



Federation of Victorian Traditional Owner Corporations

**Submission on the State Government of Victoria's Draft  
Biodiversity Plan**

***Protecting Victoria's Environment- Biodiversity 2036***

18 May 2016

## Introduction

The Federation of Victorian Traditional Owner Corporations (the Federation) welcomes the opportunity to provide the Department of Environment, Land, Water and Planning (DELWP) a response to the draft plan *Protecting Victoria's Environment- Biodiversity 2036* and views it as an important step toward ensuring that Victoria's biodiversity is healthy, valued and actively cared for.

The Federation is the peak body representing Traditional Owner Corporations across Victoria. Our corporations represent thousands of individual Traditional Owner members, all of whom depend on biodiversity for wellbeing, the ability to practice culture, care for Country, protect sacred sites and create opportunities for economic development.

Together, the Traditional Owner Corporations that comprise the Federation cover 65% of the land in the State. We have legal rights and interests pursuant to the *Traditional Owner Settlement Act 2010* (Vic) and the *Native Title Act 1993* (Cth) and responsibilities as Registered Aboriginal Parties under the *Aboriginal Heritage Act 2006* (Vic).

The Federation was established in 2013 to unite Victorian Traditional Owners and provide a platform for our shared views. We will know we have achieved our purpose when:

- Traditional Owner Corporations are partners in government and industry decision-making about Country;
- Traditional Owner Corporations are succeeding in the mainstream economy and
- Traditional Owner Corporations are keeping Country healthy.

In making this submission we therefore seek the opportunity to ensure high levels of protection for our cultural and natural values; maximise economic development opportunities for Victorian Traditional Owners and work in partnership with Government to manage our Country.

## Our Vision for Country

The Federation's Charter, adopted in 2014, outlines our vision for keeping Country healthy as follows:

- As Traditional Owners, we are custodians of Country which is imbued with social, economic and spiritual value. We have knowledge of Country and cultural obligations to manage our traditional lands and waters. In meeting our cultural obligations, we will keep Country healthy which will have benefits for our own wellbeing, the natural environment and the wider Victorian community.
- We also have property rights and interest in land and waters flowing from our recognition as Traditional Owners. We have the reasonable expectation that other contemporary land-holders and users will respect these rights and interests and seek to

engage with us as partners in land use planning and management. In this way, caring for Country will become embedded as a uniquely Australian approach to land and sea management, suited to the natural and cultural values of this place.

- In time, Victorian Traditional Owner Corporations will work together and in partnership with other landholders to manage a portfolio of natural assets containing the most precious natural land and seascapes in the State, consisting of the largest land-holding, the biggest carbon store, enormous fresh water yields and from it derive material and spiritual sustenance.
- The value of public good provided by our landholdings will be appropriately recognised and management models will reflect our priorities and knowledge.
- We will have water entitlements that are legally and beneficially owned by Victorian Traditional Owner Corporations and are of a sufficient and adequate quantity and quality to improve the spiritual, cultural, environmental social and economic conditions of our people.

### Our planning framework

Our vision for country is being articulated in our own Traditional Owner planning framework, which is unfolding slowly as we accrue the resources to develop it. In time, the planning framework will include:

- A series of Traditional Owner policy statements on water, fire, biodiversity, public land management and coasts and marine;
- Whole-of-Country Plans developed and owned by Traditional Owners.

Elements of this planning framework currently published and available include:

- *Victorian Traditional Owner Water Policy Framework, 2014*<sup>1</sup>;
- *Dhelkunya Dja: Dja Dja Wurrung Country Plan 2014-2034*<sup>2</sup>;
- *Gunaikurnai Whole-of-Country Plan, 2015*;
- *Meerreegeeye ngakeepoorryeeyt: Eastern Maar Country Plan, 2015*<sup>3</sup>.

Relevantly, the Federation's NRM subcommittee has plans to develop other policy statements on biodiversity and public land management would welcome a high level commitment in *Protecting Victoria's Environment- Biodiversity 2036* enabling DELWP to support this work.

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<sup>1</sup> See <http://fvtoc.com.au/wp-content/uploads/2013/10/Water-Policy-Framework.pdf>

<sup>2</sup> See <http://www.djadjawurrung.com.au/wp-content/uploads/2015/11/Dja-Dja-Wurrung-Country-Plan.pdf>

<sup>3</sup> See [http://www.ghcma.vic.gov.au/media/uploads/EM\\_CountryPlan\\_FINAL.pdf](http://www.ghcma.vic.gov.au/media/uploads/EM_CountryPlan_FINAL.pdf)

## The case for Traditional Owner participation

Traditional Owners are not simply another stakeholder in the management of biodiversity. The case for ensuring our direct and meaningful participation stems from:

- United Nations Convention on Biological Diversity, relevantly article 8 which introduces the obligation to:
  - ‘respect, preserve and maintain knowledge, innovations and practices of indigenous peoples...relevant for the conservation and sustainable use of biological diversity’ and
  - to promote their wider application only with the approval and involvement of knowledge holders and where benefit sharing frameworks are in place.
- United Nations Declaration on the Rights of Indigenous Peoples explicitly recognises the unique relationships that we have with our lands and waters and requires that states, among other things, respect and promote:
  - our right to participate in decision-making in matters which would affect our rights, through representatives chosen by us in accordance with our own procedures;
  - our right to maintain and strengthen our distinctive spiritual relationship with our traditional lands, territories, waters and coastal seas and other resources, and to uphold our responsibilities to future generations
  - our right to maintain, control, protect and develop our cultural heritage, including genetic resources, seed, medicines, flora and fauna and the right to maintain, control, protect and develop our intellectual property over our traditional knowledge, and
  - the obligation of states to obtain our free, prior and informed consent on any project affecting our lands, territories and other resources.
- Australian Government’s *Biodiversity Conservation Strategy 2010-2030*;
- Our legal rights and interests pursuant to the *Traditional Owner Settlement Act 2010* (Vic) and the *Native Title Act 1993* (Cth) and responsibilities as Registered Aboriginal Parties under the *Aboriginal Heritage Act 2006* (Vic).
- The *Victorian Charter of Human Rights and Responsibilities Act 2006* which affirms the distinct cultural rights of Aboriginal people, including the maintenance of our distinctive spiritual, material and economic relationship with the land and waters and other resources with which we have a connection under traditional law and custom.
- The Victorian Government’s *Aboriginal Inclusion Framework* and *Munganin-Gadhaba: DELWP Aboriginal Inclusion Plan 2016-2020* which commits the department to building collaborative relationships and working partnerships with Victorian Traditional Owners.

## Response to the draft plan

There is much in the draft plan that is consistent with Traditional Owner values and perspectives, including recognition of:

- the need for a shift away from the conventional single-species approach to the threatened species management, toward the management of ecosystems. The practice of our culture and the wellbeing of our people is founded in the vitality of the living connection between plants, animals;
- the need to redouble efforts in managing biodiversity at a landscape and seascape scale, to join up fragmented land and aquatic habitats and take action to stem biodiversity loss on public and private land. We seek to make Country whole again and have a cultural obligation to do so;
- our understanding that the sustainable use of natural resources (rather than a strict conservation approach) will deliver the highest value outcomes for people and Country.

The draft plan is not without specific mention of Traditional Owners and includes reference to:

- the significance of our living cultural landscapes (7)
- our basic human right to practice culture which relies on the good management of biodiversity (7)
- the commitment made by the Victorian Government to respect the value of our knowledge and culture in the *Aboriginal Inclusion Framework* (7)
- the growing demand for Aboriginal cultural tourism (8)
- our age-old expert management of natural resources as the foundation of sustainable livelihoods and our knowledge of landscape function and adaptation (35)
- the increasing involvement of Traditional Owners in the management of the public land estate as native title and Traditional Owner settlements are resolved, to the benefit of all Victorians (35)
- the Victorian Government's commitment to recognising Traditional Owner rights to public land and waters and the establishment of Traditional Owner Land Management Boards and joint management arrangements for an increasing number of parks and reserves (35)
- the evidence of correlation between Aboriginal health and access to Country (35)
- the important educative role of the cultural services provided by Victorian Traditional Owner Corporations, such as welcomes to country and cultural awareness training (35).

However, as none of these references are embedded in the draft plan's Visions, Principles, Goals, Priorities and Objectives it is difficult to see how (without amendment) it can support a partnership approach with Victorian Traditional Owners to create a better system of biodiversity management.

In addition, although the draft plan asserts it is consistent with the Australian Government’s *Biodiversity Conservation Strategy 2010-2030*, there are no clear links to the Outcomes and Priority Actions in that strategy specifically aimed at increasing Aboriginal and Torres Strait Islander participation in biodiversity management, namely:

Principle: Our efforts to conserve biodiversity must acknowledge and respect the culture, values, innovations, practices and knowledge of Indigenous peoples	
Priority for action 1: Engaging all Australians	
Sub-priority for action 1.2: Increasing Indigenous Engagement	<p>1.2.1 An increase in the employment and participation of Indigenous peoples in biodiversity conservation activities</p> <p>1.2.2 An increase in the use of Indigenous knowledge in biodiversity conservation decision making</p> <p>1.2.3 An increase in the extent of land managed by Indigenous peoples for biodiversity conservation</p>

Finally, while we agree that encouraging more Victorians to value nature is a worthwhile goal and that action and investment for biodiversity by individuals, community groups, business and philanthropy is to be encouraged, it is not a given that this will stem biodiversity loss without regulatory and policy oversight and investment by government. The Victorian Government must meet its responsibility to provide adequate public funding to achieve its vision.

### Recommendations for the draft plan

The Federation would welcome further discussion with DELWP to ensure there are sufficient high level commitments in *Protecting Victoria’s Environment- Biodiversity 2036* to direct investment and opportunity and cement a partnership with Traditional Owner Corporations to deliver a better system of biodiversity management.

Please see the attached table of recommended changes and additions to the draft plan. We look forward to discussing these further with you.

*The Federation of Victorian Traditional Owner Corporations agrees to the publication of this submission and to being cited in any reports that may result from this consultation process.*

### Further Information:

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## ***Protecting Victoria's Environment: Biodiversity 2036***

Amendments and inclusions recommended by the Federation of Victorian Traditional Owner Corporations

<b>Chapter</b>	<b>Section</b>	<b>Page number</b>	<b>Comment/Recommendation</b>
1. Introduction	'Fulfilling national and international commitments to biodiversity'	6	<ul style="list-style-type: none"> <li>• Include a clear statement that in fulfilling national and international commitments to biodiversity, the Victorian Government also commits to fulfilling its obligations under the United Nations Declaration of the Rights of Indigenous Peoples.</li> <li>• Embed priority action 1.2 of the Australian Government's <i>Biodiversity Conservation Strategy 2010-2030</i> into this plan in a meaningful way</li> </ul>
	'Making the case for biodiversity'	7	<ul style="list-style-type: none"> <li>• Include a new subheading 'Victoria's natural environment is fundamental to the cultural practices of Victorian Traditional Owners and reflect the case for Traditional Owner participation made out above</li> </ul>
2. Victoria's challenge	'Facing the challenge'	13	<ul style="list-style-type: none"> <li>• That the Victorian Government increase public investment in participatory planning, management, evaluation and reporting for biodiversity</li> </ul>
3. A fresh vision for Victoria's natural environment	'Looking at a vision of success'	21	<ul style="list-style-type: none"> <li>• The narrative about what success looks like should, at least in part, reflect the Traditional Owner vision for Country as outlined above. The Federation would be happy to supply a paragraph</li> <li>• Addition: 'Protected private land, conservation reserves and other public land (such as roadsides) are managed <u>in partnership with Traditional Owners</u> to protect important species, habitats and ecosystems'.</li> <li>• Addition: 'Land managers act <u>in partnership with Traditional Owners</u> as stewards of the natural environment, working to not just maintain the natural value of the land, but to improve it'.</li> </ul>
	'Vision, goals, objectives, priorities'	25	<ul style="list-style-type: none"> <li>• We support the vision</li> <li>• We support the goals</li> <li>• Amend objectives and priorities to support a partnership approach with Victorian Traditional Owners to create a better system of biodiversity management</li> <li>• Amend objective: Increase the number of Victorians acting to protect nature</li> </ul>



			(e.g. volunteering, making everyday choices) <u>and recognise, value and invest in the role played by Victorian Traditional Owners in caring for Country</u>
	'Indicators and targets'	26-31	<ul style="list-style-type: none"> <li>Collaborate with Traditional Owners in the development of indicators and state and regional targets; it should not be assumed that we will support cost-effectiveness as a principle to guide decision-making about target selection especially if our cultural values are threatened</li> <li>Review indicators and targets for ATSI participation Australian Government's <i>Biodiversity Conservation Strategy 2010-2030</i> and adapt them to <i>Protecting Victoria's Environment: Biodiversity 2036</i></li> <li>Develop the capacity of Traditional Owners in the use of data-driven biodiversity tools and ensure prioritisation adequately reflects our values</li> </ul>
4. Principles of <i>Protecting Victoria's Environment—Biodiversity 2036</i>	'Decision making'	33	<ul style="list-style-type: none"> <li>As the principles will guide the implementation of the plan, they need to include a strong statement of commitment by the Victorian Government to work in partnership with Victorian Traditional Owners to create a better system of biodiversity management. It is recommended that an additional principle be included under 'decision making': 'We collaborate with Traditional Owners in our decision-making'. This recognises the status of Traditional Owners as owners of the public estate and reflects commitments made in <i>Munganin-Gadhaba: DELWP Aboriginal Inclusion Plan 2016-2020</i>.</li> </ul>
	'Knowledge'	33	<ul style="list-style-type: none"> <li>Without formal arrangements in place to secure our free, prior and informed consent to using our Traditional Knowledge and a benefit sharing framework, the Victorian Government is not in a position to 'make [traditional knowledge] accessible as a common foundation for decision making'. This principle needs to be reworded. DELWP and DEDJTR are working with Traditional Owners on the development of an 'Aboriginal Knowledge Action Plan'.</li> </ul>
5. A healthy environment for healthy Victorians	Priority 1: Encourage all Victorians to connect with nature on a daily basis	35-37	<ul style="list-style-type: none"> <li>Replace the narrative on page 37 about the Aboriginal Inclusion Framework with relevant extracts from <i>Munganin-Gadhaba: DELWP Aboriginal Inclusion Plan 2016-2020</i>, particularly principle 4 on page 7.</li> </ul>
	Priority 2: Raise the awareness of all Victorians about our	38-39	<ul style="list-style-type: none"> <li>The Federation is developing a Welcome to Country interactive map to help Victorians access the cultural services (welcomes to country, performance,</li> </ul>



	State's natural environment and its cultural and economic importance		<p>cultural awareness education) provided by Traditional Owner Corporations <a href="http://fvto.com.au/welcome-to-country/">http://fvto.com.au/welcome-to-country/</a> It will launch later this year.</p> <ul style="list-style-type: none"> <li>• Direct investment into the growth of the provision of cultural services to the Victorian community by Traditional Owner Corporations.</li> <li>• Direct investment into the Traditional Owner Planning Framework and ensure linkages with state and regional biodiversity planning</li> </ul>
	Priority 3: Encourage all Victorians to take positive personal action to protect and preserve our natural environment	40	<ul style="list-style-type: none"> <li>• Amend objective: Increase the number of Victorians acting to protect nature (e.g. volunteering, making everyday choices) <u>and recognise, value and invest in the role played by Victorian Traditional Owners in caring for Country</u></li> </ul>
6. Linking our society and economy to the environment	Priority 4: Be the first state in Australia to adopt the UN System of Environmental-Economic Accounts as a way to embed environmental considerations into whole-of-government decision-making	46	<ul style="list-style-type: none"> <li>• Consult with Traditional Owners (through the Federation, Traditional Owner Corporations and Traditional Owner Land Management Boards) in the development of environmental accounting and valuation frameworks to inform park management</li> </ul>
	Priority 8: Showcase Victoria's environmental assets as world-class nature-based and cultural tourism attractions	54	<ul style="list-style-type: none"> <li>• Include reference to the <i>Victorian Aboriginal Tourism Development Strategy 2013-2023</i> and direct investment into developing priority attractions in Melbourne and regional Victoria</li> </ul>
7. Investing together to protect our environment	Priority 10: Publish a Regional Biodiversity Investment Prospectus	61	<ul style="list-style-type: none"> <li>• In developing the Regional Biodiversity Investment Prospectus, explore opportunities to encourage private and philanthropic investment in caring for Country programs run by Traditional Owner Corporations</li> </ul>
8. Better, smarter management of our biodiversity	Priorities 13 and 14	72-73	<ul style="list-style-type: none"> <li>• Victorian Traditional Owners are rapidly assuming greater ownership and management responsibilities for the public land estate, in time this will extend to marine protected areas. Provide a description of the current extent and future trends of the Aboriginal Estate in Victoria and the contribution it will make to public good outcomes.</li> </ul>

	Priority 15: increase extent of private land under voluntary permanent protection	74-75	<ul style="list-style-type: none"> <li>Traditional Owner Corporations are looking for opportunities to partner with private land holders to produce public good outcomes. For example, the Federation is currently finalising a memorandum of understanding with Trust for Nature to guide the development of such partnerships.</li> </ul>
	Priority 19: Deliver an effective regulatory framework	82-83	<ul style="list-style-type: none"> <li>Continue to consult with Traditional Owners (the Federation and Traditional Owner Corporations) in the development of legislation affecting our rights and interests (FFG Act, Marine and Coastal Act)</li> <li>Streamline consultation with Traditional Owners on policy, legislative and regulatory change by establishing the Natural Resource Management Collaborative Body in partnership with Traditional Owners</li> </ul>
	Priority 20: Reform Victoria's conservation planning and investment framework	86-87	<ul style="list-style-type: none"> <li>Direct investment into the development of the Traditional Owner Planning Framework to fully articulate our values in Country and ensure linkages with state and regional biodiversity planning</li> <li>Develop the capacity of Traditional Owners in the use of data-driven biodiversity tools and ensure prioritisation adequately reflects our values</li> <li>Invest the support the participation of Traditional Owner Corporations in regional biodiversity planning</li> </ul>
9. Biodiversity leadership across government	Priority 21: Apply the principles of Protecting Victoria's Environment- Biodiversity 2036 and embed early consideration of biodiversity and climate change impacts in planning and decision-making processes across government	91	<ul style="list-style-type: none"> <li>Amend the principles as outlined above</li> <li>Include a statement of commitment to working in partnership with Traditional Owners as first custodians of our terrestrial and marine environments: see the Victorian Aboriginal Fishing Strategy for a good example <a href="http://agriculture.vic.gov.au/fisheries/aboriginal-fishing">http://agriculture.vic.gov.au/fisheries/aboriginal-fishing</a></li> <li>Reaffirm the commitment made in <i>Munganin-Gadhaba: DELWP Aboriginal Inclusion Plan 2016-2020</i> to develop a clear and meaningful <i>Aboriginal Engagement Framework</i> (page 13)</li> </ul>