

PART C

Future Management of Sea Country

Our Sea Country Vision

We, the Maar (Aboriginal) people of South-west Victoria, carry out our enduring responsibility to actively manage and protect our marine and associated land based resources. We benefit from enterprises based on the sustainable use of these resources and work in partnership with others to restore the health of the environment on which we all depend.

Members and staff of the Framlingham Aboriginal Trust and the Winda Mara Aboriginal Corporation developed this vision for our Sea Country Plan. It includes the country and interests of the Kirrae Whurrong, Gunditj Mara and Gadubanud nations of South-west Victoria, collectively known as Maar.

The vision describes the way we believe things should be in 10 years time. The progressive implementation of this Kooyang Sea Country Plan will see governments and the broader community recognise the responsibilities and rights we as Indigenous people have over marine resources, planning and management. It will also allow time for the Indigenous people of the region to develop partnerships with government and the private sector to build our capacity to step into a more prominent and pro-active role.

The following sections address what we have identified as the key issues to implement our vision for managing our sea country.

KEY ISSUE 1: Participation in Decision-making

We recognise that over the past few years there has been significant progress in government policy towards greater recognition and respect for Indigenous rights, interests and aspirations. This is reflected in the increased commitment by many agencies to consult with us or seek our advice. This is a positive development resulting in us being more aware of the issues in our region from the perspective of non-Indigenous people and the processes by which governments make decisions. This experience equips us to take a place at the table where decisions are being made which impact on the marine and coastal resources and heritage of our country.

There is the need for Aboriginal membership on all high level committees as well as at the technical or local implementation level. Such membership is consistent with State and national objectives and should be accompanied with the resources to support Aboriginal members' travel, consultation and communication with constituents in our communities.

Having the opportunity to be party to decisions will benefit the broader community including those proposing development. Works could proceed with confidence and time and resources would not be wasted in conflict or stoppages. We would not find out too late about damage to things that matter to us. Decision-making and advisory structures change regularly so it is important to be specific about the decisions we need to be involved in.

Objectives for decision-making

We have set ourselves the following objectives to achieve the reforms in decision-making that are necessary to achieve our vision:

- 1 We, the Aboriginal people of South-west Victoria, share in decision making responsibility through our participation in all bodies where decisions and recommendations are made that impact on us and our country:
 - Marine and Coastal Protected Areas (location, size, boundaries & management)
 - Abalone Industry quotas and allocation of areas to individual operators
 - All other commercial fisheries in the region
 - Coastal development for industry, residential subdivisions or recreation purposes
 - Recreational fishing licensing
 - Coastal access roads and walk tracks
 - Water licensing and allocations
 - Monitoring and enforcement of freshwater quality
 - Land use on agricultural lands and environmental impacts
- 2 Government policy statements and management structures are reviewed to recognise the special status of the coastal Indigenous people of South-west Victoria, as the first peoples, not just as another stakeholder group.
- 3 State and Commonwealth fisheries and marine advisory committees include Indigenous members nominated by our communities.

- 4 Indigenous members of committees are supported with the means to communicate back with our communities.
- 5 Indigenous people and our representative organisations are directly involved in negotiation with developers, industry and project proponents, not buffered by government agency representatives.
- 6 Information on all matters likely to impact on marine and coastal resources is provided to our organisations freely, in plain language and in time for us to respond properly.
- 7 We have an agreed communication protocol with the local governments in our region which includes regular scheduled dialogue.

Strategies for decision-making

We will:

- 1 Provide written advice to all State and local government agencies, industry groups and other stakeholder groups on the range of issues and decisions we wish to be involved in.
- 2 Identify and write to chairs of all decision-making and advisory committees at State and local government level. We will ask each body whether they have a policy or strategy for Indigenous engagement and if not, offer to assist them to develop one.
- 3 Write to relevant portfolio Ministers requesting positions on all relevant advisory groups and committees.
- 4 Establish a reference group of interested Indigenous people from across the region who will follow up on actions and strategies outlined in this Kooyang Sea Country Plan.
- 5 Invite representatives of Parks Victoria to meetings with senior community people to negotiate a strategy for joint management of all protected areas within coastal lands and sea country.

KEY ISSUE 2: Commercial/Economic Opportunities

Today there is virtually no direct participation of our people in economic activities based on the marine resources of our country. We, like other cultures, must evolve to survive and this includes commercial utilisation of the resources in our country. Before European settlement our economy was based on the natural resources of our country, with a heavy dependence on marine resources, and we did engage in trade in these resources with neighbouring groups and more distant tribes. Our contemporary interest in commercial utilisation of marine resources is a continuation and extension of our long trading tradition.

It is the various fisheries of the region we are most passionate about because of our long history of use and continued dependence on these resources for our physical, spiritual and economic well-being.

What we seek is based on principles of fairness and equality in our country.

We don't think it is too late to redress the appropriation of our country and its resources that condemned us to poverty while allowing others to prosper.

The regulation of the fishing industry by government and industry has ensured the cost of entering the industry now is prohibitively high for us. Apart from one eel license held by Framlingham Aboriginal Trust, we have no participation in the commercial fishing industry in our region.

Short-finned eel



We are very concerned about sustainability and have observed over the years a decline in the size and abundance of many species we once depended on. We wish to explore opportunities for partnerships with current fishers in the region the potential of new commercial opportunities based on products from our sea country which do not compete directly with existing commercial interests. We need technical and financial assistance to get involved in new industries and would like to see regulations which provide us with the first option for marine sunrise industries, which would not affect the livelihood of existing operators. This approach recognises that Indigenous people have missed out to date and provides a mechanism to restore a measure of equity in commercial benefit from the resources of our country.

Commercial/economic opportunities objectives

We have set ourselves the following objectives to achieve the reforms to the management and benefit-sharing of commercial utilisation of resources that are necessary to achieve our vision:

- 1 The broader community in South-west Victoria understands that the first peoples of the area were traders and exporters before colonisation and have a right to revive their economic interest in the natural resources that were taken from them.
- 2 There is Indigenous representation on decision making and advisory structures concerned with the fisheries in South-west Victoria including the regulation of recreational fishing.
- 3 Indigenous people receive a negotiated share of financial benefits from the commercial fisheries and from other natural resources (through royalties or other mechanisms) from our Sea Country including oil and gas.
- 4 The Aboriginal people of South-west Victoria have a leading role in all aspects of eel management, commercial use, research and aquaculture.
- 5 There are licensed Indigenous commercial fishing operators in each of the region's major fisheries.
- 6 The eel fishery becomes a Commonwealth managed fishery because eels are a migratory species that spend a key part of their life in Commonwealth and international waters.
- 7 Indigenous organisations are investing in and operating commercial ventures based on currently unexploited marine resources such as velvet crabs, sea urchins, Kelp, sea weed and sea grasses, bait aquaculture and whale tourism.

- 8 We manage enterprises in cultural and eco-tourism including in public areas such as marine national parks and coastal parks.
- 9 We provide cross-cultural training services to government agencies and the private sector.

Commercial/economic strategies

- 1 Organise and host a Regional Eel Summit:
 - commence planning as an immediate priority;
 - lobby all relevant public and private agencies for assistance, but keep costs low by using our own meeting and accommodation facilities.
- 2 Prepare a Communication Strategy for raising awareness of the important issues addressed in the Kooyang Sea Country Plan and to promote the principles of equity and partnerships.
- 3 Contact Indigenous people involved in fisheries and other marine resource management in other parts of Australia but also in New Zealand, the South Pacific and Canada, to exchange information about eels and others issues of mutual interest.
- 4 Talk to Tasmanian Aboriginal people about mutton bird harvesting, marketing and management to ascertain viability and potential for a small industry in South-west Victoria.
- 5 Establish contact with the successful bait aquaculture project in Southern New South Wales (beach worms) and research requirements for setting up a similar operation supplying recreational fishers in South-west Victoria.
- 6 Contact all potential public and private funding sources (ATSIS, AFMA, State Fisheries, ILC and AFFA, Fisheries Research and Development Corporation, benevolent trusts, multinational companies in the region) looking for donors, investors and partners to promote sustainable Indigenous marine resource use and management ventures.
- 7 Convene meetings with Parks Victoria regional office to begin discussions about the provision of cultural interpretation services in the marine parks, coastal parks, national parks and other protected areas of the region.
- 8 Seek meetings with and membership of regional Tourism bodies.
- 9 Apply for funding from Commonwealth, State and Tourism agencies to develop an information package (kit) on Aboriginal cultural information and sites suitable for tourism in the region, with a view to training and accrediting commercial tour operators

KEY ISSUE 3: Cultural Heritage

South-west Victoria has many natural attributes including its spectacular coastal scenery and productive lands and seas, but what make it unique are its internationally significant cultural heritage values. The evidence here is that our old people had for thousands of years been settled on the lava flow country, built permanent homes and other structures and had a complex and active economy. Our close association with the eels in the rivers and wetlands around our lava flow country provided the basis for this society. We also had a very strong reliance on the resources of the sea and archaeological evidence can be found along much of our coast of the range of species we utilised and the places we congregated. Some of the archaeological evidence is thousands of years old but the culture is not extinct, it remains with us today in the way we relate to our country.

The lava flow extends well beyond the current shoreline, as does our associations with this country. Therefore the effective protection of the cultural heritage of the region needs to be thought of in terms of a cultural landscape which includes and extends through the lava flow, the coast and the seas, rather than as individual sites.

We envisage developing a world class interpretation facility to enable visitors to the area and the local communities to share the richness of our relationship with eels and our country, to the benefit of the local Aboriginal communities and of the wider regional economy. As part of this vision, we will be seeking support from our partners in the eel fishery for the nomination of the eel cultural landscape for registration on the new National Heritage Register, and subsequently as a World Heritage Site.

We believe in greater local control over the protection and management of the Indigenous cultural heritage of South-west Victoria and believe this can be achieved through partnerships with State authorities, capacity building and devolution. This would enable us to deal directly and promptly with local government, industry and private landholders where heritage issues are concerned.

Cultural heritage objectives

We have set ourselves the following objectives to achieve the reforms in cultural heritage management that are necessary to achieve our vision:

- 1 The Aboriginal people of South-west Victoria are free to exercise their rights to fish, hunt or collect marine and estuarine resources in accordance with our law and traditions.
- 2 The Aboriginal people of South-west Victoria and the relevant authorities have access to accurate and comprehensive information on the heritage values of places and key areas of concern to us, including Deen Maar, the coastal strip and the lava flow country.
- 3 The cultural significance and unique archaeological values of the lava flow country are understood, promoted and protected for all time.
- 4 Aboriginal heritage matters are considered in a timely way and as a matter of course early in any processes dealing with land or marine development, earthworks or changed land or sea use in South-west Victoria.
- 5 We have agreement(s) in place with private land holders to access and protect important heritage places on their land.

- 6 There is greater understanding and appreciation of the Indigenous cultural and archaeological values of marine areas, including the current ocean floor, especially on the lava flow as it extends beyond the current shoreline.

Cultural heritage strategies:

- 1 Apply for funding through the Corangamite and Glenelg-Hopkins Catchment Management Authorities and other sources to develop a Maar Cultural Map of the relevant catchments.
- 2 Campaign for the Victorian Government to immediately remove any licensing requirements for Aboriginal people to fish, hunt or collect marine and estuarine resources in accordance with our laws and traditions.
- 3 Meet with Aboriginal Affairs Victoria (AAV) seeking the appointment of two additional Aboriginal Heritage Officers so that they and their communities can be pro-active in identifying and protecting heritage places rather than having to respond to development applications.
- 4 Negotiate with AAV to hold a review of the role of Aboriginal Heritage Officers. They need to be supported by community structures and be accountable to the community and not just to government.
- 5 Achieve full protection of Aboriginal heritage on the lava flow country including on private lands. Work with the Australian Government Department of the Environment and Heritage to have the lava flow country, especially those areas with good examples of Indigenous aquaculture, listed on the National Heritage list and work towards World Heritage listing over the next ten years.
- 6 Apply to the Australian Government Department of the Environment and Heritage to include Deen Maar on the National Heritage List, either as part of the lava flow listing or in its own right.
- 7 With the support of the Glenelg-Hopkins Catchment Management Authority, commence dialogue with farmers in the lava flow country to promote better heritage and environmental protection on agricultural lands. Support access to compensation for private land holders affected by environmental or cultural heritage protection.
- 8 Lobby for Indigenous cultural heritage values to be included into Integrated NRM Plans and the subsequent Investment Strategies for both Glenelg-Hopkins and the Corangamite Catchment Management Authorities.
- 9 Write to farmers groups and local government with the view to negotiate the cessation of all land clearing and earthworks on lava flow except where works are aimed at restoring traditional aquaculture or natural habitat.
- 10 Seek partners in private sector, academic and heritage agencies to undertake research into Indigenous heritage and archaeological values including in marine areas.
- 11 Initiate a communication and public awareness campaign, including brochures, local radio, schools etc., to explain why the cultural heritage values of this region are so special and important.

KEY ISSUE 4: Environmental Protection

We have always been concerned for the health of our country. As it has declined so has our own health as Aboriginal people and as a community. We have had the responsibility for managing the country taken from us and have had no chance to benefit from its commercial use. We are worried that our country cannot take much more and it is time for major changes in attitudes and how the country is used.

For years we have often felt as though we are a lone voice and our only option is to take a negative position on what others may see as development issues. We are pleased that it appears that a growing number of people in the broader community also recognise that the country is severely stressed and we are ready to work with anyone in the community, and other sectors, in partnerships to restore the country we all depend on. Within our region the main means for our community to become involved in natural resource management is through the Corangamite and Glenelg-Hopkins Catchment Management Authorities. We will work constructively with these bodies to ensure our concerns are incorporated and addressed in regional NRM plans. Our relationship with the CMAs has been cordial enough, but it currently relies too much on personal relationships rather than being systematic and strategic.

We are very concerned with the management of water as a resource, and water quality in freshwater, estuarine and marine areas. We don't just see water as something to buy and sell. The environment is suffering from a lack of seasonal flows, wetlands need to be restored and declining water quality effects all people and species, yet it appears that water is allocated on the wants of agriculture or whoever can pay most for it.

Environmental protection objectives

We have set ourselves the following objectives to achieve the reforms in environmental protection that are necessary to achieve our vision:

- 1 We work with government agencies, local government, industry and farming sectors to see that any remnants of bush are retained and managed.
- 2 All clearing of native vegetation in our region has stopped.
- 3 We participate as partners in a wide range of initiatives to restore degraded and cleared areas on all tenures, as we have been doing on our own land for many years.
- 4 We will support the dedication of more country (land and sea) as jointly managed protected areas for conservation and we will further enhance the protection and environmental condition of the lands we have dedicated as Indigenous Protected Areas.
- 5 We are involved in joint management of sea country with the public or private sector outside protected areas.
- 6 We have an agreement similar to the *Protocols, Principles and Strategies Agreement for Indigenous Involvement in Land and Water Management* between the North Central CMA and the Yorta Yorta Nation and the North West Nations Clan Aboriginal Corporations

negotiated with the two CMAs. At least one Indigenous community member, nominated by us, is appointed to each of the Corangamite and Glenelg-Hopkins CMAs as part of the agreement.

- 7 Indigenous Land Management Facilitators are funded through the CMAs and are answerable to Indigenous people as well as the CMA.
- 8 There is Indigenous participation in all structures and processes where water licensing, water quality, environmental flows are considered. An 'Indigenous water allocation' to be part of the regional water licensing scheme.
- 9 We negotiate directly with developers where heritage issues are concerned. Government (AAV or ATSIC) officials may provide assistance or advice but only on a needs basis.
- 10 We are actively involved in employment with management agencies and as contractors undertaking environmental protection works.
- 11 Management of Deen Maar, the waters between the island and the coast, the coastal reserve and the Deen Maar Indigenous Protected Areas is unified as a protected area overseen by a management board involving Aboriginal people, Parks Victoria and other stakeholders.

Environmental protection strategies

- 1 Hold meetings with officials of Corangamite and Glenelg-Hopkins CMAs to advise them of our interests and concerns regarding Indigenous participation in NRM in these catchments.
- 2 Maar provide Cultural Awareness Raising for all staff and members of the Corangamite and Glenelg-Hopkins CMAs. This is best achieved through social events and joint activities, and the development of information sharing arrangements.
- 3 The CMAs and Aboriginal people meet to assess the North Central CMA *Protocols, Principles and Strategies Agreement for Indigenous Involvement in Land and Water Management* and if suitable adapt it to the Corangamite and Glenelg-Hopkins CMAs.
- 4 Draft a funding submission to the Corangamite and Glenelg-Hopkins CMAs and other potential funders to undertake a joint Cultural Mapping project.
- 5 From the above, develop a cultural heritage information kit for CMAs, local government and other agencies involved in NRM in our region.
- 6 Make high level contact within the Victorian Department of Sustainability and Environment and Parks Victoria, inviting them to meet and discuss management options for Deen Maar and adjacent marine and coastal areas.
- 7 Seek meetings with environmental officers in local government, Port Authority, State land departments and major industries to establish dialogue and assess scope for formal and on-going cooperation and information exchange.
- 8 Seek meetings with conservation NGOs to determine the potential of closer ties with these groups as part of improved regional networks.

KEY ISSUE 5: Research Needs

Too often in the past, decisions about the use or exploitation of natural resources have not taken account of all the possible negative outcomes. There was a frontier mentality among the settlers which resulted in much of the landscape being changed forever and considerable loss in the capacity and condition of the country and loss of natural resources.

To enable all of us to make better decisions and in the interests of a sustainable future for the region good information on the natural and cultural heritage of the region is essential.

Equally important to the acquisition of good information is access to it. That is one of the major reasons why Maar need to be where the decisions are made, so we know not just what is happening but the reasons and processes behind the decisions.

We also view research as a significant industry that takes place on our country, and hence we have a right to know about it, consent to it, be involved in it and benefit from it.

Even now, major new projects and land uses are being established. One of particular concern to us is the rapid growth of blue-gum plantations. We would like to know what chemicals are used, what the impacts of these are and what effect these plantations of introduced trees have on local species of birds, insects, plants and waterways.

In some instances it will not be possible to predict all the impacts of a particular decision, in which case the precautionary approach must be applied.

Research objectives

We have set ourselves the following objectives to achieve the reforms in managing research on our country to achieve our vision:

- 1 Research on the environmental impact of all new land use proposals is inclusive of cultural values, includes us and the information is made available in an accessible format.
- 2 Greater understanding and appreciation of Indigenous archaeological values of marine areas especially on the lava flow as it extends beyond the current shoreline.
- 3 Studies will investigate the impact of water run-off from farms, individually and collectively, particularly focusing on what happens when this run-off reaches the estuaries.
- 4 Comprehensive and proactive surveying and mapping of Aboriginal cultural sites and stories.
- 5 Research the extent and detail of Aboriginal heritage, engineering and archaeological channels and villages relating to eel aquaculture in South-west Victoria.
- 6 More information on the ecology and needs of the short finned eel especially during the migratory and breeding cycle of their lives.
- 7 The extent to which human health is affected by consuming sea foods which are taken from polluted environments.

- 8 The results of all previous research done on our land and sea country are compiled and made accessible to us.
- 9 Partnerships are developed with all research institutions undertaking research projects on our country.

Research strategies

- 1 Organise and host a Research Forum to which all research agencies undertaking research projects on our country will be invited, with the aim of developing protocols and partnerships for future research and information sharing.
- 2 Seek funding from CMAs and other sources to undertake research projects to meet the environmental protection and cultural heritage management objectives described above.
- 3 Seek funding and support from research institutions to compile a data base of research information and sources relating to previous research undertaken.
- 4 Negotiate with governments and research institutions to establish traineeships, cadetships, scholarships and work experience programs to enable Aboriginal people from South-west Victoria to train and work as research assistants and researchers across all research disciplines.

KEY ISSUE 6: Implementation Support

We have embarked on this Sea Country Plan pilot project because we are committed to meeting our inherited responsibility to caring for our country, and are serious about our desire to build partnerships with government agencies, industry, research institutions and others. We have set out a vision for the future management of our sea country, with clear objectives on how to achieve that vision, and realistic strategies to meet those objectives. However, to meet these objectives, we are seeking a similar commitment from our potential partners, from those who govern and benefit from the resources of our country, to contribute to the building of our institutional capacity to make the required partnerships work.

We seek support and resources to implement our Sea Country Plan, not as an act of charity, or even as compensation for past injustices. We seek support from our potential partners because it is only through a partnership of equals can we be truly effective. We seek support because we know that our participation is essential for government agencies, industries and others to meet their obligations for protection of all natural and cultural values and for sustainable use of the resources of our country. Our participation in planning and management is needed to interpret and protect the cultural layer that lies over our country, irrespective of current tenure or use. Successful implementation of our Sea Country Plan is as much about meeting the commitments of government agencies and others as it is about meeting our responsibilities to our ancestors, our children and our culture.

Objectives for implementation support

We have set ourselves the following objectives to achieve the necessary implementation support to achieve the vision set out in our Sea Country Plan.

- 1 Establishment of a Kooyang Sea Country Management Office, adequately staffed, equipped and resourced to undertake the strategies and action set out in this plan, and with the capacity to respond to other planning and management issues as they emerge.
- 2 Establishment of institutional arrangements to ensure that governance of the Kooyang Sea Country Management Office truly represents the rights, interests and obligations of Aboriginal people of South-west Victoria.
- 3 Establishment of formal and informal arrangements with government agencies, research institutions, industry groups, conservation organisations and others that can lead to the partnerships required to implement this plan.
- 4 Access to up to date information about availability of grants, in-kind support and information that are essential to the implementation of this plan.
- 5 Establishment and maintenance of networks with other Indigenous groups in Victoria, Australia and internationally to provide and receive support to achieve our common goals of protection of Indigenous cultural values, and economic development that is compatible with those values and the ecological constraints of our environment.

Strategies for implementation support

- 1 Seek urgent support from the National Oceans Office to provide or broker sufficient funds to employ a full time Sea Country Coordinator for a minimum of two years to initiate the strategies identified in this report.
- 2 Establish a Sea Country Implementation Group, comprising representatives of Winda Mara Aboriginal Corporation and Framlingham Aboriginal Trust to oversee the appointment of a Sea Country Coordinator and guide the establishment of the Kooyang Sea Country Management Office, including the employment of Heritage Officers and Rangers.
- 3 In line with strategies contained in this plan, make formal approaches to government agencies, research institutions, industry groups, conservation NGOs and others to seek their commitment to in-principle support, to nominate representatives to meet with the Kooyang Sea Country Plan Implementation Group (potentially to form a Joint Implementation Group) and to contribute resources to the implementation of this plan.
- 4 Provide copies of the Kooyang Sea Country Plan to potential implementation partners and to other interested coastal Indigenous groups, seeking feedback, advice and support to assist with implementation and to maximise the effectiveness of this plan as a pilot for the sea country plan concept.
- 5 Provide briefings and host workshops in South-west Victoria to enable all Aboriginal people of the region to contribute to, and benefit from, the implementation of the plan.