**Guideline – Considering comments and consulting   
on Advisory activities**

**Advisory activities under the *Traditional Owner Settlement Act* require a meaningful process of consultation. This guideline seeks to assist officers in carrying out that consultation. Consultation on the proposed Advisory activity must meet or exceed the requirements set out in the *Ministerial Direction as to Advisory Activities*.**

Under the *Traditional Owner Settlement Act 2010* and the Land Use Activity Agreement, a government department, agency or council must notify DJAARA (trading name of the Dja Dja Wurrung Clans Aboriginal Corporation) when activities classified as ‘Advisory’ activities are proposed.

The **purpose** of the notification process is to provide DJAARA with an opportunity to comment or make submissions about a proposed activity. This ensures that potential impact of the proposed activity on traditional owner rights and interests is considered before a decision is made to proceed.

The consultation process is **triggered** when DJAARA advises that it wishes to be consulted about the proposed Advisory activity and its effects on traditional owner rights recognised under the *Recognition and Settlement Agreement 2013*. This may be expressed in the form of comments responding to a notification sent by a decision maker, as a written request for further information from DJAARA, or as a request for a meeting.

A request for consultation must be made within the **required period** set out in the notice ­– which must be a minimum of 28 days from (and inclusive of) the notification date.

If a request for consultation is made, you should consult with Djaara about:

* ways of minimising the impact of the proposed activity on traditional owner rights in land and water, and
* if relevant, you should also consult in relation to:
  + traditional owner access to lands and waters; and
  + the way in which the activity or anything authorised by the activity might be done.

As a government decision maker, you must always take into account relevant considerations when making your decision. These include comments or submissions relevant to the proposed activity. The aim of the LUAA Advisory process is for DJAARA to have its concerns heard and understood, so that (where relevant) the decision maker can take them into account.

Comments received may be minor and easily incorporated into the activity. Or they may require deep consideration, provision of additional information, face-to-face meetings or inspecting the site of the proposed activity.

Any relevant concerns, issues and comments raised by DJAARA must be considered before the final decision to proceed with the proposed activity. In some cases this may result in proceeding in a modified way.

The consultation process may even lead to a mutually valuable collaboration. Remember that the LUAA is part of creating “a meaningful partnership, based on mutual respect” between the State (including all public land managers) and the Dja Dja Wurrung people. *(Recognition and Settlement Agreement, 2013)*

**What to consider if a meeting is requested**

1. **Prepare for the meeting**

In preparing for the meeting, consider the following:

* all relevant comments received from DJAARA
* preparation of visual materials, e.g. maps, plans, design drawings
* any necessary travel arrangements
* catering, and
* what, if any, next steps you might consider.

State agencies and councils are responsible for adequately resourcing consultation by way of both budget and appropriately skilled personnel. They should respond to reasonable requests from DJAARA for resources to support participation, including for travel or meeting costs and for obtaining appropriate professional advice.

1. **Holding the meeting**

The meeting is a time to consult.

* Explain the proposed activity (including through maps, plans, etc.).
* Listen.
* Answer questions.

The conversation at the meeting should **cover**:

* ways of minimising the impact of the proposed activity on Traditional Owner rights
* the access to the proposed activity area (if relevant); and
* the way in which the activity may be done (if relevant).

The discussion should also refer to the location, nature of the proposed activity, and its design.

Make sure that an accurate **record of the consultation** meeting (s) is made.

Where possible, use part of the meeting to **walk through the proposed activity area**. This may provide a useful way to explain the proposed activity, proposed area and access.

It is possible that as a result of the meeting **further consultation is required or requested** by DJAARA. This could be in the form of another meeting or through the provision of further information (such as modified plans/design drawings) for comment. A further option may be to hold a meeting by teleconference or videoconference, depending upon available technology and its appropriateness.

The time of, and need for, further consultation will be decided on a case-by-case basis.

**Finalising your decision about the proposed activity**

Whether you received written comments, met with DJAARA, or both, you now need to finalise your decision.

Ensure that you **consider all relevant comments**.

Record your decision as to whether you will:

* 1. proceed with no changes to the activity,
  2. proceed in a modified way (for example, adjusting the location or the design of the project), or
  3. not proceed.

It is good practice to **explain your decision**, including your response to any comments, to DJAARA.