

TRADITIONAL OWNER
GAME
MANAGEMENT
STRATEGY



The development of a Traditional Owner Game Management Strategy was funded by the Department of Jobs, Precincts and Regions (DJPR) as an action under the Victorian Government's Sustainable Hunting Action Plan.

It has been led by the Federation of Victorian Traditional Owner Corporations in close collaboration with Traditional Owners across Victoria and a Project Steering Group which included the DJPR, the Game Management Authority (GMA), Parks Victoria and the Department of Environment, Land, Water and Planning (DELWP).

Interviews with Traditional Owners who have knowledge and interests in hunting, game and wildlife management have revealed opportunities to engage Traditional Owners in game, wildlife and habitat management and promote positive environmental, cultural and economic outcomes for Traditional Owner communities, Victorian regional communities and Country. Those Traditional Owners' voices provide the empirical evidence that guides this Strategy.

PROJECT PARTNERS



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HOW TO READ THIS DOCUMENT

Grey boxes contains quotes from recent interviews with Traditional Owner Elders and knowledge holders.

Text in *italics* is a direct quote from a Traditional Owner as part of on-Country interviews with Elders.

Indented text elsewhere contains quotes from the literature.

ACRONYMS

CHMP	Cultural Heritage Management Plan, under the <i>Aboriginal Heritage Act 2006</i> (Vic)
DELWP	Department of Environment Land Water and Planning
DJPR	Department of Jobs Precincts and Regions
GMA	Game Management Authority
ICCPR	International Covenant on Civil and Political Rights
LUA	Land Use Activity Agreement, under the <i>Traditional Owner Settlement Act 2010</i> (Vic)
NRA	Natural Resource Agreement, <i>Traditional Owner Settlement Act 2010</i> (Vic)
NRM	Natural Resource Management
PBC	Prescribed Body Corporate, incorporated under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth), for pursuing Native Title rights and interests
PV	Parks Victoria
RAP	Registered Aboriginal Party
TEK	Traditional Ecological Knowledge
TOGE	Traditional Owner Group Entity, under the <i>Traditional Owner Settlement Act 2010</i> (Vic)
TOGMS	Traditional Owner Game Management Strategy
TOLMA	Traditional Owner Land Management Agreement, under the <i>Traditional Owner Settlement Act 2010</i> (Vic)
TOS Act, TOSA	<i>Traditional Owner Settlement Act 2010</i> (Vic)



PREAMBLE

Hunting, game and wildlife management is both a way of life and expression of identity for the Aboriginal people of Victoria. Traditional Owners within Victoria continue the cultural practices of their ancestors, particularly with respect to the animals they hunt as game. Many of these animals have spiritual and ceremonial significance. Traditional Owners throughout Victoria have always been actively engaged in the sustainable management of the resources of their respective Countries.

The Victorian Government values the integral role of Traditional Owners in hunting, land management and conservation and a key focus of the Sustainable Hunting Action Plan is to partner with Traditional Owners to build participation in these areas.

Acknowledgement is made to those knowledge holders for their valuable insights into the interests, the rights and obligations felt by all Traditional Owners for healing and caring for Country, including all its plants, animals, spirits and stories.

The Traditional Owner Game Management Strategy (the Strategy) sets out how Victorian Government departments and agencies will partner with Traditional Owners to deliver practical actions to build Traditional Owner participation in hunting, land management and conservation.

The Victorian Government is committed to working in partnership with Traditional Owners to deliver the actions in the Strategy to ensure game management in Victoria reflects Traditional Owner led knowledge and practice, provides employment and economic opportunities and promotes recognition and respect for a Traditional Owner led management of Country.

OVERVIEW

The Victorian Traditional Owner Game Management Strategy seeks to recognise and utilise the practices of sustainable management that Traditional Owners have used over many thousands of years and to integrate them into a modern Victorian policy framework that underpins sustainable game management into the future.

This Strategy focuses on the rights and interests of Victorian Traditional Owners in the management of declared game species which are deer, duck and quail. It is important to recognise that Traditional Owners have a worldview of a holistic and natural world within which cultural and natural values have close interdependence. This is reflected in a range of cultural interests in game hunting and also in wildlife management. Some aspects of those broader interests that are relevant to game hunting and management are included as part of the Strategy and are particularly relevant in the planning and management of public land where a holistic view is taken - rather than management actions targeted to game species only.

This Strategy will complement and support the broader process of reconciliation under the *Native Title Act 1993* (Cth) and agreements made under the *Traditional Owner Settlement Amendment Act 2016* which provide an enabling legal framework to support Traditional Owners to fulfil their aspirations in healing and managing Country and linking with Traditional Owner Country Plans, Natural Resource Agreements, Traditional Owner Land Management Agreements and Land Use Activity Agreements.

Traditional Owners have provided the voice underpinning this Strategy and three key action areas have been identified based on the challenges and opportunities that Traditional Owners have raised during development of the Strategy. Implementation of actions will be overseen by a Traditional Owner Game Management Co-Governance Group which includes Traditional Owners and GMA, PV, DELWP, and DJPR.

ACTION AREA 1 Collaborative Management

Goal: Encourage a holistic, partnership approach to game management incorporating Traditional Owner led knowledge and practice.

ACTION AREA 2 Employment and Economic Opportunities

Goal: Traditional Owners benefit from economic and employment opportunities associated with game management through active participation, contracting of services to Traditional Owner groups and Traditional Owner led projects.

ACTION AREA 3 Recognition and Respect

Goal: Greater recognition and respect for Country, species, cultural and natural heritage values through Traditional Owner led education and information sharing.





VISION

A holistic approach to game management in Victoria incorporating Traditional Owner led knowledge and practice to promote healthy populations of animals on healthy Country and improved cultural, social, ecological and economic benefits for all.

GUIDING PRINCIPLES

The following principles will be used to guide the direction of this Strategy.

- 1. Managing for cultural values.** Aboriginal cultural values associated with Country will be considered of primacy in the management of public reserves where hunting is managed on Country.
- 2. Effective collaboration and partnership.** Partnerships will be designed to be mutually beneficial and empowering for Traditional Owners.
- 3. Respect for Aboriginal governance systems and self-determination.** When engaging with Traditional Owners, Departments and Agencies with responsibilities for State Game Reserves will support traditional decision-making processes and structures.
- 4. Honouring formal recognition processes.** When engaging with Traditional Owners, Departments and Agencies with responsibilities for State Game Reserves will recognise the rights, interests and authority of Traditional Owner groups.
- 5. Country is managed holistically.** Traditional Owners manage Country holistically for multiple values and objectives, with respect to both cultural and natural values (healing both Country and culture). Partnership arrangements and management objectives are tailored to each regional and cultural landscape context. This includes analysis of the tenure, regulatory and operational arrangements to support beneficial Indigenous management practices, together with a process of learning to continuously improve planning, management and action.

THE LEGISLATIVE FRAMEWORK

The *Traditional Owner Settlement Act 2010* (TOS Act) provides a State framework for negotiating out-of-court native title settlements. It removes the need for lengthy and costly native title extinguishment assessments associated with the Commonwealth's *Native Title Act 1993*.

A suite of agreements make up TOS Act settlements, including:

- Natural Resource Agreements (NRAs) - that outline customary access to, and certain commercial uses, of natural resources.
- Traditional Owner Land Management Agreements (TOLMAs) – which describe the formal joint management arrangements between Traditional Owners and the State Government over specified public land within the agreed settlement area.
- Land Use Activity Agreements (LUAAs) – which define the comment or consent processes for land use activities on public land within the agreed settlement area.

Traditional Owners can be authorised to take game resources (duck, deer and quail) through NRAs under the TOS Act framework, without the need to obtain a game licence. NRAs also allow Traditional Owner groups themselves to determine where, how and how many game animals are taken each year, subject to the take being sustainable, safe and humane.

The NRA also provides for an annual Partnership Forum between the Traditional Owner group and relevant management agencies to exchange information and to discuss management. This partnership approach is consistent with the concept of self-determination and provides an outcome-based management regime administered at a regional level, rather than a centralised prescriptive approach. This approach also improves dialogue between Traditional Owners and relevant management agencies.

For non-game wildlife, Take and Use Provisions in the NRAs provide a list of species, habitats and landscapes of cultural value and associated management prescriptions. This provides a cultural framework for the wise management of these species and their habitats in perpetuity.

Native Title determinations provide associated rights to Traditional Owners of that Country to camp, conduct ceremonies, hunt and fish, collect food and to manage natural resources.

Country Plans are in place or under development for many Traditional Owner groups in Victoria. A Country Plan is a document that is developed and owned by a Traditional Owner group that describes the group's aspirations, values and actions associated with the management of natural resources. This Strategy seeks to complement and advance the current approach to managing Country.



TRADITIONAL OWNER VALUES AND INTERESTS IN GAME MANAGEMENT

Evidence of the values, uses and management practices of Traditional Owners with respect to game and wildlife that are documented in this Strategy come from an analysis of the historical record and from the voices of Elders and other knowledge holders in contemporary Victoria.

HISTORICAL

Commonly described as ‘hunter gatherers’, the lives of Aboriginal groups across the continent were much more complex than this label depicts. Far from the nomadic existence often associated with the ‘hunter gatherer’ designation, Aboriginal people tended to live in groups of anywhere from 30 to 90 people consisting of multigenerational families linked together by ties of kinship, religion, spiritual belief and ceremony. These groups did not travel unceasingly through the landscape but, rather, moved usually within a certain territory within which they harvested resources that were seasonally abundant and managed those resources to ensure harvesting was sustainable.

The resource management practices adopted by Aboriginal people traditionally included methods that ‘secured food species available in the field all year round which enabled a more or less immediate consumption of foods and required only limited storage.’¹ The use of fire ‘created grazing pastures in the woodlands for animals, which therefore naturally congregated there.’² Other reported methods included the use of fish traps which ‘constituted an ecological system for catching the maximum number of fish with the minimum effort, while at the same time sustaining the stock.’³ These methods all point toward a systematic understanding of the natural balance of the land⁴ that is now widely accepted by scientists that these methods had achieved an ecological balance across Australia.⁵

In the parts of pre-colonial Australia we now call Victoria, the social structures and populations of Aboriginal people were sustainable for many, many thousands of years and this was made possible by the stability of their socio-cultural framework and the deep knowledge they had of the environment in which they lived. The unrivalled longevity of their societies and culture speak eloquently of the skill in which they managed the game species they depended upon for survival and the ecologies to which these animals were integral.

Amateur ethnographer and pastoralist James Dawson, who lived for many years near Camperdown in Victoria and was appointed Protector of Aborigines in the Western Districts, lists below some of the animals used as game by the Aboriginal people he knew:

Of quadrupeds, they eat several kinds of kangaroo, the wombat – which is excellent eating – the [Koala] bear, wild dog, porcupine anteater [echidna], opossum, flying squirrel [gliding possum], bandicoot, daysure [eastern spotted quoll], platypus, water rat, and many smaller animals ... eagles and birds of prey, the emu, turkey bustard, gigantic crane, herons, and swan; geese and ducks in great variety, cormorants, ibis, curlew, coot, water-hen, lapwings, cockatoos, parrots, pigeons, crows, quails, snipes and a great many kinds of sea fowl ...⁶

It should be noted here that Dawson goes on to list many other edible species of flora and fauna which, together made for the basis (through good management) of a diet ample in variety and abundance.⁷

Colonist and squatter Peter Beveridge, writing in 1861, provides a brief description of the diet of the Aboriginal people who inhabited “the valley of the Murray River from Lake Boga to Moornpal Lakes inclusive”.⁸

In his account Beveridge notes the abundance of game birds throughout that region:

Their food consists chiefly of fish, but they have many other kinds, such as kangaroo, emu, opossum and wild fowl of the aquatic species, abundance of which inhabit the lakes and lagoons.⁹

Writing some 22 years later after many years of exposure to Aboriginal customs and hunting practices, Beveridge recounted in 1883:

To supplement the fish, they have kangaroo, emu, opossum, and wallaby, and besides these nearly every kind of aquatic bird is found in the greatest profusion on the lakes and lagoons. The latter they capture in immense numbers by the aid of nets, manufactured for that purpose only, and during the breeding season they get eggs by the thousand. The canoes arriving at the camps at that time are literally laden down to the water's edge with eggs only.¹⁰

The Gadubanud people, as described by Lawrence Nioijt adapted their consumption patterns 'to favour foods that were 'in season', thereby conserving resources that had become scarce or were in a state of recovery.¹¹ Hunting occurred on the tree line where good visibility and adequate cover existed; burning techniques were also used to create 'a well-indented forest perimeter that maximised edge spaces.'¹²

Importantly, in the complex social systems of Aboriginal Australia, game management was about much more than simply hunting and killing animals. Dawson pointed broadly to the principles that lay behind Aboriginal game management in his opinion:

The [A]borigines exercise a wise economy in killing animals. It is considered illegal and a waste of food to take the life of any edible creature for pleasure alone ...¹³

CONTEMPORARY

Traditional Owners within contemporary Victoria continue the cultural practices of their ancestors, particularly with respect to the animals they hunt as game. Many animals have an important role in the spiritual and ceremonial lives of Victoria's first peoples. Waterfowl in particular continue to have important totemic associations for Aboriginal people and are signifiers of identity for Aboriginal groups across south-eastern Australia.

For instance, the Musk Duck is a significant totemic animal for the Ngintait in north-western Victoria while the Hardhead Duck is significant for the Dja Dja Wurrung of the Kulin people (centred roughly around Bendigo). These significant birds, named as Nardjees¹⁴ by one Ngintait elder, were held in great regard by Aboriginal people and were said to be a reminder of country for those who saw them when travelling beyond their own borders:

See, you look it at in the real life of human beings. Look at our old people back in the years before white people came here. They used to travel everywhere too. Birds were no different to nardjees. Birds come in here, down there pelican, you know what I mean – Cooring – or Ngarrandjeri country, or musk duck travel up here, you know what I mean? This country or that country. No different. They're travelers ... You could still see your totem. It doesn't matter what part of the country you went. They're there. It's just one of those things. And I look at it as the scenario of us human beings.



This type of intimate association with animals as culturally significant forces highlights the weight of knowledge and tradition held by the Aboriginal people of Victoria and speaks to their deep understanding of their life patterns.

Knowledge of culture and country continues to be passed on generationally in Victoria, with children learning from their Elders from an early age. As one elder recounted, education about the link between animal behaviour and seasonal weather events was part of growing up along the Murray River:

... back years ago, if the swan didn't lay between April/May, high water was coming. Same as the other birds, like the malcoots (water hen), the musk ducks and all that. We knew they'd lay at a certain time because we knew the seasons. We knew high water was coming. If they laid on time, you knew there was no high water coming – it was normal.

The bird tells a story about the river. We always kept an eye on the nests or whatever. They didn't make nests a certain time of the year, we knew it was big water was coming, or a flood coming down. Coz they wait till the flood settled, and then they'd build a nest. Be about April/May the early ones and the late ones would be September. [They'd lay] Right through. We used to read the water by the animals, if they didn't lay that was it.

Traditional Owners have an interest in hunting all the indigenous game duck species including Blue-winged Shoveler, Grey Teal, Chestnut Teal, Hardhead, Mountain Duck, Pacific Black Duck, Pink-eared Duck, Wood Duck and Stubble Quail. Some game duck species have spiritual or kinship (totemic) cultural significance such as the Hardhead Duck and parts of some species are used for ceremonial purposes including the Pacific Black Duck and Wood Duck. There is no evidence of exotic game birds (pheasant and partridge) being hunted.

Traditional Owners have indicated that although deer are sometimes hunted for food (considered good game quality similar to kangaroo), it is usually a by-catch taken opportunistically while hunting preferred target species. Traditional Owners consider deer as animals which negatively impact on the health of Country causing destruction to delicate and endangered ecosystems and risks to associated cultural values.

In interviews Elders noted that shooting multiple animals to waste (rather than shooting one or a small number of individuals for food) was not well aligned to cultural norms. However, as part of a holistic approach to healing or restoring and managing Country, there need be no cultural issue with controlling deer to reduce their impact on the health of Country.



TANG TANG SWAMP

FUTURE GAME RESERVE MANAGEMENT CASE STUDY

BEING LED BY THE APPLICATION
OF DJA DJA WURRUNG
KNOWLEDGE AND PRACTICE



129 Ha Reserve
in central Victoria

55 km north east
of Bendigo

Dja Dja Wurrung
(Djaara) Country

Clunes State Forest

Tang Tang Swamp is a 129 Ha Reserve in central Victoria, 55 km north east of Bendigo, on Dja Dja Wurrung (Djaara) Country. It is in the Loddon River dryland catchment, at the northern extremity of a chain of wetlands that extends from Merin Merin and Middle Swamps at Clunes State Forest.

Tang Tang Swamp is listed as nationally significant, containing many Aboriginal archaeological sites, culturally important features (scarred trees and ring trees, see below) and important habitats for plants and animals that are of cultural value; as well as rare, threatened and migratory bird species, vulnerable flora and fauna species.

Tang Tang Swamp State Game Reserve is a periodic home to Black-tailed Native Hens, Cormorants, Pelicans, Grey Teal, Pacific Black Ducks and Brolgas. The site is a breeding place for Sacred Kingfishers and a nationally listed Redgum wetland.

The site is unfortunately in environmental decline due to spread of weed species and poor tree health and its cultural assets are also at significant risk.



HISTORY OF MANAGEMENT

In the pre-colonial period, the area now known as Tang Tang Swamp was historically a temporary wetland, experiencing period wetting and drying phases in response to flows in the adjacent creek and billabong systems (now Bendigo Creek). The swamp was an important meeting, trade and ceremony place and place of celebration. This is evidenced by ancient oven mounds containing remains of kangaroos, wallabies and possums that show the seasonal occupation of Tang Tang and the abundance of cultural resources. The significant cultural values of the site were managed by the application of cultural practices to main health of Country.

During the colonial period, modifications to the Bendigo Creek catchment through land use changes and associated infrastructure have significantly altered the flow regime in the creek and its associated wetlands. Cultural practices could no longer be applied during this period.

The current condition of the site reflects the lack of active management and neglect during the colonial period. The area is now managed by Parks Victoria and is grazed in autumn and spring to control weeds in the grassland areas and to reduce wildfire risk. There has been recent inundation of the site through environmental flows in 2016-2018, following a sustained dry period from 2001. However, the water and land management activities at the site have not facilitated the recovery of red gums, waterfowl or fringing vegetation where significant cultural, recreation and conservation values lie.

FUTURE MANAGEMENT

The goal for future management of the Tang Tang Swamp as a pilot project under this Strategy is a genuine partnership with Dja Dja Wurrung Enterprises to heal and manage Country through the application of Traditional Owner knowledge and practice.

Traditional Owners seek the reintroduction of a range of cultural practices to Tang Tang in its planning and wise management to enable this vibrant Country to be healed, restored and managed so that its cultural values can flourish once again.

Traditional Owners seek to restore a cultural flow regime and apply other land-based practices such as cultural fire and forest gardening. Restoration of cultural water flows should provide for an intermittent wetting and drying regime so the red gum woodland can sustain itself and a connected network of billabongs and channels can be recreated. The watering regime needs to be seasonal and link to the breeding cycles of water dependant birds, including game species. Some minor structural modifications may be required to permit a suitable volume to be released as part of a cultural flow regime.

Traditional Owners will also seek to replant and manage food, fibre and medicinal plants as fringing vegetation around the water body. The application of cultural fire regime will also assist regeneration and health. A Healthy Country plan may be prepared to guide the future management and resourcing of activities for this important cultural landscape.



KEY ACTION AREAS





ACTION AREA 1

COLLABORATIVE MANAGEMENT

Collaborative Management is an approach to managing natural resources that incorporates sustainable use, using Indigenous natural resource management systems. The end goals are the conservation of ecosystems and habitats, together with associated cultural values and the equitable sharing of resource-related benefits¹⁵.

Successful collaborative management approaches are guided by Indigenous management systems that are founded on Traditional Ecological Knowledge (TEK) and practice. Partnerships are formed that leverage the authority and responsibilities of each organisation to bring a balanced, holistic and devolved approach to management. It is an administrative and cultural process that seeks a transparent and equitable negotiated agreement about natural resource management.

Collaborative management in game management would complement and strengthen existing arrangements, where a Traditional Owner Group has settled under the TOS Act. The provisions of a TOS Act NRA (in particular the Take and Use Provisions and Sustainability Principles) will apply over State Game Reserves and are to be reported annually through a post settlement (department and Traditional Owner group) partnership meeting between DELWP and the Traditional Owner group¹⁶.

The TOS Act also provides for Traditional Owner Land Management Agreements (TOLMAs) whereby the relevant land manager (which in the case of State Game Reserves is Parks Victoria) and the Traditional Owners agree on a joint management of certain parcels of public land. One pathway to Traditional Owner Groups wishing to manage State Game Reserves is getting the areas included in the TOLMA as part of a settlement agreement under the TOS Act, although this does not provide the same degree of authority to Traditional Owner partners as using a collaborative management approach.

State Game Reserves are currently ineligible for transfer in Native Title or in TOS Act settlements as Aboriginal Title. Traditional Owners have indicated that this has diminished the participation of Traditional Owners in the planning and management of State Game Reserves.

Traditional Owners have indicated that the objective of 'achieving sustainable harvest' in State Game Reserves may be too narrow to realise all the natural and cultural values inherent in State Game Reserves and may result in unintended outcomes when other department or agency policies, research and programs are focused largely on threatened species protection.

Traditional Owners have expressed that there are insufficient funds for and attention given to habitat improvement (healing and caring for Country) - a key objective in all group Country Plans. Traditional Owners seek a voice in the identification of appropriate bag limits, seasonal hunting periods and the selection of which animal species are scheduled as game animals both on a State-wide and 'Country' basis.

ACTION AREA 1 COLLABORATIVE MANAGEMENT

GOAL: ENCOURAGE A HOLISTIC, PARTNERSHIP APPROACH TO GAME MANAGEMENT INCORPORATING TRADITIONAL OWNER LED KNOWLEDGE AND PRACTICE.

ACTION	AGENCY LEAD
ACTION 1.1 Develop collaborative management strategies that incorporate Traditional Owner knowledge, practice and involvement for three State Game Reserves in partnership with local Traditional Owners, the Game Management Authority and hunting organisations.	• Parks Victoria • Traditional Owners
ACTION 1.2 The management principles for State Game Reserves being developed under the Sustainable Hunting Action Plan are developed in partnership with Traditional Owners.	• Parks Victoria • Traditional Owners
ACTION 1.3 Implement three pilot projects using the management strategies developed at Action 1.1 that focus on improving habitats (healing and managing Country) to conserve game species through the application of Traditional Owner knowledge and practice.	• Parks Victoria • Traditional Owners
ACTION 1.4 Traditional Owners will have the opportunity to utilise their traditional knowledge and skills by acting as paid environmental monitors on their own Country ¹⁷ . Traditional Owners will develop indicators, tools and measures for monitoring game species (e.g. pre and post-harvest waterfowl counts) and incorporate them into Reading Country ¹⁸ programs, in partnership with DELWP and the Arthur Rylah Institute.	• DELWP • Traditional Owners



ACTION AREA 2

EMPLOYMENT AND ECONOMIC OPPORTUNITIES

Traditional Owners throughout Victoria have always been actively engaged in the sustainable management of the resources of their respective Countries. Traditional Owners in contemporary Victoria continue to pass on understanding of their Country/ies and the resources within from one generation to the next. Children and young people are taught by their Elders how to watch for the changing of the seasons by the activities of the animals in the environment. They are trained to be sensitive to the interaction between weather, natural events and animals and to use this sensitivity to predict seasonal change and weather event intensity throughout the annual cycle.

Traditional Owners within contemporary Victoria continue to manage faunal resources on Country as part of a greater holistic set of practices (including cultural burning and forest gardening [a form of ecological silviculture]) that link the management of game resources within the context of the environment and the ecosystems upon which they depend. Traditional Owners continue to seek a balanced environment that is rich in biodiversity and contains sustainable populations of game animals.

It is important that Traditional Owners are given opportunities to utilize their skills and knowledge of Country to benefit from economic and employment opportunities in game management.



ACTION AREA 2 EMPLOYMENT AND ECONOMIC OPPORTUNITIES

GOAL: TRADITIONAL OWNERS BENEFIT FROM ECONOMIC AND EMPLOYMENT OPPORTUNITIES ASSOCIATED WITH GAME MANAGEMENT THROUGH ACTIVE PARTICIPATION, CONTRACTING OF SERVICES TO TRADITIONAL OWNER GROUPS AND TRADITIONAL OWNER LED PROJECTS.

ACTION	AGENCY LEAD
ACTION 2.1 Actively recruit Traditional Owner candidates in game compliance, information and safety roles.	• Game Management Authority • Parks Victoria • DELWP
ACTION 2.2 Whenever possible, use Corporation NRM teams supporting the rehabilitation and management of Country for all species and habitats, using both traditional and scientific methods, including cultural fire, forest gardening, water (cultural flow) management, nest box installation, seed harvesting and replanting.	• Parks Victoria • DELWP • Traditional Owners
ACTION 2.3 Explore potential ecotourism opportunities as part of Settlement or post settlement, under partnerships. This may include (out of duck season) guided cultural and biodiversity tours, bird watching, associated infrastructure development (vehicles, hides, track development, interpretive signage etc.).	• Parks Victoria • DELWP • Traditional Owners
ACTION 2.4 Explore opportunities for Traditional Owner led projects which utilize commercial harvest, processing and sale of wild deer.	• DJPR • Traditional Owners
ACTION 2.5 Engage Traditional Owners in strategic deer management, including assessment, monitoring, planning and management.	• DJPR • Traditional Owners



ACTION AREA 3

RECOGNITION AND RESPECT

Traditional Owners in contemporary Victoria have identified hunting as an activity which can lead to damage and destruction of aboriginal cultural heritage and want to ensure that activities like hunting do not impact on aboriginal cultural heritage in areas where recreational hunting is permitted.

They want a greater focus on hunter education regarding the hunting of game animals across the state and have raised concerns that some hunters are shooting protected species and do not have adequate sanctions applied to them when they are caught doing so. In interviews, Traditional Owners noted the decline in the Musk Duck, which has spiritual and totemic cultural significance for some groups.

Traditional Owners have indicated that Aboriginal people should be able to hunt game animals and animals that they consider to be traditional sources of food and materials by traditional methods. The methods discussed during research for the Strategy include netting ducks, drowning ducks and Swans by pulling their legs underwater from beneath and combining mosaic burning practices with the harvesting of ground birds (such as quail). Other traditional methods such as spearing animals, netting animals, the use of bundies and clubs were noted, although Traditional Owners acknowledge that primacy must be placed on removing any risks of cruelty.

The Strategy will support work currently being undertaken through NRAs to enable Traditional Owners to hunt game animals and animals that they consider to be traditional sources of food and materials.

Although outside the scope of this Strategy, Traditional Owners in Victoria have also indicated that they should have the right to be able to harvest any species of animal within their Country for ceremonial, traditional, medicinal or cultural purposes without seasonal restrictions. There is a strong consensus among Traditional Owners in contemporary Victoria that kangaroos should be either added as a scheduled game animal in Victoria or that Traditional Owners should be given authorisation to be able to harvest kangaroo meat without restriction, for their own personal, family and communal uses. Additionally, Traditional Owners want to be able to benefit from kangaroo culling conducted by the State Government by being able to harvest meat from freshly killed animals (on site with authorised shooters) for both personal use and potentially on a commercial scale.



ACTION AREA 3 RECOGNITION AND RESPECT

GOAL: GREATER RECOGNITION AND RESPECT FOR COUNTRY, SPECIES, CULTURAL AND NATURAL HERITAGE VALUES THROUGH TRADITIONAL OWNER LED EDUCATION AND INFORMATION SHARING.

ACTION	AGENCY LEAD
ACTION 3.1 Develop and make available material developed by Traditional Owners about respecting Country, species and cultural and natural heritage values. This may include developing a specific section for inclusion in the game hunting manual.	• GMA • Hunting organisations • Traditional Owners
ACTION 3.2 Work with the GMA and other partner agencies to include respecting Country, species and cultural and natural heritage values as part of the Respect campaign.	• GMA • Hunting organisations • Traditional Owners
ACTION 3.3 Explore opportunities to include cultural and natural heritage questions in future game licence tests.	• GMA • Traditional Owners
ACTION 3.4 Develop stronger reporting mechanisms for Traditional Owners to report activities that risk negative impacts on cultural values.	• Parks Victoria • GMA • Traditional Owners
ACTION 3.5 Traditional Owners will guide the protection of Aboriginal heritage, including monitoring and interpreting culturally important sites on State Game Reserves in partnership with Parks Victoria.	• Parks Victoria • Traditional Owners
ACTION 3.6 Providing hunters with more information on hunting on Country, on respecting cultural values (important sites, species ad habitats) and the ways in which Traditional Owners expect species to be treated.	• GMA • DJPR • Federation of Victorian Traditional Owner Corporations • Traditional Owners • Hunting Organisations
ACTION 3.7 Support work currently being done through the further development of NRAs to enable Traditional Owners to hunt game animals and animals that they consider to be traditional sources of food and materials, by traditional methods through a listing in the NRA (Take and Use Provisions) for each Traditional Owner group.	• DELWP • Department of Justice and Community Safety • Animal Welfare Victoria (DJPR)



IMPLEMENTATION

Successful implementation of the Strategy requires a partnership approach between Traditional Owners, Victorian Government departments and agencies including PV, the GMA, DJPR, DELWP, hunting organisations and the wider community.

IMPLEMENTATION	
IMPLEMENTATION ACTION: PARTNERSHIP ARRANGEMENTS WILL BE REFLECTED IN A TRADITIONAL OWNER GAME MANAGEMENT CO-GOVERNANCE GROUP. THIS IS AN ENDURING, TRUE PARTNERSHIP (STATE OF VICTORIA WITH TRADITIONAL OWNERS) VERSION OF A PROJECT CONTROL BOARD, WITH THE AIM OF:	
ACTION	AGENCY LEAD
• Sharing learning of approaches to demonstrate Traditional Owner led planning and management of game on Country. • Sharing understanding and further developing hunting knowledge and practice and its respectful integration with science. • Providing a forum for Traditional Owner Corporations to be able to provide advice to the Victorian Government on Traditional Owner interests in the development enabling institutional and operational arrangements and policy in game management. • Guiding successful implementation of the Victorian Traditional Owner Game Management Strategy.	• GMA • DELWP • DJPR • Parks Victoria • Federation of Victorian Traditional Owner Corporations • Traditional Owner Corporations • Traditional Owner custodians of hunting knowledge and practice





GLOSSARY OF TERMS

Aboriginal Victorian/s

Aboriginal person/s residing in Victoria

Collaborative Management

An approach to managing natural resources that incorporates sustainable use, using natural resource management systems that are founded on Traditional Ecological Knowledge (TEK) and practice. The end goals are the conservation of ecosystems and habitats, together with associated cultural values.

Country

Country is more than a place. The Indigenous relationship between people and Country is deep and intimate. From an indigenous perspective, one belongs to Country and there is a reciprocal relationship that exists between people and Country. Country includes all of the sentient and non-sentient parts of the world and the interactions between them, according to Aboriginal lore. Indigenous lore and life originates in and is governed by Country. Country must be respected.

Country Plan

The foundational, consistent planning document for Victorian Traditional Owner groups, that sets out their aspirations and goals with respect to managing Country, is the Country Plan. A Country Plan is a document that is prepared and approved by Traditional Owner Corporation groups, under self-determination principles. Where appropriate, Country Plans may include sub-strategies (e.g. fire, hunting, water) that form a suitable basis to guide group directions and priorities for different aspects of Country (as advised by Elders and knowledge holders for that Country) and further informed by the values and strategic directions expressed in this document.

Dreaming stories

According to Aboriginal belief, all life as it is today - Human, Animal, Bird and Fish is part of one vast unchanging network of relationships which can be traced to the great spirit ancestors of the Dreamtime. The Dreamtime is the Aboriginal understanding of the world, of its creation, and its great stories. The Dreamtime is the beginning of knowledge,

from which came the laws of existence. For survival these laws must be observed. Aboriginal Dreaming stories speak of events from the time of creation. These stories have been passed on from one generation to the next for thousands of years. Dreaming stories are also preserved in our songs and dances. These stories give us understanding of the past and have helped us survive through the laws and morals that lay within them.

Indigenous knowledge

The understandings, skills and philosophies developed by societies with long histories of interaction with their natural surroundings. For indigenous peoples, local knowledge informs decision-making about fundamental aspects of day-to-day life. This knowledge is integral to a cultural complex that also encompasses language, systems of classification, resource use practices, social interactions, ritual and spirituality. These unique ways of knowing are important facets of the world's cultural diversity and provide a foundation for locally-appropriate sustainable development (UNESCO¹).

1 <http://www.unesco.org/new/en/natural-sciences/priority-areas/links/related-information/what-is-local-and-indigenous-knowledge/> (accessed 03 November 2018).

Native Title and Prescribed Bodies Corporate

Native Title recognises the traditional rights and interests of Aboriginal and Torres Strait Islander people to land and waters. Under the *Native Title Act 1993* (Cth), Native Title claimants can make an application to the Federal Court of Australia to have their Native Title recognised by Australian law.

Native Title recognises a bundle of rights and interests over land or waters where Aboriginal people have practiced and continue to practice their traditional laws and customs. Specific Native Title rights include the right to live and camp in an area, conduct ceremonies, the right to hunt, fish, collect food and build shelters, and to visit places of cultural significance. Recent court decisions have held that Native Title may also recognise a right to take resources for any purpose, including a commercial purpose.



If the Federal Court finds that Native Title rights and interests exist, the Native Title holding group must set up a Prescribed Body Corporate (PBC) to hold the rights and interests, as an agent, or in trust, for the group. A PBC must be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) and be registered by the National Native Title Tribunal.

PBCs have ongoing obligations under the *Native Title Act 1993* and its associated legislation, including a requirement to consult and seek the consent of Native Title holders in relation to decision which may affect their Native Title rights and interests. All Native Title holders are entitled to join their PBC, vote in general meetings and stand as a director.

Registered Aboriginal Parties (RAPs)

Under the *Aboriginal Heritage Act 2006* (Vic), RAPs play a key role in ensuring the preservation and protection of Victoria's rich Aboriginal cultural heritage. RAPs have a number of rights and responsibilities in relation to Aboriginal cultural heritage sites and objects located on public land.

The Heritage Council determines applications for registration as a Registered Aboriginal Party in accordance with the requirements of the Aboriginal Heritage Act. If an applicant is a registered PBC or TOGE for the area over which the application is made, the Council must register the applicant as the RAP for that area.

RAPs are involved in preparation, evaluation and implementation of Cultural Heritage Management Plans (CHMPs). These plans set out measures and actions to be taken before, during and after a proposed activity in order to manage and protect Aboriginal cultural heritage in the activity area.

RAPs are one of the approval bodies for Cultural Heritage Permits under the *Aboriginal Heritage Act 2006* (Vic).

Self-determination

All Aboriginal peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (article 1 of the International Covenant on Civil and Political Rights (ICCPR) and article 1 of the International Covenant on Economic, Social and Cultural Rights²).

² <https://www.humanrights.gov.au/right-self-determination> (accessed 03 November 2018)

The Traditional Owner Settlement Act 2010 (Vic) and Traditional Owner Group Entities

The TOS Act is an alternative process which operates in Victoria to provide for an out-of-court settlement of Native Title. Under the TOS Act, the State Government can enter into a settlement which recognises Traditional Owners having certain traditional rights and interests in Crown land. The group must meet the definition of "traditional owner group" under the TOS Act, and satisfy the criteria set out in the Threshold Guidelines.

Under the TOS Act, a settlement package can include:

- a Recognition and Settlement Agreement to recognise a Traditional Owner group and certain traditional owner rights over Crown land;
- a Land Agreement which provides for grants of land in freehold title for cultural or economic purposes, or as Aboriginal title to be jointly managed in partnership with the State Government;
- a Land Use Activity Agreement which allows Traditional Owners to comment on or consent to certain activities on public land;
- a Funding Agreement to enable Traditional Owner corporations to manage their obligations and undertake economic development activities; and
- a NRA to recognise Traditional Owners' rights to take and use specific natural resources and provide input into the management of land and natural resources.

In return for entering into a settlement, Traditional Owners must agree to withdraw any Native Title claim, pursuant to the *Native Title Act 1993* (Cth) and not to make any future Native Title claims.

As part of the settlement process, groups must appoint a Traditional Owner Group Entity (TOGE) to represent them in relation to the recognised area, and to hold and manage the benefits of a settlement on behalf of the Traditional Owner group. All Traditional Owners are entitled to join their TOGE, vote in general meetings and stand as a director.

Traditional Owner

Aboriginal person claiming Traditional Owner status over a particular Country with cultural authority to act on their rights

Traditional Owner Knowledge Group

Traditional Owners who are the custodians of knowledge and practice in Victoria.

ENDNOTES

- 1 Sveiby, K. E. and Skuthorpe, T. (2006) *Treading Lightly*. Allen & Unwin, p: 91.
- 2 Ibid 90.
- 3 Ibid 88.
- 4 Ibid vxii.
- 5 Ibid 86.
- 6 Dawson, J. (1881) *The Languages and Customs of Several Tribes of Aborigines in the Western District of Victoria*. George Robertson: Melbourne, p: 19.
- 7 Ibid 19-21.
- 8 Beveridge, P. (1861) 'A Few Notes on the Dialects, Habits, Customs, and Mythology of the Lower Murray Aborigines'. *Royal Society of Victoria*, vol 6. p 14.
- 9 Ibid 15.
- 10 Ibid 19.
- 11 Nieojt, L. [2009] 'Gadubanud society in the Otway Ranges, Victoria: an environment history'. *Aboriginal History*, 33, pp: 180-1.
- 12 Ibid 183.
- 13 Dawson, J. (1881) *The Languages and Customs of Several Tribes of Aborigines in the Western District of Victoria*. George Robertson: Melbourne, p: 18.
- 14 Recorded phonetically by the author.
- 15 See key principles under IUCN Category VI: Protected areas that conserve ecosystems and habitats, together with associated cultural values and traditional natural resource management systems (<https://www.iucn.org/theme/protected-areas/about/protected-areas-categories/category-vi-protected-area-sustainable-use-natural-resources>) accessed February 2019.
- 16 The Traditional Owner Settlement Amendment Act 2016 places primacy on the NRA to authorise Traditional Owner access and use of natural resources within their settlement area. The revision of the NRA templates to align with new provisions in the Traditional Owner Settlement Amendment Act 2016 is currently being undertaken and likely to lead to the development of an annual partnership meeting to examine the health of Country and of threatened species.
- 17 NRA made under the Traditional Owner Settlement Amendment Act provide a process for engaging with the State Government on the health of Country, through an annual partnership forum. This provides a framework for the further development of knowledge and practice under Aboriginal governance and its respectful integration with western science.
- 18 Reading Country is a Traditional Owner led program to identify, develop and/or refine key performance indicators and tools for measuring progress against Aboriginal cultural and natural resource outcomes including Traditional Owner wellbeing through connection to Country. The indicators will be used to measure progress against the relevant outcomes in Joint Management Plans and other natural resource management plans and strategies and to measure the health of Country for the partnership forums authorised under the TOS Act.





