

Hi Michele,

While this document is written like submissions, I was intending for it to be treated as questions.

## Getting involved

### Draft Joint Management Plan for the Dja Dja Wurrung Parks

#### Public Consultation 19 April - 19 June 2018.

The Dhelkunya Dja Land Management Board has prepared a [Draft Joint Management Plan for the Dja Dja Wurrung Parks](#) and is conducting a two-month Public Consultation on the draft Joint Management Plan in accordance with Section 82 P of the *Conservation, Forests and Lands Act 1987 (Vic.)*

#### CONSERVATION, FORESTS AND LANDS ACT 1987 - SECT 82PA

##### Joint preparation of management plans

- (1) The Traditional Owner Land Management Board for appointed land must, with the reasonable assistance and guidance of the Secretary, prepare a draft management plan for the appointed land.
- (2) Preparation of a plan under subsection (1) **must be completed and agreement to the plan must take place**—
  - (a) in the case of the first plan after the commencement of this provision, **within 3 years of the appointment of the Board** or any later date determined by the Minister; or
  - (b) in the case of any subsequent plan at the times and in the manner specified in the determination establishing the Board under section 82B(5).

**S. 82PA(3) inserted by No. 49/2017 s. 72.** *(My highlight added to the above)*

1. It would seem that the DDLMB board were appointed on or about **28 March 2013** ?
2. In looking at the above act Sect 82PA (2) (a) makes mention that the draft management plan must be completed in accordance with (a) within 3 years, or a later date determined by the minister.
3. Could I be directed to the Ministers determination to extend time for such a plan only completed in April 2018 ? *(My highlight added to the above)*

#### CONSERVATION, FORESTS AND LANDS ACT 1987 - SECT 82PE

##### Notice of completed management plan

- (1) As soon as possible after completion of preparation of a management plan, either the Secretary or the Traditional Owner Land Management Board must publish a notice in a newspaper circulating generally in the area in which the plan applies.
- (2) A notice under subsection (1)—
  - (a) must state that a management plan has been prepared and set out where the plan may be inspected;
  - (b) **must state** that written submissions **may be made on the plan to the Secretary** or the Traditional Owner Land Management Board within the time specified in the notice.

**S. 82PF inserted by No. 62/2010 s. 106.**

4. Could you provide a reference in compliance with Sect 82PE (2) (b) A published notice or within the proposed Management Plan. ? *(My highlight added to the above)*

## CONSERVATION, FORESTS AND LANDS ACT 1987 - SECT 82PF

### Making and consideration of submissions

- (1) Any person may make written submissions on a **completed management plan** within the period specified in the notice of the plan under section 82PE.
- (2) The period of time for making submissions that may be specified in a notice under section 82PE must not be less than 2 months from the date of publication of the notice.
- (3) **The Secretary and the Traditional Owner Land Management Board must consider any submission made on the completed management plan that were received by either person** within the period specified in the notice under section 82PE.

**S. 82PG inserted by No. 62/2010 s. 106.**

5. At this point in time The DDLMB have only released a Draft Management Plan not a Completed Management Plan and in keeping with Sect 82PF (1) Submissions can be made to the completed plan when released ?
6. In light of sect 82PF (3) All submissions made will need to be made to the Secretary for his/her consideration, could you provide an overview how this will be handled. ?

## CONSERVATION, FORESTS AND LANDS ACT 1987 - SECT 82PG

### Agreement to management plan

- (1) For the purposes of section 82PA(2), a management plan is taken to be agreed to when, after consideration of submissions under section 82PF, both the Traditional Owner Land Management Board and the Secretary agree to the plan.
- (2) A plan agreed to under subsection (1) may contain variations to a completed plan made as a result of consideration of submissions under section 82PF.

**S. 82PH inserted by No. 62/2010 s. 106.**

7. The Draft Management Plan cannot be considered a Completed Plan until submissions have been considered and published.
8. And as mentioned previous a Completed plan not a Draft Plan needs to conform to Sect 82PE of the CONSERVATION, FORESTS AND LANDS ACT 1987 and be put out for submissions with due process.
9. The process for the Draft Management Plan as explained in the Strategy document *details as follows*

#### *Strategy P14 last para*

This Draft Plan is now released with approval of the Secretary to the DELWP, as required under the relevant legislation, for two months public consultation. The Draft Plan will be revised in response to input received, and a revised version will be prepared by the Dhelkunya Dja Land Management Board for consideration by the Secretary and Minister. *See Have Your Say on p. vii.*

10. The above process describe directly above would seem to be lacking in checks and balances who would know what the final plan would consist of ? does it reflect and take into account the views of the submissions made or do we now have a Dictatorship where the beneficiary of the plan makes up the rules, sit in judgment of them and then implement and Police them.

I understand the assurances by yourself and members of the board that all submissions will be considered, but you will no doubt understand that we (PMAV) have had assurances in the past on these very same issues that have been ignored.

11. A better example of an Act that has due process with Checks & Balances built in would be The-  
**Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017 No.49 of 2017**  
In particular Division 3 Preparation of Yarra Strategic Plan.

This Act is required to be considered by Section 82PA (3) of the -

CONSERVATION, FORESTS AND LANDS ACT 1987 - SECT 82PA  
**Joint preparation of management plans**

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- (2) Preparation of a plan under subsection (1) must be completed and [agreement](#) to the plan must take place—
  - (a) in the case of the first plan after the commencement of this provision, within 3 years of the appointment of the Board or any later date determined by the Minister; or
  - (b) in the case of any subsequent plan at the times and in the manner specified in the determination establishing the Board under section 82B(5).

**S. 82PA(3) inserted by No. 49/2017 s. 72.**

- (3) **The Traditional Owner Land Management Board and the Secretary must have regard to a Yarra Strategic Plan when preparing a management plan in relation to any appointed land to which a Yarra Strategic Plan applies.**

**S. 82PA(4) inserted by No. 17/2018 s. 9.**

- (4) The Traditional Owner Land Management Board and the Secretary must have regard to a Statement of Planning Policy when preparing a management plan in relation to land that is within a declared area.

**S. 82PB inserted by No. 62/2010 s. 106. (My highlight added to the above )**

12. As both the Management Plan for the Dja Dja Wurrung Parks and the Yarra Strategic Plan applies to crown land and parks, therefore the process of submissions and how they are dealt with under division 3 of the Yarra Strategic Plan provides some independence of process where as under there Dja Dja Wurrung Parks draft plan process their would seem not to be any.