

# Kooyang Sea Country Plan

Prepared by members of the  
Framlingham Aboriginal Trust  
and  
Winda Mara Aboriginal  
Corporation



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## KOOYANG SEA COUNTRY PLAN

Developed in response to Action 3.11.2 of the South-east Regional Marine Plan

Report prepared by Smyth and Bahrdr Consultants on behalf of the Framlingham  
Aboriginal Trust and Winda Mara Aboriginal Corporation.

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*Kooyang is the name for Short-finned Eels  
in the Aboriginal languages of south-west Victoria*

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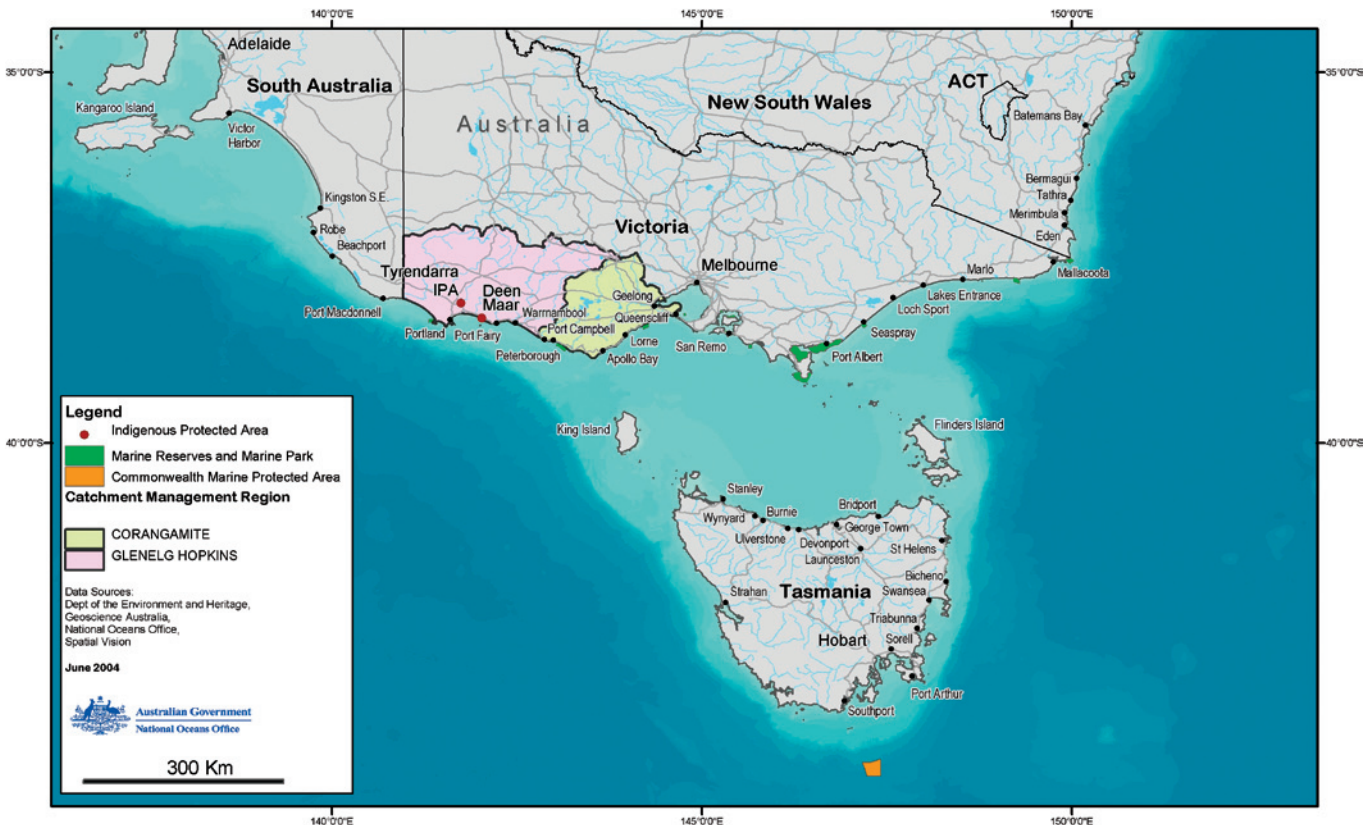
# Preamble

The Kirrae Wirring, Gunditj Mara and Gadabanud, collectively known as Maar (the people) are the first peoples of South-west Victoria. Our coastal country extends approximately from the South Australian border eastward to Lorne and extends far out to sea. Though severely and adversely impacted by European colonisation and settlement, we have retained contact with our traditional country, continued to use the resources of our country to sustain us and maintained our inherited responsibilities to take care of our country.

When we talk about our country we include the ocean, our sea country that provides so much of the resources we still depend upon for our well-being, and which covers the submerged lands that bear the footprints of our ancestors.

While we have retained our traditional ownership and responsibility to country, this ancient relationship between Maar, land, sea and natural resources has, by and large, been ignored by colonial administrations and their successors, right up to the government legislation and agencies of the present day. The wealth of modern Victoria has been built on the land, sea

**Figure 1: Map of Victoria showing the two catchment areas covered by the Kooyang Sea Country Plan**



and resources of Maar and other Aboriginal people of the region, while our rights and responsibilities, inherited through our own laws and customs, have not been recognised by those who now share our country.

The most worrying result of denying our control over natural resource management is the continued environmental destruction in our region. The environment upon which we based our ancient and irreplaceable culture, and upon which the whole community now depends, has been mistreated by those who seized control, is sick and in need of healing.

We are not opposed to progress or to sharing our land and resources; it is what we have always done, but we would like to see some sharing by others too. Sharing the economic benefits of the natural resources of the land and the sea, sharing the power to make decisions that impact on these natural resources and sharing the responsibility for caring properly for the country.

Our culture and traditions require us to take responsibility for maintaining the country in a healthy state. We owe this to our ancestors and to our future generations.

We consider this Sea Country Plan as an important step in re-asserting our responsibilities for the management and protection of the natural resources of our country. We hope it will help us to address our concerns in a positive way. We feel our only influence at present lies in asserting our legal right to object to actions that damage our heritage. While we will continue to assert this right if necessary, we believe it would be far better not to have to resort to this. Respecting the values of our people and adopting the approaches outlined in this plan will lead to more ordered development decisions, less conflict and a sustainable future for the region.

Our Sea Country Plan outlines for ourselves and for others the things we are concerned about and how they need to be managed. This is not a selfish plan or one that seeks to exclude. It is us who have been excluded and this plan is an indication that we are not prepared to be spectators any more. We invite others to read this plan, to consider openly what we have to say and to discuss it with us. We need your good will, support and advice and hope our Sea Country Plan guides our future co-existence with greater equality than in the past. Our country needs us all working together, understanding its needs and limitations, not just what it can provide in the short term. Without this there is no healthy and sustainable future for any of us.

## **Maar Creation Story: Punjil and Pallian**

Our ancestors have told us that our creator beings, Punjil and Pallian, came from far distant lands to the North-west, possibly as far as the Kimberley region. Trade routes and other cultural connections also link us to this distant part of Australia.

The story of Punjil and Pallian (summarised below) tells us of the authority our ancestors had over the land and the sea, which has been passed down to us and which we now seek to exercise by looking after our country.

### **Elements of the Maar creation story of Punjil and Pallian**

Punjil is the maker of earth, trees, animals, man and woman. Punjil had a wife named Boi Boi, but he never saw her face. She bore him two children, one a son named Binbeal and the other a daughter named Kara-karook. To Binbeal is committed the sovereignty of the heaven and to Kara-karook the incidental occurrences on earth; while great Punjil stalks like a big gentleman in the clouds, on the earth, and always carrying a big sword.

Pallian, brother of Punjil, made all seas, rivers, creeks and waters, also all the fish in the oceans, seas and rivers. He governs the waters, was always in the waters, walking, bathing, and going over the seas.

One day when our ancestors awoke, Punjil, Pallian and Kara-karook had gone up above. They had departed from Deen Maar (Lady Julia Percy Island), which remains sacred to our people to the present day.

This creation story is of particular significance to people from Framlingham Aboriginal Community. The summary presented here is adapted from a story recorded by William Thomas, Protector of Aborigines in Victoria, and published in 1989.

# PART A

## Indigenous Sea Country Planning

### Background

The Australian Government, through *Australia's Oceans Policy*, acknowledged that Indigenous communities have an important part to play in the development of integrated approaches to the planning and management of marine resources. In developing the *South-east Regional Marine Plan*, the National Oceans Office has put substantial effort into consultations with coastal Indigenous groups. Additional advice and direction has been accessed through an Indigenous Reference Group. The National Oceans Office published an Assessment Report titled '*Sea Country – an Indigenous perspective*' which summarised the outcomes of the consultations and provided a review of recent literature on Indigenous interests in marine resource management in South-east Australia.

An impediment to the full participation of Indigenous people in the South-east regional marine planning process was the enormous geographic size of the study area. Indigenous groups clearly have strong, diverse and continuing interests within the South-east Marine Region, but these interests tend to be bound to much smaller regions determined by each group's culture and history. The customary reluctance of Indigenous people to speak out on issues outside their own country adds to the difficulty in achieving a broad and representative Indigenous view for the South-east Marine Region. The issue of scale will also limit the value of the *South-east Regional Marine Plan* to Indigenous people because their issues and concerns tend to be more specific and localised.

A further obstacle to the full engagement of Indigenous people has been a lack of understanding within government and the broader community of the nature of the relationship of Indigenous people to Australia's oceans. There is some recognition that Indigenous people have continuing interests in coastal and near shore areas where they have fished, gathered and harvested food species for thousands of years. However, there is little recognition that there are legitimate Indigenous interests beyond, in deeper offshore waters, Commonwealth waters and international waters.

### Traditional Owners and Native Title

Winda Mara Aboriginal Corporation and Framlingham Aboriginal Trust are community organisations that represent the interests of Aboriginal people residing in South-western Victoria. We acknowledge that some of these people, as well as others living elsewhere, belong to Traditional Owner Groups with native title rights and other inherited cultural rights and obligations to country. This planning document seeks to enhance the recognition of Aboriginal peoples' rights and interests in the use and management of sea country. It does so on the understanding that the recognition of the specific rights and interests of Traditional Owners are



being addressed through ongoing discussions and negotiations within and between Traditional Owner Groups and the broader Aboriginal community. Nothing in this document preempts the outcomes of those negotiations and discussions. The Kooyang Sea Country Plan seeks to establish frameworks, partnerships and capacity that can facilitate the recognition of the rights and interests of Traditional Owner Groups and the broader Aboriginal community in accordance with their own agreements and protocols. Nothing in this document is intended or should be interpreted to in any way limit, reduce or deny any native title rights or interests that may exist under Aboriginal law, common law, Victorian law or Australian law.

### ***Draft South-east Regional Marine Plan***

The *Draft South East Regional Marine Plan*, released by the National Oceans Office in 2003, included the following four actions to “Provide opportunities for Indigenous involvement in management and marine resource use in the Region”:

- Identify management and capacity-building mechanisms to enable Indigenous communities to participate in the management and use of resources in the Region;
- Provide support to Indigenous communities through the development of management plans that account for their interest in particular coastal and marine areas;
- In order to facilitate the development of management plans, engage Indigenous coordinators to build on existing NHT facilitation;
- Examine the means for establishing regional structures to develop Indigenous fishing and aquaculture strategies.

The second action specifically addresses the issue of planning at a scale that enables Indigenous people to speak for their country through the development of sea country plans. Indigenous sea country plans based on regions that have cultural integrity will also help government agencies, industry and other stakeholders to understand more about local Indigenous interests, and the marine issues and areas with which they are concerned.

Prior to finalising the *South-east Regional Marine Plan*, the National Oceans Office allocated funds to trial the concept of sea country plans through two pilot projects. Advice was sought from an Indigenous Reference Group regarding the selection of possible locations for the pilot sea country plans resulting in approaches being made to Aboriginal groups in South-west Victoria and South-east South Australia.

### **Sea Country Planning in South-west Victoria**

The Framlingham Aboriginal Trust and the Winda Mara Aboriginal Corporation from South-west Victoria participated in the initial round of Indigenous consultations by the National Oceans Office for the *Draft South-east Regional Marine Plan*. Both our organisations have been active in natural resource management initiatives and continue to engage with regional and national Natural Resource Management (NRM) programs. Both Winda Mara and Framlingham have a demonstrated commitment to natural and cultural resource management; we have a strong marine focus and continue to build our capacity through establishing NRM teams as part of our organisational structures.



We were advised of the pilot sea country planning project in November 2003 after the Indigenous Reference Group recommended South-west Victoria as a suitable location for the first of the pilot sea country plans. The first meetings in South-west Victoria with the consultants, Dermot Smyth and Steve Szabo, occurred on 27 and 28 November 2003. Discussions focussed initially on whether Framlingham Aboriginal Trust and Winda Mara Aboriginal Corporation wanted to participate in a pilot sea country planning project. We quickly saw this as a positive opportunity to set out our own agenda for a wide range of issues affecting the future of our sea country, rather than reacting to offers to participate in issue-based and agency-based planning that has never met our needs in the past.

In that first meeting we progressed from debating whether or not to be part of the pilot project through to mapping out the issues that we would address in our sea country plan.

## Steps in Developing the Kooyang Sea Country Plan

The development of the Kooyang Sea Country Plan involved several visits to South-west Victoria by the consultants with the following objectives:

- To seek the agreement of Indigenous groups (Winda Mara Aboriginal Corporation and the Framlingham Aboriginal Trust) to participate in the pilot sea country planning project;
- To meet our people and to identify the range of issues we wished to address in an Indigenous sea country plan for the region;
- To explore objectives, constraints, strategies and actions for each issue identified;
- To develop key elements of a sea country plan, including a Vision Statement and Preamble;
- To assemble relevant information relating to the application of a sea country plan – eg existing marine management arrangements, relevant legislation and consultative arrangements;
- To commence liaison with relevant State and Australian Government agencies with respect to the development and implementation of a sea country plan;
- To identify further research requirements, funding sources and strategic partnerships relevant to the implementation of a plan.

**Planning Workshop participants from L-R: Steve Szabo (consultant), Barry Goodall, Denis Rose, Heather Builth, Neil Martin and Lionel Harradine at the Eumeralla Backpackers**

The meetings were held at Yambuk where Framlingham Aboriginal Trust own and manage Eumeralla Backpackers Conference Centre, which is located on the coast and adjacent to Deen Maar Indigenous Protected Area, also owned and managed by Framlingham Aboriginal Trust.



## Our Sea Country Issues

**'Kooyang': Short-finned eel,  
*Angula australis***



**An extract from a study by the National Native Title Tribunal on Aboriginal Use of the Sea in South-western and Southeastern Victoria (Wright 2001)**

A striking feature of the Gournditch-Mara people's economy was the building of elaborate permanent systems for harvesting oceanic eels during their migratory runs in fresh water. These resources, together with those hunted and gathered from the rich volcanic soil of the interior, provided the basis for a society that was rare in Aboriginal Australia for its richness and complexity.

The fertile volcanic plains of South-western Victoria, fringed by a windswept humid coastline, were among the most densely populated regions of Aboriginal Australia. The people who lived there practised intensive gathering, hunting and fishing economies that included the management and manipulation of plants, animals and fish. They established semi-permanent base camps and their ceremonial and political life involved large social networks (Lourandos 1987).

The first European observer to systematically record details of the Aboriginal people of the coast and hinterland of western Victoria was George Augustus Robinson, the first Chief Protector of Aborigines, who visited the area in 1841, "only seven years after the first squatters arrived there" (Lourandos 1987). He found a people who were living a relatively settled lifestyle:

*The people who occupy the country have fixed residences. At one village were thirteen large huts. They are warm and well constructed. In shape of a cupola or kraal, a strong frame of wood is first made, and the whole covered with thick turf with grass inwards..... One hut measured 10 feet in diameter by 5 feet high and sufficiently strong for a man on horseback to ride over (G.A. Robinson ca 1844, quoted in Kenyon 1928:15, in Lourandos 1976:178)*

The Aboriginal people made good use of the region's varied economic resources, which were able to support a high level of population, which was concentrated on the coastline:

*The density of population for the area seems to have been between 2-3 square miles per person, and probably higher in more favourable zones of the region. Along the coast, however, densities were as high as between 10-13 persons per mile of coastline..... Overall, these population densities are at the highest end of the Australian Aboriginal scale (Lourandos 1976:181).*

### Short-finned eels

In our country in South-west Victoria, the management, conservation and use of short finned eels, known as *Kooyang* in the Aboriginal languages of South-west Victoria, is what concerns us most. Our culture and society grew around this creature and it has nourished us for thousands of years. We in turn took care to provide the eel with a safe and healthy habitat, the rivers and wetlands in which it thrived. The eel is an important symbol that identifies and links our people together even today. The eels connect us with past generations, with our country and our cultures. Our economic and cultural relationship with the migratory eels, and their dependence on the oceans beyond our country, connects us to the waters of Australia's South-east Marine Region, north into Queensland waters and into international waters of the South Pacific.

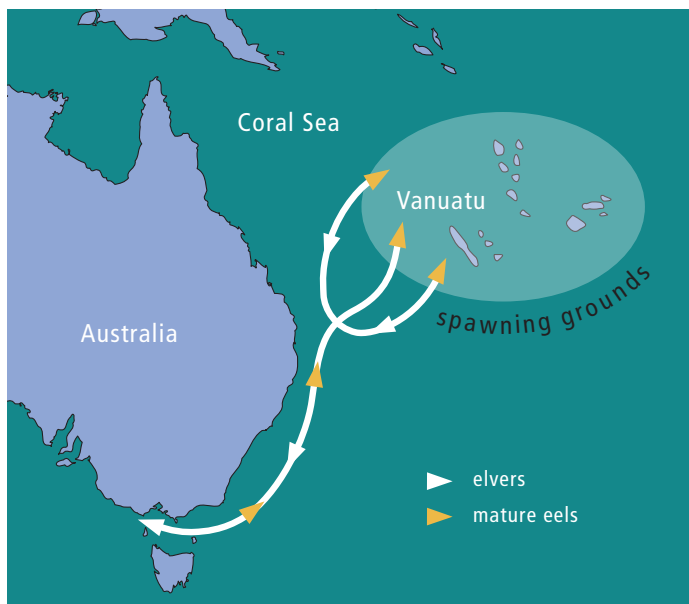
There is evidence of our close association and management of the eels right across our 'lava-flow' country. Our society at the time of colonisation was different to that of most other Aboriginal peoples in Australia. Maar built solid and lasting homes on the Mt Eccles lava flow and at other locations such as Tower Hill, creating villages that may be the oldest settlements of their kind on earth. They were able to develop this society because they cultivated, harvested and traded in eels from the Hopkins and Fitzroy river systems and other rivers and streams in Maar country. Stone construction material was plentiful on the lava-flow and was used to build extensive traps, channels and holding areas to grow, manage and harvest the short finned eels. Our unique eel-based economy, and the settled Aboriginal society that thrived on it, were recognised from the early days of European settlement.

We always knew adult eels migrate downriver into the Southern Ocean and then travel north to breed. We have since found out that they breed thousands of kilometres away, in the tropical waters of the Pacific Ocean (see Figure 2). The young eels then make their way south,

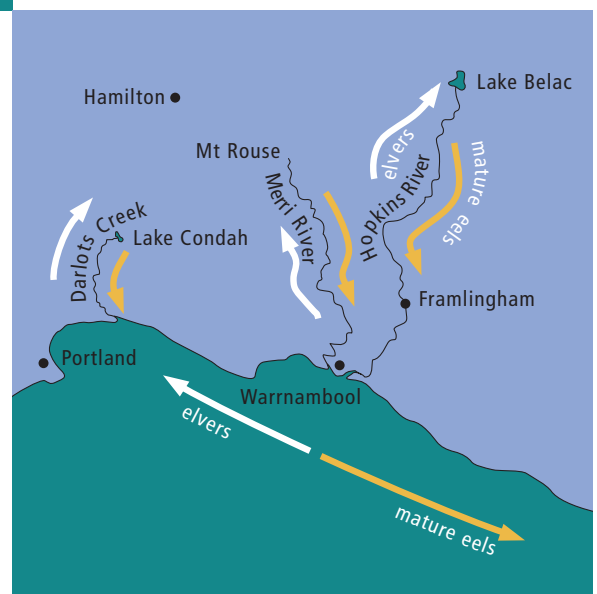
eventually entering the Hopkins and Fitzroy rivers where they spend most of their life until it is their time to repeat the breeding cycle (see Figure 3).

Our communities maintain strong cultural affiliations with the eels today and continue to harvest eels for consumption by our families. We wish to assert our traditional responsibility for the continued well-being of this species by having a greater say in how the natural resources in our country, including the seas, are managed. We are already playing our part to ensure the continued health of our country by establishing Indigenous Protected Areas (IPAs) on two properties we own and control: Deen Maar (see Appendix 1), owned and managed by Framlingham Aboriginal Trust, and Tyrendarra (Appendix 2), a recently declared IPA which includes highly significant lava flow country owned and managed by the Winda Mara Aboriginal Corporation.

We are not the only ones in the region interested in eels. Eel aquaculture is being researched by private, government and scientific interests through Deakin University’s Warrnambool Campus. It is not yet clear whether modern eel aquaculture will become commercially significant, but we believe we should have equity in any commercial opportunities relating to eels in the region.



**Figure 2: Migratory routes of short-finned eels between Australia and the South Pacific**



**Figure 3: Migratory routes of short-finned eels within South-west Victoria**

### **Other marine resources**

We are connected to the sea in other ways and through other species. Our ancestors had access to plentiful supplies of abalone and crayfish, whales and seals and the many other species of marine plants and animals that frequent our sea country. There is plenty of archaeological evidence that demonstrates our dependence on marine environments and resources. Today these species are scarcer and generally smaller, and our access has been limited through regulation, loss of access to coastal areas and the demands of commercial and recreational fishers. This is particularly so for the high value resources such as abalone and crayfish. We find the requirement to obtain permits from a government agency to catch a feed of fish deeply insulting. We are also frustrated by the high costs and regulation preventing us participating in the commercial exploitation of marine resources to which we once had exclusive rights, which we never ceded.

### **Deen Maar (Lady Julia Percy Island)**

Another major issue for our people is the management and protection of Deen Maar, an island located 10km off the coast from Yambuk. Deen Maar, which is known as Lady Julia Percy Island on published maps, is visible from virtually any part of our coast (see Figure 5). Deen Maar is an extremely important place to us because it is central to the creation of our country. It also played an important part in our burial rituals being the place where the spirits of our ancestors rest. It is now a nature reserve in which we have no formal management role or responsibility.

**Looking across to Deen Maar (Lady Julia Percy Island) from the Deen Maar Indigenous Protected Area near Yambuk**



## Offshore interests

Our long term associations with the South-east Marine Region, extend well beyond the current shoreline to the edge of the continental shelf. While this area is under the sea today, Indigenous people of South-west Victoria occupied it for thousands of years and rising sea levels have not washed away the history or physical evidence of these associations. One of the reasons that Deen Maar is of such significance to us is that it used to be connected to the mainland, and hence readily accessible to our ancestors.

## Protected areas

We are concerned that parts of our traditional land and sea country have been incorporated within marine parks, coastal parks, national parks and other protected areas without our consent and without our formal involvement in management. While we support many of the conservation objectives of these protected areas, they are not being adequately managed unless all the associated cultural values are also being protected, and this requires our active involvement. Through this sea country plan we hope to build the necessary partnerships with protected area management agencies so that they can be managed in accordance with world's best practice, which includes management with the consent and involvement of Indigenous people.

## Other issues

Other issues of concern to us include:

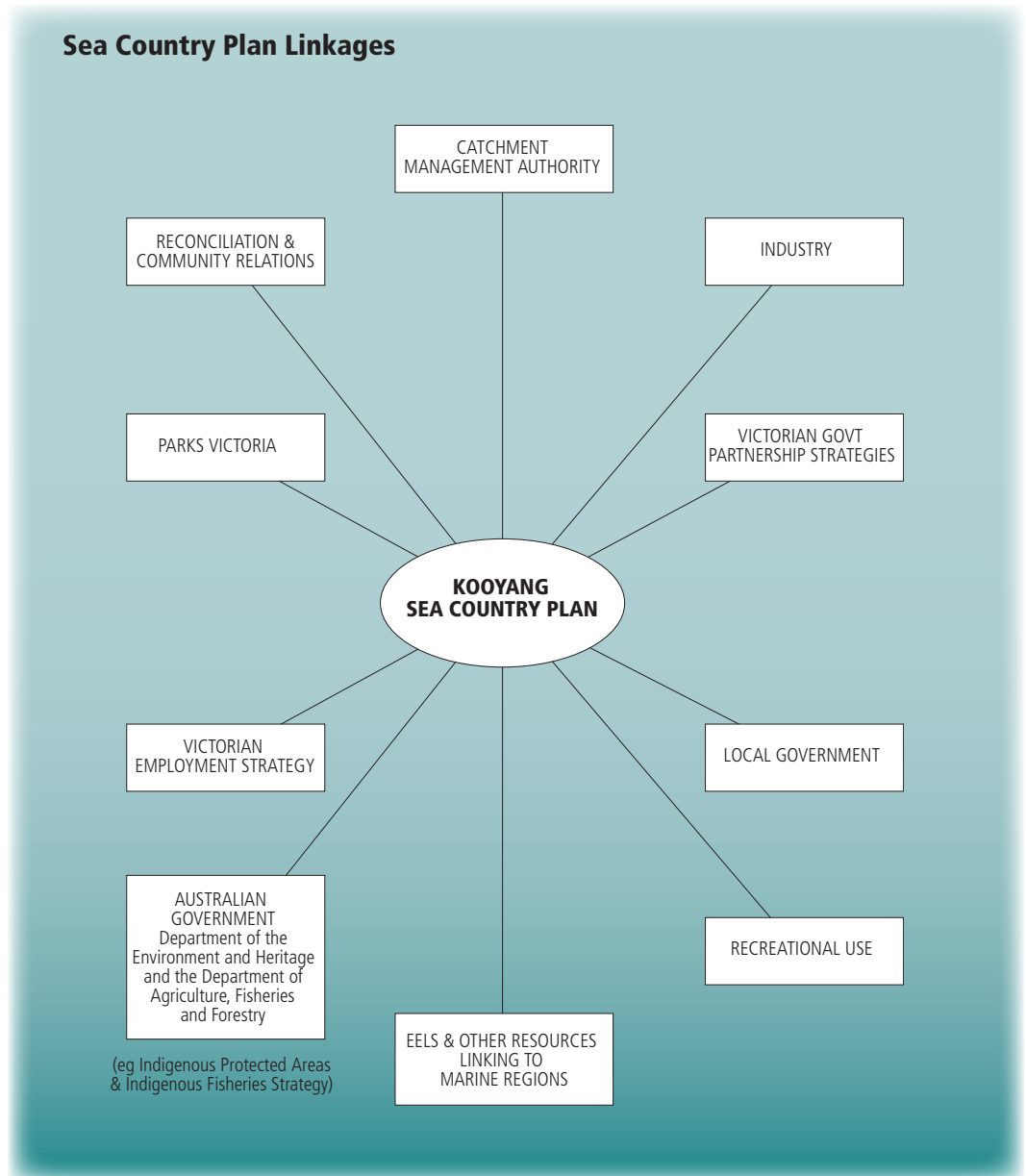
- conservation/management of whales;
- abalone management and benefit sharing;
- other commercial fisheries;
- aquaculture;
- cultural heritage and site protection;
- environmental degradation; and
- unsustainable land uses.



## Linkages

We are aware that the Australian, State and Local Governments have divided up responsibility for managing the seas and the resources of our country between themselves, and between government departments and agencies. We believe the Kooyang Sea Country Plan can provide linkages between these government layers, to allow our holistic view of country to be put into management practice. Figure 4 shows how the Sea Country Plan may link with other government, industry and community processes.

**Figure 4: Potential linkages between the Sea Country Plan and government, industry and community processes**



During our initial planning discussions we identified seven major issues around which we would build our Sea Country Plan. There is overlap and linkages between these issues, which need to be addressed during the implementation of the Plan. There will also be other critical issues that will emerge over time, which can be built into revised versions of the Plan. We view this Plan as a living document that must be adapted and updated to meet our needs and changing circumstances. Our priority objectives and proposed strategies are addressed under the following Key Issues in Part C of this document:

- 1 Participation in Decision-making
- 2 Commercial/Economic Opportunities
- 3 Environmental Impacts
- 4 Cultural Heritage Management
- 5 Research Needs
- 6 Implementation Support

# PART B

## Building Partnerships

We are aware that all of our land and sea country and resources, including our cultural resources, are subject to many Commonwealth and State Acts, Policies, Plans and Strategies. Historically these have been developed and imposed on our country without our consent. In more recent times, government agencies have begun to consult us and involve us in some decision-making. Many agencies have also developed strategies and policies that seek to recognise our connection and responsibilities to country in the management of land, sea and resources. We welcome these developments, and we see our Sea Country Plan as a mechanism to implement the commitments made in the progressive strategies and policies, which otherwise risk becoming just fine words on paper.

In working with government agencies we recognise that they sometimes feel constrained by their legislative obligations, or by their own agency “culture”, from exploring new ways of managing country that are truly respectful of all values, including Indigenous cultural values. We too have our own cultural obligations and constraints, which may sometimes conflict with those of government agencies. Through the implementation of our Sea Country Plan we hope that these conflicts can be reduced and that together we can find new ways of working together, through mutual respect and through adaptive, culturally appropriate management.

In the longer term we seek to build collaborative relationships with all government agencies that have some impact or influence over our country. In the short term, however, we seek to work with several key agencies that have a significant role in managing our country. These include:

- Parks Victoria (within Department of Sustainability and Environment)
- Department of Primary Industries, Fisheries and Aquaculture (Victorian Government)
- Aboriginal Affairs Victoria (within Department of Victorian Communities)
- Glenelg-Hopkins Catchment Management Authority
- Corangamite Catchment Management Authority.

To promote enhanced collaboration with these agencies, we wish to highlight aspects of their policies and activities that are consistent with the goals and objectives of this Sea Country Plan.

### Protected Areas

Under the *National Parks (Marine National Parks and Marine Sanctuaries) Act 2002*, Parks Victoria is the lead agency for managing parts of our country that now lie within marine national parks, coastal parks and other categories of reserves. While we have good working relationships with Parks Victoria staff working in our region, we seek to build a more equitable partnership that is consistent with our rights and obligations to country.

Following the recent declaration of 13 marine national parks, Parks Victoria has developed a *Marine National Parks Management Strategy*. This Strategy includes recognition of prior Aboriginal ownership of Victoria's coastal and marine environments, and a commitment to building this recognition into a partnership approach to managing the new marine national parks (see box opposite).

Discovery Bay Marine National Park covers 3,050 hectares of our sea country, 20 km west of Portland and adjacent to Discovery Bay Coastal Park, which also lies within Maar sea country. We understand that the development of a management plan for this marine national park is scheduled to commence in 2005. This provides an excellent opportunity to implement the commitments contained within the *Marine National Park Management Strategy*, and the targets set by Parks Victoria as part of the Government's *Indigenous Partnership Strategy* (see Table 1, page 18). We look forward to developing a partnership with Parks Victoria prior to the start of the Discovery Bay Marine National Park management planning process through to implementation of the final plan.

Other marine protected areas within our sea country include Port Campbell Marine Park, Twelve Apostles Marine Park, Merri Marine Sanctuary and Middle Island Reserve. We are keen to be involved in the development of management plans for these protected areas, leading to the better protection and interpretation of cultural values and our active involvement in management.

**The Blowholes,  
Discovery Bay  
Marine National Park  
and Coastal Park,  
South-west Victoria**





## Extract from Parks Victoria's Marine National Park Management Strategy 2003

### PROTECTING AND RECOGNISING CULTURAL VALUES

#### Indigenous values and interests

Indigenous people have an ongoing and intimate relationship with coastal and marine environments stretching back over thousands of years. This ongoing relationship is reflected in the cultural sites present along Victoria's coast, many of which are represented in the system of Marine National Parks and Sanctuaries. The relationship is based on a long tradition of ownership, stewardship, utilisation and cultural significance. For Indigenous people, their cultural values are intertwined around traditional uses, spiritual connection, ancestral ties and respect for the land and sea, and the resources they provide.

#### Valuing country

Contemporary Indigenous people see the sea as a natural extension of country, and continue to have a cultural affiliation with coastal and marine environments across the state. This continuing social, spiritual or traditional connection to a place is embodied in the concept of 'country', which embraces all the values, places, resources, stories and cultural obligations associated with a geographical area. The social, cultural, and economic values that Indigenous people place upon home reefs, islands, shoreline or resources such as fish and shellfish give strength to culture and demonstrate an affiliation with tradition and traditional areas. By recognising this inherited cultural, spiritual, historical and traditional relationship that Indigenous peoples have with the sea, we also ensure that the cultural and heritage values of Victoria's marine and coastal areas are recognised. The new Marine National Parks and Sanctuaries provide an opportunity to respect and conserve Indigenous cultural values associated with the past occupation, use ownership of Victoria's coastline.

Eel traps



#### Cultural heritage sites

The Indigenous people of Victoria have relied on the Southern Ocean as a source of food for thousands of years, including sustainable harvesting of a wide variety of shellfish, crustaceans, finfish, whales and seals. Today, evidence of occupation and use may be found along the Victorian coastline, in the form of archaeological sites. These sites, which include shell middens and camping places, date back as far as 12,000 years.

#### Reconciliation and respect

Recognition of Indigenous peoples' cultural rights and interests in the coastal and marine environment can achieve mutually acceptable outcomes. Indigenous peoples' Stewardship ethic which already exists should be recognised and nurtured, to the benefit of all Victorians. Whatever the legal outcomes of Indigenous peoples' Native Title claims over marine areas, their belief in their cultural rights and responsibilities with respect to their 'sea country' will continue. In order to achieve more cooperative partnerships and understanding, it is therefore important that all managers and the community recognise Indigenous peoples' interests and aspirations with respect to marine areas. With a growing appreciation of the importance of 'country' to Indigenous people, many Australians now accept that Indigenous involvement in the management of national parks, such as Kakadu National Park and the Garig Gunak Barlu National Park (formerly Gurig National Park and Cobourg Marine Park) in the Northern Territory, is beneficial to those places and to the local Indigenous cultures. Millions of tourists continue to visit such places, which continue to make major contributions to the national and regional economies.

**Table 1: Victorian Government's Indigenous Partnerships Strategy**

OBJECTIVE	DESIRED OUTCOMES	RESPONSIBILITY
To understand, recognise and respect the rights, interests and aspirations of Indigenous people across coastal lands and the sea.	Established consultative and working relationships. Increased recognition and respect of Indigenous peoples' culture and interests in conservation.	Parks Victoria and DVC
STRATEGIES	IMPLEMENTATION ACTIONS	TARGETS
Work with Indigenous groups to build a greater understanding of Indigenous issues and values in the coastal and marine environment.	<ul style="list-style-type: none"> <li>• Consult regularly with all relevant Indigenous groups.</li> <li>• Complete cross-cultural training for all parks staff.</li> </ul>	Ongoing  By July 2005 then ongoing
Develop consultative procedures and protocols aimed at improving communication between Parks Victoria and Indigenous groups.	<ul style="list-style-type: none"> <li>• Complete consultation and communication plan.</li> <li>• Complete protocols or memorandums of understanding with all Indigenous communities who wish to document working arrangements in this manner.</li> </ul>	By December 2004  By December 2004
OBJECTIVE	DESIRED OUTCOMES	RESPONSIBILITY
To build partnerships with Indigenous communities for managing Marine National Parks and Sanctuaries.	Indigenous communities actively working in partnership with management agencies towards the long term protection and conservation of Marine National Parks and Sanctuaries.	Parks Victoria and DVC
STRATEGIES	IMPLEMENTATION ACTIONS	TARGETS
Build partnerships with Indigenous communities in Marine National Park and Sanctuary management.	<ul style="list-style-type: none"> <li>• Encourage Indigenous membership on the Statewide Reference Group and other local consultation groups.</li> <li>• Involve Indigenous communities in Marine National Park and Sanctuary management planning from project initiation to completion.</li> </ul>	Ongoing  Ongoing
Establish community-based conservation projects that encourage the participation of Indigenous peoples in the management of Marine National Parks and Sanctuaries.	<ul style="list-style-type: none"> <li>• Scope options and complete community projects plan following consultation with Indigenous communities.</li> </ul>	By July 2005
OBJECTIVE	DESIRED OUTCOMES	RESPONSIBILITY
To promote understanding and awareness of Indigenous cultural values, and ensure their protection.	Comprehensive documentation and increased awareness of Indigenous cultural values for all Marine National Parks and Sanctuaries.  Cultural values protected from disturbance or inappropriate behaviour.	Parks Victoria and DVC
STRATEGIES	IMPLEMENTATION ACTIONS	TARGETS
Develop a cultural values management program for site protection.	<ul style="list-style-type: none"> <li>• Complete program plan in consultation with Indigenous communities.</li> <li>• Review and update existing 'Guidelines for Working with Aboriginal Communities and Protection of Cultural Sites'.</li> </ul>	By July 2004  By July 2004 then ongoing
Develop education and interpretation materials to enhance understanding, sensitivity towards and protection of Indigenous cultural values.	<ul style="list-style-type: none"> <li>• Complete information and interpretation materials for brochures, visitor centres and other communication materials in partnership with local Indigenous communities.</li> <li>• Complete education and interpretation training package for parks staff and licensed tour operators.</li> </ul>	By December 2004

## Deen Maar (Lady Julia Percy Island)

Deen Maar is currently managed by Parks Victoria and visits to the island are controlled by permit. We appreciate that Parks Victoria staff keep us informed about management activities on the island and consult us prior to undertaking any actions that may impair our native title and cultural heritage management responsibilities. We also acknowledge the work undertaken by Parks Victoria and others to research and monitor the seal populations and to control rabbit populations on the island. To match our cultural responsibilities to this very important place, we now wish to work more closely with Parks Victoria. We believe that management of the island will benefit from developing a partnership approach, not only to ensure that all the natural and cultural values are protected, but also to pool our resources to facilitate this protection.

We also wish to work collaboratively with Aboriginal Affairs Victoria on accessing information regarding archaeological research already carried out on the island, and in conducting further research as required. We envisage extending our partnership in research to include projects studying the natural values of the island undertaken by universities and other institutions.

## Eel Fishery

The eel fishery is managed by the Victorian Department of Primary Industries, through a management plan released in July 2002. We welcome the fact that we were consulted during the development of the eel management plan and that it acknowledges our involvement in using and managing eels over thousands of years. We note that the plan recognises that our long standing relationship with eels has included the use of weirs and traps to manage and harvest eels, and that our traditional economy includes trading in eels. We now seek to build on that recognition to develop partnerships with government fisheries managers and other stakeholders in the eel fishery to deliver more equitable decision-making arrangements and commercial benefits from the exploitation of eels.



We believe the time is now right for working with government to enhance the wider community's understanding of the central role of the eel fishery in past and present Maar societies of South-western Victoria. We envisage developing a world class interpretation facility to enable visitors to the area to share the richness of our relationship with eels, 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.

## Other Fisheries

The Victorian *Fisheries Act 1995* currently provides very little recognition of Indigenous rights and interests in fisheries. We welcome provisions in Section 90(3)(c) of the Act which requires the Governor, on the advice of the Minister, to appoint members to the Fisheries Co-Management Council who have knowledge of "Indigenous fishery uses". However, this measure on its own has not proved to be an effective mechanism of co-management of fisheries at a local, sea country scale. It is at this local scale that we wish to develop decision-making and commercial partnerships, and active collaboration with the Victorian Department of Primary Industries and other stakeholders.

### **Management of the eel fishery in Victoria (Eel Fishery Management Plan, DPIFA 2002)**

The Plan for Victoria's Eel Fishery was released in July 2002. It is a new management plan that will ensure the sustainable development of Victoria's multi-million dollar eel fishery. The plan, valid for the next five years, covers the commercial and recreational eel fishery and the aquaculture eel industry.

The plan will play a key role in securing a sustainable future for Victoria's eel industry, which produces on average 280 tonnes of short finned and long finned eel worth between \$1.4 million and \$4.7 million a year. There are 18 commercially licensed eel fishers in Victoria and the industry employs 30 full time and up to 70 part time people. Most of the eels, mainly short finned, are exported frozen to Europe. Most long-finned eels are exported live to Hong Kong and Korea.

The aims of the Victorian Eel Fishery Management Plan are to:

- Establish a management framework for the ecologically sustainable development of the fishery with biological reference points;
- Establish a management response system for the fishery;
- Optimise the escape of sea run eels;
- Develop a by-catch action plan as a priority;
- Maintain wild fishing at current levels;
- Develop a glass eel fishery with associated intensive and extensive aquaculture;
- Open up new grow-out waters;
- Develop an eel translocation policy as a priority; and
- Establish industry development including research and development for the eel fishery funded through an industry levy.

Aboriginal people continue to fish for eels in the Hopkins River, Mount Emu creek and the waters of the Hopkins Basin in South-west Victoria. The Framlingham Aboriginal Trust was consulted comprehensively in the drafting of this plan.

#### **Eel traps**



### **Extracts from the Victorian Eel Fishery Management Plan (DPIFA 2002)**

#### **Traditional eel fishery**

It is well documented that it was common practice in parts of Victoria for traditional Aboriginal societies to harvest and even ranch eels. Extensive and complex channel, embankment and trapping networks were constructed for the manipulation of water in the swamps around Toolondo and Mount William, in western Victoria, in particular.

Such sophisticated works and water management systems were used to support the control, ranching and harvesting of eel populations. Stone weirs were also constructed in areas such as Lake Condah in western Victoria. These were used to guide migrating eels into nets or basket traps. Spears were also used to harvest eels.

Eel fishing seasons at such locations extended for 1–2 months per year, with individual family groups harvesting from their own weir. Large numbers of Aborigines often gathered for "eel feasts", with attendances of up to 2500 recorded. It is acknowledged that Aboriginal people utilised the shortfinned eel resource in western Victoria, the exploitation and management of which is reflected in the archaeology of the area.

The use of stone in the construction of shelters and fish traps is indicative of the semi-permanent lifestyle of the local Aboriginal groups. The networks of channels and weirs among wetlands and the main river for the managed exploitation of eels indicate an unusually high degree of labour investment for people who were essentially hunter-gatherers. It is also thought that eels were an important component of a barter system in western Victoria.

#### **Traditional eel fishery today**

Aboriginal people continue to fish for eels in the Hopkins River, Mount Emu Creek and other waters in the Hopkins Basin. Stone eel traps are common and each year different family groups continue to harvest eels from specific traps. Nine stone eel traps are in use on one small section of the Mount Emu Creek alone. Eels continue to form an integral part of the culture and tradition of the people of Framlingham, and are recognised as a key theme in the Framlingham Aboriginal Trust Management Plan.

## Glenelg-Hopkins Catchment Management Authority

The Glenelg-Hopkins Catchment Management Authority (CMA) is a key natural resource management agency in South-western Victoria (see Figure 5). Their integrated, landscape and catchment approach to natural resource management is consistent with Maar views on country.

However, we wish to develop a stronger working relationship with the CMA to ensure that the full spectrum of cultural values, including Indigenous rights and obligations to country, are respected when natural resource management decisions are made. This goal is consistent with the CMA's commitment to Indigenous communities, as stated in its *Communication Strategy*:

- Openness to methods of communication and decision-making, which reflect the different cultures and views of all parties involved.
- Acknowledgment of their skills in land management.

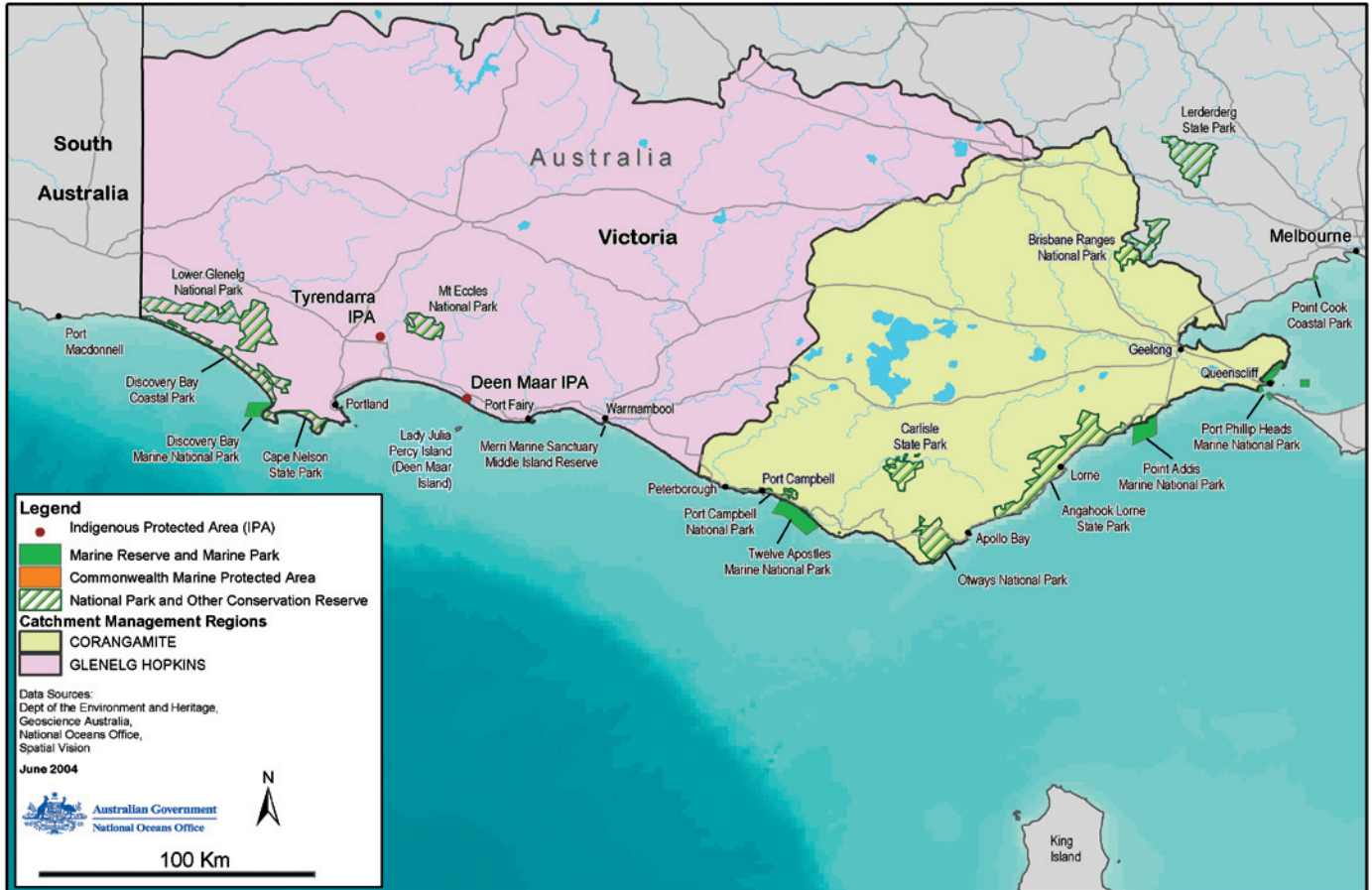
## Corangamite Catchment Management Authority

The Corangamite Catchment Management Authority was established in 1997 by the Victorian Government to ensure the protection and sustainable development of land, vegetation and water resources within a boundary stretching from Geelong to Ballarat and along the coast to Peterborough. The western coastal portion of this region lies within the area addressed by this Sea Country Plan, including the Twelve Apostles Marine National Park, the Port Campbell National Parks and the Otway National Park (see Figure 5).

**The Twelve Apostles**



**Figure 5: Map of Corangamite and Glenelg-Hopkins Catchment Management Regions, showing Indigenous Protected Areas, marine parks and sanctuaries**



The *Corangamite Regional Catchment Strategy* (RCS) includes the following statement as one of its principles:

*Recognition of the Indigenous communities as the original custodians of natural resources in the Region.*

The RCS also includes an “Indigenous Statement” in its preamble, extracted from the “Statement of meaning” at the beginning of the recently released *Strategy for Aboriginal Managed Lands in Victoria* (see adjacent box).

Despite these fine words, the RCS contains no proposed mechanisms for the recognition of Indigenous people as the original custodians, or the protection of their cultural values. Furthermore, there are no members of the Corangamite CMA Board that are representative of Indigenous people, or have specific expertise on Indigenous issues. Through the implementation of our Sea Country Plan we are committed to building a meaningful partnership with the Corangamite CMA, including achieving the necessary institutional changes to make this happen.

### **Indigenous statement in the preamble to the Corangamite Regional Catchment Strategy**

We the Aboriginal people of Victoria have existed on this land for thousands of years. We have nurtured the environment for thousands of years, always acknowledging our inherent responsibility to care for country. The lore of the land is the very heart of our existence, and our culture – this is what land means to us. Within this meaning lies our great respect for the land and the understanding that is vital to maintain a holistic relationship with country.

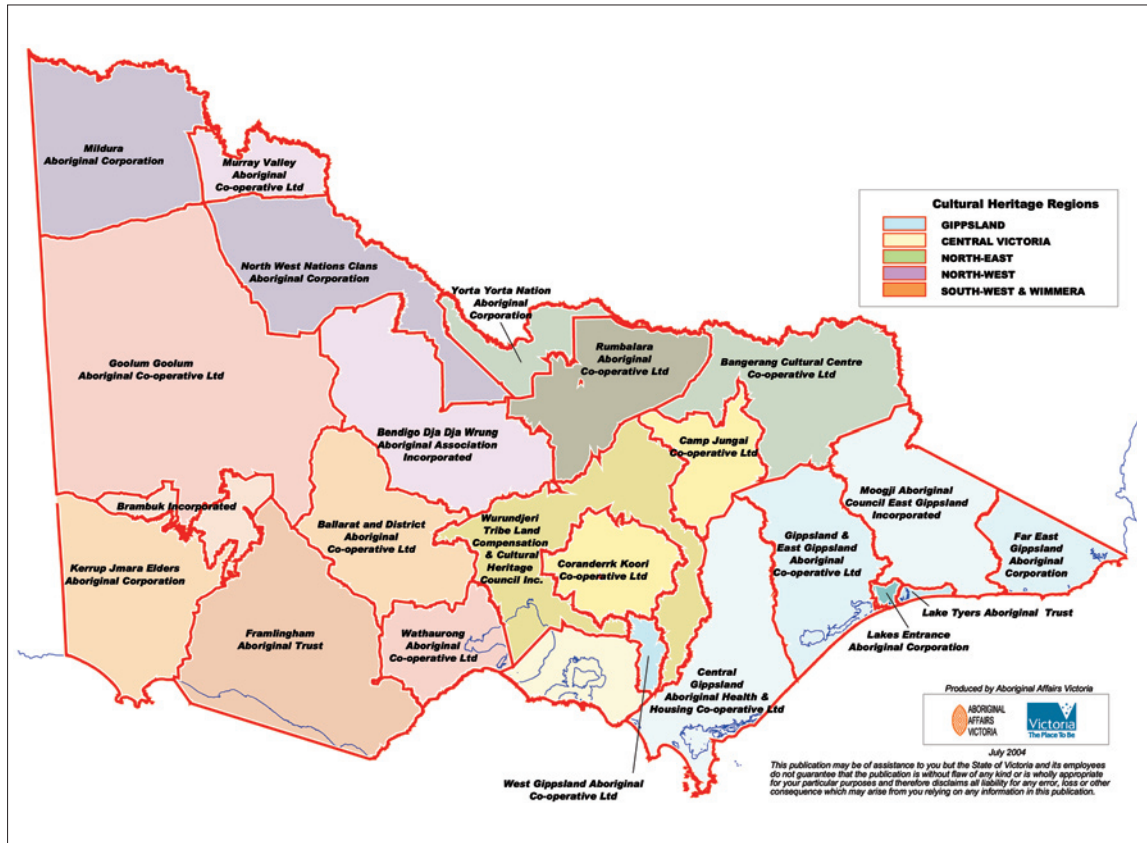
In terms of natural resource management, Indigenous and non-Indigenous cultures must genuinely engage with each other, learn from each other, and recognise the value of black and white knowledge in regards to the environment. Working side by side, we have a greater chance of responding appropriately to current environmental challenges. Involving Aboriginal people at all levels of land and water management will benefit the whole of the community.

## **Victorian Regional Cultural Heritage Program**

The Victorian Regional Cultural Heritage Program has created five administrative regions in Victoria: Central Victoria, North-west, North-east, Gippsland and South-west and Wimmera (see Figure 6). These regions are based on local Aboriginal Community areas as defined in the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)*. Each of the regional organisations is a resource agency in cultural heritage matters within their regions and have responsibility for the planning, development and delivery of a range of cultural heritage management services to the Aboriginal and wider Victorian community. The program is wholly staffed by Indigenous people with expertise in cultural heritage.

We welcome the resources devoted to cultural heritage protection in Victoria, but remain concerned that Cultural Heritage Officers are employed by and are under the direction of a government agency. We are committed to developing our own capacity to manage country, including cultural heritage, and will seek to negotiate the return of authority and management resources to the Traditional Owners of country.

Figure 6: Cultural heritage regions in Victoria  
(provided courtesy of Aboriginal Affairs Victoria)



### Deen Maar Indigenous Protected Area





# 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.

## **APPENDIX 1 DEEN MAAR INDIGENOUS PROTECTED AREA**

Deen Maar is on the South-west coast of Victoria, near the community of Yambuk. The property is 453 hectares of rolling sand dunes, limestone ridges, river, lake and wetlands located in the South East Coastal Plain Bioregion.

This country is home to many wildlife species, including the endangered orange-bellied parrot which has a total known population of less than 200 birds.

This land is the traditional home of the Peek Whurrong speakers of the Dhauwurdwurung (Gunditj Mara) Nation. Lionel Harradine, chairperson of the Framlingham Aboriginal Trust, explained: "They had a good life here in this place, eating abalone, eels, wild ducks, kangaroos, and using the plants and trees for food, medicine and housing materials; the natural things."

This land is of special spiritual significance to local Aboriginal people and has spiritual and visual connection with Deen Maar Island (Lady Julia Percy Island) where Punjil, the Creator, left this world. This land and its story are connected to Gariwerd (the Grampians National Park). Deen Maar was the site of deadly conflict between Aboriginal people and squatters in 1842, commonly known as the Eumerella Wars. The battles raged for 10 years in the mid-1800s. The remains of Aboriginal people involved in the conflict are at Deen Maar.

From the mid-1800s the land was used for primary production. The wetlands were drained, vegetation removed and the country became a haven for pests like rabbits and weeds. When the Framlingham Aboriginal Trust purchased this old grazing property in 1993 it was overrun by feral animals and badly eroded.

Reflecting on the condition of the property when it was purchased, Mr Harradine said: "We see ourselves as caretakers of the land, it is our duty to bring it back to its original state. The land was purchased because of the cultural connections that the community has with this land. The land also has outstanding conservation values and potential for development as an eco-tourism destination."

Through a New Work Opportunity Employment Program in 1995, local Aboriginal and non-Aboriginal unemployed people began work on the property, fencing and removing weeds.

The Natural Heritage Trust has provided support for habitat restoration since 1996. This has involved preparing a management plan, revegetating with native plant species, restoring water flows to wetlands, controlling rabbits and weeds, and building and maintaining tracks. The wider community has been involved in field days and planting excursions. Each winter the Aboriginal elders invite people from Melbourne to plant trees. This event provides opportunities for cultural exchange and to plant around 10,000 trees each year.

The Framlingham Aboriginal Trust received funding in 1996 under the Natural Heritage Trust Indigenous Protected Area Program to investigate the feasibility of Deen Maar becoming an Indigenous Protected Area. The project allowed the Aboriginal community to discuss whether it wanted to make this place a protected area and to assess the appropriate World Conservation Union (IUCN) guidelines.

It also allowed the community to manage immediate weed and feral threats to the property.

The Indigenous Land Corporation (ILC) provided support to the Framlingham Aboriginal Trust in 1998-99 for capital and other costs for managing Deen Maar.

Further Natural Heritage Trust support through the Coast Action/Coastcare programs provided assistance to manage the sensitive coastal and river zones. Funds have been provided for river and beach walks, and access tracks designed to minimise impact on culturally significant areas. A hide has been built for visitors to view the wildlife without disturbing it.

Aboriginal and non-Aboriginal land management techniques are being used to manage Deen Maar. This is an exciting approach to landcare: using the best current technology alongside generations of wisdom from the traditional custodians of the land. Lionel Harradine reflects on the work of the young people of the Aboriginal community: "It's about a sense of belonging there. They are not doing it for someone else, they are actually doing it for themselves."

Deen Maar was declared an Indigenous Protected Area as part of Australia's National Reserve System on 8 November 1999. Deen Maar will be managed in accordance with IUCN protected area guidelines and standards under Category VI (Managed Resource Protected Area).

(Source: <http://www.deh.gov.au/indigenous/ipa/declared/deenmaar.html>)

#### **A view of the Deen Maar Indigenous Protected Area**



## **APPENDIX 2 THE TYRENDARRA INDIGENOUS PROTECTED AREA**

The Winda Mara Aboriginal Corporation on behalf of the Gunditjmara Community declared their commitment to manage the “Tyrendarra” property as an Indigenous Protected Area in November 2003. In Dhauward Wurrung language ‘Tyrendarra’ means ‘meeting of rivers’.

Tyrendarra is a unique bushland of significant botanical and cultural value in the Western Districts of Victoria (near Lake Condah). The ATSIC Regional Council on behalf of Winda Mara Aboriginal Corporation purchased the Tyrendarra property in 1998. It is the second IPA to be declared in Victoria, after Deen Maar, about 20 km away).

The Tyrendarra IPA is 248 ha of botanically unique bushland on outcropping lava. It is the last remaining remnant of its type in the Western District. The property has cultural and ecological integrity despite its recent history. The Winda Mara Aboriginal Corporation is committed to careful management of such ecological systems so that they may be extended, restored and repaired.

Tyrendarra forms part of a living cultural landscape of immense significance. It features archaeological remains that testify to the unique and sophisticated society established by the Gunditjmara thousands of years before colonisation. The property retains remnants of a large-scale aquaculture system (eel traps, weirs and channels) and numerous circular house remains which indicate a high density, sedentary way of life.

The Winda Mara Aboriginal Corporation aspiration is for the Tyrendarra property to become self-sufficient. As part of the IPA program small sustainable enterprises will be developed to help provide funds for environmental management and community employment. Plant propagation and the promotion of Tyrendarra as a tourist destination with associated tourism facilities are proposed. The key to the management of the Tyrendarra property lies in the restoration of the former wetlands, reversing the loss of biodiversity, and the restoration of the native Manna gum woodland.

(Source: Department of Environment and Heritage Indigenous Policy and Coordination Section & Winda Mara Aboriginal Corporation)

## **APPENDIX 3 SUMMARY OF KOORYANG SEA COUNTRY PLAN STRATEGIES AND ACTIONS**

### **Participation in decision-making**

- Inform government agencies, industry groups and other stakeholder groups about the range of issues and decisions we wish to be involved in.
- Assist relevant decision-making bodies to develop and/or implement Indigenous engagement strategies.
- Write to relevant portfolio Ministers requesting positions on all relevant advisory groups and committees.
- Establish an Indigenous Reference Group to guide the implementation of this Plan.
- Negotiate with Parks Victoria to develop a strategy for joint management of all coastal and marine protected areas within our region.

### **Commercial/economic opportunities**

- Organise and host a Regional Eel Summit.
- Prepare a Kooyang Sea Country Plan Communication Strategy.
- Exchange information about eels and others issues of mutual interest with Indigenous people elsewhere in Australia, New Zealand and the South Pacific.
- Explore potential for small mutton bird industry in South-west Victoria.
- Explore potential for establishing bait aquaculture project in South-west Victoria.
- Contact potential public and private donors, investors and partners for sustainable Indigenous marine resource use and management ventures.
- Negotiated with Parks Victoria to develop cultural interpretation services in the coastal and marine protected areas of South-west Victoria.
- Develop an information package on Aboriginal cultural information with a view to training and accrediting commercial tour operators.

### **Cultural heritage**

- Develop a Maar Cultural Map of country, with support from Corangamite and Glenelg-Hopkins Catchment Management Authorities (CMAs) and other sources.
- Campaign for the removal of licensing requirements for Aboriginal people to fish, hunt or collect marine and estuarine resources in accordance with our law and traditions.



- Seek the appointment of two additional Aboriginal Heritage Officers so that they and their communities can be pro-active in identifying and protecting heritage.
- Negotiate with Aboriginal Affairs Victoria to hold a review of the role of Aboriginal Heritage Officers.
- Achieve full protection of Aboriginal heritage on the lava flow country including on private lands.
- 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.
- Work towards World Heritage listing of the lava flow country over the next ten years.
- Commence dialogue with farmers in the lava flow country to promote better heritage and environmental protection on agricultural lands.
- Lobby for Indigenous cultural heritage values to be included into Integrated Natural Resource Management (NRM) Plans and subsequent Investment Strategies.
- Negotiate the cessation of all land clearing and earthworks on lava flow country, except where works are aimed at restoring traditional aquaculture or natural habitat.
- Seek partners to undertake Indigenous heritage and archaeological research, including in marine areas.
- Initiate a public awareness campaign to explain why the cultural heritage values of this region are so important.

### **Environmental protection**

- Inform Corangamite and Glenelg-Hopkins CMAs about our interests and concerns regarding Indigenous participation in NRM in these catchments.
- Provide Cultural Awareness raising for all staff and members of the Corangamite and Glenelg-Hopkins CMAs.
- 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.
- Draft funding submission to the two CMAs and other potential funders to undertake a joint Cultural Mapping project.
- Develop a cultural heritage information kit for CMAs, local government and other agencies involved in NRM in our region.
- Negotiate with the Victorian Department of Sustainability and Environment and Parks Victoria regarding management options for Deen Maar Island and adjacent marine and coastal areas.
- Establish ongoing cooperation with environmental officers in local government, Port Authority, State land departments and major industries.
- Explore potential for developing closer ties with conservation NGOs as part of improved regional networks.

### **Research needs**

- Organise and host a Research Forum to develop protocols and partnerships for future research within Maar country.
- Seek funding from CMAs and other sources to undertake research projects to meet our environmental protection and cultural heritage management objectives.
- Seek funding and support from research institutions to compile a data base relating to previous research undertaken within Maar country.
- 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.

### **Implementation support**

- Seek support from the National Oceans Office to provide or broker sufficient funds to employ a full time Sea Country Coordinator.
- 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 Sea Country Management Office, including the employment of Heritage Officers and Rangers.
- Request government agencies, research institutions, industry groups, conservation NGOs and others provide in-principle support to nominate representatives to meet with the Kooyang Sea Country Plan Implementation Group, to contribute resources to the implementation of this Plan.
- Provide copies of the Kooyang Sea Country Plan to potential implementation partners and to other interested coastal Indigenous groups, seeking feedback, advice and support.
- 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.

### **Photo credits**

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