



First Nations Environmental Watering Objectives Project

Stage 1 Collaborative Design Report

A report to the Murray Darling Basin Authority

May 2019

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Introduction

First Nations in the Murray Darling Basin want environmental water, held by the Commonwealth and Basin States, to be managed in a way that supports our objectives, cultural values and connection to Country. Water management agencies have reciprocal obligations to give genuine and realistic consideration of First Nations values and uses when making decisions about the use of environmental water. The First Nations Environmental Water Objectives project aims to bring these interests and obligations together to improve the health and wellbeing of Country and communities.

The framework for managing environmental water in the Basin includes both long-term strategies and annual goals and priorities for the management of environmental water. First Nations recognise the opportunity for creating strategies and setting priorities that guide the use of environmental water. We have seen the positive benefits arising from good partnerships between First Nations and water managers. These outcomes demonstrate the value of collaboration for all parties. MLDRIN wants to see collaboration and partnerships built into the way water management agencies do business with First Nations.

Our participation must be underpinned by free, prior and informed consent and a proper understanding of the interests, obligations, capabilities, constraints and decision making mechanisms within the 26 sovereign first Nations that make up MLDRIN.

This collaborative design report has been prepared to help frame the way that First Nations, MDBA, the CEWO and other agencies do business together in setting annual priorities for the use of environmental water. It is based on direct conversations and correspondence with MLDRIN's member Delegates. The report identifies First Nations' interests, capabilities, constraints and preferences for involvement in the First Nations Environmental Water Objectives project and sets the context for ongoing collaborative work with water management agencies. The activities and outcomes of the First Nations Environmental Water Objectives project are detailed in the Project Proposal and First Nations Environmental Water Framework report previously provided to MDBA and the CEWO.

First Nations involvement

As part of the First Nations Environmental Water Objectives project, MLDRIN has committed to document and evaluate First Nations' preparedness and preferences for collaboration in priority setting. The following sections detail responses from MLDRIN member Delegates and outline Nations' preferences for moving forward with this work.

Interests

MLDRIN staff provided Delegates with copies of the Project Proposal and outlined the project components. MLDRIN staff asked Delegates and representatives about the value they saw in the project and their Nation's participation. Nations were asked to consider their interests in the process of setting environmental watering priorities and what they saw was 'in it for them'.

In general, almost all delegates responded positively to the opportunity to be engaged in the project and saw it as adding value to the work they were already undertaking. Some saw the project as an opportunity to drive improved outcomes on Country and better collaboration. Some identified specific benefits that could arise from inclusion of their objectives into the annual environmental watering priorities, such as improving the timing of watering to sustain fish breeding, and delivering water to culturally significant sites higher on the floodplain. One delegate saw the project as an opportunity to 'lead by example' and demonstrate success to other Nations and organisations who are in the early stages of developing appropriate capacity. A number of Delegates noted that they were already undertaking or scoping activities which would complement the project.

One delegate expressed their reluctance to be involved arising from a lack of confidence in water management decision makers. These concerns reflected the impact of the recent mass fish deaths and Blue-green algae blooms on the Lower Darling and parts of the Northern Basin. Water managers will need to address these concerns and demonstrate how First Nation participation will result in meaningful improvement in river health.

Capabilities

MLDRIN staff asked delegates to consider what resources their Nation had to participate in the project. Relevant resources included:

- Human resources (staff, decision making structures, elders or experts available to contribute to the process)
- Information (eg data about cultural values and objectives)
- Financial resources (funding to convene working groups, undertake research and collaborate within the Nation) and
- Expertise (familiarity with the technical aspects of water management)

Human resources

Five of the groups had special purpose advisory or steering groups established within their Nations to consider and provide input to water management. These committees can greatly boost the capacity of Nations to contribute to priority setting by focussing human and other resources.

Seven Nations had dedicated Aboriginal Water Officers, or comparable positions, employed within their organisations. There were varying degrees of security in the funding for their positions.

Fourteen of the Nations had, or are part of, formal governance structures recognised through native title or other state-based recognition frameworks. The decision-making frameworks and financial resources afforded through this recognition may support their participation. Similarly formal governance structures can help to marshal technical expertise and access to information. Seven of the Nations did not have any formal corporate or governance structures in place and two had formal governance processes in the early stages of development.

Human resources underpin a Nation's ability to collate information about water objectives, contribute views to government and deliberate on shared outcomes with water agencies and other Nations. There is significant variation amongst MLDRIN's membership in terms of the human resources available to contribute to decision making and collaboration to support priority setting.

Information

An analysis of responses from MLDRIN delegates shows that most Nations have available sources of written information available to support identification of environmental watering objectives. However, there is significant variation in the content and utility of these information sources. There are four key sources of information identified by Nations

- Aboriginal Waterways Assessment data and reports
- Published Water Resource Plan content including objectives and outcomes
- Country Plans and relevant chapters of Country Plans
- Other special purpose plans such as wetland management plans, watering objectives and project reports

All these information sources contain data and information on current waterway conditions, cultural values associated with waterways and First Nations objectives and targets for the management of waterways. It is important to note that other modes of holding and communicating information about watering objectives need to be considered, such as personal and collective knowledge and stories.

- Only three Nations did *not* have *any* available sources of written information.
- Eight Nations had either conducted AWA projects on part of Country or had access to results of AWA conducted on Country. The AWA data contains information about the health of waterway sites, cultural values and uses and, for assessments conducted in partnership with MLDRIN, objectives for improving the health of sites.
- Seventeen Nations had access to published Water Resource Plan content. Water Resources Plan content includes information about culturally significant waterways, values, objectives and outcomes. The degree of detail and relevance varies. In Victoria, Nations have prepared specific content for inclusion in plans.

In South Australia, by contrast, plans include high level objectives amalgamated from various Nations' input.

- Nine Nations have produced detailed plans including Country Plans, wetland and water management plans, watering objectives and Cultural Flow objectives reports. These documents are likely to provide more focused information relevant to the identification of environmental watering priorities. The scale and content of plans varies, from a whole-of-Country approach through to plans focussed on individual wetlands and waterways.

In subsequent stages of the project, MLDRIN will need to work with the Nations to 1) support those who do not have access to information 2) assess the utility of currently available written information sources 3) assist Nations to refine available information to collate environmental watering objectives 4) fill information gaps by identifying new projects and information sources.

Financial resources

There is significant variation between Nations in terms of the financial resources available to support the identification and communication of watering objectives. A number of Victorian Nations have benefited from State government investment arising from the *Water for Victoria Water Plan* actions. This has allowed them to employ staff and run projects focussed on identification of values and uses. Other Nations have financial resources arising from agreements with or formal recognition by the State.

Expertise

All First Nations have expertise relating to an understanding of Country, waterway health, cultural significance and management needs. The process of translating this knowledge into watering objectives that conform to mainstream water-planning structures can be challenging and time consuming. Some groups have employed Water Officers or have established water units which can facilitate this work. Others have close partnerships with State water management agencies or environmental NGOs and can draw on relevant expertise where necessary. The challenge will be in ensuring that all Nations have access to necessary expertise, building on the input and involvement of Traditional Owners and elders, and working in conjunction with Nation decision making processes.

Constraints

Nations were asked to identify some of the barriers they face in identifying, refining and communicating objectives for environmental water use. Key constraints included:

- Lack of resourcing for waterway assessment, mapping and research activities for groups (particularly in New South Wales)
- Lack of adequate, ongoing funding to convene water advisory groups/working groups/steering committees within Nations to deliberate on priorities

- Lack of dedicated personnel or staff to collate information on values and priorities
- Limited availability and high workload of key elders and NRM contacts within Nations
- Limited opportunities for Nation gatherings and workshops to ensure free, prior and informed consent for participation in the priority setting process
- Lack of clarity about the Basin Environmental Water Management Framework

Preferences

A key consideration for this project is understanding the varying decision-making structures and engagement protocols of Nations. Free, prior and informed consent requires that communication and decision making be conducted through the appropriate channels. For the project, Nations were asked to identify their preferred modes of communication and engagement. There were five key governance and decision-making structures of relevance to the project:

- Water advisory groups established within Aboriginal Corporations (2 Nations)
- Steering committees or working groups with a project focus (4 Nations)
- Representative forums (2 Nations)
- Elders Councils (3 Nations)
- Aboriginal Corporation Boards or membership (11 Nations)

As Nation groups work to develop environmental watering priorities, discussions and approvals will need to progress through various channels and models of governance. Depending upon the remit, focus, regularity and authority of these structures, achieving completion and or/approval of inputs may be more or less challenging. For example, a Water Advisory Group established under an Aboriginal Corporation or through a water-based project will have an appropriate focus and participants to develop priorities, but may lack the authority to approve contributions. By contrast, an Aboriginal Corporation Board will have the authority to sign off on contributions, but may be short on expertise and have limited agenda time to contribute to objective setting.

MLDRIN and the project partners will need to work within these structure and support culturally appropriate involvement. Where there are no agreed formal decision making structure in place, it will be necessary to maintain dialogue with key participants and adapt approaches as we move through the project.

Through consultation with Delegates, MLDRIN has developed a record of preferred decision-making structures. This will be used to guide the ongoing development of environmental watering objectives and priorities.

Capability Development

MLDRIN sought all Nations views on their perceived needs relating to capability development for participation in the FNEWO project. Establishing an enduring pathway for inclusion requires that Nations have the necessary support structures to respond to requests for information, review data, refine objectives and priorities and reach agreements and approvals.

Key needs and requests included:

- Presentations and briefings to advisory groups
A number of groups requested detailed briefings for dedicated water advisory groups or steering committees to support them to move forward with the project.
- Nation meetings or workshops, including funding for Nations to hold workshops
Nearly all Nations requested workshops, or funding to hold workshops, to convene Nation members to discuss the project and key priorities
- On-Country community discussion during a watering event
One Nation identified the value of holding a community discussion or workshop during a watering event, to improve understanding of the project.
- More information about priority setting
A number of Nations requested detailed information about the priority setting process and the Basin environmental water management framework to support deliberations by Boards.
- Detail on cultural outcomes of watering
One Nation sought access to information about outputs and effectiveness of the Basin Annual Environmental Priorities in terms of delivering cultural outcomes
- Funding for water advisory groups
One Nation highlighted the need for funding to continue to convene their water advisory group to underpin decision-making on environmental water prioritisation.
- Cultural Flows Methodology
One group identified aspirations to apply the National Cultural Flows Research Project methodology on Country to contribute to identification of objectives and priorities.

Opportunities to support capacity development

The FNEWO project provides a base level of funding to support Nations to identify, refine and communicate objectives for environmental water use. Funding has been allocated by MDBA to cover minimal travel costs and time to assist each Nation to collate watering objectives for 2020-21. However, this work will need to be underpinned by other supporting projects and capabilities which are outside of the scope of the FNEWO project budget. There are a number of existing projects and funding streams that offer opportunities to address capability gaps and needs identified by Nations. As a first step to ensuring Nations are equipped to contribute effectively to the priority setting process, MLDRIN will investigate ways to leverage these existing projects and budgets.

The table below outlines how existing projects and funding opportunities can address key capability gaps and needs identified by First Nations. Only known projects, activities and funding sources have been considered in assembling this list.

Capability gap/need	Relevant projects/funding
Conduct waterway assessment, mapping and research activities (particularly for groups in New South Wales)	<ul style="list-style-type: none"> - MLDRIN Cultural Flows Project Officer funding - NSW Long Term Watering Plans review and development (?) - AWA funding (requires further commitment)
Presentations and briefings to Nation water advisory groups and steering committees	<ul style="list-style-type: none"> - Utilise routine MLDRIN engagement with advisory groups and steering committees. - CEWO Indigenous Engagement Strategy - VEWH Indigenous Engagement Strategy
Nation meetings or workshops, including funding for Nations to hold workshops	<ul style="list-style-type: none"> - Development and review of LTWPs in Victoria and NSW - MLDRIN Cultural Flows Project Officer funding (?)
On-Country community discussions during watering event	<ul style="list-style-type: none"> - Some potential for support through Cultural Flows Project officer funding (working groups)
More information about priority setting and Basin Environmental Water Management Framework	<ul style="list-style-type: none"> - CEWO Indigenous engagement strategy - VEWH Indigenous engagement strategy - MLDRIN Full Gatherings and communications

More detail on cultural outcomes of environmental watering	<ul style="list-style-type: none"> - MDBA and CEWO reporting requirements: document inclusion of First Nations objectives in e-watering. Reports and updates provided to Nations.
Funding for water advisory groups	<ul style="list-style-type: none"> - Some potential for support through Cultural Flows Project officer funding (working groups) - State Based funding (VIC) - SA MLDRIN working group
Funding for staff to collate objectives	<ul style="list-style-type: none"> - MLDRIN Projects and Engagement Officer position - Aboriginal Water Policy Officers (Victoria) - MLDRIN Cultural Flows Project Officer funding - Darling River Rangers positions (recently announced, NSW)
Utilise Cultural Flow methodology to inform priority setting	<ul style="list-style-type: none"> - Cultural Flows Project Officer funding

A number of Nations wish to determine objectives for environmental watering through autonomous assessment and research approaches which are outside the current scope of the FNEWO and other existing projects. Agencies will need to work with these Nations to progress these autonomous approaches to ensure that they can contribute to priority setting.

It is clear from an analysis of the gaps, needs and opportunities address above that there is a significant disparity between MLDRIN Member Nations based on the varying policy and funding commitments of Basin States. To ensure meaningful inputs to priority setting, all agencies and stakeholders will need to address this disparity.

Conclusion

Initial discussions conducted by MLDRIN staff with member Nation Delegates and key contacts demonstrate that there is general support for participation in the FNEWO Project. However, it is clear that there are also gaps and capability needs which should be addressed in order to ensure effective participation. There are also major disparities between Nations in terms of the information and resources available to support their participation. In particular, Nations in NSW have not been able to access levels of funding and support enjoyed by Victorian and some South Australian Nations. Funding allocated through the FNEWO project, and other existing projects and funding sources,

can be leveraged to help address these gaps, but significant additional commitments may be needed in some areas to assist Nations to participate equitably and effectively.