settlement</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent								
1	2	3	<b>4</b>	5								

		<p>Agreement with Dja Dja Wurrung.</p> <p>Other representatives noted that Victorian Government listened and adapted their approach to consultation based on experience and feedback from First Nations participants.</p> <p>Representatives wished to specifically highlight the positive efforts and commitments of key Victorian Government staff who had ensured that First Nations preferred means of engagement were recognised. Representatives stressed that the success of the consultation process was, to a large degree, contingent on the effort of individual staff members.</p> <p>It was noted that Victoria’s performance in relation to this requirement is being assessed against a very low benchmark (pre-2012). Representatives noted that they were comparing current arrangements for inclusion of First Nations representatives in water resource planning against ‘nothing at all’. From this perspective, there was undoubtedly a significant improvement.</p> <p>Limited representation of First Nations on the TAG for the WRP and lack of adequate resourcing to support Nations’ preferred timelines and engagement approaches were noted as shortcomings in relation to this requirement.</p> <p>Representatives noted that they could not assess how the WRP had addressed the inclusion of First Nations representation in the implementation of the plan. While the plan re-commits Victoria to a number of actions and strategies arising from the <i>Water for Victoria</i>, it does not specially state how Nations will be involved in implementation.</p>										
	<p>Indigenous social, cultural, spiritual and customary objectives, and</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td>Satisfactory</td> <td><b>Good</b></td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td><b>4</b></td> <td>5</td> </tr> </table> <p>Representatives noted that the Victorian government had demonstrated regard for the matters</p>	Absent	Partial	Satisfactory	<b>Good</b>	Excellent	1	2	3	<b>4</b>	5
Absent	Partial	Satisfactory	<b>Good</b>	Excellent								
1	2	3	<b>4</b>	5								

	<p>strategies for achieving these objectives</p>	<p>outlined in this requirement. Representatives noted the detailed objectives and outcomes listed throughout Chapter 8 of the Comprehensive Report. They also reflected on the consultation process and noted that the Victorian Government had supported detailed discussions about First Nations’ social, cultural, spiritual and customary objectives to support preparation of the plan. Some representatives felt that the detail of objectives and outcomes contained in the WRP equated to identification of a ‘strategy’ for achieving objectives.</p> <p>However, many representatives noted that limited consideration had been given to the development or inclusion of strategies for achieving detailed objectives put forward by Nations. The WRP does include some high level strategies (such as for addressing risks to Aboriginal values and uses) and opportunities. However, representatives felt the WRP lacked coherent strategies, comprising targets, indicators and monitoring arrangements, to track progress against the objectives. It was noted that, for a strategy, you need mechanisms to track progress towards objectives. This was seen as lacking in the plan.</p> <p>A number of representatives discussed the value of alignment between WRP objectives and strategies and objectives and strategies contained in Country Plans, as charting a way forward. Representatives reported that they would have liked to see strategies from their Country Plans integrated into the WRP. Some representatives put these views forward through the consultation process.</p>										
	<p>Encouragement of active and informed participation of Indigenous people</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Representatives reflected on the consultation process with each Nation, the content of the Chapter 8 contributions and Consultation Report (Appendix D) when responding to this requirement. There was a general agreement that the requirement had been met to a satisfactory degree.</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent								
1	2	<b>3</b>	4	5								

		<p>Representatives noted that Victorian Government agencies generally evidenced a strong commitment to listen to and respond to of First Nations’ views regarding active and informed participation in WRP development. Resources were provided to support participation and protection of cultural knowledge and intellectual property was good.</p> <p>The Wadi Wadi representative felt that: “The opportunity was always there to the members to drive it how they wanted it. It was driven by the members, telling DELWP how they wanted to have the workshop. There was no issue around that.” Other representatives felt that the engagement was transparent and inclusive. The Ngintait representative noted that: “there were about 30-50 Traditional Owners involved in the discussion. Everyone who wanted to say stuff had a chance to speak.”</p> <p>Representatives also expressed concerns about timeframes, resources and communication limiting opportunities for broad Aboriginal community participation and a lack of pre-preparation and information to ensure informed participation in workshops and for Nations conducting their own, internal consultation.</p> <p>Some representatives expressed concern that the consultation had only reached a small sub-section of the broader community for each Nation. Longer timelines, additional funding and better communications may have addressed this. Some representatives felt that their views on ways to address this shortcoming had only been partially considered.</p> <p>A number of representatives noted the informed participation of First Nations was limited due to the lack of preparatory and follow up information provided by DELWP. Some representatives noted that agendas were not circulated in advance of workshops and there was a lack of information about what to expect, to ensure Traditional Owners could plan their contribution to discussions and take an informed position. This meant that Traditional Owners were not able to pre-plan and have community discussions before the workshops.</p>
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		<p>The Dja Dja Wurrung representatives noted that they had expected to receive a detailed briefing before commencing internal consultations, but that this had not been provided.</p> <p>The Waywurru delegate reported that: “Notification always seems to be a bit of an issue. You’re told something is happening but you’re rocking up blind and things are being thrown at you. You don’t have enough time to think about it. It’s hard to give informed response. I’m curious how many community people have actually been involved in the plan. Sometimes you might get a few, but we don’t really know how many people from each Nation were consulted.”</p> <p>In response to these issues, representatives noted they had not established a procedure whereby all workshops and meetings relating to engagement with Government are preceded by a focused pre-briefing and discussion for Traditional Owners.</p> <p>Representatives highlighted the need for collection and presentation of data that documents attendance at workshops and consultation events across the WRP area. It is not clear how many individual Traditional Owners have actually participated or put forward their views. Representatives noted that inclusion of this information would allow for a transparent review of the consultation process</p>										
	<p>Risks to Indigenous values and Indigenous uses arising from the use and management of the water resources of the water resource</p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Representatives reviewed the information relating to identification and assessment of risks (at p.324 of the Comprehensive Report and in the Approaches to addressing risk (Appendix B) report (section 3.2.3). Representatives also noted the strategies identified for managing risks at table 4.1.2 of Appendix B. It was noted that the Wadi Wadi section of the Comprehensive Report (at p. 294) does include detailed discussion of risks and impacts on values. Consultants engaged by NSW appear to have specifically recorded this information. However, there was not this level of detail</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent								
1	2	<b>3</b>	4	5								



	<p>plan area</p>	<p>recorded for other groups.</p> <p>Representatives acknowledged that the Victorian Government had had regard to risks relating to First Nations’ values and uses arising from the use and management of water resources in the WRP area. Representatives acknowledged MLDRIN’s participation in the early risk identification and analyses work convened by DELWP (discussed at p.966 of Appendix D).</p> <p>Representatives did express concern that consultation with individual Traditional Owner groups regarding their views on specific, localised, risks was not adequate.</p> <p>Representative were disappointed that there had not been more specific discussion and workshopping of risks to cultural values and uses. It was noted that groups had not been specifically asked for their views on risks to values and uses. The Taungurung representative noted that more focus on risks would have allowed the group to cross reference specific risks and threats against the objectives identified in their contribution, which would have provided further tangible material to assist implementation. It was also suggested that DELWP could have workshopped the risks that were identified in the 2015 assessment, to add local content and perspectives.</p> <p>Representatives generally agreed that the requirement has been met, but there was a need to discuss and test Traditional Owner views about individual risks to values and uses arising from the management of water resources in their areas of interest.</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</i></p>	<table border="0"> <tr> <td>Absent</td> <td>Partial</td> <td><b>Satisfactory</b></td> <td>Good</td> <td>Excellent</td> </tr> <tr> <td>1</td> <td>2</td> <td><b>3</b></td> <td>4</td> <td>5</td> </tr> </table> <p>Representatives noted that there was no accredited text included in the WRP in response to this requirement. Representatives reviewed the content included at section 8.6 of the Comprehensive Report and throughout the individual Nation contributions. It was noted the WRP text</p>	Absent	Partial	<b>Satisfactory</b>	Good	Excellent	1	2	<b>3</b>	4	5
Absent	Partial	<b>Satisfactory</b>	Good	Excellent							
1	2	<b>3</b>	4	5							

<p><i>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 accredited text?</i>  <i>Is the matter addressed as part of the supporting text?</i>  <i>Are their strategies in place to address the matter?</i>  <i>Are the strategies binding and measurable?]</i></p>	<p>demonstrates that regard has been had for this matter, but Victoria has not addressed the substance of First Nations’ stated aspirations or shown proper, genuine and realistic consideration of these detailed objectives.</p> <p>Representatives noted the inclusion of the Echuca Declaration and various inputs from First Nations groups detailing their rights and interests relating to cultural flows. Representatives noted that implementation of the National Cultural Flows Research project tools and findings would have greatly assisted Nations to provide detail of their cultural flow interests for the WRP. It was noted that one First Nation contribution (Tati Tati) stipulated a volumetric watering requirement for one watering location. Most other Nations included detailed views on their rights and interests relating to cultural flows.</p> <p>Representatives noted that the WRP has not demonstrated how Victoria has addressed or responded to the substantive views put forward by Nations regarding their Country and waterway-specific rights, interests and aspirations to own and access water. Workshop participants noted that there was no ‘answers’ to the questions put forward in their contributions.</p> <p>It was noted that the accredited text in response to Basin Plan Section 10.52(3) identifies “further engagement on the National Cultural Flows Research Project (released 2018) to identify opportunities to progress understanding of, and respond to, cultural flows in Victoria” as an opportunity to strengthen the protection of First Nations values and uses in the WRP area. However, this was viewed as a general commitment, with no defined strategy, implementation plan or funding attached.</p> <p>Representatives stressed that having genuine ‘regard’ for First Nations rights and interest relating to cultural flows should include developing and implementing strategies to address them. It was also viewed as important that broader stakeholders are informed of what Traditional Owners rights</p>
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	and interests are and how the Vitoria Government is responding.
<p>A water resource plan must provide at least the same level of protection of Indigenous values and Indigenous uses as provided in:</p> <ul style="list-style-type: none"> <li>(a) a transitional water resource plan for the water resource plan area; or</li> <li>(b) an interim water resource plan for the water resource plan area.</li> </ul>	<p>Absent    Partial    Satisfactory    <b>Good</b>    Excellent</p> <p>1            2            3            4            5</p> <p>All representatives agreed that the level of protection of First Nations’ water related values and uses will be strengthened through preparation and implementation of the Northern Victoria WRP.</p>