

APPENDIX 2

Advisory Groups: Community Reference Group, Government Contact Agencies and Indigenous Steering Committee

River Red Gum Forests Investigation Community Reference Group

Organisation	Member
Australian Motorcycle Trail Riders Association	Peter Ellard ¹
Barmah Forest Cattlemen's Association	Kelvin Trickey
Barmah Forest Preservation League	Stan Vale
Birds Australia	Chris Tzaros; Euan Moore
Bush Users' Group Victoria	Audrey Dickins ²
Bushwalking Victoria	Steve Robertson; Phil Brotchie
Campaspe Shire	Cr Neil Repacholi
Confederation of Australian Motor Sport, Victoria	Gary Grant; Ian Crook
Country Fire Authority	Rachel Rogers
Environment Victoria	Rod Orr
Four Wheel Drive Victoria	Doug Parke; Zac Powell; Josh Ambrosy
Friends of Nyah Vinifera Forest	Joe Blake
Gannawarra Shire Council	Cr Neville Goulding
Goulburn Valley Environment Group	Doug Robinson; Louise Costa
Horse Riding Clubs Association of Victoria	Debbie Warne
Minerals Councils of Australia (Victorian Division)	Laura Chibnall; Trevor Shard; Jeff Dunwoodie
Moira Shire Council	Cr David McKenzie
Murray Lower Darling Rivers Indigenous Nations	Wayne Webster
Sporting Shooters' Association of Victoria	Colin Wood
Timber Communities Australia	Faye Ashwin
Tourism Alliance Victoria	Matthew Rechner, Nicholas Hunt; Jacqueline Blackwood
Victorian Association of Forest Industries	Paul Madden
Victorian Farmers' Federation	Ian Lobban
Victorian National Parks Association	Nick Roberts
VRFish	John Corbett

¹ until September 2006

² until August 2006

* Meetings were also attended by proxies and other guests.

River Red Gum Forests Investigation Government Contact Agencies

Aboriginal Affairs Victoria, Department of Planning & Community Development
Coliban Water
Department of Water, Land & Biodiversity Conservation (South Australia)
Department of Environment & Climate Change (New South Wales)
Department for Environment & Heritage (South Australia)
Department of the Environment, Water, Heritage and the Arts (Commonwealth)
Department of Planning (New South Wales)
Department of Primary Industries (Victoria)
Department of Sustainability & Environment (Victoria)
Goulburn Murray Rural Water
Goulburn Valley Water
Goulburn-Broken Catchment Management Authority
Grampians Wimmera Mallee Water Authority
Lower Murray Urban & Rural Water Authority
Mallee Catchment Management Authority
Murray Darling Basin Commission (Commonwealth)
North Central Catchment Management Authority
North East Water
North-East Catchment Management Authority
Parks Victoria
Regional Development Victoria (Department of Innovation, Industry & Regional Development)
Tourism Victoria
VicForests
VicRoads

River Red Gum Forests Investigation Indigenous Steering Committee

Members*

Henry Atkinson
John (Sandy) Atkinson
Rose Kirby
Sam Morgan
Gary Murray
Bobby Nicholls
Darren Perry
Sissy Pettit-Havea
Ken Stewart
Wayne Webster (Co-Chairperson)

Victorian Environmental Assessment Council

Duncan Malcolm (Co-Chairperson)
William Glenbar (consultant)
Karen Milward (consultant)
Mel Mitchell
Paul Peake

Additional people involved

Brett Ahmat (DSE)

* Meetings were also attended by other Indigenous community members and other guests.

APPENDIX 3

River Red Gum Forests Investigation Draft Proposals Paper
(July 2007)

Report on the Indigenous Community Consultation Workshops

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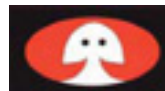
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Executive Summary

A series of Indigenous specific consultation workshops were organised to obtain feedback from Indigenous people on the draft recommendations contained in VEAC's *Draft Proposals Paper for Public Comment (July 2007)*. Indigenous consultants were engaged to organise and facilitate these workshops in selected locations within the River Red Gum Forests Investigation area.

Feedback obtained from Indigenous participants indicated a high level of support for all Indigenous specific recommendations. Specifically there was widespread support at all workshops for recommendations focusing on the provision of funding and other resources for Traditional Owner Groups and other Indigenous stakeholders to be more actively involved in the co-management and advisory board structures which will be established if the draft recommendations are implemented by government.

At the same time, there was consistent agreement at all workshops that proposals for creating more employment and training opportunities for Indigenous people at a local level in public land management tasks and activities was a positive approach. This would create more accessible opportunities for Indigenous people living in the Investigation area to participate in land management.

One of the key issues raised at all workshops was the need to provide more examples of how each recommendation may impact on Indigenous stakeholders. In particular, what the options may be in relation to funding and other resources to enable Traditional Owner Groups and other Indigenous stakeholders to fully participate in the future.

A high level of support was indicated for the proposed creation of co-management boards and advisory committees for specific areas of public land, however, it was suggested that more detail could be provided to describe how these may involve Indigenous stakeholders. In particular, it was suggested that a detailed set of *Selection Criteria* be developed to ensure that the most experienced and knowledgeable Indigenous persons are selected to fill representative positions in these management structures.

Recommendations for changes to legislation to clarify and allow for traditional cultural practices to take place on public land areas in the Investigation area were widely supported. However, issues were raised about the 'use of fire' and other proposals limiting the use of campfires on public land. Given the importance of this particular issue, it is suggested that consideration be given to the merits of making provision for further discussions to take place with Traditional Owner Groups.

Finally, it should be noted that a number of Indigenous people who did not attend the workshops due to other commitments also provided feedback and voiced strong support for Indigenous-specific recommendations in the Draft Proposals Paper. Where this occurred, individuals were encouraged to contact VEAC directly and provide a written submission outlining their views.

Introduction

On 19 July 2007, the Victorian Environment Assessment Council (VEAC) released copies of its *Draft Proposals Paper for Public Comment (July 2007)* outlining a range of draft recommendations for public land in the River Red Gum Forests Investigation area. Of these, 10 recommendations (R18 to R27) relate specifically to opportunities to improve Indigenous involvement in public land within the Investigation area.

A series of Indigenous specific consultation workshops were organised to obtain feedback from Indigenous people about the draft recommendations. VEAC engaged external independent consultants to organise and conduct the Indigenous consultation workshops in a number of locations within the River Red Gum Forests Investigation area and in Melbourne.

The strong spiritual ties Aboriginal Traditional Owner Groups have with specific tracts of land in the River Red Gum Forests Investigation Area, established over hundreds of generations, based on belief systems, practices, social and ceremonial rules and responsibilities are acknowledged and continue to evolve and exist today. The connection between Aboriginal people and land is expressed in terms of 'being related to' rather than 'owning' the land or country and that Aboriginal people often express this relationship as being custodians rather than landowners.

Country is a place that gives and receives life. Not just imagined or represented, it is lived in and lived with.

Country in Aboriginal English is not only a common noun but also a proper noun. People talk about country in the same way that they would talk about a person: they speak to country, sing to country, visit country, worry about country, and feel sorry for country, and long for country.

People say that country knows, hears smells, takes notice, takes care, and is sorry or happy. Country is not a generalised or undifferentiated type of place, such as one might indicate with terms like 'spending a day in the country' or 'going up the country'. Rather, country is a living entity with a yesterday, today and tomorrow, with a consciousness, and a will toward life. Because of this richness, country is home, and peace; nourishment for body, mind, and spirit; heart's ease.

Each country has its sacred origins, its sacred and dangerous places, its sources of life and its sites of death. Each has its own people, its own Law, its own way of life. In many parts of Australia, the ultimate origin of the life of country is the earth itself...
(Rose 1996)

The purpose of this report is to provide a summary of the issues raised by participants who attended the Indigenous Consultation Workshops which can be used by VEAC during their deliberations about what changes, if any, should be made to the draft recommendations before they are finalised. A summary of the key points and issues raised at each workshop against each draft recommendation appears in the Appendices to this report.

Consultation Methodology

Indigenous Steering Committee

The community consultation project was guided by an Indigenous Steering Committee established by VEAC. A 'Terms of Reference' document outlining the role and responsibilities of the Indigenous Steering Committee was prepared and circulated to identified Indigenous community members along with an invitation to nominate for membership on the VEAC Indigenous Steering Committee.

The purpose of the Steering Committee was:

- 1) To ensure that Indigenous stakeholders have:
 - a) as substantial a role as possible in setting the direction of and overseeing the running of the project, and
 - b) as effective as possible channels with which to communicate their views and information to VEAC staff and, in particular, Council;
- 2) To provide advice and assistance to the consultants about issues and stakeholders that may need to be taken into consideration in both the consultation and report production stages – particularly in relation to Indigenous involvement in public land management;
- 3) To provide feedback on the planning and conduct of consultation activities (meetings, workshops, etc.); and
- 4) To comment on drafts of written material.

Meetings of the VEAC Indigenous Steering Committee were convened in two phases of the River Red Gum Forests Investigation process.

Input from Indigenous Stakeholders

The Indigenous community consultation process occurred in two separate and distinct phases. Phase 1 occurred in March 2007 where Indigenous stakeholders were invited to participate in a series of Indigenous community consultation workshops convened in 12 locations in major population centres and throughout the Investigation area. The purpose of these workshops was to obtain input from workshop participants on what specific and general opportunities may be considered to increase Indigenous participation in public land planning, decision-making and management processes within the Investigation area.

Members of the VEAC Indigenous Steering Committee provided advice to the project consultants about where the Indigenous community consultation workshops should be held – see Table 1 below.

Table 1 – Phase 1 Indigenous Community Consultation Workshops (by Date, Location and No. of Participants)			
Date	Location	No. Participants	Other Comments
10 March 2007	Echuca	16	Yorta Yorta Workshop
14 March 2007	Wodonga	3	
15 March 2007	Bendigo	2	
16 March 2007	Echuca	5	
17 March 2007	Swan Hill	6	
18 March 2007	Barham (NSW)	6	+ 2 other guests
18 March 2007	Deniliquin (NSW)	6	
19 March 2007	Robinvale	3	
20 March 2007	Mildura	4	
21 March 2007	Berri (SA)	9	
22 March 2007	Shepparton	6	
25 March 2007	Thornton	11	
Total No. of Participants		79 persons	

To ensure consistency in the issues discussed, a Workshop Program was prepared and used at each of the workshop sessions conducted in Phase 1. Participants at each workshop were provided with a copy of the following documents:

- “VEAC River Red Gum Forests Investigation – Submissions Invited” brochure (October 2006)
- VEAC Resource Document 1: Indigenous Land Management Framework Discussion Paper
- VEAC Resource Document 2: Models of Indigenous Involvement in Land Management
- VEAC Resource Document 3: Views from the Community – Indigenous Issues
- VEAC Resource Document 4: VEAC Angahook-Otway Investigation Final Recommendation R12 – Enhancing Indigenous Involvement
- “Permitted Uses and Activities in Major Public Land Use Categories” handout
- River Red Gum Forests Investigation – Discussion Paper (October 2006)

Large scale current public land use maps of selected areas along the River Red Gum Forests Investigation area were displayed at each workshop. The purpose of the large scale maps was to provide participants with a more detailed view of the public lands within the Investigation area including areas around the townships where the workshops were held.

Information gathered from these workshops was collated, compiled, analysed and reported to VEAC for consideration. Information contained in the written submissions received directly from individuals and groups was also presented for consideration.

The second phase of Indigenous community consultation occurred in September 2007 following the release of the Draft Proposals Paper for Public Comment (July 2007). Copies of the draft recommendations in this report were made available to participants who attended Phase 2 Indigenous Community Consultation Workshops.

Following advice from members of the VEAC Indigenous Steering Committee, a series of workshops were organised and conducted in September 2007 – as shown below in Table 2.

Table 2 – Phase 2 Indigenous Community Consultation Workshops (by Date, Location and No. of Participants)		
Date	Location	No. Participants
1 September 2007	Shepparton	4
2 September 2007	Melbourne	1
8 September 2007	Robinvale	5
9 September 2007	Gunbower Island	20
15 September 2007	Echuca (YYNAC)	8
Total No. of Participants		38 participants

To ensure consistency in the information gathering process, the following format was used at each workshop to obtain feedback/comments from participants. The primary focus of these workshops was to consider and comment on Indigenous-specific draft recommendations R18 to R27. The workshops followed the format described below.

- An overview was given about the process used by VEAC to obtain comments and views from Indigenous and non-Indigenous stakeholders who have an interest in public land areas in the Investigation area.
- Participants were each provided with a Recommendations Summary Sheet which contained a compilation of the Indigenous specific draft recommendations made in the Draft Proposals Paper. Participants also received a copy of the Draft Proposals Paper and Discussion Paper for their information.
- Copies of maps showing proposed public land use were made available to workshop participants so they could view the proposed changes to public land use within the Investigation area.
- Participants were then asked to consider each draft recommendation individually and time was set aside for questions to be asked and explanations or clarification to be provided by the consultants and the VEAC staff member who attended each workshop.
- A number of examples were provided about how the recommendations may be implemented and how Indigenous people and Traditional Owner Groups could be involved in various aspects of the proposed recommendations (if they are implemented by Government).

- Comments made at each workshop about each draft recommendation were noted and compiled into individual workshop reports (see Appendices).
- Comments made for each draft recommendation were collated, cross-referenced and analysed to form the report outlining the findings and feedback to emerge from workshops.

Participants were invited to review each recommendation separately and to ask questions. Where possible, examples were provided and any comments made or issues raised were responded to.

Promotion of the Indigenous Consultation Workshops

There were at least 17 distinct Aboriginal Traditional Owner Groups who were invited to participate in Indigenous specific VEAC River Red Gum Forests Investigation community consultation workshops. Information about workshops was sent to representatives of the following Traditional Owner groups:

- | | | |
|---------------------|---------------|---------------|
| - Bangerang | - Latje Latje | - Wamba Wamba |
| - Bararapa Bararapa | - Ntait | - Way Wurru |
| - Dhudoroa | - Nyeri Nyeri | - Wergaia |
| - Dja Dja Wurrung | - Tati Tati | - Yorta Yorta |
| - Jarra Jarra | - Taungurung | - Yulupna |
| - Jupagulk | - Wadi Wadi | |

An information flyer containing details about the purpose, dates, locations and start/end times of the workshops was prepared and distributed as follows:

- The Indigenous Steering Committee recommended that Native Title Services Victoria (NTSV) mailing list would provide a comprehensive contact list of Indigenous people who may be interested in attending VEAC Indigenous Consultation Workshops. Information about the workshops was sent to 260 Indigenous people in Phase 1 and 340 people in Phase 2 who were registered with the NTSV as being Native Title Claimants in the Investigation area.
- Copies of the workshop information flyer prepared for Phase 2 were sent to people who participated in the Phase 1 consultation workshops held in March 2007.
- Information about the workshops was also emailed to staff of Natural Resource Management agencies to be circulated to Indigenous people in their local communities who may not be on the NTSV mail list or attended a Phase 1 workshop.

Key Findings from Indigenous Community Consultations

This section of the report provides a summary of the feedback provided and the issues raised at each workshop for each recommendation contained in the Draft Proposals Paper for Public Comment (July 2006). Direct quotes from Indigenous community members who participated in the VEAC workshops are made throughout the report to illustrate the comments received.

General Comments about draft Indigenous- specific recommendations

Participants at all workshops indicated a strong level of support for the work undertaken by VEAC and were very appreciative of arrangements VEAC had made to undertake specific consultation activities with Indigenous stakeholders. There was some concern expressed at all workshops about the level of negative publicity occurring in the local media in communities located in the Investigation area and the impact this was having on Indigenous people generally.

There was widespread support for the Indigenous specific and other recommendations made in the Draft Proposals Paper especially the clearly identified actions needed to create more opportunities to involve Indigenous people in public land management, planning and decision-making processes. It was suggested that more examples could be provided in the final report to government about how the Indigenous specific recommendations may be implemented.

Participants at each workshop were asked to make specific comment about each draft recommendation. They also raised a number of other issues during the discussions which are outlined below.

Location	Participant Comments
Shepparton	<p>We would like the two Traditional Owner Groups (Yorta Yorta and Bangerang) to work together on the land area to generate funds and employment and economic opportunities for all Aboriginal people who live on the lands that both families' groups represent.</p> <p>The main issue with the draft recommendations is that the suggested changes outlined don't say which parcels of public land, water areas or parks, etc that it will be applicable or not applicable to.</p>
Melbourne	<p>All the recommendations are good but they need to be deliverable (examples of how, what, when, who and resources). The consultation process is really good to provide comments and discuss any issues. It is really good to see that no cultural centres and buildings are being recommended.</p>
Robinvale	<p>Concern was raised about the membership of the VEAC Indigenous Steering Committee and how it was established and confirmed. An issue of concern raised at Robinvale, was that one member of the Steering Committee had been opposed to the VEAC proposals paper through statements made in public VEAC forums held in Mildura that were reported in the local paper.</p>
Echuca	<p>The main issue raised was the terminology used throughout the VEAC Draft Proposals Paper and not wanting VEAC to leave words open for misinterpretation by government, Indigenous and non-Indigenous people.</p> <p>The term used by the non-Indigenous economic consultants that contributed to this process was 'Intergenerational welfare dependency'. Even though this is targeting non-Indigenous people it impacts Indigenous people through past usage.</p> <p>National Park – Can have employment and education for our young ones. Are adults in our group denied the right to take their kids into the bush and light a campfire when they need to?</p> <p>Hand back-lease back needs to be a focus on the VEAC agenda in the future (currently in the paper it recommends the option to change legislation so that HB/LB and other opportunities can occur for Traditional Owners)</p> <p>Dharnya Centre needs protection and recognition (and other issues) in the recommendations and to have this in the Indigenous recommendations not just in the general recommendations.</p> <p>Discuss the role of the media campaign and whether VEAC's got some resources to counteract these claims re. negative fears that other stakeholders have to the Draft Proposals Paper and recommendations.</p> <p>Traditional Owner identification and having complete control over spiritual connection that is there on country – need to stipulate who comes and goes as opposed to what AAV introduces (highlighting the lighting of fires in the forest for camping). It is currently included under Recommendation R26 (cultural ceremony) but it needs to be made clearer about what this really means in more detail.</p>

Recommendation R18 - Increasing Indigenous community capacity

That government provides assistance with strategic decision-making regarding public land management along the River Murray and across boundaries of Aboriginal Traditional Owner Groups by establishing a properly resourced program to provide the following services:

- (a) a mediated and resourced process to facilitate:
 - (i) Aboriginal Traditional Owner identification and registration,
 - (ii) engagement of Aboriginal Traditional Owner Groups or bodies with public land management agencies,
 - (iii) group internal decision-making and procedures or protocols such as informed consent and choice of spokespersons,
 - (iv) the establishment of boundaries of Country between groups, and
 - (v) dispute resolution.
- (b) administrative support for relevant Aboriginal Traditional Owner Groups,
- (c) coordination of consultation requests from government agencies and preferential selection of appropriately qualified Traditional Owner Groups or organisations for contract services to work on land and natural resource management projects on Country,
- (d) assistance for relevant Aboriginal Traditional Owner Groups with targeted training and capacity building exercises such as work placements, traineeships and use of existing programs to establish Aboriginal rangers and land management contractors to work on public land on traditional Country,
- (e) assistance with coordination of relevant Aboriginal Traditional Owner Groups' responsibilities under cultural heritage and native title processes where these coincide with public land management,
- (f) support for initiatives aimed at retaining traditional knowledge and expertise and assisting with the integration of this knowledge in land and natural resource management projects and partnerships on Country, and
- (g) support for Aboriginal Traditional Owner Groups wanting to develop a permit regime as described in recommendations R26 and R27 for the traditional hunting, gathering and ceremonial use of Country.

Notes: 1. Aboriginal Traditional Owners are defined as those people who are the direct descendants of specific Indigenous groups present prior to European settlement.

2. Indigenous people refer to land and natural resources of an area over which they have a profound cultural and spiritual relationship as their traditional Country.

A significant majority of workshop participants indicated that increasing Indigenous involvement in management, planning and decision-making processes on public land in the Investigation area was an opportunity they and other members of Traditional Owner Groups would actively embrace.

All workshop participants were highly supportive of Recommendation R18 and indicated that a critical first step was for government to provide initial and sufficient resources to Traditional Owner Groups so they could establish viable administrative infrastructure to enable them to be effective, active and equal participants in management, planning and decision-making processes occurring on public land areas within the Investigation area.

It was confirmed at all workshops that properly resourced programs would enable Traditional Owner Groups to engage in management, planning and decision-making processes with Government agency staff as well as with other land holders and stakeholder groups who may have an interest in public land areas within their local area.

"We want to build partnerships with other interested groups (farmers, graziers, etc). It's the way you approach people and the interest groups that is the key to effective outcomes." (*Shepparton*)

Some participants raised the issue of past promises being made by government for provision of resources to Indigenous groups but then not following through on these undertakings. It was suggested that in its final report VEAC could provide more details outlining how this recommendation would be implemented by providing some practical examples.

"We would need more examples provided on how the recommendations would look in practice rather than theory." (*Gunbower Island*)

Workshop participants agreed that it was important for sufficient resources being available to facilitate mediation and dispute resolution processes where there were differences of opinion occurring within and between members of Traditional Owner Groups.

It was agreed that this issue was of particular importance given that unresolved issues may influence and impact on action taken to establish the joint management and co-management arrangements as well as membership selections for advisory committees set up for specific public land areas.

"As long as the process undertaken and proposed is properly resourced there is support for this recommendation. That is - for overlapping boundaries with Traditional Owners and Native Title that is still an issue to be resolved between the three Traditional Owner groups. Representatives to be proposed for these structures need to be in town for a few days on a couple of occasions - no 'blow ins' will be accepted."
(Robinvale)

Issues were raised with the identification recommendation in the proposals paper.

"This recommendation should include whether or not it means 'identification as an individual or Traditional Owner Group' the word identification should be changed to 'recognition'." *(Gunbower Island)*

Participants attending the Yorta Yorta Nations Aboriginal Corporation (YYNAC) workshop in Echuca indicated that they were very supportive of Recommendation R18. Specifically, they want government to ensure that their Corporation also receives matched funding that is given to other parties contracted to undertake scientific and research activities on public land areas within their traditional boundary area.

"There needs to be resourced research to Yorta Yorta Nations whenever Yorta Yorta is engaged by non-Indigenous groups and businesses. That is - if Yorta Yorta are engaged and have a non-Indigenous consultant to do a scientific report on country, then Yorta Yorta should be resourced to do their own research and scientific reports." *(Echuca)*

The following comment was also made in relation to Recommendation R18 (g):

"Non-Indigenous people would need to get a permit but not Indigenous people." *(Robinvale)*

Recommendation R19 - Enhancing Indigenous involvement

- (a) That planning and management relating to traditional interests and uses acknowledge the unique relationship of Aboriginal people with Country and be based on recognition and respect for the traditional and contemporary relationship of Aboriginal people with the land,
- (b) That prior to implementing VEAC's recommendations for parks and reserves, and changes in public land management, government consult with Traditional Owners and Aboriginal groups regarding their native title rights and interests,
- (c) That government, in consultation with Aboriginal Traditional Owner Groups, establish mechanisms to improve and resource Indigenous participation in land and water management including:
 - (i) development of principles and protocols to improve the policy and planning processes of public land and water management agencies and resource the representation and participation of Aboriginal people in these processes,
 - (ii) preparation of a strategy to improve the participation of Aboriginal people in land, water and resource use decision-making and day-to-day management,
 - (iii) provision of information to assist the facilitation of land and water use agreements between agencies and Aboriginal Traditional Owner Groups,
 - (iv) facilitation of surveys and site visits necessary for planning and development purposes,
 - (v) development of cross-cultural awareness programs for land, water and natural resources agency staff to improve knowledge and understanding of, and communication with, Aboriginal communities, and
 - (vi) assistance to provide Aboriginal communities with the capacity (including resources and skills) to fully participate in future consultation and management planning arrangements.
- (d) That opportunities for increased employment and training for local Aboriginal people be resourced and provided in the implementation of parks and reserves in the River Red Gum Forests Investigation area.

A significant majority of workshop participants supported all aspects of draft Recommendation R19. It was agreed that the Government and its agencies could make more policy statements to acknowledge the traditional and contemporary relationship that Indigenous people have to land in Victoria. In particular, it was suggested that:

"Government need to consider the Reconciliation Australia's Road Map to Reconciliation in relation to human rights and the rights of Aboriginal people to effectively participate in this recommendation, particularly part c(i)." *(Shepparton)*

A significant majority of workshop participants agreed that Government should consult with Traditional Owners and Aboriginal groups regarding their native title rights and interests before any changes are made to the management of parks and reserves. It was also strongly supported that sufficient resources needed to be provided to Indigenous groups as part of this process given that most groups do not have or receive any financial support. Specifically, it was suggested that funds needed to be made available to meet the participation costs of Indigenous stakeholders.

"Any resourcing agreed to needs to be adequate to Indigenous representatives and participants. Aunties and Uncle's can't just wait around for contracts to become available. Need to make it worth the Elders' while." *(Robinvale)*

Concerns were raised about how the process for undertaking hand-back/lease-back would occur as the process outlined in the VEAC Draft Proposals Paper did not seem to be clear. It is suggested that VEAC provide an expanded and more detailed explanation about how this process will occur and include reference to how Indigenous stakeholders may be involved in the process.

"If the Traditional owners propose and implement Hand-back/Lease-back, government would need to make the public land freehold first before it can be considered. How would this be achieved by government?" *(Gunbower Island)*

Recommendation R19 (d), which focused on creating more opportunities for employment of Indigenous people in parks and reserves located in the Investigation area, was widely supported. It was agreed that the creation of training opportunities would also provide a greater choice of career options for locally based Indigenous people who may have limited employment options in their local area.

Participants at the Echuca workshop also expressed a strong view that, from their perspective, the Dharnya Centre played a pivotal role in any future decisions taken. The following key points were raised about this particular issue in response to Recommendation R19 (c)(v):

- We need to see where the Dharnya Centre will be included and to provide this training. The Dharnya Centre provides an important facility for cultural awareness training to occur – it is the ‘Jewel in the Crown’ for a “Bush University”. There needs to be a campaign to keep the Dharnya Centre going as it rose from the LCC study done in 1983. Government then came to Yorta Yorta and agreed to build the Dharnya Centre with \$1.2M from the Commonwealth to create economic and employment outcomes. Families can then go there and spend time and keep the culture going and strong.
- Dharnya Centre is vital in this process. Shane Walker concept – Bush University concept (does this need a separate recommendation in the final report or does the existing written text just need to be strengthened more?).
- Bring the Dharnya Centre recommendation to the Indigenous recommendations – cross reference. The Dharnya Centre is important to deliver the cultural awareness training on country. The Yenbena Indigenous Training Centre is also an important centre as it has the middens, trees for canoes, etc.
- The Dharnya Centre written material on page 60 of the Draft Proposals Paper under the Community Use Areas Recommendation was discussed. There are problems with mixing the Dharnya Centre with the Muster Yards. Only area for specific Yorta Yorta use is under the co-operative management board proposed in part of the Barmah Forest. The Muster Yards can’t be jointly considered with the Dharnya Centre.
- The white ant damage has been known since 1996 (15 years). Parks need to put its hand in the pocket to repair it. This was highlighted in the original submission.
- The development of cultural awareness needs to be done which recognises and acknowledges the Traditional Owners and the land of where it is delivered. Recognises prior and existing ownership of the land by Yorta Yorta ancestors and existing people. Recognised why it is being done. Cultural awareness that occurs in this part of the VEAC study area must be delivered by Yorta Yorta people.

It was also suggested by participants at this workshop that VEAC consider the inclusion of an additional recommendation in the final report as follows:

That the Dharnya Centre is handed back to total control of Yorta Yorta Nations as part of a Hand-back/Lease-back arrangement.

Recommendation R20 - Joint management provisions for national parks

That the *National Parks Act 1975* be amended to make provision for a process for scheduled areas to be transferred to Aboriginal Traditional Owners, identified in accordance with Recommendation R18, as national park Aboriginal Land (inalienable freehold), subject to agreement to enter into a lease for use of the land as a national park, that the board of management has a majority of Traditional Owners, and that a process be established for nomination and addition of parks to the schedule.

There was widespread support at all workshops for Draft Recommendation R20 and the implementation of hand-back/lease-back arrangements for specific public land areas within the Investigation area. There were, however, some concerns raised about what the implications would be for Traditional Owner Groups in relation to their native title rights – now and in the future.

It was agreed that the provision of resources to assist with mediation and dispute resolution processes (as outlined in Recommendation R18) would be critical as part of this process.

"If this recommendation is supported it should be made clearer for Indigenous groups to fully comprehend and understand when the final report is published." (*Shepparton*)

"Really need National Parks and support for Hand-back/Lease-back opportunities and discussions." (*Melbourne*)

"This recommendation is supported because Government will need to change the legislation for the changes not already recognised to be implemented." (*Robinvale*)

"Some Traditional Owner Groups are not as up to speed as the Yorta Yorta as we have not been resourced in the past to be involved in processes to discuss and negotiate public land management." (*Gunbower Island*)

"Need to ensure that the Traditional Owners are recognised in all negotiating processes. Government is also increasing Indigenous community capacity building through other mechanisms and all of these commonalities need to come back to each other and to be complimentary. It is all inclusive." (*Echuca*)

Recommendation R21 - Co-management provisions for parks and reserves

That the *National Parks Act 1975* be amended to make provision for co-management of the specific parks listed below with which an Aboriginal group or groups have a traditional association by establishing co-management agreements, and

- (a) the co-management agreements will be between relevant Aboriginal Traditional Owner Groups, identified in accordance with Recommendation R18, and government, and
- (b) the park or reserve be managed by a co-management board consisting of a majority of members of the relevant Aboriginal Traditional Owner group or groups, identified in accordance with Recommendation R18, and
- (c) the co-management board provide for (amongst other obligations):
 - (i) protection for the natural environment, flora and fauna, and other natural values
 - (ii) continued enjoyment of the area by members of the public in a manner consistent with the designated public land-use category
 - (iii) preservation and protection of Aboriginal sites, features, objects and structures of spiritual or cultural significance within the area, and
 - (iv) continued enjoyment of the area by the relevant Aboriginal groups for cultural, spiritual and traditional uses.
- (d) the co-management partners prepare a management plan for the park, and
- (e) the co-management partners manage the park or reserve on the 'business as usual' basis agreed between the co-management partners that the park can continue to operate normally until the first co-management plan comes into operation.

There was widespread support indicated at all workshops for Draft Recommendation R21 and the creation of opportunities for formally involving Traditional Owner Group representatives on co-management boards that may be established for public land areas within the Investigation area. It was also pointed out that sufficient financial resources needed to be provided to Traditional Owner Groups so they could participate in these processes.

"This recommendation is supported but adequate resourcing is required to meet the Traditional owners and groups' needs for proper participation on Advisory Committees and Boards." (*Robinvale*)

The preservation and protection of Aboriginal sites, features, objects and structures of spiritual and/or cultural significance should be a priority focus of co-management board members – as outlined in Recommendation R21 (c) (iii) and was strongly supported.

“Most important recommendation and this should be highlighted as such in the final report. Need to recognise Aboriginal ‘Dreaming’ more in this recommendation so everyone understands the importance of why this recommendation has been suggested.” (Shepparton)

A number of workshop participants understood the importance of Management Plans being prepared for parks and other similar public land areas in the Investigation area – as stated in Recommendation R21 (d). It was suggested that VEAC could provide examples in their final report which outline how this will impact on Traditional Owner Groups.

“The final report needs to have an example provided (such as Lake Mokoan). All Traditional Owners groups would have a say in the management if all groups have an interest.” (Shepparton)

Recommendation R22 - Co-management provisions for parks and reserves

That the *National Parks Act 1975*, and other relevant legislation such as the *Crown Land (Reserves) Act 1978* be amended to provide for:

- (a) a process for additional areas with which an Aboriginal group or groups have a traditional association to be added to the areas over which the above co-management arrangements may apply, and
- (b) other co-management arrangements not necessarily involving a board of management or a board of management with majority Aboriginal Traditional Owners.

Draft Recommendation R22 was widely supported by participants at all workshops and it was agreed that government should change relevant legislation to allow for greater involvement of Traditional Owner Groups.

“This recommendation is supported. There are too many logging groups in the forests and parks cutting down our scarred trees.” (Gunbower Island)

Recommendation R23 - Aboriginal advisory committees

That provision be made for involvement of Aboriginal people in management of designated areas of public land by establishing:

- (a) advisory committees (under existing legislation) consisting of Aboriginal Traditional Owner representatives, identified in accordance with processes outlined in Recommendation R18, to provide the land manager with advice on one or more aspects of land management, and that:
- (b) advisory committees be adequately resourced to perform their functions and that, if required, legislation be amended to provide for allowances and expenses, and that:
- (c) the specific role of the advisory committees can be changed following review and agreement by the parties.

Draft Recommendation R23 was widely supported at all workshops, however, some participants were not clear about roles and responsibilities an advisory committee would have as compared to those of a co-management board. To clarify these differences, it was suggested that information sessions could be conducted in locations in the Investigation area.

“Advisory committee term used needs to have the reasons for why ‘advisory’ is used and to explain the differences in the roles of advisory committees as compared to the suggested co-management board.” (Shepparton)

“Advisory committees are supported but need more detail regarding representation and how they would operate over what period of time and who with (i.e. government, business, etc).” (Gunbower Island)

A number of workshop participants also suggested that a clearly defined selection process could be developed and put in place to ensure that the appropriate and most suitably qualified and experienced Indigenous representatives are made members of co-management boards and advisory committees.

“We need to get everyone’s opinion and not just the opinion of one person.” (Melbourne)

"There is no real selection criteria determined in Recommendation R23. Maybe these comments could be included under Recommendation R23 (c) or as a footnote in the final report." *(Melbourne)*

"A 'Terms of Reference' should be developed for the advisory committees and distributed to the Elders and the Traditional Owners for comment." *(Melbourne)*

It was also suggested that consideration needed to be made about terminology and language used in advisory committee documents to ensure that Indigenous representatives could understand and grasp the issues being raised and discussed.

"We need to have 'true Elders' on the advisory committees. Some Elders have the same ideas as the bureaucracy. Traditional Owners need to be there to explain and present the story telling and make sure it is sustainable for the future. The Traditional Owners and the State Government are becoming the same at the moment because they are bound by the rules and legislation of the State Government." *(Melbourne)*

"Elders need to be acknowledged by putting them on these advisory committees. Need the language changed so that Elders know and understand what is going on. The best people should be on these advisory committees." *(Melbourne)*

Recommendation R24 - Co-management of specific parks

That a co-management agreement be entered into between the government and the relevant Aboriginal Traditional Owner Group or groups identified in accordance with Recommendation R18 and that the following areas be managed by a co-management board consisting of government and a majority of Aboriginal Traditional Owner group representatives in accordance with Recommendation R21:

(a) Barmah National Park (Recommendation A7)

(b) Nyah-Vinifera Park (Recommendation B7).

Note: The establishment of this co-management arrangement for the proposed Barmah National Park is not intended to affect the existing agreements for other areas of public land under the Yorta Yorta Cooperative Management Agreement.

Recommendation R24 was widely supported at all workshops.

"A lot of discussion has been held around the public land use areas suggested by VEAC to be changed re. public access. These suggested changes will need to include the exact public land use areas and be made clear to Indigenous people." *(Robinvale)*

All participants at the Echuca workshop were very supportive of the draft recommendation to create the Barmah National Park. They also indicated a strong preference to be part of the co-management board for the new national park when it is established.

"Agreement that there are advisory committee structures and co-management boards in place and that Barmah is made a national park." *(Echuca)*

At the Shepparton workshop one participant indicated strong opposition to the creation of the Barmah National Park as they believed that it would create strong divisions in the Shepparton community with other non-Indigenous stakeholders who have had access to this area of public land. Other participants at the workshop did not hold the same view.

"Agree with all the recommendations with the exception of Recommendation R24. I don't agree with making the Barmah Forest a national park. No to closing the Barmah forest for good. We don't want Indigenous people to be held responsible by other non-Indigenous interests as the reason for the closure." *(Shepparton)*

Advice was received from participants at another workshop that they also knew of one other Indigenous person in their area who also publicly expressed concern about the draft VEAC recommendations as they believed the Indigenous specific recommendations would do more harm than good.

It is noted all other Indigenous participants at the workshops strongly disagreed with these opinions as they were of the view that the Victorian government should implement the recommendations as soon as possible.

Recommendation R25 - Specific Aboriginal advisory committees

That an Aboriginal advisory committee be established as described in Recommendation R23 for:

- (a) west Wallpolla Island area of Murray-Sunset National Park
- (b) Bumbang Island Historic and Cultural Features Reserve.

Draft Recommendation R25 was widely supported at all workshops. It was suggested that VEAC consider expanding this recommendation to advisory committees for the Hattah-Kulkyne National Park and the Murray-Kulkyne Park as well as for Gunbower Island.

Recommendation R26 - Aboriginal traditional cultural practice

That policies and legislative restrictions inhibiting traditional cultural practice on specified areas of public lands and waters be amended to provide for Aboriginal Traditional Owners to undertake the following activities for personal, domestic and non-commercial communal use:

- (a) hunt (including using firearms), gather, collect and fish,
- (b) collect earth materials, and
- (c) conduct a cultural or spiritual ceremony, including (if required) having exclusive use of specified areas for a specified time.

Recommendation R26 generated a lot of discussion at all workshops convened. It was strongly agreed at all workshops that legislative changes should occur to include greater opportunities for Traditional Owners to access public land areas so they could undertake activities associated with traditional cultural practices.

"Need to be able to collect wood for cultural practices to make boomerangs, artefacts, etc." (*Echuca*)

It was also suggested that park management plans make specific reference to the provision of access to public land by Traditional Owner Groups for the purposes of traditional cultural practices.

"This recommendation is ok. Always need to suggest that any management agreements have all interested Indigenous people to be consulted." (*Shepparton*)

Participants at the Gunbower Island workshop highlighted the need for consideration to be made for the use of fire by Indigenous people as this is a critical aspect of any traditional cultural practices. It was suggested that VEAC may need to make more specific reference in their final report to the importance of this issue from an Indigenous perspective. The following example was raised by participants at this workshop to highlight their concerns:

"We don't want to be told we can't go down to the river and light a (camp)fire when I need to do this. I need to be able to go and do this so I can think clearly about things and my culture, etc.

Issues and discussions focused on needing to have camp fires and smoking ceremonies to occur in the parks and specifically at Gunbower Island.

"We don't want government to manipulate our traditional and contemporary cultural practices".

"One male Elder was getting flux and his food was not going down properly. He went to 3 health specialists who said it was the cooking on gas that was causing his health problem. He went back up the bush and went back to cooking his food on the open fire and then his health improved and the flux disappeared. Cooking on gas is bad for blackfellas."

Finally, it was suggested at one workshop that the wording in this recommendation could be 'tightened up' more. When this issue was raised at each workshop, it was suggested to participants that it may be more practical and appropriate to establish a separate process involving Indigenous stakeholders working with Government agency staff to more clearly define the actual mechanics behind how this particular recommendation will be implemented. All workshop participants agreed that this option was acceptable, however, they indicated that resources would need to be made available so they could participate in these processes when they occur.

"The wording in these recommendations needs to be tightened up more in relation to hunting, gathering and fishing - needs to include resources to do these cultural practices and to include natural resources for cultural practices before the dot points. Examples could also include: bark trees, ochre, gypsum, etc." (*Echuca*)

Recommendation R27 – Permits for Aboriginal traditional cultural practice

That traditional cultural practice be governed by a permit regime and protocols established by the land manager in partnership with the identified Aboriginal Traditional Owners for the specific area(s).

A majority of workshop participants supported Draft Recommendation R27, however, it was agreed that more information needed to be made available on how the permit regime would operate. It was also suggested that a working group be formally established by government to facilitate discussion about the proposed permit regime and that representatives of Traditional Owner Groups be invited to participate in and lead these discussions.

"If someone takes bark off the tree but has to get permission to take the bark from a Traditional Owner Group that has been agreed upon through this new system proposed then a letter of understanding should come from the Minister and the Traditional Owner Groups." (*Shepparton*)

"We would not support a whole blanket permit system but would consider a permit system for some areas to ensure areas and species of cultural significance would be protected and sustained for the future." (*Robinvale*)

Participants in Robinvale provided and discussed the following case study example in relation to not having a permit system in place:

"Permits for contractors that want to remove sand, soil, etc is needed.

One contractor went to a burial ground, removed sand and disturbed our burial site. Local Council gave permission to the contractor for this to happen. Local contractors don't know what they are to look out for re. Indigenous interests and issues.

Earth removers should be trained on what to look out for and get a certificate of confirmation and understanding from Traditional Owners to approve this knowledge and understanding by the contractor. They then can't claim ignorance like they do now. The Sandy Hills (high ground) is where we buried Indigenous people. They go to NSW DPI and get permission to do this and the royalties the contractors get goes back to the NSW DPI.

We need to be able to say 'this track' goes over a midden so don't have access to remove the sand or soil that is in that area.

The areas we are referring to are Gadsens, Lake Powell and all around Robinvale.

Need to be able to restrict NSW access to Victorian side of the Murray River. Cross border arrangements has been with Traditional Owners on the NSW side and Robinvale side".

Gunbower Island workshop participants made the following comments about Recommendation R27:

"There were many issues raised under this recommendation.

Should not be restrictions on areas along the whole River for access by Indigenous people. We should just have a permit for Milverton Bend only. We camp and traversed along the River within our traditional boundaries and this should be recognised.

Fishing – we don't fish and take a lot of fish at once and go home and put it in our freezers because it doesn't taste fresh or like we just caught the fish that day. We only hunt and fish when needed and eat and use the fish at the time of catching the fish. We just chuck it straight on the 'nickie' the ashes, we don't use frying pans or whitefella stuff.

Need to be able to collect wood for cultural practices to make boomerangs, artefacts, etc".

Other Issues – Co-management and Advisory Committee Provisions

It was evident from comments made at a number of the workshops that participants were not familiar with the process that is required to put in place legislative changes which would result in the creation of co-management boards or advisory committees for selected public land areas – as proposed in the VEAC draft recommendations. A number of participants requested further information about how this would occur and what the opportunities and implications would be for them - if the VEAC recommendations are taken up by the government.

It is suggested that VEAC consider the merits of including a specific recommendation that government make arrangements for information sessions to occur about these provisions and that funding be made available to meet some of the participant costs – where appropriate.

The use of evolving technology

Aboriginal people have long recognised the benefits of taking up new technology when it becomes available to add value to their hunting and gathering lifestyles thus confirming that Aboriginal culture is evolutionary in nature – as with all world cultures. In a paper written about *Native Title and Intellectual Property*, Dr David H Bennet noted that Australia is a signatory to the Convention on Biological Diversity which came into force on 29 December 1993 and that Section 8 (j) of the Convention states that each government shall, as far as possible and as appropriate:

Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.¹

Section 10(c) of the Convention on Biological Diversity states that each Contracting Party shall, as far as possible and as appropriate:

Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.²

In considering native title rights and interests to hunt, fish and gather as being more than an acknowledgement of Aboriginal and Torres Strait Islander peoples' right to collect food, Bennet stated that two points need to be made immediately:

First, conducting these activities in accordance with "traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples and Torres Strait Islanders" does not mean that those laws, customs and practices were fixed once and for all time in 1788. Second, as a corollary to the first point, traditional practice does not mean that exclusively traditional implements (tools and weapons) must be used to conform with traditional practice.³

Finally, Bennet expressed the following view about the evolutionary nature of Indigenous culture:

Traditional practice is not static. Traditional practice informs and guides Aboriginal and Torres Strait Islander peoples, it does not fossilise them.

On the second point:

the use of present day tools in the harvesting of plants, modern transport and firearms in hunting animals, boats and nest made of present day materials in fishing still comprise the exercise of traditional right, albeit in a modern way (Sweeny 1993, 115-116)

In cases, such as *Regina v Sparrow*, *Simon V Regina*, and *Campbell v Arnold*, the point is made that in the absence of statutory provisions, the implements used for hunting, fishing and gathering in accordance with traditional rights are not frozen in time and indigenous people may use modern implements to carry out their traditional practices.

Another issue to consider in relation to the use of modern technology is the impact on animal welfare where firearms are used. In considering the significance of traditional hunting to Indigenous peoples, Dominique Thiriet made the following comments in an article titled "*Tradition and Change – Avenues for improving animal welfare in Indigenous hunting*":

The economic, social, cultural and ecological significance of traditional hunting for many Indigenous people cannot be underestimated. Many Aboriginal and Torres Strait Islander people, particularly those living in urban areas, do not hunt at all and many others do so only as a recreational activity or as a chance to enjoy particular foods.

The greatest significance of traditional hunting, however, concerns its spiritual dimension but is one that is virtually impossible for non- Indigenous people to fully comprehend. Most writers agree that traditional hunting does much more than merely meet physical and economic needs:

Foraging and hunting [allows Indigenous women and men] to express profound environmental knowledge stretching back over many generations, and continually reinforces their beliefs in the spiritual value of such knowledge; it is also an important medium of education, whereby both spiritual and ecological knowledge is handed on to succeeding generations. (Young 1991).

¹ Bennet, Dr David H., "Native Title and Intellectual Property", Land, Rights, Laws: Issues of Native Title, Issues Paper No 10, April 1996, page 4.

² Ibid, page 5.

³ Ibid, page 6.

In considering the nature and reasons of traditional change, Thiriet also made the following comments (selected extracts):

It would be an error to think that all traditional hunting practices are fixed in time and incapable of sustaining change.

Hunters now use vehicles rather than walk. They also use aluminium dinghies instead of outrigger canoes, firearms instead of spears and boomerangs, metal instead of wooden spearheads, nylon instead of fibre fishing lines, and crowbars instead of digging sticks.

The considerable changes to the extent, nature and methods of traditional hunting do not make the current hunting itself less traditional. The Supreme Court of the Northern Territory accepted this much when it held in *Campbell v Arnold* that the shooting of kangaroos with a firearm met the traditional requirements outlined in the *Crown Lands Act 1978* (NT).

It is argued that the reason for the change or adaptation is immaterial and that in general the significant changes to hunting practices outlined above, whether they be imposed or chosen, do not affect the legitimacy of the relevant traditions. As a result, any changes to current traditional hunting practices introduced for the purpose of eliminating animal cruelty would not make these practices less traditional, whether such changes were chosen or imposed.

In general, changes to killing methods do not make the hunting less traditional, unless the changes are extreme.

In most cases when the purpose of the hunt is traditional but the killing methods have no inherent cultural value, modifying the methods will not detract from the tradition. In such cases, it would be unnecessary, unjustifiable and unreasonable to continue using methods which inflict or are likely to inflict pain on animals in preference to humane alternative methods. Indigenous representatives have already acknowledged that 'the use of modern methods has reduced the suffering of animals [killed for traditional purposes]', so there appears to be no valid reason why widespread changes would not be supported by communities.

There are a number of examples and legal precedents from other States and Territories where the use of modern technology (including the use of firearms) by Aboriginal people as part of their traditional cultural practices have been accepted by Government and included in legislation and regulations. A number of studies have also been undertaken over the past 20 years which have examined and made specific conclusions about this particular issue. Below are examples of two of these.

Aboriginal Access and Living Areas – Pastoral Industry Working Group Final Report (September 2003)

What is meant by 'accustomed manner'?

Because of changing times, the Working Group acknowledges that 'accustomed manner' now includes modern techniques such as the use of cars and firearms. According to the National Native Title Tribunal 'accustomed manner' may be defined as 'customary, habitual', but this does not resolve the issue of firearm use. This appears to conflict with s267 of the LAA which provides that it is an offence to discharge a firearm or weapon on Crown land without the Minister's permission or without reasonable excuse. It may be that Aboriginal people (either for the purposes of s104 of the LAA or s44A Native Title Act or in accordance with a relevantly framed determination of native title) exercising their right to hunt with a firearm may have 'reasonable excuse' under s267. This may rely on whether using a firearm is:

- a) in accordance with their 'accustomed manner'
- b) was a traditional activity
- c) was the exercise of a native title right or interest (see s223 Native Title Act).

It has become widely accepted that 'accustomed manner' now includes the use of firearms for hunting. Various agreements, including those discussed in relation to Term of Reference Three, set down a regime for the use of high calibre firearms through the use of 'code of conduct' type guidelines.

The Working Group also considered the issue of excessive harvesting of native animals through exercising their right to hunt. It was the view of some members that appropriate management and education should address the issue, rather than introducing provisions that serve to restrict peoples' rights to hunt.

The Bush Tucker Ruling

In 1994, Murradoo Yanner, a member of the Gunnamulla clan of the Gangalidda tribe of Aboriginal Australians, speared two juvenile estuarine crocodiles on country in the Gulf of Carpentaria. These were then shared with other members of his clan for food. For this he was charged with hunting without a permit under the Queensland Fauna Act. The action ricocheted through the courts until, in October 2000, the High Court of Australia set aside the prosecution and confirmed the native title right of Aboriginal traditional owners to hunt wild animals.

In November 2005, the Research Unit at the National Native Title Tribunal published "*Traditional Hunting with Firearms in National Parks – A Short Review*" which contained examples of how governments in other States and Territories have taken action to allow or disallow the use of firearms by Indigenous people in public lands. This document was updated in March 2006.

Information obtained during this project indicates that the Victorian government has yet to formalise any legislation which supports Indigenous Traditional Owners undertaking traditional hunting and gathering activities on public land areas in Victoria. A Management Plan for Barmah State Park and Barmah State Forest, published in September 1992 by Department of Conservation and Environment, contained the following references about Aboriginal Heritage and hunting and gathering of food:

6 MANAGEMENT OF CULTURAL RESOURCES

6.1 ABORIGINAL HERITAGE

The Yorta Yorta Aboriginals have a long and continuing association with the Barmah Forest and adjacent NSW forests. They consider these areas living examples of Aboriginal cultural heritage and an important part of their ancestral homelands.

The hunting of native wildlife and collection and use of native plants for food and ceremony is an integral part of Aboriginal culture. At present it is contrary to the National Parks Act 1975 (for State Park) and Wildlife (General) Regulations 1980 under the Wildlife Act 1975 (for State Forest) for anyone to catch and kill animals such as kangaroo in the forest. A variety of traditional food plants can also be found in the forest (Wilson 1990). DCE is currently preparing a State-wide policy on the taking of native plants and animals by Aboriginals for traditional purposes.

Medium Priority - Allow limited hunting and gathering of traditional foods in Zone 4 by Aboriginal people if and when arrangements for such use are established by DCE policy and related regulations.

The following case studies taken from other States and Territories demonstrate how traditional cultural practices may be administered.

Case Study 1 - Malimup communiqué (Malimup Spring - May 1998)

This communiqué was developed at a meeting of indigenous representatives, staff of government land management agencies and representatives of non-government environmental groups at Malimup Spring, Western Australia in May 1998.

The communiqué is concerned with indigenous people and the management of areas reserved or zoned as 'wilderness', primarily within national parks or other lands reserved for conservation or recreational purposes. However, the meeting participants believe the broad management principles developed apply equally to all protected areas managed by government agencies. It is proposed that land management agencies use these guidelines with this in mind.

Management Framework

Rightful indigenous communities should be involved in joint management partnerships with land management agencies and participate in the making of 'wilderness' planning and management decisions which affect their rights and the maintenance of their cultures. This involvement should occur within a framework which includes:

- the inclusion of rightful indigenous people at all administrative levels of planning and management, including representation on all relevant committees;
- the involvement of rightful indigenous communities in relevant policy formulation, management plan preparation and day-to-day management;
- the direct management of areas, sites and matters of indigenous significance within 'wilderness' areas by rightful indigenous people;
- requiring the approval, control and participation of rightful indigenous communities before permitting:
- the publication of sensitive indigenous knowledge;
- access to indigenous cultural sites (including fragile, sacred and culturally important places); and
- scientific research on indigenous sites and issues;
- the incorporation of indigenous resource knowledge and land use practices in 'wilderness' management regimes;
- the involvement/employment of members of rightful indigenous communities in undertaking land management practices and programs in 'wilderness' areas;
- the promotion of indigenous themes in 'wilderness' educational and interpretive material (as approved by the rightful indigenous communities);

Hunting and Gathering (Native Species)

- enabling sustainable hunting and gathering by rightful indigenous people in their ancestral lands, including the use of firearms;
- the resolution of nature conservation or park user conflicts associated with indigenous hunting and gathering activities through specific provisions in park management plans, wildlife management plans or other agreed mechanisms;

Case Study 2 - Knuckey Lagoons Conservation Reserve Management Plan (NT)**3.6 FAUNA**

All mammals, birds, reptiles and amphibians in the Reserve are protected under the *Territory Parks and Wildlife Conservation Act (NT)*. As a declared protected area the use of firearms and traps is prohibited. Aquatic life is protected under the *Fisheries Act (NT)*. Under section 122 of the *Territory Parks and Wildlife Conservation Act* traditional hunting and collecting by Aboriginal people may be carried out on the Reserve (refer to section 3.9).

Management Plan

- Parks and Wildlife Commission will carry out a biological study of the Reserve, in consultation with the Reserve Management Committee, during the life of this plan. The study will aim to refine knowledge of the Reserve's wildlife and habitats as well as the impacts upon them.
- Grass slashing operations will be monitored to determine any impacts on flora and fauna distribution within the Reserve and slashing programs will be adjusted where necessary.
- Hunting, fishing, trapping or other taking of wildlife is prohibited, unless approved for research purposes or unless undertaken by Aboriginals as part of traditional hunting and gathering practices in accordance with the *Territory Parks and Wildlife Conservation Act* and its By-laws and Regulations.
- **The use of nets, traps and firearms** will be prohibited within the Protected Area. In accordance with the *Territory Parks and Wildlife Conservation Act* signs will be placed in the Reserve, notifying visitors of these restrictions within the Protected Area.
- Management will liaise with the relevant Aboriginal clans which are able to harvest resources from the Reserve to develop sustainable use levels and discuss with the community any management changes required.

3.9 ABORIGINAL USE AND CULTURAL RESOURCES

Larrakia Aboriginal people claim traditional responsibility for the Knuckey Lagoons area. In 1980 an area of land adjacent to the Reserve was granted to the Aboriginal Development Foundation to provide hostel type accommodation for Aboriginal people.

Knuckey Lagoons are known to Aboriginal people as 'Muddie', meaning barramundi and the area is referred to as Barramundi Dreaming (Valadian, 1974). Presently, no sacred sites have been recorded or registered with the Aboriginal Areas Protection Authority for Knuckey Lagoons Conservation Reserve.

Any Aboriginal artefacts within the Reserve are protected as 'Prescribed Archaeological Objects' under the *Heritage Conservation Act*. Sacred Sites are protected under *Northern Territory Sacred Sites Act* whether or not they are recorded.

Under Section 122 of the *Territory Parks and Wildlife Conservation Act* the right to hunt, fish and collect for traditional purposes has been secured for Aboriginal people who have traditionally hunted in the Reserve.

Along with other impacts unsustainable harvesting practices can lead to a reduction of numbers or the localised disappearance of wildlife species from a habitat. This is not a desirable outcome for either Aboriginal people or the Parks and Wildlife Commission.

Management Guidelines

- Aboriginal cultural resources will be managed in accordance with the *Northern Territory Sacred Sites Act* and the *Heritage Conservation Act*.
- The PWCNT will consult with relevant Aboriginal people and authorities regarding the significance, conservation and management of Aboriginal cultural resources in the Reserve.
- Aboriginal hunting and gathering is permitted in the Reserve in accordance with the *Territory Parks and Wildlife Conservation Act*.
- Relevant Aboriginal people and their representative organisations will be consulted regarding the appropriate use and treatment of material on Aboriginal cultural and spiritual beliefs in the Reserve's interpretive program.
- Liaison with the relevant Aboriginal community regarding harvesting of the Reserve's flora and fauna will allow monitoring of harvested species and development of appropriate sustainable harvesting practices.

4.6 VISITOR SAFETY

Management Guidelines

- The Parks and Wildlife Commission will liaise with Aboriginal people with a traditional right to hunt in the Reserve to ensure that hunting and harvesting techniques do not present a safety risk to visitors.

(Source: "Knuckey Lagoons Conservation Reserve Management Plan", Parks and Wildlife Commission NT, September 2000.)

Case Study 3

Aboriginal owned Biamanga National Park Lease to the Minister for the Environment (NSW)

13.8. Reservation of Yuin people's Rights to Use

1. The parties acknowledge that Aboriginal Owners, and other Yuin people, have the following rights, which will operate subject to the directions or decisions of the Board with respect to health, safety or privacy -
 - (i) the right to enter upon the Lands and use the Lands to the extent that the entry, use or occupation is in accordance with tradition;
 - (ii) the right to engage in the traditional use of any area of the Lands for hunting or food gathering in accordance with this Lease; and
 - (iii) the right to engage in the traditional use of any area of the Lands for ceremonial purposes.
2. The Land Councils reserves the right to request the Minister to sub-let any reasonable part of the Lands for Community Development purposes.
3. The Minister will not unreasonably refuse to grant such a sub-lease where it is in accordance with the Act and the Plan.

This sets out the rights of Aboriginal Owners to go on to and use the National Park in accordance with Aboriginal tradition but that this entry and use of the National Park has to be in accordance with the rules and laws governing the National Park.

13.9. Acknowledgment of hunting fishing and gathering rights

1. The parties acknowledge that the Aboriginal Owners of the Lands, and any other Aboriginal people who have the consent of the Aboriginal Owner Board members, are entitled (subject to s. 71AO(2) of the Act), and to other provisions of the Act, to any other Act applying to the Lands and to the Plan, to enter and use the Lands for hunting or fishing for, or the gathering of, traditional foods for domestic purposes and for ceremonial and cultural purposes to the extent that that entry or use is in accordance with the tradition of the Yuin People.
2. For the purpose of this clause, firearms will not be used.

This clause acknowledges Yuin hunting and gathering rights of foods for domestic purposes and for ceremonial and cultural purposes. The Aboriginal Negotiating Panel decided that guns were not to be used in the Park for hunting by Traditional Owners.

13.10. Board to control cultural activities including hunting and gathering

1. The Board has the function of considering proposals for the carrying out, by Aboriginal Owners or other Aboriginal people, of cultural activities (including but not confined to hunting and gathering) within the Lands and of approving (including the setting of conditions for such approvals), or refusing to approve, the carrying out of such activities.

This clause means that the Board will set the rules for Yuin hunting and gathering on the National Park.

(Source: "Merrimans Local Aboriginal Land Council and Bega Local Aboriginal Land Council Lease to The Minister for the Environment for Biamanga National Park - December 2005," pages 49 and 50.)

Case Study 4 - Bare Hill (Bunda Bidandji) Conservation Park Management Statement (Q1d)

5.3. Indigenous culture		
Bare Hill or, as it is known by the Traditional Owners, Bunda Bibandji, is a distinctive cultural landscape providing an important link to the history and use of the area by the Traditional Owners. The Traditional Owners are actively involved in planning processes and day-to-day management assisting in the preservation and protection of scar trees, historical walking pads (tracks), rock art and cultural stories.		
Status and opportunities 2006	Desired outcomes 2016	Actions and guidelines
<p>Natural processes such as weathering, lichen growth and salt deposit have damaged and obscured the ochre rock images.</p> <p>The frequency and intensity of fire could be better understood especially to protect cultural values.</p> <p>Pest pigs and change in land management practices have also disturbed items such as scar trees.</p> <p>The physical and spiritual items associated with the BHCP are inadequately documented.</p> <p>The cultural, historical, social and economic significance of the area is well understood.</p>	<p>I1. Cultural values are protected and preserved in accordance with Traditional Owner customs and best practice management principles.</p>	<p>I1a. Assist Traditional Owners in undertaking cultural heritage values assessment, mapping and monitoring programs to develop and implement a Site Conservation and Heritage Plan.</p> <p>I1b. Develop protocols and procedures in collaboration with Traditional Owners that maintain the confidentiality and integrity of cultural places, material and information.</p> <p>I1c. Register places, artefacts and stories in accordance with Traditional Owner wishes and relevant legislation, and where possible list them on state and national heritage registers.</p> <p>I1d. In partnership with Traditional Owners develop a Fire Management Plan that protects areas of cultural significance as well as the natural integrity of the area.</p> <p>I1e. In partnership with Traditional Owners review management practices where evidence of on-going damage to places of cultural significance is identified.</p> <p>I1f. Maintain Indigenous cultural practices by restricting general community access from time to time.</p>
5.7. Community Partnerships		
Status and opportunities 2006	Desired outcomes 2016	Actions and guidelines
<p>Limited opportunities are available for the involvement of Traditional Owners in natural resource and visitor management.</p>	<p>P1. Traditional Owners are involved in planning processes and natural resource management practices.</p>	<p>P1a. Investigate options for more formal partnership arrangements with Traditional Owners, including but not restricted to a joint trustee agreement.</p> <p>P1b. Support Traditional Owners in gaining skills through the availability of relevant and accredited training programs.</p> <p>P1c. Develop an Infrastructure Maintenance Plan for the area.</p> <p>P1d. Provide opportunities for Traditional Owners to minimise potential impacts to Indigenous cultural values.</p> <p>P1e. Ensure a collaborative approach is adopted to implement the strategies outlined under the Wet Tropics Regional Agreement.</p> <p>P1f. Develop a Cultural Practices Agreement in association with QPWS to determine appropriate practices (taking of wildlife, fire), group size and location for indigenous cultural events.</p>
<p>Protected areas in Queensland are owned and managed by the State Government.</p>	<p>P2. The Traditional Owners own and manage an ecologically sustainable tourism business on Bare Hill Conservation Park.</p>	<p>P2a. A whole-of-government approach is used to support the Traditional Owners' interests in economic development and the transmission of traditional values. P2b. Encourage the sharing of information between major stakeholders, thereby allowing a consistent approach to decision making in tourism/promotion ventures and day-to-day management obligations.</p>
<p>Information supplied by various stakeholders is not always accurate, such as old contact details for Traditional Owners.</p>	<p>P3. Communication pathways with all stakeholders are appropriate and accurate.</p>	<p>P3a. Assist Traditional Owners to develop and maintain relationships with other stakeholders.</p>

Review of Consultation Processes involving Indigenous Stakeholders

Consultation processes which engage Indigenous stakeholders have a number of factors influencing the level and quality of participation by members of this segment of the Australian population. These factors include, but are not limited to the following:

- a) Financial capacity of individuals to travel to/from locations where workshops were held. To overcome this, it is suggested that consideration be given to reimbursing participant fuel costs.
- b) Availability of participants to attend workshops convened on weekdays and on weekends. This is always problematic as most Indigenous people have work commitments during the day and family commitments on weekends – similar to other non-Indigenous people in the community but with less flexibility in many instances.
- c) Level of interest in the topic or subject matter being discussed. In many instances, Indigenous people have relied on a single person or family group to participate in these processes and then report back to them.

Associated with this issue is the lack of confidence individuals may have about their literacy and communication skills combined with many years where they have not been invited to participate in consultation processes in their community. That is – they may have been marginalised by leaders in their community and, where they have been involved in past activities, not encouraged by the person facilitating the process to contribute to the discussions.

- d) Limited options for receiving communications about consultation processes that are occurring. In this instance, access to telephones, mobile phones or a computer connected to the internet. The end result of this is a reliance on information received in the mail (if they are on a mailing list) or advice received from someone they know who has been informed about what is happening.
- e) Connecting with the wrong person in a community or organisation who may not have a desire to pass on information to others interested in a particular issue. This is not an easy issue to resolve unless the person facilitating the process has extensive networks to draw upon for advice about who to speak with in a community.

It can be expected that VEAC will seek out the views of Indigenous people when they conduct future investigations on public land use in other parts of Victoria – in particular those of Traditional Owners. Consultants engaged to facilitate the Indigenous community consultations of the River Red Gum Forests Investigation agreed with VEAC that it was essential to establish an Indigenous Steering Committee as part of this Investigation.

It is strongly suggested that VEAC consider the merits of forming Indigenous Steering Committees at the start of each investigation it undertakes where input from Indigenous stakeholders is sought. As part of this process, a 'Terms of Reference' document should be prepared and a list of potential Steering Committee members be drawn up with input from identified Indigenous agencies – such as Native Title Services Victoria. A separate budget should also be assigned to meet the participation costs of Indigenous Steering Committee members which covers sitting fees, travel, meals and accommodation expenses (where required).

While it is understood that there are limitations impacting on the level of engagement at this level with Indigenous stakeholders, it is also critical to understand that Victorian Traditional Owner Groups are becoming more active and assertive with government to ensure that their interests are taken into account in any planning, decision-making or management activities. This can often limit the scope and capacity of interactions with Indigenous community members who are not from the area where a consultation process is taking place.

It is also important to understand that the budgets for Indigenous consultation processes needs to take into consideration that Indigenous 'informed consent' processes may be preferable in some instances as this will influence how many people from a particular group decide to participate in consultation. That is, providing an amount directly to a group so they can meet their participant costs to attend a consultation meeting – which may often involve travel, accommodation and meals.

Comments from Indigenous Steering Committee Members

VEAC established an Indigenous Steering Committee to provide advice and direction to the consultations with Indigenous stakeholders located in the River Red Gum Forests Investigation area. The following comments were made by members of the Indigenous Steering Committee about the consultation process undertaken for this study.

Wayne Webster (Co-Chair)

"I thought the VEAC consultation process was excellent as it provided Indigenous people in the study area with a real opportunity to have our thoughts and comments to be heard directly. More government agencies need to follow VEAC's example by ensuring support is provided for Indigenous stakeholders to be actively consulted about what is happening on their Traditional country.

I would also like to thank all the Indigenous people who were community members for making the time and the personal effort to contribute to and comment on the process as well as sharing their views, thoughts and feelings in relation to cultural connections with land in the Investigation area.

We look forward to building stronger relations with VEAC and other connected agencies as well as the Government taking up the (final) recommendations handed down by VEAC."

Uncle Henry Atkinson

"Even though we did not want to be involved in the consultation process when it first started, we were very pleased with how it progressed and that we were encouraged and supported to be a part of the process once it commenced. We were also very pleased that our views were taken on board even though we did not really understand what VEAC were trying to do. From our perspective, the recommendations were very good and we will be keeping a very close eye on how the government responds to support the VEAC Indigenous recommendations in particular those that impact on the Yorta Yorta people and other Traditional Owner groups located in the study area.

We would also like to see the Victorian government taking more positive action to support the human rights of Traditional Owners who have very strong links with land in Victoria. We are very keen to ensure our knowledge and skills as Traditional Owners are utilised to better care for country so future generations have a healthy environment. We have given the government something to take notice of in relation to global warming and having a clean environment. I hope they listen to what we have put forward and I am glad that Yorta Yorta people participated in the consultation process.

On a final note, we were very pleased with how inclusive VEAC were in seeking out the views of Indigenous people. VEAC and the consultants they engaged did an excellent job – well done!"

Aunty Rose Kirby

"I thought the consultation workshops were very informative and gave people an opportunity to have a say. It was good having the workshops in our community but it's a pity more Indigenous people were not involved in these. I think the recommendations reflected what people said in the workshops and they build on the good relationships we already have in our community."

Kevin Atkinson

"Setting up an Indigenous specific Steering Committee was a good idea and having Indigenous facilitators do the workshops was great. Even though the recommendations are good, I still have some concerns that some Traditional Owner groups such as the Bangerang will not be acknowledged or be a part of the implementation processes when they occur. I look forward to being involved in future consultations when they happen."

Doug Nicholls

"There was a lot of negative media about what VEAC were doing and a lot of misinformation being put out about the process. Despite this, our group continued to have support from a number of key groups based on our strong alliances with people we have worked with over the past 15 years.

From our perspective, we were very pleased with the consultation VEAC did and how they actively sought out the views of our people about how to improve opportunities for Indigenous involvement in public land planning, management and decision-making. We look forward to more consultations when the recommendations are implemented."

Involvement of NRM Indigenous staff and Indigenous agencies

In undertaking consultations with Indigenous stakeholders in the Investigation area, the active involvement and views of Indigenous specific staff working in state Government Natural Resource Management (NRM) agencies was important. The main reasons for seeking input and advice from these agency staff included the following:

- a) Indigenous specific staff working in government agencies are often actively involved/engaging with local Indigenous stakeholders in their regional areas and tend to have up-to-date knowledge about which local people should be consulted about specific issues;
- b) Indigenous specific staff usually have primary responsibility for developing and implementing new and existing policies, programs and strategies which target the interests of Indigenous people and, as such, they are able to provide current advice about outcomes being achieved as a result of the financial and other support being provided by their agency;
- c) Indigenous specific staff will have current knowledge about local, regional and statewide issues in relation to their areas of responsibility and can thus provide informed advice about past, current and future issues that may need to be taken into consideration where a consultation process is to occur with Indigenous stakeholders; and
- d) Indigenous specific staff at a head office level can utilise their local/regional staffing resources to assist with networking with relevant Indigenous stakeholders at a local/regional level.

The following people are thanked for their input, advice and assistance with this project:

- Mr Brett Ahmat - Manager, Indigenous Partnerships, Department of Sustainability & Environment
- Mr Earl Cleaver - Coordinator Indigenous Facilitators, Land & Fire Management, Department of Sustainability & Environment
- Mr Marlon Parsons - Indigenous Facilitator, Mallee Catchment Management Authority
- Mr Ken Stewart - Indigenous Facilitator, Mallee Catchment Management Authority

At the same time, it is of importance to seek advice, input and assistance from staff of Indigenous focussed agencies that have existing relationships with Indigenous stakeholders. More specifically, the assistance of staff from Native Title Services Victoria (NTSV) provided invaluable support by distributing workshop notices and other information directly to Traditional Owners in the Investigation area.

Ongoing Consultation Processes

Although Indigenous people only constitute a small percentage of the Victorian population, they are often called upon to participate in consultation sessions for a range of issues. In many instances, the same people are involved in multiple processes as a responsibility given by members of their family, community or organisation.

In terms of this project, consideration needs to be given to including on-going consultation process with Indigenous stakeholders after the project has concluded. A communications strategy outlining how this may occur could be developed which includes regular updates about what is happening – even if this only occurs twice a year. Indigenous people who participated in VEAC's consultation may be able to generate increased interest in other locations.

Finally, it is critical that Indigenous bureaucrats are actively involved in future processes as they are often actively involved in contact with Indigenous stakeholders in most communities in Victoria. They also have access to on-ground personnel who may be in a position to assist with raising awareness about a specific issue as well as identify which people in each location should be contacted.

Conclusions

There was very strong support expressed by a significant majority of people who participated in the Indigenous Consultation Workshops for VEAC to finalise the draft recommendations with no changes. In many instances, Indigenous people consulted were of the view that the Victorian government should have taken action before now to implement changes which leads to greater opportunities for Indigenous Traditional Owner Groups to be actively involved in public land management, planning and decision-making processes.

From an economic perspective, the creation of more training and employment options for Indigenous people living in communities located in the Investigation area would be a very positive outcome. It was also confirmed that the active and on-going involvement of Indigenous people directly in public land management tasks would of itself provide a greater incentive for members of each family to remain in the area as they would have access to employment activities which also mirror their interest in maintaining and improving public land areas on traditional country.

It is clear more action needs to be taken by government to educate, inform and empower Indigenous stakeholders about issues associated with becoming active participants on proposed co-management boards and advisory committees. This area lacks available information about public land policies, planning and decision-making.

To date, members of the Indigenous community in the River Red Gum Forest Investigation appeared to rely on a small number of individuals to be the contact point and conduit of advice about maintaining the integrity of land areas. It is essential that government consider supporting the recommendations which focus on increasing the capacity of Indigenous communities so they can actively participate as equal partners in future activities linked with improving public land use in the Investigation area.

At the same time, consideration needs to be given to ensure that Indigenous stakeholder groups have the financial capacity to undertake informed consent processes which can contribute positively to any management, planning and decision-making processes on public land areas in the Investigation area. Advice received from various departmental staff confirmed that a number of new initiatives were being implemented at the time of this Investigation and that a number of these would benefit from action taken to support the VEAC recommendations.

Workshop participants were also clear that more examples needed to be provided in the final report produced by VEAC to ensure there is no misunderstanding about how the recommendations are interpreted by government. Requests were also made to expand one recommendation and to insert a new recommendation as follows:

Rec No.	Action Recommended
R25	It was suggested that VEAC consider expanding this recommendation to include the establishment of advisory committees for the <u>Hattah and Murray-Kulkyne Parks</u> as well as for <u>Gunbower Island</u> .
New	That the Dharnya Centre be handed back to the total control of Yorta Yorta Nations as part of the Hand-back/Lease-back arrangements.

It is critical that Indigenous stakeholders in the Investigation area are kept informed about what action is being taken by government to implement each recommendation in the VEAC final report. Where possible, Indigenous stakeholders in the River Red Gum Forest Investigation area should be invited to actively participate in and contribute to any discussions that take place about how each recommendation will be implemented. This will ensure that the views of Indigenous stakeholders is reflected accurately in the changes made, that respect is being shown for the views of Indigenous people who also have an interest in progressing actions and that a two-way learning process occurs whereby Indigenous and non-Indigenous stakeholders improve their individual and professional capacities to contribute to the creation and development of new policies, procedures and processes.

Finally, we would like to thank all workshop participants for their contributions to this process and ensuring that robust discussions occurred to inform the VEAC decision-making process. We would also like to thank members of the Indigenous Steering Committee for their advice and support. The contribution made by VEAC staff in this process must also be acknowledged along with the time given by the VEAC Councillors to actively participate in the Indigenous consultation process.

Appendices

Appendix 1 – Shepparton Indigenous Workshop (1 September 2007)

General Comments

- We would like the two Traditional Owner Groups (Yorta Yorta and Bangerang) to work together on the land area to generate funds and employment and economic opportunities for all Aboriginal people who live on the lands that both family groups represent.
- We have issues with AAV's RAP application process and forms that need to be completed. This includes the number of people government want Aboriginal people to talk to before getting their applications processed and approved.
- The main issue with VEAC's Draft Recommendations is that the suggested changes outlined don't say which parcels of public land, water areas or parks, etc that will be applicable or not applicable.
- Agree with all the recommendations except R24. Don't agree with making the Barmah Forest a National park. '*No to closing the Barmah forest for good*'. We don't want Indigenous people to be held responsible by other non-Indigenous interests as the reason for the closure.

Rec No.	Comments
R18	Increasing Indigenous Community Capacity
	We want to build partnerships with other interested groups (farmers, graziers, etc). It's the way you approach people and the interest groups that is the key to effective outcomes.
R19	Enhancing Indigenous Involvement
	Government need to consider the Reconciliation Australia's Road Map to Reconciliation in relation to human rights and the rights of Aboriginal people to effectively participate in this recommendation, particularly part c(i).
R19 (iii)	The pipeline proposed to go from Yea to Melbourne suggests that 75,000 megalitres of water will be pumped from Lake Eildon to Melbourne. They have not consulted with Taumarong about this. Any benefits should be spread out across the community (ie. The Murray River – it doesn't matter whose land it is – all Indigenous people need to work collectively together to manage the river system).
R20	Joint Management Provisions for national parks
	If this recommendation is to be supported it should be made clearer for Indigenous groups to fully comprehend and understand when the final report is published.
R21	Co-management Provisions for parks and reserves
c (iii)	Most important recommendation and this should be highlighted as such in the final report.
c (iv)	Need to recognise Aboriginal 'Dreaming' more in this recommendation so everyone understands the importance of why this recommendation has been suggested.
d	Needs to have an example provided – ie. Lake Mokoan – all Traditional Owner groups would have a say in the management if all groups have an interest.
R22	This recommendation is supported.
R23	Aboriginal Advisory Committees
	The Advisory Committees term used needs to have the reasons for why 'advisory' is used and to explain the differences in the roles of advisory committees as compared to the suggested co-management board.
R24	Co-management for specific parks
	Need to include the maps for suggested changes in this section – that is, cross reference in the report and to the recommendation/s.
R25	Specific Aboriginal Advisory Committees
	This recommendation is supported.
R26	Aboriginal Traditional Cultural Practice
	This recommendation is ok. Always need to suggest that any management agreements have it stated that all interested Indigenous people need to be consulted.
R27	If someone takes bark off the tree but has to get permission to take the bark from a Traditional Owner Group that has been agreed upon through this new system proposed, then a letter of understanding should come from the Minister and the Traditional Owner Groups.

Appendix 2 – Melbourne Indigenous Workshop (2 September 2007)

General Comments

- That input should be sought from Canberra.
- This workshop is more about getting my mob into gear so they can do these things if and when the recommendations are endorsed by government.
- All the draft recommendations are good but they need to be deliverable (examples of how, what, when, who and the resources that will be available). The consultation process is really good to provide comments and discuss any issues. It is really good to see that no cultural centres and buildings are being recommended.

Rec No.	Comments
R18	This recommendation is supported.
R19	This recommendation is supported.
R20	Good Luck with getting this approved. Really need National Parks and support for Hand-back/Lease-back opportunities and discussions.
R21	This recommendation is supported.
R22	This recommendation is supported.
R23	<p>We need to have 'true Elders' on the advisory committees. Some Elders have the same ideas as the bureaucracy. Traditional Owners need to be there to explain and present the story telling and make sure it is sustainable for the future. The Traditional Owners and the State Government are becoming the same at the moment because they are bound by the rules and legislation of the State Government.</p> <p>A Terms of Reference should be developed for the advisory committees and distributed to the Elders and the Traditional Owners for comment.</p> <p>Elders need to be acknowledged by putting them on these advisory committees. Need the language changed so that Elders know and understand what is going on. The best people should be on these advisory committees.</p> <p>There is no real selection criteria determined in Recommendation R23. Maybe these comments could be included under Recommendation R23 (c) or as a footnote in the final report.</p> <p>We need to get everyone's opinion and not just the opinion of one person.</p>
R24	This recommendation is supported.
R25	This recommendation is supported.
R26	This recommendation is supported.
R27	This recommendation is supported.

Appendix 3 – Robinvale Indigenous Workshop (8 September 2007)

General Comments

- Concern was raised about membership on the VEAC Indigenous Steering Committee and how it was established and confirmed. An issue of concern was that one member of the Steering Committee had been opposed to the VEAC proposals paper through statements made in public forums held in Mildura that were reported in the local paper. (The Indigenous Steering Committee establishment process was outlined and all queries raised were answered).

Rec No.	Comments
R18	As long as the process undertaken and what is proposed is properly resourced then there is support for this recommendation particularly for overlapping boundaries with Traditional Owners and Native Title as that is still an issue to be resolved between the three Traditional Owner groups. Representatives to be proposed for these structures need to be in town for a few days on a couple of occasions – no ‘blow ins’ will be accepted.
R18 (g)	Non-Indigenous people would need to get a permit but not Indigenous people.
R19	Any resourcing agreed to needs to be adequate to Indigenous representatives and participants. Aunties and Uncle’s can’t just wait around for contracts to become available. Need to make it worth the Elders’ while.
R20	This recommendation is supported because Government will need to change the legislation for the changes to be implemented.
R21	This recommendation is supported but adequate resourcing is required to meet the Traditional Owners and groups needs for proper participation on advisory committees and boards.
R22	This recommendation is supported but adequate resourcing is required to meet the Traditional Owners and groups needs for proper participation on advisory committees and boards.
R23	This recommendation is supported but adequate resourcing is required to meet the Traditional Owners and groups needs for proper participation on advisory committees and boards.
R24	A lot of discussion has occurred around the changes to public land use areas suggested by VEAC in particular, public access to areas. These suggested changes will need to include the exact public land use areas and be made clear to Indigenous people.
R25	This recommendation is supported. Consider including Advisory Committees for Hattah-Kulkyne National Park and Murray-Kulkyne Park.
R26	This recommendation is OK. Always need to suggest that any management agreements have included all interested Indigenous people to be consulted.
R27	Participants did not support a whole blanket permit system but suggested a permit system for some areas to ensure areas and species of cultural significance are protected and sustained for in the future. Participants provided and discussed the following case study example about not having a permit system in place: <ul style="list-style-type: none"> • Permits for contractors to remove sand, soil, etc is needed. • One contractor went to a burial ground and removed sand and disturbed our burial site. Local Council gave permission to the contractor for this to happen. • Local contractors don’t know what they are to look out for re. Indigenous interests and issues. • It was suggested that earth removers should be trained for what to look out for and get a certificate of confirmation and understanding from Traditional Owners to approve this knowledge and understanding by the contractor. They then can’t claim ignorance like they do now when they damage cultural sites. • The Sandy Hills (high ground) is where we buried our Indigenous people. These contractors go to NSW DPI and get permission to do this and the royalties the contractors get goes back to the NSW DPI. • We need to be able to say ‘this track’ goes over a midden so they don’t have access to remove the sand or soil that is in that area. • The areas we are referring to are Gadsen Bend, Lake Powell and all around Robinvale. • Need to be able to restrict NSW access to Victorian side of the Murray River. Cross border arrangements has been with Traditional Owners on the NSW side and Robinvale side.

Appendix 4 – Gunbower Island Indigenous Workshop (9 September 2007)

General Comments

- Bararapa Traditional Owners need to meet as a group after today and discuss the proposals paper and recommendations in detail so we can make a more detailed response to VEAC. Bararapa asked for an extension to the current submission date and would like VEAC to consider providing assistance for the participants to reconvene to develop their submission.
- VEAC to provide participants with copies of proposed public land use maps for Kerang area and surrounds; Gunbower Island National Park; Murray-Sunset National Park; Barmah area and surrounds; Mildura area and surrounds.

Rec No.	Comments
R18	Issues were raised in relation to the 'identification' recommendation in the proposals paper. This recommendation should include whether or not it means 'identification as an individual or Traditional Owner group'. The word identification should be changed to 'recognition'. This recommendation is ok for now. We would need more examples provided explaining how the recommendations would look in practice rather than in theory.
R19	Gunbower Island is only located on Bararapa Country and no other Traditional Owner group can claim this Island. If the Traditional Owners propose and implement Hand Back/Lease Back government would need to make the public land freehold first before it can be considered. How would this be achieved by Government?
R20	Some Traditional Owner groups are not as up to speed as the Yorta Yorta as they have not been resourced in the past to be involved in processes to discuss and negotiate public land management.
R21	This recommendation is supported.
R22	This recommendation is supported. There are too many logging groups in the forests and parks cutting down our scarred trees.
R23	Advisory committees are supported but we need more detail re. representation and how they would operate over what period of time and who with (ie. government, business, etc).
R24	We would like a copy of all the maps on the wall sent to participants. Issues and discussions focused on needing to have campfires and smoking ceremonies to occur in the parks and at Gunbower Island. We don't want government to manipulate our traditional and contemporary cultural practices. <i>I don't want to be told we can't go down to the river and light a fire when I need to do this. I need to be able to go and do this so I can think clearly about things and my culture, etc.</i>
R25	This recommendation is supported. Gunbower Island should be put into this recommendation and that an advisory committee be established for this area.
R26	This recommendation is ok. Always need to suggest that any management agreements have included all interested Indigenous people to be consulted.
R27	There were many issues raised under this recommendation. <ul style="list-style-type: none"> • Should not be restrictions on areas along the whole river for access by Indigenous people. We should just have a permit for Milverton Bend only. We camped and traversed along the river within our traditional boundaries and this should be recognised. • Fishing – we don't fish and take a lot of fish at once and go home and put it in our freezers because it doesn't taste fresh or like we just caught the fish that day. We only hunt and fish when needed and eat and use the fish at the time of catching the fish. We just chuck it straight on the 'nickie' (the ashes) we don't use frying pans or white fella stuff. • One male Elder was getting flux and his food was not going down properly. He went to 3 health specialists who said it was the cooking on gas that was causing his health problem. He went back up the bush and went back to cooking his food on the open fire and then his health improved and the flux disappeared. Cooking on gas is bad for blackfellas.

Appendix 5 – Echuca YYNAC Indigenous Workshop (15 September 2007)

General Comments

- “*The environment is our culture*”. How do VEAC’s recommendations impact on the Cultural Heritage and Native Title processes in place?
- “*We can’t currently see any separation between natural and cultural resources from a holistic point of view. The holistic view of land management and care for the land and the Indigenous view that the land is one*”.
- *Partnership arrangements need to be negotiated regarding management if Barmah Forest becomes a National Park then it has to be a joint management approach with ‘no more rubbish’ attached to it. An agreement also needs to be treated legally and put through legislation. This is the last biggest chance to get something for our younger generations and resolve something that has been stolen in the past to get back in Yorta Yorta hands now so it can become our future.*
- Need to be able to gain more information about the VEAC Red River Gum Forest Investigation and the Draft Proposals Paper and its recommendations. We need to keep looking back over the years and the struggle we had for land justice and our rights.
- Looking back at the ILC years there has only been one page written on Indigenous issues and our concerns. This time VEAC has done more and I am pleased to see there is a chance to discuss more about Hand Back/Lease back and the work done to date.
- A lot of listening and learning. Needing to cement and get the words for the need for government, proposals forward. This is true capacity building, stakeholder and to engagement, recognised a sanctuary to enhance our future generations.
- Concern was raised about the current negative media campaign against the VEAC Draft Proposals Paper. “*There is a need for VEAC to be standing up to the plate about all the negative media publicity*”.
 - There was concern that Yorta Yorta members are being threatened about the VEAC recommendations.
- Concern was raised that VEAC needed to provide some sort of protection to Yorta Yorta people in relation to how to handle the negative publicity and feedback from interested parties involved in opposing the VEAC process.
- It was pointed out that the McPherson media website owns 10 media outlets along the Murray River region and that they control the whole media agenda for the region that the VEAC study area covers. To counter balance this, it was suggested that VEAC has a role through its own media campaign to counteract what has been happening by McPherson media. “*It only whips up fear, misconception of VEAC and negative publicity*”.
- It was further stated that the final VEAC recommendations need to consider the guidelines of the Ethics Committee with the Australia Press Council as they were the ones who stepped in on the Bridge Issue documented and reported on in the Riverine Herald.
- Participants stated that VEAC needs to bring it back to the attention of the Shepparton News as the negativity is being shown and heard on the television all the time. “*It needs to be a hard hitting advertisement by VEAC like the campaign against the Riverine Herald advert*”. VEAC advised that they have actively tried to get as much information as possible out in the community.
- Participants stated that no one listens to the Yorta Yorta point of view on knowledge – what is the view on the scientific knowledge. That is - the steering committee and the reference group, as the discussion paper’s scientific focus is only one element of this knowledge.
- Participants stated that all of the self interest groups have the financial backing behind them to oppose such measures and the recommendations.
- Hand Back/Lease Back issues were raised and explained.

Rec No.	Comments
R18	<p>It was agreed that government should be resourcing the registered Traditional Owner Groups. Has to be a way to take things forward. Yorta Yorta is a registered and identified Traditional Owner group by government which was endorsed through the Yorta Yorta Nations Co-operative Management Agreement in 2004. This Agreement determines the boundaries and the consultation process for areas within that boundary, and to be able to negotiate for those on the edges of the boundary line (ie. other Traditional Owner groups).</p> <p>VEAC still need to consider cultural heritage legislation. Still at the same time recognise the stance that Yorta Yorta has taken to get to its formal recognition.</p>
R18 (g)	<p>There needs to be resourced research to Yorta Yorta Nations whenever Yorta Yorta is engaged by non-Indigenous groups and businesses. That is - if Yorta Yorta are engaged and have a non-Indigenous consultant to do scientific report on country, then Yorta Yorta should be resourced to do their own research and scientific reports.</p>
R19 (v)	<p>Need to see where the Dharnya Centre will be included and to provide this training. The Dharnya Centre provides an important facility for the Cultural Awareness Training to occur – it is the ‘Jewel in the Crown’ for a Bush University concept. There needs to be a campaign to keep the Dharnya Centre going as it rose from the LCC study done in 1983. Government then came to Yorta Yorta and agreed to build the Dharnya Centre with \$1.2M from the Commonwealth to create economic and employment outcomes. Families go there and spend time and keep culture going and strong.</p> <p>The Dharnya Centre is vital in this process. Bush University concept (does this need a separate recommendation in the final report or does the existing written text just need to be strengthened more?)</p> <p>Bring the Dharnya Centre recommendation to the Indigenous recommendations I5 Barmah Forest Community Use Area– cross reference. The Dharnya Centre is important to deliver the cultural awareness training on country. Yenbena is also an important centre. It has the middens, trees for canoes, etc.</p> <p>Everyone discussed the Dharnya Centre written material on page 60 of the proposals paper under Community Use Areas Recommendation. There are problems with mixing the Dharnya Centre with the Muster Yards. Only area for specific Yorta Yorta use is under the co-operative management board proposed in part of the Barmah Forest. The Muster Yards can't be jointly considered with the Dharnya Centre.</p> <p>The development of cultural awareness needs to be done, which recognises and acknowledges the Traditional Owners and the land from where it is delivered. Recognition of prior and existing ownership of the land by Yorta Yorta ancestors and existing people. Recognition why it is being done. Cultural awareness that occurs in this part of the VEAC study areas must be delivered by Yorta Yorta people.</p> <p>The government's land managers have known about the white ants since 1996 (11 years ago). This was highlighted in the original submission but not in the final report. The government needs to put its hand in its pocket to repair the white ant damage.</p>
I5	<p>Recommendation: That the Dharnya Centre be handed back to the total control of Yorta Yorta Nations as part of a Hand Back/Lease Back arrangements.</p>
R20, 21 and 22	<p>Need to ensure that the Traditional Owners are recognised in all negotiating processes. Government is also increasing Indigenous community capacity building through other mechanisms and all of these commonalities need to come back to each other and to be complementary. <i>“It is all inclusive”</i>.</p>
R23, 24 and 25	<p>Agreement that there are advisory committee structures and co-management boards in place and that Barmah Forest is recommended as a National Park.</p>
R26 and 27	<p>The wording in these recommendations needs to be tightened up more in relation to hunting, gathering and fishing -needs to include resources to do these cultural practices and to include natural resources for cultural practices before the dot points.</p> <p>Examples could also include: bark trees, ochre, gypsum, etc. Need to be able to collect wood for cultural practices to make boomerangs, artefacts, etc.</p>

Discussion on the VEAC Draft Proposals Paper Indigenous Community Involvement Recommendations

- One main issue raised was the terminology used in the social and economic assessment of the VEAC Draft Proposals Paper. VEAC staff advised that the term used by the non-Indigenous economic consultants “Intergenerational welfare dependency” was taken from the social welfare reports.
- Even though this is targeting non-Indigenous people it has impacts on their reaction to Indigenous people. Need to edit this out of the final report determined. Worse case scenario.
- Show where duck hunting is a job. Can’t just say this when failing to consider a range of implications – benefits to properties, paid out royalties/commissions, etc.
- National Park – Can have employment and education for our young ones re. not be denied the right to take the kids into the bush and light a cooking fire?
- VEAC advised that the economic assessment consultants didn’t separate the Indigenous employment vs. non-Indigenous employment outcomes.
- There was also lots of discussion about the AAV RAP process and the Cultural Heritage Council and native title but of course this VEAC process doesn’t directly have an impact on these issues although it was seriously noted. One issue raised in relation to this process is that under the Cultural Heritage Council RAP process Traditional Owners might not have control over their traditional land/country.

“The forest is our culture and is everything to us” – Uncle Henry Atkinson.

Next Steps for Yorta Yorta and VEAC

A follow up meeting to discuss the Yorta Yorta Co-operative Management Agreement was requested.